1566 d

THE
Statutes at Large,

IN
PARAGRAPHS,
AND
SECTIONS or NUMBERS,
FROM
MAGNA CHARTA,
To the End of the
Seſſion of Parliament, *March* 14. 1704.
In the Fourth Year of the Reign of
Her Majeſty Queen ANNE.

Carefully Examined by the Rolls of Parliament.

WITH THE
TITLES of ſuch STATUTES as are Expired, Repealed, Altered, or out of Uſe.
Together with the
Heads of PULTON's or RASTAL's ABRIDGMENTS in the Margin;
And above a Thouſand References from other Books of Law.

With Alphabetical TABLES.

In Three Volumes.

LONDON,
Printed by *Charles Bill*, and the Executrix of *Thomas Newcomb*, deceas'd; Printers to the Queens moſt Excellent Majeſty;
And by the Aſſigns of *Richard Atkins* and *Edward Atkins*, Eſqrs.
MDCCVI.

14

TO THE
READER.

READER,

Though the Title Page do ſufficiently declare the Particulars of what is moſt material in this Work, yet it may not be unneceſſary to inform you farther:

Firſt, as to the Title, That the Matter being intire, and taken from Publick Rolls of Parliament, and not lying diſperſed in Fragments, or in unknown or obſcure Places, it was not thought ſo proper to uſe the Term of *A Collection*, but rather to call them, (as in truth they are) *The Statutes at large, i.e.* not Abridg'd nor Parcel'd, but intire as in the Rolls: Not that all the Statutes are here at Large, for of ſome there are only the Titles, or a ſhort Remembrance left, but *a majori*, becauſe thoſe now thought fit for uſe are ſo.

Secondly, As to the Statutes themſelves, thoſe omitted in this Edition, are either ſuch as concerned the Reparation of Decayed Towns, or ſuch as by far better Advice then mine, were thought of no uſe, or *Deſuete*. 2. That the ſeveral Titles of each Statute and Chapter, are (as I believe, and am credibly informed) the true Titles upon the Rolls in Parliament, which ſince 11 *H. 7.* have been Examined with as much Care as poſſible, and Mr. *Pulton* aſſures you for almoſt the time precedent; and yet ſome of them alſo are now Amended, as the Statute of *Rutland*, the Statute of *Limitations*, &c. 3. That the Paragraphs in the Body of the Statutes, are not (as in the Table) diſtinguiſh'd by a § but only by the Numeral Letters, *II, III, IV, &c.* added to thoſe ſpaces that were before ſo deſigned when tranſacted in Parliament. And the Sections or Numbers are the leſſer Figures 2, 3, 4, *&c.* Superiour in every Paragraph, the uſe whereof is manifeſt upon any occaſion of Quotation or Reference, and neceſſary to make any Reading or particular Diſcourſe upon a Statute Intelligible. 4. That the adding of the Heads of *Pulton*'s or *Raſtal*'s Abridgment in the Margin at the beginning of each Chapter, was not ſo much for the propriety of the Head, as by that means to let you into all ſuch like Statutes as are under thoſe Heads about the ſame Matter. 5. That where it is not ſaid *Raſt.* before or after the Title, it muſt be intended *Pulton*'s. 6. That the former Titles of each Statute and Chapter (which were rather Collections of the Matter contained therein) are ſtill retained next under thoſe Marginal Heads in each Chapter. 7. That the References of other Books of Law in the Margin, are doubtleſs many the ſame Caſes that were before; but different Reports add Light and Authority to the uſe and confirmation of the ſame Caſe: Yet in Proſpect of theſe, I added many more then I firſt intended. 8. That there is ſome Account in the Statutes themſelves, which are Altered, and which Repealed, or but continued, but not ſo fully aſcertained as (if poſſible to be aſcertained) Time might effect; but what I could ſay at preſent in that matter, you will find in the Table under Title *Continuance*.

Thirdly, as to the Table, (which is ſomewhat Enlarged ſince the firſt Edition) the Method thereof, as I think, is peculiar to theſe Laws, which are ſo ranged in a Series of time of every Kings Reign, under each General Head, that on any ſlight intimation of that Kings Time in which they were made, as in ancient Quotations, *Tem. Ed.* 1. or 4 *H.* 8, &c. (which 2 *Inſt.* 571. were then thought the ſureſt) on ſudden view, any Statute there may be known without long ſearch; which cannot be made in time of Study or Buſineſs, without ſome Inconveniencies, eſpecially where no Chapter is mentioned, as in the former Quotations: And though theſe be wholly new, yet, I hope, the uſe of it will Over-balance all harſh Opinions of Novelty. 2. In the Table you will find ſome Statutes, with their Paragraphs, that are only there, and yet the Statutes themſelves left out of the Book at large; that if there do ariſe any Particular Matter uſeful, as it is very probable in ſome of the larger Statutes there may, yet this will give ſufficient notice of the Matter, &c. 3. The variety of Sub-divided Heads herein that refer to others, or are added under them, were rather multiplied to meet with the different Conjectures of the Student then for any neceſſity in themſelves, that thereby they might ſooner find what they ſeek after in the more General Head; for I could not ſo appropriate any particular Head to one Matter, as not to exclude others as proper. 4. Though it ſometimes happen, that ſome ſubordinate additional Heads are not to be found in thoſe Heads to which they are added, and poſſibly ſome leſſer Heads that refer to others, are not to be found in thoſe to which they refer, yet both may be found in other Heads as proper: for there is not any Statute, Chapter nor Paragraph wilfully omitted, but every one hath ſuch place in the Table as was then thought fit, and Matters of greater moment are often repeated under ſeveral Heads, as they may be fancied to have ſeveral Intendments: And I was afraid I had tranſgreſs'd the limits of a Table in doing that. 5. Becauſe every Title diſpers'd in the Table may, perhaps, not be ſo eaſily viewed there, they are ſumm'd up in the Catalogue precedent, that therein they may be the ſooner had.

Laſtly, as to the Whole, Since every Man, by the Laws of God and Men, is bound to ſome proportionable Improvement, according to his Abilities, for the good of the Whole, I have endeavoured to add this Mite of Publick Service, which (having already found ſome Acceptance of) keeps me from Deſpair in this, which yet I leave to your Peruſal, with Submiſſion to the ſame Providence of Almighty God, who gave both the Opportunity and the Means to Effect it; To whoſe Bounty the Succeſs (if Good) is to be Attributed, (if Bad) to my own imperfect uſe of both.

Grays-Inn, Aug. 4.
1681.

JOSEPH KEBLE.

The Great Charter,

Made in the Ninth year of King *HENRY* the Third, and confirmed by King *EDWARD* the First, in the eight and twentieth year of his Reign.

EDWARD, *by the Grace of GOD, King of* England, *Lord of* Ireland, *and Duke of* Guyan; *To all Archbiſhops, Biſhops, &c. We have ſeen the Great Charter of the Lord* HENRY, *ſometimes King of* England, *our Father, of the Liberties of* England, *in theſe Words:*

HENRY, by the Grace of GOD, King of *England*, Lord of *Ireland*, Duke of *Normandy* and *Guyan*, and Earl of *Anjou*; To all Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, Sheriffs, Provoſts, Officers, and to all Bailiffs, and other our faithful Subjects, which ſhall ſee this preſent Charter, greeting. Know ye that We, unto the Honour of Almighty GOD, and for the ſalvation of the Souls of our Progenitors and Succeſſors, Kings of *England*, to the Advancement of Holy Church, and Amendment of our Realm, of our meer and free Will have given and granted to all Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, and to all Free-man of this our Realm, theſe Liberties following, to be kept in our Kingdom of *England* for ever.

CAP. I.

A Confirmation of Liberties.

Co.Inſt.81. 1 part. Co. Inſt. 2 par.1. Mirror, 319.

Franchiſ. Raſt.1. A Confirmation of Liberties.

FIrſt, We have granted to GOD, and by this our preſent Charter have confirmed for Us and our heirs for ever, That the Church of England ſhall be free, and ſhall have all her whole rights and liberties inviolable. (2) We have granted alſo, and given to all the Free-men of our Realm, for Us and our heirs for ever, theſe Liberties under-written, to have and to hold to them and their heirs, of Us and our heirs for ever. 42 Ed.3.cap.1. & 52 H 3.c.5.

CAP. II.

The Relief of the King's Tenant of full Age.

Kel. fo. 171. 11 H.4. f.72. Co.li.7.f.33. li.9.f.124. 40 Ed.3.1.9. Co.Inſt.76.a. 1 par.83.b. 106.a. Co. Inſt. 2 par. 3.

Reliefs, S.1. Dr.& Stud.14. F.N.B.fo.254.b, 263.b. Hobart 46. Alt.Stat.12. Car.2.cap.24.

IF any of our Earls or Barons, or any other, which hold of Us in chief by Knights ſervice, dye, and at the time of his death his heir be of full age, and oweth to Us relief, he ſhall have his inheritance by the old relief, that is to ſay, the heir or heirs of an Earl, for a whole Earldom, by one hundred pound: the heir or heirs of a Baron, for a whole Barony, by one hundred Marks: the heir or heirs of a Knight, for one whole Knights fee, one hundred ſhillings at the moſt. And he that hath leſs ſhall give leſs, according to the whole cuſtom of the fees. V.N.B fo.94.a. 3 Bulſtr.325.

CAP. III.

The Wardſhip of an Heir within age. The Heir of a Knight.

Fitz. Gard. 136, 142, 156. 35 Ed.4. f.10. Plow.f.267. Col.6.f.73. l.8.f.173. Co. Inſt. 2 par.10. 11 Co.81.

The heir in Ward. Sect.3. Hob.46. An heir made within age a Knight.

BUt if the heir of any ſuch be within age, his Lord ſhall not have the Ward of him, nor of his land, before that he hath taken of him homage. (2) And after that ſuch an heir hath been in Ward, (when he is come to full age) that is to ſay, to the age of one and twenty years, he ſhall have his inheritance without relief, and without fine: ſo that if ſuch an heir being within age be made Knight, yet nevertheleſs his land ſhall remain in the keeping of his Lord unto the term aforeſaid. F.N.B. fo.269. Alt.12 Car.2.cap.24.

CAP. IV.

No Waſte ſhall be made by a Guardian in Wards lands.

Fitz. Waſt. 15,24,138. Co.Inſt.54.a. Dyer f.25. Fitz. Waſte 146. 12 H.4. f.4. Co. Inſt. 2 par.12.

Wards, S.21. A Guardian ſhall make no waſte in the Wards lands. Raſt. pl.fo.693.

THe keeper of the land of ſuch an heir being within age, ſhall not take of the lands of the heir, but reaſonable iſſues, reaſonable cuſtoms, and reaſonable ſervices, and that without deſtruction and waſte of his men and his goods. (2) And if we commit the cuſtody of any ſuch land to the Sheriff, or to any other, which is anſwerable unto us for the iſſues of the ſame land, and he make deſtruction or waſte of thoſe things that he hath in cuſtody, we will take of him amends and recompence therefore, (3) and the land ſhall be committed to two lawful and diſcreet men of that fee, which ſhall anſwer unto us for the iſſues of the ſame land, or unto him whom we will aſſign. (4) And if we give or ſell to any man the cuſtody of any ſuch land, and he therein do make deſtruction or waſte, he ſhall loſe the ſame cuſtody. And it ſhall be aſſigned to two lawful and diſcreet men of that fee, which alſo in like manner ſhall be anſwerable to us, as afore is ſaid. St.6 Ed.1.3. St.28 Ed.1. 18. St.14 Ed.3.13. St.36 Ed.3.13.

Forfeiture of wardſhip.

CAP. V.

Guardians ſhall maintain the inheritance of their Wards: And of Biſhopricks, &c.

10 H.7.f.30. Co. Inſt. 2 par.14.

Wards, S.16. No waſte ſhall be committed in Wards lands

THe Keeper, ſo long as he hath the cuſtody of the land of ſuch an heir, ſhall keep up the houſes, Parks, Warrens, Ponds, Mills, and other things pertaining to the ſame land,

with

Cuſtody of Biſhopricks.

with the iſſues of the ſaid land: and he ſhall delſver to the heir when he cometh to his full age, all his land ſtored with Ploughs and all other things, at the leaſt as he received it. All theſe things ſhall be obſerved in the cuſtodies of Archbiſhopricks, Biſhopricks, Abbeys, Priories, Churches and Dignities vacant, which appertain to Us: Except this, that ſuch cuſtody ſhall not be ſold. Stat.3 Ed.1.21. Stat.36 Ed.3.13. V.N.B.37.

CAP. VI.

Heirs ſhall be married without diſparagement.

Wards, S.15. Diſparagement.

Heirs ſhall be married without diſparagement. St.20 H.3.6.

Co. Inſt. 2 par. 80. Co. Inſt. 2 par. 15.

CAP. VII.

A Widow ſhall have her marriage, inheritance and quarentine. The King's Widow, &c.

Dower, Sect.1. Widows. Regiſt.f.175. F.N.B.f.161.E. A womans Dower. V.N.B.fol.7. St.17 Ed.2.4. A widow the Kings Tenant.

A Widow, after the death of her Husband, incontinent and without any difficulty, ſhall have her marriage and her inheritance, (2) and ſhall give nothing for her dower, her marriage or her inheritance, which her Husband and ſhe held the day of the death of her Husband. (3) and ſhe ſhall tarry in the chief houſe of her Husband by forty days after the death of her Husband, within which days her dower ſhall be aſſigned her (if it were not aſſigned her before) or that the houſe be a caſtle. (4) And if ſhe depart from the caſtle, then a competent houſe ſhall be forthwith provided for her, in the which ſhe may honeſtly dwell, until her dower be to her aſſigned, as it is aforeſaid. And ſhe ſhall have in the mean time her reaſonable eſtovers of the Common. (5) And for her dower ſhall be aſſigned unto her the third part of all the lands of her Husband which were his during coverture, except ſhe were endowed of leſs at the Church-door. (6) No Widow ſhall be diſtrained to marry her ſelf: nevertheleſs ſhe ſhall find ſurety, that ſhe ſhall not marry without our licenſe and aſſent (if ſhe hold of Us) nor without the aſſent of the Lord, if ſhe hold of another. Stat.20 H.3.1.

Hob. 153. Dyer f. 76. Bro.Dower 101. Co.Inſt.32.b 2 par.16. 19 H.6.f.1. Fitz.Dower 194, 196.

CAP. VIII.

How Sureties ſhall be charged to the King.

Accountant, Sect.51. Sureties to the King for others debts. Regiſt.fo.58. F.B.N.f.137.

We or our Bailiffs ſhall not ſeiſe any land or rent for any debt, as long as the preſent goods and chattels of the debtor do ſuffice to pay the debt, and the debtor himſelf be ready to ſatisfie therefore. (2) Neither ſhall the pledges of the debtor be diſtrained, as long as the principal debtor is ſufficient for the payment of the debt. (3) And if the principal debtor fail in payment of the debt, having nothing wherewith to pay, or will not pay where he is able, the pledges ſhall anſwer for the debt. (4) And if they will, they ſhall have the lands and rents of the debtor until they be ſatisfied of that which they before payed for him, except that the debtor can ſhew himſelf to be acquitted againſt the ſaid Sureties. Cap.18, infra, 33 H.8.c.39.

21 E.4.f.21. Plow.fo.440. 50 Aſſ.pl.5. Co. Inſt.2. 18. Prærog.B. 71.

CAP. IX.

The Liberties of LONDON and other Cities and Towns confirmed.

Franchiſe, Raſt.2. Liberties of Cities. Cro.Car.251.

The City of London ſhall have all the old Liberties and Cuſtoms which it hath been uſed to have. Moreover We will and grant, that all other Cities, Boroughs, Towns, and the Barons of the five Ports, and all other Ports, ſhall have all their Liberties and free Cuſtoms. 3 Bulſtr.2.

45 Ed.3.f.26. 5 H.7.f.10,19. 11 H 7.f.21. 28 Aſſ.pl.24. Dyer f. 373. Co. li.5.f.63. li.8.f.125. Co. Inſt. 2 par.20. Co li.8. f.65. li.9.f.33. l.10. f.108.

CAP. X.

None ſhall diſtrain for more ſervice than is due.

Freehold 1. Knights fee. 2 Roll 182. Savil 134. 1 Roll 164.

No man ſhall be diſtrained to do more ſervice for a Knights fee, nor for any free-hold, than therefore is due. Regiſt.f.4. V.N.B.f.15. F.N.B.f.10.D. Co.Inſt.2 par.21.

Fitz.Avow. 96,157,200. Plow.f.243. 14 H 7. f.14. Fitz.Brief 661, 881, 882.

CAP. XI.

Common Pleas ſhall not follow the Kings Court.

Common Pleas, Raſt.1.

Common Pleas ſhall not follow our Court, but ſhall be holden in ſome place certain. Regiſt.fo.187. V.N.B.fo 137. Stat.28 Ed.1.4. Co.Inſt.4 par.99. Mirror 311. 11 Co.75. 2 Bulſtr.123.

Fitz.Prærog. 28. Bro. Commi. 25. Co.Inſt.71.a. Plow. f.244.

CAP. XII.

Where and before whom Aſſiſes ſhall be taken. Adjournment for difficulty.

Aſſiſe 12. Aſſiſes of Novel diſſeiſin and Mortdanceſtor. 12 Co.31,52. 13 Co. 8. Aſſiſe 12. Adjournment for difficulty.

Aſſiſes of Novel diſſeiſin and of Mortdanceſtor, ſhall not be taken but in the Shires, and after this manner: If We be out of this Realm our chief Juſticers ſhall ſend our Juſticers through every County once in the year, which, with the Knights of the Shires, ſhall take the ſaid Aſſiſes in thoſe Counties: (2) and thoſe things that at the coming of our foreſaid Juſticers, being ſent to take thoſe Aſſiſes in the Counties, cannot be determined, ſhall be ended by them in ſome other place in their Circuit. (3) And thoſe things which for difficulty of ſome Articles cannot be determined by them, ſhall be referred to our Juſticers of the Bench, and there ſhall be ended. Regiſt.fo.197. Stat. 13 Ed.1.30.

Co.Inſt 2 par.21. Co.l.12.f.59. Co.l 8.f.57. Fitz. Aſſ.21. Fitz. Mortd. 2,21,53. 24 E.3.f.23. 1 Anderſon. 230. 8 Aſſ. pl.15. 2 H.4.f.9,20. 14 Aſſ.pl.16. Co. Inſt. 2 par.24.

CAP. XIII.

Aſſiſes of Darrein Preſentment.

Darrein Preſentment.

Aſſiſes of Darrein Preſentment ſhall be alway taken before our Juſticers of the Bench, and there ſhall be determined. Regiſt.fo.30. Stat.13 Ed.1.30.

Co.Inſt. 2 par.30.

CAP. XIV.

How men of all ſorts ſhall be amerced, and by whom.

Amerciament 1. Mirror 312. Stat.9 Ed 1.6. Regiſt.fo.86, 184, 187. 1 Roll.74,446.

A Freeman ſhall not be amerced for a ſmall fault, but after the manner of the fault. And for a great fault after the greatneſs thereof, ſaving to him his contenement. (2) And a Merchant likewiſe, ſaving to him his merchandize. (3) And any others villain than ours ſhall be likewiſe amerced, ſaving his wainage, if he fall into our mercy. (4) And none of the ſaid a-

Fitz. Aſſ. ſur leſt.34. Br. Amercement,2,25, 32,33,53, 65. 10 H. 6. f. 7. 7 H. 6. f. 13. 19 Ed.4. f. 9.

merciaments

21 Ed.4.f 77. 21 Aſſ.pl.26. Co. l.8. f.38, 59. Co. Inſt. 2 par.27.

mercianients ſhall be aſſeſſed, but by the oath of honeſt and lawful men of the vicinage. (5) Earls and Barons ſhall not be amerced but by their Peers, and after the manner of their offence. (6) No man of the Church ſhall be amerced after the quantity of his ſpiritual Benefice, but after his Lay-tenement, and after the quantity of his offence.

V.N.B.fo.47. F.N.B.f.75.a. 2 Bulſtr.140. 3 Bulſtr.279.

CAP. XV.

Making of Bridges and Banks.

Co. Inſt. 2 par.29.

NO Town nor Free-man ſhall be diſtrained to make Bridges nor Banks, but ſuch as of old time and of right have been accuſtomed to make them in the time of King Henry our Grandfather.

Wears 1. Bridges. Banks.

CAP. XVI.

Defending of Banks.

Co. Inſt. 2 par.30.

NO Banks ſhall be defended from henceforth, but ſuch as were in defence in the time of King Henry our Grandfather, by the ſame places and the ſame bounds as they were wont to be in his time.

Wears 1. Banks. Mirror 312.

CAP. XVII.

Holding Pleas of the Crown.

Co. Inſt. 2 par.30.

NO Sheriff, Conſtable, Eſcheator, Coroner, nor any other our Bailiffs, ſhall hold Pleas of our Crown. Mirror 313.

Coroners 16. Pleas of the Crown.

CAP. XVIII.

The King's Debtor dying, the King ſhall be firſt paid.

Fitz. Detin. 52, 56, 58, 60. Bro.Ration. 4,5,6. Co. Inſt. 2 par.32. Supra cap.8.

IF any that holdeth of Us Lay-fee do dye, and our Sheriff or Bailiff do ſhew our Letters Patents of our ſummons for Debt, which the dead man did owe to Us: It ſhall be lawful to our Sheriff or Bailiff to attach and inrol all the Goods and Chattels of the dead, being found in the ſaid fee, to the value of the ſame debt, by the ſight and teſtimony of lawful men. So that nothing thereof ſhall be taken away, until we be clearly paid off the debt. (2) And the reſidue ſhall remain to the Executors to perform the Teſtament of the dead. (3) And if nothing be owing unto Us, all the Chattels ſhall go to the uſe of the dead, (ſaving to his wife and children their reaſonable parts.) St.33 H.8.39.

Accountant 5 Recovery of the Kings debt after the debtor's death. Regiſt. fo.142. F.N.B.fo.122. Raſt. pl. f.541. Co.pl.f.564.

CAP. XIX.

Purveyance for a Caſtle.

Co. Inſt. 2 par.33.

NO Conſtable, nor his Bailiff, ſhall take Corn or other Chattels of any man, if the man be not of the Town where the Caſtle is, but he ſhall forthwith pay for the ſame, unleſs that the will of the ſeller was to reſpit the payment. (2) And if he be of the ſame Town, the price ſhall be paid unto him within forty days. Stat. 3 Ed.1.7. Altered 13 Car.2.cap.8.

Purveyance 6. for a Caſtle. Mirror 313.

CAP. XX.

Doing of Caſtle-ward.

NO Conſtable ſhall diſtrain any Knight for to give Mony for keeping of his Caſtle, if he himſelf will do it in his proper perſon, or cauſe it to be done by another ſufficient man, if he may not do it himſelf for a reaſonable cauſe. (2) And if we do lead or ſend him in an Army, he ſhall be free from Caſtle-ward for the time that he ſhall be with us in fee in our Hoſt, for the which he hath done ſervice in our wars. Co.Inſt.70.a. Co.Inſt.2 par.34. St.12 Car.2.c.24.

Caſtles 1. Caſtle-ward.

CAP. XXI.

Taking of Horſes, Carts, and Woods.

Co. Inſt. 2 par.34.

NO Sheriff nor Bailiff of ours, or any other, ſhall take the Horſes or Carts of any man to make carriage, except he pay the old price limited, that is to ſay, for carriage with two horſe x d. a day: for three horſe xiv d. a day. (2) No demeſne Cart of any ſpiritual perſon or Knight, or any Lord, ſhall be taken by our Bailiffs: (3) Nor We, nor our Bailiffs, nor any other, ſhall take any mans wood for our Caſtles or other our neceſſaries to be done, but by the licenſe of him whoſe the wood is. St.14 Ed.3.19. St.25 Ed.3.6. St.13 Car.2.c.8.

Purveyors 13. Takers of Horſe and Carts. 3 Bulſtr.4. **Demeſne Carts. Taking of Wood.**

CAP. XXII.

How long Felons Lands ſhall be holden by the King.

St.17 Ed.2. 16. Co.Inſt. 2 par.36.

WE will not hold the lands of them that be convict of Felony but one year and one day, and then thoſe lands ſhall be delivered to the Lords of the Fee. V.N.B.f.99 Mirror 313.

Prærog.16. **Lands of Felons.**

CAP. XXIII.

In what places Wears ſhall be put down.

Co.lib.10. f.138. Kel. fo. 35. 13 Co.35.

ALl Wears from henceforth ſhall be utterly put down by Thames and Medway, and through all England, but only by the Sea-coaſts. St.12 Ed.4 7. Co.Inſt.2 par.38.

Wears 1.

CAP. XXIV.

In what caſe a Præcipe in Capite is not grantable.

38 Ed. 3. f. 13. 6 Ed. 3. fo. 15. 13 Co. 42.

THe Writ that is called Præcipe in Capite ſhall be from henceforth granted to no perſon of any Freehold, whereby any Freeman may loſe his Court. V.N.B.fo.12. F.N.B.fo.5. fo.39.h. Co.Inſt.2 par.39.

Courts 6. Præcipe in Capite.

CAP. XXV.

There ſhall be but one Meaſure throughout the Realm.

Co. Inſt. 2 par.40.

ONe meaſure of Wine ſhall be through our Realm, and meaſure of Ale, and one meaſure of Corn, that is to ſay, the Quarter of London; and one breadth of died Cloth, Ruſ-

Weights 1. Meaſures.

ſets and Haberjects, that is to ſay, two yards within the liſts. (3) And it ſhall be of weights as it is of meaſures. St.14 Ed.3.12. St.27 Ed.3.10. St.8 H.6.5. 11 H.7.4.1. St.17 Car.1.cap.19.

CAP. XXVI.

Inquiſition of Life and Member.

Amerciaments 3. Inquiſition.

NOthing from henceforth ſhall be given for a Writ of Inquiſition, nor taken of him that prayeth Inquiſition of Life or of Member, but it ſhall be granted freely, and not denied. St.3 Ed.1.11. St.13 Ed.1.29. Regiſt.fo.133,134. Mirror 314.

Co. Inſt. 2 par.42.

CAP. XXVII.

Tenure of the King in Socage, and of another by Knights-ſervice. Petit-Serjeanty.

Wards 18. Socage. Burgage. Petit Serjeanty.

IF any do hold of Us by Fee-ferm, or by Socage or Burgage, and he holdeth lands of another by Knights-ſervice, We will not have the cuſtody of his heir nor of his land, which is holden of the Fee of another, by reaſon of that Fee-ferm, Socage or Burgage. (2) Neither will we have the cuſtody of ſuch Fee-ferm, or Socage, or Burgage, except Knights-ſervice be done unto Us out of the ſame Fee-ferm. (3) We will not have the cuſtody of the heir, or of any land, by occaſion of any Petit Serjeanty that any man holdeth of Us by ſervice to pay a Knife, an Arrow, or the like. Rep.12 Car.2.cap.24.

Bro.Tenures 69. Fitz.Gard. 145. Co. Inſt. 2 par.43.

CAP. XXVIII.

Wager of Law ſhall not be without Witneſs.

Wager of Law 1. Mirror 314.

NO Bailiff from henceforth ſhall put any man to his open Law, nor to an Oath, upon his own bare ſaying, without faithful witneſſes brought in for the ſame. Co.Inſt.2 par.44.

Fitz.Ley 71. Bro.Ley 37. Co.Inſt. 161.a.

CAP. XXIX.

None ſhall be condemned without Trial. Juſtice ſhall not be ſold or deferred.

Accuſation 1. None ſhall be condemned without trial. Regiſt.fo.186. Co.pla. fo.456. Hob.61. Mirror 314. 1 Anderſ.158. 2 Bulſtr.328. 3 Bulſtr.47.

NO Freeman ſhall be taken or impriſoned, or be diſſeiſed of his freehold, or liberties, or free cuſtoms, or be outlawed or exiled, or any otherwiſe deſtroyed, nor we will not paſs upon him, nor condemn him, but by lawful Judgment of his Peers, or by Law of the land. (2) We will ſell to no man, we will not deny or defer to any man either Juſtice or Right. St. 2 Ed.3.8. St.5 Ed.3.9. St.14 Ed.3.14. 28 Ed.3.3. St.11 R.2.10. 17 Car.1. cap.10. St.37 Ed.3.cap.18. St.4 H.7.12. in fine. 1 Roll.208,209,225. 12 Co.50,63,93.

10 Ed.4.8. Dier fo.104. Co.l.5.f.84. li.10.f.74. li.11.f.99. Co. Inſt. 2 par.45. 3 par.136.

CAP. XXX.

Merchant Strangers coming into this Realm ſhall be well uſed.

Merchants 1. Merchants ſtrangers ſhall be well uſed. 1 Bulſtr.134.

ALl Merchants (if they were not openly prohibited before) ſhall have their ſafe and ſure conduct to depart out of England, to come into England, to tarry in and go through England, as well by land as by water, to buy and ſell without any manner of evil tolls by the old and rightful cuſtoms, except in time of war. (2) And if they be of a Land making war againſt Us, and be found in our Realm at the beginning of the wars, they ſhall be attached without harm of body or goods, until it be known unto Us, or our chief Juſtice, how our Merchants be intreated there in the Land making war againſt Us. (3) And if our Merchants be well intreated there, theirs ſhall be likewiſe with Us. St.9 Ed.3.1. 14 Ed.3.2. 2 Seſſ. 25 Ed.3.2. 2 R.2.1. 11 R.2.7.

Co. Inſt. 2 par.57. 3 par.30. 12 Co.33. 2 Roll 115.

CAP. XXXI.

Tenure of a Barony coming into the King's hands by Eſchete.

Tenures 1. Tenure of a Barony coming to the King's hands by Eſchete.

IF any man hold of any Eſchete, as of the honour of Walinford, Notingham, Boloin, or of any other Eſchetes which be in our hands, and are Baronies, and dye, his heir ſhall give none other relief, nor do none other ſervice to Us than he ſhould to the Baron, if it were in the Baron's hand. (2) And We in the ſame wiſe ſhall hold it as the Baron held it, neither ſhall We have by occaſion of any Barony or Eſchete, any Eſchete or keeping of any of our men, unleſs he that held the Barony or Eſchete, otherwiſe held of us in chief. Regiſt. fo. 184. St. 1 Ed.3.13. St.1 Ed.6.4. Co.Inſt.2 part.

Bro.Livery 58. Bro.Tenures 57,63,65, 94,99. 5 Ed.4.f.127. 26 H.8. f.9. 28 H.6.f.11. Co. Inſt. 2 par.64.

CAP. XXXII.

Lands ſhall not be aliened to the prejudice of the Lord's Service.

Tenures 1. Service.

NO Freeman from henceforth ſhall give or ſell any more of his land, but ſo that of the reſidue of the lands the Lord of the fee may have the ſervices due to him which belongeth to the fee. St.18 Ed.1. Quia Emptores terrarum. Mirror 316.

Co.Inſt.43.a. 2 par.65. 1 Rol.91.

CAP. XXXIII.

Patrons of Abbies ſhall have the cuſtody of them in the time of Vacation.

Vacation Raſt. 1. Patrons of Abbeys. F.N.B.fo.104.d St. 25 Ed.3.1.

ALl Patrons of Abbies which have Kings Charters of England of Advowſon, or have old tenure or poſſeſſion in the ſame, ſhall have the cuſtody of them when they fall void, as it hath been accuſtomed, and as it is afore declared. Co Inſt. 2 par.68.

Plow.fo.85. Bro.Parl. 72 Bro.Appel. 5,17,60,68, 104,112, 131. 20 E.4.f.7.

CAP. XXXIV.

In what only caſe a Woman ſhall have an Appeal of death.

Appeal 4. County. Court, Raſt. 1.

NO Woman ſhall be taken or impriſoned upon the appeal of a woman for the death of any other then of her Husband. Raſt.Pla.fo.43. Co.Inſt.2 par.6.8.

CAP. XXXV.

At what time ſhall be kept a County-Court, Sheriffs-Turn, and a Leet.

At what time a County-Court, Sheriffs-Turn and Leet ſhall be holden.

NO County from henceforth ſhall be holden, but from Month to Month; and where greater time hath been uſed, there ſhall be greater: (2) Nor any Sheriff or his Bailiff ſhall keep his Turn in the Hundred but twice in the year; and no where but in due place and accuſtomed

Dier f.151. 7 H.7.f.2. 8 H.7.f.14. Fitz.Leet 15. 8 H.7.f.4. Co. Inſt. 2 par. 1 Roll 265.

4 par.53, 62. Cro.El.p. 125. 2 Leon.74.

accuſtomed, that is to ſay, once after Eaſter, and again after the Feaſt of Saint Michael. (3) And the view of Frankplege ſhall be likewiſe at the Feaſt of Saint Michael without occaſion. So that every man may have his liberties, which he had, or uſed to have in the time of King Henry our Grandfather, or which he hath purchaſed ſince. (4) The view of Frankplege ſhall be ſo done that our peace may be kept. (5) And that the Trything be wholly kept as it hath been accuſtomed. (6) And that the Sheriff ſeek no occaſions, and that he be content with ſo much as the Sheriff was wont to have for his view making in the time of King Henry our Grandfather. Regiſt.fo.175,187. F.N.B.fo.161. St.31 Ed.3.15.

CAP. XXXVI.

No Land ſhall be given in Mortmain.

Fitz.Mortm. 1. 3 Bro. Mort. 36 Co.Inſt. 2.b.2 par.74. Fitz.Aſſiſe 436.

IT ſhall not be lawful from henceforth to any to give his Lands to any Religious houſe, and to take the ſame Land again to hold of the ſame houſe. Nor ſhall it be lawful to any houſe of religion to take the Lands of any, and to leaſe the ſame to him of whom he received it: if any from henceforth give his Lands to any Religious houſe, and thereupon be convict, the gift ſhall be utterly void, and the Land ſhall accrue to the Lord of the fee.

Mortmain. Land ſhall not be given in Mortmain. St.7 Ed.1. Stat. 15 R.2.5. St. 13 Ed.1.32. V.N.B.fo.160.

CAP. XXXVII.

A Subſidy in reſpect of this Charter, and the Charter of the Foreſt, granted to the King.

Co. Inſt. 2 par.76.

Escuage Raſt.1. All perſons liberties reſerved.

EScuage from henceforth ſhall be taken like as it was wont to be in the time of King Henry our Grandfather; Reſerving to all Archbiſhops, Biſhops, Abbots, Priors, Templers, Hoſpitallers, Earls, Barons, and all perſons as well ſpiritual as temporal, all their free liberties and free cuſtoms, which they have had in time paſſed. (2) And all theſe Cuſtoms and Liberties aforeſaid, which we have granted to be holden within this our Realm, as much as appertaineth to us and our heirs, we ſhall obſerve. (3) And all men of this our Realm, as well ſpiritual as temporal (as much as in them is) ſhall obſerve the ſame againſt all perſons in like wiſe. (4) And for this our gift and grant of theſe Liberties, and of other contained in our Charter of Liberties of our Foreſt, the Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, Knights, Freeholders, and other our Subjects, have given unto us the fifteenth part of all their moveables. (5) And we have granted unto them on the other part, that neither we nor our heirs ſhall procure or do any thing, whereby the Liberties in this Charter contained, ſhall be infringed or broken. (6) And if any thing be procured by any perſon, contrary to the premiſſes, it ſhall be had of no force nor effect. Theſe being Witneſſes, Lord B. Archbiſhop of Canterbury, E. Biſhop of London, J. Biſhop of Bathe, P. of Wincheſter, H. of Lincoln. R. of Salisbury, W. of Rocheſter, W. of Worceſter, J. of Ely, H. of Hereford, R. of Chicheſter, W. of Exeter, Biſhops: the Abbot of St. Edmonds, the Abbot of St. Albans, the Abbot of Bello, the Abbot of St. Auguſtines in Canterbury, the Abbot of Eveſham, the Abbot of Weſtminſter, the Abbot of Bourgh St. Peter, the Abbot of Reding, the Abbot of Abindon, the Abbot of Malmſbury, the Abbot of Winchcomb, the Abbot of Hyde, the Abbot of Certeſey, the Abbot of Sherburn, the Abbot of Cerne, the Abbot of Abbotebir, the Abbot of Middleton, the Abbot of Seleby, the Abbot of Cirenceſter: H. de Burgh Juſtice, H. Earl of Cheſter and Lincoln, W. Earl of Saliſbury, W. Earl of Warren, G. de Clare Earl of Glouceſter and Hereford, W. de Ferrars Earl of Derby, W. de Mandeville Earl of Eſſex, H. de Bygot Earl of Norfolk, W. Earl of Albemarle, H. Earl of Hereford, J. Conſtable of Cheſter, R. de Ros, R. Fitzwalter, R. de Vyponte, W. de Bruer, R. de Muntefichet, P. Fitzherbert, W. de Aubenie, J. Greſly, F. de Breus, J. de Movenne, J. Fitzallen, H. de Mortimer, W. de Beuchamp, W. de St. John, P. de Mauly, Brian de Liſle, Thomas de Multon, R. de Argenteyn, G. de Nevil, W. Manduit, J. de Balun, and others.

A Subſidy granted to the King for theſe liberties.

II. We, ratifying and approving theſe gifts and grants aforeſaid, confirm and make ſtrong all the ſame for us and our heirs perpetually; and by the tenour of theſe preſents do renew the ſame, willing and granting for us and our heirs, that this Charter, and all and ſingular his Articles for ever ſhall be ſtedfaſtly, firmly and inviolably obſerved. And if any Articles in the ſame Charter contained yet hitherto peradventure have not been kept, We will, and by authority royal, command from henceforth firmly they be obſerved. In witneſs whereof we have cauſed theſe our Letters Patents to be made. T. Edward our Son at Weſtminſter, the twenty eighth day of March, in the twenty eighth year of our Reign.

A confirmation of the foreſaid liberties made by King Ed 1.

Charta Foreſtæ made at *Weſtminſter*, 10 *Febr. Anno* 9 *H.* 3. and *Anno Dom.* 1224. and confirmed *An.* 28 *Ed.* 1. and *Anno Dom.* 1299.

EDWARD, by the Grace of God, King of England, Lord of Ireland, and Duke of Guyan, To all to whom theſe preſents ſhall come, ſendeth greeting. We have ſeen the Charter of the Lord HENRY our Father, ſometime King of England concerning the Foreſt, in theſe words:

HENRY, by the Grace of God, King of England, Lord of Ireland, Duke of Normandy and Guyan, &c. as in the beginning of the great Charter.

CAP. I.

Certain Grounds ſhall be diſafforeſted.

Co. Inſt. 4 par.300. 2 Roll 190.

FIrſt, We will that all Foreſts, which King Henry our Grandfather afforeſted, ſhall be viewed by good and lawful men: (2) And if he have made Foreſt of any other wood more than of his own demeſne, whereby the owner of the Wood hath hurt, forthwith it ſhall be diſafforeſted. (3) And if he have made Foreſt of his own Wood, then it ſhall remain Foreſt: (4) Saving the common of herbage and of other things in the ſame Foreſt, to them which before were accuſtomed to have the ſame. Vide Co. Inſt. 4 par. Juriſdiction of Foreſts Courts, per totum.

Foreſts, Raſt.1. Which Woods are to be diſafforeſted. 3 Bulſtr.213.

CAP. II.

Who are bound to the Summons of the Foreſt.

MEn that dwell out of the Foreſt from henceforth ſhall not come before the Juſticers of our Foreſt by common Summons, unleſs they be impleaded there, or be ſureties for ſome others that were attached for the Foreſt. Co.Inſt.2 par.310.

Foreſts 7. Strangers.

CAP. III.

Certain Woods made Foreſts ſhall be diſafforeſted.

Foreſts 6. Woods 24.

ALl Woods which have been made Foreſt by King Richard our Uncle, or by King John our Father, until our firſt Coronation, ſhall be forthwith diſafforeſted, unleſs it be our demeſne Wood.

CAP. IV.

No Purpreſture, Waſte or Aſſert ſhall be made in Foreſts.

Foreſts 6. Purpreſturs, Waſts and Aſſerts made in Foreſts.

ALl Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, Knights, and other our Freeholders which have their Woods in Foreſts, ſhall have their Woods as they had them at the firſt Coronation of King Henry our Grandfather, ſo that they ſhall be quit for ever of all Purpreſtures, Waſtes and Aſſerts made in thoſe Woods after that time until the beginning of the ſecond year of our Coronation; and thoſe that from henceforth do make Purpreſture without our licenſe, or Waſte or Aſſert in the ſame, ſhall anſwer unto us for the ſame Waſtes, Purpreſtures and Aſſerts. Co.Inſt. 4 par.307.

CAP. V.

When Rangers ſhall make their Range in the Foreſt.

Foreſts 6. Rangers.

OUr Rangers ſhall go through the Foreſt to make Range, as it hath been accuſtomed at the time of the firſt Coronation of King Henry our Grandfather, and not otherwiſe.

CAP. VI.

Lawing of Dogs in Foreſts.

Foreſts 6. Lawing of Dogs.

THe enquiry or view for Lawing of Dogs within our Foreſts ſhall be made from henceforth, when the Range is made, that is to ſay, from three year to three year, and then it ſhall be done by the view and teſtimony of lawful men, and not otherwiſe. (2) And he whoſe Dog is not lawed, and ſo found, ſhall pay for his amerceament three ſhillings. (3) And from henceforth no Ox ſhall be taken for Lawing of Dogs. (4) And ſuch Lawing ſhall be done by the Aſſiſe commonly uſed, that is to ſay, that three claws of the forefoot ſhall be cut off by the skin. (5) But from henceforth ſuch Lawing of Dogs ſhall not be, but in places where it hath been accuſtomed from the time of the firſt Coronation of the foreſaid King Henry our Grandfather. Co.Inſt.4 par.289, and 308.

CAP. VII.

In what only caſes Gathering ſhall be in Foreſts.

Foreſts 6. No extortion ſhall be made by Foreſters.

NO Foreſter or Bedel from henceforth ſhall make Scotal, or gather Garb or Oats, or any Corn, Lamb or Pig, nor ſhall make any Gathering, but by the ſight and upon the Oath of the twelve Rangers, when they ſhall make their Range. (2) So many Foreſters ſhall be aſſigned to the keeping of the Foreſts, as reaſonably ſhall ſeem ſufficient for keeping of the ſame. Stat.25 Ed.3.7. Co. Inſt. 4 par.292.

CAP. VIII.

When Swanimotes ſhall be kept, and who ſhall repair to them.

Foreſts 2. How many Swanimotes ſhall be holden, and where.

NO Swanimote from henceforth ſhall be kept within this our Realm but thrice in the year, viz. in the beginning of fifteen days afore Michaelmaſs, when that our Geſt-takers or Walkers of our Woods come together to take ageſtment in our demeſne Woods; and about the Feaſt of St. Martin, in the Winter, when that our Geſt-takers ſhall receive our pawnage. (2) And to theſe two Swanimotes ſhall come together our Foreſters, Verders, Geſt-takers, and none other by diſtreſs. (3) And the third Swanimote ſhall be kept in the beginning of fifteen days before the Feaſt of St. John Baptiſt, when that our Geſt-takers do meet to hunt our Deer. And at this Swanimote ſhall meet our Foreſters, Verders, and none other by diſtreſs. (4) Moreover, every forty days through the year, our Foreſters and Verders ſhall meet to ſee the attachments of the Foreſt, as well for greenhue as for hunting, by the preſentment of the ſame Foreſters, and before them attached. (5) And the ſaid Swanimotes ſhall not be kept but within the Counties in which they have uſed to be kept. Co.Inſt.4 par.289, and 313,316.

CAP. IX.

Who may take Ageſtment and Pawnage in Foreſts.

Woods 23. Ageſtment. Pawnage.

EVery Freeman may ageſt his own wood within our Foreſt at his pleaſure, and ſhall take his Pawnage: (2) Alſo we do grant, that every Freeman may drive his Swine freely without impediment through our demeſne woods, for to ageſt them in their own woods, or elſe where they will. (3) And if the Swine of any Freeman lie one Night without our Foreſt, there ſhall be no occaſion taken thereof, whereby he may loſe any thing of his own.

CAP. X.

The Puniſhment for killing the Kings Deer.

Foreſts 1. The puniſhment for killing of the Kings Deer.

NO man from henceforth ſhall loſe either life or member for killing of our Deer: (2) But if any man be taken, and convict for taking of our Veniſon, he ſhall make a grievous Fine, if he have any thing whereof: (3) And if he have nothing to loſe, he ſhall be impriſoned a year and a day: (4) And after the year and day expired (if he can find ſufficient Sureties) he ſhall be delivered; and if not, he ſhall abjure the Realm of England. Stat. 1 Ed.3.8. Seſſ.1. St.1 H.7.7. Regiſt.fo.80. Co.Inſt.4.par.313. 2 Roll.120

CAP. XI.

A Noble-man may kill a Deer in the Foreſt.

Foreſts 4. Noblemen may hunt in the King's Foreſt.

WHatſoever Archbiſhop, Biſhop, Earl or Baron, coming to us at our commandment, paſſing by our Foreſt, it ſhall be lawful for him to take and kill one or two of our Deer, by view of our Foreſter, if he be preſent, or elſe he ſhall cauſe one to blow an Horn for him, Co. Inſt. 4 par.309.

that he ſeem not to ſteal our Deer. And likewiſe they ſhall do returning from us, as it is aforeſaid.

CAP. XII.

How a Freeman may uſe his land in the Foreſt.

Every Freeman from henceforth without danger ſhall make in his own Wood, or in his Land, or in his Water, which he hath within our Foreſt, Mills, Springs, Pools, Marſh-pits, Dikes, or Earable ground, without incloſing that Earable ground, ſo that it be not to the annoyance of any of his neighbours.

Approvements in a Foreſt.
Woods 24.

CAP. XIII.

How a Freeman may uſe his land in the Foreſt.

Every Freeman ſhall have within his own Wooods ayries of Hawks, Sparrow-hawks, Faulcons, Eagles and Herons; and ſhall have alſo the Honey that is found within his Woods.

Woods 24.
Hawks.
Herons.
Honey.

CAP. XIV.

Who may take Chimmage or Toll in a Foreſt, for what cauſe, and how much.

Co. Inſt. 4 par. 306.

No Foreſter from henceforth, which is not Foreſter in fee, paying to us ferm for his Bailiwick, ſhall take any Chimmage or Toll within his Bailiwick: (2) But a Foreſter in fee, paying us ferm for his Bailiwick, ſhall take Chimmage, that is to ſay, for carriage by cart the half year two pence, and for another half year two pence; for an horſe that beareth loads, every half year an half peny, and by another half year half a peny. And but of thoſe only that come as Merchants through his Bailiwick by licence to buy Buſhes, Timber, Bark, Cole, and to ſell it again at their pleaſure. But for no other carriage by cart Chimmage ſhall be taken. (3) Nor Chimmage ſhall not be taken but in ſuch places only where it hath been uſed to be. (4) Thoſe which bear upon their backs Bruſhment, Bark or Cole, to ſell, though it be their living, ſhall pay no Chimmage to our Foreſters, except they take it within our demeſne Woods.

Foreſt Raſt. 14.
What Chimmage is, and who may take it.
Toll.

CAP. XV.

A Pardon of Out-laws of Treſpaſs within the Foreſt.

All that be out-lawed for the Foreſt only, ſince the time of King Henry our Grandfather, until our firſt Coronation, ſhall come to our peace without let, and ſhall find to us ſureties, that from henceforth they ſhall not treſpaſs unto us within our Foreſt.

Treſpaſs.
Foreſt Raſt. 15.

CAP. XVI.

How Pleas of the Foreſt ſhall be holden.

No Conſtable, Caſtellain or Bailiff, ſhall hold Plea of Foreſt, neither for green-hue nor hunting, (2) but every Foreſter in fee ſhall make attachments for Pleas of Foreſt, as well for green-hue as hunting, and ſhall preſent them to the Vierders of the Provinces. (3) And when they be enrolled and incloſed under the Seals of the Vierders, they ſhall be preſented to our chief Juſtices of our Foreſt, when they ſhall come into thoſe parts to hold the Pleas of the Foreſts, and before them they ſhall be determined. (4) And theſe liberties of the Foreſt we have granted to all men; Saving to Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, Knights, and to other perſons, as well ſpiritual as temporal, Templers, Hoſpitallers, their liberties and free cuſtoms, as well within the Foreſt as without, and in Warrens, and other places which they have had. (5) All theſe liberties and Cuſtoms, We, &c. as it followeth in the end of the Great Charter, and We do confirm, ratifie theſe gifts, &c. as in the end of the great Charter ſpecifieth, &c. Co. Inſt. 4 par. 289, and 291, 315.

Foreſt 2.
How the pleas of the Foreſt ſhall be holden.
Stat. 1 Ed. 3. 8.
Stat. 7 R. 2. 3.

Statutum Hiberniæ made at *Weſtminſter* 9 *Febr. An.* 14 *H.* 3 & *An. Dom.* 1229.

How Lands holden by Knight ſervice deſcending to Coparcences within age ſhall be divided.

Co. Inſt. 4. par. 349.

HENRY, by the Grace of God, King of England, Lord of Ireland, Duke of Guyan and Normandy, Earl of Anjou, To his truſty and well beloved Gerard, ſon of Maurice Juſticer of Ireland, Greeting. Whereas certain Knights of the parties of Ireland, lately coming to Us, have informed Us, that when any Land doth deſcend unto ſiſters within our Dominion of Ireland, our Juſtices Errant in thoſe parties are in doubt whether the younger ſiſters ought to hold of the eldeſt ſiſter, and do homage unto her for their portions, or of the chief Lord, and do homage unto him. And foraſmuch as the ſaid Knights have requeſted to be certified how it hath been uſed heretofore within our Realm of England in like caſe: (2) at their inſtance we do you to wit, that ſuch a Law and Cuſtom is in England in this caſe, That if any, holding of us in chief, happen to die, having daughters to his heirs, our anceſtors and we, after the death of the Father, have always had and received homage of all ſuch daughters, and every of them in this caſe do hold of us in chief: (3) And if they happened to be within age, we have always had the ward and marriage of every of them: (4) And if he be tenant unto another Lord, and not to us (the ſiſters being within age) the Lord ſhall have the ward and marriage of them all, and the eldeſt only ſhall do homage for her ſelf and all her ſiſters. (5) And when the other ſiſters come to full age, they ſhall do their ſervice to the Lords of the Fee by the hands of the eldeſt ſiſter: yet ſhall not the eldeſt by this occaſion exact of her younger ſiſters, homage, ward, or any other ſubjection, for they be all ſiſters, and in manner as one heir to one inheritance. (6) If the eldeſt ſhould have homage of the other ſiſters, and demand wardſhip, then the inheritance ſhould be divided, ſo that the eldeſt ſiſter ſhould be ſeignioreſs and tenant of inheritance (ſimul & ſemel) that is to ſay, heirs of her own part, and ſeignioreſs to her ſiſters, which could not ſtand well together in this caſe, for the elder can demand no more then her ſiſters, but the chief meaſe by reaſon of her ancienty. (7) Moreover, if the elder ſiſter ſhould take homage of the younger, ſhe ſhould be as a ſeignioreſs to them all, and ſhould have the ward of them and their heirs; which ſhould be no other but to caſt the Lamb to the Wolf to be devoured.

Partition 1.
If land deſcend to ſeveral Coparceners, they all ſhall hold of the chief Lord of the fee and not one of another.
2 H. 3. 9.
Stat. 17 Ed. 2. 5.
F.N.B. fo. 162. B.
Regiſt. fo. 318.
Regiſt. fo. 177.
Einicia pars for the eldeſt ſiſter.
The chief meaſe.

(8) And therefore we command you, that you cauſe the aforeſaid Cuſtoms that be uſed within our Realm of England in this caſe, to be proclaimed throughout our Dominion of Ireland, and to be ſtraightly kept and obſerved. In teſtimony whereof, &c. I witneſs my ſelf at Weſtminſter, the ix. day of February, in the xiv. year of our Reign.

Statutes made at *Merton in Craſtino Sancti Vincentii* (*ſcil.* 23. *Jan.*) *Anno* 20 *H.*3. and *An.Dom.* 1235.

IT was provided in the Court of our Lord the King holden at Merton on Wedneſday, the morrow after the Feaſt of St. Vincent, the twentieth year of the Reign of King HENRY the Son of King JOHN, before WILLIAM Archbiſhop of Canterbury, and other his Biſhops and Suffragans, and before the greater part of the Earls and Barons of England, there being aſſembled for the Coronation of the ſaid King, and Hellianor the Queen, about which they were all called: where it was treated for the Common Wealth of the Realm upon the Articles under-written. Thus it was provided and granted as well of the foreſaid Archbiſhops, Biſhops, Earls and Barons, as of the King himſelf and others.

CAP. I.

A Woman ſhall recover Damages in a Writ of Dower.

Dower 1. A Woman ſhall recover damages in a Writ of Dower.
Regiſt. vid. fo. 4. 44.
V. N. B. fo. 7.
Raſt. pla. f 227.
Co. Inſt. 32. b.

FIrſt, Of Widows which after the death of their Husbands are deforced of their dowers, and cannot have their dowers or quarentine without plea: whoſoever deforce them of their dowers or quarentine of the Lands whereof their Husbands died ſeiſed, and that the ſame widows after ſhall recover by plea; (2) they that be convict of ſuch wrongful deforcement ſhall yield damages to the ſame widows, that is to ſay, the value of the whole dower to them belonging, from the time of the death of their Husbands unto the day that the ſaid widows by judgment of our Court have recovered ſeiſin of their dower, &c. (3) and the deforcers nevertheleſs ſhall be amerced at the Kings pleaſure. Stat. 9 H. 3. 7. Regiſt. fo. 175. Co. Inſt. 2 par. 79, 80.

Dyer f. 284.
Co. li. 4. f. 30.
14 H. 8. f. 25.
38 Ed. 3. f. 23.
11 H. 4. f. 39.
Fitz. Dower 34, 46, 59, 73.
Fitz. Damag. 11, 83, 119.
3 Bulſtr. 278.
1 Roll. 161.
2 Roll. 113.

CAP. II.

Widows may bequeath the Crop of their Lands.

Wills 20. Widows may bequeath their crops

ALſo from henceforth all Widows may bequeath the crop of their ground, as well of their dowers as of other their lands and tenements, Saving to the Lords of the Fee all ſuch ſervices as be due for their dowers and other tenements. Co. Inſt. 2 par. 80.

Kel. fo. 125.
Fitz. Bar. 149, 294.

CAP. III.

Enquiry and Puniſhment of Rediſſeiſin.

Rediſſeiſin 1. Enquiry and puniſhment of Rediſſeiſin
Stat. 52 H 3. 8.
St. 13 Ed. 1. 26.

ALſo if any be diſſeiſed of their free-hold, and before the Juſtices of Eyre, have recovered ſeiſin by Aſſiſe of Novel diſſeiſin, or by confeſſion of them which did the diſſeiſin, and the diſſeiſee hath had ſeiſin delivered by the Sheriff, if the ſame diſſeiſors, after the circuit of the Juſtices or in the mean time, have diſſeiſed the ſame Plaintiff of the ſame free-hold, and thereof be convict, they ſhall be forthwith taken and committed, and kept in the King's priſon, until the King hath diſcharged them by fine, or by ſome other mean. (2) And this is the form how ſuch convict perſons ſhall be puniſhed: When the Plaintiffs come into the Court of our Lord the King, they ſhall have the King's Writ directed to the Sheriff, in which muſt be contained the plaint of diſſeiſin framed upon the diſſeiſin. (3) And then it ſhall be commanded to the Sheriff, that he, taking with him the keepers of the Pleas of the King's Crown, and other lawful Knights, in his proper perſon, ſhall go unto the land or paſture, whereof the plaint hath been made. And that he make before them by the firſt Jurors and other neighbors and lawful men, diligent inquiſition thereof: And if they find him diſſeiſed again (as before is ſaid) then let him do according to the proviſion afore-mentioned. But if it be found otherwiſe, the Plaintiff ſhall be amerced, and the other ſhall go quit: (4) Neither ſhall the Sheriff execute any ſuch plaint without ſpecial commandment of the King. (5) In the ſame manner ſhall be done to them that have recovered their ſeiſin by Aſſiſe of Mortdanceſtor. (6) And ſo ſhall it be of all lands and tenements recovered in the King's Court by enqueſts, if they be diſſeiſed after by the firſt deforceors, againſt whom they have recovered any wiſe by enqueſt. Regiſt. fol. 206. F.N.B. fol. 188. B. 190. A.V.N.B. fol. 108.

Aſſiſe of Mort Poſt diſſeiſin.
Raſt. pl. fo. 548.

18 H. 8. f. 1.
9 H. 4. f. 6.
11 H. 4. f. 6.
40 Aſſ. pl. 23.
23 Aſſ. pl. 7.
7 H 7. f. 4.
8 H. 5. f. 1.
Fitz Rediſſeiſin, 6, 8, 9.
Co. Inſt. 154. a. b. 2 par. 82.
Hob. 96.
2 Bulſtr. 93. 60.
Mirror, 317

CAP. IV.

In what caſes Lords may approve againſt their Tenants.

Approvement 1. In what caſes Lords may approve againſt their tenants.
Mirror 318.

ALſo becauſe many great men of England (which have infeoffed Knights and their Freeholders of ſmall tenements in their great Manors) have complained that they cannot make their profit of the reſidue of their Manors, as of waſtes, woods and paſtures, whereas the ſame feoffees have ſufficient paſture as much as belongeth to their tenements: (2) It is provided and granted, That whenſoever ſuch Feoffees do bring an Aſſiſe of Novel diſſeiſin for their common of paſture, and it is knowledged before the Juſticers, that they have as much paſture as ſufficeth to their tenements, and that they have free egreſs and regreſs from their tenement unto the paſture; then let them be contented therewith, and they on whom it was complained ſhall go quit of as much as they have made their profit of their lands, waſtes, woods and paſtures. (3) And if they alledge that they have not ſufficient paſture, or ſufficient ingreſs and egreſs according to their hold, then let the truth be inquired by Aſſiſe. (4) And if it be found by the Aſſiſe that the ſame deforceors have diſturbed them of their ingreſs and egreſs, or that they had not ſufficient paſture (as before is ſaid) then ſhall they recover their ſeiſin by view of the Inqueſt: ſo that by their diſcretion and oath the plaintiffs ſhall have ſufficient paſture, and ſufficient ingreſs and egreſs in form aforeſaid. (5) And the diſſeiſors ſhall be amerced, and ſhall yield damages as they were wont before this proviſion. (6) And if it be certified by the Aſſiſe that the plaintiffs have ſufficient paſture with ingreſs and egreſs, as before is ſaid, let the other make their profit of the reſidue, and go quit of that Aſſiſe. St. 13 Ed. 1 46. St. 3 Ed. 6. 3. Regiſt. fol. 155. V.N.B. fol. 68.

F. N. B. 125.

Co. Inſt. 2 par. 84.
2 Leon. 45.
1 Roll. 365.
8 Ed. 3. f. 39.
7 Ed. 3. f. 67.
Co. l. 2. f. 23
Fitz. Aſſ. 80. 178, 179.
Fitz. Common, 9, 15, 22, 25, 26, 27.
Fitz: Admeaſurem. 8. 11
Fitz. Gar. de Chart. 31

CAP. V.

Uſury ſhall not run againſt any within age.

Uſury Raſt. 1.
Uſury ſhall not run againſt an infant.

LIkewiſe it is approved and granted by the King, that from henceforth Uſuries ſhall not run againſt any being within age, from the time of the death of his Anceſtor (whoſe heir

Co. Inſt. 246. b.
2 par. 88.
1 Roll. 15

heir he is) unto his lawful age. So nevertheleſs that the payment of the principal debt, with the uſury that was before the death of his Anceſtor (whoſe heir he is) ſhall not remain. Rep. 37 H. 8. 9.

CAP. VI.

The Penalties for Raviſhment of a Ward, Forfeiture of Marriage, or Diſparagement of a Ward.

1 Rol. 162. Co. Inſt. 76. a. Co. li 4. f. 82. li. 6 f. 74. li. 9. f. 72. Dyer f. 255, 260. Fitz. Act ſur leſt. 14, 15, 16, 17, 18, 23, 27, 29, 30, 31, 32, 33, 36. Bro. forf. de Marriage, 9, 12, 13. Bro. Gar. 109. 40 Ed 3. f. 6. Co. Inſt. 80. a. 81. b. 2. par. 89.

OF heirs that be led away and witholden or married by their parents, or by other with force againſt our Peace, thus it is provided, That whatſoever lay-men be convict thereof that he hath ſo witholden any child, led away or married, he ſhall yield to the loſer the value of the marriage. And for the offence his body ſhall be taken and impriſoned until he hath recompenced the loſer, if the child be married; and further, until he hath ſatisfied the King for the treſpaſs. And this muſt be done of an heir being within the age of fourteen years, (2) And touching an heir being fourteen years old, or above unto his full age, if he marry without licence of his Lord to defraud him of the marriage, and his Lord offer him reaſonable and convenient marriage (without diſparagment) then his Lord ſhall hold his land beyond the term of his age, that is to ſay, of one and twenty years, ſo long that he may receive the double value of the marriage after the eſtimation of lawful men, or after as it hath been offered before without fraud or colluſion, and after as it may be proved in the King's Court. (3) And as touching Lords, which marry thoſe that they have in ward to villains or other, as Burgeſſes, where they be diſparaged, if any ſuch an heir be within the age of fourteen years, and of ſuch age that he cannot conſent to marriage: then, if his friends complain of the ſame Lord, the Lord ſhall loſe the wardſhip, unto the age of the heir; and all the profit that thereof ſhall be taken, ſhall be converted to the uſe of the heir being within age, after the diſpoſition and proviſion of his friends, for the ſhame done to him: But if he be fourteen years and above, ſo that he may conſent, and do conſent to ſuch marriage, no pein ſhall follow. Stat. 3. E. 1. 22. St. 13 E. 1. 35. Regiſt. fo. 161, &c. V. N. B. fo. 89, &c.

Wards 4. Raſt. pla. fo. 356. Regiſt. Jud fo. 58. Wards 6, 12. The penalty for taking away or marrying another Ward. Hob. 94. 96. The forfeiture of a Ward marrying within age. Stat. 9. H. 3. 6. Ward 15. Diſparagement of a Ward.

CAP. VII.

In what caſe the Ward ſhall pay to his Lord the value of his Marriage.

Kel. f. 133. Dyer f. 25. 200, 306. Fitz. Brief 937. 43 Ed. 3. f. 26. 31 Aſſ. p. 26. Fitz. Gard. 68, 128, 131, 138, 153, 156. Co. l. 6. f. 70, 73. l. 5. f. 126.

IF an heir (of what age ſoever he be) will not marry at the requeſt of his Lord, he ſhall not be compelled thereunto; but when he cometh to full age, he ſhall give to his Lord, and pay him as much as any would have given him for the marriage before the receit of his land, and that whether he will marry himſelf or not: for the marriage of him that is within age of meer right pertaineth to the Lord of the Fee. V. N. B. fol. 89. Regiſt. fo. 161. F. N. b. fo. 141. Co. Inſt. 2 par. 92. Cro. El. 469.

Wards 7. The value of a marriage of an Heir or Ward. Raſt. pl. fo. 386. Co. pl. fo. 396.

CAP. VIII.

Several limitations of preſcription in ſeveral Writs.

Co: Inſt. 114. b. 115. b. 2. par. 94.

TOuching conveyance of diſcent in a Writ of Right from any anceſtor from the time of King Henry the elder, the year and day: It is provided, that from henceforth there be no mention made of ſo long time, but from the time of King Henry our Grandfather. (2) And this Act ſhall take effect at Pentecoſt, the one and twentieth year of our Reign, and not afore. And the Writs before purchaſed ſhall proceed. (3) Writs of Mortdanceſtor, of Nativis, and Entre, ſhall not paſs the laſt return of King John from Ireland into England. And this Act ſhall take effect as before is declared: (4) Writs of Novel diſſeiſin ſhall not paſs the firſt Voyage of our Sovereign Lord the King that now is into Gaſcoine. And this proviſion ſhall take his effect from the time aforeſaid, and all Writs purchaſed before ſhall proceed. Stat. 3 Ed. 1. 38. St. 32 H. 8. 2. 21 Jac. 16.

Limitations Raſt. 1. Several limitations of preſcription in ſeveral Writs.

CAP. IX.

He is a Baſtard that is born before the Marriage of his Parents.

11 Aſſ. pla. 20. 31 Aſſ. pla. 23. Fitz. Baſtardy. 21, 22, 25, 27. 28, 30, 33. 39 Aſſ. pla. 10. 1 H. 6. f. 3. 11 H. 4. f. 14. 39 Ed. 3. f. 14. 44 Ed. 3. f. 12. 12 Co. 72.

TO the King's Writ of Baſtardy, Whether one being born before Matrimony may inherit in like manner as he that his born after Matrimony; all the Biſhops anſwered, that they would not nor could not anſwer to it: becauſe it was directly againſt the common order of the Church. (2) And all the Biſhops inſtanted the Lords, that they would conſent, that all ſuch as were born afore Matrimony ſhould be legitimate, as well as they that be born within Matrimony, as to the ſucceſſion of inheritance, forſomuch as the Church accepteth ſuch for legitimate. And all the Earls and Barons with one voice anſwered, that they would not change the Laws of the Realm which hitherto have been uſed and approved. Co. Inſt. 2 par. 96. 8 Co. 7. the Epiſtle, 2 Bulſtr. 163.

Baſtardy 2. He is a baſtard which is born before the marriage of his parents.

CAP. X.

Attorneys allowed to make ſuit to ſeveral Courts.

Fitz. Attorney. 106.

IT is provided and granted, that every Freeman which oweth ſuit to the County, Trything, Hundred and Wapentake, or to the Court of his Lord, may freely make his Attorney to do thoſe ſuits for him. Regiſt. fol. 172. F. N. B. fol. 156, &c. V. N. B. fol. 19. Co. Inſt. 2 par. 99.

Attorneys to do ſuit.

CAP. XI.

Lords ſhall not impriſon offenders at their own wills for Treſpaſſes in their Parks and Ponds.

COncerning Treſpaſſes in Parks and Ponds, it is not yet diſcuſſed: for the Lords demanded the proper impriſonment of ſuch as they ſhould take in their Parks and Ponds, which the King denied. Wherefore it was deferred. Co. Inſt. 2 par. 100.

Private revenge.

The Statute *de Anno Biſſextili*, made at *Weſtminſter*, *Anno* 21 *H.* 3. and *Dom.* 1236.

The day of the Leap-year, and the day before, ſhall be holden for one day.

Brack. 359.

THe King unto his Juſtices of the Bench, greeting, Know ye, That where within our Realm of England, it was doubted of the year and day that were wont to be aſſigned unto

Days 7.

unto ſick perſons being impleaded, when and from what day of the year going before unto another day of the year following, yet the year and day in the Leap-year ought to be taken and reckoned how long it was:

The day of the Leap-year.

II. We therefore, willing that a conformity be obſerved in this behalf every where within our Realm, and to avoid all danger from ſuch as be in plea, have provided, and by the counſel of our faithful ſubjects, have ordained, That, to take away from henceforth all doubt and ambiguity that might ariſe hereupon, the day increaſing in the Leap-year ſhall be accounted for one year, ſo that becauſe of that day none ſhall be prejudiced that is impleaded, but it ſhall be taken and reckoned of the ſame month wherein it groweth, and that day, and the day next going before, ſhall be accounted for one day. And therefore we do command you, that from henceforth you do cauſe this to be publiſhed afore you, and be obſerved. Witneſs my ſelf at Weſtminſter, &c.

The Statute intituled, *Aſſiſa Panis & Cerviſiæ*, made *Anno* 51 *H.* 3. and *Anno Dom.* 1266.

The Prices of Bread and Ale ſhall be according to the Prices of Corn.

Weights 15. The weight of Bread according to the Price of Corn.

The King to all to whom theſe preſents ſhall come, greeting. We have ſeen certain Ordinances of the Aſſiſe of Bread and Ale, and of the making of Mony and Meaſures, made in the times of our Progenitors, ſometimes Kings of England, in theſe words: When a quarter of Wheat is ſold for xii.d. then waſtel bread of a farthing ſhall weigh vj.l. and xvj.s. But bread cocket of a farthing of the ſame corn and bultel, ſhall weigh more then waſtel by ij.s. (2) and cocket bread made of corn of lower price, ſhall weigh more then waſtel by v.s. (3) Bread made into a Simnel ſhall weigh ij.s. leſs then waſtel. (4) Bread made of the whole wheat ſhall weigh a cocket and an half, ſo that a cocket ſhall weigh more then a waſtel by v.s. (5) Bread of treet ſhall weigh ij. waſtels. (6) And bread of common wheat ſhall weigh two great cockets. (7) When a quarter of wheat is ſold for xviij.d. then waſtel bread of a farthing white and well baked ſhall weigh iv.li. x.s. viij.d. when for ij.s. iij.li. viij.s.

When for ij.s. vj.d. liv.s. iv.d. ob. q.
When for iij.s. xlviij.s.
When for iij.s. vj.d. xlij.s.
When for iv.s. xxxvj.s.
When for iv.s. vj.d. xxx.s.
When for v.s. xxviij.s. ij.d. ob.
When for v.s. vj.d. xxiv.s. viij.d. q.
When for vj.s. xxij.s. viij.d.
When for vj.s. vj.d. xix.s. xj.d.
When for vij.s. xix.s. j.d.
When for vij.s. vj.d. xviij.s. j.d. ob.
When for viii.s. xvij.s.
When for viij.s. vj.d. xvj.s.
When for ix.s. xv.s. q.
When for ix.s. vj.d. xiv.s. iv.d. ob. q.
When for x.s. xiij.s. vij.d. q.
When for x.s. vj.d. xij.s. xj.d. q.
When for xj.s. xij.s. ix.d. q.
When for xj.s. vj.d. xj.s. x.d.
When for xij.s. xj.s. iv.d.

Bakers.

II. And it is to be known, that when a Baker in every quarter of wheat (as it is proved by the King's Bakers) may gain iv.d. and the bran, and two loaves for advantage, for three ſervants, j.d. ob. for two lads ob. in ſalt ob. for kneading, ob. for candle, q. for wood, ii.d. for his bultel, ob. (2) When a quarter of Wheat is ſold for iij.s. or iij.s. iv.d. and a quarter of Barley for xx.d. or ii.s. and a quarter of Oats for xvi.d. then Brewers in Cities ought and may well afford to ſell two gallons of Beer or Ale for a peny, and out of Cities to ſell iij. or iv. gallons for a peny. And when in a Town iij. gallons is ſold for a peny, out of a Town they ought and may ſell four. And this Aſſiſe ought to be holden throughout all England. (3) The Aſſiſe of bread (as it is contained in a writing of the Marſhalſey of our Lord the King delivered unto them) may he holden according to the price of wheat, that is to ſay, as well waſtel, as other bread of the better, ſecond or third ſort, ſhall be weighed as is aforeſaid by the middle price of wheat; and the aſſiſe or weight of bread ſhall not be changed but by ſix pence increaſing or decreaſing in the ſale of a quarter.

Brewers.

Da. 20. b. 31 Ed. 1. pag. 68. 25 Ed. 3. St. 5. c. 13. The content of the Buſhel being the eighth part of a Quarter.

III. By the conſent of the whole Realm of England the Meaſure of our Lord the King was made, That is to ſay, that an Engliſh peny, called a ſterling, round and without any clipping, ſhall weigh xxxij. wheat corns in the midſt of the ear, and xx.d. do make an ounce, and xii. ounces one pound, and eight pound do make a gallon of wine, and eight gallons of wine do make a London-buſhel, which is the eighth part of a quarter. Foraſmuch as in our Parliament holden at Weſtminſter, in the firſt year of our Reign, we have granted that all good Statutes and Ordinances made in the times of our Progenitors aforeſaid, and not revoked, ſhall be ſtill held, we have cauſed, at the requeſt of the Bakers of our Town of Coventry, that the Ordinances aforeſaid, by tenor of theſe preſents, ſhall be exemplified. In witneſs whereof, &c. Witneſs the King at Weſtminſter, the xxii. day of March. St. 11 H. 7. 4.

2 Inſt. 311. Fleta 2. c. 11. pag. 72.

The Statute made *Anno* 51 *H.* 3. St. 2. and *Anno Dom.* 1266.

Concerning general days in Bank in Real Actions.

Days 3. Days in bank.

If a Writ come in the utas of St. Michael, a day ſhall be given thereupon unto the utas of St. Hillarii; (2) and if it come in the quinzime of St. Michael, day ſhall be given unto the quinzime of St. Hillarii. (3) If it come in the iii. weeks after St. Michael, the day ſhall be craſtino Purificationis. (4) If within a month after Michaelmas, in the utas of the Purification. (5) If in craſtino Animarum, then in the quinzime of Eaſter. (6) If in craſtino Martini, then in the iij. weeks after Eaſter. (7) If in the utas of Saint Martin, then in Eaſter month. (8) If in the quinzime of St. Martin, then within v. weeks after Eaſter, (9) and alſo there is day ſpecially given in craſtino Aſcenſionis, and it countervaileth as much as within v. weeks after Eaſter. (10) If in the utas of St. Hillarii, in the utas Trinitatis. (11) If in quindena Hillarii, then in quindena Trinitatis, and ſometime in craſtino of St. John Baptiſt. (12) If in craſtino Purificationis, then in craſtino and utas of St. John Baptiſt. (13) If in the utas of the Purification, then in quindena of St. John Baptiſt. (14) If

ALT. Stat. 32. H. 8. 21.

(14) If in quindena Paſchæ, then in the utas of St. Michael. (15) If within three weeks after Eaſter, then in quindena of St. Michael. (16) If within Eaſter month, then within three weeks of the Feaſt of St. Michael. (17) If within five weeks after Eaſter, or in craſtino Aſcenſionis, then within a month after the Feaſt of St. Michael. (18) If in the utas of the Trinity, then in craſtino Animarum. (19) If in quindena Trinitatis, or in craſtino of St. John Baptiſt, then in craſtino Martini. (20) If in utas of St. John Baptiſt, then in the utas of St. Martin. (21) If in quindena of St. John Baptiſt, then day ſhall be given unto quindena Martini. And ſo every Term ſhall anſwer to other. 15 Ed. 4. fol. 13.

The Statute made *Anno* 51 *H.* 3. St. 3. and *Anno Dom.* 1266.

Concerning general days in a Writ of Dower.

Days 4. Days in a Writ of Dower.

If the Writ do come in Octabis Michaelis, day ſhall be given until craſtino Animarum. (2) If it come in quindena Michaelis, day ſhall be given until craſtino Martini. (3) If within three weeks after the Feaſt of St. Michael, then in octabis Martini. (4) If in menſe Michaelis, then in quindena Martini. (5) If in craſtino Animarum, then in octabis Hillarii. (6) If in craſtino Martini, then in quindena Hillarii. (7) If in octabis Martini, then in craſtino Purificationis. (8) If in quindena Martini, then in octabis Purificationis. (9) If in octabis Hillarii, then in quindena Paſchæ. (10) If in quindena Hillarii, then in tribus ſeptimanis Paſchæ, (11) If in craſtino Purificationis, then in menſe Paſchæ. (12) If in octabis Purificationis, then in craſtino Aſcenſionis. (13) If in quindena Paſchæ, then in octabis Trinitatis. (14) If in tribus ſeptimanis Paſchæ, then in quindena Trinitatis. (15) If in menſe Paſchæ, then in craſtino Johannis Baptiſtæ. (16) If in quinque ſeptimanas Paſchæ, then in octabis Johannis. (17) If in craſtino Aſcenſionis, then in quindena Johannis. (18) If in octabis Trinitatis, then in octabis Michaelis. (19) If in quindena Trinitatis, then in quindena Michaelis. (20) If in craſtino Johannis Baptiſtæ, then in tribus ſeptimanis Michaelis. (21) If in octabis Johannis Baptiſtæ, then in menſe Michaelis. (22) If in quindena Johannis Baptiſtæ, then in craſtino Animarum. 15 Ed. 4. f. 13.

The Statute *De diſtrictione Scaccarii* made *An.* 51 *H.* 3. St. 4. and *Anno Dom.* 1266.

What Diſtreſs ſhall be taken for the King's debts, and how it ſhall be uſed.

Bro. Diſtr. 72. 9 Ed. 4. f. 2. 5 H. 7. f. 9. 21 Ed. 4. f. 53. 2 Roll. 247. (227.) Townſend Table, 35.

Diſtreſs 10. The owner may feed his cattel impounded.

Foraſmuch as the Commonalty of the Realm hath ſuſtained great damage by wrongful taking of diſtreſs which have been made by Sheriffs, and by other the King's Bailiffs, for the King's debts or any other cauſe: It is therefore provided and ordained, that when a Sheriff, or any other man doth take the beaſts of other, they to whom the beaſts do belong may give them their feeding without diſturbance, (ſo long as they be impounded) without giving any thing for their keeping. (2) And that the beaſts, nor no other diſtreſs taken for the King's debt, nor for any other cauſe, be given nor ſold within xv. days after the taking. And if any bring the tally of a payment made in the Exchequer, the diſtreſs ſhall ceaſe. (3) And if he bring the tally of any Sheriff or Bailiff, of payment made to them of the thing demanded, and will find pledges that he will appear in the Exchequer, upon the next account, to do as right ſhall require, then the diſtreſs ſhall ceaſe. And the Sheriff or Bailiff ſhall cauſe him to be attached that ought to have acquitted him, that he appear upon the ſame account, to do as right ſhall require; and there ſhall have the names of the pledges. (4) Yet it is provided, that no man of Religion, nor other, ſhall be diſtrained by his beaſts that gain his land, nor by his ſheep, for the King's debt, nor the debt of any other man, nor for any other cauſe, by the King's or other Bailiffs, but until they can find another diſtreſs, or chattels ſufficient whereof they may levy the debt, or that is ſufficient for the demand, (except impounding of beaſts that a man findeth in his ground, damage feſant, after the uſe and cuſtom of the Realm.) (5) And that ſuch diſtreſſes be reaſonable, after the value of the debt or demand, and by the eſtimation of neighbours, and not by ſtrangers, and not outragious. (6) Howbeit the King willeth and commandeth, that Sheriffs or their Bailiffs that have received the King's debt of the Summons of the Exchequer, and have not acquitted the debtors thereof at the next accompt ſhall be puniſhed after the Statutes made thereupon: (7) and the King willeth, that all debts of Summons of the Exchequer that the Sheriff or Bailiff have confeſſed receipt, ſhall be allowed him forthwith: ſo that whether he received all the debt or part, it ſhall never come more in demand nor ſummons, after the Sheriff hath confeſſed the receit. Marlb. cap. 1.

No ſale of diſtreſs within fifteen days.

Bro. Diſtreſs f. 31. Bro. Diſtreſs, 63. Bro. falx. Lat. 123. 4 H. 7. f. 8. Dyer f. 312. Fitz. Brief. 662. 29 B. 3. f. 16. Fitz. Act. ſur le ſtat. 35. 29 E. 3. f. 24. 41 E. 3. f. 26.

No diſtreſs ſhall be taken of plough-cattel or ſheep St. 28 Ed. 1. 12. Regiſt. fol. 97. Raſt. pla. fol. 226.

A diſtreſs ſhall be reaſonable. St. 52 H. 3. 4.

Accomptant 52. A Sheriff which receiveth the King's debt, ſhall acquit the debtor. St. 3 Ed. 1. 19

Statutum de Scaccario made *Anno* 51 *H.* 3. St. 5. *An. Dom.* 1266.

When the King's Fermors, Sheriffs and Bailiffs, ſhall make their accompts and payments.

Who ſhall be Eſcheators in ſeveral Shires.

Stat. Rutland. 10. E. 1.

Exchequer, Raſt. 1. **When the King's Bailiffs and Officers ſhall accompt.**

The King commandeth, that all manner of Bailiffs, Sheriffs and other Officers, as well the Juſtices of Cheſter, and other Bailiffs of theſe Counties, as other that be receivers of Wards, of Eſcheats, and other Bailiwicks, ſhall be anſwerable in the Exchequer, and there ſhall make account to the Treaſurer and Barons of the ſame place. (2) And that all Sheriffs, Fermors, Bailiffs of Franchiſes, and other, ſhall come to the profer in the Exchequer, the Monday after the Feaſt of St. Michael, and the Monday after the utas of Eaſter, for to pay their Ferms, Rents and Iſſues belonging to the King: and ſhall bring at the aforeſaid terms, the aforeſaid Ferms, Rents and Iſſues due wholly into the Exchequer, as before is mentioned. (3) And if they make default, their bodies ſhall remain without departing from thence until they have paid or made agreement; and he that will not come at the terms aforeſaid, ſhall be amerced after the cuſtom of the Exchequer; (4) and the Sheriffs and Bailiffs at the ſame terms ſhall bring and pay ſuch mony as they have received of the Summons of the Exchequer and other the King's debts, and ſhall be prepared and ready to make full account of the things aforeſaid.

Bailiffs of Franchiſes accompt.

II. And that all Bailiffs of Franchiſes, which ought to levy the King's debts, and be anſwerable to the Sheriffs thereof, ſhall come and accompt ſufficiently, according to the extreats of the Summons of the Exchequer: and ſuch as do not, their bodies ſhall remain in ward of the Sheriffs: and for default in them, the Sheriffs ſhall cauſe the debts to be levied by their own Bailiffs, where they have power, as they have uſed to do in time paſſed, and if the Bailiffs do not come in at the day that the Sheriff ſhall give them knowledge, the Sheriff ſhall enter into the ſame Franchiſes, and levy the debts with his own hand.

The Juſtices and Bailiffs of Cheſter's accompt.

Sheriffs ſhall keep the King's Wards and Eſcheats.
Stat. 23 H. 8. 46.

Eſcheats.

III. Concerning Juſtices of Cheſter, and Bailiffs thereof, the King willeth, that they or one of them ſhall come at the profer of St. Michael every year when they ought to give account unto the King; and at the profer of the utas of Eaſter they ſhall come likewiſe, and bring in that which they owe to the King for that term; and the Juſtices of Cheſter ſhall have day to accompt from year to year in quindena Paſchæ. And the Bailiffs thereof the Munday of Eaſter utas. (2) And that all Sheriffs of England, except the Sheriffs of Weſtmerland, Lancaſter, Worceſter, Rutland and Cornwall, ſhall from henceforth keep all ſuch Wards and Eſcheats that are not in other Fees, as belong to the King, which be within their Shires; and of the iſſues thereof they ſhall be anſwerable in the Exchequer at the terms aforeſaid. (3) And at their Turns that they make in their Shires, they ſhall find office of other things which the King's Eſcheators have not uſed to find of that which belongeth unto the King once or twice in the year, to as little grievance of the people as they can. (4) And the Sheriffs ſhall ſeize the Eſcheats that fall to remain unto the King in Fee, and ſhall certifie the King of them without delay.

Three Surveyors. Wards and Eſcheats let to ferm

IV. And the King ſhall aſſign three able perſons that ſhall go throughout the Realm, to ſurvey and find the Wards and Eſcheats aforeſaid, from year to year, when they ſhall think requiſite. (2) And the Sheriffs by their Counſel ſhall approve and let to farm, or otherwiſe, ſuch Wards and Eſcheats as they ſhall think moſt for the King's advantage.

Sheriffs Eſcheators in other Shires.

V. Touching the five Shires before named, the King will, That the Sheriff of Cumberland ſhall execute the Office of Eſcheator in the Shires of Weſtmerland and Lancaſter. And the Sheriff of Nottingham in Rutland: And the Sheriff of Glouceſter in Worceſter: and the Sheriff of Devonſhire in Cornwall: and ſhall ſafely keep the King his Wards and Eſcheats in the ſame Shires, and ſhall be anſwerable in the Exchequer, for the Iſſues of them as well as for their own Shires. (2) And the three able perſons aforeſaid ſhall ſurvy and extend ſuch Wards and Eſcheats as well there as in other places, and thoſe ſhall be approved by their Counſel. And when the Sheriffs do accompt for their Counties, they ſhall accompt for ſuch Wards and Eſcheats. And in like manner ſhall the Juſtices of Cheſter do, and their Bailiffs alſo every one for his Bailiwick. (3) And the ſaid three able perſons ſhall keep the Kings demeans, and ſhall approve them as they ſhall think beſt for the Kings advantage, and ſhall be anſwerable for the Iſſues: (4) And they ſhall have power to let forth ſmall Manors and Demeans to folk of the ſame places, or to other according to their diſcretion, and ſhall let them to ferm from year to year, as they ſhall think moſt to the King's profit. And the Fermors ſhall be chargeable for their Ferms unto the principal approvers, and they unto the Exchequer the Munday next after the Aſcenſion, from year to year.

Collectors of the Cuſtom of Wooll.

VI. And the principal Collectors of the Cuſtom of Woolls, at the two terms before mentioned, ſhall pay all ſuch mony as they have received of the ſaid Cuſtom, and ſhall make accompt from year to year clearly of all parcels received in any of the Ports or other places of the Realm, ſo that they ſhall anſwer for every Ship where it was charged, and how much it carried, and whoſe the Woolls were, and for every other charge in the Ship, whereof Cuſtom is due, and for the whole receit.

The accompt of the Keeper of the King's Wardrobe. The King's debt ſhall firſt be heard.

VII. And the Warden of the King's Wardrobe ſhall make accompt yearly in the Exchequer in the Feaſt of S. Margaret; (2) and the Treaſurer and Barons ſhall be charged by Oath that they ſhall not attend to hear the pleas or matters of other men while they have to do with the King's buſineſs, if it be not a matter that concerneth the King's own debt. (3) And when a Sheriff or Bailiff hath begun his accompt, none other ſhall be received to accompt, until he that was firſt appointed hath clearly accompted, and his mony received. (4) And that the Conſtable, Marſhal, Chamberlain, and other that are of Fee in the Exchequer, from henceforth ſhall preſent unto the King ſuch as they have put in their places to do their Offices, which muſt be of good fame, and ſufficient, for whoſe Acts themſelves will anſwer.

Deputy Officers in the Exchequer.

VIII. And the King Commandeth the Treaſurer, and Barons of the Exchequer, upon their Allegiance, and by the Oath that they have made to him, that they ſhall not aſſign any in their rooms, but ſuch as this Act meaneth of, and that the Exchequer be not charged with more perſons then is neceſſary. (2) And that none of them that be ſworn to the King, ſhall put in his room any other Clerk or Lay-perſon, except he be ſworn, without ſpecial Licence of the Treaſurer; and if any be, he ſhall be forthwith removed from his Office, and none other ſhall be received in his ſtead without the King's Licence. (3) And if any that is received without the Treaſurer's licence do treſpaſs after, puniſhment ſhall be done as well to the Aſſignor, as to him that is aſſigned, according to the treſpaſs. (4) And if both be unſufficient, their Superiour ſhall be puniſhed, whether he be Officer of Fee, or other. (5) And the Treaſurer ſhall put no other in his room until he hath Commandment from the King. (6) And if he that keepeth the room of another by licence of the Treaſurer, doth any thing that he ought not to do, he ſhall be puniſhed according to the treſpaſs, if he have whereof; and if he have not, he that put him in Office ſhall be charged for his treſpaſs: and if he that put him in Office be not ſufficient, his Superiour ſhall be charged, whether he be of Fee, or otherwiſe.

Officers in the Woolſtaple ſhall be preſented
The King's Officers that ought to accompt.

IX. And they of the Woolſtaple ſhall make Oath, That if any of them may perceive that another doth commit any fault, offence, or other thing diſhoneſt in the Office of the Woolſtaple, or that he hath done before, that they ſhall certifie it to the Treaſurer, or to the Barons, or to ſome of them, or to the King himſelf, if need require. (2) And that about the Feaſt of S. Margaret, before that the Exchequer be cloſed, they ſhall cauſe a ſearch to be made, whether any Sheriff or Bailiff, that ought to have accounted the ſame year, have not, and thereupon a remema remembrance in a roll ſhall be made by it ſelf. (3) And if it be a Sheriff, his accompt ſhall be firſt heard after Michaelmas, before that any other be received to accompt: (4) And if he be a Bailiff, he ſhall be ſummoned or diſtrained to come at a certain day for to accompt: ſo that no accompt ſhall be ſuffered to ſleep. (5) And foraſmuch as Sheriffs, Conſtables, and other, obtain many times outragious allowances, by pretence of the King's works, and other things done and provided by his commandment: It is provided, That all Surveyors of the King's works ſhall be choſen by the oath of twelve men, and of ſuch as will and may attend beſt to that office, and that they be ſufficient to anſwer the King, if need be, and ſhall ſwear that they bear lawful witneſs. (6) And if the Treaſurer or Barons of the Exchequer have any ſuſpicion of ſale, allowances of charges, or other thing, the truth muſt be inquired; and he that is attainted, ſhall anſwer to the King for as much as the allowance amounteth unto, and ſhall be impriſoned one year and forty days, and ſhall be puniſhed at the King's pleaſure. And the Surveyors ſhall be puniſhed for their conſent. (7) And likewiſe he that upon the accompt did conceal and keep ſecret ſuch things, whereof he ought to have charged himſelf, ſhall be puniſhed in like wiſe as he that admitted ſuch falſe allowances.

Surveyors of the King's works.

X. And that all the Juſticers, Commiſſioners, and other, ſhall from henceforth deliver into the Exchequer, at the Feaſt of S. Michael, from year to year, the extreats of fines and amerciaments made and taxed before them, and of all things wherefore the extreats are wont to be delivered there. (2) And they of the Exchequer ſhall make extreats of the ſummons through all Shires, ſaving that the extreats in Eyre of all pleas ſhall be delivered immediately after the Eyre made.

Eſtreats of fines and amerciaments ſhall be delivered in the Exchequer.

A Statute of the *Pillory* and *Tumbrel*, and of the Aſſiſe of *Bread* and *Ale*, made *Anno* 51 *H.*3. St.6. and *Anno Dom.* 1266.

If a Baker or a Brewer be convict, becauſe he hath not obſerved the Aſſiſe of Bread and Ale, the firſt ſecond, and third time, he ſhall be amerced according to his offence, if it be not overgrievous; (2) but if the offence be grievous and often, and will not be corrected, then he ſhall ſuffer puniſhment of the body, that is to wit, a Baker to the Pillory, and a Brewer to the Tumbrel, or ſome other correction. (3) Firſt, ſix lawful men ſhall be ſworn truly to gather all meaſures of the Town, that is to wit, buſhels, half and quarter buſhels, gallons, pottles and quarts, as well of Taverns as of other places, meaſures and weights, that is to wit, pounds, half pounds, and other little weights, wherewith Bread of the Town or of the Court is weighed, that is to ſay, one loaf of every ſort of Bread. (4) And upon every meaſure, buſhel, weight, and alſo upon every loaf, the name of the owner diſtinctly written. (5) And likewiſe they ſhall gather the meaſures of Mills. (6) After which thing done, twelve lawful men ſhall ſwear to make true anſwer to all ſuch things as ſhall be demanded of them in the King's behalf upon Articles here following; and ſuch things as be ſecret, they ſhall utter ſecretly, and anſwer privately. (7) And the Bailiff ſhall be commanded to bring in all the Bakers and Brewers with their meaſures, and all things under written. (8) Firſt, they ſhall inquire the price of Wheat; that is to wit, how a quarter of the beſt Wheat was ſold the laſt Market-day, and how the ſecond Wheat, and how the third: and how a quarter of Barley and Oats. (9) After, how the Bakers bread in the Court doth agree, that is to wit, waſtel and other bread after Wheat of the beſt, or of the ſecond, or of the third price. (10) Alſo upon how much increaſe or decreaſe in the price of Wheat a Baker ought to change the aſſiſe and wheight of his bread. (11) Alſo how much the waſtel of a farthing ought to weigh, and all other manner of bread, after the price of a quarter of Wheat that they preſent. (12) Alſo for default in the weight of the bread a Baker ought to be amerced, or to be judged unto the Pillory, according to the law and cuſtom of the Court. (13) Alſo if any Steward or Bailiff, for any bribe, doth releaſe puniſhment of the Pillory and Tumbrel, being already judged, or to be judged of right.

Weights 15.
The puniſhment of a Baker or Brewer offending.
A Jury ſworn.
Of what things the Jury ſhall inquire.

II. Alſo if they have in the Town a Pillory of convenient ſtrength, as appertaineth to the liberty of their Market, which they may uſe (if need be) without bodily peril either of man or woman. (2) After they ſhall inquire of the Aſſiſe and price of Wine, after the departure of the Juſtices in Eyre, or of them that were laſt in Office, of the Market of the Town, that is to ſay, of the Vintners names, and how they ſell a gallon of Wine. And if any corrupted Wine be in the Town, or ſuch as is not wholeſom for man's body. (3) Alſo of the aſſiſe of Ale in the Court of the Town how it is, and whether it be obſerved; and if not, how much Brewers have ſold contrary to the Aſſiſe; (4) and they ſhall preſent their names diſtinctly and openly, and that they be amerced for every default, or to be judged to the Tumbrel, if they ſell contrary to the Aſſiſe.

Releaſing of puniſhment deſerved.
A Pillory.
The Aſſiſe and Price of Wine.
21 Jac. cap. 18.
The Aſſiſe of Ale.

III. Alſo if there be any that ſell by one meaſure, and buy by another. Alſo if any do uſe falſe ells, weights or meaſures. (2) And if any Butcher do ſell contagious Fleſh, or that died of the Murren. (3) Alſo they ſhall enquire of Cooks that ſeeth Fleſh or Fiſh with bread or water, or any otherwiſe, that is not wholeſom for man's body, or after that they have kept it ſo long that it loſeth its natural wholeſomneſs, and then ſeeth it again and ſell it; (4) or if any do buy Fleſh of Jews, and then ſell it to Chriſtians. (5) And alſo Foreſtallers, that buy any thing afore the due and accuſtomed hour, againſt the good ſtate and weal of the Town and Market, or that paſs out of the Town to meet ſuch things as come to the Market, being out of the Town, to the intent they may ſell the ſame in the Town more dear unto regrators, that utter it more dear then they would that brought it, in caſe they had come to the Town or Market. (6) When a quarter of Barley is ſold for two ſhillings, then four quarts of Ale ſhall be ſold for a peny: when for two ſhillings ſix pence, then ſeven quarts of Ale ſhall be ſold for two pence: when for three ſhillings, then three quarts for one peny: when for three ſhillings ſix pence, then five quarts for two pence: when it is ſold for four ſhillings, then two quarts at one peny. And ſo from henceforth the prices ſhall increaſe and decreaſe after the rate of ſix pence.

Falſe weights or meaſures.
Butchers.
Cooks.
Foreſtallers.
Ale ſhall be ſold according to the price of Barley.

Statutes made at *Marleborough*, alias *Marlebridge*, 18 *Novemb. An.* 52 *H.* 3. and *Anno Dom.* 1267.

IN the year of Grace, One thouſand two hundred ſixty ſeven, the two and fiftieth year of the Reign of King HENRY, Son of King JOHN, in the utas of S. Martin, the ſaid King our Lord providing for the better eſtate of this Realm of England, and for the more ſpeedy miniſtration of Juſtice, as belongeth to the Office of a King, the more diſcreet men of the Realm being called together, as well of the higher as of the lower eſtate: It was provided, agreed and ordained, that whereas the Realm of England of late had been diſquieted with manifold troubles and diſſentions; for reformation whereof Statutes and Laws be right neceſſary, whereby the peace and tranquility of the people muſt be obſerved: Wherein the King, intending to deviſe convenient remedy, hath made theſe Acts, Ordinances and Statutes under-written, which he willeth to be obſerved for ever firmly and inviolably of all his ſubjects, as well high as low.

CAP. I.

The Penalty for taking a Diſtreſs wrongfully.

Diſtreſs 1.

Merr. cap. 11. 12 Co. 63.

The puniſhment for an unlawful diſtreſs.

11 H. 4. f. 2. 47 E. 3. f. 7. 18 Ed. 3. f. 48. 41 Ed. 3. f. 26. 17 Ed. 3. f. 5. 3 Bulſtr. 9.

Whereas at the time of a commotion late ſtirred up within this Realm, and alſo ſithence, many great men, and divers other, refuſing to be juſtified by the King and his Court, like as they ought and were wont in the time of the Kings noble Progenitors, and alſo in his time, but took great revenges and diſtreſſes of their neighbours, and of other, until they had amends and fines at their own pleaſure. (2) And further, ſome of them would not be juſtified by the Kings Officers, nor would ſuffer them to make delivery of ſuch diſtreſſes as they had taken of their own authority: (3) It is provided, agreed and granted, That all perſons as well of high as of low eſtate ſhall receive Juſtice in the King's Court: And none from henceforth ſhall take any ſuch Revenge or Diſtreſs of his own authority without award of our Court, though he have damage or injury, whereby he would have amends of his neighbour either higher or lower. (4) And upon the aforeſaid Article it is provided and granted, that if any from henceforth take ſuch revenges of his own authority, without award of the King's Court (as before is ſaid) and be convict thereof, he ſhall be puniſhed by fine, and that according to the treſpaſs. (5) And likewiſe if one neighbour take a diſtreſs of another without award of the King's Court, whereby he hath damage, he ſhall be puniſhed in the ſame wiſe, and that after the quantity of the treſpaſs. (6) And nevertheleſs ſufficient and full amends ſhall be made to them that have ſuſtained loſs by ſuch diſtreſſes. Co. Inſt. 2 par. 162. Mirror, 319. 2 Bulſtr. 140.

CAP. II.

None but Suitors ſhall be diſtrained to come to a Court.

Diſtreſs 3. None ſhall be diſtrained to come to a Court but Suitors.

42 Ed. 3. f. 28. 47 Ed. 3. f. 7. Fitz. Barre, 281. Co. Inſt. 2 par. 104.

Moreover, none (of what eſtate ſoever he be) ſhall diſtrain any to come to his Court, which is not of his Fee, or upon whom he hath no Juriſdiction, by reaſon of Hundred, or Bailiwick, (2) nor ſhall take diſtreſſes out of the Fee or place where he hath no Bailiwick or Juriſdiction. (3) And he that offendeth againſt this Statute, ſhall be puniſhed in like manner and that according to the quantity and quality of the Treſpaſs. St. 3 Ed. 1. 16. Regiſt. fo. 97.

CAP. III.

A Lord ſhall not pay a Fine for diſtraining his Tenant.

Diſtreſs 5. St. 3 E. 1. 17. The puniſhment for unlawful diſtreſſes.

Fitz. Reſcous 20. 2 Roll 235.

The Lord diſtraining his Tenant ſhall not pay a fine. F. N. B. f. 102. c. U. N. B. f. 48.

Bro. Treſpaſs, 16, 384. Fitz. Dam. 10. Fitz. Heriot 5. 5 H 7 f. 9. 9 H. 7. f. 14. 10 H. 7. f. 2. 10 Ed 4. f. 7. 9 H. 6. f. 20. Fitz. Treſpaſs, 196. Fitz. Diſtreſs, 1, 2, 16. Fitz. Avowry, 192. 30 Aſſ. pla. 38. 29 Ed. 3. f. 23. Kel. fo. 50. 41 E. 3. f. 26 29 E. 3. f. 24. 42 E. 3. f. 26. 15 E. 4. f. 13.

If any, of what eſtate ſoever he be, will not ſuffer ſuch diſtreſſes as he hath taken, to be delivered by the King's Officers, after the law and cuſtom of the Realm, (2) or will not ſuffer Summons, Attachments or Executions of Judgments given in the King's Court, to be done according to the law and cuſtom of the Realm, as is aforeſaid, he ſhall be puniſhed in manner aforeſaid, as one that will not obey the Law, and that according to the quantity of the Offence. (3) And if any, of what eſtate ſoever he be diſtrain his Tenant for Services and Cuſtoms being due unto him, or for any other thing, for the which the Lord of the Fee hath cauſe to diſtrain, and after it is found that the ſame Services are not due, the Lord ſhall not therefore be puniſhed by Fine, as in the caſes aforeſaid, if he do ſuffer the diſtreſſes to be delivered according to the law and cuſtom of the Realm, but ſhall be amerced as hitherto hath been uſed; and the Tenant ſhall recover his damages againſt him, Co. Inſt. 2 par. 105.

CAP. IV.

A Diſtreſs ſhall not be driven out of the County. And it ſhall be reaſonable.

Diſtreſs 1. A diſtreſs ſhall not be driven out of the County. St. 3 Ed. 1. 16. St. 1 & 2 P. & M. 12. Diſtreſſes ſhall be reaſonable. St. 51 H. 3. St. 28 Ed. 1. 12.

None from henceforth ſhall cauſe any Diſtreſs that he hath taken, to be driven out of the County where it was taken. (2) And if one neighbour do ſo to another of his own authority, and without Judgment, he ſhall make Fine (as above is ſaid) as for a thing done againſt the Peace. (3) Nevertheleſs, if the Lord preſume ſo to do againſt his Tenant, he ſhall be grievouſly puniſhed by amerciament. (4) Moreover, Diſtreſſes ſhall be reaſonable, and not too great. (5) And he that taketh great and unreaſonable Diſtreſſes, ſhall be grievouſly amerced for the Exceſs of ſuch Diſtreſſes. Regiſt. fol. 97. Co. Inſt. 2 par. 106.

CAP. V.

A Confirmation of the Great Charter, and the Charter of the Foreſt.

A confirmation, Raſt. 1. of the Great Charter, and the Charter of the Foreſt. Mirror 319.

The Great Charter ſhall be obſerved in all his Articles, as well in ſuch as pertain to the King as to other: And that ſhall be enquired afore the Juſtices in Eyre in their Circuit and afore the Sheriffs in their Counties, when need ſhall be. (2) And writs ſhall be freely granted againſt them that do offend, before the King, or the Juſtices of the Bench, or before Juſtices in Eyre, when they come into thoſe parts. (3) Likewiſe the Charter of the Foreſt ſhall be obſerved in all his Articles, and the offenders, when they be convict, ſhall be grievouſly puniſhed by our Sovereign Lord the King in form above mentioned. Co. Inſt. 2 par. 108.

CAP. VI.

A fraudulent Conveyance, to defeat a Lord of his Wardſhip, ſhall be void.

Wards Raſt. 6. Feoffments to defraud Lords of their wardſhips. St. 34 H. 8. 5. 1 Roll 91, 170. 2 Roll 106. 134 Godbolt, 78. pl. 92.

Fitz. Gard. 79, 102, 155. Coke l. 6. f. 76. Dyer fo. 9. 27 H. 8 f. 7. 33 H 6. f. 14. Fitz. Gard. 33.

As touching them that uſe to infeoff their eldeſt Sons and Heirs, being within age, of their heritage, for to defraud the Lord of the Fee of their Wardſhips: It is provided, accorded and agreed, that by occaſion of any ſuch Feoffment, no chief Lord ſhall leeſe his Ward. (2) Moreover, touching them that fain falſe Feoffments of their lands, which they will

leeſe

Fitz. Colluſion, 12, 14. 29, 36, 37. Co. Inſt. 2 par. 109. Cok. l. 11. f. 77. Fitz. Gard. 119. Fitz. Brief, 779. 39 H. 6. f. 30. 5 H. 7. f. 5. 39 Aſſ. pla. 86.

leaſe for term of years, for to defraud the chief Lords of their Wards, wherein it is contained that they are ſatisfied of the whole ſervice due unto them, until a certain term: ſo that ſuch Feoffees are bound at the ſaid term to pay a certain ſum to the value of the ſame lands, or far above, ſo that after ſuch term the land ſhall return unto them, or to their heirs, becauſe no man will be content to hold it upon the price: It is provided and agreed, That, by ſuch fraud, no chief Lord ſhall leeſe his Ward. (3) Nevertheleſs, it ſhall not be lawful to them to diſſeiſe ſuch Feoffees, without judgment, but they ſhall have a Writ for to have ſuch a Ward reſtored unto them; and by the Witneſſes contained in the Deed of Feoffment, with other free and lawful men of the Country, and by the value of the land, and by the quantity of the ſum payable after the term, it ſhall be tryed whether ſuch Feoffments were made bona fide, or by colluſion, to defraud the chief Lords of the Fee of their Wards. And if the chief Lords in ſuch caſes recover their Wards by judgment, the Feoffees ſhall nevertheleſs have their Action, to recover ſuch Term or Fee (which they had therein) when the heirs come to their lawful age.

Ejectione cuſtodiæ. Co. pla. fo. 183.

II. And if any chief Lords do maliciouſly implead ſuch Feoffees, faining this caſe, namely, where the Feoffments were made lawful, and in good faith, then the Feoffees have their damages awarded, and their coſts which they have ſuſtained by occaſion of the foreſaid Plea, and the Plaintiffs ſhall be grievouſly puniſhed by amerciament. Regiſt. fol. 161. F. N. B. fol. 139, &c. V. N. B. fol. 96. Raſt. pla. fol. 386. Stat. 4 H. 7. 17. Rep. 12 Car. 2. cap. 24.

Damages. A Lord impleading a Feoffee wrongfully.

CAP. VII.

Proceſs in a Communi Cuſtodia. Ward by reaſon of Ward.

Fitz. Gard. 15, 92. Fitz. Return de Viſcount, 41. Fitz. Proclaim. 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 19. Fitz. Dammage, 5. Fitz. Judgment, 168. 251. Fitz. Gard. 108. Co. Inſt. 2 par. 113. Dier fo. 172. Fitz. Gard. 14, 70, 81, 105.

IN a Plea of Communi Cuſtodia, if the Deforceors come not at the great Diſtreſs, then the ſaid Writ ſhall be renewed twice, or thrice, at ſuch terms as it may be done within the half year following, ſo that every time the Writ ſhall be read in the open County (if the Deforceor be not found before) and there openly be proclaimed, that he may come at the day limited: ſo that if he abſent himſelf then, and come not to anſwer within the ſaid half year, nor the Sheriff cannot get his body, to have it before our Juſtices, to anſwer according to the Law and Cuſtom of the Realm, then as a Rebel, and ſuch a one as will not be juſtified, he ſhall leeſe the Seiſin of his Ward: Saving to him his Action at another time, if he have any right to the ſame.

Wards 2. The Proceſs in Communi cuſtodia. F.N.B. fo. 143. V. N. B. f. 88. Stat. 13 E. 1. 35.

II. But in ſuch caſes, where the Wardſhips belong to the Gardians of Wards, being within age, and where the Gardians demand a Wardſhip which belongeth to the Heir, or as appertaining to their Inheritance, ſuch Heirs within age ſhall not leeſe their Inheritance by the negligence or rebellion of their Gardians, as in the caſe afore rehearſed, but let the Common Law run in like manner as it hath been accuſtomed to do. Rep. 12 Car. 2. cap. 24.

Ward by reaſon of Ward. F. N. B. f. 139, 252, 261.

CAP. VIII.

The Puniſhment of thoſe which commit Rediſſeiſin.

Dyer f. 60. 18 H. 8. f. 1. Co. Inſt. 2 par. 114.

THey which be taken and impriſoned for Rediſſeiſin, ſhall not be delivered without ſpecial commandment of our Lord the King, and ſhall make fine with our Lord the King for their treſpaſs. And if it be found, that the Sheriff delivereth any contrary to this Ordinance, he ſhall be grievouſly amerced therefore. And nevertheleſs, they which are ſo delivered by the Sheriff without the King's commandment, ſhall be grievouſly puniſhed for their treſpaſs. Stat. 20 H. 3. 3. Stat. 13 Ed. 1. 26. Regiſt. fo. 206. Mirror, 320.

Rediſſeiſin 3. Raſt. pl. fo. 548. **The puniſhment for Rediſſeiſin.** V.N.B. fo. 108. F.N.B. fo. 188. 189.

CAP. IX.

Who ſhall do Suit of Court. Suit of Court by Coparceners. Contra formam Feoffamenti.

Fitz. Action ſur le ſtat. 24, 25. Co. Inſt. 2 par. 115. 1 Roll 207. 365.

20 Ed. 4. f. 26. Fitz. Avowry, 243. Bro. Entre, 4. Coke. l. 6. f. 2.

Fitz. Avowry, 9, 15, 42, 48, 51, 60, 66, 68, 89, 99.

FOr doing Suits unto Courts of great Lords, or of meaner perſons, from henceforth this order ſhall be obſerved, That none that is infeoffed by deed, from henceforth ſhall be diſtrained to do ſuch Suit to the Court of his Lord, without he be ſpecially bound thereto by the form of his deed: (2) Theſe only except, whoſe Anceſtors or they themſelves have uſed to do ſuch Suit before the firſt voyage of the ſaid King Henry into Britain, ſithence which, nine and thirty years and a half are paſſed, unto the time that theſe Statutes were enacted. (3) Likewiſe from henceforth none that is infeoffed without deed, from the time of the Conqueſt, or any other ancient Feoffment, ſhall be diſtrained to do ſuch Suits, unleſs that he or his Anceſtors uſed to do it before the ſaid voyage. (4) And they that are infeoffed by deed to do a certain ſervice, as, for ſervice of ſo many ſhillings by year, to be acquitted of all ſervice, from henceforth ſhall not be bounden to ſuch Suits, or other like, contrary unto the form of their feoffment. (5) And if any inheritance (whereof but one Suit is due) deſcend unto many Heirs, as unto Parceners, who ſo hath the eldeſt part of the inheritance, ſhall do that one Suit for himſelf and his Fellows, and the other Coheirs ſhall be Contributaries, according to their Portion, for doing ſuch Suit. (6) And if many Feoffees be ſeiſed of an Inheritance (whereof but one Suit is due) the Lord of the Fee ſhall have but that one Suit, and ſhall not exact of the ſaid Inheritance but that one Suit, as hath been uſed to be done before. (7) And if thoſe Feoffees have no Warrant, or mean, which ought to acquit them, then all the Feoffees, according to their Portion, ſhall be Contributaries for doing the Suits for them. (8) And if it chance that the Lords of the Fee do diſtrain their Tenants for ſuch Suits, contrary to this Act, then, at the complaint of the Tenants, the Lords ſhall be attached, to appear in the King's Court at a ſhort day, to make anſwer thereto, and ſhall have but one Eſſoin therein (if they be within the Realm:) And immediately the beaſts, or other diſtreſſes taken by this occaſion, ſhall be delivered to the Plaintiff, and ſo ſhall remain, until the Plea betwixt them be determined. (9) And if the Lords of the Courts, which took diſtreſſes, come not at the day that they were attached, or do not keep the day given to them by Eſſoin, then the Sheriff ſhall be commanded to cauſe them to come at another day; at which day if they come not, then he ſhall be commanded to diſtrain them by all their Goods and Chattels that they have in the Shire, ſo that the Sheriff ſhall anſwer to the King of the Iſſues of the ſaid Inheritance. And that he have their bodies before our Juſtices at a certain day limited. So that if they come

Suit 1.

Who ſhall do Suit of Court by V. N. B. f. 79. 104.

Suit of Court by Coparceners. Regiſt. fo. 174. F.N.B. f. 159 a. St. Hiberniæ. 14 H. 3. p. 7. **Partition 1.** Regiſt. fo. 176.

A Lord diſtraining his Tenant for Suit not due. Regiſt. fol. 81, 170.

Contra formam Feoffamenti. F.N.B. f. 193. b. V.N.B. fo. 104.

not at that day, the party Plaintiff ſhall go without day, and his Beaſts, or other Diſtreſſes taken by that colour ſhall remain delivered, until the ſame Lords have recovered the ſame Suit by Award of the King's Court; and in the mean time ſuch Diſtreſſes ſhall ceaſe, ſaving to the Lords of the Court their Right to recover thoſe Suits in form of Law, when they will ſue therefore. (10) And when the Lords of the Courts come in to anſwer the Plaintiffs of ſuch Treſpaſſes, and be convict thereupon, then by Award of the King's Court, the Plaintiffs ſhall recover againſt them the damages that they have ſuſtained by occaſion of the ſaid Diſtreſs.

Tenants witholding from thier Lords their due Suits.

II. Likewiſe, if the Tenants, after this Act, withdraw from their Lords ſuch Suits as they were wont to do, and which they did before the time of the ſaid voyage, and hitherto uſed to do, then by like ſpeedineſs of Juſtice, as be to limiting of days, and awarding of Diſtreſſes, the Lords of the Court ſhall obtain Juſtice to recover their Suits, with their damages, in like manner as the Tenants ſhould recover theirs: (2) And this recovering of damages muſt be underſtood of withdrawing from themſelves, and not of withdrawi nf rom their Anceſtors: (3) Neverthleleſs, the Lords of the Court ſhall not recover ſeiſin of ſuch Suits againſt their Tenants by default, as they were wont to do: (4) And touching Suits withdrawn before the time aforementioned, let the Common Law run as it was wont before time.

Fitz. Avowry, 86, 92, 99.

CAP. X.

Certain perſons exempt from appearance at Sheriffs Turns.

Turn 2. Certain perſons exempt from appearances at the Sheriffs Turn. Hundred-courts. St. 9 H. 3.335.

FOr the Turns of Sheriffs, it is provided, That Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, nor any Religious men or women, ſhall not need to come thither, except their appearance be eſpecially required thereat for ſome other cauſe; (2) but the Turn ſhall be kept as it hath been uſed in the times of the Kings noble Progenitors. (3) And they that have Hundreds of their own to be kept, ſhall not be bound to appear at any ſuch Turns, but in the Bailiwicks where they be dwelling. (4) And the Turns ſhall be kept after the form of the Great Charter, and as they were uſed in the times of King Richard and King John. Regiſt. fol. 174, 175. F.N.B. fol. 159. d. 160. a. Co. Inſt. 2 par. 120.

Leet Bar. 28.

CAP. XI.

No Fines ſhall be taken for Beaupleader.

Deceit 1. Beaupleader. The Latine is Præſtationes.

IT is provided alſo, That from henceforth, neither in the Circuit of Juſticers, nor in Counties, Hundreds and Court Barons, any Fines ſhall be taken of any man for Fair-pleading, nor ſo that any occaſion ſhall be. Fleta, lib. 2. cap. 60. p. 147.

II. And it is to be known, that by this Act Fines certain, or Loans aſſeſſed ſince the time that our Lord the King firſt paſſed into Britain, are not taken away. Stat. 3 Ed. 1. 8. St. 1 Ed. 3. 8. Regiſt. fol. 179. F. N. B. fol. 270. a. Co. Inſt. 2 par. 122.

Fitz. Attach. 8. Bro. Attach. 13.

CAP. XII.

Days given in Dower, Aſſiſe of Darraine preſentment and Quare impedit.

Days 2. Plea of Dower, Darrain preſentment, Quare Impedit, V.N.B. f. 30. St. 32 H. 8. 21. Mirror 320. Quare Impedit 2. **Proceſs in** Quare Impedit, V. N. B. f. 76. F. N. B. f. 380. Raſt. Pla. f. 477. **Attachments.**

IN a Plea of Dower, that is called (Unde nihil habet) from henceforth four days ſhall be given in the year at the leaſt, and mo, if it may conveniently be, ſo that they ſhall have five or ſix days at the leaſt in the year. (2) In Aſſiſes of Darraine preſentment, and in a Plea of Quare impedit, of Churches vacant, days ſhall be given from fifteen to fifteen, or from three weeks to three weeks, as the place ſhall hap to be near or far: (3) and in a Plea of Quare impedit, if the Diſturber come not at the firſt day that he is ſummoned, nor caſt no Eſſoin, then he ſhall be attached at another day; at which day if he come not, nor caſt no Eſſoin, he ſhall be diſtrained by the great Diſtreſs above given: (4) And if he come not then, by his default a Writ ſhall go to the Biſhop of the ſame place, that the claim of the Diſturber for that time ſhall not be prejudicial to the Plaintiff: Saving to the Diſturber his right at another time, when he will ſue therefore. (5) The ſame Law, as to the making of attachments, ſhall from henceforth be obſerved in all Writs where attachments lie, as in making Diſtreſſes, ſo that the ſecond attachment ſhall be made by better pledges, and afterwards the laſt Diſtreſs. Stat. 32 H. 8. 21. Co. Inſt. 2 par. 123.

Fitz. Jour. 18, 19, 32. 11 H. 6. f. 4. 33 H. 6. f. 1. Fitz. Brief, al Eveſque, p. 3, 14, 21, 22, 27.

CAP. XIII.

After Iſſue joyned there ſhall be but one Eſſoin or one Default.

Eſſoin 4. After Iſſue joyned, there ſhall be but one Eſſoin, or one Default. Mirror, 320.

AND it is to be known, that after that a man hath put himſelf upon any Enqueſt, the which hath or muſt paſs in ſuch manner of Writs, he ſhall have but one Eſſoin, or one Default, ſo that if he come not at the day given to him by the Eſſoin, or make Default the ſecond day, then the Enqueſt ſhall be taken by his Default, and according to the ſame Enqueſt they ſhall proceed to Judgment. (2) And if ſuch Enqueſt be taken in the County, before the Sheriff or Coroners, it ſhall be returned unto the King's Juſtices at a certain day; and if the party Defendant come not at that day, then, upon his default, another day ſhall be aſſigned to him after the diſcretion of the Juſtices. And it ſhall be commanded to the Sheriff, that he cauſe him to come to hear the Judgment, if he will, according to the Enqueſt; at which day if he come not, upon his default they ſhall proceed to Judgment. In like manner it ſhall be done, if he come not at the day given unto him by his Eſſoin. Raſt. pla. fol. 297, &c.

Dyer f. 223. 324. Fitz. Eſſoin, 21, 33, 34, 38, 100. 130, 159. Co. Inſt. 2 par. 126. 1 Rol. 157. Godbolt 236. pl. 327.

CAP. XIV.

They which have Charters of Exemption, muſt in ſome caſes be ſworn.

Jurors 2. They which have Charters of Exemption, muſt in ſome caſes be ſworn.

COncerning Charters of Exemption and Liberties, that the Purchaſer ſhall not be impannelled in Aſſiſes, Juries, and Enqueſts: It is proved, that if their Oath be ſo requiꝛe that without them Juſtice cannot be miniſtred, as in great Aſſiſes, Perambulations, and in Deeds or Writings of Covenants (where they be named for Witneſſes) or in Attaints, and in other caſes like, they ſhall be compellzd to ſwear: Saving to them at another time their foreſaid Liberty and Exemption. Co. Inſt. par. 127.

39 Ed. 3. f. 15. 34 H. 6. f. 15. 18 H. 8. f. 5. 12 Ed. 4. f. 45. 47. 2 R. 3. f. 4. Fitz. Exemption, 4, 5.

CAP. XV.

In what places Diſtreſſes ſhall not be taken.

Co.l.8.f.60. 1 H.7.f.1. 22Ed.4.f.49. Fitz. Bar. 281. Fitz. Treſpaſs, 185. Fitz. Brief. 511, 842. Fitz. Avowry, 87, 221, 232. Co. Inſt. 2 par. 133.

It ſhall be lawful for no man from henceforth, for any manner of cauſe, to take Diſtreſs out of his Fee, nor in the King's high-way, nor in the common-ſtreet, but only to the King or his Officers, having ſpecial authority to do the ſame. Co. Inſt. 2 par. 131. Cro. El. par. 710. 12 Co. 100. 13 Co. 42.

Diſtreſs 1. Raſt. pla. fo. 226. Regiſt. fo. 98, 183. Stat. 9 Ed.2.9. F.N.B. fo. 90, 175.

CAP. XVI.

The Heir's remedy, if his Lord do keep him forth. The King's Primer Seiſin.

If any Heir after the death of his Anceſtor be within age, and his Lord have the Ward of his Lands and Tenements, if the Lord will not render unto the Heir his Land (when he cometh to his full age) without Plea, the Heir ſhall recover his Land by Aſſiſe of Mortdaunceſtor, with the damages that he hath ſuſtained by ſuch witholding, ſince the time that he was of full age. (2) And if an Heir at the time of his Anceſtor's death be of full age, and he is Heir apparent, and known for Heir, and be found in the Inheritance, the chief Lord ſhall not put him out, nor take nor remove any thing there, but ſhall take only ſimple ſeiſin therefore for the recognition of his Seigniory, that he may be known for Lord. (3) And if the chief Lord do put ſuch an Heir out of the poſſeſſion maliciouſly, whereby he is driven to purchaſe a Writ of Mortdaunceſtor, or of Couſenage, then he ſhall recover his damages, as in Aſſiſe of Novel diſſeiſin.

Wards 9. A remedy for the Heir, if his chief Lord do keep or put him out of poſſeſſion. V.N.B. 1093, 116. F.N.B. fo. 196. f. Bract. 160.

Dier f.213. 5 Ed.4.f.3.

II. Touching Heirs, which hold of our Lord the King in chief, this order ſhall be obſerved, that our Lord the King ſhall have the firſt ſeiſin of their Lands, like as he was wont to have beforetime. Neither ſhall the Heir, nor any other, intrude into the ſame Inheritance, before he hath received it out of the King's hands, as the ſame Inheritance was wont to be taken out of his hands and his Anceſtors in times paſt. And this muſt be underſtood of Lands and Fees, the which were accuſtomed to be in the King's hands, by reaſon of Knights ſervice, or Serjeantry, or right of Patronage. St. 17 Ed.2.3. Rep. 12. Car. 2. cap. 24.

Primer ſeiſin. Stanf. Prærog. 11.

CAP. XVII.

The Authority and Duty of Guardians in Socage.

Fitz. waſt 1. 9, 100, 107. Dier f.137. Fitz. Ancient demeſn, 31. Fitz. Preſent. 10. Fitz. Brief, 847. Fitz. Garde, 166, 159. Plowd. f. 293. Fitz. Accompt. 2, 3, 35, 59, 60, 77, 107, 162. Co.Inſt. 89.a.

It is provided, That if Land holden in Socage be in the cuſtody of the friends of the Heir, becauſe the Heir is within age, the Guardians ſhall make no waſte, nor ſale, nor any deſtruction of the ſame Inheritance, but ſafely ſhall keep it to the uſe of the ſaid Heir; ſo that when he cometh to his lawful age, they ſhall anſwer to him for the Iſſues of the ſaid Inheritance by a lawful accompt, ſaving to the ſame Guardians their reaſonable coſts. (2) Neither ſhall the ſaid Guardians give or ſell the marriage of ſuch an Heir, but to the advantage of the foreſaid Heir. (3) But the next friends which had the Ward (for all that time that Writs of Impleading did not lye) ſhall have ſuch Wardſhip unto the advantage of the Heir, as is ſaid before, without waſte, ſale, or deſtruction making. Raſt. Pla. fol. 21, 618. V. N. B. fol. 58.

Wards 11. The authority and duty of Gardians in ſocage. F.N.B. f.112. 139. h. Coke Pla. fo. 47. Co. Inſt. 2 par. 135.

CAP. XVIII.

Who only may amerce for default of Common ſummons.

No Eſcheator, Commiſſioner, or Juſticer, ſpecially aſſigned to take Aſſiſes, or to hear and determine matters, from henceforth ſhall have power to amerce for default of Common ſummons, but the Chief Juſtices or the Juſtices in Eyre in their Circuits. Co. Inſt. 2 par. 136.

Amerciament 4. Authority to amerce.

CAP. XIX.

In which Courts none ſhall need to ſwear, to warrant their Eſſoins.

Fitz. Eſſoin. 119.

Touching Eſſoins, it is provided, that in Counties, Hundreds, or in Courts Barons, or in other Courts, none ſhall need to ſwear to warrant his Eſſoin. Co. Inſt. 2 par. 137.

Eſſoin 1. Raſt. pla. fo. 297.

CAP. XX.

None but the King ſhall hold Plea of Falſe Judgment.

Fitz. Faux Judgment, 7, 8, 10, 14, 26. Co. Inſt. 2 par. 138.

None from henceforth (except our Lord the King) ſhall hold in his Court any Plea of Falſe Judgment, given in the Court of his Tenants: For ſuch Plea ſpecially belongeth to the Crown and Dignity of our Lord the King. Regiſt. fol. 15. V. N. B. fol. 16. F. N.B. fol. 17. Raſt. pla. fol. 342. Coke pla. fol. 305.

Falſe Judgment 1. St. Ed. 3. 6.

CAP. XXI.

Who may take Replevins of Diſtreſſes.

Dyer f. 245. Bro. Riots, 2, 3, Bro. Parliament. 108. Fitz. Return de Viſcont, 17. Co. Inſt. 145. b. 13 Co. 31.

It is provided alſo, that if the Beaſts of any Man be taken, and wrongfully witholden, the Sheriff, after complaint made to him thereof, may deliver them, without let or gainſaying of him that took the Beaſts, if they were taken out of Liberties. (2) And if the Beaſts were taken within any Liberties, and the Bailiffs of the Liberty will not deliver them, then the Sheriff, for default of thoſe Bailiffs, ſhall cauſe them to be delivered. Regiſt. fol. 82, &c. Co. Inſt. 2 par. 139.

Replevin 1. Who may make Replevin of Beaſts diſtrained. St. 2 Ed. 1. 17. F. N. B. f. 68. V. N. B. fo. 44.

CAP. XXII.

None ſhall compel his Free-holder to anſwer for his Free-hold.

Co. Inſt. 2 par. 142.

None from henceforth may diſtrain his Free-holders to anſwer for their Free-holds, nor for any things touching the Free-hold, without the King's Writ: (2) Nor ſhall cauſe his Free-holders to ſwear againſt their wills; for no man may do that without the King's commandment, Stat. 15 R. 2. 12. St. 16. R. 2. 2. Regiſt. fol. 171.

Free-hold 1. Anſwer for free-hold, or Swearing.

CAP. XXIII.

A Remedy againſt Accomptants. Fermors ſhall make no Waſte.

Fitz. Brief, 791, 806. Fitz. Proceſs 203. Fitz. Exigent, 12. 2 Roll. 182.

It is proved alſo, That if Bailiffs, which ought to make accompt to their Lords, do withdraw themſelves, and have no Lands nor Tenements whereby they may be diſtrained; then they ſhall be attached by their bodies, ſo that the Sheriff, in whoſe Bailiwick

Accountant 1. Remedy againſt Accomptants. Raſt. pla. 14. St. 13 Ed. 1. 1. V. N. B. f. 58. F. N. B. 117. h.

they be found, ſhall cauſe them to come to make their accompt. Coke Inſt. 2. 143.

Waſte 1. Fermors ſhall make no waſte. Mirror 320. 2 Bulſtr.63.

II. Alſo Fermors, during their terms, ſhall not make waſte, ſale, nor exile of Houſe, Woods, and Men, nor of any thing belonging to the Tenements that they have to ferm, without ſpecial licenſe had by writing of Covenant, making mention, that they may do it: which thing if they do, and thereof be convict, they ſhall yield full damage, and ſhall be puniſhed by amerciament grievouſly. Stat.6 Ed.1.5. Regiſt.fo.72,136. F.N.B.fo.58.h. Raſt.pla.fo.689. Co. Inſt. 2 par.144.

Co. li.5.f.11. Dier f.281. Fitz. Waſte 12,22,30, 32,37,42, 43,46,47, 48,53,68, 69,76,78, 82,88. Co.l.4.f.65. li.11.f.81

CAP. XXIV.

For what cauſes Townſhips ought not to be amerced.

Coroners 17. Amercement of Towns in Eyre. Juſt. in Eyre, Raſt. 1. Enqueſts of the death of Man.

The Juſticers in Eyre from henceforth ſhall not amerce Townſhips in their Circuits, becauſe all being twelve years old came not afore the Sheriffs and Coroners, to make inquiry of Robberies, Burnings of Houſes, or other things pertaining to the Crown; ſo that there come ſufficient out of thoſe Towns, by whom ſuch Enqueſts may be made full, except Enqueſts for the death of man, whereat all being twelve years of age ought to appear, unleſs they have reaſonable cauſe of abſence.

Fitz. Waſt 11, 39, 53, 66, 72, 73, 101, 103, 12. Co. Inſt. 2 par. 147

CAP. XXV.

What kind of Manſlaughter ſhall be adjudged Murther.

Murthers 6. What is Murther.

Murther from henceforth ſhall not be judged before our Juſtices, where it is found miſfortune only; but it ſhall take place in ſuch as are ſlain by Felony, and not otherwiſe. Co.pla.fo.354. Co.Inſt.2 par.148. 2 Roll 120.

Plow.f.97. 473. Dier f. 128.

CAP. XXVI.

What day ſhall be given to him that is vouched to Warranty.

Voucher 7. What day ſhall be given to him that is voucher to warranty.

It is provided, that none, being vouched to Warranty before our Juſtices in Eyre, in Plea of Land or Tenement, ſhall be amerced from henceforth, becauſe he was not preſent when he was vouched to Warranty, except the firſt day of the coming of the Juſtices. But if the party vouched be within the Shire, then the Sheriff ſhall be commanded to cauſe him to come within the third or fourth day, according to the diſtance of the place, as it was wont to be done in the Circuit of the Juſtices. And if he dwell without the Shire, then he ſhall have reaſonable Summons of fifteen days at the leaſt, after the diſcretion of the Juſtices, and the Common Law. Raſt.pla.fo.187,&c.

Co. Inſt. 2 par. 142.

CAP. XXVII.

A Clerk bailed upon a Capital Offence, refuſeth to anſwer.

Mainprize, Raſt. 1. A Clerk bailed doth appear, but not anſwer.

If a Clerk, for any Crime or Offence touching the Crown, be arreſted, and after, by the Kings commandment, let to bail or replevied, ſo that they to whom he was let to bail, have him before our Juſtices: The Sureties from henceforth, nor they to whom he was let to bail, ſhall not be amerced (if they have his body before our Juſtices) although he will not anſwer before them, by reaſon of a Clerks priviledge, nor cannot by reaſon of his Ordinary. Stat.28 H.8.1. Stat.32 H.8.3.

Bro. Coron. 111. Co. Inſt. 2 par.152.

CAP. XXVIII.

Remedies for Succeſſors of Prelates for wrongs done to their Predeceſſors, or, &c.

Eccleſ. perſons 45. A remedy for Prelates for wrongs done in the time of their Predeceſſors, or during the vacation.

It is provided, that if any wrongs or treſpaſſes be done to Abbots or other Prelates of the Church, and they have ſued their right for ſuch wrongs, and be prevented with death before judgment given therein: their Succeſſors ſhall have Actions to demand the goods of their Church out of the hands of ſuch Treſpaſſers. (2) Moreover, the Succeſſors ſhall have like Action for ſuch things as were lately withdrawn by ſuch violence from their Houſe and Church, before the death of their Predeceſſors, though their ſaid Predeceſſors did not purſue their right during their lives. (3) And if any intrude into the Lands or Tenements of ſuch religious perſons in the time of vacation, of which lands their Predeceſſors died ſeiſed as in the right of their Church, the Succeſſors ſhall have a Writ to recover their ſeiſin. (4) And damages ſhall be awarded them, as in Aſſiſe of Novel diſſeiſin is wont to be. Regiſt. fo. 72, 125. F.N.B.fo.112. V.N.B fo.136. Raſt.pla.fo.381.

Fitz. Treſpaſs 205, 211, 237, 242. Fitz. Brief. 176, 269, 359, 623, 828. 2 H.4.4. Co. Inſt. 2 par.151.

CAP. XXIX.

In what caſe a Writ of Entry ſur diſſeiſin in the Poſt doth lye.

Entry 2. A Writ of Entry in the Poſt.

It is provided alſo, that if thoſe Alienations (whereupon a Writ of Entry was wont to be granted) hap to be made in ſo many degrees, that by reaſon thereof, the ſame Writ cannot be made in the form beforetimes uſed, the Plaintiff ſhall have a Writ to recover their ſeiſin, without making mention of the degrees, into whoſe hands ſoever the ſame thing ſhall happen to come by ſuch Alienations, and that by an original Writ to be provided therefore by the Council of our Lord the King. Regiſt.fo.228. V.N.B.fo.130. F.N.B.fo.191. D.K.192,201,203 Raſt.pla.fo.283.

Fitz. Cui in vita 23. Fitz. Entr. 9. 11,49,56, 65. Fitz. Brief, 284, 438, 469, 693, 812. Co. Inſt. 238 b. 239 a. 2 par.153.

Parliam. Br.

II. Anno 51 Henrici 3. A Statute intituled, Dictum de Kenelworth, viz. An Award, Agreement or Compoſition, made at Kenelworth between the King, his Noblemen and Commons. EXP.

Excommengment.

III. Anno 12 H.3. Sententia lata ſuper Chartas, viz. A Sentence of Curſe given by the Biſhops againſt the Breakers of the Great Charter, and the Charter of the Foreſt. EXP.

The Statute of *Weſtminſter* the Firſt, made at *Weſtm.* 25 *die Aprilis*, *An.* 3 *Ed.* 1. and *An. Dom.* 1275.

These be the Acts of King Edward, Son to King Henry, made at Weſtminſter at his firſt Parliament general after his Coronation, on the Monday of Eaſter utas, the third year of his Reign, by his Council, and by the aſſent of Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, and all the Commonalty of the Realm being thither ſummoned, becauſe our Lord the King had great zeal and deſire to redreſs the ſtate of the Realm things as required amendment, for the common profit of Holy Church and of the Realm. And becauſe the ſtate of Holy Church had been evil kept, and the Prelates and Religious Perſons of the Land grieved many ways, and the People otherwiſe intreated than they ought to be, and the Peace leſs kept, and the Laws leſs uſed, and the Offenders leſs puniſhed than they ought to be, by reaſon whereof the People of the Land feared the leſs to offend: the King hath ordained and eſtabliſhed theſe Acts under-written, which he intendeth to be neceſſary and profitable unto the whole Realm.

CAP. I.

The Peace of the Church and the Realm ſhall be maintained. Religious Houſes ſhall not be overcharged.

Co. Inſt. 2 par. 156.

Monaſtery, Raſt. 82. The Peace of the Church and the Realm ſhall be kept. Religious Houſes ſhall not be overcharged.

FIrſt, the King willeth and commandeth, that the Peace of Holy Church, and of the Land be well kept and maintained in all points, and that common right be done to all, as well poor as rich, without reſpect of perſons. (2) And becauſe that Abbeys and Houſes of Religion of the Land have been overcharged and ſore grieved, by the reſort of great men and other, ſo that their goods have not been ſufficient for themſelves, whereby they have been greatly hindred and impoveriſhed, that they cannot maintain themſelves nor ſuch charity as they have been accuſtomed to do: It is provided, that none ſhall come to eat or lodge in any Houſe of Religion of any others foundation than of his own at the coſts of the Houſe, unleſs he be required by the Governour of the Houſe before his coming thither. (3) And that none, at his own coſts, ſhall enter and come to lye there againſt the will of them that be of the Houſe. (4) And by this Statute the King intendeth not, that the grace of Hoſpitality ſhould be withdrawn from ſuch as need, nor that the Founders of ſuch Monaſteries ſhould over-charge, or grieve them by their often coming. (5) It is provided alſo, that none high nor low, by colour of kindred, affinity or alliance, or by any other occaſion, ſhall courſe in any Park, nor fiſh in any Pond, nor come to eat or lodge in the Houſe or Mannor of a Prelate, or any other Religious Perſon, againſt the will or leave of the Lord or his Bailiff, neither at the coſt of the Lord, nor at his own. (6) And if he come in or enter with the good-will, or againſt the will of the Lord or his Bailiff, he ſhall cauſe no door, lock nor window, nor nothing that is ſhut to be opened or broken by himſelf nor any other, nor no manner of victual nor other thing ſhall take by colour of buying nor otherwiſe; (7) and that none ſhall threſh Corn, nor take Corn, nor any manner of victual, nor other goods of a Prelate, man of Religion, nor any other Clerk, or lay-perſon, by colour of buying or otherwiſe, againſt the will and licenſe of him to whom the thing belongeth, or of the Keeper, be it within Market-town or without. (8) And that none ſhall take horſes, oxen, ploughs, carts, ſhips, nor barges, to make carriage, without the aſſent of him to whom ſuch things belong. And if he do it by the aſſent of the party, then incontinent he ſhall pay according to the covenant made between them. (9) And they that offend againſt theſe Acts, and thereof be attainted, ſhall be committed to the Kings Priſon, and after ſhall make fine, and be puniſhed according to the quantity and manner of the treſpaſs; and after as the King in his Court ſhall think convenient. (10) And it is to be known, that if they to whom ſuch treſpaſs was done will ſue for damages, they ſhall be thereto received, and the ſame ſhall be awarded and reſtored to the double. (11) And they that have done the treſpaſs ſhall be likewiſe puniſhed in the manner aboveſaid. And if none will ſue, the King ſhall have the ſuit, as for a thing committed againſt his commandment, and againſt his peace. (12) And the King ſhall make enquiry from year to year, what perſons do ſuch treſpaſſes, after as he ſhall think neceſſary and convenient. (13) And they that be indicted by ſuch Inqueſts ſhall be attached and diſtrained by that great diſtreſs, to come at a certain day containing the ſpace of a month into the King's Court, or where it ſhall pleaſe the King. (14) And if they come not at that day, they ſhall be diſtrained again of new by the ſame diſtreſs, for to come at another day, contaning the ſpace of ſix weeks at the leaſt, (15) and if they come not then, they ſhall be judged as attainted, and ſhall yield double damages (at the Kings ſuit) to ſuch as have taken hurt or damage, and ſhall make grievous fine after the manner of the treſpaſs. (16) And the King forbiddeth and commandeth that none from henceforth do hurt, damage or grievance to any Religious man or perſon of the Church, or any other, becauſe they have denied meat or lodging unto them, or becauſe that any complaineth in the Kings Court that he hath been grieved in any of the things above-mentioned. And if any do, and hereof be attainted, he ſhall incur the pein aforeſaid. (17) And it is further provided, that the points aforeſaid ſhall as well bind our Counſellors, Juſticers of Foreſts, and other Juſtices, as any other perſons, and that the aforeſaid points be maintained, obſerved and kept. (18) Likewiſe the King forbiddeth upon grievous forfeitures, that no Prelate, Abbot, Man of Religion or Bailiff of any of them, or of other, receive any man contrary to the form aforeſaid. (19) And that none ſhall ſend to the Houſe or Mannor of a man of Religion, or of any other perſon, his men, horſe or dogs, to ſojourn, nor none ſhall them receive; and he that doth (ſeeing the King hath commanded the contrary) ſhall be grievouſly puniſhed: (20) yet it is further provided, that the Sheriff from henceforth ſhall not lodge with any perſon, with any more than five or ſix horſes. And that they ſhall not grieve Religious men, nor other, by often coming and lodging, neither at their Houſes nor their Mannors. St. 9 Ed. 2. 11.

No Purveyance ſhall be made of a Prelate, without the owner's conſent. St. 14 Ed. 3. 1. Stat. 18 Ed. 3. 4. St. 2. R. 2. 3. Regiſt. fo. 98.

The puniſhment of the offenders.

A Prelate ſhall receive no lodgers. Raſt. pl f. 373.

A Sheriffs entertainment.

CAP. II.

A Clerk convict of Felony, delivered to the Ordinary, ſhall not depart without purgation.

Hob. 288. Chart. de Pardon, Br. 21.

Clergy, Raſt. 1. A Clerk convict of Felony ſhall not be delivered without purgation. St. 18 Eliz. 6.

IT is provided alſo, that when a Clerk is taken for guilty of Felony, and is demanded by the Ordinary, he ſhall be delivered to him according to the Privilege of Holy Church, on ſuch peril as belongeth to it after the cuſtom aforetimes uſed. (2) and the King admoniſheth the Prelates and enjoyneth them, upon the faith that they owe to him, and for the common profit and peace of the Realm, that they which be indicted of ſuch Offences by ſolemn Inqueſt of lawful men in the King's Court, in no manner ſhall be delivered without due purgation, ſo that the King ſhall not need to provide any other remedy therein. 23 H. 8. 11. Co. Inſt. 2 par. 164.

CAP. III.

No Penalty for an Eſcape before it be adjudged.

2 Aſſ. pl. 12. 27 Aſſ. pl. 1, 2, 27. 21 E. 4. f. 54. Co. Inſt. 2 par. 165. 1 Roll 92.

Eſcape 2. Nothing ſhall be taken for eſcape before it be judged.

IT is provided alſo, that nothing be demanded nor taken from henceforth, nor levied by the Sheriff, nor by any other, for the eſcape of a thief or a felon, until it be judged for an eſcape by the Juſtices in Eyre. (2) And he that otherwiſe doth, ſhall reſtore to him, or them that have payed it, as much as he or they have taken or received, and as much alſo unto the King. Regiſt.fo.184.

CAP. IV.

What ſhall be adjudged Wreck of the Sea, and what not.

Wrecks 2. Which ſhall be ſaid Wreck of the Sea, and how it ſhall be uſed. Raſt. pl. f.611.

CONcerning Wrecks of the Sea, it is agreed, that where a Man, a Dog, or a Cat eſcape quick out of the Ship, that ſuch Ship nor Barge, nor any thing within them, ſhall be adjudged Wreck, (2) but the goods ſhall be ſaved and kept by view of the Sheriff, Coroner, or the Kings Bailiff, and delivered into the hands of ſuch as are of the Town where the goods were found, (3) ſo that if any ſue for thoſe goods, and after prove that they were his, or periſhed in his keeping after a year and a day, they ſhall be reſtored to him without delay, and if not, they ſhall remain to the King, and be ſeiſed by the Sheriffs, Coroners, and Bailiffs, and ſhall be delivered to them of the Town, which ſhall anſwer before the Juſtices of the Wreck belonging to the King. (4) And where Wreck belongeth to another than to the King, he ſhall have it in like manner. (5) And he that otherwiſe doth, and thereof be attainted, ſhall be awarded to priſon, and make fine at the King's will, and ſhall yield damages alſo. (6) And if a Bailiff do it, and it be diſallowed by the Lord, and the Lord will not pretend any title thereunto, the Bailiff ſhall anſwer (if he have whereof) and if he have not whereof, the Lord ſhall deliver his Bailiffs body to the King. Stat.17 Ed.2.11.

Co.l.5.f.106. 5 Ed.3.f.3. 35 H.6.f.27. Bro. Wreck 1. Co. Inſt. 2 par.166. 2 Rol.157.

CAP. V.

There ſhall be no diſturbance of Free Elections.

Corporation 27. Elections ſhall be free.

AND becauſe Elections ought to be free, the King commandeth upon great forfeiture, that no man by force of arms, nor by malice or menacing ſhall diſturb any to make free Election. Stat.9 Ed.2.14. Co.Inſt.2 par.168.

Co.l.8.f.38, 39. Bro. Amercement 6, 9, 11, 13, 20, 25, 27, 28, 31, 32, 35, 37, 39, 43, 44.

CAP. VI.

Amerciaments ſhall be reaſonable, and according to the Offence.

Amerciaments 1. Amerciaments ſhall be reaſonable.

AND that no City, Borough, nor Town, nor any man be amerced without reaſonable cauſe, and according to the quantity of his Treſpaſs, that is to ſay, every Free-man, ſaving his Free-hold, a Merchant ſaving his Merchandize, a Villain ſaving his Waynage, and that by his or their Peers. Stat. H.3.14. V.N.B.fo.47. Regiſt.fo.187.

Co. Inſt. 2 par.169.

CAP. VII.

In what manner, and of whom, Purveyance ſhall be made for a Caſtle.

Purveyance 6. Purveyance for a Caſtle.

OF Priſes taken by Conſtables, or Caſtellains, upon ſuch folk as be not of the Town where the Caſtle is, it is provided, that no Conſtable nor Caſtellain from henceforth exact any Priſe or like thing of any other then of ſuch as be of their Town or Caſtle: And that it be paid, or elſe agreement to be made within forty days, if it be not an ancient Priſe due to the King, or to the Caſtle, or to the Lord of the Caſtle. St.9 H.3.19. Alt.13 Car.2.c.8.

Fitz.Attach. 8. Bro. Attach. 13. Co. Inſt. 2 par.170.

CAP. VIII.

Nothing ſhall be taken for Beaupleader.

Beaupleader Raſt.2. Fair Pleading. St. 52 H.3.11. Stat. 1 Ed.3.8. F.N.B. 270. Regiſt.fo.179.

AND that nothing be taken for Fair Pleading, as hath been prohibited heretofore in the time of King Henry, Father to our Lord the King that now is. Co.Inſt.2 par.171.

CAP. IX.

All men ſhall be ready to purſue Felons.

Felony 38. Every perſon ſhall be ready to arreſt Felons. 4 Ed.1. Officium Coronat.

AND foraſmuch as the peace of this Realm hath been evil obſerved heretofore for lack of quick and freſh ſuit making after Felons in due manner, and namely becauſe of Franchiſes, where Felons are received: (2) it is provided that all generally be ready and apparelled at the commandment and ſummons of Sheriffs, and at the cry of the Country, to ſue and arreſt Felons (when any need is) as well within franchiſe as without, (3) and they that will not ſo do, and thereof be attainted, ſhall make a grievous fine to the King. (4) And if default be found in the Lord of the Franchiſe, the King ſhall take the ſame franchiſe to himſelf. (5) And if default be in the Bailiff, he ſhall have one years impriſonment, and after ſhall make a grievous fine. And if he have not whereof, he ſhall have impriſonment of two years. (6) And if the Sheriff, Coroner, or any other Bailiff within ſuch franchiſe, or without, for reward, or for prayer, or for fear, or for any manner of affinity, conceal, conſent, or procure to conceal the felonies done in their liberties, or otherwiſe will not attach nor arreſt ſuch Felons there (as they may) or otherwiſe will not do their office for favour born to ſuch miſdoers, and be attainted thereof, they ſhall have one years impriſonment, and after make a grievous fine at the King's pleaſure, if they have wherewith. And if they have not whereof, they ſhall have impriſonment of three years. Stat.13 E.3. 2 Seſſ.28 E.3.11. 7 R.2.6. 27 El.13. 39 El.25.

Co. Inſt. 2 par.172.

CAP. X.

What ſort of men ſhall be Coroners. Sheriffs ſhall have Counter-rolls with them.

Coroners 1. 16. What ſorts of perſons ſhall be Coroners. F.N.B.fo.163. St.28 Ed.3.6. Sheriff ſhall have Counter-rolls with Coroners. Coroners ſhall take nothing. Stat.1 H.8.7.

AND foraſmuch as mean perſons and undiſcreet, now of late, are commonly choſen to the Office of Coroners, where it is requiſite that perſons honeſt, lawful and wiſe ſhould occupy ſuch Offices: It is provided, that through all Shires ſufficient men ſhall be choſen to be Coroners, of the moſt wiſe and diſcreet Knights, which know, will, and may beſt attend upon ſuch Offices, and which lawfully ſhall attach and preſent Pleas of the Crown. (2) And that Sheriffs ſhall have Counter-rolls with the Coroners, as well of Appeals as of Enqueſts, of Attachments, or of other things which to that Office belong. (3) And that no Coroner demand nor take any thing of any man to do his Office, upon pein of great forfeiture to the King. Stat 4 Ed.1. St.2, pag.28. Officium Coronat. St.3 H.7.1. Co.Inſt.2 par.174.

2 Leon.162. 17 Aſſ.pl.5. 4 H.6.f.15. 27 Aſſ.pl.14.

CAP.

CAP. XI.

Replevin by the Writ of Odio & Atia. Who ſhall be Triers of Murther.

3 H. 7. f. 5. Co.li.9.f.56.

Amerciam. 3. Odio & Atia. What ſort of perſons ſhall be Jurors to try thoſe that be indicted of Murther.

AND foraſmuch as many being indicted of Murther, and culpable of the ſame, by favourable Inqueſts taken by the Sheriff, and by the Kings Writ of Odio & Atia, be replevied unto the coming of the Juſtices in Eyre: It is provided, that from henceforth ſuch Inqueſts ſhall be taken by lawful men choſen out by oath (of whom two at the leaſt ſhall be Knights) which by no affinity with the Priſoners, nor otherwiſe, are to be ſuſpected. St.9 H.3. 26. Stat.6 Ed.1.9. Regiſt.fo.133. Co.Inſt.2 par.177.

CAP. XII.

The Puniſhment of Felons refuſing lawful Trial.

Dyer f. 205, 241. Kelw.f.70. 1 H.4. f.2. 4Ed.4.f.11. 14 Ed.4.f.7. 21Ed.3 f.18. 40Aſſ.pl.40. Fitz. Coron. 233, 238, 359.

Felony 3. The puniſhment of Felons refuſing lawful trial.

IT is provided alſo, that notorious Felons, and which openly be of evil name, and will not put themſelves in Enqueſt of Felonies, that men ſhall charge them with before the Juſtices at the Kings ſuit, ſhall have ſtrong and hard impriſonment, as they which refuſe to ſtand to the Common Law of the Land. But this is not to be underſtood of ſuch Priſoners as be taken of light ſuſpicion. Co.Inſt.2 par.177.

CAP. XIII.

The Puniſhment of him that doth raviſh a Woman.

22Ed.4.f.22 Co. Inſt. 123. b. 2 par.1180. Hob. 91. 12 Co.37.

Rape 1. The puniſhment of him which raviſheth a Woman.

AND the King prohibiteth that none do raviſh, nor take away by force, any Maiden within age, neither by our own conſent nor without, nor any Wife or Maiden of full age, nor any other Woman againſt her will. (2) And if any do, at his ſuit that will ſue within forty days, the King ſhall do common right; (3) and if none commence his ſuit within forty days, the King ſhall ſue. (4) and ſuch as be found culpable, ſhall have two years impriſonment, and after ſhall fine at the Kings pleaſure. (5) And if they have not whereof, they ſhall be puniſhed by longer impriſonment, according as the treſpaſs requireth. St.13 Ed. 1.34. St.6 R.2.6. Regiſt. fo.97. Raſt.pla.fo.542.

CAP. XIV.

Appeal againſt the Principal and Acceſſary.

Co.l.9.f.119. Plow.f.97. 2 R.3.f.21. 5 H.7.f.19. 20Ed.4. f.7. 50Ed.3.f.19. 44 Aſſ.pl.16. 7 H.4.f.36. Fitz. Coron. 10, 12, 33.

Appeals of Felony 3. How an Appeal againſt the principal and Acceſſary ſhall be purſued.

AND foraſmuch as it hath been uſed in ſome Counties to outlaw perſons being appealed of commandment, force, aid or receipt within the ſame time that he which is appealed for the deed, is outlawed: It is provided and commanded by the King, that none be outlawed upon Appeal of commandment, force, aid or receipt, until he that is appealed of the deed be attainted: ſo that one like law be uſed therein through the Realm. (2) Nevertheleſs he that will ſo appeal, ſhall not, by reaſon of this, intermit or leave off to commence his Appeal at the next County againſt them, no more than againſt their Principals, which be appealed of the deed, but their Exigent ſhall remain, until ſuch as be appealed of the deed be attainted by outlawry or otherwiſe. Raſt.pla.fo.42,47,48. Co.Inſt.2 par.182.

CAP. XV.

Which Priſoners be mainpernable, and which not. The Penalty for unlawful bailment.

1 Roll. 134 192, 268, 313. 2 Roll. 78. Bro. Mainpr. 11, 56, 78. Dier f.170. Fitz. Mainpriſe 1.40. Bro.Mainpr. 54, 57, 59, 60, 75, 78, 81. Co.l.11.f.29. Fitz. Mainpriſe 39. Bro.Main.6, 9, 11, 19, 22, 30, 48, 50, 51, 53, 58, 63, 64, 73, 78, 91, 94, 97.

Mainpriſe 1. What ſort of offenders be not mainpernable. Latch. 12.

AND foraſmuch as Sheriffs, and other, which have taken and kept in priſon perſons detected of Felony, and incontinent have let out by Replevin ſuch as were not repleviſeable, and have kept in priſon ſuch as were repleviſeable, becauſe they would gain of the one party, and grieve the other: (2) And foraſmuch as before this time it was not determined, which perſons were repleviſable, and which not, but only thoſe that were taken for the death of man, or by commandment of the King, or of his Juſtices, or for the Foreſt: (3) It is provided, and by the King commanded, that ſuch Priſoners as before were outlawed, and they which have abjured the Realm, provors and ſuch as be taken with the manner, and thoſe which have broken the Kings Priſon, Thieves openly defamed and known, and ſuch as be appealed by provors ſo long as the provors be living (if they be not of good name) and ſuch as be taken for houſe-burning feloniouſly done, or for falſe Mony, or for counterfeiting the Kings Seal, or perſons Excommunicate, taken at the requeſt of the Biſhop, or for manifeſt offences, or for treaſon touching the King himſelf, ſhall be in no wiſe repleviſable by the common Writ, nor without Writ: (4) But ſuch as be indicted of Larceny by Enqueſts taken before Sheriffs or Bailiffs by their Office, or of light ſuſpicion, or for petty Larceny, that amounteth not above the value of xii d. if they were not guilty of ſome other Larceny aforetime, or guilty of receipt of Felons, or of commandment or force, or of aid in felony done, or guilty of ſome other treſpaſs for which one ought not to loſe life nor member, and a man appealed by a provor after the death of the provor (if he be no common thief nor defamed) ſhall from henceforth be let out by ſufficient ſurety, whereof the Sheriff will be anſwerable, and that without giving ought of their goods. (5) And if the Sheriff, or any other, let any go at large by ſurety, that is not repleviſable, if he be Sheriff or Conſtable, or any other Bailiff of fee, which hath keeping of priſons, and thereof be attainted, he ſhall loſe his fee and office for ever. (6) And if the Under-ſheriff, Conſtable, or Bailiff of ſuch as have fee for keeping of priſons, do it contrary to the will of his Lord, or any other Bailiff being not of fee, they ſhall have three years impriſonment, and make fine at the Kings pleaſure. (7) And if any withhold priſoners repleviſable, after that they have offered ſufficient ſurety, he ſhall pay a grievous amerciament to the King. (8) And if he take any reward for the deliverance of ſuch, he ſhall pay double to the priſoner, and alſo ſhall be in the great mercy of the King. St.27 E.1.3. St.3 H 7.3. 1 & 2 P.& M. 13 Co.Inſt.2 par.184.

What ſort of offenders be not mainpernable 2 Bulſtr.328. 3 Bulſtr.113.

The penalty for unlawful mainpriſe. F. N. B. f. 40.

The penalty for detaining a Priſoner that is mainpernable. U.N.B.f.41. Regiſt.fo.83, 268.

CAP. XVI.

None ſhall diſtrain out of his Fee, nor drive the Diſtreſs out of the County.

30 Aſſ.pl.38. 2 H.6. f. 3. Kel. fo. 50. Fitz.Avowry 192.

Diſtreſs 1. A Diſtreſs ſhall not be driven out of the County.

IN right thereof that ſome perſons take and cauſe to be taken the beaſts of other, chaſing them out of the Shire where the beaſts were taken: It is provided alſo, that none from henceforth do ſo: (2) and if any do, he ſhall make a grievous fine, as is contained in the Statute of Marlebridge, made in the time of King Henry, Father to the King that now is. (3) And likewiſe it ſhall be done to them which take Beaſts wrongfully, and diſtrain out of their fee; and ſhall be more grievouſly puniſhed, if the manner of the Treſpaſs do ſo require. St. 52 H. 3.4. St. 1 & 2 P. & M. 12. F.N.B. fo. 89. B. 90. A. Regiſt. fo. 97, 183.

Diſtraining out of his Fee.

Co. Inſt. 2 par. 191. 7 H. 7. f. 1.

CAP. XVII.

The remedy if a Diſtreſs be Impounded in a Caſtle or Fortreſs.

Diſtreſs 4. The remedy if a Diſtreſs be detained in a Caſtle or Fort.

St. 52 H. 3. 3. St. 13 Ed. 1. 39. V.N.B. fo. 43, 44. Regiſt. fo. 85.

13 Co. 31. Co. Inſt. 2 par. 192. Bro. Riot 2, 3

IT is provided alſo, That if any from henceforth take the beaſts of other, and cauſe them to be driven into a Caſtle or Fortreſs, and there within the cloſe of ſuch Caſtle or Fortreſs, do withhold them againſt gage and pledges, whereupon the beaſts ſo ſolemnly demanded by the Sheriff, or by ſome other Bailiff of the Kings at the ſuit of the Plaintiff, the Sheriff or Bailiff, taking with him the power of the Shire or Bailiwick, do Aſſay to make Replevin of the beaſts from him that took them, or from his Lord or from other being ſervants of the Lord (whatſoever they be) that are found in the place whereunto the beaſts were chaſed: if any deforce him of the deliverance of the beaſts, or that no man be found for the Lord or for him that took them, for to anſwer and make the deliverance, after ſuch time as the Lord or Taker ſhall be admoniſhed to make deliverance by the Sheriff or Bailiff, if he be in the country, or near, or there whereas he may be conveniently warned by the Taker, or by any other of his to make deliverance, (2) if he were out of the country when the taking was, and did not cauſe the beaſts to be delivered incontinent, that the King, for the treſpaſs and deſpite, ſhall cauſe the ſaid Caſtle or Fortreſs to be beaten down without recovery: (3) And all the damages that the Plaintiff hath ſuſtained in his beaſts, or in his gainure, or any otherwiſe (after the firſt demand made by the Sheriff or Bailiff of the beaſts) ſhall be reſtored to him double by the Lord, or by him that took the beaſts, if he have whereof: (4) and of he have not whereof, he ſhall have it of the Lord, at what time or in what manner the deliverance be made after that the Sheriff or Bailiff ſhall come to make deliverance. (5) And it is to wit, that where the Sheriff ought to return the Kings Writ to the Bailiff of the Lord of the Caſtle or Fortreſs, or to any other to whom the return belongeth, if the Bailiff of the Franchiſe will not make deliverance after that the Sheriff hath made his return unto him, then ſhall the Sheriff do his Office without further delay, and upon the foreſaid peins. (6) And in like manner deliverance ſhall be made by Attachment of the Plaintiff made without Writ, and upon the ſame pein. (7) And this is to be intended in all places where the King's Writ lieth. (8) And if that be done in the Marches of Wales, or in any other place where the King's Writs be not currant, the King, which is Sovereign Lord over all, ſhall do right there unto ſuch as will complain.

A Non omittas to the Sheriff, if the Bailiff do not execute the Writ.

St. 52 H. 3. 21. Regiſt. fo. 81. F.N.B. fo. 68. F.

Marches of Wales.

CAP. XVIII.

Who ſhall aſſeſs the common Fines of the County.

Juſtices in Eyre, Raſt. 2. **By whom the common Fine ſhall be aſſeſſed.**

Co. li. 8. f. 37. Co. Inſt. 2 par. 196. Co. l. 8. f. 39.

FOraſmuch as the common Fine and Amerciament of the whole County in Eyre of the Juſtices for falſe judgments, or for other treſpaſs, is unjuſtly aſſeſſed by Sheriffs and Barretors in the Shires, ſo that the ſum is many times increaſed, and the parcels otherwiſe aſſeſſed then they ought to be, to the damage of the people, which be many times paid to the Sheriffs and Barretors that cannot acquit them: (2) It is provided, and the King will, that from henceforth ſuch ſums ſhall be aſſeſſed before the Juſtices in Eyre, afore their departure, by the Oath of Knights and other honeſt men, upon all ſuch as ought to pay: (3) And the Juſtices ſhall cauſe the parcels to be put into their eſtreats, which ſhall be delivered up unto the Exchequer, and not the whole ſum.

CAP. XIX.

Accomptant 2.

A Sheriff, having received the King's debt, ſhall diſcharge the Debtor.

Sheriffs. Debt. A Sheriff having received the King's debt, ſhall diſcharge the debtor.

St. 51 H. 3. St. Weſtm. 4.

Proceſs for levying of the Kings debt ſhall be ſhewed to the debtor.

St. 42 Ed. 3. 9. St. 7 H. 4. 3.

Forreſts 3.

*Co. Inſt. 2 par. 200. Hob. 95.

Co. Inſt. 2 par. 197.

IN right of the Sheriffs or other which anſwer by their own hands unto the Exchequer, and which have received the Kings Father's debts, or the King's own debts before this time, and have not acquitted the debtors in the Exchequer: (2) It is provided, that the King ſhall ſend good and lawful men through every Shire, to hear all ſuch as will complain thereof, and to determine the matters there, (3) and that all ſuch as can prove that they have paid, ſhall be thereof acquitted for ever (whether the Sheriffs or other be living or dead) in a certain form that ſhall be delivered them; (4) And ſuch as have not ſo done (if they be living) ſhall be grievouſly puniſhed; (5) And if they be dead, their heirs ſhall anſwer, and be charged with the debt. (6) And the King hath commanded, that Sheriffs and other aforeſaid, ſhall from henceforth lawfully acquit the debtors at the next accompt after they have received ſuch debts, and then the debt ſhall be allowed in the Exchequer, ſo that it ſhall no more come in the ſummons. (7) And if the Sheriff otherwiſe do, and thereof be attainted, he ſhall pay to the plaintiff thrice as much as he hath received, and ſhall make fine at the Kings pleaſure. (8) And let every Sheriff take heed that he have ſuch a Receiver for whom he will anſwer: for the King will be recompenſed of all the Sheriffs and their heirs. (9) And if any other that is anſwerable to the Exchequer by his own hands ſo do, he ſhall render thrice ſo much to the Plaintiff, and make fine in like manner. (10) And that the Sheriffs ſhall make tallies to all ſuch as have paid their debt to the King, (11) and that the ſummons of the Exchequer be ſhewed to all debtors that demand a ſight thereof, without denying to any, and that without taking any reward, and without giving any thing; and he that doth contrary, the King ſhall puniſh him grievouſly.

Co. Inſt. 2 par. 198. Kel. fo. 39, 202.

CAP. XX.

Offences committed in Parks and Ponds. Robbing of tame Beaſts in a Park.

The puniſhment for offences committed in Parks and Ponds.

Regiſt. fo. 80, 111. F.B.N. f. 67. D. V.N.B. fo. 41. Raſt. pl. f. 651, &c.

Dyer f. 238. 30 Ed. 3. f. 11. 47 E. 3. f. 10. 9 H. 6. f. 2. 5 H. 5. f. 1. 19 H. 8. f. 9. 18 H. 6. f. 21. 21 H. 7. f. 21. 13 H. 7. f. 10, 12. Fitz. Bar 83.

IT is provided alſo for Treſpaſſers in Parks and Ponds, that if any be thereof attainted at the ſuit of the party, great and large amends ſhall be * awarded according to the treſpaſs, and ſhall have three years impriſonment, and after ſhall make fine at the Kings pleaſure (if he have whereof) and then ſhall find good ſurety, that after, he ſhall not commit like treſpaſs; (2) And if he have not whereof to make fine, after three years impriſonment, he ſhall find like ſurety:

2 Ed.4.4.b. 14 E.4.14.

ſurety: and if he cannot find like ſurety, he ſhall abjure the Realm. (3) And if any being guilty thereof be fugitive, and have no land nor tenement ſufficient (whereby he may be juſtified) ſo ſoon as the King ſhall find it by Enqueſt, he ſhall be proclaimed from County to County; and if he come not, he ſhall be outlawed. (4) It is provided alſo and agreed, that if none do ſue within a year and a day for the treſpaſs done, the King ſhall have the ſuit. (5) And ſuch as be found guilty thereof by Enqueſt, ſhall be puniſhed in like manner in all points as above is ſaid. (6) And if any ſuch treſpaſſer be attainted, that he hath taken tame beaſts, or other thing, in his Parks by manner of robbery, in coming, tarrying, or returning, let the Common Law be executed upon him, as upon him that is attainted of open theft and robbery, as well at the ſuit of the King as of the party. Stat.9 H.3.10. St.1 Ed.3.8.1 Seſſ. St.1 H.7.7.

CAP. XXI.

No Waſte ſhall be made in Wards Lands; nor in Biſhops, during the vacation.

Bro: Waſt 32,37,49, 68,107,135 Co.Inſt.54.2

Bro.Waſt.58.

IN Right of Lands of Heirs being within age, which be in Ward of their Lords: it is provided, that the Guardians ſhall keep and ſuſtain the Land, without making deſtruction of any thing. (2) And that of ſuch manner of Wards ſhall be done in all points as is contained in the great Charter of Liberties made in the time of King Henry, Father to the King that now is, and that it be ſo uſed from henceforth. (3) And in the ſame manner ſhall Archbiſhopricks, Biſhopricks, Abbacies, Churches, and all ſpiritual Dignities be kept in time of vacation. St.9 H.3.4. St.6 Ed.1.5. St.13 Ed.1.14. St.28 Ed.1.18. St.36 Ed.3.13. Co.Inſt.2 par.201.

Wards 10. Waſte ſhall not be done in Wards or Biſhops Lands. Regiſt. fo.72. F.N.B.f.59 a.b. V.N.B.fo.37.

CAP. XXII.

The Penalty of an Heir marrying without conſent of his Guardian. A Woman Ward.

Co. Inſt. 2 par. 202. Co.El. 469.

Fitz. Gard. 59, 71. Bro. Gard 86. Co.l.6 f.71.

OF Heirs married within age, without the conſent of their Guardians, afore that they be paſt the age of fourteen years, it ſhall be done according as it is contained in the Statute of Merton. (2) And of them that ſhall be married without the conſent of their Guardians, after they be paſt the age of xiv. years, the Guardian ſhall have the double value of their marriage, after the tenour of the ſame Act. (3) Moreover, ſuch as have withdrawn their marriage, ſhall pay the full value thereof unto their Guardian for the Treſpaſs, and nevertheleſs the King ſhall have the like amends, according to the ſame Act, of him that hath ſo withdrawn. (4) And all Heirs females, after they have accompliſhed the age of fourteen years, and the Lord (to whom the marriage belongeth) will not marry them, but for covetiſe of the Land, will keep them unmarried: It is provided, that the Lord ſhall not have nor keep, by reaſon of marriage, the Lands of ſuch Heirs females more than two years after the term of the ſaid fourteen years. (5) And if the Lord within the ſaid two years do not marry them, then ſhall they have an Action to recover their Inheritance quite, without giving any thing for their Wardſhip, or their Marriage. (6) And if they of malice, or by evil counſel, will not be married by their chief Lords (where they ſhall not be diſparaged) then their Lords may hold their Land and Inheritance until they have accompliſhed the age of an Heir male, that is to wit, of one and twenty years, and further, until they have taken the value of the Marriage. Stat.13 Ed.1.35. Regiſt.fo.161.Rep. 12 Car.2.cap.24.

Wards 13. Merton cap.6. The Penalty of a Ward marrying without conſent of his Guardian. Regiſt. judg. fol. 88. F.N.B. fo.141. V.N.B.fo.89. Raſt. Pla.f.356. Co.pl.f.162. When an heir female ſhall be out of Ward. V.N.B. 116. The penalty of a Ward refuſing a marriage tendred.

CAP. XXIII.

None ſhall be diſtrained for a debt that he oweth not.

Co. Inſt. 2 par.204.

IT is provided alſo, that in no City, Borough, Town, Market, or Fair, there be no forein perſon (which is of this Realm) diſtrained for any debt whereof he is not debtor or pledge. And whoſoever doth it ſhall be grievouſly puniſhed, and without delay the diſtreſs ſhall be delivered unto him by the Bailiff of the place, or by the King's Bailiffs, if need be.

Debt 1. A ſtranger ſhall not be diſtrained for debt.

CAP. XXIV.

The remedy if an Officer of the King do diſſeiſe any.

Fitz. Aſſiſe 373. Fitz. Diſſeiſin 10. 7 H.4. f.46.

IT is provided alſo, that no Eſcheator, Sheriff, nor other Bailiff of the King, by colour of his Office, without ſpecial warrant or commandment, or authority certain pertaining to his Office, diſſeiſe any man of his free-hold, nor of any thing belonging to his free-hold. (2) And if any do, it ſhall be at the election of the Diſſeiſee, whether that the King by Office ſhall cauſe it to be amended at his complaint, or that he will ſue at the Common Law by a Writ of Novel diſſeiſin; (3) and he that is attainted thereof ſhall pay double damages to the Plaintiff, and ſhall be grievouſly amerced unto the King. St.1 R.2.9. V.N.B fo.106. Co.Inſt.2 par. 206.

Aſſiſe 4. No Officer of the Kings ſhall diſſeiſe any.

CAP. XXV.

None ſhall commit Champerty, to have part of the thing in queſtion.

9 H.7.f 18. 15 H.7. f.2. 3 H.6. f. 53. 31 H.6.f.8.

NO Officer of the King by themſelves, nor by other, ſhall maintain pleas, ſuits, or matters hanging in the King's Courts for Lands, Tenements, or other things, for to have part or profit thereof by Covenant made between them; and he that doth, ſhall be puniſhed at the Kings pleaſure. St.13 Ed.1.49. St.28 Ed.1.11. St.33 Ed.1. of Champerty. V N.B. fo. 180. F.N.B. 172. Raſt.pla.fo.119. Co Inſt.2 par.207.

Maintenance 5. None ſhall commit Champerty. Regiſt.fo 182. Regiſt jud.f.57.

CAP. XXVI.

None of the King's Officers ſhall commit Extortion.

Co.Inſt.308. b. 2 par.209.

ANd that no Sheriff, nor other the King's Officer, take any reward to do his Office, but ſhall be paid of that which they take of the King: and he that ſo doth, ſhall yield twice as much, and ſhall be puniſhed at the King's pleaſure. St.23 H.6.10.

Extortion 1. No Officer ſhall commit Extortion. Raſt.pl f 317.

C A P. XXVII.

Clerks or Officers ſhall not commit Extortion.

Extortion, Raſt. 2. Clerks ſhall not commit Extortion.

AND that no Clerk of any Juſticer, Eſcheator, or Enquiror, ſhall take any thing for delivering Chapiters, but only Clerks of Juſtices in their Circuits, and that ij s. and no more. (2) Of every Wapentake, Hundred or Town that anſwereth by twelve, or by ſix, according as it hath been uſed of old time. (3) And he that doth contrary ſhall pay thrice ſo much, as he hath taken, and ſhall loſe the ſervice of his Maſter for one year. Co.Inſt.2 par. 210.

Bro. Deceit 28.

C A P. XXVIII.

Clerks ſhall not commit Maintenance.

Maintenance 2. There ſhall be no maintenance of any matter depending in the Kings Court. St.28 Ed. 1.11. St.1 Ed.3.14. St.4 Ed.3.11. St.20 Ed.3.4. St.1 R.2.4. Regiſt. fo.182, 189. F.N.B.fo. 172. V.N.B.fo.180.

AND that none of the King's Clerks, nor of any Juſticer, from henceforth ſhall receive the Preſentment of any Church, for the which any plea or debate is in the Kings Court, without ſpecial licenſe of the King; and that the King forbiddeth, upon pein to loſe the Church and his Service. And that no Clerk of any Juſtice or Sheriff, take part in any quarrels or matters depending in the Kings Court, nor ſhall work any fraud whereby common right may be delayed or diſturbed: and if any ſo do, he ſhall be puniſhed by the pein aforeſaid, or more grievouſly, if the treſpaſs do ſo require. Raſt.pla.fo.119,427,&c.

C A P. XXIX.

The Penalty of a Serjeant or Pleader committing Deceit.

Deceit 1. The penalty of a Pleader committing deceit in Court.

IT is provided alſo, that if any Serjeant, Pleader, or other, do any manner of deceit or colluſion in the Kings Court, or conſent unto it, in deceit of the Court, or to beguile the Court, or the party, and thereof be attainted, he ſhall be impriſoned for a year and a day, and from thenceforth ſhall not be heard to plead in that Court for any man. (2) And if he be no Pleader, he ſhall be impriſoned in like manner by the ſpace of a year and a day at the leaſt. And if the treſpaſs require greater puniſhment, it ſhall be at the Kings pleaſure. Palmer 288.

Bro. Deceit, 28. Co. Inſt. 2 par.212. Co.Inſt. 2 par.213. P.20 Jacobi, Serjeant Richardſons caſe.

C A P. XXX.

Extortion by Juſtices Officers.

St.8 R.2.4. St.10 H.6.4. 18 H.6.9. Raſt. pl.fo.2. 11 Ed.4.3.b. 16 Ed.4.5. Extortion 2. 11 Ed.4.3.b. 16 Ed.4.5.b. Extortion by Juſtices Officers. Co.Inſt.4 par. 101.

AND foraſmuch as many complain themſelves of Officers, Cryers of fee, and the Marſhals of Juſtices in Eyre, taking mony wrongfully of ſuch as recover ſeiſin of Land, or of them that obtain their Suits, and of Fines levied, and of Jurors, Towns, Priſoners, and of others attached upon Pleas of the Crown, otherwiſe than they ought to do in divers manners. (2) And foraſmuch as there is a greater number of them than their ought to be, whereby the people are ſore grieved; the King commandeth that ſuch things be no more done from henceforth. (3) And if any Officer of fee doth it, his Office ſhall be taken into the Kings hand. (4) And if any of the Juſtices Marſhals do it, they ſhall be grievouſly puniſhed at the Kings pleaſure; (5) and as well the one as the other ſhall pay unto the Complainants the treble value of that they have received in ſuch manner.

C A P. XXXI.

The Penalty for taking exceſſive Toll in a City, &c. Murage granted to Cities.

Toll 1. The penalty of taking of Toll. F.B.N. f.94.F.

TOuching them that take outragious Toll, contrary to the common cuſtom of the Realm, in Market-towns: It is provided, that if any do ſo in the Kings Town, which is let in Fee-ferm, the King ſhall ſeiſe into his own hand the Franchiſe of the Market: And if it be anothers Town, and the ſame be done by the Lord of the Town, the King ſhall do in like manner: (2) and if it be done by a Bailiff, or any mean Officer, without the commandment of his Lord, he ſhall reſtore to the Plaintiff as much more for the outragious taking, as he had of him, if he had carried away his Toll, and ſhall have forty days impriſonment. (3) Touching Citizens and Burgeſſes to whom the King or his Father hath granted Murage to encloſe their Towns, which take ſuch Murage otherwiſe than it was granted unto them, and thereof be attainted: It is provided, that they ſhall loſe their Grant for ever, and ſhall be grievouſly amerced unto the King. St.Magn.Chart.cap.30. Weſtm.2.cap.25.

Murage.

44 E.3. f.20 43 Ed.3. f.29. 41 Ed.3. f. 24. Co.Inſt. 2 par.219. 2 Roll 148.

C A P. XXXII.

The Penalty of Purveyors not paying for what they take. The Kings Carriages.

Purveyors 7. The penalty of Purveyors not paying for what they take. 28 Ed.1.2.

OF ſuch as take victual or other things to the Kings uſe upon credence, or to the Garriſon of a Caſtle, or otherwiſe, and when they have received their payment in the Exchequer, or in the Wardrobe, or other-where, they withhold it from their Creditors, to their great damage, and ſlander of the King: It is provided, for ſuch as have Lands or Tenements, that incontinent it ſhall be levied of their Lands, or of their Goods, and paid unto their Creditors, with the damages they have ſuſtained, and ſhall make fine for the Treſpaſs; and if they have no Lands nor Goods, they ſhall be impriſoned at the Kings will. (2) And of ſuch as take part of the Kings debts, or other rewards of the Kings Creditors, for to make payment of the ſame debts: It is provided, that they ſhall pay the double thereof, and be grievouſly puniſhed at the Kings pleaſure. (3) And of ſuch as take horſe or cart for the Kings Carriage more than need, and take rewards to let ſuch Horſe or Carts go: It is provided, that if any of the Court ſo do, he ſhall be grievouſly puniſhed by the Marſhals: (4) and if it be done out of the Court, or by one that is not of the Court, and be thereof attainted, he ſhall pay treble damages, and ſhall remain in the Kings priſon forty days. Co.Inſt. 2 par.223.

Taking of Horſes and Carts for the King. Stat.20 R.2.5. St.28 H.6.2.

C A P. XXXIII.

No maintainers of Quarrels ſhall be ſuffer'd.

County, Raſt. 3. No maintainers of quarrels ſhall be ſuffered. Barretors.

IT is provided, that no Sheriff ſhall ſuffer any Barretors or Maintainers of Quarrels in their Shires, neither Stewards of great Lords, nor other (unleſs he be Attorney for his Lord) to make ſuit, nor to give judgments in the Counties, nor to pronounce the judgments, if he be not ſpecially required and prayed of all the Suitors, and Attorneys of the Suitors which ſhall

Co.I 8. f.36.

ſhall be at the Court. And if any do, the King ſhall puniſh grievouſly both the Sheriff and him that ſo doth.

CAP. XXXIV.

None ſhall report ſlanderous News whereby Diſcord may ariſe.

Leon.287. ier f.155. Aſſ.pl.19 o. Inſt: par.225. Co.133. Roll 444. ley 57.

Foraſmuch as there have been oftentimes found in the Country deviſors of Tales, whereby diſcord, or occaſion of diſcord hath many times ariſen between the King and his People, or great men of this Realm: For the damage that hath and may thereof enſue, it is commanded, that from henceforth none be ſo hardy to tell or publiſh any falſe News or Tales, whereby diſcord or occaſion of diſcord, or ſlander may grow between the King and his People, or the great men of the Realm. (2) And he that doth ſo ſhall be taken and kept in priſon, until he hath brought him into the Court which was firſt author of the Tale. St. 2 R.2.5. St.12 R.2.11. 1 & 2 P.& M. 3. 1 El.6. Townſend's Table, 36.col.2.

News 1. Reporting of ſlanderous tales. 3 Bulſtr. 225. Palm. 565.

CAP. XXXV.

The penalty for Arreſting within a Liberty thoſe that hold not thereof.

Co. Inſt. par.229. 3 Co.31.

Of great men and their Bailiffs, and other, (the Kings Officers only excepted, unto whom ſpecial authority is given,) which at the complaint of ſome, or by their own authority, attach other paſſing through their Juriſdiction with their goods, compelling them to anſwer afore them upon Contracts, Covenants and Treſpaſſes done out of their power and their Juriſdiction, where indeed they hold nothing of them, nor within the Franchiſe (where their power is) in prejudice of the King and his Crown, and to the damage of the people: It is provided, that none from henceforth ſo do. (2) And if any do, he ſhall pay to him that by this occaſion ſhall be attached his damages double, and ſhall be grievouſly amerced to the King. Regiſt.fo.98.

Arreſts 2. Arreſting a ſtranger within a Liberty.

CAP. XXXVI.

3 Co.27, 28,29. Roll 157, 165.

Aid to make the Son Knight, or to marry the Daughter. St. 25 Ed.3.11. 5 Seſſ. Regiſt. fo.87. F.N.B. fo.82.B. 122.G. Co.Inſt.2 par. 231. Rep. 12 Car.2.cap.24.

Aid 1.

CAP. XXXVII.

The Penalty of a man attainted of Diſſeiſin with Robbery in the King's time.

Fitz. Damages 10. 14 H.7. f.15. 5 H.7. f. 5.

It is provided alſo and agreed, that if any man be attainted of Diſſeiſin done in the time of the King that now is, with Robbery of any manner of goods and moveables, and be found againſt him by Recogniſance of Aſſiſe of Novel diſſeiſin, the Judgment ſhall be ſuch that the Plaintiff ſhall recover his ſeiſin, and his damages as well of the goods and moveables aforeſaid, as for the Free-hold; (2) and the Diſſeiſor ſhall make fine, which whether he be preſent or not (ſo it be preſented) ſhall firſt be awarded to priſon. (3) And in like manner it ſhall be done of diſſeiſin, with force and arms, although there be no robbery. V.N.B.f.106. Co.Inſt.2 par. fo.235.

Aſſiſe Raſt. 3. The Penalty of a Diſſeiſor with robbery or force.

CAP. XXXVIII.

An Attaint ſhall be granted in Plea of Land touching Free-hold.

Co. Inſt. 2 par.237. 44 Ed. 3.f 2.

Foraſmuch as certain people of this Realm doubt very little to make a falſe Oath (which they ought not to do) whereby much people are diſherited and loſe their right: (2) It is provided, that the King, of his Office, ſhall from henceforth grant Attaints upon Enqueſts in Plea of Land, or of Free-hold, or of any thing touching Free-hold, when it ſhall ſeem to him neceſſary. St.1 Ed.3.6. 5 Ed.3.6, & 7.28 Ed.3.8. 34 Ed.3.7.

Attaint 12. Attaint in Plea of Land. V. N. B. f48. 111. F.N.B.fo.105. Regiſt. f.122. Raſt. Pla. f.84.

CAP. XXXIX.

Several Limitations of Preſcription in ſeveral Writs.

Co. Inſt. 2 par.337. Co.Inſt.114, 115.

And foraſmuch as it is long time paſſed ſince the Writs under-named were limited: It is provided, that in conveighing a Deſcent in a Writ of Right, none ſhall preſume to declare of the ſeiſin of his Anceſtor, further or beyond the time of King Richard, Uncle to King Henry, Father to the King that now is; (2) and that a Writ of Novel diſſeiſin, of Partition, which is called Nuper obiit, have their limitation ſince the firſt voyage of King Henry, Father to the King that now is in Gaſcoin. (3) And that Writs of Mortdaunceſtor, of Coſinage, of Aiel, of Entry, and of Nativis, have their limitation from the coronation of the ſame King Henry, and not before. (4) Nevertheleſs all Writs purchaſed now by themſelves, or to be purchaſed between this and the Feaſt of St. John for one year compleat, ſhall be pleaded from as long time as heretofore they have been uſed to be pleaded. St.20.H.3.8. 32 H.8.2. 21 Jac.16.

Limitation 1. Limitation of preſcription in certain caſes.

CAP. XL.

Voucher to Warranty, and Counterpleading of Voucher.

Co. Inſt. 2 par.239.

Bro. Parl.34. Fitz. Counterplea de voucher, 78, 81,82,83, 89,96,98, 100.

Foraſmuch as many people are delayed of their right by falſe vouching to warranty: It is provided, that in Writs of Poſſeſſion, firſt in Writ of Mortdaunceſtor, of Coſinage, of Aiel, Nuper obiit, of Intruſion, and other like Writs, whereby Lands or Tenements are demanded, which ought to deſcend, revert, remain, or eſcheat by the death of any Anceſtor, or otherwiſe, if the Tenant vouch to Warranty, and the Demandant counterpleadeth him, and will aver by Aſſiſe, or by the Country, or otherwiſe, as the Court will award, that the Tenant or his Anceſtor (whoſe heir he is) was the firſt that entred after the death of him of whoſe ſeiſin he demandeth: The Averment of the Demandant ſhall be received, if the Tenant will abide thereupon; (2) and if not, he ſhall be further compelled to another Anſwer, if he have not his Warrant or Preſent, that will warrant him freely, and incontinent enter into the Warranty. Saving unto the Demandant his exceptions againſt him, if he will vouch further, as he had before againſt the firſt Tenant. (3) From henceforth in all manner of Writs of Entry, which make mention of degrees, none ſhall vouch out of the line, or in other Writs of Entry, where no mention is made of degrees, which Writ ſhall not be maintained, but in caſes

Voucher 2. Voucher to warranty and counterpleading of Voucher. Raſt. pl.fo. 354, 647, &c. Co.pl. f.317.

2 Leon. 149. Fitz. Counterplea de Voucher 92. Hob.22.

Where in writs of Entry no Voucher out of the line ſhall be.

where

Counter-pleading to a Voucher in Writ of Right.

where the other Writs of Degrees cannot lie nor hold place. (4) And in a Writ of Right it is provided, that if the Tenant vouch to warranty, and the Demandant will counter-plead him, and be ready to aver by the Country, that he that is vouched to warranty, nor his anceſtors, had never Seiſin of the Land or Tenement demanded, nor Fee or Service by the hands of his Tenant, or his anceſtors, ſince the time of him on whoſe Seiſin the Demandant declareth, until the time that the Writ was purchaſed, and the Plea moved, whereby he might have infeoffed the Tenant or his anceſtors: Then let the averment of the Demandant be received, if the Tenant will abide thereupon; (5) if not, the Tenant ſhall be further compelled unto another anſwer, if he be not preſent that will warrant him freely, and incontinent enter in anſwer, ſaving unto the Demandant his exceptions againſt him, as he had afore againſt the firſt Tenant. (6) And the ſaid exception ſhall have place in a Writ of Mortdauncſtor, and in the other Writs before named, as well as in Writs that concern Right. (7) And if percaſe the Tenant have a Deed that compriſeth warranty of another man, which is bound in none of theſe caſes before-mentioned to the warranty of an elder degree, his recovery by a Writ of warranty of Charters out of the King's Chancery ſhall be ſaved to him at what time ſoever he will purchaſe it, howbeit the Plea ſhall not be delayed therefore. Stat.20 Ed.1. de Vouchers. Raſt.pla.fo.352,614,&c.

Fitz. Counterplea,&c. 3,4,5,7,8, 9,10,17,18, 20,23,24, 27,29,30, 40,41,42, 44,48,49, 58,59,60, 63,65,68, 88,94,114, 126. Co. Inſt. 2. 235.b.

Warrantia Chartæ. Raſt. Pla.f.371.

Fitz. Counterplea. Vouch. 31, 43. Fitz.Execut. 122. Fitz. Gar.de Chartres 3, 4,5,7,8,9, 10,11,12, 13,19,20, 21,22,26, 28,29,30, 31.

CAP. XLI.

The Champion's Oath in a Writ of Right.

Battel, Raſt. 1 A Champion his Oath in a Writ of Right.

Touching the Oath of Champions, it is thus provided, becauſe it ſeldom happened, but that the Champion of the Demandant is forſworn, in that he ſweareth, that he or his father ſaw the Seiſin of his Lord, or his anceſtor, and that his father commanded to dereign that Right: that from henceforth the Champion of the Demandant ſhall not be compelled ſo to ſwear: Nevertheleſs his Oath ſhall be kept in all other points. Co.Inſt.2 par.246.

CAP. XLII.

Certain Actions wherein after Appearance the Tenant ſhall not be eſſoined.

Eſſoins 3. In what caſes after appearance the Tenant ſhall not be eſſoined. St.13 Ed.1.28.

Forasmuch as in a Writ of Aſſiſe, Attaints, and Juris utrum, the Jurors been often troubled by reaſon of the Eſſoins of Tenants: It is provided, that after the Tenant hath once appeared in the Court, he ſhall be no more eſſoined, but ſhall make his Attorney to ſue for him, if he will; and if not, the Aſſiſe or Jury ſhall be taken through his default. Raſt.pla.fo. 297, &c. Regiſt.fo.32. Co.Inſt.2 par.248.

Fitz.Eſſoin, 4,52,55,56, 63,64.

CAP. XLIII.

There ſhall be no more Fourcher by Eſſoin.

Eſſoin 2. There ſhall be fourcher by Eſſoin. Hoba.f.46.

Forasmuch as Demandants be oftentimes delayed of their right by reaſon that many parceners be Tenants, of which none may be compelled to anſwer without the other, (2) or that there be many joyntly infeoffed (where none knoweth his ſeveral) and ſuch Tenants often times fourch by Eſſoin, ſo that every of them hath a ſeveral Eſſoin: (3) it is provided, that from henceforth ſuch Tenants ſhall not have Eſſoin but at one day, no more than one ſole Tenant ſhould have, ſo that from henceforth they ſhall no more fourch, but only ſhall have one Eſſoin. St.6 Ed.1.10. Raſt.pla.fo.297,315. Co.Inſt.2 par.250.

Hob.8. Fitz.Eſſoin, 82,119. Fitz. Forch. 3,4,10,13, 14. Bro. Forch. 20.

CAP. XLIV.

In what caſe Eſſoin ultra Mare ſhall not be allowed.

Eſſoin 5. In what caſe an Eſſoin ultra Mare will not lye.

Forasmuch as divers perſons cauſe themſelves falſly to be eſſoined (for being over the Sea) where indeed they were within the Realm that day of the ſummons: it is provided from henceforth, that this Eſſoin be not always allowed, if the Demandant will challenge it, and will be ready to aver, that he was in England the day of ſummons, and three weeks after, (2) but ſhall be adjourned in this form: that if the Demandant be ready at a certain day by averment of the Country, or otherwiſe, as the Court ſhall award, to prove that the Tenant was within the four Seas the day that he was ſummoned, and three weeks after, ſo that he might be reaſonably warned by the ſummons, the Eſſoin ſhall be turned into a default. (3) And that is to be underſtood only before Juſtices. Raſt.pla.fo.297,&c.

Co.Inſt 2 par.15

3 Ed.4. f.29.

CAP. XLV.

In what caſes the great Diſtreſs ſhall be awarded. Where the Juſtices Eſtreats ſhall be delivered.

Eſtreats, Raſt. 1. Where the great diſtreſs ſhall be awarded for the avoiding of delay.

Concerning delays in all manner of writs and attachments, it is thus provided. That if the tenant or defendant after the firſt attachments returned make default, that incontinent the great diſtreſs ſhall be awarded. (2) And if the Sheriff do not make ſufficient return by a certain day, he ſhall be grievouſly amerced; (2) And if he return that he hath done execution in due manner, and the iſſues delivered to the ſureties, then the Sheriff ſhall be commanded, that he return iſſues at another day before the Juſtices. (4) And if the party being attached come in at his day to ſave his defaults, he ſhall have the iſſues; (5) and if he come not, the King ſhall have them; (6) and the King's Juſtices ſhall cauſe them to be delivered in the Wardrobe. And the Juſtices of the Bench at Weſtminſter, ſhall deliver them in the Exchequer, (7) and the Juſtices in Eyre, unto the Sheriff of that ſhire (where they plead) as well of that ſhire as of foreign ſhires, and they ſhall be charged therewith in ſummons by the Rolls of the Juſtices.

Co. Inſt. 2 par.254.

To what places the Juſtices ſhall deliver the Eſtreats.

CAP. XLVI.

One Plea ſhall be decided by the Juſtices of the Kings-Bench, before another commenced.

Juſtices of both Benches, Raſt. 1. One Plea ſhall be decided before another commenced.

It is alſo provided and commanded by the King, that the Juſtices of the Kings-Bench at Weſtminſter, from henceforth ſhall decide all Pleas determinable at one day, before any matter be arraigned, or Plea commenced the day following, ſaving that their Eſſoins ſhall be entred, judged, and allowed: yet, by reaſon hereof, let none preſume to abſent himſelf at the day to him limited. Co.Inſt.2 par.255.

CAP.

CAP. XLVII.

In what caſe the Nonage of the Heir of Diſſeiſor or Diſſeiſee ſhall not prejudice.

Dyer f. 137. Co.l.6.f.4. 17 E.3. f.16. 12 E.4.17. 8 Ed. 3.f.71. 21 Ed.3.f.27. 27 H.6.f.1. Fitz. Age 71. Bro. Partitio 22. 3 Bulſtr. 137.

IT is provided alſo, That if any from henceforth purchaſe a Writ of Novel diſſeiſin, and he againſt whom the Writ was brought as principal Diſſeiſor dieth before the Aſſiſe be paſſed, then the Plaintiff ſhall have his Writ of Entry upon diſſeiſin againſt the heir or heirs of the Diſſeiſor or Diſſeiſors, (of what age ſoever they be.) (2) In the ſame wiſe the heir or heirs of the Diſſeiſee ſhall have their Writs of Entry againſt the Diſſeiſors, or their heirs, of what age ſoever they be, if peradventure the Diſſeiſee die before that he hath purchaſed his Writ: (3) So that for the Nonages of the heirs of the one party nor of the other, the Writ ſhall not be abated, nor the Plea delayed, but as much as a man can without offending the Law, it muſt be haſted to make freſh ſuit after the diſſeiſin. (4) And in like manner this ſhall be obſerved in all points for the right of Prelates, men of Religion, and other, to whom Lands and Tenements can in no wiſe deſcend after others death, whether they be Diſſeiſees or Diſſeiſors. (5) And if the parties in pleading come to an inqueſt, and it paſſeth againſt the heir within age, and namely, againſt the heir of the Diſſeiſee, that in ſuch caſe he ſhall have an Attaint of the Kings ſpecial grace, without giving any thing. Co.Inſt. 257.

Age 1. A Writ of Entry ſur diſſeiſin againſt the Diſſeiſors heir. Regiſt. fo.229. F.N.B. fo.191. Nonage of the heir of the Diſſeiſor or Diſſeiſee ſhall not prejudice in Aſſiſe. V.N.B. fo.126, 129. Regiſt. f.230. Attaint for the heir of the Diſſeiſee.

CAP. XLVIII.

The Remedy where a Guardian maketh a Feoffment of his Wards Land. Suit by Prochein Amy.

Fitz. Aſſiſe, 105. Bro. Aſſiſe, 491. 16 Aſſ. pl. 12. 2 E.3. fo.16. 8 Aſſ. pl.22. 27 H.8. f.11. 40 E.4. f.16.

IF a Gardian or chief Lord infeoff any man of Land that is the inheritance of a child within age, and in his ward, to the diſheritance of the heir: It is provided, that the heir ſhall forthwith have his recovery by Aſſiſe of Novel diſſeiſin againſt his Gardian, and againſt the Tenant. (2) And the ſeiſin ſhall be delivered by the Juſtices (if it be recovered) to the next friend of the heir (to whom the inheritance cannot deſcend) for to improve to the uſe of the heir, and to anſwer for his iſſues unto the heir, when he ſhall come unto his full age, (3) and the Gardian during his life ſhall loſe the cuſtody of the thing recovered, and all the inheritance that he holdeth by reaſon of the heir. (4) And if another Gardian then the chief Lord do it, he ſhall loſe the wardſhip of all together, and be grievouſly puniſhed by the King. (5) And if the Infant be carried away or diſturbed by the Gardian, or by the Feoffee, or by other, by reaſon whereof he cannot ſue his Aſſiſe, then may one of his next friends (that will) ſue for him, which ſhall be thereto admitted. Co.Inſt.2 par.259.

Wards 8. The remedy where a Gardian maketh a feoffment of his wards land. V.N.B. fo.106. Suit by Prochein amy. ſt. 13 Ed.1.15. Raſt. pla. f.366, 367.

CAP. XLIX.

The Tenants Plea in a Writ of Dower. At what times Aſſiſes ſhall be taken.

Co. Inſt. 2 par.261. Fitz. Bro. 476, 813. Regiſt. f.170, 171. Fitz. Vouch. 196. Fitz. Dower 75, 76, 86, 89, 114. Kel. f. 128.

IN a Writ of Dower called (Unde nihil habet) the Writ ſhall not abate by the exception of the Tenant, becauſe ſhe hath received her Dower of another man before her Writ purchaſed, unleſs he can ſhew that ſhe hath received part of her Dower of himſelf, and in the ſame Town before the Writ purchaſed.

Dower 7. The Plea in Dower, Unde nihil habet.

CAP. L.

AND foraſmuch as the King hath ordained theſe things unto the honour of God and holy Church, and for the Commonwealth, and for the remedy of ſuch as be grieved, he would not that at any other time it ſhould turn in prejudice of himſelf, or of his Crown, but that ſuch right as appertains to him ſhould be ſaved in all points.

Prerog.

CAP. LI.

Aſſiſes and Darrain Preſentments at what time taken.

Co.Inſt. 2 par.264. Co.l.11 f.70.

AND foraſmuch as it is great charity to do right unto all men at all times (when need ſhall be) by the aſſent of all the Prelates it was provided, that Aſſiſes of Novel diſſeiſin, Mortdaunceſtor, and Darrein preſentment, ſhould be taken in Advent, Septuageſima, and Lent: even as well as Enqueſts may be taken, and that at the ſpecial requeſt of the King, made unto the Biſhops.

Aſſiſe 12. Aſſiſe and Darrain preſentments at what time taken.

A Statute intituled, *Extenta Manerii*, made 4 *Ed.*1. and *Anno Dom.* 1276.

Expreſſing a Survey of the Buildings, Lands, Commons, Parks, Woods, Tenants, &c.

Flet.2. c.71. p.157. ſect.3. 1 Rol. 201. 2 Roll. 31.

FIrſt, It is to be inquired of the Caſtles, and alſo of other Buildings, compaſſed about with Ditches, what the Walls, Buildings, Timber, Stone, Lead, and other manner of covering is worth, and how they may be prized according to the very value of the ſame Walls and Building. (2) And for how much the Buildings without the Ditch may be prized, and what they be worth, with the Gardens, Curtilages, Dove-houſes, and all other Iſſues of the Court by the year.

Surveyors. Raſt. 1. The Buildings. Vet. Magn. Chart. 129.

II. It is to be inquired alſo, how many fields are of the Demeſns, and how many acres of land are in every field, and what every acre is worth by the year, and how many acres of meadow are of the Demeſns, and how many be in a field, and how much every acre by it ſelf is worth by the year to be let. (2) Alſo how many acres of paſture there be, and for what beaſts or cattel the ſame paſture is moſt neceſſary, and how many it will find, and of what manner, and what the paſture of every beaſt is worth to be let by the year.

The Demeſns

III. And it is to be inquired of foreign Paſture, that is common, how many, and what beaſts and cattel the Lord may have in the ſame, and how much the Paſture of every beaſt is worth by the year to be let.

The foreign Paſture.

IV. Alſo it is to be inquired of Parks, and demean Woods, which the Lord may aſſert and improve at his pleaſure, and how many acres they contain, and how much the veſture of an acra is worth, (2) and how much the land is worth after the wood is felled, and how many acres it containeth, and how much every acre is worth by the year.

The Parks and demeſn Woods:

V. Alſo it is to be inquired of foreign Woods, where other men have common, and how much the Lord may improve to himſelf of the ſame Woods, and how many acres, and for how much the veſture of every acre may be valued at, and how much the ground is worth

Foreign Woods.

yearly after that the Wood is felled, and how many acres it containeth, and what every acre is worth by the year. And it is to be inquired, whether the Lord may give or ſell any thing of the reſidue of the foreſaid Woods, and what ſuch gifts and ſales are worth by the year.

Pawnage. Herbage. VI. Alſo it is to be inquired of Pawnage, Herbage of the Town, Hony, and all other profits of Foreſts, Woods, Rivers, Moors, Mariſhes, Heaths, Turbary, and Waſte, and how much it is worth by the year.

Mills, Fiſhings VII. Alſo of Mills, Fiſhings ſeveral and common, what they be worth by the year.

Freeholders. VIII. Alſo it is to be inquired of Freeholders, the which dwell without as well as within, that is to ſay, how many Freeholders there be, and what Manor, Lands and Tenements, and what Fees they hold, and by what ſervices, whether it be by Socage, or Knights ſervice, or otherwiſe, and what they are worth, and pay yearly of Rent of Aſſiſe, and who hold by Charter, and who not, and who by old Tenure, and how by new Feoffment: (2) Alſo it is to be inquired of the ſaid free Tenants, which do follow the Court of the County, and which not, and what, and how much falleth to the Lord after the death of ſuch free Tenants.

Cuſtomary Tenants. IX. It is to be inquired alſo of cuſtomary Tenants, that is to wit, how many there be, and how much Land every of them holdeth, what works and cuſtoms he doth, and what the works and cuſtoms of every Tenant be worth yearly, and how much Rent of Aſſiſe he paid yearly beſides the works and cuſtoms, and which of them may be taxed at the will of the Lord, and which not. Co.l.4.f.22.

Cottages and Curtelages. X. It is alſo to be inquired of Cottages, that is to ſay, what Cottages and Curtelages they hold, and by what ſervice, and how much they do pay by the year for all their Cottages and Curtelages.

Perquiſites of Courts. XI. It is alſo to be inquired of Pleas and Perquiſites of the Counties of the Courts of the Foreſts, with lawing of Dogs, and how much they be worth by the year in all Iſſues.

Patronages. Flet. 2. cap. 75. Sect. 158. Aſſets per Br. 2. XII. It is alſo to be inquired of Churches that belong to the Lords gift, how many there be, and what, and where, and how much every Church is worth by the year, after the true eſtimation of the ſame. 1 Inſt. 374 b. Britton 385.

Liberties, Cuſtoms and Services. XIII. It is alſo to be inquired, what be the value of Herriots, Fairs, Markets, Eſchetes, Cuſtoms, Services and Foreign Works and Cuſtoms, and what the Pleas and Perquiſites of Courts, Fines and Reliefs, and all other Caſualties, are worth by the year, that may fall in any of theſe things.

A Statute *De officio Coronatoris*, made *Anno* 4 *Ed.* 1. St. 2. and *An. Dom.* 1276.

Of what things a Coroner ſhall inquire.

Coroners 2. Of what things a Coroner ſhall inquire. A Coroner of our Lord the King ought to inquire of theſe things, if he be certified by the King's Bailiffs, or other honeſt men of the Country. Firſt, he ſhall go to the places where any be ſlain, or ſuddenly dead, or wounded, or where houſes are broken, or where treaſure is ſaid to be found, and ſhall forthwith command four of the next Towns, or five, or ſix, to appear before him in ſuch a place; (2) and when they are come thither, the Coroner upon the oath of them ſhall inquire in this manner, that is to wit, If they know where the perſon was ſlain, whether it were in any houſe, field, bed, tavern, or company, and who were there. Murther. Likewiſe it is to be inquired who were culpable, either of the act, or of the force, and who were preſent, either men or women, and of what age ſoever they be (if they can ſpeak, or have any diſcretion.) (3) And how many ſoever be found culpable by inquiſition in any of the manners aforeſaid, they ſhall be taken and delivered to the Sheriff, and ſhall be committed to the Gaol: Inquiry of the offenders. (4) and ſuch as be found, and be not culpable, ſhall be attached until the coming of the Juſtices, and their names ſhall be written in Rolls. A man found ſlain. (5) If it fortune any ſuch man be ſlain, which is found in the fields, or in the woods, firſt it is to be inquired, whether he were ſlain in the ſame place or not. (6) And if he were brought and laid there, they ſhall do ſo much as they can, to follow their ſteps that brought the body thither, whether he were brought upon a horſe or in a cart. (7) It ſhall be inquired alſo, if the dead perſon were known, or elſe a ſtranger, and where he lay the night before. The Murtherer found culpable. (8) And if any be found culpable of the murther, the Coroner ſhall immediately go unto his houſe, and ſhall inquire what goods he hath, and what corn he hath in his graunge: and, if he be a freeman, they ſhall inquire how much Land he hath, and what it is worth yearly, and further, what corn he hath upon the ground. (9) And when they have thus inquired upon every thing, ſhall cauſe all the land, corn, and goods to be valued, in like manner as if they ſhould be ſold incontinently, and thereupon they ſhall be delivered to the whole Townſhip, which ſhall be anſwerable before the Juſtices for all. (10) And likewiſe of his freehold, how much it is worth yearly over and above the ſervice due to the Lords of the Fee; and the land ſhall remain in the Kings hands, until the Lords of the Fee have made fine for it. (11) And immediately, upon theſe things being inquired, the bodies of ſuch perſons being dead or ſlain ſhall be buried.

Perſons drowned, or ſuddenly dead. II. In like manner it is to be inquired of them that be drowned, or ſuddenly dead, and after ſuch bodies are to be ſeen, whether they were ſo drowned, or ſlain, or ſtrangled by the ſign of a cord tyed ſtreight about their necks, or about any of their members, or upon any other hurt found upon their bodies, whereupon they ſhall proceed in the form aboveſaid: (2) and if they were not ſlain, then ought the Coroner to attach the finders, and all other in the company. Treaſure found. (3) A Coroner alſo ought to inquire of treaſure that is found, who were the finders, and likewiſe who is ſuſpected thereof: and that may be well perceived where one liveth riotouſly haunting taverns, and hath done ſo of long time; hereupon he may be attached for this ſuſpition by four, or ſix, or mo pledges, if he may be found. Bro. Coron. 175. Fitz. Coron. 241, 265, 436, 446. Appeal of Rape. (4) Further, if any be appealed of Rape, he muſt be attached, if the appeal be freſh, and they muſt ſee apparent ſign of truth by effuſion of blood, or any open cry made; (5) and ſuch ſhall be attached by iv. or vj. pledges, if they may be found. (6) If the appeal were without cry, or without any manifeſt ſign or token, two pledges ſhall be ſufficient: (7) upon appeal of wounds and ſuch like, ſpecially if the wounds be mortal, the parties appealed ſhall be taken immediately, and kept until it be known perfectly whether he that is hurt ſhall recover or not. (8) And if he die, the Defendant ſhall be kept: and if he recover health they ſhall be attached by four or ſix pledges, after as the wound is great or ſmall. (9) If it be for a maim, he ſhall find no leſs than four pledges; if it be for a ſmall wound, two pledges ſhall ſuffice. (10) Alſo all wounds ought to be viewed, the length, breadth, and deepneſs, and with what weapons, and in what part of the body the wound or hurt is, and how many be culpable, and how many wounds there be, and who gave the wound; (11) all which things muſt be inrolled in the Roll of the Coroners. (12) Moreover, if any be appealed of any act done, as principal, they that be appealed of the force ſhall be attached alſo, and ſurely kept in ward, until the principals be attainted or delivered. (13) Concerning horſes, boats, carts, &c. whereby any are ſlain, that properly are called Deodands, they ſhall be valued and delivered unto the Towns, as before is ſaid. (14) Concerning Wreck of the Sea, whereſoever it be found, if any lay hands on it, he ſhall be attached by ſufficient pledges, and the price of the Wreck ſhall be valued and delivered to the Towns. (15) If any be ſuſpected of the death of any man being in danger of life, he ſhall be taken and impriſoned, as before is ſaid. (16) In like manner Huy ſhall be levied for all murthers, burglaries, and for men ſlain, or in peril to be ſlain, as otherwhere is uſed in England, and all ſhall follow the Huy and ſteps, as near as can be. And he that doth not, and is convict thereupon, ſhall be attached to be afore the Juſtices of the Gaol, &c. St. 3 H. 7. 1.

Appeal of wounds or maim. Raſt. pla. fo. 45.

Principals and Acceſſary.

Deodands.

Wreck of the Sea.

Suſpected perſons.

Huy and Cry.

The Statute of Bigamie, made 4 *Octobris*, *An.* 4 *Ed.* 1. Stat. 3. and *Anno Dom.* 1276.

IN the preſence of certain Reverend Fathers, Biſhops of England, and others of the Kings Council, the Conſtitutions under-written were recited, and after heard and publiſhed before the King and his Council, foraſmuch as all the Kings Council, as well Juſtices as other, did agree that they ſhould be put in writing for a perpetual memory, and that they ſhould be ſtedfaſtly obſerved.

CAP. I.

In what caſes Aid ſhall be granted of the King, in what not.

The firſt Article.

Dyer f. 256, 257. 27 H. 8. f. 98. 2 H. 7. f. 11. 5 H. 7. f. 16. 9 H. 7. f. 15. 15 H. 7. f. 10. 7 Ed. 3. f. 7. Fitz. Proced. 5, 6. Fitz. Traverſ. 41. 1 Roll 288.

CONcerning Pleas where the Tenant excepteth, that he cannot anſwer without the King: It is agreed by the Juſtices, and other learned men of our Lord the Kings Council of the Realm, which heretofore have had the uſe and practice of Judgments, that where a Feoffment was made by the King with a Deed thereupon, that if another perſon by a like Feoffment and like Deed be bounden to Warranty, the Juſtices could not heretofore have proceeded any further, neither yet do proceed without the Kings commandment had therefore, neither can it be thought that they may proceed. Co. Inſt. 2 par. 268.

Aid of the King 1. In what caſe Aid is granted of the King, in what not.

CAP. II.

In what caſe Aid is granted of the King, in what not.

AND it ſeemeth alſo, that they could not proceed in certain caſes, as where the King hath confirmed or ratified any mans Deed to the uſe of another, or hath granted any thing as much as in him is, or where a Deed is ſhewed, and clauſe contained therein, whereby he ought to warrantize: and in like caſes they ſhall not ſurceaſe by occaſion of a Confirmation, Grant, or Surrender, or other like, but, after advertiſement made thereof to the King, they ſhall proceed without delay. Raſt. pla. fo. 27.

Aid of the King 1. Co. Inſt. 2 par. 276. Warranty.

CAP. III.

In Dower the Kings Grantee of a Ward ſhall not have Aid.

30 Aſſ. pl. 5. Fitz. Aid de Roy 11, 12, 17, 30, 34, 37, &c. 1 Leon. 285.

CONcerning the endowment of women, where the Guardians of their husbands inheritance have Wardſhip by the gift or grant of the King, or where ſuch Guardians be tenants of the thing in demand, or if the heirs of ſuch lands be vouched to warranty, if they ſay that they cannot anſwer without the King, they ſhall not ſurceaſe upon the matter therefore, but ſhall proceed therein according to right. Co. Inſt. 2 par. 271.

Aid of the King 2. In Dower the King's Grantee of a Ward ſhall not have Aid.

CAP. IV.

Purpreſtures or Uſurpations upon the Kings land ſhall be reſeiſed.

Co. l. 9. f. 16. 4 H. 7. f. 1. Fitz. Dower 669.

CONcerning Purpreſtures, or any manner of Uſurpations, made upon the King within Franchiſes, or elſewhere, it was agreed and determined in the time of King Henry, that where ſuch Uſurpers were living, the King ſhould reſeiſe of new the land ſo uſurped out of the hands of the Uſurpers; the which thing alſo ſhall be from henceforth obſerved in the Realm: (2) And if any do complain upon ſuch Reſeiſers, he ſhall be heard like as right requireth. Stat. 17 Ed. 2. c. 3. Co. Inſt. 2 par. 272.

Prerog. 13. Purpreſtures and Uſurpations.

CAP. V.

Bigamus ſhall not be allowed his Clergy.

CONcerning men twice married, called Bigami, whom the Biſhop of Rome, by a Conſtitution made at the Council of Lions hath excluded from all Clerks priviledge, whereupon certain Prelates (when ſuch perſons have been attainted for Felons) have prayed for to have them delivered as Clerks, which were made Bigami before the ſame Conſtitution: (2) It is agreed and declared before the King and his Council, that the ſame Conſtitution ſhall be underſtood in this wiſe, that whether they were Bigami before the ſame Conſtitution or after, they ſhall not from henceforth be delivered to the Prelates, but Juſtice ſhall be executed upon them as upon other lay people. Raſt. pla. fo. 106. St. 1 Jac. 11. Co. Inſt. 2 par. 273.

Clergy 17. Bigamus ſhall not be allowed his Clergy Alt. Stat. 1 Ed. 6. 12.

CAP. VI.

By what words in a Feoffment, a Feoffor ſhall be bound to Warranty.

Warranty. In what caſes the Feoffor ſhall be bound to warranty, in what not. F.N.B.f.134.E.

IN Deeds alſo where is contained Dedi & conceſſi tale tenementum without homage, or without a clauſe that containeth Warranty, and to be holden of the givers and their heirs by a certain ſervice: It is agreed, that the givers and their heirs ſhall be bounden to Warranty. (2) And where is contained Dedi & conceſſi, &c. to be holden of the chief Lords of the Fee, or of other, and not of Feoffors, or of their heirs, reſerving no ſervice without homage, or without the foreſaid clauſe, their heirs ſhall not be bounden to Warranty, notwithſtanding the Feoffor during his own life, by force of his own gift, ſhall be bound to warrant. (3) All theſe Conſtitutions aforeſaid were made at Weſtminſter, in the Parliament next after the Feaſt of St. Michael, the fourth year of the reign of King Edward, Son of King Henry; and from that time forth they ſhall take effect. Co.Inſt.2 par.274.

Dyer f. 15. 221. 6 H.7. f.2. 40 Ed.3.f.27. 11 H.4. f.41. Co.l.1. f.1. li.3.f.58. li.4.f.81. li.5. f.17. l.8.f.51.

Statutes made at *Glouceſter*, 4 *Octobris*, *Anno* 6 *E*.1. and *Anno Dom*.1278.

FOr the great miſchief, damages and diſheriſons, that the People of the Realm of England have heretofore ſuffered through default of the Law, that failed in divers caſes within the ſame Realm: Our Sovereign Lord the King, for the amendment of the Land, for the relief of his People, and to eſchew ſuch miſchiefs, damages and diſheriſons, hath provided and eſtabliſhed theſe Acts under-written: willing and commanding, that from henceforth they be firmly obſerved with this Realm.

CAP. I.

Several Actions wherein Damages ſhall be recovered.

Damages 11. Hobart 98. **The Alienee of a Diſſeiſor ſhall be charged with damages.** Regiſt. fo.196, 214. V.N.B.fo.118. 130. **Damages in Mortdaunceſtor, Entry.** Regiſt.fo.121. **Damages in Coſinage, Aiel, Beſaiel. Where Damages ſhall be recovered, there coſts alſo.** V.N.B. fo.118.

WHereas heretofore damages were not awarded in Aſſiſes of Novel diſſeiſin, but only againſt the Diſſeiſors: (2) It is provided, that if the Diſſeiſors do alien the Lands, and have not whereof there may be damages levied, that they to whoſe hand ſuch Tenements ſhall come, ſhall be charged with the damages, ſo that every one ſhall anſwer for his time. (3) It is provided alſo, that the Diſſeiſee ſhall recover damages in a Writ of Entry, upon Novel diſſeiſin againſt him that is found Tenant after the Diſſeiſor. (4) It is provided alſo, that where before this time damages were not awarded in a Plea of Mortdaunceſtor, (but in caſe where the Land was recovered againſt the chief Lord) that from henceforth damages ſhall be awarded in all caſes, where a man recovereth by Aſſiſe of Mortdaunceſtor, as before is ſaid in Aſſiſe of Novel diſſeiſin: (5) And likewiſe damages ſhall be recovered in Writs of Coſinage, Aiel and Beſaiel.

II. And whereas before time damages were not taxed, but to the value of the iſſues of the Land: (2) It is provided, that the Demandant may recover againſt the Tenant the coſts of his Writ purchaſed, together with the damages aboveſaid. (3) And this Act ſhall hold place in all caſes where the party is to recover damages. (4) And every perſon from henceforth ſhall be compelled to render damages, where the Land is recovered againſt him, upon his own intruſion, or his own act. Co.Inſt.2 par.283.

Bro. Parl.21. Fitz. Damage 14, 43, 66, 68, 82, 95, 101. 102, 104, 108, 110, 121, 123, 127, 129. Godbolt 112. Plow. f.136. Co. Inſt. 359, 360, a Co.l. 10. f. 116. Dier fo. 370. Bro. Coſts 1, 11, 12, 14, 16, 18, 26, 29, 32. Fitz. Damage 6, 19, 97. Hob. 98.

CAP. II.

In what caſe Nonage of the Plaintiff ſhall not ſtay an Enqueſt.

Age 2. Where the nonage of an Infant ſhall not ſtay an Enqueſt. 3 Bulſtr. 137.

IF a Child within age be holden from his Heritage after the death of his Father, Coſin, Grandfather, or Great-grandfather, whereby he is driven to his Writ, and his adverſary cometh into the Court, and for his anſwer alledgeth a Feoffment, or pleadeth ſome other thing, whereby the Juſtices award an Enqueſt, there whereas the Enqueſt was deferred unto the full age of the Infant, now the Enqueſt ſhall paſs as well as if he were of full age.

8 Aſſ. pl.12. Co l 6. f.3. Dyer f.104, 137. Co. Inſt. 2 par.290.

CAP. III.

An Alienation of Land by the Tenant by the Courteſie with warranty ſhall be void.

Warranty 2.

A man alieneth with warranty, Land which he holdeth by courteſie. St.32 H.8.18. Regiſt.fo.236. Sur cui in vita.

IT is eſtabliſhed alſo, that if a man alien a Tenement that he holdeth by the Law of England, his ſon ſhall not be barred by the deed of his father (from whom no heritage to him deſcended) to demand and recover by Writ of Mortdaunceſtor, of the ſeiſin of his mother, although the deed of his father doth mention, that he and his heirs be bound to warranty. (2) And if any heritage deſcend to him of his fathers ſide, then he ſhall be barred for the value of the heritage that is to him deſcended. (3) And if in time after any heritage deſcended to him by the ſame father, then ſhall the Tenant recover againſt him of the ſeiſin of his mother by a judicial Writ, that ſhall iſſue out of the Rolls of the Juſtices, before whom the Plea was pleaded, to reſummon his warranty, as before hath been done in caſes where the Warrantor cometh into the Court, ſaying, That nothing deſcended from him by whoſe deed he is vouched. (4) And in like manner the iſſue of the ſon ſhall recover by Writ of Coſinage, Aiel and Beſaiel. (5) Likewiſe in like manner the heir of the wife ſhall not be barred of his action after the death of his father and mother, by the deed of his father, if he demand by action the Inheritance of his mother, by a Writ of Entry, which his father did alien in the time of his mother, whereof no fine is levied in the King's Court. V.N.B.fo.133, 136. F.N.B.fo.196.E.208.B. Co.Inſt.2 par.292.

Vaugh.366. Bro. Formedon 73. 28 Aſſ.pl.28, 35 H.6. f.63. Co.l.5.f.80. li.8.f.52. Fitz. Garr. 30, 43, 83, 86, 87, 95. Co. Inſt. 366, 381.a. 382.a. 383. a.b. Dier f. 148. Fitz. Garr.5 38 Ed. 3.f. 32. Co.l.9.f.26. Fitz. Cui in vita 7, 8.

CAP. IV.

In what caſe a Ceſſavit is maintainable againſt a Tenant in Fee-farm.

Ceſſavit 1. Ceſſavit per biennium.

ALſo if a man let his Land to ferm, or to find eſtovers, in meat or in cloth, amounting to the fourth part of the very value of the Land, and he which holdeth the Land ſo charged letteth it lie freſh, ſo that the party can find no diſtreſs there by the ſpace of two or three years to compel the farmer to render, or to do as it is contained in the Writing or Leaſe: (2) It is eſtabliſhed, that the two years being paſſed, the Leſſor ſhall have an action to demand the Land in demean by a Writ which he ſhall have out of the Chancery. (3) And if he againſt

27 H.8. f.21.

Fitz. Reſceit, 96, 105. Fitz. Surety, 3, 4, 23, 25, 27. Fitz. Sc. facias 154. Kel. f. 75. 132.

againſt whom the Land is demanded come before judgment, and pay the arrerages, and the damages, and find ſurety (ſuch as the Court ſhall think ſufficient) to pay from thenceforth as is contained in the writing of his Leaſe, he ſhall keep the Land. (4) And if he tarry until it be recovered by judgment, he ſhall be barred for ever. Stat. 13 Ed. 1. 21, 41. Regiſt. fol. 237. F.N.B. fol. 210. A.V.N.B. fol. 2, 78, 140. Co. Inſt. 2 par. 295. 10. Ed. 2 page 79.

The Tenant payeth the arre rages and findeth ſurety. Raſt. pl. 111.

CAP. V.

Several Tenants againſt whom an Action of Waſte is maintainable.

Fitz. Ceſſavit 9, 10, 13, 19, 20, 23, 25, 27, 29, 32, 38, 39, 49, 52, 53, 56. Dyer f. 25. 214. Cok. l. 5. f. 75, 76. l. 6. f. 37. Fitz. V Waſt. 61, 117, 146. Bro. Parl. 17.

IT is provided alſo, That a man from henceforth ſhall have a Writ of Waſte in the Chancery againſt him that holdeth by the Law of England, or otherwiſe for term of life, or for term of years, or a woman in dower. (2) And he which ſhall be attainted of Waſte, ſhall leeſe the thing that he hath waſted, and moreover ſhall recompence thrice ſo much as the Waſte ſhall be taxed at. (3) And for Waſte made in the time of Wardſhip, it ſhall be done as is contained in the great Charter. (4) And where it is contained in the great Charter, that he which did waſte, during the Cuſtody, ſhall leeſe the wardſhip: (5) It is agreed, that he ſhall recompenſe the heir his damages for the Waſte, if ſo be that the Wardſhip loſt do not amount to the value of the damages before the age of the heir of the ſame Wardſhip. Regiſt. fo. 72. Regiſt. ind. fol. 23. F. N. B. fo. 59. V. N. B. fo. 88. Co. Inſt. 2 par. 299.

Againſt whom an Action of Waſte is maintainable. Raſt. pl. f. 689. &c. Savil, 42. Wards 10. St. 9 H. 3. 4.

CAP. VI.

Where divers heirs ſhall have one Affiſe of Mortdaunceſtor.

Fitz. Judgment, 85, 134, 255. Fitz. Damage, 7, 24, 42, 52, 90, 114, 133. Co. Inſt. 53, b. 54. b. 200. b. 247. b.

IT is provided alſo that if a man die, having many heirs, of whom one is ſon or daughter, brother or ſiſter, nephew or neece, and the other be a further degree, all the heirs ſhall recover from henceforth by a Writ of Mortdaunceſtor. V.N.B. fo. 116, 119. Co. Inſt. 2 par. 307.

Mortdanceſtor 1.

CAP. VII.

A Writ of Entrie in Caſu-proviſo, upon a Womans Alienation of Dower.

b. 355. b. 1 Roll. 91. 97, 156. 7 Ed. 3. f. 89. 3 Aſſ pla. 11. Fitz. Joynder, in Act. 11, 31, 34, 35, 36. Co. Inſt. 164. a.

ALſo if a woman ſell or give in fee or for term or life, the Land that ſhe holdeth in Dower It is ordained, that the heir, or other to whom the Land ought to revert after the death of ſuch woman, ſhall have preſent recovery to demand the Land by a Writ of Entrie made thereof in the Chancery. St. 11 H. 7. 20. Regiſt. fo. 235. F.N.B. fo. 215. V. N. B. fol. 137.

Women 1. Dower. Ingreſſus in caſu proviſo.

CAP. VIII.

No Suit for Goods in the King's Courts under forty ſhilling. Attorneys may be made where an Appeal lieth not. The Defendant being eſſoined ſhall bring in his Warrant.

Fitz. Entre, 7, 8. Bro. Ingreſſu, 3. Co. Inſt. 2 par. 309. 1 Roll. 161. Fitz. Brief, 550. 19 H. 6. f. 18. 14. H. f. 15. Co. Inſt. 2 par. 310. Bro. Atturn. 64, 74, 78, 82, 88. Fitz. Eſſoin, 16, 17, 39, 41, 79, 116, 180, 198.

IT is provided alſo, that Sheriffs ſhall plead Pleas of Treſpaſs in their Counties, as they have been accuſtomed to be pleaded. (2) And that none from henceforth ſhall have Writs of Treſpaſs before Juſtices, unleſs he ſwear by his Faith, that the Goods taken away were worth xl. s. at the leaſt. (3) And if he complain of beating, he ſhall anſwer by his Faith, that this plaint is true. (4) Touching wounds and maims a man ſhall have his Writ as before hath been uſed. (5) And it is agreed, that the Defendants in ſuch Pleas may make their Attornies, where appeal lieth not; (6) ſo that if they be attainted being abſent, then the Sheriff ſhall be commanded to take them, and ſhall have like pein as they ſhould have had, if they had been preſent at the judgment given, (7) And if the Plaintiffs from henceforth in ſuch Treſpaſſes cauſe themſelves to be eſſoined after the firſt appearance, day ſhall be given them unto the coming of the Juſtices in Eyre, and the Defendants in the mean time ſhall be in peace. (8) In ſuch Pleas and other, whereas attachments and diſtreſſes do lie, if the Defendant eſſoin himſelf of the King's ſervice, and do not bring his Warrant at the day given him by the Eſſoin, he ſhall recompence the Plaintiff damages for his journy twenty ſhillings or more, after the diſcretion of the Juſtices, and ſhall be grievouſly amerced unto the King. V.N.B. f. 48, 161. F.N.B. f. 17. H. Raſt. pla. fo. 297. St. 43. El. 6. St. 21 Jac. 16.

Treſpaſs 1. No ſuit in the King's Courts under the value of xl. s. Cro. El. 46. Attorny 6. Attornys in ſuits where Appeal lieth not. V. N. B. f. 20. &c. Eſſoin 7. The penalty if the Defendant, being eſſoined, doth not bring in his warrant.

CAP. IX.

One Perſon killing another in his own defence, or by misfortune. An Appeal of Murther.

Co. Inſt 2 par. 314. Kel. fo. 53, 108. 4 H. 7. f. 2.

THe King commandeth that no Writ ſhall be granted out of the Chancery for the Death of a man, to enquire whether a man did kill another by misfortune, or in his own defence, or in other manner without felony. (2) But he ſhall be put in priſon until the coming of the Juſtices in Eyre, or Juſtices aſſigned to the Gaol-delivery, and ſhall put himſelf upon the Country before them for good and evil: (3) in caſe it be found by the Country, that he did it in his defence, or by misfortune, then by the report of the Juſtices to the King, the King ſhall take him to his grace, if it pleaſe him. (4) It is provided alſo, that no Appeal ſhall be abated ſo ſoon as they have been heretofore; but if he appeal or declare the deed, the year, the day, the hour, the time of the King, and the Town where the deed was done, and with what weapon he was ſlain, the Appeal ſhall ſtand in effect, (5) And ſhall not be abated for default of freſh ſuit, if the party ſhall ſue within the year and the day after the deed done. Raſt. pla. 46, 56. Regiſt. fo. 134, 300. Stat. 14 E. 3. 15. 1 Seſſ.

Pardon 1. Killing in his own defence, or by misfortune. St. 2 Ed. 3. 2. Appeal 2. The form of an Appeal of Murther. 1 Bulſtr. 80.

CAP. X.

The Husband and Wife, being impleaded, ſhall not fourch by Eſſoin.

Fitz. Eſſoin. 5, 62, 279. Fitz. Forcher, 7, 12. Bro. Forcher, 26.

WHereas it is contained in the Statute of the King that now is, that two Parceners, or two that hold in common, may not fourch by Eſſoin, after that they have once appeared in the Court: (2) It is provided, that the ſame be obſerved and kept, where a man and his wife be impleaded in the Kings Court. Co. Inſt. 2 par. 320.

Eſſoin 2. St. 3 Ed. 1. 42. Raſt. pla. f. 316. Parceners ſhall not fourch by Eſſoin.

CAP. XI.

A feigned Recovery againſt him in the reverſion, to make the Termor loſe his Term.

Hetly 146. 1 Rol. 121, 223, 245.

IT is provided alſo, that if any man leeſe his Tenement in the City of London for term of years, and he to whom the free-hold belongeth cauſeth, himſelf to be impleaded by colluſion,

Recovery 8.

A fained ſuit againſt him in the reverſion, to make the tenant to loſe his term. Stat. 21 H. 8. 15.

ſion, and maketh default after default, or cometh into the Court, and giveth it up, for to make the termor loſe his term, and the demandant hath his ſuit, ſo that the termor may recover by Writ of Covenant: (2) the Mayor and Bailiffs may inquire by a good inqueſt, in the preſence of the termor and the demandant, whether the demandant moved his plea upon good right that he had, or by colluſion, or by fraud, to make the termor loſe his term. (3) And if it be found by the inqueſt, that the demandant moved his plea upon good right that he had, the judgment ſhall be given forthwith. (4) And if it be found by inqueſt that he impleaded him by fraud, to put the termor from his term, then ſhall the termor enjoy his term, and the execution of judgment for the demandant ſhall be ſuſpended until the term be expired. (5) And in like manner it ſhall be of equity before the Juſtices in ſuch caſe, if the termor do challenge it before the judgment. Regiſt. fo. 179. F. N. B. fo. 198. E. Raſt. Pla. fo. 81. Coke pla. fo. 173.

Co. Inſt. 2 1 par. 321.

C A P. XII.

One impleaded in London voucheth foreign Warranty

Voucher 6. One impleaded in London, voucheth a foreign to Warranty. Raſt. pla. fo. 240, 354, 615. Coke pla. fo. 176. U.N.B.f.4.

IT is provided alſo, That if a man, impleaded for a tenement in the ſame City, doth vouch a foreign to Warranty, that he ſhall come into the Chancery, and have a Writ to ſummon his Warrantor at a certain day before the Juſtices of the Bench, and another Writ to the Mayor and Bailiffs of London, that they ſhall ſurceaſe in the matter that is before them by Writ, until the plea of the Warranty be determined before the Juſtices of the Bench. (2) And when the plea at the Bench ſhall be determined, then ſhall he that is vouched be commanded to go into the City, to anſwer unto the chief plea. (3) And a Writ ſhall be awarded at the ſuit of the Demandant by the Juſtices unto the Mayor and Bailiffs, that they ſhall proceed in the plea. (4) And if the demandant recover againſt the tenant, the tenant ſhall come before the Juſtices of the Bench, which ſhall direct a Writ to the Mayor and Bailiffs. That if the Tenant have loſt his land, they ſhall cauſe the land to be extended, and valued, and ſhall return the extent at a certain day into the Bench, (5) and after it ſhall be commanded to the Sheriff of the Shire (where the Warranty was ſummoned) that he ſhall cauſe him to have as much of the land of the Warrantor in value. Regiſt. fo. 2. F.N.B. fo. 6. St. 9 Ed. 1. poſt pag. 33.

Co. Inſt. 2 par. 324.

18. H. 8 f. 1. 42 E. 3. f. 24 8 Ed. 3. f. 10. Kel. f. 109. Fitz. Reſceit. 106.

C A P. XIII.

No Waſte ſhall be made hanging a Suit for the Land.

Waſt 2. Raſt. pla. f. 317. No Eſtrepement ſhall be made depending a Suit. Savil, 42.

IT is provided alſo, That after ſuch time as a Plea ſhall be moved in the City of London by Writ, the Tenant ſhall have no power to make any Waſte or Eſtrepement of the land in demand (hanging the Plea) and if he do, the Mayor and Bailiffs ſhall cauſe it to be kept at the Suit of the Demandant. (2) And the ſame Ordinance and Statute ſhall be obſerved in other Cities, Boroughs, and every were throughout the Realm. F. N. B. fo. 60, &c. V. N. B. fo. 39. Regiſt. fo. 76. Regiſt. inde fo. 13, 17, 21, 58, 66, 69. Co. Inſt. 2 par. 327. Godbolt, 112. Pl. 134.

14 H 7. f. 7. 10. 18 H. 8. f. 5. Dier fo. 325. Co. l 5. f. 115. Fitz. Eſtrepement. 1. 4, 5, 6, 7, 10, 12, 13, 14, 15.

C A P. XIV.

A Citizen of London ſhall recover in an Aſſiſe Damages with the Land.

Vouchers 6. Damages ſhall be recovered with the freehold in London.

THe King of his ſpecial Grace granteth unto the Citizens of London, that whereas beforetimes they that were diſſeiſed of freehold in the ſame City could not recover their damages before the coming of the Juſtices to the Tower, that from henceforth the Diſſeiſees ſhall have damages by recognizance of the ſame Aſſiſe whereby they recovered their Lands. (2) And the Diſſeiſors ſhall be amerced before two Barons of the Exchequer, which ſhall reſort once a year into the City to do it. (3) And it ſhall be commanded unto the Barons and to the Treaſurer of the Exchequer, that they ſhall cauſe it every year to be levied by two of them at their riſing after Candlemas. (4) And the amerciaments by ſummons of the Exchequer ſhall be levied to the King's uſe, and be delivered at the Exchequer.

Co. Inſt. 2 par. 329.

C A P. XV. In Wines, Raſt. 1.

An Expoſition of the ſaid Statute of *Glouceſter*, made alſo *Anno* 6 *Ed.* 1. St. 2.

Damages Raſt. 3. Stat. Glouceſt.

AFter, by the King and his Juſtices, certain Expoſitions were made upon ſome of the
Articles above mentioned, that is to wit. (2) To the firſt Article, for Entries by Diſ-
Cap. 1. 2. ſeiſin, Damages ſhall run from the time of the Statute publiſhed. (3) In the ſame wiſe, in
Writs of Entry upon Diſſeiſin, and in all Writs of Mortdaunceſter, Coſinage, Aiel or Beſaiel, of
3. Intruſion by ones own Act by any manner of Writ, Damages ſhall run after the Writ pur-
chaſed againſt them that held by Statute, albeit their anceſtors died ſeiſed thereof. (4) Touch-
4. ing an Inqueſt to be made of ſuch as be within age, the Statute ſhall run without limita-
tion of time. (5) Touching Alienation of Lands holden by the Law of England, the Sta-
5. tute ſhall run for ſuch Lands being aliened after the time of the Statute publiſhed. (6) In
6. like manner the Statute ſhall extend and run upon the Lands of a Wife aliened by her Hus-
band (whereas no fine was levied thereof in Court.) (7) Touching Lands being let in Fee-
7. ferm, to pay therefore yearly the fourth part of the very value thereof, the Statute ſhall run
as well unto Lands that were leaſed before the making of the Statute, as after, in caſe
that the Tenant have witholden above the ſpace of two years after the Statute publiſhed
ſo much as he ſhould have paid to his Leſſor yearly according to the form of the Covenant.
(8) And as to the puniſhment of Waſtes in all caſes, (except it be of Dowers and Wards) it
8. ſhall be underſtood of Waſtes done ſithence the Statute publiſhed. (9) And of the forfeiture
9. of treble in caſes of Waſtes of Dowers and Wardſhips, it ſhall be underſtood of Waſtes
committed after the Statute publiſhed. (10) And as concerning them which do alien their
10. Dowers, it is to be underſtood after the publiſhing of the Statute. (11) Given at Glouceſter
11. the Sunday next after the Feaſt of Saint Peter ad Vincula, the ſixth year of the Reign of
King Edward the firſt.

A Statute 30 *die Octobris*, *Anno* 7 *E.* 1. and *Anno Dom.* 1279.

To all Parliaments and Treaties every man ſhall come without Force and Arms.

Armor, Raſt. 1.

THe King to the Juſtices of his Bench ſendeth greeting. Whereas of late before certain perſons deputed to treat upon ſundry Debates had between Us and certain great men of our Realm, amongſt other things it was accorded, that in our next Parliament after, proviſion ſhall be made by Us and the common aſſent of the Prelates, Earls and Barons, that in all Parliaments, Treaties, and other Aſſemblies, which ſhould be made in the Realm of England for ever, that every man ſhall come without all Force and Armour well and peaceably, to the honour of Us, and the peace of Us and our Realm. (2) And now in Our next Parliament at Weſtminſter, after the ſaid Treaties, the Prelates, Earls, Barons, and the Commonalty of our Realm, there aſſembled to take advice of this Buſineſs, have ſaid, that to Us it belongeth, and Our part is, through Our Royal Seigniory, ſtraightly to defend Force of Armour, and all other Force againſt Our peace, at all times when it ſhall pleaſe Us, and to puniſh them which ſhall do contrary, according to Our Laws and Uſages of Our Realm, (3) And hereunto they are bound to aid Us as their Sovereign Lord at all ſeaſons when need ſhall be. (4) We command you that ye cauſe theſe things to be read afore you in the ſaid Bench, and there to be enrolled. Given at Weſtminſter, the xxx. day of October. St. 2. E. 3. 3. St. 7 R. 2. 13. St. 20 R. 2. 1.

Every man ſhall come to the Parliament peaceable.

A Statute of Mortmain, made 14 *Novembris. Anno* 7 *Ed.* 1. St. 2. and *Anno Dom.* 1279.

Who ſhall take for the Forfeiture of Lands given in Mortmain.

1 Roll 154, 157, 166, 457. 2 Roll 170. Co. Inſt. 2. b. 8 H. 4. f. 15, 21. 41 E. 3. f. 16. 21. 40 E. 3. f. 28. 47 Ed. 3. f. 11. 2. E. 3. f. 5. 27. 1. Bro. Mortmain, 15, 16, 18, 20, 21, 27, 31, 38, 39, 41, 43. 5 Ed. 3. f. 22. Fitz. Mortmain, 13. 15 Ed. 4. 4. f. 13. 43 Aſſ. pla. 19. 21 E 3. f. 27. 8 Ed. 3. f 18. Fitz. Formedon, 57. Fitz. Quare Imp. 141, 613. Bro. Mortmain, 17, 22, 26, 37. Kelw. f. 103. 111. Fitz. Ent. Cong. 28. 51 Aſſ. pla. 12.

Mortmain St. 9. H. 3. 36.

WHere of late it was provided, that religious men ſhould not enter into the fees of any without licence and will of the chief Lord of whom ſuch fees be holden immediately; And notwithſtanding ſuch Religious men have entred as well into their own fees, as in the fees of other men, appropriating and buying them, and ſometime receiving them of the gift of others, whereby the ſervices that are due of ſuch fees, and which at the beginning were provided for defence of the Realm, are wrongfully withdrawn, and the chief Lords do leeſe their Eſchetes of the ſame: (2) We therefore to the profit of Our Realm, intending to provide convenient remedy, by the advice of our Prelates, Earls, Barons, and other our ſubjects, being of Our Council, have provided, made and ordained, That no perſon, religious or other, whatſoever he be, that will buy or ſell any Lands or Tenements, or under the colour of gift or leaſe, or that will receive by reaſon of any other title, whatſoever it be, Lands or Tenements, or by any other Craft or Engine will preſume to appropre to himſelf, under pain of forfeiture of the ſame, whereby ſuch Lands or Tenements may any wiſe come into Mortmain (3) We have provided alſo, that if any perſon, religious or other, do preſume either by Craft or Engine to offend againſt this Statute, it ſhall be lawful to Us and other chief Lords of the fee immediate to enter into the Land ſo aliened, within a year from the time of the alienation, and to hold it in fee, and as inheritance. (4) And if the chief Lord immediate be negligent, and will not enter into ſuch fee within the year, then it ſhall be lawful to the next chief Lord immediate of the ſame fee, to enter in the ſame Land within half a year next following, and to hold it as before is ſaid; and ſo every Lord immediate may enter into ſuch Land, if the next Lord be negligent in entring into the ſame fee, as is aforeſaid. (5) And if all the chief Lords of ſuch fees being of full age, within the four Seas, and out of priſon, be negligent or ſlack in this behalf, We, immediately after the year accompliſhed from the time that ſuch purchaſes, gifts, or appropriations hap to be made, ſhall take ſuch Lands and Tenements into Our hand, and ſhall infeoff other therein by certain ſervices to be done to Us for the defence of Our Realm; ſaving to the chief Lords of the ſame fees their Wards and Eſchetes, and other ſervices thereunto due and accuſtomed. (6) And therefore We command you, that ye cauſe the foreſaid Statute to be read before you, and from henceforth to be kept firmly and obſerved Witneſs my ſelf at Weſtminſter, the xiv. day of November, the ſeventh year of Our Reign. St. 13 Ed. 1. 32. St. 18 E. 3. 3. St. 15 R. 2. 5. F.N.B. fo. 221, &c. V.N.B. fo. 160. Regiſt fo. 247, &c. Raſt. pla. fo. 25, 120.

No land ſhall be aliened in Mortmain upon pein of the forfeiture thereof.

2 Bulſtr. 287. 3 Bulſtr. 45.

Who ſhall take the benefit of the forfeiture.

A Statute made 2 *Maii*, *Anno* 9 *Ed.* 1. and *Anno Dom.* 1281.

A Correction of the 12 Chap. of the St. of *Glouceſter*, touching calling Foreigns to Warranty in *London*.

Voucher 6.

IT is provided alſo, That if none being impleaded in the City of London, do vouch a Foreign to warranty, the Mayor and the Bailiffs ſhall adjourn the parties before the Juſtices of the Bench at a certain day, and ſhall ſend their record thither. (2) And the Juſtices ſhall cauſe the Warrantor to be ſummoned before them, and ſhall try the warranty. (3) And the Mayor and the Bailiffs in the mean time ſhall ſurceaſe in the matter that dependeth afore them by a Writ, until ſuch time as the warranty be determined before the Juſtices of the Bench. (4) And when the matter ſhall be determined, commandment ſhall be given to the Vouchee, to depart into the City, and to anſwer to the firſt Plea. (5) And the Demandant, at his Suit, ſhall have a Writ from the Juſtices of the Bench, unto the Mayor and Bailiffs, that they ſhall proceed in the Plea. (6) And if the Demandant recover, the Tenant ſhall come to the Juſtices of the Bench, and have a Writ to the Mayor and Bailiffs, that in caſe the Tenant have loſt his Land, they ſhall cauſe it to be extended, and return the ſame Extent unto the Bench at a certain day. (7) And after, it ſhall be commanded to the Sheriff of the Shire, where the warranty was ſummoned, that he ſhall cauſe the Tenant to have of the Lands of the Warrantor to like value. (8) And if it fortune that the Tenant make default at the day that is aſſigned him in the Bench, then ſhall there go forth a Writ from the Juſtices of the Bench to the Mayor and Baliffs, to ſeiſe the Land demanded into the King's hands by a Petie Cape, and to ſummon the Tenant, that he be at the Huſtings at a certain day, whereat

The manner of proceeding when Foreigns be vouched to warranty in London.

St. 6 Ed. 1. c. 12.

whereat the Juſtices ſhall be adviſed to give Judgment upon the ſame default, if he cannot ſave it; and in caſe he can ſave it, then the Juſtices ſhall be certified thereof by their Record; and by the ſame Record they ſhall plead the Warranty. Raſt. Pla. fo. 240, 354, &c. Coke Pla. fo. 176.

II. It is to be remembred, that this Article in form afore mentioned, was ſigned under the Great Seal of King Edward, Son of King Henry, in the ninth year of his reign, and ſent unto the Juſtices of the Bench after the manner of a Writ Patent, with a certain Writ cloſed, dated by the King's hand at Weſtminſter, the ſecond day of May, the year before mentioned, that they ſhould do and execute all and every thing contained in the Article aforeſaid, albeit that the ſame do not accord with the Statute of Glouceſter in all things.

A new Statute of the Exchequer, called the Statute of *Rutland*, made 24 *Maii*, *Anno* 10 E. 1. and *Anno Dom.* 1282. Touching the Recovery of the King's Debts.

Exchequer Raſt. 2.

2 Inſt. 552. 4 Inſt. 113. 114.

The King to his Treaſurer and Barons of the Exchequer, greeting. To the intent that proviſion may be had for the indemnity of us and our people, in certain things touching us and our people aforeſaid, in our ſaid Court of Exchequer, (2) We will and provide, That from henceforth the bodies of Shires ſhall not be written in ſeveral Rolls, but ſhall be written in a certain annual Roll by themſelves, and ſhall be read every year upon the Accompts of Sheriffs, that is to wit, of ſeveral Counties, that it may be known, if ought may accrue unto us by any mean. (3) The remanents of the ferms of the ſame Shires ſhall be written Poſt terras datas in the annual Rolls, and the Sheriffs ſhall be charged therewith: (4) In which remanents, the Liveries and Alms aſſigned ſhall be allowed, and other allowances, (if Sheriffs have had any) of the Iſſues of their Bailiwicks by our Writs. (5) And becauſe of the ſuggeſtion of our Bailiffs, our Writs are made of divers allowances, unto our grievous damage: (6) We will and provide, That of ſuch manner allowances ſo to be made, from henceforth view ſhall be made in our Exchequer, and the ſame view being faithfully made, the ſame Treaſurer and Barons ſhall certifie our Chancellor of the due allowances ſo to be made, and that Writs of allowances ſhall be made according to the ſame Certificate, (7) Moreover, there ſhall be written in the ſame annual Rolls the ferms of the Sheriffs, the profits of Counties, the ferms of Serjeants and Aſſerts, the ferms of Cities, Boroughs, Towns, and other ferms, whereof there is anſwer made yearly in the Exchequer. (8) And in them alſo ſhall be written all Debts determined, all groſs Debts whereof there is hope that ſomewhat ſhall be paid, and all other Debts that ſeem to be clear. (9) But when it is come unto accompt to the title of new Duties, nothing ſhall be written in the annual Roll, but thoſe Debts whereof there is hope of payment, and whereof the Sheriff is anſwerable, and Debts found in the Originals.

The Bodies of Shires. Annual Rolls. 34 & 35 H. 8. 16.

A Roll of deſperate Debts.

II. Of dead ferms, and debts deſperate, whereof there is no hope, one Roll ſhall be made, and ſhall be intituled Comitatus, and read every year upon the accompt of Sheriffs; and the debts whereof the Sheriffs are anſwerable ſhall be written in the annual Roll, and there ſhall be acquitted.

Tallies for Debts.

III. Moreover, we will and provide, That it ſhall be proclaimed in every County, That all they that have Tallies of the Exchequer, for the Debts of themſelves, or their Anceſtors, hitherto paid uſually there, and not yet allowed, which yet do come in the ſummons of the Exchequer, they do deliver to the Sheriffs ſuch Tallies, to be allowed at the Exchequer upon their Accompts. (2) And the Sheriffs ſhall make to them (of whom they ſhall ſo receive Tallies) their Writings, witneſſing the receipt of thoſe Tallies, and occaſions of the Debts.

Two Knights.

IV. Two faithful Knights, deputed thereunto, ſhall be preſent at the receipt of the Tallies aforeſaid, between whom and the ſaid Sheriffs, Indentures ſhall be made of ſuch Receipts, with the Seals of them both interchangeably.

V. The foreſaid Knights, deputed thereunto, ſhall ſend the parts of their Indentures, at the term appointed, unto the Exchequer in form aforeſaid, to the end, that by the view and witneſs of them, the ſaid Tallies ſo received by the Sheriffs, may be ſhewed, and allowed upon their Accompts.

Having Tallies and not delivering them.

VI. Moreover, it ſhall be proclaimed, That except thoſe that have ſuch Tallies do deliver them to the Sheriffs and Knights, as afore is ſaid, that then they ſhall be diſtrained for the whole debt, and that the foreſaid Tallies ſhall be reputed for unpaid.

VII. Moreover, the debts which yet are to come in the ſummons of the Exchequer, whereof the debtors do proffer Tallies againſt divers Sheriffs, ſhall be defalked and acquitted.

Commiſſions to enquire of the King's Debts.

VIII. Moreover we provide, that certain perſons aſſigned thereunto on our behalf ſhall be ſent into every Shire, which ſhall have full power to enquire of ſuch manner of debts; (2) and alſo to call afore them ſolemnly, as well the Sheriffs as their heirs and aſſigns, and the Tenants of their lands, in caſe they be dead that have received the debts; (3) and alſo if need be to proceed to the taking of ſuch manner of Inqueſts, whether the parties (againſt whom the foreſaid Tallies were ſhewed) do come or not. So that the Sheriff do return a reaſonable ſommons made to them therefore; (4) and ſo the truth being inquired and diſcuſſed in preſence of the parties (if they will be there) the Inquiſitors ſhall make Rolls of them that ſhall be convict afore them, ſo that the foreſaid debts being confeſſed and inrolled, the Tallies of the ſame ſhall be forthwith broken. (5) And the Sheriffs ſhall have in their cuſtody the tranſcripts of the ſame Rolls, under the Seals of the Inquiſitor; (6) and ſhall ſurceaſe in making Diſtreſſes for the debts contained in the ſame, until they ſhall have otherwiſe in commandment from us therefore. (7) And the foreſaid Inquiſitors ſhall ſend unto the Exchequer the foreſaid Rolls under their Seals, that it may be examined there, by a ſearch to be made therefore, what debts be paid in the whole, and what are paid in part, and what debts there be, whereof the Debtors be not acquitted, according as ſhall be convenient to be done.

IX. Moreover, we will and provide, that the Chamberlains from henceforth ſhall not make to the Sheriffs or any of their Bailiffs, Tallies of *dividendis*, unleſs they firſt receive of them Writings containing the particular Sums of the Actions of debts, and the names of them that paid them, unto the which particulars he may part the names of ſuch manner *dividendis*; (2) which being ſo received under their Seals, it ſhall not be lawful to number them into other particulars.

Tallies of Dividends.

X. Moreover, we provide, that all debts, whereunto the Sheriffs make return, that the debtors have nothing in their Bailiwicks, ne had not at ſuch time as they were charged with the ſame debts, or that the debtors be not found, that the ſame debts ſhall be eſtreated in Rolls, and the ſame Rolls to be delivered unto faithful and circumſpect men, which ſhall make inquiry thereof after ſuch form as ſhall be provided by the Treaſurer and Barons.

The Sheriff returneth that the Debtor is not found, or hath nothing.

XI. But for ſo much as certain Pleas were heretofore holden in the Exchequer, which did not concern us, nor our Miniſters of the Exchequer, whereby as well our Pleas, as the Cauſes of our people are unduly prorogued and letted. (2) We will and ordain, That no Plea ſhall be holden or pleaded in the Exchequer aforeſaid, unleſs it do ſpecially concern us and our Miniſters aforeſaid. (3) And therefore we command, that ye cauſe the premiſes to be diſtinctly and openly read afore you, and to inrol it, cauſing the ſame to be ſtraitly obſerved in our Court of Exchequer aforeſaid. In witneſs of which, &c. Yeven at Rutland, the four and twentieth day of the month of May, in the tenth year of our Reign.

No Suit ſhall be proſecuted in the Exchequer, unleſs it concern the King, or his Officers there. Regiſt. fo 187.

The Statute of *Acton-burnel*, made *Anno* 11 or 13 *Ed.* 1. and *Anno Dom.* 1285.

Ordaining the Statute-Merchant for recovery of Debts.

Foraſmuch as Merchants which heretofore have lent their goods to divers perſons be greatly impoveriſhed, becauſe there is no ſpeedy Law provided for them, to have recovery of their debts at the day of payment aſſigned; (2) And by reaſon hereof, many Merchants have withdrawn to come into this Realm with their Merchandiſes, to the damage as well of the Merchants as of the whole Realm: (3) The King by himſelf and by his Council, hath ordained and eſtabliſhed, That the Merchant which will be ſure of his debt, ſhall cauſe his Debtor to come before the Mayor of London, or of York, or Briſtol, or before the Mayor and a Clerk (which the King ſhall appoint for the ſame) for to knowledge the debt and the day of payment; (4) and the Recogniſance ſhall be entred into a Roll with the hand of the ſaid Clerk which ſhall be known. (5) Moreover, the ſaid Clerk ſhall make with his own hand a Bill obligatory, whereunto the Seal of the Debtor ſhall be put, with the King's Seal, that ſhall be provided for the ſame purpoſe: the which Seal ſhall remain in the keeping of the Mayor and Clerk aforeſaid (6) And if the Debtor doth not pay at the day to him limited, the Creditor may come before the ſaid Mayor and Clerk with his Bill obligatory: (7) and if it be found by the Roll and by the Bill that the debt was knowledged, and at the day of payment is expired, the Mayor ſhall incontinent cauſe the moveables of the Debtor to be ſold, as far as the Debt doth amount, by the praiſing of honeſt men, as Chattels, Burgages deviſable, until the whole ſum of the Debt, and the mony without delay ſhall be paid to the Creditor. (8) And if the Mayor can find no buyer, he ſhall cauſe the moveables to be delivered to the Creditor at a reaſonable price, as much as doth amount to the ſum of the Debt, in allowance of his Debt. (9) And the King's Seal ſhall be put unto the ſale and deliverance of the Burgages deviſeable for a perpetual witneſs. (10) And if the Debtor have no moveables within the Juriſdiction of the Mayor, whereupon the debt may be levied, but hath ſome otherwhere within the Realm, then ſhall the Mayor ſend the Recogniſance made before him and the Clerk aforeſaid, unto the Chancellor, under the King's Seal. (11) And the Chancellor ſhall direct a Writ unto the Sheriff, in whoſe Bailiwick the moveables of the Debtor be, and the Sheriff ſhall cauſe him to agree with his Creditor, in ſuch form as the Mayor ſhould have done in caſe that the moveables of the Debtor had been within his power. (12) And let them that ſhall praiſe the moveable goods to be delivered unto the Creditor, take good heed, that they do ſet a reaſonable price upon them: for if they do ſet an over-high price for favour born to the Debtor, and to the damage of the Creditor, then ſhall the thing ſo praiſed be delivered unto themſelves at ſuch price as they have limited, and they ſhall be forthwith anſwerable unto the Creditor for his debt. (13) And if the Debtor will ſay, that his moveable goods were delivered or ſold for leſs then they were worth, yet ſhall he have no remedy thereby. For when the Mayor or the Sheriff hath ſold the moveable goods lawfully to him that offered moſt, he may account it his own folly, that he did not ſell his own moveable goods himſelf before the day of his ſuit (when he might and would not) and have levied the mony with his own hands. (14) And if the Debtor have no moveables, whereupon the debt may be levied, then ſhall his body be taken, where it may be found, and kept in priſon, until that he have made agreement, or his friends for him. (15) And if he have not wherewith he may ſuſtain himſelf in priſon, the Creditor ſhall find him bread and water, to the end that he die not in priſon for default of ſuſtenance; the which coſts the Debtor ſhall recompenſe him with his debt, before that he be let out of priſon. (16) And if the Creditor be a Merchant-ſtranger, he ſhall remain at the coſts of the Debtor for ſo long time as he tarrieth about the ſuit of his debt, and until the moveable goods of the Debtor be ſold or delivered unto him. (17) And if the Creditor do not take the Debtor alone for the ſurety of his payment, by reaſon whereof Pledges or Mainpernors be founden, then thoſe Pledges or Mainpernors ſhall come before the Mayor and Clerk abovesaid, and ſhall bind themſelves by Writings and Recogniſances, as afore is ſaid of the Debtor. (18) And in like manner, if the debt be not paid at the day limited, ſuch execution ſhall be awarded againſt the Pledges or Mainpernors, as before is ſaid of the Debtor.

Statutes 1.

Bridgman, 19. Co. Inſt. 289. b. Cro. El. 233, 355, 461. 2 Roll 91.

Acknowledging of a Statute-Merchant. Regiſt. fo. 46. F.N.B. f. 130, &c.

The Seal of the Statute.

The Penalty if the Debt be not paid.

A Certificate of the Statute into the Chancery. F.N.B. f. 130. c.

F

The goods extended, delivered to the praiſors.

Fitz. Extent, 7, 10, 11, 12, 14.

The Debtor impriſoned. Regiſt. fo. 93.

The Debtors Dyet. F. N. B. f. 116. 10. 133. c.

The Creditor a Stranger.

The Creditors Pledges.

II. Provided nevertheleſs, that ſo long as the Debt may be fully taken and levied of the goods moveable of the Debtor, the Mainpernors or Pledges ſhall be without damage: (2) Notwithſtanding, for default of moveable goods of the Debtor the Creditor ſhall have execution

7

execution of his Recogniſance upon the Mainpernors or Pledges, in ſuch manner and form as before is limited againſt the principal Debtor. St. 13 Ed. 1. Raſt. pla. fo. 97, 542.

The Statute of *Weſtminſter* 2. made *Anno* 13 *Ed.* 1. and *Anno Dom.* 1285.

WHereas of late our Lord the King, in the Quinzim of St. John Baptiſt, the ſixth year of his Reign, calling together the Prelates, Earls, Barons, and his Council, at Glouceſter, and conſidering that divers of this Realm were diſherited, by reaſon that in many caſes, where remedy ſhall have been had, there was none provided by him nor his predeceſſors, ordained certain Statutes right neceſſary and profitable for his Realm, whereby the people of England and Ireland, being ſubjects unto his power, have obtained more ſpeedy Juſtice in their oppreſſions then they had before, and certain caſes (wherein the Law failed) did remain undetermined, and ſome remained to be enacted, that were for the reformation of the oppreſſions of the people: Our Lord the King in his Parliament, after the Feaſt of Eaſter, holden the thirteenth year of his Reign at Weſtminiter, cauſed many oppreſſions of the people, and defaults of the Laws, for the accompliſhment of the ſaid Statutes of Glouceſter, to be rehearſed, and thereupon did provide certain Acts, as ſhall appear here following.

CAP. I.

In Gifts in Tail the Donor's Will ſhall be obſerved. The form of a Formedon.

Tail 1. Several ſorts of gifts of Land in tail. F. N.B. f. 211. b. 1 Leond 212. 3 Bulſtr. 186. 1 Roll 48. 153, 158, 333, 357, 385. 2 Roll 429. (427.) 94, 197, 317, 318, 345. Vaughan, 365. Godbolt, 308. pl. & 367. pl. 458. Latch. 67. Popham, 128. Savil, 67, 88.

FIrſt, concerning Lands that many times are given upon condition, that is to wit, where any giveth his Land to any man and his wife, and to the heirs begotten of the bodies of the ſame man and his wife, with ſuch condition expreſſed, that if the ſame man and his wife die without heirs of their bodies between them begotten, the Land ſo given ſhall revert to the giver or his heir, (2) In caſe alſo where one giveth Lands in free marriage, which gift hath a condition annexed, though it be not expreſſed in the deed of gift, which is this: That if the husband and wife die without heir of their bodies begotten, the Land ſo given ſhall revert to the giver or his heir. (3) In caſe alſo where one giveth Land to another, and the heirs of his body iſſuing: it ſeemed very hard, and yet ſeemeth to the givers and their heirs, that their Will being expreſſed in the gift, was not heretofore, nor yet is obſerved. (4) In all the caſes aforeſaid, after iſſue begotten and born between them (to whom the Lands were given under ſuch condition) heretofore ſuch Feoffees had power to alien the Land ſo given, and to diſherit their iſſue of the Land, contrary to the minds of the givers, and contrary to the form expreſſed in the gift. (5) And further, when the iſſue of ſuch Feoffee is failing, the Land ſo given ought to return to the giver, or his heir, by form of the gift expreſſed in the deed, though the iſſue (if any were) had died: (6) yet by the deed and feoffment of them (to whom Land was ſo given upon condition) the donors have heretofore been barred of their reverſion, which was directly repugnant to the form of the gift.

Co. Inſt. 2 par. 332. Co.l.7.f.33. Fitz. Tail, 11, 12, 23, 14, 16, 17, 18, 22, 22, 23. Co. Inſt. 18. B. 19 a. 24. a. 223. b. 224. a. 262. a. 2 Anderſ. 11. 12 Co. 85. Fitz. Warranty, 16. Fitz. Formedon, 61, 65. Fitz. Tail, 9, 10. Fitz. Tail. 15, 17. Co.l.7.f.31.

In gifts in tail the Donor's will ſhall be obſerved. V. N.B. fo. 100, 144. Hob. 293. Raſt. pl. f. 360, &c.

II. Wherefore our Lord the King perceiving how neceſſary and expedient it ſhould be to provide remedy in the aforeſaid caſes, hath ordained, That the Will of the giver, according to the form in the deed of gift manifeſtly expreſſed, ſhall be from henceforth obſerved: So that they to whom the Land was given under ſuch condition, ſhall have no power to alien the Land ſo given, but that it ſhall remain unto the iſſue of them to whom it was given after their death, or ſhall revert unto the giver, or his heirs, if iſſue fail, (whereas there is no iſſue at all) or if any iſſue be, and fail by death, or heir of the body of ſuch iſſue failing. (2) Neither ſhall the ſecond husband of any ſuch woman, from henceforth, have any thing in the Land ſo given upon condition, after the death of his wife, by the Law of England, nor the iſſue of the ſecond husband and wife ſhall ſucceed in the inheritance, but immediately after the death of the husband and wife, (to whom the Land was ſo given) it ſhall come to their iſſue, or return unto the giver, or his heir, as before is ſaid,

Fitz. Garranty, 16, 46, 57, 59. Fitz. Tail, 13 Fitz. Baſt. 35 Plo. f. 223. 227. Co l 3. f. 85. Fitz. Formedon, 1, 27, 33, 35, 52, 54, 59, 62, 64. Fitz. Dower, 87.

II. And foraſmuch as in a new Caſe new Remedy muſt be provided, this manner of Writ ſhall be granted to the party that will purchaſe it.

Formedon in diſcender. Regiſt. fo. 238. Raſt. pla. f. 360, &c. Coke pla. 317, 338, 341.

(2) Præcipe A. quod juſte, &c. reddat E. manerium de F. cum ſuis pertinentiis, quod C. dedit tail viro, & tali mulieri, & hæredibus de ipſis viro & muliere exeuntibus.

Or thus,

(3) Quod C. dedit tali viro, in libertum maritagium, cum tali muliere, & quod poſt mortem prædictorum viri & mulieris, prædicto B. filio eorundem viri & mulieris deſcendere debeat per formam donationis prædictæ, ut dicit, &c. (4) vel quod C. dedit tali & hæredibus de copore ſuo exeuntibus, & quod poſt mortem illius talis, prædicto B. filio prædicti talis deſcendere debeat per formam, &c.

Co. l. 3. f. 8. li. 5. f. 14. li. 7. f. 32. 33. li. 8. f. 35. 86, 166. l. 9. f. 105. l. 11. f. 72. Co. Inſt. 327. b. Dyer f. 216, 247. Fitz Fines, 125.

Regiſt. f. 242.

IV. The Writ whereby the giver ſhall recover (when iſſue faileth) is common enough in the Chancery. (2) And it is to wit, That this Statute ſhall hold place touching alienation of Land contrary to the form of the gift hereafter to be made, and ſhall not extend to gifts made before. (3) And if a fine be levied hereafter upon ſuch Lands, it ſhall be void in the Law: (4) Neither ſhall the heirs, or ſuch as the reverſion belongeth unto, though they be of full age, within England, and out of priſon, need to make their claim.

A fine ſhall not bar the heir in tail Alt. St. 32. H. 8. 36.

Fitz. Formedon, 5, 6, 7, 11, 14, 22, 30, 42, 44, 46, 47, 49. Coke l. 9. f. 29. 2 H 4. f. 8. Fitz. continual claim, 9.

CAP. II.

A Recordare to remove a Plaint. Pledges to proſecute a Suit. Second Deliverance.

Replevin 2. The miſchiefs which Lords diſtraining their Tenant did ſuffer. V.N.B. fo. 163.

FOraſmuch as Lords of Fees diſtraining their Tenants for ſervices and cuſtoms due unto them are many times grieved, becauſe their Tenants do replevy the Diſtreſs by Writ or without Writ. (2) And when that Lords, at the complaint of the Tenants, do come by Attachment into the County, or unto another Court, having power to hold Pleas of Withernam, and do avow the taking good and lawful, by reaſon that the Tenants diſavow to hold ought, nor do claim to hold any thing of him (which took the Diſtreſs, and avowed it) he that diſtrained is amerced, and the Tenants go quit; (3) to whom puniſhment cannot be aſſigned for ſuch diſavowing by Record of the County, or of other Courts having no Record.

Co. Inſt. 2 par. 337. 1 Roll 446.

A Recordare **to remove a plaint out of the County.**

II. It is provided and ordained from henceforth, That where ſuch Lords cannot obtain Juſtice in Counties, and ſuch manner of Courts againſt their Tenants, as ſoon as they ſhall be attached at the Suit of their Tenants, a Writ ſhall be granted to them to remove the

16 H. 7. f. 1.

Plea before the Juſtices, afore whom, and none otherwhere, Juſtice may be miniſtred unto ſuch Lords. And the cauſe ſhall be put in the Writ, becauſe ſuch a man diſtrained in his Fee for Services and Cuſtoms to him due. (3) Neither is this Act prejudicial to the Law commonly uſed, which did not permit that any Plea ſhould be moved before Juſtices at the ſuit of the defendant: (4) For though it appear at the firſt ſhew that the Tenant is plaintiff, and the Lord defendant, nevertheleſs, having reſpect to that, that the Lord hath diſtrained, and ſueth for Services and cuſtoms being behind, he appeareth indeed to be rather actor or plaintiff then defendant. (5) And to the intent the Juſtices may know upon what freſh ſeiſin the Lords may avow the diſtreſs reaſonable upon their Tenants: (6) From henceforth it is agreed and enacted, That a reaſonable diſtreſs may be avowed upon the ſeiſin of any anceſtor or predeceſſor ſince the time that a Writ of Novel diſſeiſin hath run. (7) And becauſe it chanceth ſometimes that the Tenant, after that he hath replevied his beaſts, doth ſell or alien them, whereby return cannot be made unto the Lord that diſtrained, if it be adjudged.

Regiſt. f. 83. V. N.B. f. 41. F.N.B 70.

St. 32 H. 8. 2.

Dyer f. 188. Hull. 77. 2 H. 6. f. 15. 8 Ed. 3. f. 72. 9 H. 6. f. 42. Fitz. Return des avers.

Pledges to proſecute the Suit, and to make return. Raſt. pla. f. 520. Regiſt. jud. f. 4.

III. It is provided, That Sheriffs or Bailiffs from henceforth ſhall not only receive of the plaintiffs pledges for the purſuing of the ſuit, before they make deliverance of the diſtreſs, but alſo for the return of the beaſts if return be awarded. (2) And if any take pledges otherwiſe, he ſhall anſwer for the price of the beaſts, and the Lord that diſtraineth ſhall have his recovery by Writ that he ſhall reſtore unto him ſo many beaſts or cattel: (3) And if the Bailiff be not able to reſtore, his Superiour ſhall reſtore. (4) And foraſmuch as it hapneth ſometime, that after the return of the beaſts is awarded unto the diſtrainor, and the party ſo diſtrained, after that the beaſts be returned, doth replevy them again, and when he ſeeth the diſtrainor appearing in the Court ready to anſwer him, doth make default, whereby return of the beaſts ought to be awarded again unto the diſtrainor, and ſo the beaſts be replevied twice or thrice, and infinitely, and the Judgments given in the King's Court take no effect in this caſe, whereupon no remedy hath been yet provided: (5) In this caſe ſuch proceſs ſhall be awarded, that ſo ſoon as return of the beaſts ſhall be awarded to the diſtrainor, the Sheriff ſhall be commanded by a judicial Writ, to make return of the Beaſts unto the diſtrainor; in which Writ it ſhall be expreſſed that the Sheriff ſhall not deliver them without Writ, making mention of the Judgment given by the Juſtices which cannot be without a Writ iſſuing out of the Rolls of the ſaid Juſtices before whom the matter was moved. (6) Therefore when he cometh unto the Juſtices, and deſireth replevin of the beaſts, he ſhall have a judicial Writ, that the Sheriff taking ſurety for the ſuit, and alſo of the beaſts or cattel to be returned, or the price of them (if return be awarded) ſhall deliver unto him the beaſts or cattel before returned, and the diſtrainor ſhall be attached to come at a certain day before the Juſtices, afore whom the Plea was moved in preſence of the parties. (7) And if he that replevied make default again, or for another cauſe return of the diſtreſs be awarded, being now twice replevied, the diſtreſs ſhall remain irrepleviable. (8) But if a diſtreſs be taken of new, and for a new cauſe, the proceſs aboveſaid ſhall be obſerved in the ſame new diſtreſs.

Cro. Car. 594. March. 46.

Dyer f. 41. 59. Kel. f. 92. 26 H. 8. f. 6. 21 H. 7. f. 28. 12 H. 7. f. 4. 3 H. 6. f. 9. 14 H. 7. f. 6. Dyer f. 280. Fitz. Return des avers 6, 15, 18, 19, 24, 26, 32, 33, 34, 35.

A Writ of ſecond deliverance. Raſt. pl. f. 522, 627. F.N.B. fo. 72.

A Diſtreſs irrepleviable. Regiſt. jud. f. 27, 62, 69, 85.

Women 5.

CAP. III.

A Cui in vita for the Wife. Where a Wife, or he in reverſion, ſhall be received.

IN caſe when a man doth loſe by default the Land which was the right of his wife, it was very hard that the wife, after the death of her husband, had none other recovery but by a Writ of Right: (2) Wherefore our Lord the King hath ordained, that a woman, after the death of her husband, ſhall recover by Writ of Entre, (whereto ſhe could not diſagree during his life) which ſhall be pleaded in form under written. (3) If the Tenant do except againſt the demand of the wife, that he entred by judgment, and if it be found that his Entre was by default, whereto the Tenant of neceſſity muſt make anſwer, if it be demanded of him, then he ſhall be compelled to make further anſwer, and to ſhew his right according to the form of the Writ that he purchaſed before againſt the Husband and the wife. (4) And if he can verifie that he hath or had right in the Land demanded, the woman ſhall gain nothing by her Writ; which thing if he cannot ſhew, the woman ſhall recover the Land in demand: (5) This being obſerved, That if the husband abſent himſelf, and will not defend his wives right, or againſt his wives conſent will render the Land, if the wife do come before judgment, ready to anſwer the demandant, and to defend her right, the wife ſhall be admitted. (6) Likewiſe if Tenant in Dower, Tenant by the Law of the Land, or otherwiſe for term of life, or by gift, whereas the Reverſion is reſerved, do make Default, or will give up, the Heirs, and they unto whom the reverſion belongeth, ſhall be admitted to their anſwer if they come before judgment. (7) And if upon ſuch default or ſurrender judgment hap to be given: then the heirs, or they unto whom the reverſion belongeth, after the death of ſuch Tenants ſhall have their recovery by a Writ of Entre, (8) in which like Proceſs ſhall be obſerved as is aforeſaid, in caſe where the husband loſeth his wives Land by default. (9) And ſo in the caſes aforeſaid two actions do concur, one between the Demandant and Tenant, and another between the Tenant ſhewing his right and the Demandant. Raſt. Pla. fo. 29, 138, 240, 266, 348, 530, 623. St. 32 H. 8. 28.

Co. Inſt. 2 par. 341. Co. l. 6. f. 8. l. 8. f. 72. 26 H. 8. f. 2. Fitz. Cui in vita, 7, 8, 10, 11, 14, 16, 17, 19, 20, 22, 26, 28, 30, 32, 34. Co. Inſt. 280. a. 352. b. 353. a. 355. a. 356. a. Dyer fo. 298, 315, 341. Fitz. Reſceit. 1, 3, 5, 6, 9, 11, 12, 19, 27, 30, 32, 139. Co. l. 11. f. 39. Co. l. 10. f. 44. 22 Aſſ. pl. 27. 24 Ed. 3. f. 22, 32. 7 Ed. 3. f. 15. 5 E. 3. f. 61. 18. 3 f. 32. Fitz. Brief, 794. Cro. Car. 43. Leonard. 62. 1 Roll 91, 156, 181, 213. Savil 67.

A Cui in vita **for the wife where her deceaſed husband loſt by default.** Regiſt. f 232. V.N.B. fo. 132. Raſt. pla. f. 135, &c. F.N.B. f. 193, &c.

Where the wife ſhall be received upon the husband's default. Regiſt. f. 13, 14, 231. Regiſt. jud. f. 46. Raſt. pl. fo. 530.

The receipt of him in the reverſion. Regiſt. fo. 226. Raſt. pla. f. 530. St. 20 Ed. 1. Ingreſſus ad communem legem. Regiſt. fo. 133. V.N.B. fo. 136. 3 Bulſtr. 46, 137.

CAP. IV.

Where the Wife ſhall be endowable of Lands recovered againſt her Husband. Where the Heir may avoid a Dower recovered. A Remedy for particular Tenants loſing by Default.

IN caſe where the husband being impleaded for Land, giveth up the Land demanded unto his adverſary by covin: after the death of the husband, the Juſtices ſhall award the wife her dower, if it be demanded by Writ. (2) But in caſe where the husband loſeth the Land in demand by default, if the wife, after the death of her husband, demandeth her dower, it hath been proved, that ſome Juſtices have awarded unto the woman her dower notwithſtanding the default which her husband made, other Juſtices being of the contrary opinion and judging otherwiſe: (3) To the intent that from henceforth ſuch ambiguity ſhall be taken away, it is thus ordained in certain, That in both caſes the woman, demanding her dower, ſhall

12 H. 4. f. 21. Fitz. Faux de recov. 27, 31. Co. Inſt. 2 par. 547. 14 H. 4. f. 32. 30 Ed. 3. f. 7. 2 Roll. 14, 16. Savil 67.

Dower 8. The wife ſhall be endowable though the land be recovered againſt her husband by covin or by default.

be heard. (3) And if it be alledged againſt her, that her Huſband loſt the land, whereof the dower is demanded by judgment, whereby ſhe ought not to have dower, and then it be enquired by what judgment, and it be found that it was by default, whereunto the Tenant muſt anſwer: then it behoveth the Tenant to anſwer further, and to ſhew that he had right, and hath in the foreſaid land according to the form of the Writ that the Tenant before purchaſed againſt the Huſband: (4) And if he can ſhew that the Huſband of ſuch wife had no right in the lands, nor any other but he that holdeth them, the Tenant ſhall go quit, and the wife ſhall recover nothing of her dower; which thing if he cannot ſhew, the wife ſhall recover her dower.

Fitz. Dower 80, 140, 173.

A remedy for Tenants for life, &c which do loſe their land by default.

(5) And ſo in theſe caſes, and in certain other following, That is to ſay, when the wife being indowed loſeth her dower by default, and Tenants in free marriage, by the Law of England, or for term of life, or in fee-tail, divers actions do concur for ſuch Tenants, when they muſt demand their land loſt by default: (6) And when it is come to that point, that the Tenants muſt be compelled to ſhew their right, they cannot make anſwer without them to whom the reverſion of right belongeth: therefore it is granted unto them to vouch to warranty, as if they were Tenants, if they have a warranty: (7) And when the warrantor hath warranted, the plea ſhall paſs between him that is ſeiſed and the warrantor, according to the tenor of the Writ that the Tenant purchaſed before, and by which he recovered by default: (8) and ſo from many Actions at length they ſhall reſort to one Judgment, which is this, That the demandants ſhall recover their demand, or the Tenants ſhall go quit. (9) And if the Action of ſuch a Tenant, which is compelled to ſhew his right, be moved by a Writ of right, though that the great Aſſiſe or Battel cannot be joyned by the words accuſtomed, yet it ſhall be joyned by words convenient: (10) for when the Tenant, in that he ſheweth his right, which belongeth to him by the Writ that he before purchaſed, in ſtead of a demandant, the warrantor may well defend the right of the Tenant, which is accounted in place of the demandant, as before is ſaid, and offer to defend the ſeiſin of his anceſtors by the body of his freeman, or put himſelf in the great Aſſiſe, and pray recogniſance to be made, whether he hath more right to the land in demand, or elſe the party before named: (11) Or otherwiſe the great Aſſiſe may be joyned thus: Talis defendit jus, &c. and ſo the warrantor may defend the right, and knowledge the ſeiſin of his anceſtor, and put himſelf in the great Aſſiſe, &c. and pray recogniſance to be made, whether he hath more right in the foreſaid land, as in that whereof he infeoffed ſuch a man, or that ſuch a one releaſed and quite claimed, &c. or elſe the foreſaid party, &c.

Fitz. Voucher, 46, 59, 159, 165, 186, 261, 275, 376, 309. Fitz. Counter. de Voucher, 61, 68, 86, 101, 102, 105, 122. Fitz. Counter. de Garrant. 17, 18. Co.l.11.f.62.

Hob. 299. The particular Tenants may vouch him in the reverſion. 1 Roll. 91. Kell. 111. b. pl. 37.

The Heir avoideth a woman of her dower recovered againſt his Gardian. A woman's dower recovered againſt her by default.

(12) And where ſometime it chanceth that a woman not having right to demand dower, the heir being within age, doth purchaſe a Writ of dower againſt a Gardian, and the Gardian endoweth the woman by favour, or maketh default, or by colluſion defendeth the plea ſo faintly, whereby the woman is awarded her dower in prejudice of the heir: (13) It is provided, that the heir, when he cometh to full age, ſhall have an action to demand the ſeiſin of his anceſtor againſt ſuch a woman, like as he ſhould have againſt any other deforceor. Yet ſo, that the woman ſhall have her exception ſaved againſt the demandant, to ſhew that ſhe had right to her dower; which if he can ſhew, ſhe ſhall go quit and retain her dower and the heir ſhall be grievouſly amerced, according to the diſcretion of the Juſtices: And if not, the heir ſhall recover his demand, &c. (14) In like manner the woman ſhall be aided, if the heir or any other do implead her for her dower, or if ſhe loſe her dower by default, in which caſe the default ſhall not be ſo prejudicial to her, but that ſhe ſhall recover her dower, if ſhe have right thereto, and ſhe ſhall have this Writ:

Quod ei deforc. F. N. B. f. 8. d, V.N.B. fo.154. Raſt. pl. f. 491.

II. Præcipe A. quod juſte, &c. reddat B. quæ fuit uxor F. tantam terram cum pertinentis in C. quam clamat eſſe rationabilem dotem ſuam, vel de rationabili dote ſua, &quod prædictus A. ei deforceat, &c.

Co 11 6.f.5. Co. Inſt. 131. b. 354. b. 355. a. 356, a.

(2) And to this Writ the Tenant ſhall have his exception, to ſhew that ſhe had no right to be endowed; which if he can verifie, he ſhall go quit; if not, the woman ſhall recover the land whereof ſhe was endowed before. (3) And whereas before time, if a man had loſt his land by default, he had none other recovery than by a Writ of Right, which was not maintainable by any that could not claim of meer right as Tenants for term of life, in free marriage, or in tail, in which eſtates a reverſion is reſerved: (4) It is provided, That from henceforth their default ſhall not be ſo prejudicial, but that they may recover their Eſtate by another Writ then by a Writ of Right, if they have right. (5) For land in free marriage, loſt by default, ſuch a Writ ſhall be made:

Quod ei deforceat. for Tenant in frank-marriage. For Tenant for life or in tail.

Præcipe A. quod juſte, &c. reddat B. manerium de D. cum pertinentiis, quod clamat eſſe jus & maritagium ſuum, & quod A. ei Injuſte deforceat.

(6) Like of Land for term of life, loſt by default, this Writ ſhall be made:

Præcipe A. quod juſte, & ſine dilatione, &c. reddat B. manerium de D. cum pertinentiis quod clamat tenere ad terminum vitæ ſuæ, & quod prædictus A. ei deforceat. Likewiſe,

(7) Quod clamat tenere ſibi, & hæredibus de corpore ſuo legitime procreatis, & quod Prædictus A. ei deforceat. F.N.B. fo.155.b. Regiſt.fo.171.b.230. Raſt.pla.f.491.

Fitz. Quod ei deforceat 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 17. Co. Car. 445.

CAP. V.

Remedies to redreſs Uſurpations of Advowſons of Churches, &c.

Advowſon 1. Three original Writs of Advowſons. V. N. B. f. 25. Raſt. Pla. f. 101, 144, 496. Hull. 3. 3 Bulſtr. 40. Hobart, 240. Uſurpation of Churches during particular eſtates ſhall not prejudice them in the reverſion. F.N.B. f. 31. F.

Whereas of Advowſons of Churches there be but three original Writs, that is to ſay, one Writ of Right, and two of Poſſeſſion, which be Darrain preſentment, and Quare impedit: (2) and hitherto it hath been uſed in the Realm, that when any having no right to preſent, had preſented to any Church whoſe Clerk was admitted: he that was very Patron could not recover his Advowſon, but only by a Writ of Right, which ſhould be tried by Battail or by great Aſſiſe, whereby heirs within age, by fraud or elſe by negligence of their Wards, and Heirs both of great and mean Eſtate, by negligence or fraud of Tenants by the courteſie, women Tenants in Dower, or otherwiſe, for term of life, or for years, or in Fee-tail, were many times deſherited of their Advowſons, or at leaſt (which was the better for them) were driven to their Writ of Right, in which caſe hitherto they were utterly diſinherited: (3) It is provided, that ſuch Preſentments ſhall not be ſo prejudicial to the right heirs, or to them unto whom ſuch Advowſons ought to revert after the death of any perſons: (4) For as often as any, having no right, doth preſent, during the time that ſuch heirs are in Ward,

Co. Inſt. 2 par. 353. 12 Co. 63. 13 Co. 6. 1 Roll. 151. 156, 157, 158, 211, 462. 2 Roll. 98, 246. Co.l.11 f.32. Kel. fo. 1. Fitz.Q.imp. 43, 67, 47, 92, 96, 99, 105, 127, 142, 167. Co.l 11.f.72.

Ward, or during the Eſtates of Tenants in Dower, by the Courteſie, or otherwiſe for term of life, or of years, or in tail, at the next Avoidance, when the heir is come to full age, or when after the death of the Tenants before named, the Advowſon ſhall revert unto the heir being of full age, he ſhall have ſuch Action by Writ of Advowſon poſſeſſory, as the laſt anceſtor of ſuch an heir ſhould have had at the laſt avoidance happening in his time, being of full age before his death, or before the demiſe was made for term of life, or in fee-tail, as before is ſaid. (5) The ſame ſhall be obſerved in Preſentments made unto Churches, being of the inheritance of wives, what time they ſhall be under the power of their husbands, which muſt be aided by this Eſtatute by the remedy aforeſaid. (6) Alſo Religious men, as Biſhops, Archdeacons, Parſons of Churches, and other ſpiritual men, ſhall be aided by this Eſtatute, in caſe any, having no right to preſent, do preſent unto Churches belonging to Prelacies, ſpiritual Dignities, Parſonages, or to Houſes of Religion, what time ſuch Houſes, Prelacies, ſpiritual Dignities or Parſonages be vacant.

Preſentations to Churches of women during their coverture.
Churches of religious perſons.

39 Ed. 3. f. 15.

II. Neither ſhall this Act be ſo largely underſtood, that ſuch perſons, for whoſe remedy this Statute was ordained, ſhall have the recovery aforeſaid, ſurmiſing that Gardians of Heirs, Tenants in tail, by the Courteſie, Tenants in dower, for term of life, or for years, or husbands, which faintly have defended Pleas moved by them or againſt them: (2) becauſe the Judgments given in the Kings Courts ſhall not be adnulled by this Statute, the Judgment ſhall ſtand in his force, until it be reverſed in the Court of the King as erroneous, if errour be found; (3) or by Aſſiſe of Darrein preſentment, or by Enqueſt by a Writ of Quare impedit, if it be paſſed, or be adnulled by attaint or certification, which ſhall be freely granted. (4) And from henceforth one form of pleading ſhall be obſerved among Juſtices in Writs of Darrein preſentment and Quare impedit, in this reſpect, if the defendant alledgeth plenarty of the Church of his own preſentation, the plea ſhall not fail by reaſon of the plenarty: ſo that the Writ be purchaſed within ſix months, though he cannot recover his Preſentation within the ſix months. (5) And ſometimes when an agreement is made between many claiming one Advowſon, and inrolled before the Juſtices in the Roll, or by Fine, in this form, That one ſhall preſent the firſt time, and at the next avoidance another, and the third time another; and ſo of many, in caſe there be many. (6) And when one hath preſented, and had his Preſentation, which he ought to have according to the form of their agreement and fine, and at the next avoidance he to whom the ſecond Preſentation belongeth, is diſturbed by any that was party to the ſaid fine, or by ſome other in his ſtead: (7) It is provided, That from henceforth they that be ſo diſturbed, ſhall have no need to ſue a Quare impedit, but ſhall reſort to the Roll or Fine. (8) And if the ſaid concord or agreement be found in the Roll or Fine, then the Sheriff ſhall be commanded, that he give knowledge unto the diſturber, that he be ready at ſome ſhort day, containing the ſpace of fifteen days, or three weeks, (as the place happeneth to be near or far) for to ſhew if he can alledge any thing, wherefore the party that is diſturbed ought not to preſent. (9) And if he come not, or peradventure doth come, and can alledge nothing to bar the party of his Preſentation, by reaſon of any deed made written ſince the Fine was made or inrolled, he ſhall recover his preſentation with his damages. (10) And where it chanceth that after the death of the anceſtor of him that preſented his Clerk unto a Church, the ſame Advowſon is aſſigned in dower to any woman, or to tenant by the courteſie, which do preſent, and after the death of ſuch tenants, the very Heir is diſturbed to preſent when the Church is void: (11) It is provided, That from henceforth it ſhall be in the election of the party diſturbed, whether he will ſue a Writ of Quare impedit, or of Darrein preſentment: the ſame ſhall be obſerved in Advowſons demiſed for term of life or years, or in fee-tail.

Judgments given ſhall not be reverſed, but by Writ of Errour or Attaint.
St. 4 H. 4. 3.
Cro. El. 207. Co. l. 6. f. 61. Fitz. Q. impedit 19, 48, 73, 96, 116, 169. Fitz. Encumbent 1, 2, 4. Bro. Plenarty 1, 2, 7, 11, 12, 14, 15, 16. Bro. Preſentat. 46, 58. Co. Inſt. 344. b. Co. l. 5. f. 102. 13 Ed. 4. f. 3. Dyer f. 29. Fitz. Q. impedit 7, 49, 62, 196. Fitz. Darrein preſent. 11.
The defendant pleadeth plenarty of his own preſentation.
Cro. Jac. 166.
Preſentations to a Church by compoſition.
Co. pl. fo. 468, 479.
Hob. 244.
The remedy for a diſturbance after a particular eſtate ended.
Fitz. Darrein preſent. 13.

Fitz. Damag. 4, 9, 17, 29, 38, 93, 106. Fitz. Q impedit 24, 45. Dier f. 135, 236, 241. Kel. f. 57, 109. Fitz. Enqueſt 43. Co. l. 6. f. 48. l. 9. f. 26.

III. And from henceforth in Writs of Quare impedit and darrein preſentment, damages ſhall be awarded, that is to wit, if the time of ſix months paſs by the diſturbance of any, ſo that the Biſhop do confer to the Church, and the very Patron loſeth his preſentation for that time, damages ſhall be awarded for two years value of the Church. (2) And if the ſix months be not paſſed, but the preſentment be deraigned within the ſaid time, then damages ſhall be awarded to the half years value of the Church: (3) And if the diſturber have not whereof he may recompence damages, in caſe where the Biſhop conferreth by lapſe of time, he ſhall be puniſhed by two years impriſonment. (4) And if the Advowſon be deraigned within the half year, yet the diſturber ſhall be puniſhed by the impriſonment of half a year.

Hob. 212.
Damages in Q. impedit, and Darrein preſent.
Regiſt. jud. f. 50. V.N.B. f. 25, 26
In caſe of the King.
Cro. 31 El. pla. 162.

2 Roll 112. 24 Ed. 3. f. 26. Fitz. Q. imp. 4, 16, 18, 27, 30, 38, 70, 82, 129, 140, 157, 183. 31 H. 6. f. 13. 21 E. 3. f. 13. 8 Ed. 3. f. 49. Bro. Droit 8. Co. l. 7. f. 25, 27. 35 H. 6. f. 60. 38 H. 6. f. 9. 22 E. 4. f. 8. 5 H. 7. f. 10. 45 E. 3. f. 12. Fitz Q imp. 1, 3, 7, 8, 20, 39, 40, 51, 58, 59, 64, 65, 69, 104, 148, 196.

IV. And from henceforth Writs ſhall be granted for Chapels, Prebends, Vicarages, Hoſpitals, Abbies, Priories, and other Houſes which be of the Advowſons of other men, that have not been uſed to be granted before. (2) And when the Parſon of any Church is diſturbed to demand Tithes in the next Pariſh by a Writ of Indicavit, the Patron of the Parſon ſo diſturbed, ſhall have a Writ to demand the Advowſon of the Tithes being in demand: (3) and when it is deraigned, then ſhall the Plea paſs in the Court Chriſtian, as far forth as it is deraigned in the Kings Court.

Q. impedit of Prebends, Vicarages, Hoſpitals, &c.
V.N.B. fo. 32.
Diſturbance by Indicavit.
Regiſt. fo. 35. F.N.B. fo. 30. E. 45 B.

V. When an Advowſon deſcendeth unto Parceners, though one preſent twice, and uſurpeth upon his coheir, yet he that was negligent, ſhall not be clearly barred, but another time ſhall have his turn to preſent when it falleth. Raſt. pla. fo. 101, 144, 496. Stat. 2 & 3 Ed. 6. 13. Hobart 238.

Uſurpation by one Coparcener upon another.

CAP. VI.

The Penalty if a Tenant impleaded voucheth, and the Vouchee denieth his Warranty.

When any demandeth Land againſt another, and the party that is impleaded, voucheth to warranty, and the Warrantor denieth his warranty, and the Plea hangeth long between the tenant and the warrantor: (2) and at length, when it is tried, that the vouchee is bound to warranty by the law and cuſtom of the Realm hitherto uſed, there was none other puniſhment aſſigned for the vouchee that denieth his warranty, but only that he ſhould warrantize and ſhould be amerced, becauſe he did not warrant before, (3) which was prejudicial unto the demandant, becauſe he ſuffered oftentimes great delays by colluſion between the tenant and the warrantor. (4) Wherefore our Lord the King hath ordained, that like as the tenant

Voucher 1.
Co. Init. 2 par. 366.

The penalty where the Voucher denieth his warranty.
A Venire facias at the demandant's requeſt

ſhould leeſe the land being in demand, in caſe where he vouched, and the vouchee could diſcharge himſelf of the warranty, in the ſame wiſe ſhall the warrantor leeſe, in caſe where he denieth his warranty, and it be tried againſt him that he is bounden to warranty. (5) And if an inqueſt be depending between the tenant and the warrantor, and the demandant will require a writ to cauſe the Jury to come, it ſhall be granted him. Raſt. pla. fol. 352, 687, &c.

45 Ed.1.f.16. 6 H.4.f.6.

CAP. VII.

Admeaſurment of Dower for the Gardian and the Heir: and the Proceſs therein.

Admeaſurement 1. F.N.B. fo. 148. V.N.B. f. 9. 10.
Proceſs in a Writ of Admeaſurement of dower or paſture. Raſt. pla. f. 22.

A Writ of Admeaſurment of Dower ſhall be from henceforth granted to a Gardian. (2) Neither ſhall the heir, when he cometh to full age, be barred by the ſuit of ſuch a Gardian, that ſueth againſt the tenant in Dower feignedly, and by colluſion, but that he may admeaſure the Dower after, as it ought be admeaſured by the Law of England. (3) And as well in this Writ, as in a Writ of Admeaſurment of Paſture, more ſpeedy Proceſs ſhall be awarded then hath been uſed hitherto: (4) ſo that when it is come unto the great Diſtreſs, days ſhall be given, within which two Counties may be holden, at the which open proclamation ſhall be made, that the defendant ſhall come in, at the day contained in the Writ, to anſwer to the plaintiff; at which day if he come in, the plea ſhall paſs between them. (5) And if he do not come, and the proclamation be teſtified by the Sheriff in manner above, upon his default, they ſhall make Admeaſurement. V.N.B. fo. 72 Regiſt. fo. 171, 297. Regiſt. jud. fo. 36, 40, 64. Co. Inſt. 2 par. 367.

Fitz. Admeaſure. 3, 4, 5, 9, 10, 13, 27.
7 Ed. 4. f. 22. 18 Ed. 3. f. 30.
Fitz. Proc. 12.

CAP. VIII.

In what caſe a Secunda ſuperoneratione Paſturæ ſhall be awarded.

Admeaſurement 2. Raſt. pla. fo. 22. Coke pla. fo. 48.

Whereas by a Plea moved upon a Writ of Admeaſurement of Paſture, the Paſture was ſometime admeaſured before the Juſtices, ſometime before the Sheriff in the County; (2) and it chanced many times, after ſuch Admeaſurement made, the Paſture to be overcharged again by him that firſt did it, with mo beaſts then he ought to keep, whereupon no remedy hath been yet provided: (3) It is ordained, that upon the ſecond overcharge, the Plaintiff ſhall have remedy in this manner: (4) If the Admeaſurement were before the Juſtices, the Plaintiff ſhall have a Writ judicial, that the Sheriff in preſence of the parties being ſummoned (if they will come) ſhall inquire upon the ſecond overchage: which if it be found it ſhall be returned before the Juſtices, under the ſeals of the Sheriff, and the ſeals of the Jurors: (5) And the Juſtices ſhall award the Plaintiff damages, and ſhall put in the extreats the value of the beaſts which were put into the paſture after ſuch Admeaſurement more then he ought, and ſhall deliver the extreats unto the Barons of the Exchequer, whereof they ſhall anſwer unto the King. (6) If ſuch Admeaſurement were made in the County, then, at the requeſt of the Plaintiff, a Writ ſhall go out of the Chancery, that the Sheriff ſhall inquire of ſuch overcharge, and of the beaſts put in the paſture above the due number, or for the value of them, and he ſhall anſwer to the King at the Exchequer. (7) And leſt the Sheriff might defraud the King in this caſe, it is agreed, That all ſuch Writs De ſecunda ſuperoneratione, that paſs out of the Chancery, ſhall be inrolled, and at the years end the tranſcripts ſhall be ſent into the Exchequer, under the Chancellor's ſeal, that the Treaſurer and Barons of the Exchequer may ſee how the Sheriff doth anſwer of the iſſues of ſuch Writs. (8) In the ſame wiſe, Writs of Rediſſeiſin ſhall be inrolled and ſent into the Exchequer at the years end. Regiſt. fo. 157. Regiſt. jud. fo. 36, 38.

Co. Inſt. 2 par. 169.

Secunda ſuperonerat. paſturæ. V.N.B. fo. 72.
Admeaſurement before Juſtices.
Admeaſurement in the County. F.N.B. fo. 125. b.
Rediſſeiſin. V.N.B. fo. 55.

CAP. IX.

In what caſe the Writ of Meſne is to be purſued.

Meſne 1.

When chief Lords diſtrain in their Fee for Cuſtoms and Services to them due, and there is a Mean which ought to acquit the tenant, ſithence it lieth not in the mouth of the tenant, after that he hath replevied the diſtreſs, to deny the demand of the chief Lord, which avoweth in the King's Court, that the diſtreſs is lawfully taken upon his tenant, which is upon the Mean, (2) and many have been heretofore ſore grieved by ſuch diſtreſs, in ſo much as the Mean (notwithſtanding that he hath whereby he may be diſtrained) doth make long delays before he will come into the Court to anſwer for his Tenant unto the Writ of Mean, (3) and further, the caſe was moſt hard when the Mean had nothing: (4) In caſe alſo when the Tenant was ready to do his Services and Cuſtoms unto his Lord, and the chief Lord would refuſe to take ſuch Services and Cuſtoms by the hands of any other then of his next Tenant, and ſo ſuch Tenants in demean loſt ſomewhiles the profits of their Lands for a time, and ſomewhiles for their whole time, and hitherto no remedy hath been provided in this caſe: (5) A remedy is provided and ordained hereafter in this form, That ſo ſoon as ſuch Tenant in demean (having a Mean between him and the chief Lord) is diſtrained, incontinent the Tenant ſhall purchaſe his Writ of Mean. (6) And if the Mean, having land in the ſame County, abſent himſelf until the Great diſtreſs awarded, the Plaintiff ſhall have ſuch day given him in his Writ great diſtreſs, afore the coming whereof two Counties may be holden, and the Sheriff ſhall be commanded to diſtrain the Mean by the Great diſtreſs, like as it is contained in the Writ, and nevertheleſs the Sheriff in two full Counties ſhall cauſe to be proclaimed ſolemnly, that the Mean do come at a day contained in the Writ, to anſwer his Tenant; (7) at which day, if he come, the Plea ſhall paſs between them after the common uſage; (8) and if he do not come, then ſuch Meſne ſhall loſe the Services of his Tenant, and from henceforth the Tenant ſhall not anſwer him in any thing, but the ſame Mean being excluded, he ſhall anſwer unto the chief Lord for ſuch Services and Cuſtoms as before he ought to have done to the ſame Mean. (9) Neither ſhall the chief Lord have power to diſtrain, ſo long as the aforeſaid Tenant doth offer him the Services and Cuſtoms due. (10) And if the chief Lord exact more then the Mean ought to do, the Tenant in ſuch caſe ſhall have ſuch exceptions as the Mean ſhould. (11) And if the Mean have nothing within the King's Dominion, the Tenant ſhall nevertheleſs purchaſe his Writ of Mean to the Sheriff of the ſame Shire wherein

Co. Inſt. 2 par. 376. 1 Rol. 165. M. 14 H. 7. 10. b. pl. 20. per Tremayle.

A Writ of Meſne, and the Proceſs therein. Regiſt. fo. 160. V.N.B. fo. 80.

Fitz. Meſne 2, 3, 7, 11, 12, 15, 16, 17, 19, 20, 21, 24, 56, 58.

Fitz. Proclamat. 20, 21. Co. Inſt. 10 a.

Fitz. Meſne 3, 18, 47, 57, 66, 67, 70.

The Mean forejudged of his fee and ſervices.

wherein he is diſtrained. (12) And if the Sheriff return, that he hath nothing whereby he may be ſummoned, then ſhall the tenant ſue his writ of Attachment. (13) And if the Sheriff return, that he hath nothing to be attached by, he ſhall nevertheleſs ſue his writ of Great diſtreſs, and Proclamation ſhall be made in form aboveſaid. (14) And if the mean have no land in the Shire where the diſtreſs is taken, but hath land in ſome other Shire, then a writ original ſhall iſſue to ſummon the Mean unto the Sheriff of the ſame Shire, (where the diſtreſs is taken) and when it is returned by the Sheriff, that he hath nothing in his Shire, a Writ judicial ſhall iſſue to ſummon the Mean unto the Sheriff of the ſame Shire, in which it ſhall be teſtified, that he hath land, and Suit ſhall be made in the ſame Shire, until they have paſſed unto the Great diſtreſs and Proclamation, as above is ſaid, of the Mean having land in the ſame Shire in which the diſtreſs is taken. (15) And nevertheleſs ſuit ſhall be made in the ſame Shire where he hath nothing, as above is ſaid of the Mean that hath nothing, until the Proceſs come to the Great diſtreſs and Proclamation; (16) and ſo after Proclamation made in both Counties, the Mean ſhall be forejudged of his fee and ſervice. (17) And where it happeneth ſometimes, that the tenant in demean is infeoffed to hold by leſs ſervice than the Mean ought to do unto the chief Lord, when after ſuch Proclamation the tenant hath atturned to the cyief Lord, and the mean being excluded, the tenant muſt of neceſſity anſwer unto the chief Lord for all ſuch ſervices and cuſtoms as the Mean was wont to do to him, (18) And after that the Mean is come into the Court, and hath confeſſed that he ought to acquit his tenant, or be compelled by judgment to acquit, if after ſuch confeſſion or judgment it is complained, that the Mean doth not acquit his tenant, then ſhall iſſue a Writ judicial, that the Sheriff ſhall diſtrain the mean to acquit the tenant, and to be at a certain day before the Juſtices, for to ſhew why he hath not acquitted him before; and when they have proceeded unto the Great diſtreſs, the plaintiff ſhall be heard. (19) And if the plaintiff can prove that he hath not acquitted him, he ſhall yield damages, and by award of the Court the tenant ſhall go quit from the Mean, and ſhall atturn unto the chief Lord. (20) And if he come not at the firſt diſtreſs, a Writ ſhall go forth to diſtraiu him again, and Proclamation ſhall be made, and as ſoon as it is returned, they ſhall proceed in judgment, as afore is ſaid. (21) And it is to be underſtanden, that by this Statute tenants are not excluded, but they ſhall have a warranty of the Means and their Heirs, if they be impleaded of their lands, as they have had before, (22) nor the tenants ſhall be excluded, but that they may ſue againſt their Means, as they uſed heretofore, if they ſee that their Proceſs may be more available by the old cuſtom, then by this Statute. (23) And it is to wit, that by this Statute no remedy is provided to any Means, but only in the caſe where there is but one only Mean between the Lord that diſtraineth, and the tenant; (24) and in caſe where that Mean is of full age; (25) and in caſe where the Tenant may attorn unto the chief Lord without prejudice of any other than of the mean, which is ſpoken for women, tenants in dower, and tenants by the courteſie, or otherwiſe for term of life, or in fee-tail, unto whom for certain cauſes remedy is not yet provided, but (God willing) there ſhall be at another time. F.N.B. fo. 135, 136. V.N.B. fo. 79. Raſt. pla. fo. 433, &c. Rep. 12.

Fitz. Meſne 1, 53.
Dyer f. 104.
Kel. fo. 81.
Fitz. Avowr. 146, 168.
Fitz. Meſne 28, 29.
Fitz. Proceſs 153.
Fitz. Meſne 20, 24, 38, 59, 68, 70.
Fitz. Menſne 68.
Fitz. Meſne 25, 35, 79.

The tenant holding by leſs ſervice than the Mean doth.

Damages in a Writ of Meſne.

The tenants warranty of the Meſne.

For which Means only this Statute is ordained.

CAP. X.

At what time Writs ſhall be delivered for Suits depending before Juſtices in Eyre.
Any perſon may make a general Attorney.

Whereas in the circuit of Juſtices, it was proclaimed, that all ſuch as would deliver Writs, ſhould deliver them within a certain time, after which no Writ ſhould be received: many truſting upon the ſame, and tarrying until the ſaid time, and no Writ ſerved upon them, departed by licence of the ſaid Juſtices; after whoſe departure their adverſaries, perceiving their abſence, delivered their writs in war, which ſometime by fraud, and ſometimes for rewards be received of the Sheriff, and they, that thought to have departed quiet, loſe their lands. (2) For the remedy of ſuch fraud from henceforth, the King hath ordained, that the Juſtices in their circuits ſhall appoint a time of fifteen days, or a month, or a time more or leſs, (after as the County ſhall happen to be more or leſs) within which time it ſhall be openly proclaimed, that all ſuch as will deliver their writs, ſhall deliver them before the ſame time. (3) And when the time cometh, the Sheriff ſhall certifie the chief Juſtice in Eyre, how many writs he hath, and what, and that no writ be received after the ſame time: (4) and if it be received, the proceſs iſſuing thereupon ſhall be of none effect, but only that a writ abated, any time during the circuit, may be amended. (5) Alſo writs of dower of men that died within the ſummons of the circuit, aſſiſes of Darrein preſentment, Quare impedit, of Churches vacant, within the foreſaid ſummons, ſhall be received at any time before the departure of the Juſtices. (6) Alſo writs of Novel diſſeiſin, at what time ſoever the diſſeiſin was done, ſhall be received in the circuit of Juſtices. (7) Our Lord the King of his ſpecial grace granteth, that ſuch as have Land in divers Shires, where the Juſtices make their circuit, and that have Land in Shires where the Juſtices have no circuit, that fear to be impleaded, and are impleaded of other Lands in Shires where they have no circuit, as before the Juſtices at Weſtminſter, or in the Kings Bench, or before Juſtices aſſigned to take Aſſiſes, or in any County before Sheriffs, or in any Court Baron, may make a general Attorny to ſue for them in all Pleas in the circuit of Juſtices moved or to be moved for them, or againſt them, during the circuit. (8) Which Attorney or Attornyes ſhall have full power in all Pleas moved during the circuit, until the Plea be determined, or that his Maſter remove him: (9) yet ſhall they not be excuſed thereby, but they ſhall put in Juries and Aſſiſes before the ſame Juſtices.

Attorny 2. Co. Inſt. 2 par. 376.

Delivering of Writs for ſuits depending before Juſtices in Eyre.

Any perſon may make a general Attorney.

Co. Inſt. 89. a. 295. a.
2 par. 378.
29 E. 3. f. 35.
Fitz. Accom. 96, 109.
Fitz. Avow. 220.
Col. 10. f. 103
Co. l. 3. f. 44.
1 Roll. 205.
2 Roll. 283.

CAP. XI.

The Maſters Remedy againſt their Servants, and other Accomptants.

Concerning Servants, Bailiffs, Chamberlains, and all manner of Receivers, which are bound to yield accompt: It is agreed and ordained, that when the Maſters of ſuch Servants do aſſign Auditors to take their Accompt, and they be found in arrerages upon the accompt, all things allowed which ought to be allowed, their bodies ſhall be arreſted, and

Account 2. In what caſes Auditors may commit Accomptants to priſon.

by the teſtimony of the Auditors of the ſame accompt, ſhall be ſent or delivered unto the next Gaol of the Kings in thoſe parts; (2) and ſhall be received of the Sheriff or Gaoler, and impriſoned in iron under ſafe cuſtody, and ſhall remain in the ſame priſon at their own coſt, until they have ſatisfied their maſter fully of the arrerages. (3) Nevertheleſs if any perſon being ſo committed to priſon, do complain that the Auditors of his accompt have grievd him unjuſtly, charging him with receipts that he hath not received, or not allowing him expences, or reaſonable diſburſments, and can find friends that will undertake to bring him before the Barons of the Exchequer, he ſhall be delivered unto them. (4) And the Sheriff in whoſe priſon he is kept ſhall give knowledge unto his maſter, that he appear before the Barons of the Exchequr at a certain day, with the Rolls and Tallies by which he made his accompt, and in the preſence of the Barons, or the Auditors that they ſhall aſſign him, the accompt ſhall be rehearſed, and Juſtice ſhall be done to the parties, ſo that if he be found in arrerages, he ſhall be committed to the Fleet, as above is ſaid. (5) And if he flee, and will not give accompt willingly, as is contained elſewhere in other Statutes, he ſhall be diſtrained to come before the Juſtices to make his accompt, if he have whereof to be diſtrained; (6) and when he cometh to the Court, Auditors ſhall be aſſigned to take his accompt, before whom, if he be found in arrerages, and cannot pay the arrerages forthwith, he ſhall be committed to the Gaol to be kept in manner aforeſaid. (7) And if he flee, and it be returned to the Sheriff that he cannot be found, Exigents ſhall go againſt him from County to County, until he be outlawed, and ſuch priſoner ſhall not be replevisable. (8) And let the Sheriff or Keeper of ſuch Gaol take heed, if it be within a Franchiſe or without, that he do not ſuffer him to go out of priſon by the common Writ called Replegiare, or by any other means, without aſſent of his maſter. (9) And if he do, and thereof be convict, he ſhall be anſwerable to his maſter of the damages done to him by ſuch his ſervant, according as it may be found by the Country, and ſhall have his recovery by Writ of Debt. (10) And if the Keeper of the Gaol have not wherewith he may be juſtified, or not able to pay, his ſuperiour that committed the cuſtody of the Gaol unto him, ſhall be anſwerable by the ſame Writ. V.N.B.fol.57.F.N.B.fo.116,&c.Regiſt. fo.135,&c. Raſt.pla.fo. 14,&c.

Regiſt. f. 137.
F.B.N. f. 116.
Raſt. pl. f. 14,
&c.

Ex parte talis.
F.N. B. fo. 129.
V. N. B. fo.60.

The Accomptants relief.

St 52 H. 3. 23.

An Exigent againſt an Accomptant.
F.N.B.fo.118.a.
Eſcape of an Accomptant.
St.1 R.2.12.
St.7 H. 4.4.
F.N.B. f. 130.b.
2 Leond. 9.

27 H. 6. f. 5
Co.l.8.f.119
Fitz.Accomp.
23,26,33.
47,74,138.
Fitz. Proces
203.
29Ed.3.f.5.
22Ed.3.f.17.
17Ed.3 f.59.
Dy.f.61,275
Fitz. Bar.
253.
Fitz.Det.
172.
Fitz Iſſue
160.
Bro.Det.103
Bro.Parl.80.
42Aſſ.pl.12
2 Bulſtr.321

CAP. XII.

The Appellant being acquitted, the Appellor and Abettors ſhall be puniſhed. There ſhall be no Eſſoin for the Appellor.

FOraſmuch as many, through malice intending to grieve other, do procure falſe appeals to be made of Homicides and other Felonies by Appellors, having nothing to ſatisfie the King for their falſe appeal, nor to the parties appealed for their damages: (2) it is ordained, that when any, being appealed of Felony ſurmiſed upon him, doth acquit himſelf in the Kings Court in due manner, either at the Suit of the Appellor, or of our Lord the King, the Juſtices before whom the appeal ſhall be heard and determined, ſhall puniſh the Appellor by a years impriſonment, and the Appellors ſhall nevertheleſs reſtore to the parties appealed their damage, according to the diſcretion of the Juſtices, having reſpect to the impriſonment or arreſtment that the party appealed hath ſuſtained by reaſon of ſuch appeals, and to the infamy that they have incurred by the impriſonment or otherwiſe, and ſhall nevertheleſs make a grievous fine unto the King. (3) And if peradventure ſuch Appellor be not able to recompence the damages, it ſhall be inquired by whoſe abetment or malice the appeal was commenced, if the party appealed deſire it. (4) And if it be found, by the ſame inqueſt, that any man is Abettor through malice, at the Suit of the party appealed, he ſhall be diſtrained by a judicial Writ to come before the Juſtices. (5) And if he be lawfully convict of ſuch malicious abetment, he ſhall be puniſhed by impriſonment and reſtitution of damages, as before is ſaid of the Appellor. (6) And from henceforth in appeal of the death of a man there ſhall no Eſſoin lie for the Appellor, in whatſoever Court the appeal ſhall hap to be determined. Regiſt. fo. 134.F.N.B. fo. 114 fo. Co. Inſt. 2 par. 383.

Appeals 3.
The puniſhment of an Appellor for a falſe appeal.
Co. l. 12. 126.
Hob. 98.

St. 1 Ed. 3.7.
Raſt. pla. fo 56.
Inquiry of Abettors.
Stat. 1 R. 2.13.
V. N. B. fo. 56.
Co. l. 12. 125.
Cro.El.223.71.

No Eſſoin for the Appellor.
Raſt.pl.fo.297.

22 Aſſ. pl.77.
27 Aſſ.pl.14
41 Aſſ.pl.14
Fitz. Dam.
77.
Fitz. Cor.12,
77,98,386.
Co.l.11.f.77
Co. Inſt.
289.a.
3 Leon.140.
1 Roll. 170,
451.
14 H.7.f.2.
26 H.3.f.3.
Dier f.120,
131.
8 H.5.f.6.
8 E.4.f.3.
Co l.9.f.73.
Fitz. Act.ſur le Stat.

CAP. XIII.

The Order of the Indictments taken in the Sheriffs Turn.

FOraſmuch as Sheriffs feigning many times certain perſons to be indicted before them, in their turns of felonies and other treſpaſſes, do take men that are not culpable nor lawfully indicted, and impriſon them, and do exact mony from them, whereas they were not lawfully indicted by xij. Jurors: (2) It is ordained, That Sheriffs in their Turns, and in other places where they have power to inquire of treſpaſſors by the Kings precept, or by office, ſhall cauſe their inqueſts of ſuch malefactors to be taken by lawful men, and by xij. at the leaſt, which ſhall put their ſeals to ſuch inquiſitions: (3) and thoſe that ſhall be found culpable by ſuch inqueſts, they ſhall take and impriſon, as they have uſed aforetimes to do. (4) And if they do impriſon other then ſuch as have been indicted by inqueſt, the parties impriſoned ſhall have their Action by a Writ of impriſonment againſt the Sheriffs, as they ſhould have againſt any other perſon that ſhould impriſon them without warrant. (5) And as it hath been ſaid of Sheriffs ſo ſhall it be obſerved of every Bailiff of Franchiſe. Stat. 1 E. 3. 17. Stat. 1 E. 4. 2.

Sheriffs 12.
The order of Indictments taken in Sheriffs Turns.
Regiſt. fo. 178.

Co.Inſt.
2 par.387.

CAP. XIV.

The Proceſs in an Action of Waſte. A Writ to enquire of Waſte.

WHereas for Waſte done in the Inheritance of any perſon, by Guardians, Tenants in Dower, Tenants by the Courteſie of England, or otherwiſe for term of life, or years, a Writ of Prohibition of Waſte hath been uſed to be granted, by which Writs many were deceived, thinking that ſuch as had done the Waſte ſhould not need to anſwer but only for Waſte done after the Prohibition to them directed: (2) Our Lord the King, to remove from henceforth this Error, hath ordained, that all manner of Waſte done to the damage of any perſon, there ſhall from henceforth be no Writ of Prohibition awarded, but a Writ of Summons, ſo that he of whom complaint is, ſhall anſwer for Waſte done at any time. (3) And if he come not after the Summons, he ſhall be attached, and after the Attachment he ſhall be

diſtrained:

Waſte 3.
Co Inſt. 2. par.
389.
The Proceſs in an Action of Waſte.
Regiſt. fo. 72,
&c.
A Writ to enquere of Waſte.

Fitz. Waſte.
129, 130,
131, 134.
135, 136,
137.
1 Brownl.
240.
Dier f.204.
Bro. Proceſs
17.
Fitz. Waſte
46,51,67,
62.

2 Cro. 18. poph. 24.

diſtrained: (4) and if he come not after the Diſtreſs, the Sheriff ſhall be commanded that in proper perſon he ſhall take with him twelve, &c. and ſhall go to the place waſted, and ſhall inquire of the waſte done, and ſhall return an inqueſt, and after the inqueſt returned, they ſhall paſs unto judgment, like as it is contained in the Statute of Glouceſter, Cap. 5. St. 6 Ed. 1. 5. St. 20 E. 1. of Waſte, V.N.B. fo. 35. Regiſt. ind. fo. 23, 25, 26. Raſt. pla. fo. 697.

CAP. XV.

An Enfanteloined may ſue by Prochein Amy.

27 H. 4. f. 11. Dier fo. 104. 28 Aſſ. pl. 22. 40 E 3. f. 16. 2 Ed. 3. f. 16. Bro. Gardien 13, 22, 24, 25, 26, 27.

IN every caſe whereas ſuch as be within age may ſue, it is ordained, that if ſuch within age be eloined, ſo that they cannot ſue perſonally, their next friends ſhall be admitted to ſue for them. St. 3 Ed. 1. 47. Regiſt. fo. 78. V.N.B. fo. 37. Co. Inſt. 2 par. 390.

Age 3. Enfants ſuit.

CAP. XVI.

Priority of Feoffment giveth Title of Wardſhip.

44 E. 3. f. 15. Dier f. 11. 5 Ed. 3. f. 4. Bro. Gard. 114, 151, 116. Fitz. Prerog. 23, 24. Fitz. Gard. 2, 3, 16, 19, 27, 36, 46, 53, 81, 86, 115, 134, 139.

IN caſe where Inheritance deſcendeth to one within age of the Fathers ſide, that held of one Lord, and the Mothers ſide, that held of another Lord, there hath been hitherto doubt; for the marriage of ſuch an heir, to which of the two Lords it ſhould belong: (2) It is agreed, that the ſame Lord ſhall from henceforth have the marriage of whom the Childs anceſtor was firſt infeoffed, not having reſpect to the ſex, nor to the quantity of the land, but only to the more ancient feoffment by Knights ſervice. V.N.B. fo. 92, 97. Co. Inſt. 2 par. 391.

Gard 14. Priority of feoffment giveth title of Wardſhip. Raſt. pla. f. 303. F.N.B. fo. 142.

CAP. XVII.

In what caſe Eſſoin De malo lecti doth lie, and where not.

Fitz. Eſſoin, 176, 186, 187, 188, 189, 190, 192, 193, 194, 196, 197. Co. Inſt. 2 par. 393. Fitz. Eſſoin, 27.

IN the Circuit of the Juſtices an Eſſoin De malo lecti ſhall not be from henceforth allowed for lands in the ſame Shire, unleſs he that cauſed himſelf to be eſſoined be ſick indeed: (2) for if the Demandant except, that the Tenant is ſick, nor in ſuch plight but that he may come before the Juſtices, his Exception ſhall be admitted. (3) And if it can be ſo proved by Enqueſt, the Eſſoin ſhall be turned to a Default. (4) And from henceforth ſuch Eſſoin ſhall not lie in a Writ of Right between two claiming by one conſent. Raſt. pla. fo. 317, &c.

Eſſoin 16. In what caſe an Eſſoin De malo lecti doth lie. Regiſt. fo. 8. V.N.B. fo. 13.

CAP. XVIII.

He that recovereth Debt may ſue Execution by Fieri facias or Elegit.

Dyer f. 306, 373. Co. li. 3. f. 12. l. 4. f. 65, 74. l. 5. f. 87, 88, 90, 91. Fitz. Aſſ. 220, 232. Fitz. Extent. 13. Fitz. Proceſs 52. Fitz. Execut. 35, 37, 41, 46, 66, 85, &c.

WHen debt is recovered or knowledged in the Kings Court, or damages awarded, it ſhall be from henceforth in the election of him that ſueth for ſuch debt or damages, to have a Writ that the Sheriff Fieri faciat of the lands and goods; (2) or that the Sheriff ſhall deliver to him all the chattels of the debtor, ſaving only his oxen and beaſts of his Plough, and the one half of his land until the debt be levied upon a reaſonable price or extent. (3) And if he be put out of that tenement, he ſhall recover by a Writ of Novel diſſeiſin, and after by a Writ of Rediſſeiſin if need be. Raſt. pla. f. 72, 162, 245, 327, 470. Regiſt. fo. 299. Regiſt. ind. fo. 2, 5, 6, 25, 26. Co. Inſt. 2 par. 394. Cro. Car. 44. 2 Leon. 84, 88. 1 Roll 158. Hetley 20. Savil 67.

Execution 1. Hob. 57. The execution of a debt recovered. 2 Bulſtr. 63. V.N.B. f. 165, 166. 3 Bulſtr. 320. Aſſiſe maintainable by tenant by Elegit. V.N.B. fo. 105. F N.B. fol 189. a

CAP. XIX.

The Ordinary chargeable to pay Debts as Executors.

Co. Inſt. 289. b. Dyer f. 232, 247. Co. l. 5. f. 83. Fitz. Brief, 322. Fitz. Execut. 77.

WHereas after the death of a perſon dying inteſtate, which is bounden to ſome other for debt, the goods come to the Ordinary to be diſpoſed. (2) The Ordinary from henceforth ſhall be bound to anſwer the debts as far forth as the goods of the dead will extend, in ſuch ſort as the Executors of the ſame party ſhould have been bounden, if he had made a Teſtament. Co. Inſt. 2 par. 397.

Ordinary 1. The Ordinary ſhall pay debts, as Executors ſhall. Regiſt. fo. 141. F.N.B. f. 120. d. V.N.B. f. 61.

CAP. XX.

The Tenants Anſwer in a Writ of Coſinage, Aiel, and Beſaiel.

Bro. Coſinage 7, 8. 6 Ed. 3. f. 55. Co. Inſt. 2 par. 399.

WHereas that Juſtices in a Plea of Mortdaunceſtor have uſed to admit the anſwer of the Tenant, that the Plaintiff is not next heir of the ſame anceſtor, by whoſe death he demandeth the Land, and is ready to enquire the ſame by Aſſiſe: (2) It is agreed, that in Writs of Coſinage, Aiel and Beſaiel, which be of the ſame nature, his anſwer ſhall be admitted and inquired, and, according to the ſame inquiſition, they ſhall proceed to Judgment.

Coſinage 1. The tenants plea in a writ of Aiel, Beſaiel, or Coſinage.

CAP. XXI.

A Ceſſavit by the Lord againſt his free-hold Tenant.

Co. Inſt. 2 par. 400. 1 Rol. 91, 161. Fitz. Brief, 249, 269, 477. 6 H. 7. f. 7. Fitz. Ceſſavit 1, 2, 3, 4, 7, 8, 17, 21, 22, 30, 32, 33, 34, 35, 45, 46, 50, 51, 54. Co. l. 8. f. 118. Fitz. Ceſſavit 42. Co. Inſt. 145.

WHereas in a Statute made at Glouceſter, cap. 4. it is contained, that if any leaſe his Land to another to pay the value of the fourth part of the Land, or more, the Leſſor or his Heir, after the payment hath ceaſed by two years, ſhall have an Action to demand the land ſo leaſed in demean. (2) In like manner it is agreed, that if any withold from his Lord his due and accuſtomed ſervice by two years, the Lord ſhall have an Action to demand the Land in demean by ſuch a Writ. (3) Præcipe A. quod juſte, &c. reddat B. tale tenementum quod A. de eo tenuit per tale ſervitium, & quod ad prædictum B. reverti debet, eo quod prædictus A. in faciendo prædictum ſervitium, per biennium ceſſavit, ut dicitur.

Ceſſavit 2. St. 6 Ed. 1. 4. A Ceſſavit by the Lord againſt his tenant.

II. And not only in this caſe, but alſo in the caſe whereof mention is made in the ſaid Statute of Glouceſter, Writs of Entry ſhall be made for the heir of the Demandant againſt the heir of the Tenant, and againſt them to whom ſuch Land ſhall be aliened. Regiſt. fo. 237. F.N.B. fo. 208. V.N.B. fo. 78, 138, 139. Raſt. pla. 110.

8 Ed. 1. 6, 7. A Ceſſavit maintainable by the heir of the Demandant againſt the heir or Aſſignee of the tenant.

CAP. XXII.

Waſte maintainable by one Tenant in common againſt another.

21 Ed. 3. f. 29. 27 H. 8. f. 13. Fitz. Waſte 15. 96.

WHereas two or mo do hold Wood, Turf-land, or Fiſhing, or other ſuch thing in common, wherein none knoweth his ſeveral, and ſome of them do waſte againſt the minds of the other, an Action may lie by a Writ of Waſte. (2) And when it is come unto judgment, the

Waſte 5. Waſte committed by one Tenant in common.

Defendant

Co.Inſt.2 par. 403. F.N.B.f.59. d. V.N.B.f.38.

Defendant ſhall chooſe either to take his part in a place certain, by the Sheriff, and by the view, oath, and aſſignment of his neighbours ſworn and tried for the ſame intent, or elſe he ſhall grant to take nothing from henceforth in the ſame Wood, Turf-land, and ſuch other, but as his partners will take. (3) And if he do chuſe to take his part in a place certain, the part waſted ſhall be aſſigned for his part, as it was before he committed the Waſte. (4) And there is ſuch a Writ in this caſe, that is to ſay,

Cum A.& B. tenent boſcum pro ind iviſo, B. fecit vaſtum, &c. Regiſt. fo.76.

Co l 11. f.49. Co.Inſt.200.

CAP. XXIII.

Executors may have a Writ of Accompt.

Executors 1. Executors may have an Action of Accompt.

Executors from henceforth ſhall have a Writ of Accompt, and the ſame action and proceſs in the ſame Writ as the Teſtator might have had if he had lived. St.4 E.3.7. St. 25 E.3.5. V.N.B.fo.58. F.N.B.fo.117.E. 119.A.

Co. Inſt. 2 par. 404. Fitz. Executors 97.

CAP. XXIV.

A Writ of Nuſance of a Houſe, &c. levied and aliened to another. A Quod permittat and Juris Utrum for a Parſon of a Church. In like caſes like Writs be grantable.

Nuſance 1. Raſt. pl.fo.405. **A writ of Nuſance.** V.N.B.f.110. Raſt.Pla.f.441. F N.B. 184. St.6 R.2. 3.

In caſes whereas a Writ is granted out of the Chancery for the fact of another, the plaintiffs from henceforth ſhall not depart from the Kings Court without remedy, becauſe the Land is transferred from one to another. (2) And in the Regiſter of the Chancery there is no ſpecial Writ found in this caſe, as of a houſe, a wall, a market, but the Writ is granted againſt him that levied the nuſance. (3) And if the houſe, wall, or ſuch like be aliened to another, the writ ſhall not be denied: but from henceforth, where in one caſe a writ is granted, in like caſe, when like remedy falleth, the Writ ſhall be made as hath been uſed before:

Co. Inſt. 2 par. 404. Co.l.5.f.101 l.9.f.55.

(4) Queſtus eſt nobis A. quod D. injuſte, &c. levavit domum, murum, mercatum; & alia quæ ſunt ad nocumentum, &c.

(5) And if ſuch things levied be aliened from one to another, the Writ ſhall be thus:

Queſtus eſt nobis A. quod B. & C. levaverunt, &c.

Quod permittat 1. Quod permit. Raſt.pla.f.538. V.N.B.68. Regiſt.f 32. Juris utrum, V.N.B.f.29. Raſt.pla. f.419. Co.pl. fo.399. St.14 Ed.3.17. In conſimili caſu. V. N. B. fo.93. F.N.B.fo.198.a. 206.f.217.d. Raſt.pla.f.123.

II. In like manner as a Parſon of a Church may recover Common of paſture by writ of Novel diſſeiſin, likewiſe from henceforth his ſucceſſor ſhall have a Quod permittat againſt the diſſeiſor or his heir, though a like writ were never granted out of the Chancery before. (2) And in like manner as a writ is granted to try whether land be the free alms of ſuch a Church, or the lay-fee of ſuch a man, even ſo from henceforth a writ ſhall be made to try whether it be the free alms of this Church, or of another Church; in caſe where the free alms of one Church is transferred to the poſſeſſion of another Church. (3) And whenſoever from henceforth it ſhall fortune in the Chancery, that in one caſe a writ is found, and in like caſe falling under like law, and requiring like remedy, is found none, the Clerks of the Chancery ſhall agree in making the writ; (4) or the Plaintiffs may adjourn it until the next Parliament, and let the caſes be written in which they cannot agree, and let them refer themſelves until the next Parliament, by conſent of men learned in the Law, a writ ſhall be made, leſt it might happen after that the Court ſhould long time fail to miniſter juſtice unto complainants.

27 H.8.f.12. Fitz. Common 24. Fitz. Brief 874. Fitz. Juris utrum 2, 3, 5, 7, 9, 12, 16, 17. Vaughan 127. Fitz. Entr. 3, 7, 8, 10, 61, 64, 67, 68, 69, 74. Co.Inſt.54 b

CAP. XXV.

Of what things an Aſſiſe ſhall lie. Certificate of Aſſiſe. Attachment in an Aſſiſe.

Aſſiſe 1. Of what things an Aſſiſe of Novel diſſeiſin will lie. Regiſt. f. 196, &c. F.N.B fo.177. V. N. B. fo. 28, 68, 105, 179. Raſt. pl. f. 58. Co.pl.60. **Aſſiſes of Common.** Regiſt, fo.197. V.N.B.fo.68. F.N.B.fo.124.a. Raſt.pla.f.67. **Leſſee for years or Guardian alieneth in fee.** Regiſt. fo.228, 231. V.N.B.fo.124. **Aſſiſe where one doth feed in anothers ſeveral.** F.N.B. f. 178.h Raſt.pla f.67. Hobart 95. **The penalty for failing of an Exception pleaded** Raſt pla.f.65. **Pleading of an Exception by Bailiff.**

Foraſmuch as there is no writ in the Chancery whereby Plaintiffs can have ſo ſpeedy remedy, as by a writ of Novel diſſeiſin; (2) our Lord the King willing that Juſtice may be ſpeedily miniſtred, and that delays in Pleas may be taken away or abridged, granteth, that a writ of Novel diſſeiſin ſhall hold place in mo caſes than it hath done heretofore; (3) and granteth, that for eſtovers of wood, profit to be taken in woods by gathering of nuts, acorns and other fruits, for a corody, for delivery of corn and other victuals and neceſſaries to be received yearly (in a place certain) toll, tronage, paſſage, pontage, pawnage, and ſuch like, to be taken in places certain, keeping of parks, woods, foreſts, chaſes, warrens, gates and other Bailiwicks and officers in fee, from henceforth an Aſſiſe of Novel diſſeiſin ſhall lie. (4) And in all the caſes afore rehearſed, according to the accuſtomed manner, the Writ ſhall be De libero tenemento. (5) And as before times it hath lien and holden place in Common of paſture, ſo ſhall it from henceforth hold place in Common of turf-land, fiſhing, and ſuch like Commons, which any man hath appendant to free-hold, or without free-hold by ſpecial deed, at the leaſt for term of life. (6) In caſe alſo when any holding for term of years, or in ward, alieneth the ſame in fee, and by ſuch alienation the free-hold is transferred to the Feoffee, the remedy ſhall be by a writ of Novel diſſeiſin, and as well the Feoffors as the Feoffee ſhall be had for diſſeiſors, ſo that during the life of any of them, the ſaid Writ ſhall hold place. (7) And if by the death of the parties remedy happen to fail, by that Writ, then remedy ſhall be obtained by a writ of Entry. (8) And albeit that above mention is made of ſome caſes wherein a Writ of Novel diſſeiſin held no place before, let no man think therefore that this writ lieth not now where it hath lien before. (9) And though ſome have doubted whether a remedy be had by this writ in caſe where one feedeth in the ſeveral of another, let it be had for certain, that a good and a ſure remedy is given in that caſe by the ſaid writ. (10) And let them which be named diſſeiſors beware from henceforth that they alledge not falſe exceptions, whereby the taking of the Aſſiſe may be deferred, ſaying, that another time an Aſſiſe of the ſame land paſſed between the ſame parties, for ſaying, and falſly, that a Writ of more high nature hangeth between the ſame parties or the ſame land, and upon theſe and like matters do vouch Rolls or Records to warranty, to the end that by the ſame vouching they may take away the veſture, and receive the rents and other profits, to the great damage of the plaintiff. (11) And where before none other pein was limited againſt him that falſly had alledged ſuch untrue exceptions, but only that after ſuch falſe ſurmiſes diſproved, the Aſſiſe ſhould paſs. (12) Our Lord the King, to whom ſuch falſe exceptions be odious, hath ordained, that if any being named diſſeiſor, do perſonally alledge the exception at the day to him given (if he fail of the warranty that he hath

Co. Inſt. 2 par. 402. Co.l. 8.f.45. Fitz.Aſſ.138 Fitz. Common 26. Fitz. Avowry 142. Fitz. Aſſ.61, 94, 111, 134, 167, 228, 310, 316, 330, 439, 452. Fitz.Aſſ.395 Fitz. Brief 790. Bro.Elegit 20. Bro. diſſeiſin 86, 105. 27 Aſſ. pl.30 11 H.4. f.84 11 H.4. f.49. 44 Ed.3.f.24 30 Ed.3.f.12 22 Ed. 3. f. 4. Dy.f.61, 188 Fitz. Rec.32. Bro. Covert. 35. 1 Roll 91.

ranty that he hath vouched) he ſhall be adjudged for a Diſſeiſor without taking of the Aſſiſe, and ſhall reſtore the damages before inquired of, or to be inquired after to the double, and ſhall nevertheleſs have a years impriſonment for his falſhood. (13) And if that exception be alledged by a Bailiff, the taking of the Aſſiſe ſhall not be delayed therefore, nor the judgment, upon the reſtitution of the lands and damages. (14) Yet nevertheleſs, that if the Maſter of ſuch a Bailiff that was abſent, come after before the ſame Juſtices that took the Aſſiſe, and offer to prove by Record or Rolls, that another time an Aſſiſe paſſed between the ſame parties of the ſame land, or that the Plaintiff at another time did withdraw his Suit in a like Writ, or that a Plea hangeth by a Writ of more high nature: a Writ of Venire Facias ſhall be granted unto him to cauſe the ſame Record to be brought; and when he hath the ſame, and the Juſtices do perceive that the Record ſo ſhewed by him, would have been ſo available before the Judgment, that the Plaintiff by force of the ſame ſhould have been barred of his Action; the Juſtices ſhall preſently cauſe the party to be warned that firſt recovered, that he appear at a certain day, at the which the Defendant ſhall have again his ſeiſin and damages (if he before paid any by the firſt judgment given) which ſhall be reſtored him to the double, as before is ſaid; (15) and alſo he that firſt recovered ſhall be puniſhed by impriſonment, according to the diſcretion of the Juſtices. (16) In the ſame manner, if the Defendant againſt whom the Aſſiſe paſſed in his abſence, ſhew any Deeds or Releaſes, upon the making whereof the Jury were not examined, nor could be examined, becauſe there was no mention made of them in pleading, and by probability might be ignorant of the making of thoſe writings; The Juſtices upon the ſight of thoſe writings ſhall cauſe the party to be warned that recovered, that he appear at a certain day, and ſhall cauſe the Jurors of the ſame Aſſiſe to come. (17) And if he ſhall verifie thoſe writings to be true by the verdict of the Jurors, or by inrollment. he that purchaſed the Aſſiſe contrary to his own Deed, ſhall be puniſhed by the pein aforeſaid. (18) And the Sheriff from henceforth ſhall not take an Ox of the Diſſeiſee, but of the Diſſeiſor only; and if there be many Diſſeiſors named in one writ, yet ſhall he be contented with one Ox: nor ſhall receive any Ox but of v.s. price or the value.

2 H. 5. f. 5. Fitz. Aſſ. 5. 123. Fitz. Certificate, 2, 3, 4, 7, 8, 10.

In what caſe a Certificate of Aſſiſe doth lie. F.N.B. f. 181, &c. V. N. B. f. 113, &c. Raſt. pla. f. 110. Regiſt. f. 200. Regiſt. jud. f. 22.

17 E. 3. f. 28. 26 Aſſ. Pl. 1. 43 Aſſ. Pl. 5.

11 H. 4. f. 9. 7 H. 4. f. 45. Fitz. Aſſ. 412.

CAP. XXVI.

Who may bring a Writ of Rediſſeiſin, and the puniſhment of the Offender therein.

IN Writs of Rediſſeiſin from henceforth double damages ſhall be awarded, and the Rediſſeiſors ſhall be repleviable hereafter by the common writ. (2) And like as in the Statute of Merton the ſame writ was provided for ſuch as were diſſeiſed after they had recovered by Aſſiſe of Novel diſſeiſin, of Mortdaunceſtor, or other Juries; (3) even ſo from henceforth the ſame writ ſhall further hold place for them that ſhall recover by default, reddition or otherwiſe, without recognition of Aſſiſes or Jurates. F. N.B. fol. 188, &c. V.N.B. fol. 108, &c. Regiſt. f. 205.

Co. Inſt. 2 par. 416. 15 H. 7. f. 8. Co. Inſt. 154.

Rediſſeiſin 3. Who may bring a Writ of Rediſſeiſin or Poſt diſſeiſin. St. 20 H. 3. 3. St. 52 H. 3. 8. Raſt. pla f. 548.

CAP. XXVII.

Eſſoin after Inqueſt, but none after day given Prece Partium:

AFter any hath put himſelf to an Inqueſt, an Eſſoin ſhall be allowed him at the next day: (2) but all the other days following, the taking of the Inqueſt ſhall not be delayed by the Eſſoin, whether he were eſſoined before or no. (3) Neither ſhall any Eſſoin be allowed after day given Prece partium, in caſe where the parties conſent to come without Eſſoin. Raſt. Pl. fo. 297.

Co. Inſt. 2 par. 417. Fitz. Eſſoin, 15, 18, 83, 130. Dier fo. 224. 324. Bro. Parl. 5.

Eſſoin 1. Eſſoin after Inqueſt.

CAP. XXVIII.

In certain Actions, after Appearance, there ſhall be no Eſſoin.

WHereas by the Statute of Weſtminſter the firſt, it was provided, that after the Tenants have once appeared in the Court, no Eſſoin ſhould be allowed them in writs of Aſſiſes: (2) In like manner it ſhall be from henceforth obſerved againſt the Demandants. Raſt. Pla. fol. 298, 316.

Fitz. Eſſoin, 65, 66, 168, 69, 78, 149. Co. Inſt. 2 par. 418.

Eſſoin 3. St. 3 Ed. 1. 41. Eſſoin.

CAP. XXIX.

To whom only the Writ of Treſpaſs of Oyer and Terminer ſhall be granted. In what caſe the Writ of Odio & Atia is grantable.

A Writ of Treſpaſs (Ad audiendum & terminandum) from henceforth ſhall not be granted before any Juſtices, except Juſtices of either Bench, and Juſtices in Eyre, unleſs it be for an hainous Treſpaſs, where it is neceſſary to provide ſpeedy remedy, and our Lord the King of his ſpecial grace hath thought it good to be granted: (2) And from henceforth a Writ to hear and determine Appeals before Juſtices aſſigned, ſhall not be granted but in ſpecial caſe, and for a cauſe certain, when the King commandeth; (3) but leſt the parties appealed or indicted be kept long in priſon, they ſhall have a Writ of Odio, & Atia, like as it is declared in Magna Charta, and other Statutes. St. 9 H. 3. 26. Regiſt. fol. 123. V.N.B. fol. 53.

Co. Inſt. 2 par. 481. 4 par. 182.

Appeals of Felony 2. To whom Commiſſions to hear and determine ſhall be granted. A Writ of Odio & Atia. Regiſt. f. 133.

CAP. XXX.

The authority of Juſtices of Niſi prius. Adjournment of Suits. Certain Writs that be determinable in their proper Counties. A Jury may give their Verdict at large. None but which were ſummoned ſhall be put in Aſſiſes or Juries.

FRom henceforth two Juſtices ſworn ſhall be aſſigned, before whom, and none other, Aſſiſes of Novel diſſeiſin, Mortdaunceſtor and Attaints ſhall be taken, and they ſhall aſſociate unto them, one or two of the diſcreeteſt Knights of the Shire into which they ſhall come; (2) and ſhall take the aforeſaid Aſſiſes and Attaints but thrice in the year at the moſt, that is to ſay, Firſt between the quinzime of St. John Baptiſt, and the gule of Auguſt; and the ſecond time, between the Feaſt of the Exaltation of the holy Croſs, and the utas of St. Michael; and the third time, between the feaſt of the Epiphany, and the feaſt of the Purification of the bleſſed Mary. And in every ſhire at every taking of Aſſiſes before their departure, they ſhall appoint the day of their return, ſo that every one of the Shire may know of their coming, and ſhall adjourn the Aſſiſes from term to term, if the taking of them be deferred at any day by vouching

Co. Inſt. 2 par. 422. 2 Bulſtr. 160. 12 Co. 31, 52. Kel. 109. pl. 30.

Niſi prius 1. Who ſhall be Juſtices of Niſi prius St. 27 Ed. 1. 3. St. 12 Ed. 2. 4. Regiſt. f. 186. V. N.B. f. 106. F.N.B. f. 240.b. Adjournment of Suits.

vouching to warranty, by eſſoin, or by default of Jurors. (4) And if they ſee that it be profitable for any cauſe that Aſſiſes of Mortdanceſtor, being reſpited by eſſoin or voucher, ought to be adjourned into the Bench: it ſhall be lawful for them to do it, and then they ſhall ſend the Record with the original Writ before the Juſtices of the Bench. And when the matter is come to the taking of the Aſſiſe, the Juſtices of the Bench ſhall remit the matter to the former Juſtices before whom the Aſſiſe ſhall be taken. (5) But from henceforth the Juſtices of the Bench in ſuch Aſſiſes, ſhall give four days at the leaſt in the year, before the ſaid Juſtices aſſigned, for to ſpare expence and labour: (6) Inquiſitions of Treſpaſs ſhall be determined before the Juſtices of both Benches, except the Treſpaſs be ſo hainous that it ſhall require great examination. (7) Inquiſitions alſo of other Pleas, pleaded in either of the Benches, ſhall be determined before them, wherein ſmall examination is required, as when the entry or ſeiſin of any is denied, or in caſe when one article is to be inquired. (8) But inquiſitions of many and great Articles, the which require great Examination, ſhall be taken before Juſtices of the Bench, except that both parties deſire that the Inquiſition may be taken afore ſome of the aſſociates, when they do come into thoſe parts; ſo that from henceforth it ſhall not be done but by two Juſtices, or one with ſome Knight of the Shire, upon whom the parties can agree. (9) And ſuch Inquiſitions ſhall not be determined by any Juſtices of the Bench, unleſs a day and a place certain be appointed in the Shire, in preſence of the parties, and the day and place be mentioned in a Writ judicial by theſe words: Præcipimus tibi, quod venire facias coram Juſticiariis noſtris apud Weſtmonaſterium in octabis Sancti Michaelis, niſi talis & talis, tali die & loco ad partes illas venerint, duodecim, &c.

Bro. Niſi prius 13.

Inquiſitions of Treſpaſs.

13 Co. 42.

The Writ of Niſi prius. Regiſt jud. fo. 7. F.N B. f. 240. E. Raſt. pl. fo. 437.

II. And when ſuch Inqueſts be taken, they ſhall be returned into the Bench, and there ſhall judgment be given, and there they ſhall be inrolled. (2) And if any Inquiſitions be taken otherwiſe than after this form, they ſhall be of no effect, except that an Aſſiſe of Darrein preſentment, and Inquiſitions of Quare impedit, ſhall be determined in their own Shire, before one Juſtice of the Bench and one Knight, at a day and place certain in the Bench aſſigned, whether the defendant conſent or not, and there the judgment ſhall be given immediately. (3) All Juſtices of the Benches from henceforth ſhall have in their Circuits, Clerks to inroll all Pleas pleaded before them, like as they have uſed to have in time paſſed. (4) And alſo it is ordained, that the Juſtices aſſigned to take Aſſiſes, ſhall not compel the Jurors to ſay preciſely whether it be diſſeiſin or not, ſo that they do ſhew the truth of the deed, and require aid of the Juſtices. (5) But if they of their own head will ſay, that it is diſſeiſin, their verdict ſhall be admitted at their own peril. (6) And from henceforth the Juſtices ſhall not put in Aſſiſes or Juries any other than thoſe that were ſummoned to the ſame at firſt. St. 14 Ed. 3. 6.

Aſſiſes of Darrein preſentment and Quare impedit, ſhall be ended in their proper Counties. St. 9 H. 3. 12, 13. Clerks of Aſſiſe. A Jury may give their Verdict at large. Raſt. pla. f. 89, 233. None ſhall be put in Juries, but ſuch as were ſummoned.

Dyer f. 135, 163, 260. Dyer f. 175. Plow. f. 92. Dyer f. 173. Co. li. 9. f. 11.

CAP. XXXI.

An Exception to a Plea ſhall be ſealed by the Juſtices.

When one that is impleaded before any of the Juſtices doth alledge an exception, praying that the Juſtices will allow it, which if they will not allow, if he that alledged the Exception, do write the ſame exception, and require that the Juſtices will put to their ſeals for a witneſs, the Juſtices ſhall ſo do, and if one will not, another of the company ſhall. (2) And if the King, upon complaint made of the Juſtices, cauſe the Record to come before him, and the ſame exception be not found in the Roll, and the Plaintiff ſhew the exception written with the ſeal of a Juſtice put to, the Juſtice ſhall be commanded that he appear at a certain day, either to confeſs or deny his ſeal. (3) And if the Juſtice cannot deny his ſeal, they ſhall proceed to judgment according to the ſame exception, as it ought to be allowed or diſallowed. Regiſt. fo. 182. V.N.B. fo. 54. Raſt. pla. fo. 96, 275, 323.

Exceptions. A Bill of Exception ſealed by a Juſtice. F.N.B. fo. 21. N Co Inſt. 2 par. 426.

Co. l. 9. f. 13. 11 H. 4. f. 51, 63. Br. Q non admiſit. Bro. Repled. &c. 1. Goldsb. 137. pla 39.

CAP. XXXII.

Mortmain by recovery of Land by default.

When Religious men and other Eccleſiaſtical perſons do implead any, and the party impleaded maketh default, whereby he ought to leeſe the Land, foraſmuch as the Juſtices have thought hitherto, that if the party impleaded make default and colluſion, that where the demandant, by occaſion of the Statute, could not obtain ſeiſin of the Land by title of gift, or other alienation, he ſhall now by reaſon of the default, and ſo the Statute is defrauded: (2) It is ordained by our Lord the King, and granted, that in this caſe, after the default made, it ſhall be inquired by the Country, whether the demandant had right in the thing demanded or no; and if it be found that the demandant had right in his demand, the judgment ſhall paſs with him, and he ſhall recover ſeiſin: and if he hath no right, the Land ſhall accrue to the next Lord of the fee, if he demand it within a year from the time of the Inqueſt taken. (3) And if he do not demand it within the year, it ſhall accrue to the next Lord above, if he do demand it within half a year after the ſame year. (4) And ſo every Lord after the next Lord ſhall have the ſpace of half a year to demand it ſucceſſively, until it come to the King, to whom at length, through default of other Lords, the Land ſhall accrue. (5) And to challenge the Jurors of the Inqueſt, every of the chief Lords of the Fees ſhall be admitted, and likewiſe for the King, they that will ſhall challenge. (6) And after the judgment given, the Land ſhall remain clear in the Kings hands, until it be deraigned by the demandant, or ſome chief Lord, and the Sheriff ſhall be charged to anſwer therefore at the Exchequer. V.N.B. fo. 160, 176. St. 9 H. 3. 36. 1 Seſſ.

Mortmain 5. St. 7 Ed. 1. Mortmain by recovery of land by default. Regiſt. f. 251. Regiſt. jud. f. 8, 16, 22, 32, 46, 69, 71. P. 8 Ed. 3. 18. b. (386. b.)

Every chief Lord may challenge the Jurors. Raſt. pla. f. 114, 265, 455, 621.

Co. Inſt. 2 par. 428. Fitz. Col. 1, 2, 4, 5, 6, 7, 9, 10, 11, 22, 24, 25, 26, 27, 38, 40, 42, 46. Kel. f. 134. 10 H. 7. f. 5. 20 H. 6. f. 38. 5 E. 3. f. 29.

CAP. XXXIII.

Lands where Croſſes be ſet ſhall be forfeited as Lands aliened in Mortmain.

Foraſmuch as many Tenants ſet up Croſſes, or cauſe to be ſet up in their Lands, in prejudice of their Lords, that Tenants ſhould defend themſelves againſt the chief Lords of the Fee, by the priviledges of Templers and Hoſpitlers: (2) It is ordained, That ſuch Lands ſhall be forfeit to the chief Lords, or to the King, in the ſame manner as is provided for lands aliened in Mortmain. OB.

Croſſes, Raſt. 1. Lands forfeited by erecting of Croſſes.

Co. Inſt. 2 par. 431.

CAP. XXXIV.

It is Felony to commit Rape. A married Woman elopeth with an Advouterer. The penalty for carrying a Nun from her Houſe.

IT is provided, That if a man from henceforth do raviſh a woman married, maid, or other, where ſhe did not conſent, neither before nor after, he ſhall have judgment of life and of member. (2) And likewiſe where a man raviſheth a woman married, Lady, Damoſel, or other, with force, although ſhe conſent after, he ſhall have ſuch judgment as before is ſaid, if he be attainted at the King's ſuit, and there the King ſhall have the ſuit. (3) And of women carried away with the goods of their husbands, the King ſhall have the ſuit for the goods ſo taken away. (4) And if a wife willingly leave her husband and go away, and continue with her advouterer, ſhe ſhall be barred for ever of action to demand her dower, that ſhe ought to have of her husbands lands, if ſhe be convict thereupon, except that her husband willingly, and without coertion of the Church, reconcile her, and ſuffer her to dwell with him: in which caſe ſhe ſhall be reſtored to her action. (5) He that carrieth a Nun from her houſe, although ſhe conſent, ſhall be puniſhed by three years impriſonment, and ſhall make convenient ſatisfaction to the houſe from whence ſhe was taken, and nevertheleſs ſhall make fine at the Kings will. Co.Inſt. 2 par.

9 Ed 4. f.26. Bro.Coron. 203. 43 Ed.4.f.23. 22Ed.4 f.22. Fitz.Treſ. 244, 241. Dyer f. 100, 256. Fitz.Dower, 41,72,94, 119, 153, 4 E.4. f.1. Fitz. Act.ſur le Stat. 12,37. 47Ed.3.f.19.

Rape 1. It is Felony to raviſh a woman. St.2 R.2. 6. Co.pl. fo.358. Regiſt.f 97. Raſt.pla. f.542. 2 Roll 247. (227.) If a wife do elope with an advouterer, ſhe ſhall forfeit her dower. V.N.B. fo.135. Raſt.pla.f.227. Taking away of a Nun.

CAP. XXXV.

In what caſes do lie a Writ of Raviſhment of Ward, Communi Cuſtodia, Ejectione, &c.

CONcerning children males or females (whoſe marriage belongeth to another) taken and carried away, if the raviſher have no right in the marriage, though after he reſtore the child unmarried, or elſe pay for the marriage, he ſhall nevertheleſs be puniſhed for his offence by two years impriſonment; (2) and if he do not reſtore, or do marry the child after the years of conſent, and be not able to ſatisfie for the marriage, he ſhall abjure the Realm, or have perpetual impriſonment; (3) and thereupon the Plaintiff ſhall have ſuch a Writ:

Si A. fecerit te ſecurum de clamore ſuo, &c. tunc pone per vadium, &c. B. quod ſit coram Juſticiariis, &c. oſtenſurus, quare talem hæredem infra ætatem exiſtentem, cujus maritagium ad ipſum pertinet, tali loco inventum rapuit & abduxit contra voluntatem ipſius A. & contra pacem noſtram, &c.

(4) And if the Heir be in the ſame County, then this clauſe muſt be thereto added:

Et diligenter inquiras, ubi ille Hæres ſit in Balliva tua: Et ipſum (ubicunque fuerit inventus) capias, & ſalvo & ſecure cuſtodias, ita quod eum habeas coram præfatis Juſticiariis noſtris ad præfatum terminum ad reddendum cui prædictorum A. vel B. reddi debeat.

(5) And ſuit ſhall be made againſt the party on whom complaint is made, until he come in by diſtreſs, if he have whereby he may be diſtrained; or elſe for his contumacy, in caſe he be not juſtifiable, he ſhall be outlawed: (6) And if percaſe the Heir be married or carried into another County, then a Writ ſhall be directed to the Sheriff of the ſame Shire in this form:

Queſtus eſt nobis A. quod B. nuper talem hæredem infra ætatem & in cuſtodia ſua exiſtentem tali loco in Comitatu tali rapuit, & de Comitatu tali ad talem locum in Com' tuo adduxit, contra voluntatem ipſius A. & contra pacem noſtram, &c. Et ideo tibi præcipimus, quod prædictum hæredem (ubicunque in Balliva tua invenire poteris) capias & ſalvo & ſecure eum cuſtodias, ita quod eum habeas, coram Juſticiariis noſtris, &c. tali die, quam idem A. habet verſus prædictum B. ad reddendum cui de jure reddi debeat.

(7) And if the Heir do die afore he can be found, or before he can be reſtored to the plaintiff, the plea ſhall paſs between them nevertheleſs, until it be tried unto whom he ought to have been reſtored, if he had been living. (8) Neither ſhall the raviſher of ſuch a one excuſed or eaſed of the puniſhment aforeſaid, by the death of the Heir, whom he did withhold by wrong during his life. (9) And if the plaintiff die before the plea determined, if the right belong to him by reaſon of his proper fee, the plea ſhall be reſummoned at the ſuit of the Heir of the plaintiff, and the plea ſhall paſs in due order. (10) But if the right belonged to him by another title, as by a title of gift, ſale, or other ſuch like, then the plea ſhall be reſummoned at the ſuit of the executors of the plaintiff, and the plea ſhall paſs as before is ſaid. (11) In the ſame manner if the defendant die before the plea be tried, or the Heir be reſtored, the plea ſhall paſs by reſummons between the plaintiff, his heirs or executors, and the executors of the defendant and his heirs: if the executors be not ſufficient to ſatisfie for the value of the marriage, after as it is contained in other Statutes, but not as to the pein of impriſonment: for none ought to be puniſhed for the offence of another. (12) In the ſame manner when a plea hangeth between parties for the ward of land, and of an heir, or of both, by the common Writ that beginneth, Præcipe tali, &c. quod reddat, &c. Reſummons ſhall be made between the heirs and executors of the plaintiff. And likewiſe the heirs and the executors of the defendant, if death prevent any of the parties before the plea determined. (13) And when they have paſſed to the great diſtreſs, a day ſhall be given, within which three County-Courts may be holden at the leaſt: in every of which open Proclamation ſhall be made, that the deforcer ſhall come into the Bench at the day contained in the Writ to anſwer the plaintiff; (14) at which day if he come not, and the Proclamation be ſo returned once, twice or thrice, the judgment ſhall paſs for the plaintiff, ſaving the right of the defendant, if after he will claim it. (15) In the ſame manner it ſhall be done in a Writ of Treſpaſs, when any complaineth himſelf to be ejected from ſuch Wardſhips. V.N.B.fo.88,93. F.N.B.fo.139, &c. Regiſt.f.161, &c. Raſt.pla.fo.390, &c.

Fitz. Gard. 18,25,29, 30,31,32, 118,121. Fitz.Judgm. 102,116, 123,150, 157,172, 204. Bro.Raviſhment 33. Co.Inſt.136. b. Hob.93. 1 Roll. 162, 445. 2 Roll 354. Co.l.9.f.71, 74. Fitz. Brief, 823. Dyer f. 289. Fitz. Brief 776. 24 E.3. f.48. 11 H.4. f.54. Fitz. Execut. 52. Fitz.Gard. 110. 24 E. 3.f.25. Fitz. Proceſs 33. 24 Ed. 3.f. 2. Fitz. Gard. 19. Dyer f. 369.

Wards 5. The puniſhment of him that taketh away a Ward. Co.Inſt.2 par. 433. Co.Inſt.3 par. 131. A Writ of raviſhment of a Ward. Regiſt.fo.163. F.N.B.139.l. 141.F. V.N.B.f.90. Raſt.pl. fo.390. Co.pl. fo.506. 3 Bulſtr.275, 278,281. Proceſs againſt an offender. V.N.B.f.88,95. 2 Bulſtr.322. A Writ if the Heir be carried into another County. If the Heir die before the ſuit ended. V.N.B.fo.90. If the defendant die. St.3 Ed.1.22. St.20 H.3.6. Reſummons in Communi Cuſtodia. St.52 H. 3.7. V. N.B. fo. 95 Ejectione cuſtodiæ.

CAP. XXXVI.

A Diſtreſs taken upon a Suit commenced by others.

FOraſmuch as Lords of Courts, and other that kept Courts, and Stewards, intending to grieve their inferiours, where they have no lawful mean ſo to do, procure other to move matters againſt them, and to put in ſurety and other pledges, or to purchaſe Writs, and at the ſuit of ſuch plaintiffs compel them to follow the County, Hundred, Wapentake, and other like Courts, until they have made fine with them at their will: It is ordained, that it ſhall not be ſo uſed hereafter. (3) And if any be attached upon ſuch falſe complaints, he ſhall replevie his diſtreſs ſo taken, and ſhall cauſe the matter to be brought afore the Juſtices,

1 Ed.4.f.5. 22Ed.3.f.15. Fitz. Avow. 78. Fitz.Brief 173,174.

Replevin 4. The Penalty for Procurements of Suits. Raſt.pla. f.124. F.N.B.f.68. M. Co.Inſt.2 par. 443.

ces, before whom if the Sheriff, Bailiff or other Lord, (after that the party diſtrained hath framed his plaint) will avow the diſtreſs lawful by reaſon of ſuch complaints made unto them, and it be replied that ſuch plaints were moved maliciouſly againſt the party by the ſolicitation or procurement of the Sheriff, or other Bailiffs, or Lords, the ſame replication ſhall be admitted, (4) and if they be convict hereupon, they ſhall make fine to the King, and nevertheleſs reſtore treble damages to the parties grieved.

C A P. XXXVII.

No Diſtreſs ſhall be taken but by Bailiffs known and ſworn.

Diſtreſs 9. No Diſtreſs ſhall be taken but by Bailiffs known and ſworn.

Foraſmuch alſo as Bailiffs to whoſe office it belongeth to take Diſtreſſes, intending to grieve their inferiors, that they may exact mony of them, do ſend ſtrangers to take Diſtreſſes, to the intent that they might grieve their inferiors, by reaſon that the parties ſo diſtrained, not knowing ſuch perſons, will not ſuffer the Diſtreſſes, to be taken: (2) It is provided, that no Diſtreſs ſhall be taken, but by Bailiff ſworn and known. (3) And if they which do diſtrain do otherwiſe, and thereof be convict, (if the parties grieved will purchaſe a Writ of Treſpaſs) they ſhall reſtore damages to the parties grieved, and beſides, ſhall be grievouſly puniſhed towards the King.

Co. Inſt. 2 par. 445.
Co.li.3.f.12.

C A P. XXXVIII.

How many ſhall be returned in Juries and petit Aſſiſes, and of what Age they ſhall be.

Jurors 2.
Regiſt. fo. 179.
Co.Inſt.2 par. 446.
F.N.B.fo.166.

Foraſmuch alſo as Sheriffs, Hundreders, and Bailiffs of Liberties, have uſed to grieve thoſe which be in ſubjection unto them, putting in Aſſiſes and Juries, men diſeaſed and decrepit, and having continual or ſudden diſeaſe; (2) and men alſo that dwelled not in the Country at the time of the ſummons; (3) and ſummon alſo an unreaſonable multitude of Jurors, for to extort mony from ſome of them, for letting them go in peace, and ſo the Aſſiſes and Juries paſs many time by poor men, and the rich men abide at home, by reaſon of their bribes: (4) It is ordained, That from henceforth in one Aſſiſe no more ſhall be ſummoned then four and twenty: (5) And old men, above threeſcore and ten years, being continully ſick, or being diſeaſed at the time of the ſummons, or not dwelling in that Country, ſhall not be put in Juries of petit Aſſiſes. (6) Nor any ſhall be put in Aſſiſes or Juries, though they ought to be taken in their own Shire, that may diſpend leſs land then twenty ſhillings yearly. (7) And if ſuch Aſſiſes and Juries be taken out of the Shire, none ſhall paſs in them, but ſuch as may diſpend forty ſhillings yearly at the leaſt, except ſuch as be witneſs in Deeds or other Writings, whoſe preſence is neceſſary, ſo that they be able to travel. (8) Neither ſhall this Statute extend to great Aſſiſes, in which it behoveth many times Knights to paſs, not reſident in the Country, for the ſcarcity of Knights, ſo that they have Land in the Shire: (9) And if the Sheriff, or his Underſheriffs, or Bailiffs of Liberties, offend in any point of this Statute, and thereupon be convict, damages ſhall be awarded to the parties grieved, and they ſhall nevertheleſs be amerced to the King. (10) And Juſtices aſſigned to take Aſſiſes when they come into the Shire, ſhall have power to hear the plaints of all complainants, as to the Articles contained in this Statute, and to miniſter Juſtice in form aforeſaid. Regiſt. fo.178,&c. F.N.B.fo.165.A. St.21 E.1.pag.58. De iis qui ponend',&c.

What ſort of perſons ſhall be returned in Juries, or petit Aſſiſes, and of what age they ſhall be.
St. 28 Ed.1.9.
What ſort of perſons ſhall be returned in great Aſſiſes.

10 H. 4. f.8.
2 Rol. 163.
Bro. Jurors, 24.
Co. Inſt.158.
Kel. f. 97.
8 Ed.3.f.30.

C A P. XXIX.

The manner to deliver Writs to the Sheriff, to be executed. The Sheriff returneth a Liberty where none is. Returning of Iſſues. Reſiſtance of Execution of Proceſs.

Return 1. How Writs ſhall de delivered to Sheriffs to be executed.
St.2 Ed.3.5.
Regiſt. fo. 86.
Raſt.pla. f.582, 626.
3 Bulſtr.200.

Foraſmuch as Juſtices, to whoſe Office it belongeth to miniſter Juſtice to all that ſue before them, are many times diſturbed in execution of their Office, for that Sheriffs do not return Writs original and judicial; (2) and alſo for that they make falſe returns unto the King's Writs: Our Lord the King hath provided and ordained, That ſuch as do fear the malice of Sheriffs, ſhall deliver their Writs original and judicial in the open County, or in the County where the collection of the King's mony is; (4) and may take of the Sheriff or Underſheriff, being preſent, a Bill, wherein the names of the Demandants and Tenants mentioned in the Writ ſhall be contained; (5) and at the requeſt of him that delivered the Writ, the Seal of the Sheriff or Underſheriff ſhall be put to the Bill for a teſtimony, and mention ſhall be made of the day of the deliverance of the Writ. (6) And if the Sheriff or Underſheriff will not put his ſeal to the Bill, the witneſs of Knights and other credible perſons being in preſence ſhall be taken, that put their ſeals to ſuch Bill. (7) And if the Sheriff will not return Writs delivered unto him, and complaint thereof be made to the Juſtices, a Writ judicial ſhall go unto the Juſtices aſſigned to take Aſſiſes, that they ſhall inquire by ſuch as were preſent at the deliverance of the Writ to the Sheriff, if they knew of the deliverance, and an Inqueſt ſhall be returned. (8) And if it be found by the Inqueſt, that the Writ was delivered to him, damages ſhall be awarded to the Plaintiff or Demandant; having reſpect to the quality and quantity of the Action, and to the peril that might have come to him by reaſon of the delay that he ſuſtained: (9) and by this mean there ſhall be remedy when the Sheriff returneth that he came too late, whereby he could not execute the Kings commandment. (10) Oftentimes alſo Pleas be delayed by reaſon that the Sheriff returneth, that he hath commanded the Bailiffs of ſome Liberty which did nothing therein, and nameth Liberties that never had the return of Writs; whereupon our Lord the King hath ordained, That the Treaſurer and Barons of the Exchequer ſhall deliver to the Juſtices in a Roll all the Liberties in all Shires that have return of Writs. (11) And if the Sheriff anſwer that he hath made return to a Bailiff of another Liberty then is contained in the ſaid Roll, the Sheriff ſhall be forthwith puniſhed as a diſheritor of our Lord the King and his Crown. (12) And if peradventure he return, that he hath delivered the Writ to a Bailiff of ſome Liberty, that indeed hath return, the Sheriff ſhall be commanded, that he will not ſpare for the foreſaid Liberty, but ſhall execute the King's Precept: and that he do the Bailiffs to wit, to whom the returned the Writ, that they be ready at a day contained in the Writ, to anſwer why they

Co. Inſt. 2 par. 400.
1 Roll 440.
2 Co.65.b.
29 Aſſ.pl.52.
11 Ed.4.f.4.
2 H. 4. f. 4.

St.51 H.3.3.
St. 3 Ed. 1. 17.
V.N.B. fo. 43.
The Sheriff returneth a liberty where none is.
Non omittas propter aliquam libertatem,
V.N.B. fo.48.
F.N.B.f.68.F. 74.A.
Regiſt fo.82.
Raſt.pla.f.439.

did not execute the King's precept. (13) And if they come at the day, and acquit themſelves, that no return was made to them, the Sheriff ſhall be forthwith condemned to the Lord of the ſame Liberty, and likewiſe to the party grieved by the delay, for to render damages. (14) And if the Bailiffs come not in at the day, or do come, and do not acquit themſelves in manner aforeſaid in every judicial Writ, ſo long as the Plea hangeth, the Sheriff ſhall be commanded that he ſhall not ſpare the Liberty, &c. (15) Many times alſo Sheriffs make falſe returns as touching theſe Articles, Quod de exitibus, &c. returning ſometime, and lying, that there be no iſſues, ſometime that there are ſmall iſſues, when they may return great, and ſometime do make mention of no iſſues: (16) wherefore it is ordained and agreed, That if the Plaintiff demand hearing of the Sheriffs return, it ſhall be granted him: (17) And if he offer to aver that the Sheriff might have returned greater iſſues unto the King, he ſhall have a Writ judicial unto the Juſtices aſſigned to take Aſſiſes, that they ſhall inquire in preſence of the Sheriff (if he will be there) of what and how great iſſues the Sheriff might have made return from the day of the Writ purchaſed, unto the day contained in the Writ. (18) And when the Inqueſt is returned, if he have not afore anſwered for the whole, he ſhall be charged with overplus by extreats of the Juſtices delivered at the Exchequer, and nevertheleſs ſhall be grievouſly amerced for the concealment. (19) And let the Sheriff know, that rents, corn in the grange, and all moveables (except horſe, harneſs, and houſhold-ſtuff) be contained within the name of Iſſues. (20) And the King hath commanded, That Sheriffs ſhall be puniſhed by the Juſtices once or twice (if need be) for ſuch falſe returns. (21) And if they offend the third time, none ſhall have to do therewith but the King. (22) They make alſo many times falſe anſwers, returning that they could not execute the King's precept, for the reſiſtance of ſome great man: wherefore let the Sheriffs beware from henceforth; for ſuch manner of anſwers redound much to the diſhonour of the King. (23) And aſſoon as his Bailiffs do teſtifie that they found ſuch reſiſtance, forthwith all things ſet apart, (taking with him the power of the Shire) he ſhall go in proper perſon to do execution: and if he find his Under-bailiffs falſe he ſhall puniſh them by impriſonment, ſo that other by their example may be reformed. And if he do find them true, he ſhall puniſh the reſiſters by Impriſonment, from whence they ſhall not be delivered without the Kings ſpecial commandment. (24) And if percaſe the Sheriff when he cometh do find reſiſtance, he ſhall certifie to the Court the names of the Reſiſters, Aiders, Conſenters, Commanders, and Favourers, and by a Writ judicial they ſhall be attached by their bodies to appear at the Kings Court: (25) and if they be convict of ſuch reſiſtance, they ſhall be puniſhed at the Kings pleaſure: neither ſhall any Officer of the Kings meddle in aſſigning the puniſhment, for our Lord the King hath reſerved it ſpecially to himſelf, becauſe that Reſiſters have been reputed Diſturbers of his Peace, and of his Realm. St. 28 Ed. 1. 16.

1 Roll. 336.

The Sheriffs default in returning of Iſſues V.N.B. f. 43. Raſt. pla. f. 383.

27 H. 8. f. 3. 10 H. 7. f. 11. 20 H. 6. f. 26. Fitz. Averment, 16, 26, 43, 45, 47, 48, 49.

What ſhall be accounted Iſſues.

The Sheriff returneth that there was diſturbance of Execution of Proceſs. St. 52 H. 3. 3. St. 3. Ed. 1. 17. Regiſt. fo. 83.

3 H. 7. f. 1. Fitz. Exeeut. 147.

CAP. XL.

A Womans Suit ſhall not be deferred by the minority of the Heir.

Where any doth alien the right of his Wife, it is agreed, that from henceforth the ſuit of the Woman, or her Heir, after the death of her Husband, ſhall not be delayed by the nonage of the Heir, that ought to warrantiſe, but let the Purchaſer tarry, which ought not to have been ignorant that he bought the right of another, until the age of his Warrantor, to have his warranty. Co. Inſt. 2 par. 455. 2 Leonard. 148. 2 Bulſtr. 322. 3 Bulſtr. 137.

6 Ed. 3. f. 46. Co. l. 6. f. 5. Fitz. age, 47, 76, 126, 138, 139. Fitz. Voucher, 180, 183, 226, 305. 2 Roll. 246. 12 Co. 72. 1 Roll 166. 2 Roll 170.

Women 16. A Woman's ſuit ſhall not be delayed by the minority of the heir which ought to warrant the Land. V.N.B. fo. 28. Raſt. pl. f. 139. Ceſſavit, 3.

CAP. XLI.

A Contra formam Collationis: And a Ceſſavit to recover Lands given in Alms.

Our Lord the King hath ordained, That if Abbots, Priors, Keepers of Hoſpitals, and other Religious Houſes founded by him or by his Progenitors, do from henceforth alien the Lands given to their Houſes by him or by his Progenitors: the Land ſhall be taken into the Kings hands and holden at his will, and the Purchaſer ſhall loſe his recovery as well of the Lands as of the mony that he paid. (2) And if the houſe were founded by an Earl, Baron, or other perſons, for the lands ſo aliened, he from whom, or from whoſe Anceſtor the Land ſo aliened was given, ſhall have a Writ to recover the ſame Land in demeſne, which is this:

II. Præcipe tali Abbati, quod juſte, &c. reddat G.F. tale tenementum, quod eidem Domui collatum fuit in liberam eleemoſynam per pædictum G. vel anteceſſores ſuos, & quod ad prædictum G. reverti debet, per alienationem quam prædictus Abbas fecit de prædicto tenemento, contra formam Collationis prædictæ, ut dicit.

III. In like manner for Lands given for the maintenance of a Chantery, or of Light in a Church or Chapel, or other Alms to be maintained, if the Land given be aliened. (2) But if the land ſo given for a Chantery, Light, Suſtenance of poor people, or other Alms to be maintained or done, be not aliened, but ſuch Alms is withdrawn by the ſpace of two years, an Action ſhall lie for the Donor or his Heir to demand the Land ſo given in demean, as it is ordained in the Statute of Glouceſter for Lands leaſed to do, or to render the fourth part of the value of the Land or more. Coke. l. 11. f. 63.

10 H. 6. f. 3. Dier f. 109. Bro. parl. 7. Fitz. Cont. form. Collationis, 1, 2, 3, 4, 5, 6, 7. Fitz. Brief, 291. Fitz. Ceſſavit, 15, 18, 24, 44.

Cont. form. Collat. Regiſt. f. 238. V. N. B. f. 142. F. N. B. f. 211. Raſt. pla. f. 127.

Ceſſavit de Cant. Regiſt. fo. 238. V.N.B. f. 141. V.N.B. fo 209. Raſt. Pla. f. 11c. St. 6 Ed. 1. 4.

CAP. XLII.

The ſeveral Fees of Marſhals, Chamberlains, Porters of Juſtices in Eyre, &c.

Concerning the Kings Marſhals of Fee, Chamberlains, Porters, in the Circuit of Juſtices and Sergeants bearing vierge before Juſtices at Weſtminſter, which have the ſame Office in Fee, and that ask more by reaſon of their Fee then they have uſed to ask, whereupon many do complain on them, that have known and ſeen the order of the Court of long time. (2) Our Lord the King hath cauſed to be enquired by an Inqueſt what the ſaid Officers of Fee have uſed to have in times paſſed, and hath ordained and commanded, That a Marſhal of Fee, which of new asketh a palfray of Earls, Barons, and other holding by a part of a Barony when they have done homage, and nevertheleſs, another palfray when they made Knights, and of ſome that ought not to give any, ask a palfray:

Co. Inſt. 2 par. 461.

Fees Raſt. 1. The ſeveral Fees of Marſhals, Chamberlains, &c. which have the office in fee.

(3) It is in like manner ordained, That the ſaid Marſhal of every Earl and Baron, holding by an entire Barony, ſhall be contented with one palfray, or with the price of it, ſuch as he hath uſed to have of old: (4) ſo that if he took a palfray, or the price of one, at the doing of his homage in form aforeſaid, he ſhall take nothing when he is made Knight: and if he took nothing at the doing of his homage, when he is made Knight he ſhall take. (5) Of Abbots and Priors, holding a whole Barony, when they do homage or fealty for their Baronies, he ſhall take one palfray, or the price, as afore is ſaid; (6) and this ſhall alſo be obſerved amongſt Archbiſhops and Biſhops, of ſuch as hold but a part of a Barony, whether they be religious or ſecular, he ſhall take according to the portion of the part of the Barony that they hold. (7) Of religious men that hold in free Alms, and not by a Barony, nor part of a Barony, the Marſhal from henceforth ſhall demand nothing. (8) And our Lord the King hath granted, That by this Statute a Marſhal of Fee ſhall not be barred hereafter to demand more, if he can ſhew that he hath right unto more. (9) The King's Chamberlains from henceforth ſhall have of Archbiſhops, Biſhops, Abbots, Priors and other perſons ſpiritual, of Earls and Barons, holding an entire Barony, a reaſonable Fine when they do their homage or fealty. (10) And if they hold by a part of a Barony, they ſhall take a reaſonable Fine, according to the portion to them belonging. (11) Other Abbots, Priors, and other perſons ſpiritual and temporal that hold no entire Barony, nor part of a Barony, ſhall not be diſtrained to make Fine, as it is ſaid by them that hold by a Barony, or part of a Barony: but the Chamberlain ſhall be contented with his upper garment, or with the price thereof; which is done in favour of perſons religious more then of lay perſons: for it is more convenient that religious men ſhould fine for their upper garment, then to be ſtripped.

Religious men.

The King's Chamberlains.

CAP. XLIII.

Hoſpitallers and Templers ſhall draw no man into Suit, &c.

Citation, Raſt. 1. Hoſpitallers and Templers ſhall draw none into ſuit before the Conſervators of their privileges.

Co. Inſt. 2 par. 464. Regiſt. 39. 13 Co. 42.

BE it prohibited from henceforth to Hoſpitallers and Templers, That hereafter they bring no man in Plea before the Keepers of their Privileges for any matter, the knowledge whereof belongeth to the King's Court; which if they do, firſt, they ſhall yield damages to the party grieved, and be grievouſly puniſhed unto the King. (2) The King alſo prohibiteth to the Keepers of ſuch Priviledges, that from henceforth they grant no Citations at the inſtance of Hoſpitallers, Templers, or other perſons priviledged, before it be expreſſed upon what matter the Citation ought to be made. (3) And if the Keepers do ſee that a Citation is required upon any matter, the knowledge whereof belongeth to the King's Court, the Keepers ſhall neither make nor knowledge the Citation. (4) And if the Keepers do otherwiſe, they ſhall yield damages to the party grieved, and nevertheleſs ſhall be grievouſly puniſhed by the King. (5) And foraſmuch as ſuch perſons priviledged, depute Keepers, Sub-priors, Chantors, Sextons, which be religious men, and which have nothing to ſatiſfie the parties grieved, nor the King; which be more bold to offend the King's dignity then their ſuperiors, to whom puniſhment may be aſſigned by their Temporalties: (6) Let the Prelates of ſuch obedients therefore beware from henceforth, that they do not ſuffer their obedients to uſurp any juriſdiction in prejudice of the King and his Crown; and if they do, their ſuperiors ſhall be charged for their fact, as much as if they had been convict upon their proper Act.

CAP. XLIV.

The Fees of Porters bearing Verges before the Juſtices: And of Chirographers, Clerks, &c.

Chirographer 1. The Fees of Porters carrying Verges before the Juſtices.

Co. Inſt. 2 par. 467.

COncerning Porters, bearing Verge before Juſtices of the Bench in the Circuit: It is provided, that of every Aſſiſe and Jury that they keep, they ſhall take x d. only, and for the Bills nothing. (2) Of ſuch as recover their demands by default, confeſſion, or otherwiſe by Judgment without Aſſiſe and Jury, they ſhall take nothing. (3) Of ſuch as go without day by default of the Demandant or Plaintiff, they ſhall take nothing. (4) And if any recover his demand againſt many by one Writ, and by Recogniſance of Aſſiſe or Jury, they ſhall be content with iv d. (5) And likewiſe of thoſe which be named in one Writ by Recogniſance of Aſſiſe or Jury, they ſhall be content with iv d. (6) Of ſuch as do homage in the Bench, they ſhall be content with their upper garment. (7) Of great Aſſiſes, Attaints, Juries, and Battel waged, they ſhall take xij d. only. (8) Of ſuch as be called before Juſtices to ſue or to defend their Pleas, they ſhall take nothing for their coming in or forth. (9) At the Pleas of the Crown, for every dozen xij d. only ſhall be taken. (10) Of every Priſoner delivered iv d. ſhall be taken. (11) Of every one whoſe Peace is proclaimed xij d. only ſhall be taken. (12) Of the Finders of Men ſlain, and others of a Town attached, iv d. (13) Of Tithing-men nothing ſhall be taken. (14) Of Chirographers, for making of a Chirography, it is ordained, that they ſhall be contented with iv s. (15) Of Clerks writing Writs original and judicial, it is ordained, that for one Writ they ſhall take but j d. (16) And the King chargeth all his Juſtices, upon their Faith and Oath that they owe him, that if ſuch manner of Officers offend in any Article againſt this Statute, and complaint come to them thereof, they ſhall execute on them reaſonable puniſhment: (17) and if they offend the ſecond time, they ſhall award a greater puniſhment, that they may be duly corrected: (18) and if they offend the third time, and be thereupon convicted, if they be Officers of the Fee, they ſhall leeſe their Fee; and if they be other, they ſhall avoid the Kings Court, and ſhall not be received again, without the ſpecial Grace and Licenſe of the King himſelf. St.W. 1. cap. 26, 27, 29. & St. 2 H. 4. cap. 8.

Clerks writing Original Writs.

CAP. XLV.

The Proceſs of Execution of things recorded within the year, or after.

Fleta 2. cap. 13. pag. 76. Sect. 9. **Execution 2.**

Co. Inſt. 111. a. 2 par. 469. 21 Ed. 4. f. 13. 37 H. 6. f. 32. 21 Ed. 3 f. 22. 41 Ed. 3. f. 16.

BEcauſe that of ſuch things as be recorded before the Chancellor and the Juſtices of the King that have record, and be inrolled in their Rolls, Proceſs of Plea ought not to be made by ſummons, attachments, eſſoin, view of land, and other ſolemnities of the Court, as

hath

24 Ed. 3. f. 19. Fitz. Eſſoin, 46, 74. Bro. Debt 10. Bro. Parl. 29. Fitz. Sc. fac. 1, 2, 3, 8, 12, &c. Fitz. Execut. 18, 35, 57, 96, 100. Fitz. Execut. 79, 89, 151. Fitz. Sc. fac. 15, 153. Co. Inſt. 291. Cro. El. 164. Godbolt. 79.

hath been uſed to be done of bargains and covenants made out of the Court: (2) from henceforth it is to be obſerved, that thoſe things which are found inrolled before them that have Record, or contained in Fines, whether they be Contracts, Covenants, Obligations; Services or Cuſtoms, knowledged, or other things whatſoever inrolled, wherein the Kings Court, without offence of the Law and Cuſtom, may execute their authority, from henceforth they ſhall have ſuch vigour, that hereafter it ſhall not need to plead for them. (3) But when the Plaintiff cometh to the Kings Court, if the Recognizance or Fine be freſh, that is to ſay, levied within the year of the Writ, he ſhal! forthwith have a Writ of Execution of the ſame Recognizance made. (4) And if the Recognizance were made, or the Fine levied of a further time paſſed, the Sheriff ſhall be commanded, that he give knowledge to the party of whom it is complained, that he be afore the Juſtices at, a certain day, to ſhew if he have any thing to ſay why ſuch matters inrolled or contained in the Fine ought not to have Execution. (5) And if he do not come at the day, or peradventure do come, and can ſay nothing why Execution ought not to be done, the Sheriff ſhall be commanded to cauſe the thing inrolled or contained in the Fine to be executed. (6) In like manner an Ordinary ſhall be commanded in his caſe, obſerving nevertheleſs, as before is ſaid of a Mean, which by Recognizance or Judgment is bound to acquit.

There ſhall be no delays in thoſe things that be recorded. 1 Leon. 284. 2 Leonard 88. Execution of things recorded. 2 Bulſtr. 63. A Scire facias after the year. Regiſt. f. 298. Regiſt jud. f. 12. V.N.B. fo. 164. F.N.B. fo. 265. Raſt. pla. f. 585. Ordinary. A Mean. 13 Ed. 1. 9.

CAP. XLVI.

Lords may approve againſt their Neighbours. Uſurpation of Commons during the eſtate of particular Tenants.

1 Rol. 365. 11 Co. 74. 8 Ed. 3. f. 39. Co. l. 4. f. 38. 23 H. 7. f. 13. 11 Ed. 3. f. 43. 18 Aſſ. Pl. 4. Dyer f. 47. 316, 339. Cro. Car. 281, 440, 580.

Whereas in a Statute made at Merton it was granted, that Lords of waſtes, woods and paſtures, might approve the ſaid waſtes, woods and paſtures, notwithſtanding the contradiction of their Tenants, ſo that the Tenants had ſufficient paſture, to their tenements with free egreſs and regreſs to the ſame. (2) And foraſmuch as no mention was made between neighbours and neighbours, many Lords of waſtes, woods and paſtures, have been hindred heretofore by the contradiction of neighbours having ſufficient paſture: (3) And becauſe foreign Tenants have no more right to Common in the waſtes, woods or paſtures, of any Lord then the Lords own Tenants: (4) It is ordained, That the Statute of Merton, provided between the Lord and his Tenants, from henceforth ſhall hold place between Lords of waſtes, woods and paſtures, and their neighbours, having ſufficient paſture to their Tenants and Neighbours, ſo that the Lords of ſuch waſtes, woods and paſtures, may make approvement of the reſidue: (5) And this ſhall be obſerved for ſuch as claim paſture as appurtenant to their tenement. (6) But if any do claim Common by ſpecial Feoffment or Grant for a certain number of Beaſts, or otherwiſe, which he ought to have of Common right, whereas Covenant barreth the Law, he ſhall have ſuch Recovery as he ought to have had by form of the Grant made unto him. (7) By occaſion of a Windmill, Sheepcote, Deyry, inlarging of a Court neceſſary or Courtelage, from henceforth no man ſhall be grieved by Aſſiſe of Novel diſſeiſin, for Common of Paſture. (8) And where ſometime it chanceth, that one having right to approve, doth then levy a dyke or an hedge, and ſome by night or at another ſeaſon, when they ſuppoſe not to be eſpied, do overthrow the hedge or dyke, and it cannot be known by Verdict of the Aſſiſe or Jury, who did overthrow the hedge or dyke, and men of the Towns near will not indite ſuch as be guilty of the fact: (9) The Towns near adjoyning ſhall be diſtrained to levy the hedge or dyke at their own coſt, and to yield damages. (10) And where one, having no right to Common, uſurpeth Common what time an heir is within age, or a Woman is Covert, or whilſt the Paſture is in the hands of Tenants in Dower, by the Courteſie, or otherwiſe for term of Life, or Years, or in Fee-tail, and have long time uſed the Paſture, many hold opinion, that ſuch Paſtures ought to be ſaid to belong to the Free-hold, and that the Poſſeſſor ought to have Action by a Writ of Novel diſſeiſin, if he be deforced of ſuch Paſture: (11) But from henceforth this muſt be holden, that ſuch as have entred within the time that an Aſſiſe of Mortdanceſtor hath lien, if they had no Common before, ſhall have no Recovery by a Writ of Novel diſſeiſin, if they be deforced.

32 Aſſ. pl. 5. 7 H. 4. f. 38. Fitz. Common 22.

Approvements 2. Co. Inſt. 2 par. 473. St. 20 H. 3. 4. Lords may approve againſt their Neighbours, leaving them ſufficient Common. For what cauſe one may approve. A ditch or hedge of ground approved, caſt down. V.N.B. fo. 68. F.N.B. fo. 125, 179. St. 3 & 4 Ed. 6. 3. Uſurpation of Common during the eſtate of particular Tenants. V.N.B. fo. 68, 71. Raſt. pla. f. 493.

CAP. XLVII.

A Penalty for taking of Salmons at certain times of the year.

Co. Inſt. 2 par. 477.

It is provided, that the waters of Humber, Owſe, Trent, Dover, Arre, Derewent, Wherſe, Niddiore, Swale, Teſe, Tine, Eden, and all other waters (wherein Salmons be taken) ſhall be in defence for taking Salmons from the Nativity of our Lady unto St. Martins day. (2) And that likewiſe young Salmons ſhall not be taken nor deſtroyed by Nets, nor by other Engins at Milpools, from the midſt of April unto the Nativity of St. John Baptiſt. (3) And in places whereas freſh waters be, there ſhall be aſſigned Overſeers of this Statute, which being ſworn, ſhall oftentimes ſee and inquire of the Offenders: (4) And for the firſt Treſpaſs, they ſhall be puniſhed by Burning of their Nets and Engins: (5) and for the ſecond time, they ſhall have Impriſonment for a quarter of a year: and for the third Treſpaſs, they ſhall be impriſoned a whole year: and as their Treſpaſs increaſeth ſo ſhall the puniſhment. Stat. 13 R. 2. 19. St. 17 R. 2 9. St. 25 H. 8. 7.

Fiſh 1. The penalty of killing of Salmon in unſeaſonable time.

CAP. XLVIII.

In what caſes the View of Land is grantable, in what not.

Fitz. View, 50, 51, 57, 129, 118. Fitz. View, 1, 2, 5, 24, 41, 49, 69, 102, 118, 119. 10 H. 7. f. 8. Dyer f. 61, 114, 210, 323.

For View of Land it is ordained and provided, That from henceforth View ſhall not be granted him in caſe when View of Land is neceſſary. And if one loſe Land by default, and he that loſeth, moveth a Writ to demand the ſame Land. And in caſe when one by an Exception dilatory abateth a Writ after the View of the Land, as by Non-tenure, or miſnaming of the Town, or ſuch like, if he purchaſe another Writ, in this caſe, and in the

View 1. In what caſes View of Land is grantable, in what not. Co. Inſt. 2 par. 479.

caſe before mentioned, from henceforth the view ſhall not be granted, if he had view in the firſt Writs. (2) In a Writ of Dower, where the Dower in demand is of Land that the Husband aliened to the Tenant or his Anceſtors, where the Tenant ought not to be ignorant what Land the Husband did alien to him or his anceſtor, though the Husband died not ſeiſed, yet from henceforth view ſhall not be granted to the Tenant. (3) In a Writ of Entry alſo, that is abated becauſe the demandant miſnamed the Entry, if the Demandant purchaſe another Writ of Entry, if the Tenant had view in the firſt Writ, he ſhall not have it in the ſecond. (4) In all Writs alſo where Lands be demanded by reaſon of a Leaſe made by the Demandant or his Anceſtor, unto the Tenant, and not to his Anceſtor, as that which he leaſed to him being within age, not whole of mind, being in priſon, and ſuch like, view ſhall not be granted hereafter: (5) but if the Demiſe were made to his Anceſtor, the view ſhall lie as it hath done before. Raſt.pla.fo.231, D. 52, 613, 686. F.N.B. fo.9. N. 123. C. 128.B.K. 178.D. 184.A. 129.

Fitz.View, 17,54,73, 85,87,93, 103, 104, 118,146, 166,167. Fitz.View, 110, 177. 178. Fitz.View, 30, 60, 61, 155,168, 171,179.

CAP. XLIX.

The Penalty for buying the Title of Land depending in Suit. Remedy for Suits where the Law faileth.

Champerty, Raſt.2 & 3. **The Penalty of buying of Land depending in Suit.** St. 3 Ed. 1.25. St. 28 Ed.1.11. V.N.B.fo.180. F.N.B. f. 172.i. Regiſt. f. 182, 183. Raſt.pla. f.119, 393, 450. Cap.49.

THe Chancellor, Treaſurer, Juſtices, nor any of the Kings Council, no Clerk of the Chancery, nor of the Exchequer, nor of any Juſtice or other Officer, nor any of the Kings houſe, Clerk ne Lay, ſhall not receive any Church, nor Advowſon of a Church, Land, nor Tenement in fee, by gift, nor by purchaſe, nor to farm, nor by champerty, nor otherwiſe, ſo long as the thing is in Plea before us, or before any other Officers; (2) nor ſhall take no reward thereof. (3) And he that doth contrary to this Act, either himſelf, or by another, or make any bargain, ſhall be puniſhed at the Kings pleaſure, as well he that purchaſeth, as he that doth ſell, 33 Ed.1.

Fitz. Champerty 1,5,6, 8, 12, 14, 15.B.3. Hob,117.

CAP. L.

No man ſhall depart from the Kings Court without Remedy.

Action ſur Caſe Cap.50. **No man ſhall depart from the Kings Court without remedy.**

ALl the ſaid Statutes ſhall take effect at the Feaſt of St.Michael next coming, ſo that by occaſion of any Offence done on this ſide the ſaid Feaſt, contrary to any of theſe Statutes, no puniſhment (mention whereof is made within theſe Statutes) ſhall be executed upon the Offenders. (2) Moreover, concerning the Statutes provided where the Law faileth, and for Remedies, leſt Suitors coming to the Kings Court ſhould depart from thence without Remedy, they ſhall have Writs provided in their caſes, but they ſhall not be pleaded until the Feaſt of St.Michael aforeſaid. Co.Inſt. 2 par.484.

The Statute of *Winchester*, made at *Weſtminſter*, 8 die *Octobris*, *An.*13 *E.*1.St.2. and *An.Dom.*1285.

CAP. I.

Freſh Suit ſhall be made after Felons and Robbers from Town to Town, &c.

Hue and Cry, 1. Co.Inſt. 3 par. 197. Hull 56. 1 Roll 365. Savill 83. 3 Ed.1.9.

Freſh-ſuit ſhall be made after Felons.

FOraſmuch as from day to day Robberies, Murthers, Burnings and Theft, be more often uſed then they have been heretofore, and Felons cannot be attainted by the Oath of Jurors, which had rather ſuffer Strangers to be robbed, and ſo paſs without pein, then to indict the Offenders, of whom great part be people of the ſame Country, or at the leaſt, if the Offenders be of another Country, the Receivers be of places near. (2) And they do the ſame, becauſe an Oath is not given unto Jurors of the ſame Country where ſuch Felonies were done, and to the reſtitution of damages hitherto no pein hath been limited for their concealment and laches: (3) Our Lord the King, for to abate the power of Felons, hath eſtabliſhed a pein in this caſe, ſo that from henceforth, for fear of the pein more than for fear of any Oath, they ſhall not ſpare any, nor conceal any Felonies: (4) And doth command, that Cries ſhall be ſolemnly made in all Counties, Hundreds, Markets, Fairs, and all other places where great reſort of people is, ſo that none ſhall excuſe himſelf by ignorance, that from henceforth every Country be ſo well kept, that immediately, upon ſuch Robberies and Felonies committed, freſh-ſuit ſhall be made from Town to Town, and from Country to Country. Co.pla.fo.348,351. Raſt.pla.fo.406. Stat.27 El.13. Vet.Entr.218.

28 E.1. c.11. 31 Ed.1. poſt pa.90. Regiſt.460, 521. 28 Ed.1.c. 17. 7 R.2.6. Co. l. 7 f.6. Dyer f. 370.

CAP. II.

Inquiry of Felons and Robbers, and the Country ſhall anſwer if they be not taken.

Hue and Cry 1.

The Country ſhall anſwer for Robbers and Felons, if they be not apprehended. Latch.127. March 10,11. Pleader 216. Theſ.Bol.83. Brownl. plead. 2 par.224. St. 27 El. 13. Raſt. pla.f.406. St.39 El.25. Cro.El. 142, 270, 753.

LIkewiſe, when need requires, Inqueſts ſhall be made in Towns, by him that is Lord of the Town, and after in the Hundred, and in the Franchiſe, and in the County, and ſometime in two, three, or four Counties, in caſe when Felonies ſhall be committed in the Marches of Shires, ſo that the offenders may be attainted. (2) And if the Country will not anſwer for the Bodies of ſuch manner of Offenders, the pein ſhall be ſuch, that every Country, that is to wit, the People dwelling in the Country, ſhall be anſwerable for the Robberies done, and alſo the Damages: (3) ſo that the whole Hundred, where Robbery ſhall be done, with the Franchiſes being within the Precinct of the ſame Hundred, ſhall be anſwerable for the Robberies done. (4) And if the Robbery be done in Diviſion of two Hundreds, both the Hundreds and the Franchiſes within them ſhall be anſwerable. And after that the Felony or Robbery is done, the Country ſhall have no longer ſpace then half a year, within which half year it ſhall behove them to agree for the Robbery or Offence, or elſe, that they will anſwer for the Bodies of the Offenders. Cro.Jac.106,187,350,496. Cro.Car.37.

Bro.Debt 103. Golsb. 51. pl.16. Godb. 280. pl.397. Owen 7. Golsb.24. pl.3. 55 pl.9,10. 86.pl.11.& 148.pl.69. Cro.El.270. Co.l.7.f.6. 2 Inſt.569.

Hull 125. **A Robbery done in the diviſion of Shires. The Country ſhall have but forty days.** St. 28 Ed.3. 11.

CAP.

CAP. III.

This Act ſhall be reſpited until Eaſter next.

Robberies, Raſt. 1. When this Statute ſhall be put in execution.

AND forasmuch as the King will not that his people ſhould be ſuddenly impoveriſhed by reaſon of this penalty, that ſeemeth very hard to many, the King granteth that they ſhall not incur immediately, but it ſhall be reſpited until Eaſter next following, within which time the King may ſee how the Country will order themſelves, and whether ſuch Felonies and Robberies do ceaſe. (2) After which term let them all be aſſured, that the foreſaid Penalty ſhall run generally, that is to ſay, every Country, that is to wit, the people in the Country, ſhall be anſwerable for Felonies and Robberies done among them.

CAP. IV.

At what times the Gates of great Towns ſhall be ſhut. And when the Night-watch ſhall begin and end.

1 Roll 237. Co.l.7.f.7. Goldsb.70. pla.14. Cro.El.204. Savil.83. 5H.7.f.5.

Watch 1. At what time great Towns ſhall be opened and ſhut. 2 Bulſtr.328. At what time the Night-watch ſhall begin and end. St. 5 Ed. 3.14.

AND for the more ſurety of the Country, the King hath commanded, That in great Towns, being walled, the Gates ſhall be cloſed from the ſun-ſetting until the ſun-riſing, (2) and that no man do lodge in Suburbs, nor in any place out of the Town, from nine of the clock until day, without his Hoſt will anſwer for him: (3) and the Bailiffs of Towns, every week, or at the leaſt every fifteenth day, ſhall make inquiry of all perſons being lodged in the Suburbs, or in foreign places of the Towns. (4) And if they do find any that have lodged or received any ſtrangers or ſuſpicious perſon, againſt the Peace, the Bailiffs ſhall do right therein. (5) And the King commandeth, That from henceforth all Towns be kept as it hath been uſed in times paſſed, that is to wit, from the day of Aſcenſion unto the day of St. Michael, in every City ſix men ſhall be kept at every Gate, in every Borough twelve men, every Town ſix or four, according to the number of inhabitants of the Town, and ſhall watch the Town continually all night from the ſun-ſetting unto the ſun-riſing. (6) And if any ſtranger do paſs by them, he ſhall be arreſted until morning. And if no ſuſpicion be found, he ſhall go quit; (7) and if they find cauſe of ſuſpicion, they ſhall forthwith deliver him to the Sheriff, and the Sheriff may receive him without damage, and ſhall keep him ſafely, until he be acquitted in due manner. (8) And if they will not obey the Arreſt they ſhall levy Hue and Cry upon them, and ſuch as keep the Town ſhall follow with Hue and Cry with all the Town, and the Towns near, and ſo Hue and Cry ſhall be made from Town to Town, until that they be taken and delivered to the Sheriff, as before is ſaid: and for the Arreſtments of ſuch ſtrangers, none ſhall be puniſhed.

How they ſhall be uſed who diſobey Arreſt.

CAP. V.

The Breadth of High-ways leading from one Market-town to another.

High-ways 18. High-ways in Market-towns ſhall be inlarged.

AND further it is commanded, That High-ways leading from one Market-town to another ſhall be enlarged, whereas Buſhes, Woods, or Dykes be, ſo that there be neither Dyke, Tree, nor Buſh, whereby a man may lurk to do hurt, within two hundred foot of the one ſide, and two hundred foot of the other ſide of the way: ſo that this Statute ſhall not extend unto Aſhes, nor unto great Trees, for which it ſhall be clearly out of this. (2) And if by default of the Lord that will not avoid the Dyke, Under-wood or Buſhes, in the manner aforeſaid, any Robberies be done therein, the Lord ſhall be anſwerable for the Felony, and if Murther be done, the Lord ſhall make a Fine at the Kings pleaſure. (3) And if the Lord be not able to fell the Under-woods, the Country ſhall aid him therein. (4) And the King willeth, That in his Demean Lands and Woods within his Foreſt and without, the ways ſhall be enlarged, (as before is ſaid.) (5) And if percaſe a Park be taken from the High-way, it is requiſite that the Lord ſhall ſet his Park the ſpace of two hundred foot from the High-ways, as before is ſaid, or that he make ſuch a Wall, Dyke, or Hedge, that Offenders may not paſs ne return to do evil. St.2 & 3 P. & M.8. St. 5 El.13. St.29 El.5.

A Park near unto the High-way.

CAP. VI.

That View of Arms be made. Hue and Cry ſhall be followed. Fairs or Markets ſhall not be kept in Church-yards.

AND further it is commanded, That every man have in his houſe Harnies for to keep the Peace, after the ancient Aſſiſe: That is to ſay; (2) Every man between fifteen years of age and ſixty years ſhall be aſſeſſed and ſworn to Armor according to the quantity of their Lands and Goods: (3) That is to wit, from fifteen pounds Lands and Goods to forty marks, an Hauberke, a Breaſtplate of Iron, a Sword, a Knife, and an Horſe: (4) And from ten pounds of Lands and twenty marks Goods, an Hauberke, a Breaſt-plate of Iron, a Sword, and a Knife: (5) And from five pound Lands, a Doublet, a Breaſt-plate of Iron, a Sword, and a Knife: (6) And from forty ſhillings Land and more unto one hundred ſhillings of land, a Sword, a Bow and Arrows, and a Knife: (7) And he that hath leſs than forty ſhillings yearly, ſhall be ſworn to keep Giſarms, Knives, and other leſs weapons: (8) And he that hath leſs than twenty marks in Goods, ſhall have Swords, Knives and other leſs weapons: (9) And all other that may ſhall have Bows and Arrows out of the Foreſt, and in the Foreſt Bows and Boults: (10) And that view of Armor be made every year two times: (11) And in every Hundred and Franchiſe two Conſtables ſhall be choſen to make the view of Armor: (12) And the Conſtables aforeſaid ſhall preſent before Juſtices aſſigned ſuch Defaults as they do ſee in the Country about Armor, and of the Suits of Towns and of Highways, and alſo ſhall preſent all ſuch as do lodge Strangers in uplandiſh Towns for whom they will not anſwer: (13) And the Juſtices aſſigned ſhall preſent at every Parliament unto the King ſuch defaults as they ſhall find, and the King ſhall provide remedy therein: (14) And from henceforth let Sheriffs take good heed and Bailiffs within their Franchiſes and without, be they higher or lower that have any Bailywick or Foreſtry in fee or otherwiſe, that they ſhall follow the Cry with the Country, and after, as they are bounden, to keep Horſes and Armor, or ſo to do:

(15) And if there be any that do not, the defaults ſhall be preſented by the Conſtables to the Juſtices aſſigned, and after, by them to the King; and the King will provide remedy as afore is ſaid: (16) And the King commandeth and forbiddeth, that from henceforth neither Fairs nor Markets be kept in Church-yards, for the honour of the Church. Given at Weſtminſter, the eighth of October, in the thirteenth year of the Reign of the King, 21 Jac. 28. So much of this Statute as concerns the having; keeping, and viewing of Harnies and Arms is repealed. See 4 & 5 Ph. & Mar. 2.

The Statute of Merchants made at *Weſtminſter*, *Anno* 13 *Ed.* 1. and *Anno Dom.* 1258.

CAP. I.

The form of knowledging a Statute Merchant. The Creditor's remedy if his Debt be not paid. The King's Seals ſhall be ſent to Keepers of Fairs. Taking of a Recognizance.

FOraſmuch as Merchants, which heretofore have lent their goods to divers perſons, be fallen in poverty, becauſe there is no ſpeedy remedy provided, whereby they may ſhortly recover their debt at the day of payment: (2) and for this cauſe many Merchants do refrain to come into the Realm with their Merchandize, to the damage of Merchants and of all the Realm: (3) The King and his Council at his Parliament holden at Acton Burnel, after the Feaſt of St. Michael, the eleventh year of his Reign, hath ordained theſe eſtabliſhments thereupon for the remedy of ſuch Merchants: which ordinances and eſtabliſhments, the King commandeth that they ſhall be firmly kept and obſerved throughout this Realm, whereby Merchants may have remedy, and leſs trouble and buſineſs to recover their debt, then they have had heretofore. (4) But foraſmuch as Merchants after complained unto the King, that Sheriffs miſinterpreted his Statutes, and ſometimes by malice and falſe interpretation delayed the execution of the Statute, to the great damage of Merchants: (5) The King at his Parliament holden at Weſtminſter after Eaſter, the thirteenth year of his Reign, cauſed the ſaid Statute made at Acton Burnel to be rehearſed. (6) And for the declaration of certain Articles in the Statute aforeſaid, hath ordained and eſtabliſhed, That a Merchant who will be ſure of his debt, ſhall cauſe his Debtor to come before the Mayor of London, or before ſome chief Warden of a City, or of another good Town, where the King ſhall appoint, (7) and before the Mayor and chief Warden, or other ſufficient men choſen and ſworn thereto, when the Mayor or chief Warden cannot attend, (8) and before one of the Clerks that the King ſhall thereto aſſign, when both cannot attend, he ſhall knowledge the debt, and the day of payment: (9) And the Recognizance ſhall be inrolled by one of the Clerks hands being known; and the Roll ſhall be double, whereof one part ſhall remain with the Mayor or chief Warden, and the other with the Clerks that thereto ſhall be firſt named: (10) And further, one of the ſaid Clerks with his own hand ſhall write an Obligation, to which Writing the Seal of the Debtor ſhall be put with the Kings Seal, provided for the ſame intent: which Seal ſhall be of two pieces, whereof the greater piece ſhall remain in the cuſtody of the Mayor, or the chief Warden, and the other piece in the keeping of the foreſaid Clerk. (11) And if the Debtor do not pay at the day limited unto him, then ſhall the Merchant come to the Mayor and Clerk with his Obligation: (12) And if it be found by the Roll or Writing, that the debt was knowledged, and the day of payment expired, the Mayor or chief Warden, ſhall cauſe the Body of the Debtor to be taken (if he be Lay) whenſoever he happeneth to come in their power, and ſhall commit him to the priſon of the Town, if there be any, and he ſhall remain there at his own coſts, until he hath agreed for the debt. (13) And it is commanded, That the Keeper of the Town-priſon ſhall retain him upon the delivery of the Mayor or Warden. And if the Keeper ſhall not receive him, he ſhall be anſwerable for the debt, if he have whereof; and if he have not whereof, he that committeth the priſoner to his keeping ſhall anſwer. (14) And if the Debtor cannot be found in the power of the Mayor or chief Warden, then ſhall the Mayor or chief Warden ſend into the Chancery under the King's Seal, the recognizance of the debt: and the Chancellor ſhall direct a Writ unto the Sheriff, in whoſe Shire the Debtor ſhall be found, for to take his Body (if he be Lay) and ſafely to keep him in priſon until he hath agreed for the debt. (15) And within a quarter of a year after that he is taken, his chattels and lands ſhall be delivered him, ſo that by his own he may levy and pay the debt. (16) And it ſhall be lawful unto him, during the ſame quarter, to ſell his lands and tenements for the diſcharge of his debts, and his ſale ſhall be good and effectual. (17) And if he do not agree within the quarter, next after the quarter expired, all the lands and goods of the Debtor ſhall be delivered unto the Merchant by a reaſonable extent, to hold them until ſuch time as the debt is wholly levied. And nevertheleſs the Body ſhall remain in priſon, as before is ſaid. (18) And the Merchant ſhall find him bread and water, (19) and the Merchant ſhall have ſuch ſeiſin in the lands and tenements delivered unto him or his aſſignee, that he may maintain a Writ of Novel diſſeiſin, if he be put out, and Rediſſeiſin alſo, as of Free-hold, to hold to him and his aſſigns until the debt be paid. (20) And aſſoon as the debt is levied, the Body of the Debtor ſhall be delivered with his lands. (21) And in ſuch Writs as the Chancellor doth award, mention ſhall be made, that the Sheriff ſhall certifie the Juſtices of the one Bench or of the other, how he hath performed the Kings commandment at a certain day, at which day the Merchant ſhall ſue before the Juſtices, if agreement be not made: (22) and if the Sheriffs do not return the Writ, or do return that the Writ came too late, or that he hath directed it to the Bailiffs of ſome Franchiſe, the Juſtices ſhall do as it is contained in the latter Statute of Weſtminſter. (23) And if in caſe the Sheriff return, that the Debtor cannot be found, or that he is Clerk, the Merchant ſhall have Writs to all the Sheriffs, where he ſhall have land, and that they ſhall deliver unto him all the goods and lands of the Debtor by a reaſonable extent, to hold unto him and his aſſigns in the form aforeſaid: and at the leaſt he ſhall have a Writ to what Sheriff he will, to take his Body (if he be Lay) and to retain it in manner aforeſaid. (24) And let the Keeper of the priſon take heed, that he muſt anſwer

Statutes 1.

St. Acton Burnel. An. 11 Ed. 1.

The form of acknowledging of a Statute Merchant.

Sealing of a Statute.

The Creditor's remedy if the debt be not paid.

Certificate of the Statute into the Chancery.

Within what time the Debtor may ſell his land. Regiſt. fo. 146. Regiſt. jud. fo. 8. F.N.B. f. 130.

27 Ed. 3. St. 2. Cap. 9. Sect. 1. N. 10.

What eſtate the Merchant ſhall have in the Debtor's Lands.

St. 13 Ed. 1. 39.

Vaughan 102.

Co. Inſt. 289. b. 296.

Dyer f. 33.

Fitz. Execut. 131.

Cro. El. 329.

2 Roll 300.

3 Ed. 3 f. 8.

Fitz. Exec. 79.

37 H. 6. f. 6.

17 Ed. 3. f. 43. 36. b.

47 Ed. 3. f. 11.

Fitz. Execut. 49, 89, 113, 454.

Co. l. 4. f. 47.

Dier fo. 206.

Co. l. 4. f. 67.

Fitz. Aſſ. 9, 60, 82, 130, 216, 282, 331, 402.

Fitz. Reſceit, 112.

Fitz. Ancien demeſne, 24

Fitz. Exe

35.

anſwer for the Body, or for the debt. (25) And after the Debtor's lands be dlivered to the Merchant, the Debtor may lawfully ſell his land, ſo that the Merchant have no damage of the approvements: (26) and the Merchants ſhall always be allowed for their damages, and all coſts, labours, ſuits, delays, and expences reaſonable. (27) And if the Debtor find Sureties which do acknowledge themſelves to be principal Debtors after the day paſſed, the Sureties ſhall be ordered in all things as is ſaid of the principal Debtor; as to the Arreſt of Body, delivery of Lands, and other things. (28) And when the lands of the Debtors be delivered unto the Merchant, he ſhall have ſeiſin of all the Lands that were in the hand of the Debtor the day of the Recognizance made; in whoſe hands ſoever that they come after, either by feoffment or otherwiſe. (29) And after the debt paid, the Debtors lands, and the iſſues of lands of Debtors by feoffment ſhall return again, as well to the Feoffee, as the other lands unto the Debtors. (30) And if the Debtor or his Sureties die, that Merchant ſhall have no authority to take the body of his Heir, but he ſhall have his lands as before is ſaid, if he be of age, or when he ſhall be of full age, until he hath levied of the lands the amountment and value of the debt. (31) And a Seal ſhall be provided, that ſhall ſerve for Fairs, and the ſame ſhall be ſeut unto every Fair under the Kings Seal by a Clerk ſworn, or by the Keeper of the Fair. (32) And of the comminalty of the Merchants of the City of London, two Merchants ſhall be choſen that ſhall ſwear, and the Seal ſhall be opened before them, and the one piece ſhall be delivered to the foreſaid Merchants, and the other ſhall remain with the Clerk. And before them, or one of the Merchants, (if both cannot attend) the Recognizances ſhall be taken, as before is ſaid; (33) and before that any Recognizance be inrolled, the pein of the Statute ſhall be openly read before the Debtor, ſo that after he cannot ſay that any did put another penalty then that whereto he bound himſelf: (34) And to maintain the coſts of the ſaid Clerk, the King ſhall take of every pound a peny, in every Town where the Seal is, except Fairs, where he ſhall take one peny half peny of the pound. (35) This Ordinance and Act the King willeth to be obſerved from henceforth throughout his Realm of England and Ireland, amongſt the which people, they that will may make much Recognizances (except Jews, to whom this Ordinance ſhall not extend:) (36) And by this Statute a Writ of Debt ſhall not be abated, (37) and the Chancellor, Juſtices of the one Bench, and the other, the Barons of the Exchequer, and Juſtices Errants ſhall not be eſtopped to take the Recognizances of debts before them knowledged and made; (38) but the execution of Recognizances made before them, ſhall not be done in the form aforeſaid, but by the law and manner before uſed and otherwiſe provided in other Statutes.

Fitz. Execut. 97. 22 Aſſ. pl. 45. 7 H. 4. f. 10. Dier f. 206. Co. l. 7. f. 39. li. 4. f. 67. Fitz. Aſſ. 402.

Bro. Recog. 16, 17, 18, 21.

How the Debtors Sureties ſhall be uſed.

What lands ſhall be extended.

The Heirs Lands, but not his Body, ſhall be extended.

A Seal for Fairs.

Regiſt. f. 178.

The Statute ſhall be read to the Debtor.

The King's duty upon a Statute acknowledged.

Vet. Magn. Ch. 79. b.

Taking of Recognizances.

Rex, Vic', ſalutem. Quia coram tali Majore vel Cuſtode talis villæ vel coram Cuſtode Sigilli noſtri de Mercatoribus in nundinis in tali loco, & tali Clerico noſtro A. recognovit debere B. tantum quod ſolviſſe debuit tali die & tali anno, quod idem A. nondum ſolvit ut dicit. Tibi præcipimus, quod Corpus prædicti A. ſi Laicns ſit, capias, & in priſona noſtra ſalvo cuſtodiri facias, quouſque de prædict' debito ſatiſfeeerit. Et qualiter hoc Præceptum noſtrum fueris executus, ſcire facias Juſticiariis noſtris apud Weſtmonaſterium, per literas tuas ſigillatas, & habeas ibi hoc Breve. Teſte, &c. St. 27 Ed 3. 9. St. 23 H. 8. 6. Raſt. pla. fo. 97, 542, &c.

The Statute of *Circumſpecte agatis*, made 13 *Ed.* 3. and *Anno Dom.* 1285.

CAP. I.

Certain Caſes wherein the Kings Prohibition doth not lie.

THe King, to his Judges, ſendeth Greeting. Uſe your ſelves circumſpectly in all matters concerning the Biſhop of Norwich and his Clergy, not puniſhing them if they hold plea in Court Chriſtian of ſuch things as be meer ſpiritual, that is to wit, of penance enjoyned by Prelates for deadly Sin, as Fornication, Adultery, and ſuch like, for the which ſometimes corporal penance, and ſometime pecuniary is enjoyned, ſpecially if a Freeman be convict of ſuch things. (2) Alſo if Prelates do puniſh for leaving the Church-yard uncloſed, or for that the Church is uncovered, or not conveniently decked, in which caſes none other penance can be enjoyned but pecuniary.

(3) Item, If a Parſon demand of his Pariſhioners oblations or tithes due and accuſtomed, (4) or if any Parſon do ſue againſt another Parſon for tithes greater or ſmaller, ſo that the fourth part of the value of the Benefice be not demanded.

(5) Item, If a Parſon demand Mortuaries in places where a Mortuary hath been uſed to be given.

(6) Item, If a Prelate of a Church, or a Patron, demand of a Parſon a Penſion due to him, all ſuch demands are to be made in a Spiritual Court. (7) And for laying violent hands on a Clerk, (8) and in cauſe of defamation, it hath been granted already, that it ſhall be tried in a Spiritual Court, when money is not demanded, but a thing done for puniſhment of Sin, and likewiſe for breaking an Oath. (9) In all caſes afore rehearſed, the Spiritual Judge ſhall have power to take knowledge, notwithſtanding the King's Prohibition. Stat. 9 Ed. 2. 1, &c. Regiſt. fo. 36, 45, 50, 51, 57, &c. V.N.B. fo. 30. F.N.B. fo. 39, &c. Raſt. pla. fo. 483.

Co. Inſt. 2 par. 487. 13 Co. 41.

Co. l. 7. f. 44.

li. 5. f. 67.

1 E. 4. f. 13. 2 H. 5. f. 10. Fitz. Prohib. 11, 20, 27.

Co. li. 5. f. 20. Kel. f. 39. 22 Ed. 4. f. 20. 12 H. 7. f. 22. Bro. Prohib. 18, 21. Bro. Action ſur le caſe, 115. 22 Aſſ. pl. 70. 38 H. 6. f. 29. 11 H. 4. f. 88. Co. Inſt. 98. b. 143. 2 par. 500.

Prohibition 1.

Caſes wherein the King prohibition doth not lie.

Tithes for Offerings.

Mortuaries.

Penſion.

Defamation.

Breach of an Oath.

The Statute of *Weſtminſter* the third, *viz. Quia emptores terrarum*, made *Anno* 18 *Ed.* 1. and *Anno Domini* 1290.

CAP. I.

The Feoffee ſhall hold his Land of the chief Lord, and not of the Feoffor.

FOraſmuch as Purchaſers of Lands and Tenements of the Fees of great men and other Lords, have many times heretofore entred into their Fees, to the prejudice of the Lords, to whom the Free-holders of ſuch great men have ſold their Lands and Tenements to be holden in Fee of their Feoffors, and not of the chief Lords of the Fees; whereby the ſame

chief

1 Roll. 106, 165. 2 Roll 440.

Tenures 5.

The Feoffee ſhall hold his Land of the chief Lord, and not of the Feoffor.

chief Lords have many times loſt their Eſcheats, Marriages, and Wardſhips of Lands and Tenements belonging to their Fees: which thing ſeemed very hard and extream unto thoſe Lords, and other great men, and moreover in this caſe manifeſt diſheritance: (2) Our Lord the King, in his Parliament at Weſtminſter, after Eaſter, the eighteenth year of his Reign, that is to wit, in the quinzime of Saint John Baptiſt, at the inſtance of the great men of the Realm, granted, provided and ordained, that from henceforth it ſhall be lawful to every Freeman to ſell at his own pleaſure, his Lands and Tenements, or part of them, ſo that the Feoffee ſhall hold the ſame Land or Tenements of the chief Lord of the ſame Fee, by ſuch ſervice and cuſtoms as his Feoffor held before. 12 Car. 2. Cap. 24.

2 Anderſ. 211. 27 H. 8. f. 26. Dier f. 4. 8 Aſſ. pl. 8. Fitz. Avowry, 108, 185, 255.

CAP. I.

If Part of the Land be ſold, the Services ſhall be apportioned.

Teuures 5. If part of the Land be ſold, the Services ſhall be apportioned.

AND if he ſell any part of ſuch Lands or Tenements to any, the Feoffee ſhall immediately hold it of the chief Lord, and ſhall be forthwith charged with the Services, for ſo much as pertaineth or ought to pertain to the ſaid chief Lord for the ſame parcel, according to the quantity of the Land or Tenement ſo ſold. (2) And ſo in this caſe the ſame part of the ſervice ſhall remain to the Lord, to be taken by the hands of the Feoffee, for the which he ought to be attendant, and anſwerable to the ſame chief Lord, according to the quantity of the Land or Tenement ſold for the parcel of the Service ſo due. F.N.B. fo. 235. Co. Inſt. 2 par. 503.

1 Ed. 4. f. 12. Dyer f. 299. Fitz. Avowry, 101, 108, 218. Fitz. Hariot. 1. Bro. Tenures, 2. 65. Co. 16. f. 1. l. 8. f. 105. 27 H. 8. f. 26. 5 H. 7. f. 5. 40 Ed. 3. f. 40. 34 Aſſ. pl. 25. Co. Inſt. 43. b. Co. Inſt. 2 par. 504.

CAP. III.

No Feoffment ſhall be made to aſſure Land in Mortmain.

Mortmain. No Feoffment ſhall be made to aſſure Land in Mortmain St. 7. Ed. 1. This Statute extendeth to Fee-ſimple-land only

AND it is to be underſtanden, That by the ſaid Sales or Purchaſes of Lands or Tenements, or any parcels of them, ſuch Lands or Tenements ſhall in no wiſe come into Mortmain, either in part or in whole, neither by policy nor craft, contrary to the form of the Statute made thereupon of late. (2) And it is to wit, that this Statute entendeth but only to Lands holden in Fee-ſimple. (3) And that it extendeth to the time coming, and it ſhall begin to take effect at the Feaſt of St. Andrew the Apoſtle next coming. Given the eighteenth year of the Reign of King Edward, Son to King Henry. F.N.B. fo. 222. St. 9 H. 3. 32.

The Statute of *Quo Warranto*, made *Anno* 18 *Ed.* 1. St. 2. & *Anno Dom.* 1290.

How they ſhall hold their Liberties which claim them by Preſcription or Grant. A *Quo Warranto* ſhall be pleaded and determined before Juſtices in Eyre.

Franchiſe, Raſt. 6. Co. Inſt. 2 par. 594.

FORaſmuch as Writs of Quo Warranto, and alſo Judgments given upon Pleas of the ſame, were greatly delayed, becauſe the Juſtices in giving Judgment were not certified of the King's pleaſure therein: (2) Our Lord the King, at his Parliament holden at Weſtminſter, after the Feaſt of Eaſter, the eighteenth year of his Reign, of his ſpecial grace, and for the affection that he beareth unto his Prelates, Earls and Barons, and other of his Realm, hath granted that all under his allegiance, whatſoever they be, as well ſpiritual as other, which can verifie by good Enqueſt of the Country, or otherwiſe, that they and their anceſtors or predeceſſors, have uſed any manner of Liberties, whereof they were impleaded by the ſaid Writs before the time of King Richard our couſin, or in all his time, and have continued hitherto (ſo that they have not miſuſed ſuch Liberties) that the parties ſhall be adjourned further unto a certain day reaſonable before the ſame Juſtices, within the which they may go to our Lord the King, with the Record of the Juſtices, ſigned with their Seal, and alſo return. And our Lord the King, by his Letters Patents, ſhall confirm their Eſtate. (3) And they that cannot prove the ſeiſin of their anceſtors or predeceſſors in ſuch manner as is before declared, ſhall be ordered and judged after the Law and Cuſtom of the Realm; (4) and ſuch as have the King's Charter, ſhall be judged according to their Charters.

They which have liberties by preſcription ſhall enjoy them. F.N.B. fo. 110.

Fitz. Brief, 886. Kel. f. 131. &c. Co l. 9. f. 33. Bro. Quo Warranto, 1, 2, 3, 4, 6, 8, 11. Bro. preſcription, 10, 14, 18, 32, 33, 34, 50, 54, 64, 65, 71, 83, 98, 107, 108. Bro. Franchiſe, 5, 10, 15, 22, 26, 37.

Liberties by the King's grant. Where Pleas of Quo Warranto ſhall be determined.

II. Moreover, the King of his ſpecial grace hath granted, That all Judgments that are to be given in Pleas of Quo Warranto, by his Juſtices at Weſtminſter, after the foreſaid Eaſter, for our Lord the King himſelf, if the parties grieved will come again before the King, he of his grace ſhall give them ſuch remedy as before is mentioned. (2) Alſo our ſaid Lord the King hath granted for ſparing of the coſts and expences of the people of his Realm, that Pleas of Quo Warranto, from henceforth ſhall be pleaded and determined in the Circuit of the Juſtices, and that all Pleas now depending ſhall be adjourned into their own Shires, until the coming of the Juſtices into thoſe parts. V.N.B. fo. 160. Raſt. pla. fo. 540.

Fitz. Conuſance, 16, 19. 21, 26, 30, 31, 36, 39, 46, 51, 54, 57, 60, 61, 62, 63, 64, 81, 87, 91. 3 H. 7. f. 15.

Another new Statute of *Quo VVarranto*, St. 3. made the ſame year to that effect.

Franchiſe, Raſt. 6. Liberties by preſcription or the King's grant.

COncerning the Writ that is called Quo Warranto, our Lord the King, at the Feaſt of Pentecoſt, in the eighteenth year of his Reign, hath eſtabliſhed, that all thoſe which claim to have quiet poſſeſſion of any Franchiſe, before the time of King Richard, without interruption, and can ſhew the ſame by a lawful Enqueſt, ſhall well enjoy their poſſeſſion. (2) And in caſe that ſuch poſſeſſion be demanded for cauſe reaſonable, our Lord the King ſhall confirm it by title. (3) And thoſe that have old Charters of Franchiſe, ſhall have the ſame Charters adjudged according to the tenour and form of them; (4) and thoſe that have loſt their Liberties ſith Eaſter laſt paſſed by the foreſaid Writ, according to the courſe of pleading in the ſame Writ heretofore uſed, ſhall have reſtitution of their Franchiſe loſt, and from henceforth they ſhall have according to the nature of this preſent conſtitution. V.N.B. fo. 260. Raſt. pla. fo. 540.

Coke l. 9. f. 23, &c.

The Statute of Fines, made *Anno* 18 *Ed.* 1. *St.*4. and *Anno Dom.* 1290.

The manner of levying of Fines: What things be requiſite to make them good, and who are bound by them.

When the Writ original is delivered in preſence of the parties before Juſtices, a Pleader ſhall ſay this: Sir Juſtice, Conge de accorder. (2) And the Juſtice ſhall ſay to him, What ſaith Sir R. and ſhall name one of the parties. (3) Then, when they be agreed of the ſum of mony that muſt be given to the King, then the Juſtice ſhall ſay, Cry the peace. (4) And after the Pleader ſhall ſay; In ſo much as peace is licenſed thus unto you W. S. and A. his wife, that here be, do acknowledge the Mannor of B. with the appurtenances contained in the Writ, to be the right of our Lord the King: which he hath of their gift. (5) To have and to hold to him and his heirs, of the ſaid W. and A. and the heirs of A. as in Demeans, Rents, Seigniories, Courts, Pleas, Purchaſes, Wards, Marriages, Reliefs, Eſcheats, Mills, Advowſons of Churches, and all other Franchiſes and free Cuſtoms to the ſaid Mannor belonging, paying yearly to R. and his heirs, as chief Lords of the Fee, the ſervices and cuſtoms due for all ſervices. (6) And it is to be noted, that the order of the Law will not ſuffer a final accord to be levied in the Kings Court without a Writ original, and that muſt be at the leaſt before four Juſtices in the Bench, or in Eyre, and not otherwiſe, and in preſence of the parties named in the Writ, which muſt be of full age, of good memory, and out of priſon. (7) And if a woman covert be one of the parties, then they muſt be firſt examined by four of the ſaid Juſtices. And if he doth not aſſent thereunto, the fine ſhall not be levied. (8) And the cauſe wherfore ſuch ſolemnity ought to be done in a fine, is, becauſe a fine is ſo high a bar, of ſo great force, and of ſo ſtrong nature in it ſelf, that it concludeth not only ſuch as be parties and privies thereto, and their heirs, but all other people of the world, being of full age, out of priſon, of good memory, and within the four Seas, the day of the fine levied, (9) if they make not their claim of their action within a year and a day by the Country. St. 15 Ed. 2. of Carliſle.

Fines 2. Co. Inſt. 2 par. 510.

Co.l.5. f. 39.

The order of levying of a Fine.

Regiſt. f. 165. F.N.B. f. 146. I. &c.

Raſt.pla. f. 349.

The form of a Fine.

1 H. 7. f. 10.

What things be requiſite to make a fine good.

Stat. 27. Ed. 1. 1.

Co l.4. f.125 l. 8. f.103. 4 Ed.3. f. 46. Fitz Continual Claim, 13.

What perſons ſhall be concluded by a Fine.

St. 1 R. 3. 7.

St. 4 H. 7. 24.

The Statute of Touchers, made *Anno* 20 of *Ed.* 1. & *Anno Dom.* 1292.

In a Plea of Land the Tenant voucheth, and the Demandant counterpleadeth.

Whereas the Tenant impleaded in a Plea of Land heretofore had vouched to warranty, and thereupon the Demandant would aver, That neither he that is vouched, nor any of his Anceſtors (ſince the time that the Anceſtor of the Demandant was ſeiſed) was in poſſeſſion of the ſaid Lands, neither in Demean, nor in Service, (2) if the party vouched were preſent, and would warrantiſe the Land freely unto the Tenant, ſuch averment of the Demandant hath not been uſed to be admitted, unleſs the party vouched had been abſent, and that by reaſon of a certain Statute of the Kings lately made amongſt other Statutes of Weſtm. 1.

II. Wherefore our Lord the King, conſidering the fraud, deceit, and malice, and alſo his own damage and diſheriſon of his Crown, that in the ſaid caſe hath many times happened in this Court, and daily doth, whereas ſome holding of the King in chief by a whole Barony, in a Plea hanging before the Juſtices of the Bench, upon their demand do vouch particularly baſe perſons unknown and ſtrangers (which they will bring forth) and of whom neither they nor their Anceſtors had ever any thing in the Lands that they warranted, nor in any other Lands or Tenements within this Realm, neither in Demean nor in Service, as hath been teſtified by divers of the Kings faithful Subjects; (2) ſo that by ſuch cautel, fraud and malice, the ſame Tenants, holding by an entire Barony, do defraud the King of the americiament that they ſhould incur, if the Demandant ſhould recover againſt them:

III. And likewiſe when ſuch baſe perſons have warranted, that is to wit, every one for his portion that he ought to warrant, he may defend himſelf by the body of his ſervant procured and hired by them that hold Baronies, and ſo upon one Writ and one Demand, there were two or three wagers of battail, the which was a hard and perillous example for poor men in time coming that ſhall be Demandants againſt great and rich men, which will defend themſelves by the malice aforeſaid: (2) and the Demandant cannot have his averment againſt ſuch Warrantors, when they be vouched in form aforeſaid, becauſe they be preſent, and will warrantiſe freely: (3) By his Common Council hath ordained, and from henceforth, that is to ſay, from the Feaſt of St. Hillary, the twentieth year of his Reign, he hath commanded to be obſerved, that when the Tenant doth vouch any to warranty, and the Demandant will aver in form before rehearſed, his averment ſhall be admitted, whether the party vouched be abſent or preſent, without any reſpect had unto his abſence or preſence. Raſt.pla.fo. 354,687,&c.

Voucher 2.

Vouched.

St. 3 Ed. 1. 39.

In plea of Land the Tenant voucheth one preſent, and the Demandant counterpleadeth the Voucher.

Averments.

Fitz. Voucher, 276.

A Statute of Waſte, made *Anno* 20 *Ed.* 1 St. 2. & *Anno Dom.* 1292.

Tenant for Life committeth Waſte, he in the Reverſion brought an Action of Waſte, and dieth before Judgment, his heir brought an Action for the ſame Waſte.

William Butler, which is within age, and in Ward of our Lord the King, hath ſhewed unto his Highneſs, that where Gawin Butler, his brother, (whoſe heir he is) had impleaded one Walter de Hapeton, by the Kings Writ, for waſte and deſtruction made by him the ſaid Walter, in certain his Lands and Tenements which the ſame Walter held for term of his life, of the Inheritance of the foreſaid Gawin in Wimme and Thirke: And the foreſaid Gawin, before he had obtained Judgment died. After whoſe death the foreſaid William by like Writ impleaded the foreſaid Walter, for the waſt and deſtruction made by him of long time. The ſame Walter, before Gilbert Thornton and his companions, aſſigned to hear the Kings Pleas, came in, and ſaid, that he ought not to anſwer to the ſame William for the waſte and deſtruction made in the time of another, before the Right of the ſaid Inheritance

deſcended

Waſte, Raſt. 7.

deſcended unto him, and thereupon demanded Judgment. (2) And foraſmuch as certain Juſtices did not agree in giving of the ſaid Judgment, becauſe it ſeemeth to ſome that it ſhould not be agreeable to the Law, that any perſon ſhould obtain advantage and recompence by the foreſaid Writ, which is a Writ of Treſpaſs done to a perſon certain, but only the ſame perſon to whom, and in whoſe time the Treſpaſs was done. (3) Other Juſtices with the more part of the King's Council were in the contrary opinion, alledging by divers reaſons, that the ſaid William ought to be heard and anſwered unto, and all other whatſoever they be, in like caſes, or in like Treſpaſſes. And becauſe like matters have remained not amended, and Treſpaſſes unpuniſhed which was inconvenient:

Tenant for life commiteth waſte, and he in the reverſion hangeth an action of waſte and dieth before judgment, and his heir bringeth an action of the ſame waſte, and recovereth.
St. 13 Ed.3.14.

II. Wherefore our Lord the King, in his full Parliament holden the day after the Feaſt of the Purification, in the twentieth year of his Reign, by a general Council hath ordained, and from henceforth hath commanded to be ſtraightly obſerved, that every Heir (in whoſe ward ſoever he be, and as well within age as of full age) ſhall have his Recovery by a Writ of Waſte in the foreſaid caſe, and alſo in other where the ſame Writ ought to hold place: (2) and it ſhall hold place as well for Waſte and Deſtruction made in Lands and Tenements of his own Inheritance, and as well in the times of his Anceſtors, as at any other time that the Fee and Inheritance deſcended unto him, and ſhall be anſwered unto therefore. (3) And that he ſhall recover the Tenements waſted, and damages, as it is ordained in the ſecond Statute of Weſtminſter, of damages to be recovered in a Writ of Waſte, if the Tenant be convict of Waſte. (4) And it is commanded by the King himſelf unto the ſame Gilbert Thornton and his companions, that they do proceed in the foreſaid matter, and in other like from henceforth, and Judgment ſhall be given according as the matter is found. (5) And likewiſe it is commanded unto the Juſtices, that they ſhall cauſe all the aforeſaid things to be ſtraightly obſerved before them from henceforth. Regiſt. fo. 73.

The Satute *De Defenſione Juris*, made *Anno* 20 *Ed.*1.St.3. & *Anno Dom.* 1292.

Where a Stranger coming in by a collateral Title not party to the Suit, ſhall be received.

Reſceit. 2.

St. 31 Ed. 1. 4.

2 Roll 406.

Where one by the Kings Writ doth demand any tenements againſt Tenant by the courteſie, in tail, in dower, or for term of life, or of years, and the Demandant ſueth ſo far that the Lands be in manner recovered, whereupon another, not party to the ſuit, cometh in before Judgment given, and ſaith, that he hath Fee and Right in thoſe Lands, and prayeth the Court, that in as much as he is come before Judgment, ready to defend his tenement, and to make anſwer unto the Demandant, that he may be admitted thereunto by force of a Statute made by the King that now is, amongſt other the laſt Statutes made at Weſtminſter; (2) by which Statute as well ſuch as had no right as they which had right, oftentimes in the caſe before mentioned, falſly, and in deceit of the Court, did come in and pray to be received to make anſwer, that by their admiſſion they might prolong the Demandant from the judgment and ſeiſin of his Land, and to cauſe thoſe Demandants to plead of new; and ſo the Demandants are greatly deferred in the caſe aforeſaid, to recover their right in the Kings Court, by reaſon of ſuch malice, as well by miſtaking of the ſaid Statute, as for any other cauſe juſt and reaſonable, and this is uſed and found often before our Juſtices: (3) Wherefore our Lord the King, for to withſtand all ſuch malice in the aforeſaid caſe, and intending to provide a remedy therein, in his full Parliament, and by his common Council, hath ordained, and from henceforth commanded ſtraightly to be obſerved: That is to wit, from the Monday next after the Feaſt of the Purification of the Virgin, the twentieth year of his Reign, that when any before judgment in the foreſaid caſe cometh in by a collateral Title, and deſireth to be received; before his receit he ſhall find ſufficient ſurety (as the Court will award) to ſatisfie the Demandant of the value of the Lands ſo to be recovered from the day that he is received to make anſwer, until the time that final Judgment be given upon the Petition of the Demandant. (4) And if the Demandant recover his demand, the Defendor ſhall be grievouſly amerced, if he have whereof; and if he have not, he ſhall be impriſoned at the Kings pleaſure. (5) And if he can prove his right to be as good as he affirmed at ſuch time as he was received, he ſhall go quit. Raſt. pla. fo. 530.

Where a ſtranger cometh in by a collatetal title to be received, he ſhall find ſureties.
St.13 H 2.17.

Dyer f. 104
Kel. f. 110, 162.
Fitz.Reſceit. 76, 80, 99, 189.
Fitz. Surety, 2, 3, 6, 7, 9, 10, 11, 14, 16, 17, 20, 26.

Stat. *De iis qui ponendi ſunt in Aſſiſis*, made 21 *Ed.* 1. & *Anno Dom.* 1293.

What freehold lands Jurors muſt have, which ſhall paſs in Trial within the ſame County, or without.

Jurors 10.

2 Roll 416.

Foraſmuch as our Lord the King, by the continual and grievous complaint of his inferior people, doth perceive that divers perſons, being of leaſt ability of his Realm, are many time intolerably troubled by Sheriffs and their Bailiffs, Bailiffs of Liberties which impanel them to the Recogniſances of Aſſiſes, Juries, Inqueſts and Attaints, triable out of the Shires where they be dwelling: and do ſpare the rich people, and ſuch as be more able, by whom the truth of the matter might be better known, whereby great expences and trouble doth daily manifeſtly enſue, to the impoveriſhment and utter diſheriting of many: (2) Our ſaid Lord the King, providing for the indempnity of his people, and deſiring to ſet convenient remedy in the premiſſes for the publick weal of his Realm, in his Parliament holden in the term of Saint Michael the one and twentieth year of his Reign, hath ordained in this behalf; That no Sheriff, Under-ſheriff, or their Bailiffs, Stewards, or Bailiffs of Liberties, ſhall from henceforth put in any Recogniſance abovesaid, that ſhall paſs out of their proper Counties or Bailiwicks, any, except he have Lands and Tenements to the yearly value of a C. s. at the leaſt. (3) And the King intendeth not by this Statute to reſtrain the laſt Statute of Weſtminſter, wherein mention is made of Recogniſors to be put in Juries and Aſſiſes, but of ſuch only as ought to paſs in Aſſiſes, Juries, and Recogniſances triable out of their proper Counties: (4) ſo that within the County before Juſtices of our Lord

What Freehold-land thoſe Jurors muſt have which paſs in trials.
St. 13 Ed.1.38.
St.34 Ed. 3. 4.
St.42 Ed.3.11.
St. 35 H. 8. 6.
St. 2 Ed.6. 32.

Kel, f.97.

the King, or other Miniſters aſſigned to the taking of any ſuch Inqueſts, Juries, or other Recogniſances, none ſhall be impanelled, except he have Lands or Tenements to the yearly value of xl. s. (5) And likewiſe ſaving that before Juſtices Errant that hold Common Pleas in their Circuit, and alſo in Cities, Boroughs, and other Market-towns, where Recogniſances, Aſſiſes, and Juries, or Inqueſts, do paſs upon any matter touching the ſaid Cities, Boroughs, and other Towns, it ſhall be done like as hath been accuſtomed in times paſſed. T.R. at the Tower of London, the xiij. day of December, in the xxij. year of his Reign. St. 27 El. 6. St. 28 Ed. 1. 9. Regiſt. fo. 186, 178. F. N. B. fo. 165, 115.

Juries in Cities or Boroughs.

(6) Rex, &c. Quia ad communem utilitatem Populi noſtri & Regni de communi conſilo ejuſdem Regni ſtatuerimus ne aliquis ponatur in Juratis, Aſſiſis, ſeu Recognitionibus aliquibus extra Comitatum ſuum proprium faciendis, niſi habeat terras aut tenementa ad valentiam centum ſolidorum per annum ad minus, nec infra Comitatum ſuum, niſi habeat terras aut tenementa ad valentiam xl. s. per annum ad minus, prout in Statuto illo quod tibi mittimus ſub Sigillo noſtro, & quod in omnibus & ſingulis Articulis ſuis de cætero obſervari volumus & firmiter teneri plenius continetur: tibi præcipimus & firmiter injungimus quod Statutum illud in pleno Comitatu tuo, & in Civitatibus, Burgis, & Villis mercatoriis, & aliis locis publicis & ſolemnibus in Balliva tua ubi neceſſe fuerit, & expedire videris, legi & publice proclamari, & illud in omnibus & ſingulis ſuis Articulis (quantum in te eſt) obſervari facias & firmiter teneri. Et hoc, ſicut grave damnum tuum vitare volueris; nullo modo omittas. Teſte, &c.

A Writ to the Sheriff to proclaim this Statute.

Stat. *De malefactoribus in parcis*, made *Anno* 21 *Ed.* 1 St. 2. & *Anno Dom.* 1293.

In what caſes the Killing of Offenders in Foreſts, Chaſes or Warrens, is puniſhable, in what not.

3 Inſt. 76. 1 Roll. 90, 447.

Foreſt 4. Co. Inſt. 1 par. 233. Co.pl. fo. 643. In what caſes the killing of ſome perſons in Foreſts, Chaſes, or Parks, is lawful, in what not.

TO the intent that Treſpaſſors in Foreſts, Chaſes, Parks and Warrens, may more warily fear hereafter to enter and treſpaſs in the ſame then they have heretofore, Our Lord the King, at his Parliament after Eaſter, the xxi. year of his Reign, at the inſtance of the Nobles of his Realm, hath granted and commanded to be from henceforth firmly obſerved, that if any Foreſtor, Parker or Warrenor, ſhall find any Treſpaſſors wandring within his Liberty, intending to do damages therein, and that will not yield themſelves to the Foreſters, Warrenors or Parkers, after huy and cry made to ſtand unto the peace, but do continue their malice, and diſobeying the Kings peace, do flee, or defend themſelves with force and arms: although ſuch Foreſters, Parkers and Warrenors, or any other coming in their company, and aiding ſuch Foreſters, Parkers and Warrenors, in the Kings peace, do kill any offender or offenders being ſo found, either in arreſting or taking them, or any of them, they ſhall not be troubled upon the ſame before the King and his Juſtices, or before any other the Kings Bailiffs, or any other within any Franchiſe or without; nor ſhall leeſe for ſo doing either life or limb, or ſuffer any other puniſhment, but ſhall enjoy the Kings Peace as they did before.

Dier fo. 327. Co.li.8.f.138

II. Notwithſtanding, let all ſuch Foreſters, Parkers, Warrenors, and all other beware, that, by reaſon of any malice, diſcord, debate, other evil will had before time, they do not maliciouſly pretend againſt any perſon paſſing through their Liberties, that they came thither for to treſpaſs or miſdo, when of truth they did nothing, nor were not found as Treſpaſſers, and ſo kill them: for if they do, and be convict thereupon, the death of ſuch perſons ſhall be inquired, and execution ſhall be done in like manner as is done for other of the Kings Subjects ſtanding in his peace; and like as it ought to be done of right and according to the Law and Cuſtom of our Realm. Townſend's Table, 36.

The Statute of the Writ of Conſultation, made 24 *Ed.* 1. & *Anno Dom.* 1296.

In what caſe a Conſultation is grantable.

12 H.7.f.22. 2 H.4.f.9. Fitz.Conſult 1, 2, 4, 9. 21 Ed.3.f.38. pl. 37.b.

Prohibitions In what caſes a conſultation is to be granted. St. 50 Ed. 3. 4.

WHereas Eccleſiaſtical Judges have often ſurceaſed to proceed in cauſes moved before them, by force of the Kings Writ of Prohibition, in caſes whereas remedy could not be given to Complainants in the Kings Court, by any Writ out of the Chancery, becauſe that ſuch Plaintiffs were deferred of their right and remedy in both Courts, as well temporal as ſpiritual, to their great damage, like as the King hath been advertiſed by the grievous complaint of his Subjects: (2) Our Lord the King willeth and commandeth, That where Eccleſiaſtical Judges do ſurceaſe in the aforeſaid caſes, by the Kings prohibition directed unto them, That the Chancellor, or the Chief Juſtice of our Lord the King for the time being, upon ſight of the Libel of the ſame matter, at the inſtance of the Plaintiff (if they can ſee that the caſe cannot be redreſſed by any Writ out of the Chancery, but that the Spiritual Court ought to determine the matters) ſhall write to the Eccleſiaſtical Judges, before whom the cauſe was firſt moved, that they proceed therein, notwithſtanding the Kings prohibition directed to them before. Regiſt. fo. 44. F.N.B. fo. 50. c. 53. h. V.N.B. fo. 32. Raſt. pla. fo. 483.

Statutes made at *London*, the Tenth day of *October*, *Anno* 25 *Ed.* 1. *Anno Dom.* 1297.

CAP. I.

A Confirmation of the great Charter, and the Charter of the Foreſt.

3 Inſt. 41.

Confirmation Raſt. A Confirmation of the great Charter, and Charter of the Foreſt. 28 Ed. 1. f.

EDward, by the grace of God, King of England, Lord of Ireland, and Duke of Guian, to all thoſe that theſe preſent Letters ſhall hear or ſee, greeting. Know ye, that we, to the honour of God and of holy Church, and to the profit of our Realm, have granted for us and our heirs, That the Charter of Liberties, and the Charter of the Foreſt, which were made by common aſſent of all the Realm, in the time of King Henry our Father, ſhall be kept in every point without breach, (2) And we will that the ſame Charters ſhall be ſent under our Seal, as well to our Juſtices of the Foreſt, as to others, and to all Sheriffs of Shires, and to all our other Officers, and to all our Cities throughout the Realm, together with our Writs, in the which it ſhall be contained, That they cauſe the foreſaid Charters to be publiſhed, and to declare to the people, that we have confirmed them in all points, (3) and that our Juſtices, Sheriffs, Mayors, and other Miniſters, which under us have the Laws of our Land to guide, ſhall allow the ſame Charters pleaded before them in judgment in all their points, that is to wit, the great Charter, as the Common-law, and the Charter of the Foreſt, for the wealth of our Realm. Co. Inſt. 2 par. 527.

The great Charter the Common-law.

CAP. II.

Judgments given againſt the ſaid Charters ſhall be void.

Confirmation, Raſt. 5. Judgments given againſt the great Charter ſhall be void.

AND we will that if any Judgment be given from henceforth contrary to the points of the Charters aforeſaid by the Juſtices, or by any other our Miniſters that hold Plea before them againſt the points of the Charters, it ſhall be undone, and holden for nought. Stat. 42 Ed. 3. cap. 1.

Co. Inſt. 1 par. 526.

CAP. III.

The ſaid Charters ſhall be read in Cathedral Churches twice in the year.

Confirmation. Raſt. 3. The Charters ſent to Cathedral Churches.

AND we will that the ſame Charters ſhall be ſent, under our Seal, to Cathedral Churches throughout our Realm, there to remain, and ſhall be read before the people two times by the year, Co.Inſt.2 par.527.

CAP. IV.

Excommunication ſhall be pronounced againſt the Breakers of the ſaid Charters.

Confirmation. Raſt. 3. The Biſhops Excommunication againſt the Breakers of the Charters.

AND that all Archbiſhops and Biſhops ſhall pronounce the ſentence of Excommunication againſt all thoſe that by word, deed, or councel, do contrary to the foreſaid Chartes, or that in any point break or undo them. (2) And that the ſaid Curſes be twice a year denounced and publiſhed by the Prelates aforeſaid, (3) And if the ſame Prelates, or any of them, be remiſs in the denunciation of the ſaid ſentences, the Archbiſhops of Canterbury and York, for the time being, ſhall compel and diſtrein them to the execution of their duties in form aforeſaid.

Co. Inſt. 2 par. 527.

CAP. V.

Aids, Tasks and Prices, granted to the King, ſhall not be taken for a Cuſtom.

Taxes, Raſt. 1 Aids and tasks granted to the King, ſhall not be taken for a cuſtom.

AND for ſo much as divers people of our Realm are in fear that the Aids and Tasks which they have given to us beforetime towards our wars and other buſineſs, of their own grant and good will (howſoever they were made) might turn to a bondage to them and their heirs, becauſe they might be at another time found in the Rolls, and likewiſe for the Prices taken throughout the Realm by our Miniſters: (2) We have granted for us and our heirs, that we ſhall not draw ſuch Aids, Tasks, nor Prices, into a Cuſtom, for any thing that hath been done heretofore, be it by Roll, or any other Precedent that may be founden.

Co. Inſt. 2 par. 527.

CAP. VI.

The King or his Heirs will take no Aids or Prices but by the conſent of the Realm, and for the common Profit thereof.

Taxes, Raſt. 1 The King will make no aids, &c. but by the common conſent of the Realm, and for the profit thereof.

MOreover we have granted for us and our heirs, as well to Archbiſhops, Biſhops, Abbots, Priors and other folk of holy Church, as alſo to Earls, Barons and to all the Commonalty of the Land, that for no buſineſs from henceforth we ſhall take ſuch manner of Aids, Tasks, nor Prices, but by the common aſſent of the Realm, and for the common profit thereof, Saving the ancient Aids and Prices due and accuſtomed. 34 Ed. 1. cap. 1.

Co.Inſt. 2 par. 529.

CAP. VII.

A Releaſe of Toll taken by the King for Wooll: And a Grant that he will not take the like without common conſent and good will.

Taxes, Raſt. 1 A Releaſe of Toll of Wooll.

AND for ſo much as the more part of the Communalty of the Realm find themſelves ſore grieved with the maletent of Woolls, that is to wit, a Toll of xl. ſhilling for every ſack of Wooll; and have made petition to us to releaſe the ſame: We at their requeſts have clearly releaſed it, and have granted for us and our heirs that we ſhall not take ſuch things without their common aſſent and good will. Saving to us and our heirs the Cuſtom of Woolls, Skins, and Leather, granted before by the Communalty aforeſaid. In witneſs of which things we have cauſed theſe our Letters to be made Patents. Witneſs Edward, our Son, at London, the tenth day of October, the five and twentieth year of our Reign. Co. Inſt. 2 par. 76.

Vaughan, 161.

Excommengment.

Anno 25 Ed. 1. St 2. A Sentence of Excommunication pronounced by the Clergy againſt the Breakers of the Articles aforeſaid, ſpecified in the Statutes at large.

Stat. De Finibus levatis, made *Anno 27 Ed.* 1. & *Anno Dom.* 1299.

No exception to a Fine that the Demandant was ſeiſed. Fines ſhall be openly read.

Fines 3.

FOraſmuch as Fines levied in our Court, ought and do make an end of all matters, and therefore are called Fines principally, where after waging of Battail or the great Aſſiſe in their caſes ever they hold the laſt and final place. (2) And now, by a certain time paſſed, as well in the time of King Henry of famous memory our Grandfather, as in our time, the parties of ſuch Fines and their heirs, contrary to the Laws of our Realm, of ancient time uſed, were admitted to adnul and defeat ſuch Fines, alledging that before the Fine levied, and at the levying thereof, and ſince, the Demandants or Plaintiffs or their Anceſtors were alway ſeiſed of the Lands contained in the Fine, or of ſome parcel thereof: and ſo Fines lawfully levied, were many times unjuſtly defeated and adnulled by Jurors of the Country falſly and malicioully

Co. Inſt. 2 par. 121.

Co. l. 3. f. 88. 4 H. 7. f. 7. 17 Ed. 3. f. 53. Fitz. Replic. 62, 63, 66. 12 Ed. 4. f. 15 42 Ed. 3. f. 19. 4 Ed. 3 f. 46. 1 H. 4. f. 7.

maliciouſly procured. (3) We therefore, intending to provide a remedy in the premiſſes, in our Parliament at Weſtminſter, have ordained, that ſuch Exceptions, Anſwers, or Inquiſitions of the Country, ſhall from henceforth in no wiſe be admitted contrary to ſuch Recognizances or Fines. And further, we will that this Statute ſhall as well extend unto Fines heretofore levied, as to them that ſhall be levied hereafter. And let the Juſtices ſee that ſuch Notes and Fines, as hereafter ſhall be levied in our Court, be read openly and ſolemnly, and that in the mean time all Pleas ſhall ceaſe. And this muſt be at two certain days in the week, according to the diſcretion of the Juſtices. St. 18 Ed. 1. of Fines. St. 1 R. 3. 7. St. 4 H. 7. 24. St. 31 El. 2.

No exception to a Fine that the demandant was always ſeiſed Raſt. pl. fo. 340, &c. Fines ſhall be openly read, and then all Pleas ſhall ceaſe.

CAP. II.

A Sheriff ſhall levie no more Iſſues then he hath Warrant for His Tallies.

WE have alſo ordained, by the advice of our Council, that from henceforth Sheriffs ſhall not be charged of any Iſſues, to be levied, nor ſhall levie any before they paſs out of the Exchequer, there to be delivered by the extreats of the Juſtices. (2) And that in the extreats of Juſtices, every head ſhall be charged for Iſſues forfeited, like as of amerciaments. (3) And if peradventure any Sheriff will anſwer for the Iſſues of any Recogniſor, Pledge, or Mainpernor, by him undertaken and returned into our Court, which at the time of the return is not able to pay ſuch Iſſues or Amerciaments, the Sheriff ſhall be charged, and ſhall anſwer therefore in our Exchequer. (4) And let the Sheriffs beware, under pein of great forfeiture, that from henceforth they do make Tallies of all ſuch mony as they or their Officers have received by our commandment. (5) And that they do not return any where, the names of any Mainpernors, Jurors or any other, execept ſuch Mainpernors, Jurors, or others, according to the tenour of our Writs being directed to the Sheriffs for the ſame cauſe, be lawfully and manifeſtly impanelled thereupon. (6) And they ſhall not return the names of any Freemen as Pledges, without that they will plainly conſent and agree to the ſame. (7) And hereupon we have enacted, That at one time certain every year, one Baron, and one Clerk of our ſaid Exchequer ſhall be ſent through every Shire of England, to inrol the names of all ſuch as have paid that years debts exacted on them by green wax. (8) And the ſame Baron and Clerk ſhall view all ſuch Tallies and inrol them, and ſhall hear and determin complaints made againſt Sheriffs and their Clerks, and Bailiffs that have done contrary to the premiſſes, and the Offenders ſhall be grievouſly puniſhed.

Sheriff 10. A Sheriff ſhall execute his warrant in levying of Iſſues, and no more.

What Tallies a Sheriffs ſhall make. The Sheriffs return of Mainpernors, Jurors, &c.

A Baron and Clerk of the Exchequer ſent into every County.

CAP. III.

Juſtices of Aſſiſe ſhall be of Gaol delivery. Who ſhall puniſh Officers bailing ſuch as are not bailable.

FOraſmuch as Sheriffs and other heretofore have let out by Replevin common Felons and openly defamed, being taken and impriſoned for Murther and Felony, and ſuch as be not replevisable, contrary to the form of our Statute of perſons repleviſable and not repleviſable, lately made, whereby ſuch tranſgreſſors, not repleviſable, be let out: (2) and to deliver them deceitfully before the coming of the Juſtices errant, or other aſſigned for their deliverance, they procure by themſelves and by their friends Jurors of the Country, and ſome they threat, whereby as well for fear of the Sheriff, and other that let them at large by plevin, as for fear of the Thieves being ſo delivered before the Juſtices aſſigned for Gaol-deliveries, ſuch Felonies and Murthers are concealed, and ſo being concealed, remain ſtill unpuniſhed: (3) We, for the utility of our Realm, and for the more aſſured conſervation of our Peace, have provided and ordained, That Juſtices aſſigned to take Aſſiſes in every County where they do take Aſſiſes, as they be appointed, incontinent after the Aſſiſes taken in the Shires, ſhall remain both together if they be Lay: And if one of them be a Clerk, then one of the moſt diſcreet Knights of the Shire being aſſociate to him that is a Lay-man, by our Writ ſhall deliver the Gaols of the Shires, as well within Liberties as without, of all manner of Priſoners, after the form of the Gaol-deliveries of thoſe Shires beforetime uſed. (4) And the ſame Juſtices ſhall inquire then, if Sheriffs or any other have let out by Replevin Priſoners not repleviſable, or have offended in any thing contrary to the form of the foreſaid Statute lately made at Weſtminſter; and whom they ſhall find guilty they ſhall chaſten and puniſh in all things according to the form of the Statute aforeſaid. Stat. 28 Ed. 1. for perſons appealed.

Mainpriſe, 4. St. 3 Ed. 1. 15.

Juſtices of Aſſiſe ſhall be alſo Juſtices of Gaol-delivery.

Puniſhment of Sheriffs for their offences. St. 1 & 2 P. & M. 13. F. N. B. fo. 251 l.

CAP. IV.

Niſi prius ſhall be granted before one of the Juſtices of the Court where the Suit is commenced.

21 Ed. 1.

ALſo where we have provided, That none ſhall be impanelled any where out of the Shire where he is dwelling, in Recogniſances, Enqueſts, and Juries, that have leſs then an hundred ſhillings of Land or Rent, whereby they that have more Lands, by too often appearing as well in our Exchequer, as before our Juſtices of either Bench, are much impoveriſhed.

II. We therefore, conſidering the intolerable damage of our people, not only for the diſcharge of ſuch Jurors, but alſo for the more ſpeedy miniſtration of Juſtice to all parties ſuing in our Court, have provided and ordained, That Enqueſts and Recognizances determinable before Juſtices of either Bench, from henceforth ſhall be taken in time of vacation before any of the Juſtices before whom the Plea is brought, being aſſociate with one Knight of the ſame Shire where ſuch Enqueſts ſhall paſs, unleſs it be an Enqueſt that requireth great examination. (2) And ſo from henceforth in taking ſuch Enqueſt, the Juſtices ſhall do as to them ſhall ſeem moſt expedient for the common utility of our Realm, notwithſtanding the Statute lately made a Weſtminſter, upon the taking of ſuch Enqueſts, containing, That if any Enqueſts be taken contrary to the form of the ſaid Statute, they ſhould be of none effect. 13 Ed. 1. 30.

Niſi prius, 2. A Niſi prius ſhall be granted before one of the Juſtices of the Court where the Suit is commenced. St. 12 Ed. 2. 3. F. N. B. fo. 240. c. Raſt. pla. fo. 438. St. 14 Ed. 3. 16.

Ordinatio de Libertatibus perquirendis, made 27 *Ed.* 1. St. 2. & *Anno Dom.* 1299.

In what caſes the Writ of Ad quod damnum is to be ſued. A Commiſſion may be granted to receive Attorneys for ſuch as be impleaded.

Ad quod damnum. 1. In what caſes the Writ of Ad quod damnum is to be ſued.

Bro. ad quod damnum 5.

IT is to be known, That the King ordained at Weſtminſter, the firſt day of April, the ſeven and twentieth year of his Reign, That ſuch as would purchaſe a new Park, and men of Religion that would amortiſe Lands or Tenements, ſhould have Writs out of the Chancery to enquire upon the Points accuſtomed in all things: (2) and that Enqueſts of Lands or Tenements that be worth yearly more then xx. s. that is to wit, by Extent, be returned into the Exchequer, and there to make Fine for the Amortiſements, or for the Park having, if the Enqueſts do paſs for him that purchaſed them; (3) and after it ſhall be certified unto the Chancellor or his Deputy, that he take a reaſonable Fine therefore, and after make delivery.

Purchaſe of Lands holden in chief.

II. In like manner they ſhall do, that will purchaſe Lands or Tenements holden of the King in chief.

Purchaſing of Protections. Making general Attorneys.

III. Alſo, people dwelling beyond the Sea, that have Lands, Tenements, or Rents in England, if they will purchaſe Letters of Protection, or will make general Attorneys, they ſhall be ſent unto the Exchequer, and there ſhall make their Fines, and from thence ſhall be ſent unto the Chancellor or his Deputy, for that which he ought to do therein.

Purchaſing of Liberties.

Dier fo. 135.

IV. In like manner they ſhall do that will purchaſe any Fair, Market, Warren, or any other Liberties. (2) Alſo ſuch as will purchaſe attermining of their Debts ſhall be ſent into the Exchequer.

Attorny. V. N.B. fo. 19. Raſt.pla. f. 96.

V. Alſo, ſuch as be not able to travel, and people that dwell in far Countries from the Chancery, which plead or be impleaded, ſhall have a Writ out of the Chancery, to ſome ſufficient man, that ſhall receive their Attorneys, when need is. 20 H. 3. 10.

VI. And for a remembrance of theſe things, there is an Indenture made, divided into three parts, whereof one part remaineth in the Chancery, another in the Exchequer, and the third in the Wardrobe. Regiſt. fo. 247, &c. F.N.B. fo. 221, &c. Raſt. pla. fo. 25, 32.

The Statute of Wards and Relief, made *Anno* 28 *Ed.* 1. & *Anno Dom.* 1300.

Who ſhall be in Ward and pay Relief, and who not. How many Writs there be to recover Wards.

Wards 16. Tenure by Knights-ſervice. Tenure by Petty Serjeanty. A Sokeman Al. 12 Car. 2. c. 24. Who ſhall be Gardian in Chivalry. St. 17 Ed. 2. 1, 2 St. 9 H. 3. 6. Who ſhall be Gardian in Socage. A Writ de Communi cuſtodia. V.N.B. fo. 88. Priority of feoffment. St. 13 Ed. 1. 16. V.N.B. f. 142. Raviſhment of Ward. F.N.B. fo. 140. Raſt.pla.f. 386.

Fitz. Gard. 165. Fitz. Bar. 18 Fitz. Gard. 145. Fitz. Avowry. 89, 99. Fitz. Gar. 8, 10, 21, 131. 153, 154. Fitz. Gard. 137. Fitz. Bar. 257. Plo. fo. 293. Fitz. Gard. 16, 27, 36. Fitz. Gard. 6.

IT is to wit, That where any Relief is given, there Wardſhip is incident, and contrariwiſe. (2) And ſuch as hold by Serjeanty, to go with the King in his Hoſt, there Ward and Relief are incident. (3) And ſuch as hold by Petty Serjeanty as to bear Shield or Spear in the King's Hoſt, or to bear or to carry, there is neither Ward, Marriage, or Relief. (4) Alſo a free Sokeman ſhall not give Ward, nor Relief, but he ſhall double his Rent after the death of his Anceſtor, according as he hath uſed to pay to his Lord, and ſhall not be unmeaſureably grieved. (5) Now ſomewhat is to be ſaid of the nature of having Wards. There be two manner of Writs to have Wards; one is, where Lands be holden in Knights-ſervices; the other is, where Lands be holden in Socage. (6) The Ward of Land that is holden in Knights-ſervice belongeth to the chief Lord, and the Marriage, which ought to be without diſparagment, as the great Charter limiteth, until he cometh to the age of one and twenty years. (7) The Ward of an Heir that holdeth in Socage, if the Land or Inheritance deſcend of his Mothers ſide, then it belongeth to the next Friend on the Fathers ſide, and contrariwiſe. (8) And a Writ to recover Ward may be brought in three manners, One is, when a man demandeth Ward of the Land and of the Heir, and that is in caſe, when a man holdeth Land of another, by Knights-ſervice, and the Tenant dieth, then may the chief Lord (if he be deforced) demand the Ward of his Land and Heir, and ſhall have both Ward and Marriage. (9) Another manner is, when a man is infeoffed of a Verge of Land by one man, and by another of a Carve Land, the ſecond Lord may not bring a Writ of Ward to recover either the Land or the Heir, for the Ward belongeth to him, of whom he was firſt infeoffed. (10) The third manner is, where a man hath Land in his hands by reaſon of a Ward, and hath not the Heir, then he may bring a Writ to demand the Heir, and not the Land. St. 52 H. 3. 7. St. 23 Ed. 1. 35. Regiſt. fo. 161. V.N.B. fo. 92, 93. F.N.B. fo. 139, Raſt. pla. fo. 390, &c. 12 Car. 2. cap. 24.

A Statute for perſons appealed, made *Anno* 28 *Ed.* 1. St. 2. & *Anno Dom.* 1300.

What Proceſs ſhall be awarded againſt thoſe that be appealed by Approvers.

Approvors 1. St. 27 Ed. 1. 3.

WHereas certain Juſtices of late were aſſigned to take Aſſiſes in all Shires of the Realm, and alſo to deliver the Gaols of the ſame Shires at every of their comings after the taking of ſuch Aſſiſes, as more plainly is contained in a Statute made by the King thereupon: (2) Our Lord the King, at his Parliament holden at Weſtminſter, the eight and twentieth year of his Reign, for more ſure obſervation of his Peace, and Felonies to be more quickly puniſhed, and Priſoners to be ſooner delivered, hath granted, ordained and provided, That whoſoever be appealed by Provors, being in Priſons, which the ſame Juſtices do deliver (and whereſoever in our Realm that ſuch Apealees be dwelling) that immediately it ſhall be commanded to the Sheriff, in whoſe Bailiwick the parties ſo appealed be commorant, or may be found, by the King's Writ, under the teſtimony of the ſame Juſtices, that he do take ſuch perſons appealed, and cauſe them to be brought unto the Gaols where the Appealors be kept that appealed them, and they ſhall anſwer there before the ſame Juſtices. (3) And if they that be appealed, will put themſelves upon the Country, it ſhall be commanded in like manner by a Judicial Writ, from the ſame Juſtices to a Sheriff, in whoſe Liberty the Felonies were done, of which they were appealed, that he ſhall cauſe an Enqueſt of the Country to come before the ſame Juſtices, unto the ſame place where the Appealors be kept, at a certain day. (4) And the Sheriffs and other (in whoſe

2 H. 7. f. 3. 19 H. 6. f. 97. Fitz. Coron 21, 322, 357, 440, 441, 443, 456, 460.

Proceſs awarded to apprehend them which be appealed by Approvors.

keeping ſuch Appealors be detained) ſhall receive without contradiction, thoſe that be appealed by ſuch Provors, when the parties appealed be taken in the form aboveſaid, and brought unto the ſame Appealors. Raſt. pla. fo. 42.

Articuli ſuper Chartas, made at *Weſtminſter*, *Anno* 28 *Ed.* 1. St. 3. and *Anno Dom.* 1300.

Foraſmuch as the Articles of the great Charter of Liberties, and of the Charter of the Foreſt, which King Henry, Father of the King that now is, granted to his people, for the Weal of his Realm, have not been heretofore obſerved he kept, becauſe there was no puniſhment executed upon them which offend againſt the points of the Charters before mentioned: Our Lord the King hath again granted, renewed and confirmed them, at the requeſt of his Prelates, Earls and Barons, aſſembled in his Parliament holden at Weſtminſter, the eight and twentieth year of his Reign, and hath ordained, enacted and eſtabliſhed, certain Articles againſt all them that offend contrary to the points of the ſaid Charters, or any part of them, or that in any wiſe tranſgreſs them, in the form that enſueth.

CAP. I.

A Confirmation of the great Charter, and the Charter of the Foreſt.

Co. Inſt. 2 par. 537.

Confirmation Raſt. 2. A Confirmation of the great Charter, and the Charter of the Foreſt.

That is to ſay, That from henceforth the great Charter of the Liberties of England granted to all the Comminalty of the Realm, and the Charter of the Foreſt, in like manner granted, ſhall be obſerved, kept and maintained in every point, in as ample wiſe as the King hath granted, renewed and confirmed them by his Charter. (2) And that the Charters be delivered to every Sheriff of England, under the Kings Seal, to be read four times in the year before the people in the full County, that is to wit, the next County day after the Feaſt of Saint Michael, and the next County day after Chriſtmas, and at the next County after Eaſter, and at the next County after the Feaſt of Saint John. (3) And for theſe two Charters to be firmly obſerved in every point and article (where before no remedy was at the Common Law) there ſhall be choſen in every Shire-Court by the Comminalty of the ſame Shire, three ſubſtantial men, Knights, or other lawful, wiſe and well-diſpoſed perſons, which ſhall be Juſtices ſworn and aſſigned by the Kings Letters Patents under the great Seal, to hear and determine (without any other Writ, but only their Commiſſion) ſuch Plaints as ſhall be made upon all thoſe that commit or offend againſt any point contained in the foreſaid Charters, in the Shires where they be aſſigned, as well within Franchiſes as without: And as well for the Kings Officers out of their places, as for other: and to hear the Plaints from day to day without any delay, and to determine them, without allowing the delays which be allowed by the Common Law. (4) And the ſame Knights ſhall have power to puniſh all ſuch as ſhall be attainted of any Treſpaſs done contrary to any point of the foreſaid Charters (where no remedy was before by the Common Law) as before is ſaid, by impriſonment, or by ranſom, or by amerciament, according to the Treſpaſs. (5) Nevertheleſs, the King, nor none of thoſe that made this Ordinance, intend, that by virtue hereof any of the foreſaid Knights ſhall hold any Plea, by the power which ſhall be given them in ſuch caſe, where there hath been remedy provided in times paſſed, after the courſe of the Common Law by Writ, nor alſo that any prejudice ſhould be done to the Common Law, nor to the Charters aforeſaid in any point. (6) And the King willeth, that if all three be not preſent, or cannot at all time attend to do their office in form aforeſaid, that two of them ſhall do it. (7) And it is ordained, That the Kings Sheriffs and Bailiffs ſhall be attendant to do the commandments of the foreſaid Juſtices, as far forth as appertaineth unto their Offices. (8) And beſides theſe things granted upon the Articles of the Charters aforeſaid, the King of his ſpecial grace, for redreſs of the grievances that his people hath ſuſtained by reaſon of his Wars, and for the amendment of their Eſtate, and to the intent that they may be the more ready to do him ſervice, and the more willing to aſſiſt and aid him in time of need, hath granted certain Articles, the which he ſuppoſeth ſhall not only be obſerved of his liege people, but alſo ſhall be as much profitable, or more, then the Articles heretofore granted.

Commiſſioners to enquire of offences done contrary to the Charters.

Other Officers ſhall be attendant upon the Commiſſioners.

CAP. II.

None ſhall take Prices, but the Kings Purveyors, and their Deputies.

Purveyors, 3, 4, 11. Co. Inſt. 2 par. 541.

No Purveyors ſhall take any prices but the Kings, and they only for his Houſe.

Secondly, Foraſmuch as there is a great grievance in this Realm, and damage without meaſure, for that the King and the Miniſters of his Houſe, as well of Aliens as Denizens, do make great Prices where they paſs through the Realm, and take the Goods as well of Clerks as of Lay-people, without paying therefore any thing, or elſe much leſs then the value:

II. It is ordained, That from henceforth none do take any ſuch Prices within the Realm, but only the Kings Takers, and the Purveyors for his Houſe; (2) and that the Kings Takers and Purveyors of his Houſe ſhall take nothing, but only for his Houſe. (3) And touching ſuch things as they ſhall take in the Country, of meat and drink, and ſuch other mean things neceſſary for the Houſe, they ſhall pay or make agreement with them of whom the things ſhall be taken.

St. 4 Ed. 3. 4. Stat. 5. Ed. 3. 2. St. 10 Ed. 3. 1. 5 Seſſ. St. 25 Ed. 3. 1.

Purveyors ſhall have their Warrant and ſhew it.

III. And that all the Kings Takers, Purveyors, or Catours, from henceforth ſhall have their Warrant with them, under the Kings great or petty Seal, declaring their authority, and the things whereof they have power to make price or purveyance: (2) the which Warrant they ſhall ſhew unto them whoſe Goods they take, before they take any thing.

St 36 Ed. 3. 2.

Purveyors ſhall take no more then is needful.

IV. And that thoſe Takers, Purveyors or Catours for the King, ſhall take no more then is needful or meet to be uſed for the King, his Houſhold, and his Children.

V. And that they ſhall not take any thing for them that be in wages, nor for any other.

VI. And that they ſhall make full anſwer in the Kings Houſe, or in the Wardrobe, for all things taken by them, without making their larges any other where, or Liveries of ſuch things as they have taken for the King.

St. 12 Car. 2. cap. 24.

All purveyance taken away.

VII. And if any Taker for the Kings Houſe, by reaſon of his Warrant, make any price or livery, otherwiſe then before is mentioned, upon complaint made to the Steward, and to the Treaſurer of the Kings Houſe, the truth ſhall be enquired. (2) And if he be attainted thereof, he ſhall forthwith make agreement with the party, and ſhall be put out of the Kings ſervice for ever, and ſhall remain in priſon at the Kings pleaſure.

Taking without Warrant, Felony.

VIII. And if any make price without Warrant, and carry it away againſt the will of the Owner, he ſhall immediately be arreſted by the Town where the price was made, and ſhall be committed to the next Gaol; (2) and if he be attainted thereupon, it ſhall be done unto him as unto a Felon, if the quantity of the Goods do ſo require.

Purveyances made for the Kings Wardrobe.

IX. And concerning prices made in Fairs, and good Towns, and in Ports, for the Kings great Wardrobe; the Takers ſhall have their common Warrant under the great Seal.

X. And for the things that they ſhall take, it ſhall be teſtified under the Seal of the Keeper of the Wrrdrobe; (2) and of thoſe things that they have taken, the number of the things, the quantity and the value, ſhall be ſpecified in a Divident, made between the Takers and the Keepers of Fairs, Mayors or chief Bailiffs of Towns and Ports, by the view of Merchants whoſe goods ſhall be ſo taken, (3) and they ſhall not be ſuffered to take any more then is contained in their Divident; (4) and the ſaid Divident ſhall be taken into the Wardrobe, under the Seal of the Warden, Mayor or chief Bailiff, aforeſaid, and there ſhall remain until the Accompt of the Keeper of the Kings Wardrove: (5) And if it be found, that any hath taken otherwiſe then he ought to do, upon his Accompt he ſhall be puniſhed by the Keeper of the Kings Wardrobe after his deſert: (6) and if any make ſuch prices without warrant, and be attainted thereupon, he ſhall incur the ſame pein as they which take prices for the Kings Houſe without warrant, as before is ſaid.

Rep. St. 12. Car. 2. cap. 24.

The Kings Prerogative reſerved.

XI. Nevertheleſs the King and his Council do not intend, by reaſon of this Eſtaute, to diminiſh the Kings Right, for the ancient prices due and accuſtomed, as of Wines, and other goods, but that his Right ſhall be ſaved unto him whole, in all points.

CAP. III.

Of what things only the Marſhal of the Kings Houſe ſhall hold Plea. Which Coroners ſhall enquire of the death of a man ſlain within the Verge.

Of what things only the Marſhal of the Kings houſe ſhall hold Plea. St. 13 R. 2. 2. St. 15 H. 6. 1. Regiſt. f. 185. 191. F.N.B. fo. 141. B. Raſt. pla. f. 378. 432. St. 10 Ed. 3. 2. 1 Bulſtr. 208.

Co. Inſt. 2 par. 547. 4 H. 6 f. 8. 10 H. 6. f. 13. Bro. Action ſur le ſtat. 38, 44. Co. l. 6. f. 14. 20. l. 10. f. 71. 5 Ed. 4. f. 129. 3 Inſt. 134. 12 Co. 100. 13 Co. 42.

CONcerning the authority of Stewards and Marſhals, of ſuch Pleas as they may hold, and in what manner, it is ordained, that from henceforth they ſhall not hold plea of freehold, neither of debt, nor of covenant, nor of any contract made between the Kings people; (2) but only of treſpaſs done within the Houſe, and of other treſpaſſes done within the Verge, and of contracts and covenants that one of the Kings Houſe ſhall have made with another of the ſame Houſe, and in the ſame Houſe, and none other where. (3) And they ſhall plead no plea of treſpaſs, other then that which ſhall be attached by them before the King depart from the Verge where the treſpaſs ſhall be committed; (4) and ſhall plead them ſpeedily from day to day, ſo that they may be pleaded and determined before that the King depart out of the limits of the ſame Verge where the treſpaſs was done. (5) And if it ſo be that they cannot be determined within the limits of the ſame Verge, then ſhall the ſame pleas ceaſe before the Steward, and the Plaintiffs ſhall have recourſe to the Common Law. (6) And from henceforth the Steward ſhall not take coniſance of debts nor of other things, but of people of the ſame Houſe, nor ſhall hold no other plea by obligation made at the diſtreſs of the Steward and of the Marſhals. (7) And if the Steward or Marſhals do any thing contrary to this Ordinance, it ſhall be holden as void. (8) And foraſmuch as heretofore many felonies committed within the Verge have been unpuniſhed, because the Coroners of the Country have not been authorized to enquire of ſuch manner of felonies done within the Verge, but the Coroner of the Kings Houſe, which never continueth in one place, by reaſon whereof there can be no trial made in due manner, nor the Felons put in Exigent, nor out-lawed, nor any thing preſented in the Circuit, the which hath been to the great damage of the King, and nothing to the good preſervation of his Peace: (9) It is ordained, That from henceforth in caſes of the death of men, whereof the Coroners office is to make view and enqueſt, it ſhall be commanded to the Coroner of the Country, that he, with the Coroner of the Kings Houſe, ſhall do as belongeth to his office, and enrol it. (10) And that thing that cannot be determined before the Steward, where the Felons cannot be attached, or, for other like cauſe, ſhall be remitted to the Common Law. (11) So that the Exigents, Outlawries and Preſentments, ſhall be made thereupon in Eyre by the Coroner of the Countrey, as well as of other Felonies done out of the Verge: (12) nevertheleſs they ſhall not omit by reaſon hereof to make Attachments freſhly upon the Felonies done. Stat. 18. E. 3. 7.

Co. l. 4. f. 46.

Which Coroners ſhall inquire of the death of a man ſlain within the Verge. St. 33. H. 8. 12.

2 Leon. 16

CAP. IV.

Common Pleas ſhall not be holden in the Exchequer.

Courts 5. Common Plea.

Dyer fo. 25 13 Co. 42.

MOreover no common Pleas ſhall be from henceforth holden in the Exchequer, contrary to the form of the great Charter. St. 9 H. 3. 11. Regiſt. fo. 187. Co. Inſt. 2 par. 551.

CAP. V.

The Chancellor and the Juſtices of the Kings Bench ſhall follow the King.

Chancery, Raſt. 1. Attendants upon the King.

Co. Inſt. 2 par. 551. 10. 73.

ANd on the other party, the King will, that the Chancellor and the Juſtices of his Bench ſhall follow him, ſo that he may have at all times near unto him ſome Sages of the Law, which be able duly to order all ſuch matters as ſhall come unto the Court at all times, when need ſhall require.

CAP. VI.

No Writ concerning the Common Law ſhall be awarded under any Petit Seal.

Wroceſs 4. Prits ſealed.

Co. Inſt. 2 par. 55

THere ſhall no Writ from henceforth, that toucheth the common Law, go forth under any of the petty Seals. Plow. fo. 20. Dyer fo. 50, 161, 132, Cok. l. 2. fo. 17. l. 5. fo. 53.

CAP. XVII.

The Authority of the Conſtable of the Caſtle of *Dover*, touching holding Plea and Diſtreſſes.

13 Co. 42. L. 5 Ed. 4. 127. b.

The Conſtable of the Caſtle of Dover ſhall not from henceforth hold any Plea of a foreign County within the Caſtle-gate, except it touch the keeping of the Caſtle: (2) Nor ſhall the ſaid Conſtable diſtrain the Inhabitants of the Cinque Ports to plead any otherwhere, nor otherwiſe, then they ought after the form of their Charter obtained of the King, for their old Franchiſes, confirmed by the great Charter. Regiſt. f. 185. Co. Inſt. 2 par. 556.

Dover, Raſt. 1. Conſtable of Dover. Five Ports.

CAP. VIII.

The Inhabitants of every County ſhall make choice of their Sheriffs, being not of Fee.

The King hath granted unto his people, that they ſhall have election of their Sheriff in every Shire (where the Shrivalty is not of Fee) if they liſt. Cap. 13. Co. Inſt. 2 par. 559.

Sheriff, Raſt. 3. 9 Ed. 2. St. 2. p. 79. St. 14 Ed. 3. 7.

CAP. IX.

What ſort of people ſhall be returned upon every Jury.

Co. Inſt. 338. a.

The King willeth and commandeth, that no Sheriff nor Bailiff ſhall impanel in Inqueſts nor in Juries over many perſons, nor others, nor otherwiſe then it is ordained by Statute; (2) and that they ſhall put in thoſe Inqueſts and Juries ſuch as be next neighbours, moſt ſufficient, and leaſt ſuſpicious. (3) And he that otherwiſe doth, and is attainted thereupon, ſhall pay unto the Plaintiff his damages double, and ſhall be grievouſly amerced unto the King. Regiſt. fo. 178, 179, 180. F. N. B. fo. 165.

Jurors 1. St. 13 Ed. 1. 28. What ſorts of perſons ſhall be returned in Juries. St. 34 Ed. 3. 4. St. 42 Ed. 3. 11.

CAP. X.

The Remedy againſt Conſpirators, falſe Informers, and Embracers of Juries.

Co. Inſt. 2 par. 560. Kel. fo. 81.

In right of Conſpirators, falſe Informers, and evil Procurers of Dozens, Aſſiſes, Inqueſts and Juries, the King hath provided remedy for the Plaintiff by a Writ out of the Chancery. (2) And notwithſtanding, he willeth that his Juſtices of the one Bench and of the other, and Juſtices aſſigned to take Aſſiſes, when they come into the Country to do their office, ſhall, upon every plaint made unto them, award Inqueſts thereupon without Writ, and ſhall do right unto the Plaintiffs without delay. Regiſt. fo. 188. V. N. B. fo. 56. F. N. B. fo. 116. V. Raſt. fo. 123, &c.

Conſpiracy 2. A remedy againſt Conſpirators and Procurers of Juries, &c.

CAP. XI.

Nothing ſhall be taken to maintain any matter in Suit.

Co. Inſt. 1 par. 563. 13 H. 4. f. 17. Fitz. Champerty, 3, 4, 6, 12, 14, 15. Co. Inſt. 2 par. 118. 13 Co. 42. 21 Ed. 3. f. 52. 36 Ed. 3. f. 33. Bro. Champerty, 11. Dyer f. 170. b. 171. 2 Rol. 201.

And further, becauſe the King hath heretofore ordained by Statute. that none of his Miniſters ſhall take no Plea for maintenance, by which Statute other Officers were not vounden before this time; (2) The King will, that no Officer nor any other (for to have part of the thing in plea) ſhall not take upon him the buſineſs that is in ſuit, (3) Nor none upon any ſuch covenant ſhall give up his right to another; (4) and if any do, and be attainted thereof, the Taker ſhall forfeit unto the King ſo much of his Lands and Goods as doth amount to the value of the part that he hath purchaſed for ſuch maintenance. (5) And to obtain this, whoſoever will, ſhall be received to ſue for the King before the Juſtices before whom the Plea hangeth, and the Judgmeni ſhall be given by them. (6) But it may not be underſtood hereby, that any perſon ſhall be prohibit to have counſel of Pleaders, of learned men in the Law for his Fee, or of his parents and next friends. Regiſt. fo. 183. V. N. B. fo. 180. F. N. B. fo. 172. Raſt. pla. fo. 119, 427, &c.

Maintenance 5. St. 3 Ed. 3. 25. St. 13 Ed. 1. 40. Nothing ſhall be taken to maintain any matter in ſuit. St. 1 Ed. 3. 14. St. 1 R. 2. 4. St. 32 H. 8. 9.

CAP. XII.

What Diſtreſs ſhall be taken for the Kings debt, and how it ſhall be uſed.

Dyer f. 312. 4 H. 7. f. 8. 29 Ed. 3. f. 16. Fitz. Brief. 362. B. Faux latin 113. Fitz. Action ſur le ſtat. 35. Co. Inſt. 2 par. 565.

From henceforth the King will, that ſuch Diſtreſſes as are to be taken for his debts ſhall not be made upon Beaſts of the Plough, ſo long as a man may find any other, upon the ſame pein that is elſewhere ordained by Statute, &c. (2) And he will not that over-great Diſtreſſes ſhall be taken for his debts, nor driven too far; (3) and if the Debtor can find able and convenient Surety until a day before the day limited to the Sheriff, within which any man may purchaſe remedy to agree for the Demand, the Diſtreſs ſhall be releaſed in the mean, (4) and he that otherwiſe doth, ſhall be grievouſly puniſhed. Regiſt. fo. 97, 185. F. N. B. fo. 174. B. Raſt. pla. fo. 226.

Diſtreſs 1. What Diſtreſs ſhall be taken for the Kings debts, and how it ſhall be uſed. St. 51 H. 3. St. 52 H. 3. 4.

CAP. XIII.

What ſort of perſons the Commons of Shires ſhall chuſe for their Sheriffs.

Co. Inſt. 2 par. 566.

And foraſmuch as the King hath granted the election of Sheriffs to the Commons of the Shire; (2) the King will that they ſhall chuſe ſuch Sheriffs that ſhall not charge them, and that they ſhall not put any Officer in authority for rewards or bribes. And ſuch as ſhall not lodge too oft in one place, nor with poor perſons, or men of Religion. St. 9 E. 2. The Statute of Sheriffs.

Sheriff, Raſt. 4. Election of Sheriff, ca. 8. Co. Inſt. 2 par. 566.

CAP. XIV.

Bailiwicks and Hundreds ſhall not be letten too dear to charge the People with Contribution.

From henceforth the King will that the Bailiwicks and Hundreds of the King, nor of other great Lords of the Land, be not let to ferm at over great ſums, whereby the People is over-charged by making Contribution to ſuch Ferms.

Hundred, Raſt. 1. Bailiwicks, &c.

CAP. XV.

In Summons and Attachments Plea in of Land the Writ ſhall contain fifteen days.

Days 6. Summons and Attachments in Plea of Land.

Fitz. Jour. 16, 17, 35, 36. 37 H. 6. f. 2.

In Summons and Attachments in Plea of Land the Summons and Attachments from henceforth ſhall contain the term of xv. days full at the leaſt according to the common Law if it be not in Attachment of Aſſiſes taken in the Kings preſence, or of Pleas before Juſtices in Eyre during the Eyre. Regiſt. fo. 196. F.N.B. fo. 169. *A.* 177. *D.* Co. Inſt. 2 par. 567.

Bro. Attach. 3, 4, 6, 7, 8, 9, 10, 13, 15, 16, 17.

CAP. XVI.

What ſhall be done with them that make falſe return of Writs.

Return 1. Falſe return of Writs.

THat ſhall be done with them that make falſe returns (whereby right is deferred) as it is ordained in the ſecond Statute of Weſtminſter, with like pein. St. 3 Ed. 1. 39.

Co. Inſt. 2 par. 568.

CAP. XVII.

The Statute of *Wincheſter* ſhall be read four times in the year, and put in execution.

Proclamation, Raſt. 1. Execution of the Statute of Wincheſter, Ca. 1, &c. Commiſſioners for that purpoſe.

AND foraſmuch as there be more Malefactors in the Realm then had wont to be, and that Robberies, Burnings and Man-ſlaughters are committed out of meaſure, and the Peace little obſerved, by reaſon that the Statute which the King not long paſt cauſed to be made at Wincheſter is not obſerved: (2) The King will that the ſame Statute be ſent again into every County to be read and publiſhed four times in the year, and kept in every point, as ſtraitly as the two great Charters, upon the peins therein limited. (3) And for the obſerving and maintenance of this Statute, the Knights that be aſſigned in the Shires for to redreſs things done againſt the ſaid great Charters, ſhall be charged, and ſhall have their Warrant therefore. St. 38 Ed. 1. cap. 1.

Co. Inſt. 2 par. 569.

CAP. XVIII.

Eſcheators ſhall commit no Waſte in Wards Lands.

Wards 23. Eſcheators ſhall commit no waſts in Wards lands. Stat. 6 Ed. 1. 5. St. 14 Ed. 3. 13. St. 36 Ed. 3. 13.

FOr redreſs of Waſts and Deſtruction done by Eſcheators, or Sub-eſcheators, in the Lands of Wards, as of Houſes, Woods, Parks, Warrens, and of all other things that fall into the Kings hands: (2) The King will that he which hath ſuſtained damage, ſhall have a Writ of Waſte out of the Chancery againſt the Eſcheator for his act, or the Sub-eſcheator for his act, (if he have whereof to anſwer,) (3) and if he have not, his Maſter ſhall anſwer by like pein concerning the damages, as is ordained by the Statute for them that do Waſte in Wardſhips. Regiſt. f. 72. V.N.B. f. 36. F.N.B. f. 59. Raſt. pla. f. 693. Rep. 12 Car. 2. cap. 24

Co. Inſt. 2 par. 572. Dyer f. 161.

CAP. XIX.

In what caſe the Owner ſhall have his Land delivered out of the Kings hands with the Iſſues.

Livery 11. In what caſe the owner ſhall have his land out of the Kings hands with the iſſues thereof. St. 39 Ed. 1.

FRom henceforth, where the Eſcheator or the Sheriff ſhall ſeiſe other mens Lands into the Kings hands (where there is no cauſe of ſeiſer) and after when it is found no cauſe, the profits taken in the mean time have been ſtill retained and not reſtored, when the King hath removed his hand: (2) The King will that if hereafter any Lands be ſo ſeiſed, and after it be removed out of his hands by reaſon that he hath no cauſe to ſeiſe nor to hold it, the Iſſues ſhall be fully reſtored to him to whom the Land ought to remain, and which hath ſuſtained the damage. Regiſt. fo. 314. F.N.B. fo. 256, 261, &c. Raſt. pla. fo. 604.

Co. Inſt. 2 par. 572.

CAP. XX.

Veſſels of Gold ſhall be eſſaied, touched and marked. The Kings Prerogative ſhall be ſaved.

Gold 9. Veſſels of Gold and Silver ſhall be eſſaied and touched. Veſſels marked with the Leopards head. None ſhall make Rings, Croſſes, nor Locks. Rep. 21 Jac. 28. What Stones may be ſet in Gold. The Prerogative of the Crown ſhall be ſaved.

IT is ordained, That no Goldſmith of England, nor none other-where within the Kings Dominion, ſhall from henceforth make or cauſe to be made any manner of Veſſel, Jewel, or any other thing of Gold or Silver, except it be of good and true allay, that is to ſay, Gold of a certain Touch, and Silver of the Sterling allay, or of better, at the pleaſure of him to whom the work belongeth; and that none work worſe Silver than Mony. (2) And that no manner of Veſſel of Silver depart out of the hands of the Workers, until it be eſſaied by the Wardens of the Craft; and further, that it be marked with the Leopards head. (3) And that they work no worſe Gold than of the Touch of Paris. (4) And that the Wardens of the Craft ſhall go from ſhop to ſhop among the Goldſmiths to eſſay if their Gold be of the ſame Touch that is ſpoken of before. (5) And if they find any other then of the Touch aforeſaid, the Gold ſhall be forfeit to the King. (6) And that none ſhall make Rings, Croſſes, nor Locks. (7) And that none ſhall ſet any Stone in Gold, except it be natural. (8) And that Gravers or Cutters of Stones and of Seals ſhall give to each their weight of Silver and Gold (as near as they can) upon their Fidelity. (9) And the Jewels of baſe Gold which they have in their hands, they ſhall utter as faſt as they can. (10) And from henceforth, if they buy any of the ſame Work, they ſhall buy it to work upon, and not to ſell again. (11) And that all the good Towns of England where any Goldſmiths be dwelling, ſhall be ordered according to this Eſtate as they of London be. (12) And that one ſhall come from every good Town for all the reſidue that be dwelling in the ſame, unto London, for to be aſcertained of their Touch. (13) And if any Goldſmith be attainted hereafter, becauſe that he hath done otherwiſe then before is ordained, he ſhall be puniſhed by Impriſonment, and by ranſom at the Kings pleaſure. (14) And notwithſtanding all theſe things before mentioned, or any point of them, both the King and his Council, and all they that were preſent at the making of this Ordinance, will and intend that the Right and Prerogative of his Crown ſhall be ſaved to him in all things. St. 37 E. 3. 7. St. 2 H. 6. 14. St. 17 E. 4. 1 H. 7. 2. St. 18 Eliz. 15.

Co. Inſt. 2 par. 574.

Stat. de Eſcheatoribus made at *Lincoln*, *Octabis Hillarii*, *Anno* 29 *Ed.* 1. & *Anno Dom.* 1301.

In what caſe an *Amoveas manum* ſhall be granted, and in what a Re-ſeiſer.

Livery 12. In what caſe an Amoveas manum cum exitibus ſhall be granted. St. 28 H. 1. 19.

AT the Parliament of our Lord the King, at Lincoln, in the utas of St. Hillary, the xxix. year of his Reign, by his Council it was agreed, and alſo commanded by the King himſelf, that from thence it ſhould be obſerved and done according to the advice of the reverend Father W. Langton, the Biſhop of Coventree and Lichfield, and Treaſurer to the King, John Langton, then being Chancellor, and other of the Council there preſent before the King:

24 Ed. 3. f. 28. Kel. f. 177. Fitz. Livery 11, 15. Dyer f. 162. 213, 249, 298.

King: that where Inqueſts taken by his Eſcheators by any of the Kings Writs purchaſed out of the Chancery being returned, and it be found by ſuch Inqueſts that nothing is holden of the King whereby the King ought to have the cuſtody of ſuch Lands and Tenements by reaſon of the Inqueſt taken by his Eſcheators, that immediately, and without any delay, the Eſcheators ſhall be commanded by the Kings Writ had out of the Chancery, to put from their hands all the Lands and Tenements ſo taken into the Kings poſſeſſion: (2) And if they have taken any profits of ſuch Lands and Tenements ſo taken into the Kings hands by them, from the time that ſuch Lands and Tenements fell into the Kings hands, they ſhall make full reſtitution to him or them, for whom it was found by Inqueſts taken by the ſame Eſcheators, that ſuch Lands ought to remain: (3) ſaving alway to the King (in caſe that after ſuch time as his Eſcheators have diſcharged their hands by force of the Kings Writ, as before is ſaid) if any thing happen to be found in the Chancery or the Exchequer, or in any other of the Kings Courts, whereby the cuſtody of ſuch Lands, whereof the Eſcheators have diſcharged their hands in form aforeſaid, ſhould belong unto the King, that immediately he in whoſe poſſeſſion ſuch Lands happen to be, ſhall be ſummoned by a Writ out of the Chancery to be before the King at a certain day whereſoever, &c. to ſhew if he can ſay any thing, wherefore the King ought not to have the cuſtody of ſuch Land, according to the form of the evidences or remembrances found for the King. (4) And if he come in and ſhew why the cuſtody of ſuch Lands do not belong or ought not to belong unto the King, but that it ought to remain to himſelf, he ſhall go quit, and retain the cuſtody. (5) But if the party warned doth not come, or if that he come, and can ſhew nothing to put the King from the cuſtody, the Lands and Tenements ſhall be forthwith reſeiſed into the Kings hands, to be kept in name of Wardſhip until the lawful age of ſuch Heirs, as before is ſaid. (6) And as it is ſaid before, if it be found by Inqueſts taken by the Eſcheators and returned, that the cuſtody of the ſame Lands and Tenements contained in the Inqueſt, and ſeiſed into the Kings hands, ought not to remain unto the King, then the Eſcheator ſhall be commanded forthwith to diſcharge his hands thereof, and to reſtore the Iſſues wholly. (7) In like manner if it be found afterward by Evidences and remembrances in the Chancery, Exchequer, or otherwhere, as before is ſaid, that our Lord the King ought to have the Wardſhip thereof, the King ſhall be anſwered for the whole Iſſues and Profits, by the hands of ſuch as held the ſame Lands and Tenements, from the time they were firſt taken into the Kings hands by his Eſcheators by the Writs abovesaid. (8) And this order ſhall be held from henceforth in the Chancery, notwithſtanding a certain Ordinance lately made by our Lord the King, concerning Lands and Tenements taken into his hands by Officers, and not to be delivered but by the King himſelf, and as it is contained in a certain Dividenda, or Indenture, made between the King himſelf and his Chancellor, whereof one part remaineth in the cuſtody of the Chancellor.

A reſeiſer of the land into the Kings hand.

Co.l.1.f.169. 2 H. 5. f. 2. 28 H. 6. f.5. 9 E. 4. f.51. 21 Aſſ.pl.15. Fitz. Traverſe 21. Bro. Reſeiſer 32,36, 37,38. Fitz.Livery, 3,32, 34.

Regiſt.fo.314. F.N.B.fo.256.b.c. Raſt.pla.fo.548.A.

A new Statute of *Quo Warranto*, made at *Glouceſter*, *Anno* 30 *Ed.* 1. and *An. Dom.* 1301.

Claiming and uſing of Liberties, and cauſes to ſeiſe them into the Kings hands. Complaint of Officers.

Co. Inſt. 2 par.279.b. Kel. f.152. pl.1.

Franchiſe, Raſt.6.

The year of our Lord, M.CC.LXX.VIII. the ſixth year of the Reign of King Edward, at Glouceſter, in the Month of Auguſt, the King himſelf providing for the Wealth of his Realm, and the more full miniſtration of Juſtice, as to the Office of a King belongeth (the more diſcreet men of the Realm, as well of high as of low degree, being called thither:) (2) It is provided and ordained, That whereas the Realm of England in divers caſes; as well upon Liberties as otherwiſe, wherein the Law failed, to avoid the grievous damages and innumerable diſheriſons that the default of Law did bring in, had need of divers helps of new Laws and certain new Proviſions, Theſe Proviſions, Statutes, and Ordinances underwritten, ſhall from henceforth be ſtraitly and inviolably obſerved of all the Inhabitants of his Realm. (3) And whereas Prelates, Earls, Barons, and other of our Realm, that claim to have divers Liberties, which to examine and judge, the King hath prefixed a day to ſuch Prelates, Earls, Barons and other: It is provided and likewiſe agreed, That the ſaid Prelates, Earls, Barons and other, ſhall uſe ſuch manner of Liberties, after the form of the Writ here following:

A Writ to the Sheriff, to permit all men to enjoy thoſe Liberties which they had before.

II. Rex, Vic', ſalutem. Cum nuper in Parliamento noſtro apud Weſtmonaſterium, per nos & conſilium noſtrum proviſum ſit & proclamatum, quod Prælati, Comites, Barones, & alii de Regno noſtro, qui diverſas Libertates per Chartas Progenitorum noſtrorum Regum Angliæ habere clamant, ad quas examinandas & judicandas diem præfixerimus in eodem Parliamento, Libertatibus illis taliter uterentur, quod nihil ſibi per uſurpationem ſeu occupationem accreſceret, nec aliquid ſuper nos occuparent. Tibi præcipimus quod omnes illos de Comitatu tuo Libertatibus ſuis quibus hucuſque rationabiliter uſi ſunt, uti & gaudere permittas in forma prædicta, uſque ad proximum adventum noſtrum per Comitatum prædictum, vel uſque ad proximum adventum Juſticiariorum itinerantium ad omnia placita in Comitatu, vel donec aliud inde præceperimus: Salvo ſemper jure noſtro cum inde loqui voluerimus. Teſte, &c.

III. In like manner and the ſame form Writs ſhall be directed to Sheriffs and other Bailiffs for every Demandant, and the form ſhall be changed after the diverſity of the Liberty which any man claimeth to have, in this wiſe:

A Proclamation that they which claim Liberties ſhall ſhew to the Juſtices how they hold them.

IV. Rex, Vic', ſalutem. Præcipimus tibi quod per totam Ballivam tuam, videlicet, tam in Civitatibus quam in Burgis & aliis Villis mercatoriis & alibi, publice proclamari facias quod omnes illi qui aliquas Libertates per Chartas Progenitorum noſtrorum Regum Angliæ vel alio modo habere clamant ſint coram Juſticiariis noſtris ad primam Aſſiſam cum in partes illas venerint, ad oſtendendum quomodo hujuſmodi Libertates habere clamant, & quo warranto, & tu ipſe ſis ibidem perſonaliter una cum Ballivis & miniſtris, ad certificandum ipſos Juſticiarios ſuper his & aliis negotiis illud tangentibus.

V. This Clauſe of Liberties that beginneth in this wiſe, Præcipimus tibi quod publice proclamari facias, &c. is put in the Writ of common ſummons of the Juſtices in Eyre, and ſhall have a premonition by the ſpace of forty days, as the common ſummons hath; (2) So that if any party

that

Liberties ſeiſed into the Kings hands in the name of Diſtreſs.

15 E.4. 57.

A Quo Warranto for a Leet or other Liberty.

A Proclamation, that all who will complain of the Kings officers ſhall ſhew their griefs to the Juſtices.

that claimeth to have a Liberty, be before the King, he ſhall not be in default before any Juſtices in their Circuits: for the King, of his ſpecial Grace, hath granted, that he will ſave that party harmleſs as concerning that Ordinance. (3) And if the ſame party be impleaded upon ſuch manner of Liberties before one or two of the foreſaid Juſtices, the ſame Juſtices before whom the party is impleaded, ſhall ſave him harmleſs before the other Juſtices: And ſo ſhall the King alſo before him, when it ſhall appear by the Juſtices that ſo it was in Plea before them, as is aforeſaid. (4) And if the foreſaid party be afore the King, ſo that he cannot be the ſame day afore the ſaid Juſtices in their Circuits, the King ſhall ſave that party harmleſs before the foreſaid Juſtices in their Circuits, for the day, whereas he was before the King. (5) And if he do not come in at the ſame day, then thoſe Liberties ſhall be taken into the Kings hands in name of Diſtreſs, by the Sheriff of the place, ſo that they ſhall not uſe them until they come to anſwer before the Juſtices. (6) And when they do come in by Diſtreſs, their Liberties ſhall be repleviſed (if they demand them) in the which Replevins they ſhall anſwer immedately after the form of the Writ aforeſaid: (7) And if percaſe they will challenge and ſay that they are not bounden to anſwer thereunto without an original Writ, then if it may appear by any mean, that they have uſurped or occupied any Liberties upon the King or his Predeceſſor, of their own head or preſumption, they ſhall be commanded to anſwer incontinent without Writ. And moreover, they ſhall have ſuch Judgment as the Court of our Lord the King will award, (8) And if they will ſay further, that their Anceſtors died ſeiſed thereof, they ſhall be heard: And the truth ſhall be inquired incontinent, and according to that Judgment ſhall be given. (9) And if it appear that their Anceſtors died ſeiſed thereof, then the King ſhall award an Original out of the Chancery in this form: Rex, Vic', ſalutem. Sum' per bonos ſummon' talem, quod ſit coram nobis apud talem locum in proximo adventu noſtro in Com' prædict', vel coram Juſticiariis noſtris ad proximam Aſſiſam, cum in partes illas venerint, oſtenſurus quo warranto tenet viſum francipledg' in Manerio ſuo de N. Vel ſic; quo warranto tenet Hundredum de S. in Com' prædict', vel quo warranto clamat habere tholonium pro ſe & hæredibus ſuis per totum Regnum noſtrum. Et habeas ibi hoc Breve. Teſte, &c. (10) And if they come in at the ſame day, they ſhall anſwer, and Replication and Rejoynder ſhall be made; (11) and if they do not come nor be eſſoined before the King, and the King do tarry longer in the ſame Shire, the Sheriff ſhall be commanded to cauſe them to appear the fourth day; (12) at which day if they come not, and the King be in the ſame Shire, ſuch order ſhall be taken as in the Circuit of Juſtices. (13) And if the King depart from the ſame Shire, they ſhall be adjourned unto ſhort day, and ſhall have reaſonable delays according to the diſcretion of the Juſtices, as it is uſed in perſonal Actions. (14) Alſo the Juſtices in Eyre in their Circuits ſhall do according to the foreſaid Ordinance, and according as ſuch manner of Pleas ought to be ordered in the Circuit. (15) Concerning Complaints made and to be made of the Kings Bailiffs, and of other, it ſhall be done according to the Ordinance made before thereupon, and according to the Inqueſts taken thereupon heretofore; (16) and the clauſe ſubſcribed ſhall be put in a Writ of Common Summons in the Circuit of the Juſtices aſſigned to Common Pleas directed to the Sheriff, &c. and that ſhall be ſuch: Rex, Vic', ſalutem. Præcipimus tibi, quod publice proclamari facias, quod omnes conquerentes ſeu conqueri volentes, tam de miniſtris & aliis, ballivis noſtris quibuſcunque, quam de miniſtris & ballivis aliorum quorumcunque, & aliis, veniant coram Juſticiariis noſtris ad primam Aſſiſam, ad quaſcunque querimonias ſuas ibidem oſtendendas & competentes emendas inde recipiendas ſecundum legem & conſuetudinem Regni noſtri, & juxta ordinationem per nos inde factam, & juxta tenorem ſtatutorum noſtrorum, & juxta articulos iiſdem Juſticiariis noſtris inde traditos, prout prædicti Juſticiarii tibi ſcire faciant ex parte noſtra. Teſte meipſo, &c. decimo die Decembris, Anno regni noſtri triceſimo.

An Ordinance for Meaſures, *Anno* 31 *Ed.*1. and *Anno Dom.*1302.

Weights 2. The Standard meaſure of a ſterling, ounce, pound, gallon, buſhel and quarter.

51 H.3. ſ.10. Sect.3.

By conſent of the whole Realm of England the Kings Meaſure was made, ſo that an Engliſh peny, which is called the Sterling, round, without cliping, ſhall weigh xxxij grains of Wheat well dried, and gathered out of the middle of the ear; (2) and xx pence make an ounce; (3) and xij ounces make a pound; (4) and viij pounds make a gallon of Wine; and viij gallons of Wine make a buſhel of London, which is the eighth part of a quarter. Stat. 12 H.7.5.

Stat. De Protectionibus, made at *Weſtminſter*, 18 die *Novembris*, *Anno* 33 *Ed.*1. and *Anno Dom.* 1304.

A Cauſe to repeal a Protection of the Kings ſervice.

Protection 4. A cauſe to repeal Protection of the Kings ſervice.

28 H. 6. ſ.1.
21 Ed.4. ſ.20.
47 Ed.3. ſ. 6.
24 Ed.3. 35.
1 Roll 472.

Edward, by the Grace of God, &c. To all his true and faithful Subjects, greeting. Foraſmuch as many do purchaſe the Protection of our Lord the King, affirming that they were out of the Realm in the Kings ſervice: (2) It is provided, that if their adverſary will challenge the Protection, and immediately, when it is ſhewed in the Court, will aver that they were within the four Seas, and out of the Kings ſervice in a place certain, ſo that they might have well come, their challenge ſhall be entred, and the matter ſhall remain without day according to the nature of the Protection. (3) And when it ſhall be reſummoned, and he cometh into the Court, he ſhall demand judgment and hearing of the Proceſs, and offer to aver his challenge if his adverſary will attend. (4) And if the Countrey do paſs againſt him that caſt the Protection, it ſhall return to a default if he be tenant; (5) and if he be Demandant, he ſhall leeſe his Writ, and ſhall be amerced unto the King. Given at Weſtminſter, the xviij. day of November, the xxxiij. year of King Edward, Son of King Henry. Stat. 1 R.2.8. Stat. 13 R.2.16. Regiſt.fo.24,280. V.N.B.fo.21. F.N.B.fo.28. Raſt.pla.fo.492.

A Defi-

A Definition of Conſpirators, made *Anno* 33 *Ed.*1. St.2. and *Anno Dom.*1304.

Who be Conſpirators, and who be Champertors.

20 H.7.f.11. Fitz.Barre 4. Kel. fo. 81. Fitz. Conſp. 2,4,5,10,13, 14, 15, 16, 19,21, 22. 25. Co.l.8.f.37.

Conſpirators be they that do confeder or bind themſelves by oath, covenant, or other alliance, that every of them ſhall aid and bear the other falſly and maliciouſly to indite, or cauſe to indite; (2) or falſly to move or maintain pleas; (3) and alſo ſuch as cauſe children within age to appeal men of Felony, whereby they are impriſoned and ſore grieved; (4) and ſuch as retain men in the Country with liveries or fees for to maintain their malicious enterpriſes: and this extendeth as well to the takers as to the givers. (5) And Stewards and Bailiffs of great Lords which by their ſeigniory, office or power, undertake to bear or maintain quarrels, pleas, or debates, that concern other parties then ſuch as touch the Eſtate of their Lords or themſelves. (6) This Ordinance and final Definition of Conſpirators was made and accorded by the King and his Council in his Parliament the xxxiii. year of his Reign. (7) And it was further ordained, that Juſtices aſſigned to the hearing and determining of felonies and treſpaſs, ſhould have the tranſcript hereof. (8) Champertors be they that move pleas and ſuits, or cauſe to be moved either by their own procurement or by others, and ſue them at their proper coſts, for to have part of the Land in variance, or part of the gains.

Conſpiracy 1 who be Conſpirators. V.N.B. fo 56. F.N.B.fo.117.H Raſt.pla.f.122. Co. Inſt. 2 par. Co.Inſt.3 par. 143.

Who be Champertors.

The Statute of Champerty, made 18 *Septembris*, *Anno* 33 *Ed.*1.Stat.3.*Anno Dom.*1305.

The Puniſhment of ſuch as commit Champerty.

Hetley 164. 20 H.6. f.33. 9 H.7.f.18. 15 H.7. f.2. 3 H. 6. f.35. 31 H. 6. f. 8.

Where it is contained in our Statute, that none of our Court ſhall take any plea to Champerty by craft nor by engine. (2) And that no Pleaders, Apprentices, Attorneys, Stewards of great men, Bailiffs, nor any other of the Realm, ſhall take for Maintenance, or the like bargain, any manner of ſuit or plea againſt other, whereby all the Realm is much grieved, and both rich and poor troubled in divers manners: (3) It is provided by a common accord, that all ſuch as from henceforth ſhall be attainted of ſuch emprizes, ſuits or bargains, and ſuch as conſent thereunto, ſhall have impriſonment of three years, and ſhall make fine at the Kings pleaſure. Given at Berwick upon Tweed, the twentieth year of the reign of King Edward. (4) Our Lord the King, at the information of Gilbert Rowbery, Clerk of the Council, hath commanded, that whoſoever will complain himſelf of Conſpirators, Inventors and Maintainors of falſe quarrels, and Partakers thereof, and Broker of debates, that Gilbert Thornton ſhall cauſe them to be attached by his Writ, that they be before our Sovereign Lord the King, to anſwer unto the Plaintiffs by this Writ following:

II. Rex, Vic', ſalutem. Præcipimus tibi, quod ſi A. de G. fecerit te ſecurum de clamore ſuo proſequendo, tunc pone per vadium & ſalvos plegios G. de C. quod ſit coram nobis in octabis Sancti Joh. Baptiſtæ, ubicunque tunc fuerimus in Anglia, ad reſpondendum prædicto A. de placito Conſpirationis & Tranſgreſſionis ſecundum ordinationem noſtram nuper inde proviſam, ſicut idem A. rationabiliter monſtrare poterit quod ei inde reſpondere debeat. Et habeas ibi nomina plegiorum & hoc breve. Teſte, &c.

Maintenance 5. St.3 Ed. 1.25. St.13 Ed.1.49. St.28 Ed.1.11. St.1 R.2.4. Raſt.pla. f.119. 394.450.

The puniſhment of thoſe that commit Champerty. Regiſt. fo. 183. V.N.B.fo.180. F.N.B. fo. 172.

Writ of Conſpiracy.

An Ordinance for Enqueſts, made 18 *Septembris*, *Anno* 33 *Ed.*1. St.4.*Anno Dom.*1305.

He that challengeth a Jury or Juror for the King, ſhall ſhew his cauſe.

14 Ed.3.f.38. Fitz. Chall. 17, 63, 65, 107. Bro. Chall. 12, 154.

Of Inqueſts to be taken before any of the Juſtices, and wherein our Lord the King is party howſoever it be: It is agreed and ordained by the King, and all his Council, that from henceforth, notwithſtanding it be alledged by them that ſue for the King, that the Jurors of thoſe Inqueſts, or ſome of them, be not indifferent for the King, yet ſuch Inqueſts ſhall not remain untaken for that cauſe; (2) but if they that ſue for the King will challenge any of thoſe Jurors, they ſhall aſſign of their challenge a cauſe certain, and the truth of the ſame challenge ſhall be enquired of according to the cuſtom of the Court; and let it be recovered to the Takers of the ſame Inquiſitions, as it ſhall be found if the challenges be true or not, after the diſcretion of the Juſtices.

II. This Ordinance precedent, and the Ordinance following of the Foreſt, were made in the Parliament at Weſtminſter, the Sunday next before the Feaſt of St. Matthew the Apoſtle, the three and thirtieth year of the Reign of King Edward, Son of King Henry.

Challenge 5 He that challengeth a Jury or a Juror for the King, ſhall ſhew the cauſe. Raſt. pl. f. 115

Ordinatio Foreſtæ, made *Anno* 33 *Ed.*1. *St.*5. and *Anno Domini* 1305.

They whoſe Woods are diſaforeſted, ſhall not have Common or other eaſment in the Foreſt.

4 Inſt.303.

Whereas certain people that be put out of the Foreſt for the purliew, and by the great men have made requeſt to our Lord the King at this Parliament, that they might be acquitted of their charge, and of things that the Foreſters demand of them, as they were wont to be: (2) Our Lord the King anſwered, Firſt, That where he had granted purliew, that he was pleaſed that it ſhould ſtand in like manner as it was granted, albeit that the thing was ſued and demanded in an evil point. (3) Nevertheleſs he willeth and intendeth, That all his demean Lands whereſoever they be, that have been of the Crown, being returned by way of Eſcheat, or otherwiſe, ſhall have eſtate of Free-chaſe and Free-warren, and in ſuch manner ſhall be ſaved and kept to his uſe for all manner of Eſcheats, and for all manner of things that pleaſeth him. (4) And in right of them that have Lands and Tenements diſaforeſted for the ſaid purliew, and as ſuch demand to have Common within the bounds of Foreſts, the intent and will of our Lord the King is, that from henceforth (where purliew is) they may claim to be quit of charge of the Foreſts. (5) And whereas the Kings beaſts cannot have their haunt and repair upon the Foreſt ground, as they had ſo long as they were within the Foreſts, that ſuch folk ſhall not have Common nor other Eaſment within the bounds of the Woods, nor of the

Foreſts 20.

They whoſe Woods are diſafforeſted, ſhall not have Common within the Foreſt.

They which will return their Woods into the Foreſt, ſhall have Common as they had before.

the Lands, the which remain in Foreſt: but if any of them that be diſaforeſted by the purliew, would rather be within the Foreſt as they were before, then to be out of the Foreſt as they be now: It pleaſeth the King very well that they ſhall be received thereunto, ſo that they may remain in their ancient eſtate, and ſhall have Common and other Eaſment as well as they had before. (7) Whereupon our Lord the King willeth and commandeth, That his Juſtices of the Foreſt on this ſide Trent and beyond Trent, in like manner ſhall keep and hold, and cauſe to be kept and holden ſtraitly the foreſaid points within their liberties in the form above mentioned.

An Ordinance for meaſuring of Land, made *Anno* 33 *Ed.*1.Stat.6. and *Anno Dom.*1306.

Weights 5.

When an acre of Land containeth x. Perches in length, then it ſhall be in breadth xvj. Perches: (2) When it containeth xj. Perches in length, then it ſhall be in breadth xiv.di. and three quarters of one foot: (3) When it is xij. then xiij. v. foot, and di. (4) When it is xiij. then xiij.v.foot, and almoſt an inch: (5) When xiv. then xj.vij.foot, and almoſt an inch: (6) When xv. then x. and di. ij. foot, and iij.quarter of a foot: (7) When xvi.then x. (8) When xvij.then ix.vj.foot, iij.quarter of a foot, and almoſt half an inch: (9) When xviij. then viij.xiv.foot, and viij. inches: (10) When xix. then viij. vj.foot, and xj. inches, and di. (11) When xx. then viij. perches: (12) When xxj. then vij. perches, x.foot, ij.inches, and iij.qu. of an inch: (13) When xxij.then vij.iv.foot and a half: (14) When xxiij.then vi.iij.qu. ij.foot, and xj.inches, and di. (15) When xxiv. then vj.and di. ij.foot, and vi.inches: (16) When xxv. then vj. vj.foot, and almoſt ij. inches: (17) When xxvj. then vj. ij. foot, and almoſt di. (18) When xxvij. then v.iij.quarter, v. inches, and di. (19) When xxviij.then v.vi. foot x. inches and di. (20) When xxix.then v.viij.foot, v. inches and di. (21) When xxx.then v. v. foot and di. (22) When xxxi.then v.ij.foot and viij.inches: (23) When xxxii. then v. (24) When xxxiij.then iv.xiv.foot, and iv.inches: (25) When xxxiv. then iv.and di. iij.foot and iv.inches: (26) When xxxv.then iv.and di. i. foot, iij.inches and di. (27) When xxxvi. then iv.vij.foot, and iv.inches: (28) When xxxvij.then iv.v.foot, and iv.inches: (29) When xxxviij.then iv. iij.foot, and almoſt di. (30) When xxxix.then iv.j foot, and almoſt ix.inches. (31) When xl. then iv. (32) When xli.then iij.iij.q.j.foot, and x.inches: (33) When xlij. then iij. iij. q. and vij. inches: (34) When xliij. then iij. and di. iij.foot, an inch and di. (35) When xliv.then iij. and di. ij.foot, and iij. inches: (36) When xlv. then iij. and di. di. a foot, and iij.inches.

The Statute *De Conjunctim Feoffatis*, 27.*Maii*, *Anno* 34 *Ed.* 1. and *Anno Dom.* 1306.

Jointenancy pleaded in Abatement of a Writ, &c.

Jointenancy, 1. St.14 Ed.1.35.

The King, unto all, to whom theſe, &c. greeting. It is no new thing that among divers eſtabliſhments of Laws which we have ordained in our own time upon the great and hainous miſchiefs that happen in Writs of Novel diſſeiſin, chiefly above other, we have deviſed more ſpeedy remedy in thoſe Writs then was before. (2) And foraſmuch as it chanceth many times in Aſſiſes of Novel diſſeiſin, That the Tenant doth except againſt the Plaintiff, that he holdeth the Tenements in demand jointly with his Wife, not named in the Writ, and ſometime with a ſtranger not named in the Writ, and ſheweth forth a Deed teſtifying the ſame, and demandeth Judgment of the Writ: (3) It is agreed and ordained, That if the Plaintiff will offer to aver by Aſſiſe, that the day of his Writ purchaſed, he that alledged the exception was ſole Tenant, ſo that neither his wife, nor any other had any thing in the ſaid Lands, then the Juſtices, before whom the Aſſiſe is arraigned, ſhall retain the ſame Deed ſafely in their keeping (until the Aſſiſe be tried between them thereupon) as that which is in a ſort denied. (4) And they ſhall let the party abſent to underſtand by their Writ under their teſtimony, and alſo to the Jointenant that is preſent, of whom the Deed maketh mention, that he be preſent at a certain day with the other Tenant, to anſwer unto the party Plaintiff as well upon the exception alledged as of the Lands demanded and put in view, if it ſeem expedient for him: (5) at which day if both that are named Tenants do come in, and do juſtifie the ſame Feoffment, they ſhall anſwer and maintain the exception alledged by one of them, and further ſhall anſwer unto the Aſſiſe as though the original Writ had been purchaſed againſt both of them jointly. (6) And if it be proved by Aſſiſe, that the exception was alledged maliciouſly to delay the Plaintiff of his right, ſo that they held not the ſame Land jointly the day of the Writ purchaſed, then albeit the ſame Aſſiſe do paſs for the Tenants, and againſt the Plaintiff, yet they that alledge the exception ſhall be puniſhed by one years Impriſonment, whence they ſhall not be delivered without a grievous Fine. (7) And let the Juſtices be well adviſed, that from henceforth they do not allow an exception alledged by the Bailiffs of any ſuch Tenants: (8) and if he that alledgeth the exception abſent himſelf at his day, and the other that is named Jointenant do appear, although he that doth appear doth diſavow the ſame Deed, and ſay that he hath nothing in the foreſaid Tenements; nevertheleſs the Aſſiſe ſhall paſs againſt the Tenant that is abſent by his default. (9) And if it be found by Aſſiſe, that they were not jointly enfeoffed the day of the Writ purchaſed, and likewiſe that the Tenant againſt whom the Writ was purchaſed, or another named in the Writ did diſſeiſe the Plaintiff, then having regard to the exception that was falſly and maliciouſly alledged to the hurt of the party, and to the diſſeiſin that they made the party Plaintiff ſhall recover his ſeiſin and double damages, and they that alledge the falſe exception ſhall have the puniſhment aforeſaid. (10) But if neither of the Tenants do come at the day, then upon their default the Aſſiſe ſhall paſs againſt them. (11) And if it be found thereby that the ſame exception was lawfully and truly alledged, and that they which alledged it were jointly ſeiſed before the Plaintiff purchaſed his Writ againſt them, the Aſſiſe ſhall paſs no further, but the Writ ſhall be abated. (12) The ſame ſhall be obſerved, if both or one only do appear, if it be found by Aſſiſe, that the exception aforeſaid was truly alledged, as before is ſaid. (13) In the ſame order it is eſtabliſhed and agreed, that in Aſſiſes of Mortdanceſtor, and

Fitz. Brief, 757. 24Ed.3.f.51. Co. Inſt. 2 par. 5;4.

Hobart, 95. **What ſhall be done when the Tenant in Aſſiſe doth plead Jointenancy.**

A Scire facias **awarded to the Jointenant.** Regiſt.jud. fo. 47,56,59.

27Aſſ.pl.72 Kel. f.110. 25Aſſ.pl.14 23Aſſ.pl.13. 17Aſſ.Pl.20. 21Aſſ.pl.21. Kel. f.110. Fitz, Proceſs 22, 49, 1, 5.

Jointenancy in Aſſiſes ſhall not be pleaded by Bailiffs.

31Aſſ.Pl.11. 16Aſſ.pl 8. Fitz. Pein, 6.

19Aſſ pl.8. 21Aſſ.pl.28. 22 Aſſ.pl.1.

Jointenancy pleaded in Mortdanceſtor **and** Juris utrum.

Jointenancy pleaded in other real actions.

and Juris utrum, at the firſt day that the parties appear in Court, if the Tenant alledge the foreſaid exception againſt the Demandant, ſhewing a Deed thereupon, and the Demandant will offer to aver by the Aſſiſe or Jury, that at the day of his Writ purchaſed, he that alledged the exception was ſole Tenant, from thence the ſame Proceſs and manner of proceeding ſhall be uſed in Aſſiſes of Mortdaunceſter, and Writs of Juris utrum, as before is ordained in Aſſiſes of Novel diſſeiſin, and like puniſhment ſhall be inflicted upon the Offenders, and thoſe that be convict. (14) In other Writs whereby Tenements are demanded, ſuch Proceſs ſhall be made, that if at the firſt day that the parties appear in Court, the Tenant doth alledge the foreſaid exception of a joynt Feoffment, and the Demandant will offer to aver by the Country, that the day of the Writ purchaſed, he that alledged the exception was ſole Tenant, then the ſame Proceſs and manner of proceeding ſhall be obſerved betwixt the parties until a Jury have paſſed between them thereupon. (15) And if it be found by the Jury, that the ſame exception was truly alledged, then the Writ of the Demandant ſhall abate: (16) And if it be founden by the Jury, that the ſame exception was falſly alledged, and to the hindrance of the party, then the Demandant ſhall recover his ſeiſin of the Tenements in demand, and the Tenant ſhall be puniſhed by the pein above limited in Aſſiſes of Novel diſſeiſin, as to the impriſonment, and as to the damages according to the diſcretion of the Juſtices. (17) And we will and grant, that this Statute ſhall take his effect the morrow after the Feaſt of Saint Peter ad vincula next coming. (18) Foraſmuch alſo as Pleas in Court Spiritual heretofore had many times unmeet delays, for that our Writ that is called Indicavit, was many times brought before the Judges of ſuch matters when they were begun: and thereupon our chief Juſtices could not proceed lawfully, nor in due manner to award a Writ of Conſultation upon ſuch manner of Proceſs. (19) It is agreed that ſuch a Writ of Indicavit ſhall not be granted from henceforth to any before the matter hanging in the Spiritual Court between the parties be recorded, and that our Chancellor ſhall be certified thereof by the ſight and inſpection of the Libel. (20) In witneſs of which thing we have cauſed theſe our Lettres to be Patent. I my ſelf being witneſs at Weſtminſter, Given the ſeven and twentieth day of the Month of May, the four and thirtieth year of our Reign. Raſt. pla. fo. 62, 66, 80, 225, 381.

Fitz Brief. 762.

Co. Inſt. 2 par. 364, 365.

V.M.Chart. 108. 11 H.6. f.13.

When the Writ of Indicavit is to be granted. St. 13 Ed. 3. 5. Regiſt. fo. 35. V.N.B. fo. 32. F.N.B. f. 30 a. 45. c.

Articles of Inquiſition upon the Statute of *Wincheſter*, *Viz.* An Inquiry how the Particular Branches of that Statute be performed, and by whom broken. 34 Ed. 1. St. 2.

The manner of inquiring upon the Statute of Wincheſter when it is obſerved, and when not, (2) and of ſuch as have obſerved the ſaid Statute, and of ſuch as have not ſuffered the Contents thereof to be obſerved. (3) Of Felonies and Robberies committed after Eaſter, the thirteenth year of the Reign of King Edward, and in what manner ſuch Felonies were done, where and by whom done, (4) and the Suits by Inqueſts, according to the tenor of the Statutes made thereupon after. (5) And if the Sheriffs have anſwered for the Bodies of ſuch offenders or not. (6) Alſo if the Gates of the Cities or great Towns were ſhut from the time of the Sun going down until the Sun riſing. (7) And if any ſtrangers or their chattels were lodged in the Suburbs, or in the out parts of the City, except it were in the day, for whom their Hoſts would not anſwer. (8) And alſo how Bailiffs and other Officers of Towns have made inquiry thereof. (9) And if Watches have been kept in ſuch ſort as is contained in the ſaid Statute or not, and how the Watchmen have kept their Watch. (10) And if the Kings High-ways from one Market-town to another be enlarged as well in our Lord the Kings own woods as elſewhere, according to the Statute, and if they be not enlarged, to enquire what ways, and where they be, and who ought to have enlarged them, and of ſuch as do hinder ſuch enlargements, as well in Parks as in other woods. (11) Alſo if all between the age of xv. and lx. be ſworn to keep the Peace. (12) Alſo if they have weapons in their houſes according to the quantity of their Lands and Goods, for maintenance of the Peace according to the Statute. (13) And alſo if Conſtables do make View of Armour in due manner, and of other things belonging to their Office, or not. (14) Alſo if Sheriffs, Hundreders, Bailiffs of Liberties and Foreſters, have come at Huy and Cry levied, and if they have made purſuit for keeping the Kings Peace according to the Statute, or not.

Robberies, Raſt. 2. **An inquiry ſhall be made of the particular branches of the Statute of Wincheſter.**

9 Ed. 1. St. 2. c. 6.

A Statute of Amortiſing Lands, made *Anno* 34 *Ed.* 1. St. 3.

That Lands ſhall not be aliened in Mortmain where there be Meſnes, without their conſent.

Touching the Kings Grant to be made upon Inqueſts returned into the Chancery for Lands to be aliened into Mortmain, the King commandeth that nothing ſhall be done (where there be any Lords Mean) except the religious perſons can ſhew to our Lord the King their aſſent under their Patents ſealed with their Seals. (2) And that nothing ſhall paſs in caſe where the Donor reſerveth nothing to himſelf. (3) And likewiſe where Inquiſitions be made and returned without Warrant, that is to wit, the Writ original returned with the Inqueſt. (4) and likewiſe unleſs the Writ original make mention of every thing, according to the new Ordinance deviſed by the King. Regiſt. f. 247. V.N.B. f. 160. F.N.B. f. 222. Raſt. pla. f. 25. 32.

Mortmain, Raſt. 6. **Lands ſhall not be given into Mortmain without conſent of the Meſne.** St. 9 H. 3. 36. St. 7 Ed. 1. St. 13 Ed. 1. 32.

13 Aſſ. pl. 19. 6 Ed. 3. f. 23.

A Statute made *Anno* 34 *Ed.* 1. St. 4. whereby the King granted Liberties, &c.

CAP. I.

The King or his Heirs ſhall have no Tallage or Aid without conſent of Parliament.

No Tallage or Aid ſhall be taken or levied by us or our Heirs in our Realm, without the good will and aſſent of Archbiſhops, Biſhops, Earls, Barons, Knights, Burgeſſes, and other Free-men of the Land. St. 25 Ed. 1. 6.

Tax, Raſt. 2. **The King ſhall have no aid without aſſent of Parliament.**

CAP.

CAP. II.

Nothing ſhall be purveyed to the Kings uſe without the Owners conſent.

Purveyance, 5. No Purveyance without the owners conſent.

NO Officer of ours, or of our heirs, ſhall take Corn, Leather, Cattel, or any other goods of any manner of perſon, without the good will and aſſent of the party to whom the goods belonged. 12 Co. 13.

CAP. III.

Nothing ſhall be taken of Sacks of Wool by colour of Maletent.

Tax, Raſt. 1. Maletent.

NOthing from henceforth ſhall be taken of Sacks of Wool, by colour or occaſion of Maletent.

CAP. IV.

All Laws, Liberties and Cuſtoms confirmed.

Franchiſe, Raſt. 7. All Laws, Liberties and Cuſtoms confirmed.

WE will and grant for us and our heirs, That all Clerks and Lay-men of our Land, ſhall have their Laws, Liberties and free Cuſtoms as largely and wholly, as they have uſed to have the ſame at any time when they had them beſt. (2) And if any Statutes have been made by us or our anceſtors, or any Cuſtoms brought in contrary to them, or any manner of Article contained in this preſent Charter: we will and grant that ſuch manner of Statutes and Cuſtoms ſhall be void and fruſtrate for evermore.

CAP. V.

Pardon granted to certain Offenders.

Pardon, Raſt. 2.

MOreover, we have pardoned Humfrey Bohun, Earl of Hereford and Eſſex, Conſtable of England; Roger, Earl of Norfolk and Suffolk, Marſhal of England; and other Earls, Barons, Knights, Eſquires, and namely John de Ferrariis, with all other being of their fellowſhip, confederacy and bond, and alſo of other that hold xx. pound Land in our Realm, whether they hold of us in chief, or of other, that were appointed at a day certain to paſs over with us into Flanders, the rancor and evil-wil born againſt us, and all other offences that they have done againſt us, unto the making of this preſent Charter.

CAP. VI.

The Curſe of the Church ſhall be pronounced againſt the Breakers of this Charter.

Excommengement, Raſt. 4.

ANd for the more aſſurance of this thing, we will and grant, that all Archbiſhops and Biſhops for ever, ſhall read this preſent Charter in their Cathedral Churches twice in the year, and upon the reading thereof in every of their Pariſh Churches ſhall openly denounce accurſed all thoſe that willingly do procure to be done any thing contrary to the tenour, force and effect of this preſent Charter in any point and article. (2) In witneſs of which thing we have ſet our Seal to this preſent Charter, together with the Seals of the Archbiſhops, Biſhops, &c. which voluntarily have ſworn, that as much as in them is, they ſhall obſerve the tenour of this preſent Charter in all Cauſes and Articles, and ſhall extend their faithful aid to the keeping thereof, &c.

Ordinatio pro ſtatu Hiberniæ, made *Anno* 17 *Ed.* 1. and *Anno Dom.* 1288.

Ireland, Raſt. 1.

EDward by the Grace of God, King of England, Lord of Ireland, Duke of Acquitain, To all thoſe who ſhall ſee or hear theſe Letters, do ſend ſalutation: Know you, that for the Amendment of the Government of our Realm of Ireland, and for the peace and tranquility of our People of the ſame Land, at Nottingham, the Octaves of St. Martin, in the ſeventeenth year of our Reign, by the aſſent of our Council there being, the Points hereafter mentioned be made and agreed upon, to the intent that they may be firmly obſerved in the ſame Realm.

CAP. I.

The Kings Officers in Ireland ſhall purchaſe no Land there without the Kings Licenſe.

Alienation. The Kings Officers in Ireland, ſhall purchaſe no Land there.

FIrſt, That the Juſtices of Ireland nor any other Officer of ours of the ſame Realm, ſo long as they are in our ſervice there, ſhall purchaſe any Land or Tenement within the liſt or bound of their Bailiwicks without our ſpecial Licenſe: (2) And if any do the contrary, that which he ſhall purchaſe ſhall accrue and be forfeit to us and our heirs: (3) Saving to the chief Lord of the Fee the Services due and accuſtomed for the Lands and Tenements ſo accruing and forfeit to us.

CAP. II.

In what caſe only Purveyance may be made in Ireland.

Purveyance. In what caſe only Purveyance may be made in Ireland.

ALſo, That neither our Juſtices of Ireland, nor any other of our Officers there, by colour of their Offices ſhall take victuals, or any other things, of any perſon againſt his will, but in time of neceſſity for the common profit of the Realm: and that then he ſhall do it by the advice and aſſent of the greateſt part of our Council in thoſe parts, and by a Writ awarded out of our Chancery of Ireland; and in ſuch caſe as we or our heirs do command by a Writ awarded out of our Chancery of England, or by other Warrants.

CAP. III.

Tranſporting of Merchandizes out of Ireland.

Merchants. Tranſporting of Merchandize. 31 Ed. 3. c. 18.

MOreover, That none of our Juſtices, nor any of our other Miniſters, by colour of their Office, ſhall arreſt Ships, nor other goods of ſtrangers, or of our own people: (2) but that all Merchants and others may carry their Corn and other Victuals and Merchandizes forth of our Realm of Ireland unto our Realm of England, and unto our Land of Wales (ſaving in the caſe aforeſaid) paying the Cuſtoms due and uſed, ſo that they make good ſecurity that they ſhall not go unto, nor commerce with our Enemies of Scotland, nor other of our Enemies,

mies if any ſhall: (3) And if any Juſtice or other Officer do the contrary in the things aforeſaid, and be thereof attainted, he ſhall ſatisfie the Plaintiff double damages, and alſo ſhall be grievouſly puniſhed by us. Rep. as to Cattel, 18 Car.2.cap.2.

CAP. IV.

The fees of a Bill of Grace in Ireland.

Hereafter there ſhall be taken and paid for the Seal of our Juſtice of Ireland, for every Bill of Grace, iv.d. and for the writing of every Bill, ii.d. and no more.

Fees. A Bill of Grace.

CAP. V.

The Marſhals Fee in Ireland.

And there ſhall be taken of him which is committed to priſon by Authority of our Court, when he ſhall be delivered, iv.d. for the Marſhals fee, and no more: (2) And if any do offend the Ordinances aforeſaid, and thereof be attainted at our ſuit, or the ſuit of the party, he ſhall make ſatisfaction to the party, and be grievouſly puniſhed by us.

Fees. The Marſhals Fee.

CAP. VI.

In what caſes the Juſtice of Ireland may grant pardon of Felony, &c. an where not.

And that no pardon from henceforth ſhall be granted by our Juſtice of Ireland of the ſuit of our peace for the death of a man, nor for other Felony, nor for flying for the ſame, to them which ſhall be accuſed or indicted of ſuch Felonies, (2) nor ſhall be ſealed with our ſeal there without the ſpecial commandment of us our ſelves under ſome of our ſeals of England; ſaving that our ſaid Juſtice of Ireland, and our Chancellor of Ireland, with the advice of our Council of Ireland, may grant pardon of Felonies committed before the date hereof, as they ſhall perceive it may ſtand with our honour and profit, and peace and tranquility of our people there, and with the commandment which they have received from us: (3) So always that there be no pardon or protection granted of thoſe Felonies which ſhall be hereafter committed, without the ſpecial commandment of us our ſelves, as is aforeſaid.

Pardons. Protections.
E X. P.

CAP. VII.

By what Seal Writs in Ireland ſhall be ſealed.

And that none of our Officers ſhall receive an original Writ pleadable at the Common Law, but ſuch as be ſealed by the great Seal of Ireland, (2) nor any proceſs ſhall be made by any other Writ, ſaving that by our Seal of our Exchequer of Ireland, of things touching that Court, it ſhall be done by reaſon it ought to be, and according as it hath been heretofore accuſtomed.

Seals. Sealing of Writs.

CAP. VIII.

Adjournment of Aſſiſes in Ireland.

Item, That our Juſtice of the ſame Realm ſhall not by his Writs, or Letters, delay or adjourn any Aſſiſe of Novel diſſeiſin before him, but in the County where he ſhall be preſent, and during that time as he ſhall remain in the ſame County. In witneſs whereof we have cauſed theſe our Letters Patents to be made. Dated at Nottingham the four and twentieth day of November, the xvii. year of our Reign.

Adjournment. Aſſiſe of Novel diſſeiſin.

Ordinatio Foreſtæ, made *Anno* 34 *Ed.*1. *St.*5. and *Anno Domini* 1306.

CAP. I.

How offences done in the Foreſt ſhall be preſented.

Firſt, We have ordained for our ſelves and our Heirs, that all treſpaſſes hereafter to be done in our Foreſts of Green-hugh, and of Hunting; the Foreſters within whoſe Bailiwicks ſuch treſpaſſes ſhall happen to be committed, ſhall preſent the ſame at the next Swainmote, before the Foreſters, Verdors, Regardors, Agiſtors, and other miniſters of the ſame Foreſt; and upon ſuch preſentations there before the Foreſters, Verdors, and all other miniſters aforeſaid, by the oath as well of Knights as of other lawful and honeſt men of the neareſt parts where the treſpaſs ſo preſented ſhall be done, not ſuſpected, the truth of the matter ſhall be lawfully enquired of, and the truth ſo enquired of, the ſame preſentations by the common accord and aſſent of all the miniſters aforeſaid, ſhall be ſolemnly confirmed and ſealed with their Seals. And if an Indictment be in any other manner, it ſhall be adjudged void.

Foreſt, Raſt. 22. Preſentment of offences done in the Foreſts. V.N.B. fo.41.

CAP. II.

An Officer dying or being abſent, another ſhall be put in his place.

And if it happen that any of the ſaid Foreſters, Regardors, or other miniſters of the ſame Foreſts do die, or by ſickneſs or other means to be hindred, whereby he cannot be preſent at the ſame Swainmote, preſently the Juſtice of the ſame Foreſt, or his Lieutenant, ſhall put another in his place: ſo that the Indictment may be made by all in form aforeſaid. (2) And that the Officers which are to be placed, ſhall be put in as heretofore it hath been uſed to be, except the Verderors, who ſhall be ordained by Election and by our Writ.

Foreſt, Raſt. 22. An Officer dying or being abſent.

CAP. III.

No Foreſter ſhall be put in Aſſiſes or Juries.

And we will that none of the foreſaid Miniſters ſhall hereafter be put in any Aſſiſes, Juries, or Enqueſts to be taken without the Foreſt. Regiſt.fo.183. Fitz N.B.

Foreſt, Raſt. 22. No Foreſter ſhall be put in a Jury.

CAP. IV.

The puniſhment of Officers ſurcharging the Foreſt.

And if there be any ſurcharge found of the Foreſters, or by ſuch other as take upon them to be Officers of the Foreſt, ſuch ſurchargers ſhall be removed and impriſoned according

Foreſt, Raſt. 22. Surcharge of the Foreſt by Officers.

to the diſcretion of the Juſtice of the Foreſt, or his Lieutenant: (2) And they by whom they were placed ſhall be alſo puniſhed at our pleaſure. (3) And at every Swainmote inquiſition ſhall be made of Surchargers, of Foreſters, and other miniſters of the Foreſt, and of their oppreſſions done to our people; and reformation and puniſhment ſhall be done, as it is ordained before.

CAP. V.

Grounds diſafforeſted.

Foreſt, Raſt. 22. Grounds diſaforeſted.

AS touching them that commit treſpaſſes of green-hue or hunting, at ſuch time as the Foreſt was diſafforeſted: we will that thoſe offences ſhall be pardoned, ſaving ſuch treſpaſſes which were committed in that part which doth remain Foreſt: (2) yet ſo, as that the hedges and ditches made in the mean time ſhall be wholly caſt down, removed, and avoided: (2) ſaving our Arrentations, which we will have remain according to the aſſiſe of the Foreſt. (4) The wood which is felled and cut down ſhall be removed, and the wood which is ſtanding ſhall remain in the Foreſt. (5) And if any ſuch wood yet ſtanding be ſold, it ſhall remain in the Foreſt and the ſeller ſhall ſatisfie the buyer according to the quantity of the wood ſtanding in the Foreſt, and ſo ſold in the mean time as he received of him.

CAP. VI.

Common in the Foreſt.

Foreſt, Raſt. 22. Aſſeſſing fines for treſpaſſes in the Foreſt.

WE will alſo that our Juſtice of the Foreſt, or his Lieutenant, in the preſence of our Treaſurer, and by his aſſent, ſhall have authority to take fines and amerciaments of thoſe which be indicted for Treſpaſſes committed in our Foreſts, and not tarry for the Eyre of the Juſtice. (2) And moreover we will, that they which had common of paſture in the Foreſt before the perambulation was made, and which were afterward returned into the Foreſt, and that were reſtrained of common by the ſaid perambulation, ſhall have their common of paſture hereafter in the Foreſt, as freely and largely as they were wont to have before the perambulatiou made, (3) Saving our Arrentations in form aforeſaid. In witneſs whereof, &c. at Weſtminſter, 28 die Maii, Anno 34 Edwardi primi, Regiſt. fo. 80.

Statutum de Aſportatis Religioſorum, made *Anno* 35 *Ed.* 1. and *Anno Dom.* 1307.

CAP. I.

The cauſes of Erection of Abbies. Impoſitions ſet by Priors Aliens.

Monaſteries, Raſt. 4. 25 Ed. 3. Stat. 6. pag. 121

The cauſe of foundation of Religions Houſes.

Impoſitions ſet by certain Religious Houſes upon their inferiours.

Co. Inſt. 1 par. 38c.

Hob. 148.

Co. l. 11 f. 71.

OF late it came to the knowledge of our Lord the King, by the grievous complaint of the Honourable perſons, Lords, and other Noble-men of his Realm, that whereas Monaſteries, Priories and other Religious houſes were founded to the honour and glory of God and the advancement of the holy Church, by the King and his Progenitors, and by the ſaid Noblemen and their Anceſtors, (2) and a very great portion of Lands and Tenements have been given to them to the ſaid Monaſteries, Priories and Houſes, and the Religious men ſerving God in them, To the intent that Clerks and Lay-men might be admitted in ſuch Monaſteries, Priories and Religious houſes, according to their ſufficient ability, and that ſick and feeble men might be maintained, Hoſpitality, Alms-giving, and other charitable deeds might be done, and that in them prayers may be ſaid for the Souls of the ſaid Founders and their heirs: (3) The Abbots, Priors, and Governours of the ſaid houſes, and certain Aliens their ſuperiours, as the Abbots and Priors of Ciſtercienſes, and Premonſtratenſes, and of the Order of St. Auguſtine and St. Benedict, and many more of other Religion and Order, have at their own pleaſures ſet divers unwonted, heavy, and importable tallages, payments, and impoſitions upon every of the ſaid Monaſteries, and Houſes in ſubjection unto them in England, Ireland, Scotland and Wales, without the privity of our Lord the King and his Nobility, contrary to the Laws and Cuſtoms of the ſaid Realm: (4) And thereby the number of Religious perſons, and other ſervants in the ſaid Houſes and Religious places being oppreſſed by ſuch tallages, payments and impoſitions, the ſervice of God is diminiſhed, alms be not given to the poor, the ſick and feeble, the healths of the living, and the ſouls of the dead be miſerably defrauded, hoſpitality, alms-giving, and other godly deeds do ceaſe. (5) And ſo that which in times paſt was charitably given to godly uſes, and to the increaſe of the ſervice of God, is now converted to an evil end. By permiſſion whereof there groweth great ſcandal to the people, and infinite loſſes and diſheritances are like to enſue to the Founders of the ſaid Houſes, and their heirs, unleſs ſpeedy and ſufficient remedy be provided to redreſs ſo many and grievous detriments.

3 Bulſtr. 45.

II. Wherefore our foreſaid Lord the King, conſidering that it would be very prejudicial to him and his people if he ſhould any longer ſuffer ſo great loſſes and injuries to be winked at, and therefore being willing to maintain and defend the Monaſteries, Priories and other Religious houſes erected in his Kingdom, and in all lands ſubject to his Dominion, and from henceforth to provide ſufficient remedy to reform ſuch oppreſſions as he is bound: By the counſel of his Earls, Barons, great Men, and other Nobles of his Kingdom in his Parliament holden at Weſtminſter, in the five and thirtieth year of his Reign, hath ordained and enacted. 3 Ed. 3. cap. 3.

CAP. II.

Religious perſons ſhall ſend nothing to their Superiours beyond the Sea.

Monaſteries, Raſt. 6. Religious perſons ſhall ſend nothing to their Superiours beyond Sea.

THat no Abbot, Prior, Maſter, Warden, or any other Religious perſon, of whatſoever condition, ſtate or Religion he be, being under the Kings power or juriſdiction, ſhall by himſelf, or by Merchants, or others ſecretly or openly, by any device or means, carry or ſend, or by any means cauſe to be ſent any tax impoſed by the Abbots, Priors, Maſters, or Wardens of Religious houſes their Superiours, aſſeſſed amongſt themſelves, out of his Kingdom and his Dominion, under the name of a Rent, Tallage, or any kind of impoſition, or otherwiſe by the way of exchange, mutual ſale, or other contract howſoever it may be termed. (2) Neither ſhall depart into any other Country for viſitation, or upon any other colour, by that means to carry the goods of their Monaſteries and Houſes out of the Kingdom and Dominion aforeſaid. (3) And if any will preſume to offend this preſent Statute, he ſhall be grievouſly puniſhed according to the quality of his offence, and according to his contempt of the Kings prohibition. 4 Ed.3.cap.6.

CAP. III.

No impoſitions ſhall be taxed by Priors aliens.

3 Inſt.146.

Taxes. Impoſitions taxed by Aliens.

MOreover, our foreſaid Lord the King doth inhibit all and ſingular Abbots, Priors, Maſters and Governours of Religious Houſes and places, being Aliens, to whoſe authority, ſubjection and obedience the Houſes of the ſame Orders in his Kingdom and Dominion be ſubject, that they do not at any time hereafter impoſe, or by any means aſſeſs any tallages, payments, charges, or other burdens whatſoever, upon the Monaſteries, Priories, or other Religious Houſes in ſubjection unto them (as is aforeſaid) and that upon pain of all that they have or may forfeit.

CAP. IV.

By whom the common Seal of an Abbey ſhall be kept, and how uſed.

Co.l.1 f.118. Fitz. Abbe. 14. 38 H.6. f.27.

Seals. The common Seals of Abbeys.

ANd further, our Lord King hath ordained and eſtabliſhed, That the Abbots of the Orders of Ciſtercienſes and Premonſtratenſes, and other Religious Orders, whoſe Seal hath heretofore been uſed to remain only in the cuſtody of the Abbot, and not of the Covent, ſhall hereafter have a common Seal, and that ſhall remain in the cuſtody of the Prior of the Monaſtery or Houſe, and four of the moſt worthy and diſcreet men of the Covent of the ſame Houſe, to be laid up in ſafe keeping under the private Seal of the Abbot of the ſame Houſe: (2) So that the Abbot or Prior which doth govern the Houſe, ſhall be able of himſelf to eſtabliſh nothing, though heretofore it hath been otherwiſe uſed. (3) And if it fortune hereafter, that writings of Obligations, Donations, Purchaſes, Sales, Alienations, or of any other Contracts be ſealed with any other Seal than ſuch a common Seal, kept as is aforeſaid, they ſhall be adjudged void, and of no force in Law. (4) But it is not the meaning of our Lord the King to exclude the Abbots, Priors, and other Religious Aliens by the Ordinances and Statutes aforeſaid, from executing their office of Viſitation in his Kingdom and Dominion: but they may viſit at their pleaſures, by themſelves or other, the Monaſteries and other places in his Kingdom and Dominion in ſubjection unto them, according to the duty of their office, in thoſe things only that belong to regular obſervation, and the diſcipline of their Order.

Abbots aliens may viſit their inferiours in England.

II. Provided, that they which ſhall execute this office of Viſitation, ſhall carry, or cauſe to be carried out of his Kingdom and Dominion, none of the goods or things of ſuch Monaſteries, Priories and Houſes, ſaving only their reaſonable and competent charges.

III. ANd though the publication and open notice of the Ordinances and Statutes aforeſaid was ſtayed in ſuſpence for certain cauſes ſithence the laſt Parliament until this preſent Parliament, holden at Carlile in the Octaves of St. Hillary, in the five and thirtieth year of the reign of the ſame King Edward; to the intent they might proceed with greater deliberation and advice: (2) Our Lord the King, after full conference and debate had with his Earls, Barons, Nobles, and other great men of his Kingdom touching the premiſſes, by their whole conſent and agreement hath ordained and enacted, That the Ordinances and Statutes aforeſaid, under the manner, form and conditions aforeſaid, and from the firſt day of May next enſuing, ſhall be inviolably obſerved for ever, and the offenders of them ſhall be puniſhed as is aforeſaid. St.4 Ed.3.6. St.5 Ed.3.3. St.25 Ed.3. St.6.pag.121.

Stat. Ne Rector proſternat arbores in Cœmiterio, made *Anno* 35 *Ed.*1. and *Anno Dom.*1307.

In what caſes, and by whom Trees may be felled in Church-yards.

1 Roll 233. 2 Rol. 111.

Eccleſ. perſons 34. In what caſes Trees may be felled in Church-yards.

BEcauſe we do underſtand, that controverſies do oft-times grow between Parſons of Churches and their Pariſhioners, touching Trees growing in the Church-yard, both of them pretending that they do belong unto themſelves: (2) We have thought it good rather to decide this controverſie by writing then by Statute; (3) Foraſmuch as a Church-yard that is dedicated, is the ſoil of a Church, and whatſoever is planted belongeth to the ſoil, it muſt needs follow that thoſe Trees which be growing in the Church-yard, are to be reckoned amongſt the goods of the Church, the which Lay-men have no authority to diſpoſe: but as the holy Scripture doth teſtifie, the charge of them is committed only to Prieſts to be diſpoſed of.

Co.l.11.f.49.

II. And yet ſeeing thoſe Trees be often planted to defend the force of the wind from hurting of the Church; We do prohibit the Parſons of the Church, that they do not preſume to fell them down unadviſedly, but when the Chancel of the Church doth want neceſſary reparations. (2) Neither ſhall they be converted to any other uſe, except the body of the Church doth need like repair: (3) In which caſe the Parſons of their charity ſhall do well to relieve the Pariſhioners with beſtowing upon them the ſame Trees: which we will not command to be done, but we will commend it when it is done.

Anno primo *Edwardi* Secundi.

A Statute for Knights, made *Anno* 1 Regis *Edwardi* 2. and *Anno Dom.* 1307.

Cauſes to excuſe a man from undertaking of Knighthood.

Co. Inſt. 2 par. 593.

Knights, Raſt. 1.

OUr Lord the King hath granted, That all ſuch as ought to be Knights, and be not, and have been diſtrained to take upon them the Order of a Knight, within the Feaſt of the

Cauſes to excuſe a man for undertaking of Knighthood.

Nativity of our Lord, ſhall have reſpit to take the foreſaid Arms of a Knight, until the utas of St. Hillary, without occaſion, and after that they ſhall be diſtrained, except they make ſome other mean. (2) Alſo hath granted, that if any will couplain in the Chancery, becauſe he was diſtrained, &c. and hath not twenty pound yearly in fee, or for term of life, and will prove that by the Country, then it ſhall be written unto the more diſcreet and ſage Knights of the Shire to take the ſaid Inquiſition; and if it be tried ſo by the ſame Inqueſt, he ſhall have remedy, and the diſtreſs ſhall ceaſe.

7 H. 6. f. 15. Fitz. Averment 37.

None ſhall be forced to be Knight before he be xxj. years of age. Rep. 17 Car. 1. cap. 20.

II. Alſo if any be impleaded for all his land, or for part of the ſame, ſo that the reſidue be not ſufficient to the value of twenty pound, and can prove the ſame, then the diſtreſs ſhall ceaſe, until the ſame plea be determined. (2) Alſo if any of them be bounden in certain debts ſtalled in the Exchequer at a certain ſum to be received yearly out of his lands, ſo that the reſidue of his lands doth not amount to the yearly value of twenty pounds beſides the ſame ſum, the diſtreſs ſhall ceaſe, until the foreſaid debt be clearly paid. (3) And none ſhall be diſtrained to take upon him the order of a Knight before that he come unto the age of one and twenty years.

A Sokeman.

III. Alſo none by reaſon of any land that he holdeth in Manors, which now are ancient demean of the Crown, as Sokemen, and which lands muſt alſo give tallage when the Kings Demeans are tallied, ſhall be diſtrained to take upon him the Order of a Knight. (2) Alſo of them that hold their lands in Socage, of other Manors than of the Manors of the Crown, doing no foreign ſervice, the Rolls of the Chancery ſhall be ſearched for the times of the Kings Predeceſſors, and it ſhall be done as it hath been uſed to be done.

Clerks within holy Orders. Burgage land. Great age, incurable diſeaſe, charge of children, or of ſuits.

IV. In like manner ſhall be done of Clerks being within holy Orders, holding Lay-fee, which ſhould be Knights if they were Lay. (2) Alſo none ſhall be diſtrained for his Burgage lands, although they do amount to the value of twenty pound yearly or more.

V. Alſo they that ought to be Knights, and be not, which have holden their lands in their hands but a ſmall time, and likewiſe ſuch as ſhould be Knights that do pretend great age, or default of their members, or any other incurable diſeaſe, or charge of their children, or of ſuits, or do alledge ſoch neceſſary excuſes, they ſhall reſort unto Robert Tiptoft, and Anthony de Bark, and ſhall make fine before them, to whom it is enjoyned, that according to their diſcretions they ſhall admit reaſonable fines of all ſuch perſons. Rep. 17 Car. 1. cap. 20.

Stat. De frangentibus priſonam, made *Anno* 1 *Ed.* 2. Stat. 2. and *Anno Dom.* 1307.

In what caſe it is Felony to break Priſon, in what not.

Priſons 5. In what caſe it is felony to break priſon. 3 Inſt. 69, 70.

CONcerning priſoners which break priſon, our Lord the King willeth and commandeth, that none from henceforth that breaketh priſon, ſhall have judgment of life or member for breaking of priſon only, except the cauſe for which he was taken and impriſoned, did require ſuch Judgment, if he had been convict thereupn according to the Law and Cuſtom of the Realm, albeit in times paſt it hath been uſed otherwiſe. Raſt. pla. fo. 247, 340. Co. Inſt. 2 par. 589.

1 H. 7. f. 6. 1 Ed. 3. f. 17. 25 Ed. 3. 42. 1 H. 6. f. 6. 9 E. 4. f. 36. Kel. f. 87. Dyer f. 99. Fitz. Coron. 134. Bro. Coron. 79.

Articuli Cleri made at *Lincoln*, *Anno* 9 *Ed.* 2. and *Anno Dom.* 1306.

THe King to all whom, &c. ſendeth greeting. Underſtand ye, That whereas of late times of our Progenitors ſometimes Kings of England, in divers their Parliaments, and likewiſe after that we had undertaken the governance of the Realm, in our Parliaments many Articles containing divers grievances (committed againſt the Church of England, the Prelates and Clergy) were propounded by the the Prelates and Clerks of our Realm, and further great inſtance was made that convenient remedy might be provided therein. (2) And of late in our Parliament holden at Lincoln the ninth year of our Reign, we cauſed the Articles underwritten, with certain anſwers made to ſome of them heretofore to be rehearſed before our Council, and made certain anſwers to be corrected; and to the reſidue of the Articles underwritten, anſwers were made by us and our Council: Of which ſaid Articles, with the anſwers of the ſame, the tenors here enſue.

CAP. I.

No Prohibition ſhall be granted where Tithes be demanded, but where mony for them.

Prohibition 1. No Prohibition ſhall be granted but where mony for them.

FIrſt, whereas lay-men do purchaſe Prohibitions generally, upon Tithes, Obventions, Oblations, Mortuaries, redemption of Penance, violent laying hands on Clerks or Converts; and in caſes of defamation, in which caſes, Canonical Penance ought to be enjoyned: (2) The King doth anſwer to this Article, That in Tithes, Oblations, Obventions, Mortuaries, (when they are propounded under theſe names) the Kings prohibition ſhall hold no place, although for the long withholding of the ſame, the mony may be eſteemed at a ſum certain. (3) But if a Clerk or a Religious man do ſell his Tithes being gathered in his Barn, or otherwiſe, to any man for mony, if the mony be demanded before a Spiritual Judge, the Kings prohibition ſhall lie; for by the ſale, the ſpiritual goods are made temporal, and the Tithes turned into Chattels. Regiſt. fo. 34, 36. V. N. B. fo. 30, 32. Fitz. N. B. fo. 40, 50, &c. & Raſt. pla. fo. 484, &c, Co. Inſt. 2 par. 619.

2 H. 5. f. 10. 8 Ed. 4. f. 13. Fitz Prohib. 18, 20, 27. Cro. El. 753. 13 Co. 41. 12 Co. 29.

CAP. II.

Debate upon the right of Tithes exceeding the fourth part. Enjoyning Penance corporal or pecuniary.

Prohibition 2. Debate of the right of Tithes coming to the fourth part. Regiſt. fo. 45, 50. V. N. B. fo. 32. F. N. B. f. 30, 42.

ALſo if debate do ariſe upon the right of Tithes, having his original from the right of the Patronage, and the quantity of the ſame Tithes do come unto the fourth part of the goods of the Church; the Kings prohibition ſhall hold place, if the cauſe come before a Judge Spiritual. (2) Alſo if a Prelate enjoyn a Penance pecuniary to a man for his offence, and if it demanded, the Kings prohibition ſhall hold place. (3) But if Prelates enjoyn a Penance corporal, and they which be ſo puniſhed will redeem upon their own accord, ſuch Penances by mony, if mony be demanded before a Judge Spiritual, the Kings prohibition ſhall hold no place.

31 H. 6. f. 13. 28 H. 6. f. 20. 12 Ed. 4. f. 13. Co. Inſt. 2 par. 619.

Enjoyning Penance coporal or cuniary. Regiſt. fo. 35. F. N. B. fo. 53. Co. pl. fo. 465.

CAP.

CAP. III.

Laying violent hands upon a Clerk. Excommunication for Penance corporal.

Moreover, if any lay violent hands on a Clerk, the amends for the peace broken ſhall be before the King, and for the Excommunication before a Prelate, that Penance corporal may be enjoyned; which if the offendor will redeem of his own good will, by giving mony to the Prelate, or to the party grieved, it ſhall be required before the Prelate, and the Kings prohibition ſhall not lie. Co.Inſt.2 par.620.

Laying violent hands upon a Clerk. Regiſt. fo.51, 52,57. V.N B. fo.52. fo. 53.A. Raſt.pl.f. 483.

CAP. IV.

Prelates may correct for Defamation.

Co l.4 f.20. Bro. Action ſur caſe 15. Co. Inſt. 2 par. 626.

In Defamations alſo Prelates ſhall correct in manner aboveſaid, the Kings prohibition notwithſtanding, firſt injoyning a Penance corporal, which if the offendor will redeem, the Prelate may freely receive the mony, though the Kings prohibition be ſhewed. Regiſt.fo.45,49. F.N.B.fo.52.M.53 A. Raſt.pla.fo.478,&c.

Prohib. 3. Defamation.

CAP. V.

No Prohibition where Tithe is demanded of a new Mill.

Co. Inſt. 2 par. 621. 1 Roll 405. 2 Roll 84. March 15.

Alſo if any do erect in his ground a Mill of new, and after the Parſon of the ſame place demandeth Tithe for the ſame, the Kings prohibition doth iſſue in this form: Quia de tali Molendino hactenus Decimæ non fuerunt ſolutæ, prohibemus,&c. Et ſententiam Excommunicationis, ſi quam hac occaſione promulgaveritis, revocetis omnino. (2) The Anſwer. In ſuch caſe the Kings prohibition was never granted by the Kings aſſent, nor never ſhall, which hath decreed that it ſhall not hereafter lie in ſuch caſes.

Prohib. 6. No prohibition where Tithe is granted for a new Mill.

CAP. VI.

Where a Suit for one Offence may be proſecuted both in Court ſpiritual and temporal.

Co. Inſt. 2 par. 622. Co.l.4.f.16, 20.

Alſo if any cauſe or matter, the knowledge whereof belongeth to a Court ſpiritual, and ſhall be definitively determined before a ſpiritual Judge, and doth paſs into a Judgment, and ſhall not be ſuſpended by an Appeal; and after, if upon the ſame thing a queſtion is moved before a temporal Judge between the ſame parties, and it be proved by witneſs or inſtruments: Such an Exception is not to be admitted in a temporal Court. (2) The Anſwer. When any one caſe is debated before Judges ſpiritual or temporal, as above appeareth, (upon the caſe of laying violent hands on a Clerk) it is thought, that notwithſtanding the ſpiritual Judgment, the Kings Court ſhall diſcuſs the ſame matter as the party ſhall think expedient for himſelf.

Prohib. 3. Where a ſuit may be commenced both in a ſpiritual and temporal Court. Raſt.pl. fo.488.

CAP. VII.

In what only caſe the Kings Letters ſhall be ſent to diſcharge an Excommunicate.

5 Ed. 3.f.8. Co l.8.f.68. 9 H.7.f.21. 10 H.7.f.9. 3 H.4.f.3. 14 H.4.f.14.

Alſo the Kings Letter directed unto Ordinaries, that have wrapped thoſe that be in ſubjection unto them in the ſentence of Excommunication, that they ſhould aſſoil them by a certain day, or elſe that they do appear, and ſhew wherefore they have excommunicated them. (2) The Anſwer. The King decreeth, that hereafter no ſuch Letters ſhall be ſuffered to go forth, but in caſe where it is found that the Kings liberty is prejudiced by the Excommunication. St.5 El.23. Regiſt.fo.63. V.N.B.fo.33,35. F.N.B.fo.62,&c. Co.Inſt.2 par.262.

Excommengement, Raſt. 2. The Kings Letter ſent to diſcharge one excommunicate.

CAP. VIII.

Clerks in the Kings ſervice ſhall be diſcharged of their reſidence: but ſhall be corrected by the Ordinary.

Co. Inſt. 2 par.623.

Alſo Barons of the Kings Exchequer claiming by their priviledge, that they ought to make anſwer to no complainant out of the ſame place, extend the ſame priviledge unto Clerks aviding there, called to Orders or unto reſidence, and inhibit Ordinaries that by no means, or for any cauſe, (ſo long as they be in the Exchequer, or in the Kings ſervice) they ſhall not call them to Judgment. (2) The Anſwer. It pleaſeth our Lord the King, that ſuch Clerks as attend in his ſervice, if they offend, ſhall be correct by their Ordinaries, like as other: but ſo long as they are occupied about the Exchequer, they ſhall not be bound to keep reſidence in their Churches. (3) This is added of new by the Kings Council. The King and his Anceſtors ſince time out of mind have uſed that Clerks which are imployed in his ſervice, during ſuch time as they are in ſervice, ſhall not be compelled to keep reſidence at their Benefices. (4) And ſuch things as be thought neceſſary for the King and the Commonwealth, ought not to be ſaid to be prejudicial to the liberty of the Church.

Ecclef.perſon 21. Priviledge of the Exchequer. Clerks in the Kings ſervice ſhall be correct by their Ordinaries. Clerks in the Kings ſervice not bound to reſidence. Regiſt. fo.58.

CAP. IX.

Diſtreſſes ſhall not be taken in the High-ways, nor in the ancient Fees of the Church.

Co. Inſt. 2 par.127.

Alſo the Kings Officers, as Sheriffs and other, do enter into the Fees of the Church to take Diſtreſſes, and ſometime they take the Parſons beaſts in the Kings high-way, where they have nothing but the land belonging to the Church. (2) The Anſwer. The Kings pleaſure is, that from henceforth ſuch Diſtreſſes ſhall neither be taken in the Kings high-way nor in the Fees wherewith Churches in times paſt have been indowed, nevertheleſs he willeth Diſtreſſes to be taken in poſſeſſions of the Church, newly purchaſed by Eccleſiaſtical perſons. Regiſt.fo.98,183. F.N.B.fo.173,174.A.

Diſtreſſes 5. Diſtreſſes ſhall not be taken in the high-way, nor in the ancient fees of the Church. St. 52 H.3.15

CAP. X.

They that abjure the Realm, ſhall be in peace, ſo long as they be in Church or High-way.

Co. Inſt. 2 par.628.

Alſo where ſome flying unto the Church, abjure the Realm, according to the cuſtom of the Realm, and lay-men or there enemies do purſue them, and pluck them from the Kings high-way, and they are hanged or headed; and whilſt they be in the Church, are kept in the Church-yard with armed men; and ſometime in the Church ſo ſtraitly, that they cannot de-

Abjuration, Raſt.3.

They that abjure the Realm, ſhall be in peace whilſt they be in the Church, or in the Highway. Rep. 1 Jac.25. & 21 Jac.28.

Bro.Eſcape 46.

part from the hallowed ground to empty their belly, and cannot be ſuffered to have neceſſaries brought unto them for their living. (2) The Anſwer. They that abjure the Realm, ſo long as they be in the common way, ſhall be in the Kings peace, nor ought to be diſturbed of any man; and when they be in the Church, their Keepers ought not to abide in the Churchyard, except neceſſity or peril of eſcape do require ſo. (3) And ſo long as they be in the Church, they ſhall not be compelled to flee away, but they ſhall have neceſſaries for their living, and may go forth to empty their belly. (4) And the Kings pleaſure is, that Thieves or Appellors (whenſoever they will) may confeſs their offences unto Prieſts: but let the Confeſſors beware that they do not erroneouſly inform ſuch Appellors. Raſt.pla.fo.532.

CAP. XI.

Religious Houſes ſhall not be charged by compulſion, with Corodies, Penſions, Reſort, or taking of their Horſes or Carts.

Monaſteries Raſt.3.

Co. Inſt. 2 par. 629.

ALſo it is deſired, that our Lord the King, and the Great men of the Realm, do not charge Religious Houſes or Spiritual Perſons for corodies, penſions, or ſojourning in Religious Houſes, and other places of the Church, or with taking up horſe or carts, whereby ſuch Houſes are impoveriſhed, and Gods Service diminiſhed, and by reaſon of ſuch charges, Prieſts and other Miniſters of the Church deputed unto Divine Service are oftentimes compelled to depart from the places aforeſaid. (2) The Anſwer. The Kings pleaſure is, that upon the contents of their petition, from henceforth they ſhall not be unduly charged. (3) And if the contrary be done by great men or other, they ſhall have remedy after the form of the Statutes made in the time of King Edward, Father to the King that now is. And like remedy ſhall be done for corodies and penſions exacted by compulſion, whereof no mention is made in the ſaid Statutes. Raſt.pla.373.

Religious houſes ſhall not be charged with penſions, reſort, or purveyors. St.3 Ed. 1. 1.

CAP. XII.

A Clerk excommunicate may be taken out of the Pariſh where he dwelleth.

Excommengement 11. A Clerk excommunicate may be taken out of the Pariſh where he dwelleth.

Co. Inſt. 2 par. 632.

ALſo if any of the Kings tenure be called before their Ordinaries out of the Pariſh where they continue: If they be excommunicate for their manifeſt contumacy, and after forty days a Writ goeth out to take them, they pretend their priviledge that they ought not to be cited out of the Town and Pariſh where their dwelling is; And ſo the Kings Writ that went out for to take them is denied. (2) The Anſwer. It was never yet denied, nor ſhall be hereafter.

CAP. XIII.

The Examination of a Parſon preſented to a Benefice belongeth to a Spiritual Judge.

Eccleſ. perſons 3. The Examination of a Clerk belongeth to a ſpiritual Judge.

Co. Inſt. 2 par. 631. Co. Inſt. 3 par. 203. 12 Co. 67.

ALſo it is deſired, that Spiritual perſons, whom our Lord the King doth preſent unto Benefices of the Church (if the Biſhop will not admit them either for lack of learning, or for other cauſe reaſonable) may not be under the examination of Lay perſons in the caſes aforeſaid, as it is now attempted contrary to the Decrees Canonical, but that they may ſue unto a ſpiritual Judge for remedy as right ſhall require. (2) The Anſwer. Of the ability of a Parſon preſented unto a Benefice of the Church, the Examination belongeth to a Spiritual Judge, and ſo it hath been uſed heretofore, and ſhall be hereafter. Regiſt.fo.53. F.N.B.f.35.1 Raſt. pla.fo.497, &c.

Co.li.5.f.57. Dyer fo.27.

CAP. XIV.

There ſhall be free Election of Dignities of the Church.

Corporat.27. Free election. St. 3 Ed. 1. 5.

Co. Inſt. 2 par. 632. 1 Roll. 103.

ALſo if any Dignity be vacant, where Election is to be made, it is moved that the Electors may freely make their Election without fear of any power Temporal, and that all prayers and oppreſſions ſhall in this behalf ceaſe. (2) The Anſwer. They ſhall be made free according to the form of Statutes and Ordinances.

CAP. XV.

A Clerk, fleeing into the Church for Felony, ſhall not be compelled to abjure.

Clergy Raſt.2. A Clerk fleeing to the Church for Felony, ſhall not be compelled to abjure.

Co. Inſt. 1 par. 639.

MOreover, though a Clerk ought not to be judged before a temporal Judge, nor any thing may be done againſt him that concerneth life or member; nevertheleſs temporal Judges cauſe that Clerks, fleeing unto the Church, and peradventure confeſſing their offences, do abjure the Realm, and for the ſame cauſe admit their Abjurations, although hereupon they cannot be their Judges: and ſo power is wrongfully given Lay perſons to put to death ſuch Clerks, if ſuch perſons chance to be found within the Realm after their Abjuration; the Prelates and Clergy deſire ſuch remedy to be provided therein, that the immunity or priviledge of the Church, and Spiritual perſons may be ſaved and unbroken. (2) The Anſwer. A Clerk fleeing to the Church for Felony, to obtain the priviledge of the Church, if he affirm himſelf to be a Clerk, he ſhall not be compelled to abjure the Realm; but yielding himſelf to the Law of the Realm, ſhall enjoy the priviledge of the Church, according to the laudable cuſtom of the Realm heretofore uſed. Stat.1 Jac.25. Stat.21 Jac.28.

Co.l.5. f.15.

Alt.28 H.8.c.1.

CAP. XVI.

The Priviledge of the Church, being demanded by the Ordinary, ſhall not be denied to a Clerk that hath confeſſed Felony.

Clergy, Raſt.4. The priviledge of the Church being demanded by the Ordinary, ſhall not be denied to a Clerk that hath confeſſed Felony.

Co. Inſt. 1 par. 637.

ALſo notwithſtanding that a Confeſſion made before him that is not lawful Judge thereof is not ſufficient whereon Proceſs may be awarded, or Sentence given; yet ſome temporal Judges (though they have been inſtantly deſired thereto) do not deliver to their Ordinaries according to the premiſſes, ſuch Clerks as confeſs before them their heinous offences, as Theft, Robbery and Murther, but admit their Accuſation, which commonly they call an Appeal, albeit to this reſpect they be not of their Court, nor can be judged or condemned before them upon their own confeſſion, without breaking of the Churches Priviledge. (2) The Anſwer. The Priviledge of the Church being demanded in due form by the Ordinary, ſhall not be denied unto the Appealor as to a Clerk: (3) We deſiring to provide for the ſtate of holy Church of England, and for the tranquility and quiet of the Prelates and Clergy aforeſaid, as far forth as we may lawfully do to the honour of God, and emendation of the Church, Prelates, and Clergy of the ſame: ratifying, confirming, and approving all and every of the Articles aforeſaid, with all and every of the Anſwers made and contained in the ſame, do grant and command them to be kept firmly, and obſerved for ever; (4) willing and granting for us and our heirs, that the foreſaid Prelates and Clergy and their Succeſſors ſhall uſe, execute and practiſe for ever the Juriſdiction of the Church in the premiſſes; after the tenure of the Anſwers aforeſaid, without quarrel, inquieting or vexation of us or of our heirs, or any of our Officers whatſoever they be, T.R. at York, xxiv. day of November, in the tenth year of the Reign of King Edward, the Son of King Edward.

The Statute of Sheriffs made at *Lincoln*, *Anno* 9 *Ed*.2. St.2. & *Anno Dom.* 1315.

Sheriffs ſhall be aſſigned by the Chancellor, &c. A Sheriff muſt have ſufficient in the ſame County, and not be Bailiff, &c. to any. Bailiffs of Hundreds ſhall have ſufficient in the ſame Shire.

Cro.Car.13.

Sheriffs 1. Hob.146, 214.

Who ſhall aſſign Sheriffs. St. 28 Ed. 1.8, 13. St. 14 Ed. 3, 7. Raſt.pla.f.202.

Who ſhall be Sheriffs, and of what eſtate they ſhall be. St.4 Ed. 3.9. St 5 Ed. 3.4. Stat.14 Ed. 3.7

Who ſhall have the keeping of Hundreds. Regiſt. fo. 178. F.N.B. fo. 164.

By whom Execution of Writs ſhall be done. St.13 Ed.1.39

FOraſmuch as our Lord the King Edward, Son to King Eward, at his Parliament holden at Lincoln in quindena Hillarii, in the ninth year of his Reign, by the information of his Prelates, Earls, Barons, and other great men of the Realm, being ſummoned to the ſame Parliament, and alſo by the grievous complaint of the people, did perceive great damage to be done to him, and great oppreſſions and diſheritances to his people, by reaſon unſufficent Sheriffs and Hundreders have been before this time, and yet be in the Realm: (2) Our Lord the King, intending to eſchew ſuch evil oppreſſions, and diſheritances, by the aſſent of the Prelates, Earls, Barons, and other great eſtates aforeſaid, hath ordained and eſtabliſhed in the ſaid Parliament, that the Sheriffs from henceforth ſhall be aſſigned by the Chancellor, Treaſurer, Barons of the Exchequer, and by the Juſtices. (3) And in the abſence of the Chancellor, by the Treaſurer, Barons, and Juſtices. (4) And that none ſhall be Sheriff, except he have ſufficient Land within the ſame Shire where he ſhall be Sheriff, to anſwer the King and his people: (5) And that none that is Steward or Bailiff to a great Lord ſhall be made Sheriff, except he be out of ſervice, ſo that he may attend to execute the Office of a Sheriff for the King and his people. (6) And in like manner it is agreed and eſtabliſhed, that Hundreds, whether they belong to the King or to other, ſhall be kept by convenient and able perſons, that have ſufficient Land within the ſame Hundred or Shire where the Hundred is: And that the Chancellor, Treaſurer, Barons, and Juſtices ſhall do and aſſign in manner aforeſaid, without having other regard. (7) And if any Sheriffs or Hundreders be unſufficient at this time, they ſhall be removed, and other more convenient put in their rooms. (8) And that ſuch Hundreds be leaſed and bailed to ſuch perſons for a reaſonable Rent, ſo that they need not to uſe extortion upon the people by reaſon of too outragious ferm. (9) And that no Sheriff nor Hundreder ſhall leaſe his office to any other in ferm or otherwiſe. (10) And that the Execution of Writs that come to the Sheriffs, ſhall be done by the Hundreders ſworn and known in the full County, and not by other, if it be not the open default, or notorious diſturbance of the Hundreders: and then Execution ſhall be done by other perſons meet and ſworn, ſo that the people may know to whom to uſe ſuch Executions: ſaving always the Returns of Writs to them that have them, or ought to have them. 14 Car.2.ca.21.

The Statute of Gavelet made at *London*, *Anno* 10 *Ed*. 2. & *Anno Dom.* 1316.

The Lords of Rents in *London* may recover them by a Writ of Gavelet, and in default thereof, the Lands in demeſne.

Fleta.2.ca. 55. B.118. ſect. 2.

London, Raſt. 1. Lords of Rents in London may recover them by a Writ of Gavelet, and in default thereof, the Lands in demeſne.

Forſchooke.

IT is provided by our Lord the King and his Juſtices, and alſo granted unto the Citizens of London, that Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, and other that have rents in London, and for ſome tenements the rents are behind, and cannot recover thoſe rents, that it ſhall be lawful for them to diſtrain their tenants for their arrearages, ſo long as any thing is found in the fee, whereby they may be diſtrained; (2) and if they have nothing in the fee whereby they may be diſtrained, then the Tenants ſhall be impleaded by a writ of Gavelet of cuſtoms and ſervices, which may be well done by the freemen of their City preſented in their Huſtings, for the keeping of their ſuit, to gather their rents; ſo that if the tenants do acknowledge their ſervice, they ſhall preſently, and without delay, ſatisfie their Lords of their arrearages. (3) And if they deny them their ſervices, the demandants ſhall immediately name two witneſſes, whoſe names ſhall be inrolled, and ſhall have day to bring them forth at the next Huſtings; (4) at which day, if they bring forth witneſſes, and it is ſhewed by them in the full Court of their own ſight and hearing, that the ſame plaintiffs have any time received the rents which they demand of the tenements, then the tenants ſhall leeſe their fees by award of the Court, and the plaintiffs ſhall recover their tenements in demean. (5) If they will not acknowledge the ſervices unto their Lords, as before is ſaid, and likewiſe the arrearages, then the arrearages, by judgment of the Court, ſhall be doubled, and they ſhall give to the Sheriff for the wrongful witholding (if they be worth ſo much) C. s. without any difficulty. (6) And if they do not come in after due ſummons in the Huſtings, then the ſame fees ſhall be delivered unto the plaintiffs in the full Huſtings, to be holden in their own hands for one year and a day; (7) within which time, if the tenants do come unto them, and do offer to ſatisfie them of the arrearages double, and to the Sheriff for his amerciament, as before is ſaid then they ſhall have their tenements again. (8) But if after one year and a day accompliſhed ſuch tenements ſhall remain unto the Lords of thoſe fees by judgment of the Court in their demean for ever. (9) And then ſuch Lands ſhall be called forſchoke, becauſe ſuch tenements ſhall remain for ever in demean to the Lords of the fees for default of the ſervice. (10) The ſame Ordinance ſhall be kept and obſerved if the tenants do knowledge the arrerages, and be not able to make ſatisfaction therefore, as it is ſaid before.

The

The Statute of *York*, made the twentieth of *October*, *Anno* 12 *Ed.* 2. & *An. Dom.* 1318.

FOraſmuch as divers people of the Realm of England and Ireland have heretofore many times ſuffered great miſchiefs, damage and diſheriſons, by reaſon that in ſome caſes where the Law failed no remedy was ordained; (2) and alſo foraſmuch as ſome points of the Statute heretofore made had need of expoſition: (3) our Lord King Edward, Son to King Eward, deſiring that full right be done to his people, at his Parliament holden at York, the third week after the Feaſt of S. Michael, the twelfth year of his Reign, by the Aſſent of Prelates, Earls, Barons, and the Commonalty of his Realm there aſſembled, hath made theſe Acts and Statutes here following, the which he willeth to be ſtraitly obſerved in his ſaid Realm and Land.

CAP. I.

Tenants in Aſſiſe of Novel diſſeiſin may make Attornies.

Attorny 3. Tenants in Aſſiſe may make Attornies. Regiſt. 10. 198. Raſt. pla. fo. 58. F.N.B. fo. 25. **Pleading by Bailiffs.**

FIrſt, for divers miſchiefs that have been becauſe tenants in Aſſiſe of Novel diſſeiſin might not make Attornies heretofore: (2) It is agreed that the Tenants in Aſſiſe of Novel diſſeiſin from henceforth may make Attornies: (3) Yet the King intendeth not hereby that the tenants and defendants in Aſſiſes of Novel diſſeiſin ſhould not plead by Bailiffs, if they will as they have uſed to do heretofore.

Bro. Aſſ. 413. 40 Ed 3. 17. Bro. Aſſ. 41, 86, 108, 122, 130, 158, 174, 226, 322, 345, 383, 426.

CAP. II.

Proceſs againſt the Witneſſes to prove a Deed denied.

Witneſs 2. Proceſs againſt witneſs to prove a Deed denied. Regiſt. jud. f. 6, 7, 56, 58. F.N.B. fo. 106. h. Raſt. pla. f. 76, 252, 340.

ALſo it is agreed, that when a Deed, Releaſe, Acquittance, or other Writing is denied in the Kings Court wherein witneſſes be named, Proceſs ſhall be awarded to cauſe ſuch witneſſes to appear, as before hath been uſed, ſo that if none of them come at the great Diſtreſs returned, or if it be returned, that they have nothing, or that they cannot be found, yet the taking of the Inqueſt ſhall not be deferred by the abſence of ſuch witneſſes. (2) And if the witneſſes do come in at the great Diſtreſs, and the Inqueſt for ſome cauſe remaineth untaken, the witneſſes that come in ſhall have like day given them as is aſſigned for the taking of the Inqueſt: (3) at which day, if the witneſſes do not appear, the iſſues that were returned upon them ſhall be forfeit: (4) and the taking of the Inqueſt ſhall not be deferred becauſe of their abſence. (5) And for abſence of witneſſes dwelling within Franchiſes, where the Kings Writ original doth not lie, the taking of an Inqueſt ſhall not be omitted.

4 H. 7. f. 8. 22 Aſſ. pl. 15. 11 Aſſ. Pl. 19. 2 H. 4. f. 21. Fitz. Verdict, 39. Fitz. proceſs, 15, 17, 24, 29, 126, 141, 151, 181, 182, 185. 1 Inſt. 6.

CAP. III.

Inqueſt and Juries touching plea of Land ſhall be taken by Niſi prius.

Niſi prius 2. St. 13 Ed. 1. 30. St. 27 Ed. 1. 4. **Enqueſts and Juries touching plea of land ſhall be taken by** Niſi prius. St. 14 E. 3. 16. Regiſt. jud. f. 7, 28. V.N.B. fo. 175. F.N.B. fo. 204. E.

AND where it is contained in a Statute made at Weſtminſter the ſecond day of April, in the xxvij. year of the reign of the Kings Father that now is, that Inqueſts and Recognizances taken before Juſtices of the one Bench and of the other, ſhould be taken before any Juſtice of the places, accompanied with ſome great Knight of the Shire where ſuch Inqueſts hap to be taken, if they have not need of great examination. (2) And that in ſuch Inqueſts the Juſtices ſhall do as they think moſt expedient for the wealth of the Realm, the which Statute needeth to be better declared: (3) It is agreed, that Inqueſts and Juries that be and ſhall be taken in pleas of land, that require not great examination ſhall be taken in the Country before a Juſtice of the place where the plea is, accompanied with a ſubſtantial man of the Country, Knight or other, ſo that a certain day be given in the Bench, and a certain day and place in the Country in the preſence of the parties, if the demandant requeſt it. (4) And alſo the Inqueſts and Juries, in pleas of land that require great examination, ſhall be taken in the Country (in the manner above ſaid) before two Juſtices of the Bench.

2 Roll. 364. 2 Roll. 182. Savil. 2. 1 Inſt. 6.

CAP. IV.

Juſtices of Niſi prius ſhall record Nonſuits, Defaults, &c.

Raſt. pla. f. 437. Niſi prius 2. **Juſtices of** Niſi prius **ſhall record Non-ſuits and defaults whereupon judgment ſhall be given** F.N.B. fo. 240. E. St. 14 Ed. 3. 16. St. 13 Ed. 1. 30.

AND the Juſtices or the Juſtice ſhall have power to record non-ſuits and defaults in the Country, at the days and places aſſigned, as afore is ſaid. (2) And that which they ſhall have done in the things above mentioned, ſhall be reported in the Bench at a day certain, there to be inrolled, and thereupon judgment ſhall be given. (3) And the King intendeth, not that the ſaid Inqueſts and Juries ſhould not be taken in the Bench if they come, nor that this Statute ſhould extend unto great Aſſiſes. (4) Alſo one Juſtice of the one place and of the other being aſſociate with a diſcreet man of the Country, Knight, or other, at the requeſt of the plaintiff, ſhall take Inqueſt upon pleas pleaded and to be pleaded, that be moved by attachment and diſtreſs, and ſhall have power to record nonſuits as above is ſaid, and to take Inqueſts upon defaults there made. (5) And as to the Inqueſts to be taken upon writs of Quare impedit, it ſhall be done as is contained in the Statute of Weſtminſter the ſecond; and the Juſtices ſhall have power to record nonſuits and defaults in the Countrey, and to give judgment thereupon, as they do in the Bench, and there to report that which they have done, and there to be inrolled. *(6)* And if it happen that the Juſtice or Juſtices that ſhall be aſſigned to take ſuch Inqueſts in the Country do not come, or if they come into the Country at the day aſſigned, yet the parties and perſons of ſuch Inqueſts ſhall keep their day in the Bench.

Dyer. f. 163. 12 Co. 25.

CAP. V.

An Indenture ſhall be made between the Sheriff and Bailiff of Liberty, of every return.

Returns 7. An Indenture ſhall be made between the Sheriff and Bailiff of Franchiſe of every return. 1 Bulſtr. 73.

AND becauſe it is many times complained in the Kings Court upon returns, that Bailiffs of Franchiſes (having full power to return the Kings writs) have delivered to Sheriffs, that have been after charged, and otherwiſe returned into the Kings Court, to the great damage of ſome of the parties, and the delay of the right: (2) It is agreed, that of Returns which hereafter ſhall be delivered to the Sheriffs by Bailiffs of ſuch Franchiſes, an Indenture ſhall be made between the Bailiff of the Franchiſe by his proper name, and the Sheriff by his proper name. (3) And if any Sheriff change the return ſo delivered to him by Indenture, and be thereof convict at the ſuit of the Lord of the Franchiſe, of whom he received the return, if the Lord have had any damage, or if his Franchiſe be imblemiſhed, and at the ſuit of the party that hath ſuſtained loſs through that occaſion, he ſhall be puniſhed by the King

5 Co. 41. 2 Roll. 121. 209, 210. Cro. El. 124, 539, 767, 793. Cro. Car. 189.

for

Bro. Return de Brief 81. Bro. Scire fac. 253.

for his falſe return, and ſhall yield unto the Lord and to the party double damages. (4) Alſo it is agreed, that from henceforth Sheriffs, and other Bailiffs that receive the Kings writs returnable in his Court, ſhall put their own names with the returns, ſo that the Court may know of whom they took their returns, if need be. (5) And if any Sheriff or other Bailiff leave out his name in his returns, he ſhall be grievouſly amerced to the Kings uſe.

Sheriffs and Bailiffs ſhall ſet their names to their returns.

CAP. VI.

No Officer of a City or Borough ſhall ſell Wine or Victuals during his Office.

Alſo to the common profit of the people, it is agreed, that no Officer in City or in Borough, that by reaſon of his office ought to keep Aſſiſes of Wines and Victuals, ſo long as he is attendant to that Office, ſhall not Merchandiſe for Wines and Victuals, neither in groſs nor by retail. (2) And if any do, and be thereof convict, the Merchandiſe whereof he is convict, ſhall be forfeit to the King, and the third part thereof ſhall be delivered to the party that ſued the offender, as the Kings gift: (3) and in ſuch caſe he that will ſue for a thing ſo forfeited, ſhall be received, (4) and the Chancellor, Treaſurer, Barons of the Exchequer, Juſtices of either Bench, the Juſtices aſſigned to take Aſſiſes, ſhall admit ſuch Plaints by Writs, and without Writs, and ſhall determine them, and ſhall perform all things contained in theſe Articles, in form above-ſaid, (5) and nevertheleſs, the King may aſſign his Juſtices to execute this thing in Cities and Boroughs, when and where it pleaſeth him, Regiſt. f.184. V.N.B. f.172. Raſt.pla. f.686.

Victuals 5. No Officer of City or Borough ſhall ſell any victual during his office. St.6 R.2.9. St.5 H.8.8.

The Statute of Eſſoins made *Anno* 21 *Ed.* 2. St. 2. & *Anno Dom.* 1318.

Several caſes wherin Eſſoins do not lie.

Fitz. Eſſoin, 3,99,135. Co.l.9. f.15. Fitz. Eſſoin, 11,40,42. 153. Fitz. Eſſoin, 5,7,36. Cor.Car.341 Fitz. Eſſoin 15,25,30, 31,52,57. Fitz E.9,114. Fitz. Eſſoin, 3.138. Fitz. Eſſ. 2. 61, 86. Fitz. Eſſ. 120.

Heere is declared how many ways Eſſoins may be challenged, and in what caſes Eſſoins do lie, and in what not: that is to ſay, an Eſſoin lieth not where the Land is taken into the Kings hands. (2) Eſſoin lieth not where the party is diſtrained by his Lands. (3) Eſſoin lieth not where any Judgment is given thereupon, if the Jurors do come. (4) Eſſoin lieth not where the party was ſeen in the Court. (5) Eſſoin of ultra mare lieth not where another time the party hath been Eſſoined de Malo veniendi. (6) It lieth not where the party hath Eſſoined himſelf another day. (7) It lieth not where the Sheriff was commanded to make the party to appear. (8) Eſſoin de Servitio Regis lieth not where the party is a woman, unleſs becauſe ſhe be nurſe, a midwife, or commanded by writ ad ventrem inſpiciendum. (9) It lieth not in a Writ of Dower, becauſe it ſeemeth to be but a deceit and a delay of right. (10) It lieth not for that the Plaintiff hath not found pledges to proſecute the ſuit. (11) It lieth not where the Attorny was eſſoined. (12) It lieth not where the party hath an Attorny in his ſuit. (13) It lieth not where the Eſſoinor confeſſeth that he is not in our Lord the Kings ſervice. (14) It lieth not where the ſummons is not returned, or the party not attached, for that the Sheriff hath returned non eſt inventus. (15) It lieth not where the party another time was eſſoined de Servitio Regis, that is to wit, ſuch a day, and now he hath not put in his Warrant. (16) It lieth not where he was reſummoned in aſſiſe of Mortdanceſtor, or Darrein preſentment. (17) It lieth not becauſe ſuch a one is not named in the Writ. (18) It lieth not where the Sheriff hath a precept to diſtrain the party to come by his lands and goods. (19) It lieth not where ſuch a Biſhop was commanded to cauſe the party to appear. (20) It lieth not for that the term is paſſed. (21) And it is to be noted, that an Eſſoin de Servitio domini Regis, is allowed after the grand cape, pety cape, and after diſtreſſes taken upon the lands and goods. St. 3 Ed.1.41,43. St. 6 Ed. 1.10. St. 13 Ed.1.12.17.27 St. 52 H. 3.13 Regiſt. f. 8. F.N.B. f. 17, H. 99 I. Raſt. pla. f. 317, &c.

Eſſoin 9. In what caſes an Eſſoin doth lie and in what not.

The Statute of *Carliſle*, made *Anno* 15 *Ed.* 2. & *Anno Dom.* 1322.

The Conuſor of a Fine ſhall come perſonally before the Juſtices. Where a Commiſſion ſhall be awarded to take a fine. Who may admit Attorneys. Vet. magn. Chart. 94. b.

Bro. Fines 117, 120.

The King unto the Juſtices of his bench, greeting. Whereas of late we have ordained that all ſuch fines as are to be levied in our Court, be lawfully levied, which we will in no wiſe to be infringed or to be adnulled of their whole power: (2) we have ſent unto you our mind in writing firmly to be obſerved: that is to wit, that as well the parties demandant or plaintiff, as the tenants or defendants that will yield or acknowledge their right of lands or tenements unto other in pleas of Warrantia Chartæ, covenant, and other whereupon fines are to be levied afore you, before ſuch fines do paſs, the parties ſhall appear perſonally, ſo that there their age, idiocy, or any other default (if any be) may be judged and diſcerned by you. (3) Provided notwithſtanding, That if any perſon be by age or impotence decrepit, or by caſualty ſo oppreſſed and witholden, that by no mean he is able to come before you in our Court, then in ſuch caſe we will that two or one of you by aſſent of the reſidue of the bench, ſhall go unto the party ſo diſeaſed, and ſhall receive his cognizance upon that plea, and form of plea that he hath in our Court, whereupon the ſame fine ought to be levied. (4) And if there go but one, he ſhall take with him an Abbot, a Prior or a Knight, a man of good fame and credit, and ſhall certifie you thereof by the Record; ſo that all things incident to the ſame fine being examined by him or them, the ſame fines, according to our former Ordinance may be lawfully levied: (5) and we will not that any of our Barons of the Exchequer or our Juſtices, ſhall admit any Attorneys, but only in pleas that paſs afore them in the Benches and in places where they be aſſigned by us. (6) And the ſame power of admitting Attorneys, we prohibit and deny to the Clerks and Servants of the ſaid Barons and Juſtices. (7) And do ordain, That if any Attorneys be admitted hereafter by any of the perſons aforeſaid, their admiſſion ſhall be of none effect. (8) Reſerved alway to the Chancellor for the time being, his authority in admitting Attorneys, according to whoſe

Fines 1. St.18 Ed. 1. The Conuſor of a fine ſhall come perſonally before the Juſtice, that his defects may be diſcerned. Raſt.pla. f.349, &c. A Commiſſion to take a fine. F.N.B.fo.146.g. Who may allow Attorneys in every Court. Regiſt. f. 9.20, 26. Raſt.pl.fo. 96. The Lord Chancellor and chief Juſtices may admit Attorneys.

diſcretion they ſhall be admitted, (9) and to our chief Juſtices, as heretofore hath been obſerved in the admiſſion of Attorneys, (10) We will alſo that this our ordinance ſhall take effect and begin at the utas of the Trinity next enſuing. Given at our Parliament at Carlile, the xv. year of our Reign,

---

Prerogativa Regis, made *Anno* 17 *Ed.* 2. & *Anno Dom.* 1324.

CAP. I.

The Kings Prerogative in the Wardſhip of his Tenants Heir which holdeth in chief.

Livery 1.
The King ſhall have the wardſhip of the heir of his tenant that holdeth in chief.
Fitz. N. B. 2. f. 257. b.
Lee. 17.

OUr Lord the King ſhall have the Ward of all the Lands of ſuch as hold of him in chief by Knights ſervice, whereof the Tenants were ſeiſed in their demean as of Fee at the day of their death (of whomſoever they hold elſe by like ſervice, ſo that they held of ancient time any land of the Crown) until the Heir come to his lawful age, (2) except the Fees of the Archbiſhop of Canterbury, the Biſhop of Durham between Tine and Tees, Fees of Earls and Barons in the Marches, where the Kings Writs do not lie, and whereof the ſaid Archbiſhops, Biſhops, Earls and Barons, ought to have ſuch wards, though they held of the King in ſome other place. St.28 Ed.1. 1 Seſſ. V.N.B. f.97. F.N.B. f. 258. Stamf. prerog. f. 1.

12 Ed 4.f.13
Co.l.6.f.22.
l.8. f. 165.
Dier fo. 44.
58, 123,
174, 181,
268, 298.
Fitz. Gard.
7,46,47,49,
50,57 113,
148.
Fitz. Prerog.
22, 25, 26.
Fitz. Liv.29.
Bro. Liv. 78.
Bro. Expoſ.
30.

CAP. II.

His prerogative in the Marriage of his Tenants Heir.

Prerogative 2.
The King ſhall have the marriage of the heir of his tenant.
St. 28 Ed. 1.

ALſo the King ſhall have marriage of an heir being within age and in his Ward, whether the land of ſuch heirs have appertained to the Crown of ancient continuance, or that it came by reaſon of eſcheat being in the Kings hands, or that he had the marriage by reaſon of the Ward of the Lords of ſuch heirs, without any reſpect to the priority of feoffment, albeit they held of others.

7 H. 6. f.11.
Co.l 9.f.125.
Dyer f. 267.
298.

CAP. III.

His prerogative in the primer ſeiſin of his Tenants Land

Prerogat. 3.
Primer ſeiſin of the heirs lands.

ALſo the King ſhall have primer ſeiſin after the death of ſuch as held of him in chief of all Lands and Tenements whereof they were ſeiſed in their demeſne as of fee, of what age that their heirs be, (2) taking the iſſues of the ſame lands and tenements, until inquiſition be made (as the manner is) and until he hath taken homage of ſuch heir, St. 52 H. 3. 16.

26 H.8.f.29.
27 Ed.3.f.89.
Dyer f. 213,
229, 237,
313, 308,
370.
Co.l.8.f. 165
172.
l. 9. f. 131.
l. 10. f. 83.

CAP. IV.

His prerogative in the aſſignment of dower to his Tenants widow, and that they ſhall not marry without his aſſent.

Prerogat. 4.
The King ſhall aſſign dower to the widows of his tenants.
Regiſt. f. 170.
297.
F.N.B. fo. 363.
Raſt.pl.fo. 227, &c.
The Kings widows ſhall not marry without his conſent.
V. N. B. fo.7.
The Kings widows oath.
Regiſt. f. 174,
235,298.
Raſt.pla. fo.227 &c.

ALſo he ſhall aſſign to widows after the death of their husbands, that held of him in chief, the dower that to them belongeth, &c. though the heir be of full age (if the widows will) (2) and ſuch widows before aſſignment of their dower, ſhall ſwear that they ſhall not marry themſelves without the Kings licence, whether the heirs be of full age or not. (3) And if they marry without licence, then the King ſhall take into his hands by way of diſtreſs all ſuch lands and tenements as they hold of him in dower, until he be ſatisfied at his own will, ſo that he ſhall take nothing of the Iſſues, &c. for by ſuch diſtreſſes, they and their Husbands muſt fine at his will. (4) And his will in the time of King Henry Father of King Edward, was eſteemed one years value of her dower, unleſs they had the greater favour. (5) Women that hold of the King in chief any inheritance, of whatſoever age they be, ſhall ſwear likewiſe that they ſhall not marry themſelves without the King licence. (6) And if they do, their Lands and tenements ſhall be taken in like manner into the Kings hands until they have ſatisfied at the Kings will. St. 32 H.8.46.

Co. l.9. f.16.
Fitz. Liv.31.
Fitz. Prerog.
27.
15 Ed.4.f.13
35 H.6. f.52.
Dyer f. 123.

CAP. V.

His prerogative in the Marriage of his Women Tenants.

Prerog. 5.
Coparceners that hold in chief.
St. 14 H. 3. Hiber.

ANd if one inheritance that is holden of the King in chief, deſcend to many partners then all the heirs ſhall do homage to the King; and the ſame inheritance ſo holden of the King, ſhall be divided amongſt thoſe heirs, ſo that every of them after, ſhall hold their part of the King. Reg.f.318. Fitz.N.B.f.263.

2 Ed.3. f.20.

CAP. VI.

His prerogative in dividing of Coparceners lands, holden of him

Prerog. 6.
A Woman marries within age during her anceſtors life.
The Kings tenant in chief ſhall not alien without licence.
St. 1 Ed. 3. 12.
F.N.B. fo. 175.
Raſt.pl. f. 457, 458.

IF a woman (before the death of her Anceſtor that held of the King in chief) be married before ſhe be marriageable, then the King ſhall have the ward of the body of the ſame woman until ſhe be of age able to conſent; (2) and then ſhe may chuſe, whether ſhe will have him to whom ſhe was firſt married, or him that the King will offer her. (3) None that holdeth of the King in chief by Knights ſervice, may alien the more parts of his lands, ſo that the reſidue thereof be not ſufficient to do his ſervice, except he have the Kings licence: but this may not be underſtood of members and parcels of ſuch lands.

Fitz. Gar.
147.
Fitz. Aſſ.
129.
Fit. Tray.32.
Co.l.6.f.22.
Kel. f.52, 53.
Bro. Alienat.
8,14,17,19,
22,23,24,
25,29,31,
32,33,35,
37.

CAP. VII.

His prerogative that they which hold of him by Serjeanty, ſhall pay a fine at the alienation of them.

Prerog. 7.
Serjeanty aliened.

OF Serjeanties aliened without the Kings licence, the King hath uſed to rate ſuch Serjeanties at a reaſonable extent thereof to be made. Kel. f. 53, 52. St. 1 Ed. 3. 12.

Savil 16.

CAP. VIII.

His prerogative that lapſe of ſix months ſhall not prejudice his preſentation

Prerogative 8.
No time ſhall prejudice the Kings preſentation to a Church. 35 H. 6. 63. Per Priſot.

OF Churches being vacant, the advowſons whereof belong to the King, and other preſent to the ſame, whereupon debate ariſeth between the King and other: if the King by

Co l.7.f.28.
Dyer f. 36.
Bro. Parl. 6.
H.b. 214.

award of the Court do recover his preſentation, though it be after the lapſe of ſix months from the time of the avoidance, no time ſhall prejudice him, ſo that he preſent within the ſpace of ſix months.

CAP. IX.

His prerogative in the Cuſtody of Lands of Idiots.

Bro. Idiot. 4, 5, 7, 50. Aſſ.pl. 2. 2 H. 7. f. 3. Coke lib. 4. f. 126. l.8. f. 170. 1 H. 7. f. 24. Dyer f. 26. 02 Fitz. Gard. Fitz. Liv. 30. Fitz. Tra. 11. 38 Br. Vi. l. 17 Co. l. 4. f. 127 39 H. 6. f. 4. 12 Ed. 4. f. 8. 35 Aſſ. pl. 4. 25 Aſſ. pl. 10. Dyer f. 25.

Prerogative 9. The King ſhall have the cuſtody of Idiots lands.

The King ſhall have the cuſtody of the lands of natural fools, taking the profits of them without waſte or deſtruction, and ſhall find them their neceſſaries, of whoſe fee ſoever the lands be holden. (2) And after the death of ſuch Idiots he ſhall render it to the right heirs, ſo that ſuch Idiots ſhall not alien, nor their heirs ſhall be diſinherited. Regiſt. f. 266. Fitz. N.B. f. 202, 232.

CAP. X.

His prerogative in the preſervation of the Lands of Lunaticks.

Prerogative 10. The King ſhall have the direction of Lunaticks lands.

Alſo the King ſhall provide, when any (that beforetime hath had his wit and memory) happen to fail of his wit, and there are many per lucida intervalla, that their lands and tenements ſhall be ſafely kept without waſte and deſtruction, and that they and their houſhold ſhall live and be maintained competently with the profits of the ſame, and the reſidue beſides their ſuſtentation ſhall be kept to their uſe, to be delivered unto them when they come to right mind. (2) So that ſuch lands and tenements ſhall in no wiſe be aliened. (3) And the King ſhall take nothing to his own uſe: (4) and if the party die in ſuch Eſtate, then the reſidue ſhall be diſtributed for his ſoul by the advice of the Ordinary. Regiſt. fo. 266. St. 32 H. 8. 46.

CAP. XI.

His prerogative in having the wreck of the Sea, Whales and Sturgeons.

Cok. l. 5. f. 106, 108. 1 H. 7. f. 23. 11 H. 4. f. 16. 9 H. 7. f. 20. 35 H. 6. f. 27.

Prerogative 11. The King ſhall have the wreck of the Sea.

Alſo the King ſhall have Wreck of the Sea throughout the Realm, (2) Whales and great Sturgeons taken in the Sea or elſe where within the Realm, (3) except in certain places priviledged by the King. St. 3 Ed. 1. 4. Raſt. pla. f. 611. 2 Roll. 31.

CAP. XII.

His prerogative in enjoying the lands of Normans.

47 Ed. 3. f. 21.

Prerogative 12. The King ſhall have the Eſcheat of Normans lands.

Alſo the King ſhall have eſcheats of the lands of Normans, to whoſe fee ſoever they belong, ſaving the ſervice appertaining to the chief Lords of the ſame fee. And this alſo is to be underſtood where any inheritance deſcendeth to any that is born in the parts beyond the Sea, whoſe anceſtors were from the time of King John, under the allegiance of the Kings of France, and not of the Kings of England, as late it happned by the Barony of Monmouth, after the death of John de Monmouth, whoſe heirs were of Britain and other places. King Henry by the foreſaid occaſion, recovered many eſcheats of Normans lands out of the fees of other men, and gave them to be holden of the chief Lords of the fee by ſervices due and accuſtomed thereunto.

CAP. XIII.

His prerogative in enjoying the lands of the heir of his tenant intruding.

Cok. l. 8. f. 172. 1 H. 7. f. 5. 4 H. 7. f. 1. 38 Ed. 3. f. 30. Kel. 4. 71. Fitz. Lieu. 25, 26, 28. Bro. Chart. 43, 48, 52, 71 Bro. Feale. 6 9.

Prerogative 13. The penalty if the heir intrude into his anceſtors lands. St. 9 H. 3. 33. St. 52 H. 3. 16. St. 4 Ed. 1. 4.

When any (that holdeth of the King in chief) dieth, and his heir entreth into the land that his anceſtor held of the King the day that he died, before that he hath done homage to the King, and received ſeiſin of the King, he ſhall gain no freehold thereby; (2) and if he die ſeiſed during that time, his wife ſhall not be endowed of the ſame land, as it came late in ure by Maud daughter to the Earl of Hereford, wife to Maunſel the Marſhal, which after the death of William Earl Marſhal of England his brother, took his ſeiſin of the Caſtle and Mannor of Scrogoil, and died in the ſame Caſtle, before he had entred by the King, and before he had done homage to him. Whereupon it was agreed that his wife ſhould not be endowed, becauſe that her husband had not entred by the King, but rather by intruſion: (3) howbeit this Statute doth not mean of Socage and other ſmall tenures. V. N. B. f. 78. Fitz. N.B. f. 149.

CAP. XIV.

His prerogative in having the Eſcheat of Biſhops freehold-tenants attainted of felony during the vacation.

Prerogative 14. Eſcheats of Biſhops Freeholders.

Alſo the King ſhall have Eſcheats of lands of the free-holders of Archbiſhops and Biſhops, when ſuch tenants be attainted for felony in time of vacation, whiles their Temporalties were in the Kings hands, to give at his pleaſure, ſaving to ſuch Prelates the ſervice that thereto is due and accuſtomed.

CAP. XV.

His prerogative that Knights fees, advowſons, and Dowers do not paſs from him without ſpecial words.

Cok. l. 10. f. 63. Dier fo. 305. 2 R. 3. f. 4. 41 E. 3. f. 5. 43 Ed. 3. f. 22. Fitz. preſent. 9. Fitz. Q. impedit. 31, 40. Fit. Gard. 44. Fitz. Liv. 7. 9. 43 Aſſ. pl. 10. 15. Bro. par. 34. 1 Roll 182.

Prerogative 15. The King giveth lands with the appurtenances.

When our Lord the King giveth or granteth land or a Mannor with the appurtenances, without he make expreſs mention in his deed or writing, of Knights fees, Advowſons of Churches, and Dowers when they fall, belonging to ſuch Mannor or land, then at this day the King reſerveth to himſelf ſuch fees, Advowſons, and Dowers, albeit that among other perſons it hath been obſerved otherwiſe. 2 Roll. 151.

CAP. XVI.

His Prerogative in having the lands of Felons attainted.

Prerogative 16. The King ſhall have felons goods, and the year, day, and waſte of their lands.

Alſo the King ſhall have the goods of all felons attainted, and fugitives, whereſoever they be found. And if they have freehold, then it ſhall be forthwith taken into the Kings hands, and the King ſhall have all profits of the ſame by one year and one day, and the land ſhall be waſted and deſtroyed in the Houſes, Woods and Gardens; and in all manner of

things

F.N.B. fo. 144. k. St. 9 H. 3. 22. Regiſt. fo. 165. V.N.B. fo. 99. **Cuſtoms of** Glouceſter **and** Kent. V.N.B. f. 5. Stamf. prerog. 20. b.

things belonging to the ſame land, excepting men of certain places priviledged by the King therefore. (3) And after our Lord the King hath had the year, day, and waſte, then the land ſhall be reſtored to the chief Lord of the ſame fee, unleſs that he fine before with the King for the year, the day, and the waſte. (4) Nevertheleſs it is uſed in the County of Glouceſter by cuſtom, that after one year and one day the lands and tenements of felons ſhall revert and be reſtored to the next heir, to whom it ought to have deſcended if the felony had not been done. And in Kent in Gavelkind: The father to the bow, the ſon to the plough. (5) There all heirs males ſhall divide their inheritance, and likewiſe women; but women ſhall not make partition with men. (6) And a woman after the death of her husband ſhall be endowed of the moity. (7) And if ſhe commit fornication in her widowhood, or take an husband after, ſhe ſhall loſe her dower.

The manner of doing Homage and Fealty, made *Anno* 17 *Ed.* 2. St. 2. & *Anno* 1324.

How a freeman ſhall do his Homage, how his Fealty, and a Villians Fealty.

Homage 2.

7 Ed. 3. f. 2. Fitz. Grant. 9, 80, 83. Fitz. Conu. 81.

When a Freeman ſhall do Homage to his Lord of whom he holdeth in chief, he ſhall hold his hands together between the hands of his Lord, and ſhall ſay thus: I become your man from this day forth for life, for member, and for worldly honour, and ſhall owe you my faith for the lands that I hold of you, ſaving the faith that I owe unto our Lord the King, and to mine other Lords.

Fitz. Avowr. 109.

II. When a freeman ſhall do fealty to his Lord, he ſhall hold his right hand upon a book, and ſhall ſay thus: Hear you my Lord R. that I P. ſhall be to you both faithful and true, and ſhall owe my fidelity unto you for the land that I hold of you, and lawfully ſhall do ſuch cuſtoms and ſervices as my duty is to you at the terms aſſigned. So help me God and all his Saints.

III. When a Villain ſhall do fealty unto his Lord, he ſhall hold his right hand over the book, and ſhall ſay thus: Hear you my Lord A. that I B. from this day forth unto you ſhall be true and faithful, and ſhall owe you fealty for the land that I hold of you in villenage, and ſhall be juſtified by you in body and goods. So help me God and all his Saints. Rep. 12 Car. 2. cap. 24.

The Statute for view of *Frankpledge*, made the eighteenth year of King *Edward* the ſecond.

Leets 1. **Of what things Stewards in their Leets ſhall enquire.**

Fitz. Leet 6, 11. Fitz. Avow. 30, 17. Dyer f. 11. 12 H. 7. f. 15. Co. l. 6 f. 78. Bro. Leet 39. 10 H. 6. f. 7. 45 Ed. 3. f. 9. 41 E. 3. f. 26.

First, you ſhall ſay unto us by the Oath that you have made, If all the Iurors that owe ſuit to this Court be come, and which not.

2. And if all the chief pledges or their dozeins be come, as they ought to come, and which not.

3. And if all the dozeins be in the Aſſiſe of our Lord the King, and which not, and who received them.

4. And if there be any of the Kings villains fugitive dwelling otherwhere than in the Kings demeans, and of ſuch as be within the Kings demeans, and have not abiden a year and a day.

5. And if there be any of the Lords Villains in Frankpledge otherwhere than in this Court.

6. Of cuſtoms and ſervices due to this Court withdrawn, how, and by whom, and in what Bailiffs times.

7. Of purpreſtures made in Lands, Woods, and Waters to annoyance.

8. Of Walls, Houſes, Dikes, and Hedges ſet up or beaten down to annoyance. 4 H. 6. f. 10. 4 Ed. 3. f. 20.

9. Of bounds withdrawn and taken away.

10. Of ways and paths opened or ſtopped.

11. Of waters turned or ſtopped, or brought from their right courſe. 4 Ed. 3. f. 10. 29 Ed. 3. f. 28.

12. Of breakers of houſes and of their receivers.

13. Of common thieves and of their receivers. 22 Ed. 4. f. 22.

14. Of petty Larons, as of geeſe, hens, or ſheafs.

15. Of thieves that ſteal cloaths, or of thieves that do pilfer cloaths through windows and walls.

16. Of ſuch as go in meſſage for thieves.

17. Of cries levied and not purſued. Dyer f. 233.

18. Of bloodſhed and of frays made.

19. Of eſcapes of thieves or felons.

20. Of perſons outlawed returned, not having the Kings Warrant. 6 H. 7. f. 4. 11 H. 7. f. 22. Bro. Leet 43. Bro. Coron. 175. Fitz. Avow. 105.

21. Of women raviſhed not preſented before the Coroners.

22. Of clippers and forgers of mony.

23. Of treaſure found.

24. Of the Aſſiſe of bread and Ale broken.

25. Of falſe meaſures, as of Buſhels, Gallons, Yards and Ells.

26. Of falſe ballances and weights.

27. Of ſuch as have double meaſure, and buy by the great, and ſell by the leſs.

28. Of ſuch as continually haunt Taverns, and no man knoweth whereon they do live.

29. Of ſuch as ſleep by day and watch by night, and fare well, and have nothing.

30. Of cloth-ſellers and curriers of leather dwelling out of Merchant towns.

31. Of ſuch as fly unto Church or Church-yard, and after depart without doing that which belongeth thereunto.

32. Of perſons impriſoned, and after let go without mainpriſe.

1 Roll. 201. 33. Of ſuch as take Doves in winter by doorfalls or engines. 1 Roll. 201. Co. l. 5. f. 104. 1 Rol. 2.

34. And of all theſe things ye ſhall do us to wit, by the oath that you have taken. Raſt. pla. fo. 390, 425. Cok. l. 8. f. 38, 41. 3 H. 7. f. 4. 21 H. 7. f. 40. 41 Aſſ. pl. 30. 38 H. 6. f. 7. 45 Edw. 3. f. 8. Fitz. Avowry 105, 112, 155, 161, 194, 211, 212. Fitz. Barre 271. Bro. Leet 35, 36, 37, 38, 39.

The Statute of Prices made Anno 28 Ed. 1 is here omitted, for that it is word for word contained in the ſecond Chapter of Articuli ſuper Chartas. Vet. Mag. Chart. 90 2 Inſt. 606.

Appraiſement:

Certain Statutes made during the Reigns of King *Henry* the Third, King *Edward* the Firſt, or King *Edward* the Second: but uncertain when, or in which of their times.

Articles againſt the Kings Prohibitions.

In what caſe the Kings Prohibition will lie, and in what not.

Under what form ſhall Lay-men purchaſe Prohibitions genetally upon Tithes, Oblatians, Obventions, redeeming of Penances, Mortuaries, violent hands laying on a Clerk or Lay-brother, and in cauſes of defamation, in which caſes ſpiritual Penance muſt be enjoyned. The King anſwered to theſe Articles, That in Tithes, Oblations, Obventions and Mortuaries, when they be pleaded, as before is ſaid, the Kings Prohibition doth not lie.

II. And if a Clerk or a perſon Religious do ſell his Corn being in his Barn, or other where to any man for mony, if the price thereof be demanded before a Spiritual Judge, the Kings Prohibition doth lie; for by the Sale the Spiritual are become Temporal, and ſo Tithes paſs into Chattels.

III. And if Debate hang in a Spiritual Court for the right of Tithes, having his Original from the Right of the Patronage, and the quantity of the ſame Tithes do paſs the fourth part of the value of the Benefice, a Prohibition ſhall lie.

IV. Alſo if a Prelate enjoyn Penance pecuniary to any man for his Sin, if the mony be demanded before Prelates, a Prohibition ſhall lie.

V. Alſo if any lay violent hands on a Clerk or Lay-brother, for the Peace broken, amends ſhall be made before the King, and for the Excommunication before the Biſhop or Prelate.

VI. And if a corporal Penance be enjoyned, which the Offender will redeem by giving mony to the Prelate, or to the party grieved, a Prohibition ſhall not lie.

VII. In cauſes of Defamation, Prelates may freely correct, the Kings Prohibition notwithſtanding, firſt enjoyning a corporal Penance, which if the party will redeem, the Prelate may lawfully receive the mony, though the Prohibition be ſhewed. St. 9 Ed. 2. 1, &c.

Prohibition 1. In which caſes the Kings Prohibition will lie, and in which not.

And Ordinance for Bakers, Brewers, and for other Victuallers, and for Ells, Buſhels, and Foreſtallers.

CAP. I.

Upon what only cauſe Aſſiſe of Bread ſhall be taken.

The Aſſiſe of Bread ſhall be kept according as it is contained in the Writing of the Marſhalſey of our Lord the King delivered unto them after the ſale of Wheat, that is to wit, the better, the worſe, and the worſt. (2) And as well Waſtel-bread as other of what ſort ſoever they be, ſhall be weighed according as it is ſaid of the ſale of the meaner Wheat (3) Neither ſhall the Aſſiſe or weight of Wheat be changed, more than Six-pence increaſing or decreaſing, as it is in the ſale of the quarter.

Weights 15. The Aſſiſe of Bread.

CAP. II.

For what Offence a Baker ſhall be amerced, and for what ſet on the Pillory.

A Baker, if his Bread be founden a farthing weight lacking in two ſhillings ſix-pence or under, ſhall be amerced; (2) and if it paſs the ſame number, he ſhall ſuffer puniſhment of tye Pillory, which ſhall not be remitted to the Offender either for Gold or Silver. (3) And every Baker ſhall have a Mark of his own for his Bread.

Weights 15. A Bakers puniſhment. A Bakers Mark.

CAP. III.

Every Pillory ſhall be of convenient ſtrength.

Every Pillory or Strech-neck muſt be made of convenient ſtrength, ſo that execution may be done upon offenders without peril of their bodies. Regiſt. Orig. 109.

Weights 14. A Pillory.

CAP. IV.

How Toll at a Mill ſhall be taken.

The Toll at a Mill ſhall be taken according to the cuſtom of the land, and according to the ſtrength of the water-courſe, either to the twentieth or four and twentieth corn. (2) And the meaſure whereby the Toll muſt be taken ſhall be agreeable to the Kings meaſure, and Toll ſhall be taken by the raſe, and not by the heap or cantel. (3) And in caſe that the Fermors find the Millers their neceſſaries, they ſhall take nothing beſides their due Toll; and if they do otherwiſe, they ſhall be grievouſly puniſhed.

Toll 2. The Toll of a Mill.

CAP. V.

The Aſſiſe of Wine ſhall be kept, that is, a Sextertium at Twelve pence. And if the Taverners exceed the ſame Aſſiſe, their doors ſhall be ſhut up. Rep. 21 Jac. 28. Stat. 4 Ed. 3. 12.

Wine 1. St. 7 Ed. 6. 9.

CAP. VI.

The Aſſiſe of Ale ſhall be according to the price of Corn.

The Aſſiſe of Ale ſhall be aſſeſſed, proclaimed, and kept according to the Price of the Corn whereof the Malt is made. (2) And the Brewer ſhall not increaſe more in a gallon, but according to the rate of ſixpence riſing in a quarter of Malt. (3) And if he break the Aſſiſe the firſt, ſecond, and third time, he ſhall be amerced; (4) but the fourth time he ſhall ſuffer Judgment of the Pillory without redemption.

Weights 15. The price of Ale. St. 23 H. 8. The puniſhment of Brewers offending.

CAP. VII.

The Puniſhment of a Butcher ſelling unwholeſom Fleſh.

Butchers 4. The puniſhment of a Butcher ſelling unwholſom meat. Pillory.

A Butcher that ſelleth Swines-fleſh, mezled, or Fleſh dead of the Murrain, or that buyeth Fleſh of Jews, and ſelleth the ſame unto Chriſtians, after he ſhall be convict thereof, for the firſt time he ſhall be grievouſly amerced, (2) the ſecond time he ſhall ſuffer Judgment of the Pillory, (3) and the third time he ſhall be impriſoned and make fine, and the fourth time he ſhall forſwear the Town. And in this manner ſhall it be done of all that offend in like caſe.

CAP. VIII.

Buſhels, Gallons and Ells ſhall be ſigned with the Kings Seal, and he that buyeth or ſelleth with other ſhall be amerced.

Weights 7. The ſealing of Buſhels Gallons and Ells. Buying or ſelling by unſealed meaſures.

The ſtandard of Buſhels, Gallons and Ells, ſhall be ſealed with an iron Seal of our Lord the King, and ſafe kept, under the pein of an hundred pound. (2) And no meaſure ſhall be in any Town, unleſs it do agree with the Kings meaſure, and marked with the Seal of the Shire-town. (3) If any do ſell or buy by meaſures unſealed, and not examined by the Mayor or Bailiffs, he ſhall be grievouſly amerced. (4) And all the meaſures of every Town, both great and ſmall, ſhall be viewed and examined twice in the year. (5) If any be convict for a double meaſure, that is to wit, a greater for to buy with, and a ſmall to ſell with, he ſhall be impriſoned for his Falſhood, and ſhall be grievouſly puniſhed. St. 7. H. 7. 4. St. 11 H. 7. 4. St. 12. H. 7. 5.

CAP. IX.

The Buſhel, Standard and Ells, ſhall be kept by Mayors, Bailiffs, *&c.* No Grain ſhall be ſold by the Heap or Cantle, but Oats, Malt and Meal.

Weights 2. Who ſhall have the keeping of meaſures.

The Standard, Buſhels and Ells, ſhall be in the cuſtody of the Mayor and Bailiffs, and of ſix lawful perſons of the ſame Town being ſworn, before whom all meaſures ſhall be ſealed. (2) No manner of grain ſhall be ſold by the Heap or Cantle, except it be Oats, Malt and Meal.

CAP. X.

No Foreſtaller ſhall be ſuffered to dwell in any Town.

Foreſtallers 1. Who is a Foreſtaller, and his puniſhment. St. 5 Ed. 6. 14. St. 5. El. 5.

But eſpecially be it commanded on the behalf of our Lord the King, that no Foreſtaller be ſuffered to dwell in any Town which is an open Oppreſſor of poor people, and of all the Comminalty, and an Enemy of the whole Shire and Country, which for Greedineſs of his private gain, doth prevent others in buying Grain, Fiſh, Herring, or any other thing to be ſold coming by land or water, oppreſſing the poor and deceiving the rich, which carrieth away ſuch things, intending to ſell them more dear: (2) The which come to Merchants ſtrangers that bring Merchandiſe, offering them to buy, and informing them that their goods might be dearer ſold than they intended to ſell, and an whole Town or a Country is deceived by ſuch craft and ſubtilty. (3) He that is convict thereof, the firſt time ſhall be amerced, and ſhall loſe the thing ſo bought, and that according to the cuſtom and ordinance of the Town. (4) He that is convict the ſecond time ſhall have Judgment of the Pillory: (5) at the third time he ſhall be impriſoned and make fine: (6) the fourth time he ſhall abjure the Town. And this Judgment ſhall be given upon all manner of Foreſtallers, and likewiſe upon them that have given them councel, help, or favour.

Statutum de terris Templariorum, made *Anno* 17 *Ed.* 2. Stat. 3. *Anno Dom.* 1323.

Templers 1. Co. l. 11. f. 21.

1 Roll

For that the military Order of Templers ceaſing and being diſſolved, the lands and tenements in demeſns, fees and ſervices of the Brethren of the ſame Order which they held in their Fraternity in the Realm of England in the time of the ſame ceaſing and diſſolution of the foreſaid Order, which were holden of our Lord the King, and divers other Lords in this Kingdom, were ſeiſed into the hands of our Sovereign Lord the King, and of divers others Lords of the fees of them, who challenged the ſame Lands for the conſideration aforeſaid, that the ſame Lands ought to revert to them as their Eſcheats. (2) Whereupon after, in a Parliament of the moſt noble Prince King Edward, Son of King Edward, ſummoned and aſſembled at Weſtminſter, three weeks after the day of the Purification of the bleſſed Virgin Mary, in the ſeventeenth year of the reign of the ſame King, great conference was had before the King himſelf, in the preſence of the Prelates, Earls, Barons, Nobles and great men of the Realm, and others there preſent, whether the foreſaid Lords of the fees, or others which held thoſe Lands that were the foreſaid Templers, as is aforeſaid, might retain them by the Law of the Realm, and with falſe conſcience. (3) Whereupon the greater part of the Kings Council, as well the Juſtices at other Lay-perſons being aſſembled together: The ſaid Juſtices affirmed preciſely, that our Lord the King, and other Lords of the fees aforeſaid, might well and lawfully by the Laws of the Realm retain the foreſaid Lands as their Eſcheats, in regard of the ceaſing and diſſolution of the Order aforeſaid.

Whether the Order of Templers being diſſolved, the Lords of the Fees might enjoy their Lands. 5 H. 7. 37. Corporat. Br. 15.

II. But becauſe the Lands and Tenements aforeſaid were given to the Brethren of the ſaid Order for the Defence of Chriſtians, and the Holy Land, againſt Pagans and Sarazens, and other Enemies of Chriſt and Chriſtians, and the univerſal holy Church: It ſeemed good to our Lord the King, the Noble-men, and others aſſembled in the ſame Parliament, for the health of their Souls, and diſcharge of their Conſciences, that whereas the ſaid Military Order of Templers were originally inſtituted for the Defence of Chriſtians, and the univerſal holy Church, Subverſion of the Enemies of Chriſt and Chriſtians, and canoniſed to the augmentation of the honour of God, and liberal Alms-giving; That the foreſaid Lands and Tenements in demeſns, Lordſhips, Services, Liberties, Cuſtoms and all other things pertaining thereunto, and by any thing depending thereupon, according to the Wills of the Givers, ſhall be aſſigned and delivered to other men of moſt holy Religion, to the intent the fruits, obventions and profits of the ſaid Lands and Tenements, and other things, may be converted and charitably diſpoſed to godly uſes. (2) And thereupon in the ſame Parliament it is agreed, ordained and eſtabliſhed for Law to continue for ever, That neither our Lord the King, nor any other Lords of the fees aforeſaid, or any other perſon, hath title or right to retain the aforeſaid lands and tenements, with the appurtenances or any part thereof, in regard of Eſcheat, or by any other means, or hereafter to challenge the ſame lands in reſpect of the ceaſing or diſſolution of the aforeſaid Military order of Templers, whereof the Brethren of the ſame Order were ſeiſed in their Demeſns as of fee at the time of the ceaſing and diſſolution aforeſaid: Notwithſtanding that the aforeſaid lands and tenements after the ſaid ceaſing and diſſolution, came to the hands of divers perſons by deſcent of inheritance, gift, or purchaſe, or by any other means: And notwithſtanding any Law or Cuſtom of the Realm of England, whereby this Law, Ordinance and Statute touching the aſſignment and conveyance of the foreſaid lands and tenements might be hindred, impugned, or counterpleaded.

The chief Lords ſhall not have Templers lands by Eſcheat.

III. Seeing the Order of the Brethren of the Hoſpital of St. John of Hieruſalem was likewiſe ordained, inſtituted and canonized for the defence of Chriſtians and the holy Church: It is agreed and enacted in the ſaid Parliament by our foreſaid Lord the King, the Prelates, Earls, Barons, and other great men of the Realm there being, That inſomuch as the foreſaid Order of the Templers is ceaſed and diſſolved, and the foreſaid Order of the Hoſpital is provided, inſtituted and canonized for the defence of Chriſtians, as is aforeſaid, That all the Lands, Tenements, Lordſhips, Fees, Churches, Advowſons of Churches, and liberties, with all things to them belonging, which were the ſaid Templers at the time of their ceaſing and diſſolution, ſhall be aſſigned and delivered to the foreſaid Order of the Hoſpital, and to the Prior and Brethren of the ſame Hoſpital, to remain to them and thir ſucceſſors for ever. (2) Wherefore our ſaid Lord the King, by the mutual aſſent of the Earls, Barons, and Noble men aforeſaid, of his Regal authority in the ſame Parliament, hath aſſigned to determine and deliver all the foreſaid Lands, Tenements, Lordſhips, Fees, Churches, Advowſons and Liberties, with their appurtenances, to the foreſaid Order of the Hoſpital, and to the ſaid Prior and Brethren of the ſaid Order, To have and hold to the ſame Prior and his Brethren and ſucceſſors for ever of our Lord the King, and other Lords of the Fees aforeſaid, by the ſame ſervices, by which the Brethren of the Military Order of Templers held the ſame, at the time of their ceaſing and diſſolution: As in relieving of the poor, in Hoſpitalities, in celebrating Divine Service, defence of the holy Land and in all other offices and ſervices beforetime due, by whatſoever names they be called: (3) So always, that the godly and worthy will of the foreſaid givers be obſerved, performed, and always religiouſly executed, as is aforeſaid, (4) Saving to every perſon his action, if he had any, the time of the ceaſing and diſſolution aforeſaid, againſt the ſame Templers in the foreſaid Lands and Tenements, Rents, Services, Cuſtoms, Penſions, Corodies, Liberties, celebrating of Maſſes, Alms, and other things whatſoever, and liberty to proſecute his right againſt the ſaid Prior and Brethren of the Hoſpital aforeſaid and their Brethen, and their Succeſſors, according to the Law and cuſtom of the Realm, as he might have had againſt the foreſaid Templers, if the Order aforeſaid had not been diſſolved: (5) And if it fortune that the ſaid Prior and Brethren of the Hoſpital aforeſaid, or their Succeſſors, ſhall be put out of the foreſaid lands and tenements, or of any parcel thereof, after they ſhall be ſeiſed of the ſame, they ſhall have power to recover their own according to the Law of the Realm.

All the Templers lands given to the Prior of the Hoſpital of St. John of Hieruſalem. Cok. l. 11. f. 21.

IV. And to the intent that the aſſignment before ſpecified may be publiſhed and made known to all men to whom it behoveth: (2) It is ordained and agreed in the ſame Parliament, that it ſhall be openly proclaimed in every County of this Kingdom, that all and every perſon holding the lands and tenements aforeſaid, and all others to whom it doth appertain, ſhall be at Weſtminſter one month after Eaſter-day next, if they will, to hear the concord, proviſion, and aſſignment aforeſaid, in form aforeſaid.

Anno primo EDWARDI *Tertii.*

Statutes made at *Weſtminſter* the ſeventh of *March*, in the firſt year of the Reign of the Noble King *Edward* the Third. The year of our Lord 1327.

A Confirmation of the baniſhment of Hugh Spencer the Father, and Hugh Spencer the Son. Exp.

Repeal, Raſt. 1.

CAP. I.

None ſhall be impeached which took part with the King againſt his Father. Exp.

Pardon, Raſt. 4.

CAP. II.

The Repeal of the Exile made void.

Repeal, Raſt. 1.

CAP. III.

The Executors of thoſe that were wrongfully ſlain, ſhall have action to recover their Teſtators goods. (2) All Aſſurances made to the Rebels by dureſs ſhall be void. Exp.

Executors, Raſt. 2. Dureſs, Raſt. 1.

CA IV.

Trial of an averment in a Writ of falſe Judgment.

Dyer fo. 262, 268. 34 H. 6. f. 42. Fitz. Droit, f. 42. Fitz. Faux Judgm. 2. 13, 14, 19.

ITem, It is accorded, ordained, and eſtabliſhed in amendment of the Law, that when a Record cometh into the Kings Court by Writ of falſe Judgment, in caſe where the party alledgeth that the Record is otherwiſe than the Court doth record the ſame: the averment ſhall be received of the good Country, and of them which were preſent in the Court when the Record was made, if they do come with others of the Country by the Sheriffs return. (2) And if they come not, the inqueſt ſhall be taken by the good Country. Regiſt. fo. 15. V.N.B. fo. 17. Fitz. N. B. fo. 20.

Faux Judgment 2. Trial of an averment in a Writ of falſe Judgment. Raſt pla. f. 342, &c. Co. pl. fo. 305. St. 52 H. 3. 20.

CAP. V.

An averment may be made againſt falſe Returns of Bailiffs of Liberties.

3 H. 7. f. 27. Cro. Jac. 138.

ITem, It is provided and eſtabliſhed, that from henceforth againſt the falſe Returns of Bailiffs of Franchiſes, which have full return of Writs, a man ſhall have averment, and recover as well againſt them as againſt the Kings Sheriff, as well of too little iſſues

Return 8. Averment againſt returns of Bailiffs of Franchiſes. St. 13 Ed. 1. 39.

returned as in other caſes, ſo that it falleth not in prejudice of the Lords, nor in the blemiſh of their Franchiſe. (2) And that the Eſtate of holy Church be always ſaved. And that all the puniſhment fall only upon the Bailiffs by puniſhment of their bodies, if they have not whereof to anſwer. V.N.B.fo.53.

CAP. VI.

An Attaint will lie as well upon the Principal, as upon the Damages.

Attaint 12. Attaint as well upon the Principal as the Damages
St. 3 Ed. 1. 37.
St. 5 Ed. 3. 7.
St. 28 Ed. 3. 8.
St. 24 Ed. 3. 7.
St. 9 R. 2. 3.

25 Ed. 4 f. 5.
40 Ed. 3. f. 31
44 Ed. 3. f. 7.
8 Aſſ. Pl. 30.
3 H. 6. f. 29.
Fitz. Attaint 70, 76.

ITem, It is provided, that for the great miſchiefs, damage, deſtruction that hath happened to divers perſons, as well of holy Church, as of other, by the falſe oaths of Jurors in Writs of Treſpaſs: (2) from henceforth a Writ of Attaint ſhall be granted as well upon the Principal as upon the damages in a Writ of Treſpaſs. (3) And that the Chancellor which ſhall be for the time ſhall have power to grant ſuch Writs of Attaints, without ſpeaking thereof to the King. (4) And in ſuch, and all other caſes of Attaints, the Juſtices ſhall not let to take the Attaints for the damages not paid. Regiſt. fo. 122. V.N.B. fo. 48. FN. B. fo. 105. k.

CAP. VII.

Inquiry ſhall be made of Gaolers which by dureſs compel priſoners to appeal.

Priſon Raſt. 1. **Inquiry of Gaolers which ſhall procure priſoners to become approvers.**
22 & 23 Car. 2. cap. 20 §. 13.

3 Inſt. 45.

ITem, To eſchue the damage and deſtruction that often doth happen by Sheriffs, Gaolers, and Keepers of priſons, within Franchiſe and without, which have pained their priſoners, and by ſuch evil means compel and procure them to become appealers, and to appeal harmleſs and guiltleſs people, to the intent to have ranſom of ſuch appealed perſons, for fear of impriſonment, or other cauſe: (2) the Juſtices of the one Bench and of the other, and Juſtices of Aſſiſe and Gaol-delivery, ſhall by force of this Statute, enquire of ſuch compulſions, puniſhments, and procurements, and hear the complaints of all them that will complain in ſuch caſes by bill, and ſhall hear and determine ſuch plaints, as well at the ſuit of the party as at the Kings ſuit. St. 13 Ed. 1. 12. St. 14 Ed. 3. 10. Raſt. Pla. fo. 56.

CAP. VIII.

How he ſhall be uſed that is taken for any offence in the Foreſt. Bailment of him.

Foreſt 2. How he ſhall be uſed which is taken in the Foreſt for offence of any Vert or Veniſon.
St. 3 Ed. 1. 20.
St. 9 H. 3. 10. & 16.

ITem, Whereas divers people be diſinherited, ranſomed, and undone, by the chief Keepers of the Foreſts on this ſide Trent and beyond, and by other miniſters, againſt the form of the great Charter of the Foreſt, and againſt the Declaration made by King Edward, ſon of King Henry, in form following: that is to ſay, We will and grant for us and our heirs, that for any treſpaſs done in our Foreſt of Vert and Veniſon, that the Foreſters in whoſe Bailiwick ſuch treſpaſs ſhall be committed, ſhall preſent the ſame treſpaſſes at the next Swainmote before the Foreſters, Verders, Regarders, Agiſters, and other miniſters of the ſame Foreſt: (2) And upon ſuch preſentment made before the ſaid Foreſters, Verders, Regarders and Agiſters, and other miniſters aforeſaid, as well by the oaths of Knights, as by other diſcreet and lawful men, and not ſuſpicious, of the parties adjoyning or near, where ſuch offences ſhall be ſo preſented, and where the truth may beſt and moſt fully be enquired, and the truth perfectly known, then ſuch preſentments by the common aſſent and conſent of all the ſaid miniſters ſhall be ſolemnly written, and with their ſeals enſealed. (3) And if any indictment be in any other manner made, the ſame ſhall be void. (4) And therefore becauſe the chief Wardens of the Foreſts have not obſerved the ſame form hitherto; it is agreed and ordained, that from henceforth no man ſhall be taken nor impriſoned for Vert or Veniſon, unleſs he be taken with the manner, or elſe indicted after the form before ſpecified. (5) And then the chief Warden of the Foreſt ſhall let him to mainpriſe, till the Eyre of the Foreſt, without any thing taken for his deliverance. (6) And if the ſaid Warden will not ſo do, he ſhall have a Writ out of the Chancery, which hath been in old time ordained for ſuch perſons indicted, to be at mainpriſe till the Eyre. (7) And if ſuch Warden after he hath received the Writ, do not incontinently deliver ſuch perſons indicted to mainpriſe, without taking any thing, then the Plaintiff ſhall have a Writ out of Chancery to the Sheriff, to attach the ſaid Warden to be before the King at a certain day to anſwer, wherefore he hath not replevied him that is ſo taken. (8) And the Sheriff (the Verders being called to him) ſhall deliver him that is ſo taken, by good mainpriſe, in the preſence of the Verders, and ſhall deliver the names of the Mainpernors to the ſame Verders, to anſwer in the Eyre, before the Juſtices. (9) And if the chief Warden be thereof attainted, the Plaintiffs ſhall have their treble damages awarded them, and the ſaid Warden ſhall be committed to priſon, and ranſomed at the Kings will. (10) And from henceforth it ſhall be written to them as to the chief Wardens of the Foreſt, becauſe they may not be Juſtices, nor have any record but in the Eyre. Dated at Weſtminſter, the ſeventh day of March, in the firſt year of the reign of the ſaid King Edward that now is.

A remedy for the priſoner if the Warden of the Foreſt will not bail him
St. 7 R. 2. 4.
Regiſt. f. 80.
V.N.B. fo. 41.
Fitz. N. B. f. 67. c.

Other Statutes made at *Weſtminſter* the ſame year, *Anno* 1 *Ed.* 3. St. 2. & *Anno Dom.* 1327.

TO the honour of God and of holy Church, and to the redreſs of the oppreſſions of the people, King Edward the Third, at his Parliament holden at Weſtminſter, after the Purification of our Lady, in the firſt year of his Reign, at the requeſt of the Commonalty of this Realm, by their petition made before him and his Council in the Parliament, by aſſent of the Prelates, Earls, Barons, and other great men aſſembled at the ſaid Parliament, hath granted for him and his heirs for ever theſe Articles underwritten.

CAP. I.

A Confirmation of the great Charter and the Charter of the Foreſt. Perambulation of Foreſts.

Foreſts, Raſt. 23. **Confirmation of Charters. Perambulation of Foreſts. Charters thereof.**
17 Car. 2. c. 16.

FIrſt, That the great Charter of the Liberties, and the Charter of the Foreſt be obſerved and kept in every Article. (2) And that the perambulations of the Foreſt in time of King Edward, Grandfather to the King that now is, be from henceforth holden in the like form, as it was then riden and bounded. (3) And thereupon a Charter to be made to every Shire where it was riden and bounded. (4) And in ſuch places where it was not bounded, the King will that it ſhall be bounded by good men and lawful, and that a Charter be thereupon made, as afore is ſaid.

CAP. II.

How every perſon may uſe his Woods within the Foreſt. Seiſing of Biſhops Temporalties.

ITem, Every man that hath any wood within the Foreſt, may take houſeboot and heyboot in his ſaid wood, without being attached for the ſame by any miniſters of the Foreſt, ſo that he do the ſame by the view of the Foreſters. (2) And becauſe before this time in the time of King Edward, Father to the King that now is, the King by evil Counſellors cauſed to be ſeiſed into their hands the Temporalties of divers Biſhops, with all their goods and cattels therein found, without any cauſe, and the ſame held in his hands by a long ſeaſon, and continually thereof took the profits, to the great damage of the ſame Biſhops, waſts and deſtructions of all their Chattels, Mannors, Parks and Woods; the King will and granteth that from henceforth it ſhall not be done.

Woods 23. Uſing of woods within the Foreſt; The Temporalties of Biſhops. St. 14 Ed. 3. 19. St. 25 Ed. 3. 6.

CAP. III.

King Edward the ſecond's pardon confirmed to the Jews and all other. Exp

CAP. IV.

The Kings debts ſhall be ſtalled according to the debtors eſtate. Exp. Debt to the King, *Raſt.* 5.

Pardon, Raſt. 5. Accountant.

CAP. V.

None ſhall be compelled to go to War out of the Shire where he dwelleth: But, &c.

ITem, The King will that no man from henceforth ſhall be charged to arm himſelf, otherwiſe then he was wont in the time of his Progenitors Kings of England. (2) And that no man be compelled to go out of his Shire, but where neceſſity requireth, and ſuddain coming of ſtrange enemies into the Realm. And then it ſhall be done as hath been uſed in times paſt for the defence of the Realm. St. 18 Ed. 3. 7. St. 25 Ed. 3. 8. St. 4 H. 4. 13.

Armor, Raſt. 5. In what caſe one ſhall be compelled to go to war out of the Shire where he dwelleth.

CAP. VI.

How aid granted to the King ſhall be taxed.

ITem, Becauſe the Commons have left great grief whereas they granted any aid to the King of their goods, and certain were aſſigned to tax their goods, and the taxers have levied the ſame tax, and yielded their accompt for the ſame at the Eſchequer, and there paid the mony; Juſtices have been aſſigned after to inquire of their doings, which Juſtices have taken ranſoms and fines of the taxes and other, by colour of their Commiſſions, to the great oppreſſion and impoveriſhing of them: (3) the King will, that from henceforth they ſhall be taxed after the old manner, and not otherwiſe. St. 9 H. 4. 7.

Taxes, Raſt. 3. How aid granted to be taxed.

CAP. VII.

Who ſhall pay the wages to Conductors of Souldiers.

ITem, Whereas Commiſſions have been awarded to certain people of Shires, to prepare men of arms, and convey them to the King into Scotland or Gaſcoign, or elſe where at the charge of the Shires: (2) The King hath not before this time given any wages to the ſaid preparers and conveyors, nor ſouldiers whom they have brought, whereby the Commons of the Counties have been at great charge, and much impoveriſhed: (3) The King will that it ſhall be done ſo no more. St. 18 Ed. 3. 7. 2 Seſſ. St. 4 H. 4. 13.

War 1. The King ſhall give wages to the conveyers of Souldiers.

CAP. VIII.

Nothing ſhall be taken for Beaupleader.

ITem, Whereas ſome of the Realm have grievouſly complained, that they be grieved by Sheriffs, naming themſelves the Kings approvers, which take mony by extortion for Beaupleader: The King will that the Statute of Marlebridge ſhall be obſerved and kept in this point.

Beaupleader, Raſt 3. St. 35 H. 3. 11. St. 3 Ed. 1. 8. Regiſt. f. 179. Fitz. N. B. f. 70.

CAP. IX.

A confirmation of the liberties of Cities and Burroughs.

ITem, The King will that Cities, Boroughs, and franchiſed Towns, ſhall enjoy their Franchiſes, Cuſtoms and Uſages, as they ought and were wont to do. St. 19 H. 3. 9.

Franchiſe, Raſt. 8.

CAP. X.

There ſhall be no more grants of Corodies at the Kings requeſt by Biſhops, Abbots, &c.

ITem, Whereas Archbiſhops, Biſhops, Abbots, Priors, Abbeſſes, and Prioreſſes have been before this time ſore grieved by the Kings requeſts and his Progenitors, which have deſired them by great threats for their Clerks and other ſervants, for great Penſions, Prebends, Churches and Corodies, ſo that they might nothing give nor do to ſuch as had done them ſervice, nor to their friends, to their great charge and damage: (2) The King granteth that from henceforth he will no more ſuch things deſire, but where he ought. Regiſt. fo. 264.

Monaſteries, Raſt. 5. There ſhall be no Grant of Corodies at the Kings requeſt.

CAP. XI.

No ſuit ſhall be made in the Spiritual Court againſt Indictors.

ITem, The Commons do grievouſly complain, that when divers perſons as well Clerks as lay-people, have been indicted before Sheriffs in their Turns, and after by Inqueſts procured, be delivered before the Juſtices; (2) after their deliverance they do ſue in the Spiritual Court againſt ſuch Indictors, ſurmiſing againſt them that they have defamed them, to the great damage of the Indictors, wherefore many people of the Shire be in fear to indict ſuch offenders: (3) The King will, that in ſuch caſe every man that feeleth himſelf grieved thereby, ſhall have a prohibition formed into the Chancery upon his caſe. Regiſt. fo. 39. 42. Raſt. pla. fo. 487.

Prohibition, A prohibition againſt them who in the Spiritual Court do ſue their indictors.

CAP. XII.

No forfeiture, but a fine ſhall be made for alienation of lands holden of the King.

Prerog. 8. The King ſhall have a fine for lands holden of him in chief aliened without licence.

Co. Inſt. 1 par. 48. b. Co. l. 2. f. 81. Fitz. Q. imp. 54. Bro. Alienat. 34.

ITem, Whereas divers people of the Realm, complain themſelves to be grieved becauſe that lands and tenements, which be holden of the King in chief, and aliened without licence, have been ſeiſed heretofore into the Kings hands, and holden as forfeit: (2) The King ſhall not hold them as forfeit in ſuch caſe, but will and grant from henceforth of ſuch lands and tenements ſo aliened, there ſhall be reaſonable fine taken in the Chancery by due proceſs. St. 17 Ed. 2. 6. Fitz. N.B. f. 195. Raſt. pl. fo. 455, 485. 18 Ed. 3. Cap. 3.

CAP. XIII.

Purchaſing of Lands holden of the King as of ſome Honour.

Tenures 1. Lands holden of the King as of ſome honour.

26 H. 8. f. 9. 5 Ed. 4. f. 127. 28 H. 6. f. 11. Bro. Alien. 34. Bro. Tenures 57, 61, 65, 94, 99, 100.

ITem, Whereas divers have complained that they be grieved by reaſon of purchaſing of lands and tenements, which have been holden of the Kings Progenitors that now is, as of Honors, and the ſame lands and tenements have been taken into the Kings hands, as though they had been holden in chief of the King, as of his Crown: (2) The King will, that from henceforth no man be grieved by any ſuch purchaſe. St. 9 H. 3. 31. St. 1 Ed. 6. 4. Reg. fol. 184. Fitz. N. B. fo. 175. A.

CAP. XIV.

None ſhall commit maintenance.

Maintenance 1. None ſhall commit maintenance. Raſt. pl. f. 119. 427, &c.

Fitz. Bar. 15.

ITem, Becauſe the King deſireth that common right be adminiſtred to all perſons, as well poor as rich, he commandeth, and defendeth, that none of his Counſellors, nor of his houſe, nor none other of his Miniſters, nor no great man of the Realm by himſelf, nor by other, by ſending of Letters, nor otherwiſe, nor none other in this land great nor ſmall, ſhall take upon them to maintain quarrels nor parts in the Country, to the let and diſturbance of the Common Law. St. 28 Ed. 1. 11. St. 4 Ed. 3. 11. St. 20 Ed. 3. 4. St. 1 R. 2. 4. Regiſt. f. 182, 183. V.N.B. f. 180. Fitz. N.B. f. 172.

CAP. XV.

Dureſs, Raſt. 2.

None ſhall be bound by writing to come armed to the King, for that every Subject is at his commandment. EXP. 3 Inſt. 149.

CAP. XVI.

Who ſhall be aſſigned Juſtices and Keepers of the Peace.

Juſtices 14. Juſtices of Peace. 2 Inſt. 174. 558.

ITem, For the better keeping and maintenance of the peace: The King will that in every County, good men and lawful, which be no maintainers of evil, or barretors in the Country ſhall be aſſigned to keep the peace. St. 4 Ed. 3. 2. St. 18 Ed. 3. 2. 2 Seſſ. St. 34 Ed. 3. 1. 18 H. 6. 11. Fitz. N.B. f. 80. C.

CAP. XVII.

Indictments in the Sheriffs turn ſhall be by Roll indented.

Sheriffs 12. Indictments in Sheriffs turns ſhall be by roll indented.

12 Co. 42.

ITem, The King commandeth that the Sheriffs and Bailiffs of Franchiſes, and all other that do take indictments in their turns, or elſewhere, where indictments ought to be made, ſhall take ſuch indictment by roll indented, whereof the one part ſhall remain with the indictors, and the other part with him that taketh the inqueſt. (2) So that the indictments ſhall not be imbeziled as they have been in times paſt, and ſo that one of the Inqueſt may ſhew the one part of the Indenture to the Juſtices, when they come to make deliverance. St. 13 Ed. 1. 13.

Statutes made at *Northampton*, *tribus ſeptimanis Paſchæ*, *Anno* 2 *Ed.* 3. and *Anno Domini*, 1328.

3 Inſt. 146.

OUr Lord the King Edward the third after the Conqueſt, at his Parliament holden at Northampton at the three weeks of Eaſter, in the ſecond year of his Reign, deſiring that the peace of his Land, and his Laws and Statutes ordained and uſed before this time, may be kept and maintained in all points, (2) to the honour of God and of holy Church, and to the common profit of the People, (3) by aſſent of the Prelates, Earls, Barons, and other great men, and all the Commonalty ſummoned to the ſame Parliament, hath ordained and eſtabliſhed in the ſaid Parliament theſe things underwritten, in form following.

CAP. I.

A confirmation of the great Charter, and the Charter of the Foreſt.

Confirmat. Raſt. 4. **Charter.**

FIrſt, That the great Charter, and the Charter of the Foreſt, be obſerved in all points.

CAP. II.

In what caſes only pardon of Felony ſhall be granted. Who ſhall be Juſtices of Aſſiſe, &c.

Pardon 1. In what caſes only the Kings Pardon ſhall be granted. St. 6 Ed. 1. 9. St. 10 Ed. 3. 2. St. 14 Ed. 3. 15. Regiſt. fo. 309. St. 27 Ed. 1. 4. **Juſtices 3. Who ſhall be Juſtices of Aſſiſe and gaol-delivery.** St. 12 Ed. 2. 3, 4. St. 17 Ed. 1. 30.

Chart. de pard. Br. 10. 12 Co. 63. March 213.

ITem, Whereas offenders have been greatly encouraged, becauſe the Charters of pardon have been ſo eaſily granted in times paſt of man-ſlaughters, robberies, felonies and other treſpaſſes againſt the Peace: (2) It is ordained and enacted, That ſuch Charters ſhall not be granted, but only where the King may do it by his oath, that is to ſay, where a man ſlayeth another in his own defence, or by misfortune. (3) And alſo they have been encouraged, becauſe that the Juſtices of Gaol-delivery, and of Oyer and Terminer, have been procured by great men againſt the form of the Statute made in the xxvij year of the reign of King Edward, Grandfather to our Lord the King that now is, wherein is contained, that Juſtices aſſigned to take Aſſiſes, if they be lay-men, ſhall make deliverance; and if the one be a Clerk, and the other a lay-man, that the lay-Judge with another of the Country aſſociate to him, ſhall deliver the Gaols: (4) wherefore it is Enacted, That ſuch Juſtices ſhall not be made againſt the form of the ſaid Statute; (5) and that the aſſiſes, attaints and certifications be taken before the Juſtices commonly aſſigned, which ſhould be good men and lawful, having knowledge of the Law, and none other, after the form of another Statute made in the time of the ſaid King Edward the firſt. (6) And that the Oyers and Terminers ſhall not be granted, but before Juſtices of the one Bench or the other, or the Juſtices errands, and that for great hurt, or horrible treſpaſſes, and of the Kings ſpecial grace, after the form of the Statute thereof ordained in the time of the ſaid Grandfather, and none otherwiſe. Fitz.N.B.f.109.h.110.b.

To whom Oyers and Terminers ſhall be granted and for what cauſe.
Regiſt. fo.124, 206.
St.13 Ed.1.29.

CAP. III.

No man ſhall come before the Juſtices, or go, or ride armed.

Co. Inſt. 3 par. 160. 4 Inſt.14. 162, 158. Cro.El.294. 12 Co. 32. Poph.121. 3 H.7.f. 1.

ITem, It is Enacted that no man great or ſmall, of what condition ſoever he be, except the Kings ſervants in his preſence, and his Miniſters in executing of the Kings precepts, or of their office, and ſuch as be in their company aſſiſting them, and alſo upon a cry made for arms to keep the peace, and the ſame in ſuch places where ſuch acts happen, be ſo hardy to come before the Kings Juſtices, or other of the Kings Miniſters doing their office with force and arms, (2) nor bring no force in affray of peace, (3) nor to go nor ride armed by night nor by day, in Fairs, Markets, nor in the preſence of the Juſtices or other Miniſters, nor in no part elſewhere, upon pain to forfeit their armour to the King, and their bodies to priſon at the Kings pleaſure. (4) And that the Kings Juſtices in their preſence, Sheriffs, and other miniſters in their Bailiwicks, Lords of Franchiſes and their Bailiffs in the ſame, and Mayors and Bailiffs of Cities and Boroughs, within the ſame Cities and Boroughs, and Borough-holders, Conſtables and Wardens of the peace within their Wards, ſhall have power to execute this Act. (5) And that the Juſtices aſſigned at their coming down into the Country, ſhall have power to enquire how ſuch Officers and Lords have exerciſed their offices in this caſe, and to puniſh them whom they find that have not done that which pertained to their office. St.7 E.1. 1 Seſſ. St.7 R.2.13. St.20 R.2.1. Fitz.N.B.249.F.

Armor 1.
No man ſhall come before the Juſtices, or go or ride armed.
2 Bulltr.330.; 5 Co.71.

CAP. IV.

A Confirmation of the Statute of Lincoln, concerning the ſufficiency of Sheriffs, &c.

ITem, Becauſe the peace cannot be well kept without good miniſters, as Sheriffs, Bailffs, and Hundreders, which ought to do execution as well of the Kings writs as of other things touching our Lord the King and his people: (2) It is ordained and eſtabliſhed, that the Statute made in the time of King Edward, father to the King that now is, at Lincoln, containing that Sheriffs, Hundreders and Bailiffs ſhall be of ſuch people as have lands in the ſame Shires or Bailiwicks, ſhall be obſerved in all points after the form thereof. (3) And that Sheriffs and Bailiffs of fee, ſhall cauſe their Counties and Bailiwicks to be kept by ſuch as have lands therein. St.9 Ed.2. Lincoln. Fitz.N.B.164.

Sheriffs 1.
A confirmation of the Statute of Lincoln, containing the ſufficiency of Sheriffs.

CAP. V.

The manner how Writs ſhall be delivered to the Sheriff to be executed.

29 Aſſ.pl.8.

ITem, Where it was ordained by the Statute of Weſtminſter the ſecond, that they which will deliver their Writs to the Sheriff, ſhall deliver them in the full County, or in the rear-County, and that the Sheriff or under-Sheriff ſhall thereupon make a Bill: (2) it is accorded and eſtabliſhed, that at what time or place in the County, a man doth deliver any Writ to the Sheriff, or to the under-Sheriff, that they ſhall receive the ſame Writs, and make a Bill after the form contained in the ſame Statute, without taking any thing therefore: (3) And if they refuſe to make a Bill, others that be preſent ſhall ſet to their ſeals; (4) and if the Sheriff or under-Sheriff do not return the ſaid Writs, they ſhall be puniſhed after the form contained in the ſame Statute. (5) And alſo the Juſtices of Aſſiſes ſhall have power to enquire thereof at every mans complaint, and to award damages, as having reſpect to the delay, and to the loſs and peril that might happen.

Retorn 1.
St.13 Ed.1.39.
The manner how Writs ſhall be delivered to the Sheriff to be executed.

CAP. VI.

Juſtices ſhall have Authority to puniſh breakers of the Peace.

ITem, As to the keeping of the peace in time to come, it is ordained and enacted, that the Statutes made in time paſt, with the Statute of Wincheſter, ſhall be obſerved and kept in every point. (2) And where it is contained in the end of the ſaid Statute of Wincheſter, that the Juſtices aſſigned ſhall have power to enquire of defaults, and to report to the King in his Parliament, and the King to remedy it, which no man hath yet ſeen: the ſame Juſtices ſhall have power to puniſh the diſobeyers and reſiſters.

Juſtices of Peace 18.
St. 13 Ed.1.6.
Juſtices ſhall have authority to puniſh reſiſters of the peace.

CAP. VII.

Commiſſions ſhall be granted to certain perſons to hear and determine offences before committed, and to puniſh the offenders. Exp.

Oyer and Term.
Raſt. 3.

CAP. VIII.

No commandment under the Kings Seal ſhall diſturb or delay Juſtice.

1 Roll.156, 157, 208, 213.

ITem, It is accorded and eſtabliſhed, That it ſhall not be commanded by the great Seal nor the little Seal, to diſturb or delay common right: (2) and though ſuch commandments do come the Juſtices ſhall not therefore leave to do right in any point. St.9 H.3.29. St.5 Ed.3.9. St.14 Ed.3.14. St.11 R.2.10.

Juſtice 1.
There ſhall be no hindrance or delay of Juſtice.
Regiſt. fo.186.
F.N.B.f.240 d.
Cro.El.417.

CAP. IX.

All Staples ſhall ceaſe, and Merchants may come in and go out with their Merchandiſes.

11 Co. 63.

ITem, It is enacted, That the Staples beyond the Sea and on this ſide, ordained by Kings in times paſt, and the pains thereupon provided, ſhall ceaſe: (2) And that all Merchant-ſtrangers and privy may go and come with their Merchandiſes into England, after the tenor of the great Charter, (3) and that Writs thereupon ſhall be ſent to all Sheriffs of England, and

Merchants 1.
Merchants may come and go out of England.

to Mayors and Bailiffs of good Towns where need ſhall require, St. 9 H. 3. 30. St. 9 Ed. 3. 1. 1 Seſs. St. 25 Ed. 3. 2. 2 R. 2. 1. 11 R. 2. 7.

CAP. X.

The Kings Pardon of Fines forſeited. Exp.

CAP. XI.

The Common Bench ſhall not be removed without warning by Adjournment.

Adjournment 1. Adjournment of ſuits in the common place. F.N.B. fo. 243. k Raſt. pla. f. 22.

7 H. 6. f. 9. 12 H. 4. f. 9. Dyer. f. 225. Bro. Adjorn. 25, 26, 27.

ITem, Whereas by removing of the Common Bench, the pleas have oftentimes abiden without day, to the great hurt, peril and diſheriſon of divers: (2) It is enacted, That from henceforth the Juſtices, before that the Common Bench be removed, ſhall be warned by a time, ſo that they may adjourn the parties by ſuch time that they ſhall not loſe their Proceſs.

CAP. XII.

Hundreds and Wapentakes ſhall be annexed to Counties, and not let to ferm.

Sheriffs 5. Hundreds and Wapentakes ſhall be annexed to Counties, and not let to ferm.

Fitz. Petition 1.

ITem, Whereas all the Counties in England were in old time aſſeſſed to a certain ferm, and then were all the Hundreds and Wapentakes in the Sheriffs hands, rated to this ferm. (2) And after were Approvers ſent into divers Counties, which did increaſe the ferms of ſome Hundreds and Wapentakes: (3) And after, the Kings at divers times have granted to many men, part of the ſame Hundreds and Wapentakes for the old ferms only. (4) And now late the Sheriffs be wholly charged of the increaſe, which amounteth to a great ſum, to the great hurt of the people, and diſheriſon of the Sheriffs and their heirs: (5) It is ordained, that the Hundreds and Wapentakes let to ferm by the King that now is, be it for term of life or otherwiſe, which were ſometime annexed to the ferms of the Counties where the Sheriffs be charged, ſhall be adjoyned again to the Counties. (6) And that the Sheriffs and their heirs have allowance for the time that is paſt. (7) And that from henceforth ſuch Hundreds and Wapentakes ſhall not be given nor ſevered from the Counties.

CAP. XIII.

Proceſs of Treſpaſs committed in the time of King Edward the ſecond. Exp.

Proceſs, Raſt. 2. Drapery 1.

CAP. XIV.

The Meaſure and Aſſiſe of Cloths of Ray and of colour. Rep. 5 Ed. 6. 6. 43 Eliz. 10. 4 Jac. 2.

CAP. XV.

No perſon ſhall keep a Fair longer than he ought to do.

Fairs 1. No man ſhall keep a Fair longer than he ought to do. Raſt. pla. f. 327.

ITem, It is eſtabliſhed, That it ſhall be commanded to all the Sheriffs of England, and elſe where, where need ſhall require, to cry and publiſh within Liberties and without, that all the Lords which have Fairs, be it for yielding certain ferm for the ſame to the King, or otherwiſe, ſhall hold the ſame for the time that they ought to hold it, and no longer: that is to ſay ſuch as have them by the Kings Charter granted them, for the time limited by the ſaid Charters. (2) And alſo they that have them without Charter, for the time that they ought to hold them of right. (3) And that every Lord at the beginning of his Fair ſhall there do, cry and publiſh how long the Fair ſhall endure, to the intent that Merchants ſhall not be at the ſame Fairs over the time ſo publiſhed, upon pain to be grievouſly puniſhed towards the King. (4) Nor the ſaid Lords ſhall not hold them over the due time, upon pain to ſeiſe the Fairs into the Kings hands, there to remain till they have made a Fine to the King for the offence, after it be duly found, that the Lords held the ſame Fairs longer than they ought, or that the Merchants have continued above the time ſo cried and publiſhed. St. 5 Ed. 3. 5.

CAP. XVI.

Niſi prius may be granted as well at the Tenants ſuit, as the Demandants.

Niſi prius 2. 12 Ed. 2. 3. Niſi prius may be granted as well at the tenants ſuit as the demandants. St. 14 Ed. 3. 16.

33 H. 6. f. 14. 16 H. 7. f. 14. 19 H. 6. f. 47. Bro. Niſi prius 39.

ITem, Whereas in a Statute made at York, in the time of the father of our Lord the King that now is, it is contained that Inqueſts and Juries, which be and ſhall be hereafter taken, requiring no great examination, ſhall be taken before one Juſtice of the place where the plea is, adjoyning to him one diſcreet man of the Country, Knight or other, ſo that a certain day be given in the Bench, and a certain day and place in the Country in the preſence of the parties, if the demandant pray the ſame. (2) And alſo the Inqueſts and Juries in plea of Land which require great examination, ſhall be taken in the Country in the ſaid form, before two Juſtices of the Bench: (3) It is accorded and enacted, That all ſuch Inqueſts which are, or in time to come ſhall be taken in plea of Land, ſhall be taken as well at the requeſt of the Tenant as the Demandant. (4) All other Proceſs according to the ſaid Statute in ſuch caſe ſaved and kept. Regiſt. Jud. f. 7. V.N.B. f. 175. Raſt. pla. f. 437.

CAP. XVII.

A Writ of Deceit ſhall be maintainable in caſe of garniſhment in plea of Land.

Deceit 2. Writs of Deceit where maintainable.

ITem, It is Enacted, That a Writ of Deceit ſhall be maintainable, and hold place as well in the caſe of garniſhment, touching plea of Land, where ſuch garniſhment is given, as in caſe of ſummons in plea of Land. Dated at Northampton. Regiſt. 112. Regiſt. jud. f. 6. 9. 10. 18. V.N.B. f. 51. Fitz. N. B. f. 97. C. Raſt. pla. f. 220, &c.

Statutes made at *Weſtminſter*, 27 *Novembris*, *Anno* 4 *Ed.* 3. & *Anno Domini* 1339.

AT the Parliament Summoned at Weſtminſter, the Monday next after the Feaſt of St. Katherine, in the fourth year of the Reign of King Edward the Third after the Conqueſt: Theſe things underwritten at the requeſt of the Commons be eſtabliſhed and enacted by our Lord the King, his Prelates, Earls and Barons, and other of the ſame Parliament; which things our Lord the King will to be publiſhed, and ſurely obſerved in all his Counties of England.

CAP.

CAP. I.

A Confirmation of all Statutes not repealed.

FIrſt it is accorded, That the great Charter, and the Charter of the Foreſt, and all other Statutes made as well in the time of the Kings Progenitors, as in the Kings time that now is, be kept and maintained in all points.

Confirmation.
Raſt.4.
Charters.

CAP. II.

The Authority of Juſtices of Aſſiſe, Gaol-delivery, and of the Peace.

Co. Inſt. 4 par.168.

ITem, It is ordained, That good and diſcreet perſons, other then of the places, if they may be found ſufficient, ſhall be aſſigned in all the Shires of England to take Aſſiſes, Juries, and Certifications, and to deliver the Gaols. (2) And that the ſaid Juſtices ſhall take the Aſſiſes, Juries and Certifications, and deliver the Gaols at the leaſt three times a year, and more often if need be. (3) Alſo there ſhall be aſſigned good and lawful men in every County to keep the peace. (4) And at the time of the Aſſignments, mention ſhall be made that ſuch as ſhall be indicted or taken by the ſaid keepers of the peace, ſhall not be let to mainpriſe by the Sheriffs, nor by none other Miniſters, if they be not mainpernable by the Law. (5) Nor that ſuch as ſhall be indicted, ſhall not be delivered but at the Common Law. (6) And the Juſtices aſſigned to deliver the Gaols, ſhall have power to deliver the ſame Gaols of thoſe that ſhall be indicted before the keepers of the peace. (7) And that the ſaid keepers ſhall ſend their indictments before the Juſtices, and they ſhall have power to enquire of Sheriffs, Gaolers, and other, in whoſe Ward ſuch indicted perſons ſhall be, if they make deliverance, or let to mainpriſe any ſo indicted, which be not mainpernable, and to puniſh the ſaid Sheriffs, Gaolers, and others, if they do any thing againſt this Act.

Juſtices 3.
The authority of Juſtices of Aſſiſe and Gaol delivery.
St.33 Ed.1.30.
St. 20 Ed.3.6.
F.N.B. fo. 251.
Juſtices of Peace ſhall be aſſigned, and their authority.
St. 1 E.3.16.
St. 18 Ed.3.2.
St.34 Ed.3.1.
St.13 R.2.7.

CAP. III.

Purveyors for the King, Queen, and their Children, and what they may do. St.25 Ed.3.1. St.36 E.3.2. Alt.12 Car.2.ca.24. & 13 Car.2.ca.8. 14 Car.2.ca.20.

Purveyors, 16.
1 Bulſtr.98.

CAP. IV.

A Confirmation of the Statute of 28 Ed.1.2. touching Purveyors. Rep.12 Car.2.Cap.

Purveyors, 3.

CAP. V.

The Kings pardon of certain Fines, and alſo of ſome Mony granted to him. Exp.

Pardon,
Raſt.8.

CAP. VI.

The Statute made at *Carliel*, *Anno* 35 *Ed*.1. touching Religious perſons, confirmed.

ITem, It is accorded, That the Statute late made and affirmed at Carliel, that Religious perſons ſhould make no carriage beyond the Sea, ſhall be maintained, kept and obſerved in all points.

Monaſteries,
Raſt.6.
St.25 Ed.1.
Religious perſons.

CAP. VII.

Executors ſhall have an Action of Treſpaſs for a wrong done to their Teſtator.

Bro.Reſt.59.
7 H.4.f.18.
11 H.4.f.3.
Fitz.Bar.217.
Fitz.Exec. 33, 106.
Fitz. Severance 3.28.
Cro.El. 377, 384.
Poph.189.
Latch.167.
Savil.118, 133.

ITem, Whereas in times paſt Executors have not had Actions for a Treſpaſs done to their Teſtators, as of the Goods and Chattels of the ſame Teſtators carried away in their life and ſo ſuch Treſpaſſes have hitherto remained unpuniſhed: (2) It is Enacted, That the Executors in ſuch caſes ſhall have an Action againſt the Treſpaſſors, and recover their damages, in like manner as they, whoſe Executors they be, ſhould have had if they were in life. Regiſt.f.98. V.N.B.f.58. F.N.B.fo.117, & 119. St.25 Ed.3.5.

Executors 1.
Raſt.pl.f.640.
St.13 Ed.1.23.
Executors ſhall have an action of Treſpaſs for the goods of the Teſtator.
1 Leond.193, 914.

CAP. VIII.

At all paſſages men ſhall pay no more for their Fare than they had wont to do. Rep.22 Jac.28.

Paſſage,
Raſt.1.

CAP. IX.

Sheriffs, Bailiffs of Hundreds, and Eſcheators ſhall have ſufficient in the County.

ITem, It is accorded, That no Sheriff, Bailiff of Hundred, Wapentake, nor of Franchiſe. nor under-Eſcheators, ſhall be from henceforth, except he have lands ſufficient in the place where they be Miniſters, whereof to anſwer the King and his people, in caſe that any man complain againſt them, as it was ordained at another time at the Parliament holden at Lincoln, in the time of the Kings Father that now is, that is to ſay, in the ninth year of his Reign. Regiſt.fo.178. Fitz.N.B.164.b.

Sheriffs 2.
Officers ſhall have ſufficient.
St.9 Ed.2.
St.5 Ed.3.4.
14 Car.2.21.

CAP. X.

Sheriffs and Gaolers ſhall receive Offenders without any thing taking.

2 Inſt.416.
11 Ed.4.f.4.

ITem, Whereas in time paſt, Sheriffs and Gaolers of Gaols would not receive thieves, perſons appealed, indicted, or found with the manner, taken and attached by the Conſtables, and Townſhips, without taking great fines and ranſoms of them for their receit, whereby the ſaid Conſtables and Townſhips have been unwilling to take thieves and felons, becauſe of ſuch extream charges, and the thieves and the felons the more encouraged to offend: (2) It is enacted, That the Sheriffs and Gaolers ſhall receive and ſafely keep in priſon from henceforth ſuch thieves and felons, by the delivery of the Conſtables and Townſhips, without taking any thing for the Receit. And the Juſtices aſſigned to deliver the Gaol, ſhall have power to hear their complaints that will complain upon the Sheriffs and Gaolers in ſuch caſe, and moreover to puniſh the Sheriffs and Gaolers if they be found guilty.

Priſons 6.
Sheriffs and Gaolers ſhall receive felons without taking any thing therefore.

CAP. XI.

Juſtices of Aſſiſes, &c. ſhall enquire of Maintainors, Conſpirators, and Champertors.

ITem, Where in times paſt divers people of the Realm, as well great men as other, have made alliances, confederacies and conſpiracies, to maintain parties, pleas and quarrels, whereby divers have been wrongfully diſinherited, and ſome ranſomed and deſtroyed,

Juſtices 3.

Juſtices of the one Bench and the other, Juſtices of Aſſiſes and Niſi prius, ſhall enquire and determine maintenance, &c. St.28 Ed.1.11. St.1 Ed.3.14. 20 Ed.3.4. 1 R.2.4. Adjournment of ſuits Regiſt. fo.186. F.N.B.f.115.H.

and ſome for fear to be maimed and beaten, durſt not ſue for their right, nor complain, nor the Jurors of Inqueſts give their verdicts, to the great hurt of the people, and ſlander of the Law, and common right: (2) It is accorded, That the Juſtices of the one Bench, and of the other, and the Juſtices of Aſſiſes whenſoever they come to hold their Seſſions, or to take Inqueſts upon Niſi prius, ſhall enquire, hear and determine, as well at the Kings ſuit, as at the ſuit of the party, of ſuch Maintainers, Bearers, and Conſpirators, and alſo of them that commit Champerty, and of all other things contained in the foreſaid Article, as well as Juſtices in Eyre ſhould do if they were in the ſame County. (3) And that which cannot be determined before the Juſtices of the one Bench or the other, upon the Niſi prius for ſhortneſs of time, ſhall be adjourned into the place whereof they be Juſtices, and there be determined as right and reaſon ſhall require. Regiſt.f.182,183. V.N.B.f.180. Fitz.N.B.f.172. Raſt.pla. fo.119, 427,&c.

CAP. XII.

Wines ſhall be aſſayed and ſold at reaſonable prices.

Wines 12. Wines ſhall be ſold at reaſonable prizes. St. 28 H.8.14.

ITem, Becauſe there be more Taverns in the Realm than were wont to be, ſelling as well corrupt Wines as wholſom, and have ſold the Gallon at ſuch price as they themſelves would, becauſe there was no puniſhment ordained for them, as hath been for them that have ſold Bread and Ale, to the great hurt of the people: It is accorded that a cry ſhall be made, that none be ſo hardy to ſell Wines but at a reaſonable price, regarding the price that is at the Ports from whence the Wines came, and the expences, as in carriage of the ſame from the ſaid Ports to the places where they be ſold. (3) And that aſſay ſhall be made of ſuch Wines two times every year, once at Eaſter, and another time at Michaelmaſs, and more often, if need be, by the Lords of the Towns and their Bailiffs, and alſo by the Mayor and Bailiffs of the ſame Towns. (4) And all the Wines that ſhall be found corrupt, ſhall be poured out, and the veſſels broken. (5) And the Chancellor and Treaſurer, Juſtices of the one Bench and the other, and Juſtices of Aſſiſe, ſhall have power to enquire upon the Mayors, Bailiffs and Miniſters of Towns, if they do not according to this Statute. And beſides that, to puniſh as reaſon ſhall require.

Corrupt Wines ſhall be poured out, and the veſſels broken.

CAP. XIII.

A Confirmation of the Statute of 2 Ed.3.2. touching granting of Pardons.

Pardon 1. Charters of Pardon. Br.10.

ITem, Becauſe divers Charters of Pardon have been granted of Felonies, Robberies and Manſlaughters, againſt the form of the Statute lately made at Northampton, containing that no man ſhould have ſuch Charters out of the Parliament, whereby ſuch miſ-doers have been the more bold to offend: (2) It is Enacted, that from henceforth the ſame Statute ſhall be kept and maintained in all points. St.2 Ed.3.2.

CAP. XIV.

A Parliament ſhall be holden once every year.

Parliament, 1.

ITem, It is accorded, That a Parliament ſhall be holden every year once, and more often if need be. St.36 Ed.3.10. St.17 Car.1.ca.1. 26 Car.2.ca.1.

CAP. XV.

Sheriffs ſhall let their Hundreds and Wapentakes for the old ferm.

Sheriffs, Hundreds, Wapentakes.

ITem, Becauſe Sheriffs have before this time let Hundreds and Wapentakes in their Bailiwicks to ſo high ferm, that the Bailiffs cannot levy the ſaid ferm, without doing extortion and dureſs to the people: (2) It is ordained, That the Sheriffs ſhall from henceforth let their Hundreds and Wapentakes for the old ferm and not above. And that the Juſtices aſſigned ſhall have power to enquire of the ſaid Sheriff, and puniſh them that ſhall be found offending this Statute. Stat.14 Ed.3.9.

Statutes made at *Weſtminſter, Craſtino Michaelis, Anno 5 Ed.3.* and *An. Dom.* 1331.

AT the Parliament at Weſtminſter, the morrow after St. Michael, in the Fifth year of the Reign of King Edward the Third after the Conqueſt: Our Lord the King, by the aſſent of the Prelates, Earls, Barons, and other great men of the Realm there aſſembled to the honour of God and of holy Church, and at the requeſt of his People, hath granted and eſtabliſhed theſe things under-written, which he will to be kept and maintained for ever.

CAP. I.

The great Charter and the Charter of the Foreſt confirmed.

Confirmation, Raſt. 4. Charters.

FIrſt, It is accorded and eſtabliſhed, That the great Charter, and the Charter of the Foreſt ſhall be kept and firmly maintained.

CAP. II.

Things purveyed for the Kings houſe ſhall be praiſed, and Tallies made thereof. Of what people Inqueſts in the Marſhals Court ſhall be taken. Redreſſing of Error there.

Purveyors, 17. St. 4 Ed. 3.3. 1 Bulſtr.96.

ITem, Where in the Statute made at Weſtminſter, at the Parliament there ſummoned after the Feaſt of Saint Katherine, in the Fourth year of the Reign of the King that now is, amongſt other things there Enacted, it is contained, upon the grievances which the Purveyors for the Kings houſe, the Queens, and of their Children, did to the people in outragious meaſures of corn, and voluntary taking of Hay, Litter, and other things provided by the ſaid Purveyors, that the takers and Purveyors of corn for the ſaid houſes, ſhould take them by meaſure ſtricken according as hath been uſed through the Realm: (2) And that all the corn, hay, litter, beſtail and all other victuals and things to be taken for the ſame houſes, ſhould be praiſed at the true value by the Conſtables and other good people of Towns where ſuch priſes be, (3) and that the praiſors be not enforced by threats and dureſs, to aſſeſs any other price then their Oath will. (4) And in the ſame Statute is one Article rehearſed which was made in the time of King Edward, Grandfather to the King that now is, where certain pains be limited againſt thoſe that late made Purveyance for the ſaid houſes; which pains not regarded, the ſaid Purveyors have not let to make outragious and unlawful priſes againſt the tenor of the ſaid Statutes. (5) To the honour and profit of our ſaid Lord the King, and for the peace and quietneſs of his people, and to refrain and puniſh the enormities of thoſe that have committed ſuch outrages, to the Kings, the Queens, and their Childrens great ſlander: (6) It it accorded and enacted, That the taking and Purveyance for the ſaid houſes ſhall be made by the Conſtables, and four diſcreet men of the Towns where ſhall be ſuch priſes and Purveyances, therto ſworn, and without menace, as in the ſaid Statutes is contained. (7) And that alſo betwixt the Purveyors and them, whoſe goods ſhall be taken in the preſence of the Conſtables and Priſors, tallies ſhall be made and ſealed with the Purveyors ſeals of the things ſo taken; By which tallies ſatisfaction ſhall be made to them from whom ſuch goods be taken. (8) And if any taker or Purveyor for the ſaid houſes, do take in any other manner, he ſhall be incontinently arreſted by the Town where ſuch taking was made, and brought to the next Gaol. (9) And if he be thereof attainted, it ſhall be done of him as of a thief, if the quantity of the goods the ſame require. (10) And from henceforth it ſhall be contained in the Commiſſions of ſuch takers and Purveyors, be they under the ſmall ſeal, or the great, the form and the pain contained in this Statute. (11) And that in every caſe where inqueſts be to be taken before the Steward and the Marſhal of the Kings-houſe, that Inqueſts be taken by men of the Countrey thereabout, and not by men of the Kings-houſe, except it be of contracts, covenants or treſpaſſes made by men of the Kings-houſe of the one part and of the other, and that in the ſame houſe, according to another Statute thereof made in the time of the ſaid Edward the Grandfather. (12) And in caſe where any will complain of errour made in the time of the ſaid King before the ſaid Steward and Marſhal, the Plaintiff ſhall have a Writ to remove the Record and the Proceſs before the King in his place, and there the errour ſhall be redreſſed. (13) And likewiſe ſhall it be done in every other caſe where any man will complain him of errour done before the ſame Steward and Marſhal of the Kings-houſe. Regiſt. f.17. Raſt.pla.f.297.

St. 28 Ed. 1.2.

Things purveyed for the Kings-houſe ſhall be praiſed.

St. 36 Ed. 3. 1.

St. 25 Ed. 3. 1.

Tallies ſhall be made between the purveyor and the ſeller.

St. 25 & 3 P. & M.6.

St 25 Ed.3.1.

Marſhals 4.

Inqueſts taken in the Marſhals Court.

St.23 Ed.1.3.

Co.l.10.f.69.

Errour in the Marſhals Court.

St.10 Ed 3. 3.

Rep.12 Car.2. cap.

CAP. III.

A Confirmation of the Statute of Carliel, made 35 Ed. 1. touching Religious-Houſes.

ITem, It is agreed, that the Statute made at Carliel, in the time of King Edward, the Kings Grandfather that now is, wherein is contained, That Religious men ſhall make no carriage out of the Realm, ſhall be holden, kept and maintained in all paints. Stat. 35 Ed. 1. St.4 Ed.3.6.

Monaſteries. Religious men.

CAP. IV.

None ſhall be Sheriff, Eſcheator, or Bailiff of Franchiſe, unleſs he hath ſufficient in the County.

ITem, It is accorded and enacted, That no Sheriff, under-Eſcheator, Bailiff of Franchiſes, Wapentakes, Hundreds nor Tithings, ſhall from henceforth be, except he have lands ſufficient in the ſame County whereof to anſwer the King and his people, if any will complain St.4 Ed.3.9. Reg.fo.177. 14 Car.2.c.21.

Sheriffs 1. Sheriff, Under-Sheriffs.

CAP. V.

The penalty if any do ſell Ware at a Fair after it is ended.

ITem, Where it is contained in the Statute made at Northampton, in the ſecond year of the reign of the King that now is, that the Lords which have Fairs by Charters or otherwiſe, ſhall hold them during the time that they ought to do, and no longer, upon pain to ſeiſe ſuch Fairs into the Kings hands: (2) And that every Lord at the beginning of his Fair do cry and proclaim therein how long the Fair ſhall endure. (3) And in the ſame Statute is no certain puniſhment ordained againſt the Merchants if they ſell after the time: (4) It is accorded, that the ſaid Merchants after the ſaid time, ſhall cloſe their booths and ſtalls without putting any manner of ware or merchandiſe to ſell there. (5) And if it be found that any Merchant from henceforth ſell any ware or merchandiſe at the ſaid Fairs, after the ſaid time, ſuch Merchant ſhall forfeit to our Lord the King the double value of that which is ſold. (6) And every man that will ſue for our Lord the King ſhall be received, and alſo have the fourth part of that which ſhall be loſt at his ſuit. St.2 Ed.3.15.

Fairs 1. 2 Ed.3.15.

The penalty if any do ſell ware in a Fair after the ſame is ended.

CAP. VI.

Niſi prius ſhall be granted in Attaint, but no Eſſoin or Protection. Days given.

ITem, Becauſe the Jurors have the leſs doubted to be perjured by reaſon of the long delays that have been in Attaints, before the Juſtices of the one Bench and of the other, and before other Juſtices: (2) It is Enacted, that no Eſſoin of the Kings ſervice nor protection, ſhall be from henceforth allowed in ſuch Juries, no more then in Aſſiſes of Novel diſſeiſin. (3) And that five days by the year be given before the Juſtices of the Common Bench in the ſaid Juries at the leaſt. (4) And that a Niſi prius be as well given in ſuch Writs as in other. Reg.f.122. Fitz.N.B. f.105.N. 109.E.

Attaint 12. Niſi prius ſhall be granted in attaint, but no Eſſoin or Protection. Raſt.pla.f.402.

CAP. VII.

Attaint ſhall be granted in Treſpaſs, if the damage paſs xl s.

ITem, Whereas it is contained in a Statute late made at Weſtminſter, in the firſt year of their Reign of our Lord the King that now is, after his Coronation, that Attaints ſhould be granted in Writs of Treſpaſs: (2) It is accorded and eſtabliſhed, that Writs of Attaint ſhall be from henceforth granted as well in pleas of Treſpaſs moved without Writ, as by Writ before Juſtices of Record, if the damages judged do paſs xl s. And this Statute ſhall hold

Attaint 12. St.1 Ed.3.6. Attaint in treſpaſs where the damages paſt xl s. St.28 Ed.3.8. F N B. fo. 105. Raſt.pl. f.84 1.

hold place as well of enqueſts taken in times paſt, as to be taken in time to come. Reg.f.122. V.N.B.f.48.112.

CAP. VIII.

The Marſhals of the Kings-Bench ſhall not bail Felons.

Mainpriſe 5. The Marſhals of the Kings-Bench ſhall not bail any committed to their charge. F.N.B.fo.251.1.

ITem, Becauſe that perſons indicted of felonies, robberies and theft, in times paſt have removed the ſame Indictment before the King, and there yielded themſelves, and by the Marſhals of the Kings-Bench have been incontinently let to bail, and after have done many evil deeds, and lien in await to ſlay and evil intreat their Enditors: (2) And alſo perſons appealed of felony, after the Exigent awarded, have yielded themſelves before the King, and have been let to bail by the ſaid Marſhals: (3) It is accorded and eſtabliſhed, That ſuch Enditees and Appellees ſhall be ſafely and ſurely kept in priſon, as belongeth to them according to the charge which the ſaid Marſhals ſhall have of the Juſtices. (4) And if any Marſhal do otherwiſe, at the complaint of every man that will complain, the Juſtices ſhall do him right during the Terms. (5) And in the end of the Terms, upon their riſing, the ſaid Marſhals ſhall chooſe before the ſaid Juſtices, before they depart the places, in what Town they will keep ſuch priſoners at their peril. (6) And in the ſame Town they ſhall allow to them houſes to keep ſuch priſoners at their own coſt and charges; and there they ſhall keep them in priſon, and ſhall not ſuffer them to go wandring abroad, neither by bail nor without bail. (7) And if any ſuch priſoner be found wandring out of priſon by bail or without bail, and that be found at the Kings ſuit, or at the ſuit of the party, the Marſhals which ſhall be found thereof guilty, ſhall have half a years impriſonment, and be ranſomed at the Kings will. (8) And the Juſtices ſhall thereof make enquiry when they ſee time. (9) And as to the Marſhals, it ſhall be done within the Verge that which reaſon will. (10) And in caſe that the Marſhals ſuffer by their aſſent ſuch priſoners to eſcape, they ſhall be at the Law, as before this time they have been. (11) And the King intendeth not by this Statute to loſe the eſcape, where he ought to have the ſame.

The penalty of the Marſhal which ſuffereth a priſoner o eſcape.

CAP. IX.

None ſhall be attached or forejudged contrary to the great Charter, or the Law.

Accuſation 1. None ſhall be condemned but by the Law. St. 9 H. 3. 29. 2 Ed. 3. 8. 14 Ed. 3. 14. 28 Ed. 3. 3.

ITem, It is Enacted, That no man from henceforth ſhall be attached by any accuſation, nor forejudged of life or limb, nor his lands, tenements, goods nor chattels ſeiſed into the Kings hands, againſt the form of the great Charter, and the Law of the land. 17 Car.1.ca.10. 3 Bulſtr.47.

CAP. X.

The puniſhment of a Juror that is Ambidexter, and taketh money.

Jurors 6. The penalty of Jurors taking reward. St. 31 Ed. 3. 8. St. 8 Ed. 3. 12. Raſt.pl.f.145.

ITem, It is accorded, that if any Juror, in Aſſiſes, Juries or Enqueſt, take of the one party or of the other, and be thereof duly attainted, that hereafter he ſhall not be put in any Aſſiſes, Juries, or Enqueſts, and neverthelеſs he ſhall be commanded to priſon, and further ranſomed at the Kings will. (2) And the Juſtices before whom ſuch Aſſiſes, Juries, and Enqueſts ſhall paſs, ſhall have power to enquire and determine according to this Statute. Regiſt. fo.188. V.N.B.fo.120. Fitz.N.B.fo.171.

1 Ed.3.f.30. 41 Ed.3.f.15. 44 Ed.3.f.39. Fitz. Decies tan.12.

CAP. XI.

Proceſs againſt thoſe that be appealed, indicted or outlawed in one County and remain in another.

Indictments 2. Proceſs againſt thoſe that being indicted or appealed in one County do remain in another.

ITem, Where in times paſt ſome perſons appealed or indicted of divers felonies in one County, or outlawed in the ſame County, have been dwelling, or received in another County, whereby ſuch felonious perſons indicted, and outlawed, have been encouraged in their miſchief, becauſe they may not be attached in another County: (2) It is Enacted, That the Juſtices aſſigned to hear and determine ſuch felonies, ſhall direct their Writs to all the Counties of England where need ſhall be, to take ſuch perſons indicted.

CAP. XII.

What is requiſite to be done to have their Pardons allowed which be outlawed.

Exigent 2 & 3. Pardon of him that is outlawed upon a Judgment. F.N.B.fo.247.c. Outlawry upon an original before appearance. 3 Scire facias awarded againſt the plaintiff.

ITem, It is eſtabliſhed and ordained, That in caſe where the plaintiff ſhall recover damages, and he againſt whom the damages be recovered, be outlawed at the Kings ſuit: That no Charter of pardon ſhall be granted of his outlawry, except the Chancellor be certified that the plaintiff is ſatisfied of his damages. (2) And in caſe that a man be outlawed by proceſs before his appearance, no ſuch Charter ſhall be granted, except the Chancellor be certified that ſuch perſon outlawed hath yielded himſelf to priſon before the Juſtices of the place, from whence the Writ of Exigent iſſued: that is to ſay, if from the Kings-Bench, then he ſhall yield him in the ſame place: and if from the Common-Bench, then he ſhall yield himſelf there. (3) And if from the Juſtices of Oyer and Terminer, whiles the ſame Juſtices do ſit, he ſhall yield him before them. (4) And if they be riſen, then he ſhall yield him in the Kings-Bench, before the Juſtices, and the Record with the Proceſs ſhall be removed before them by Writ. (5) And if the ſaid Juſtices before whom they ſhall ſo yield them, ſhall cauſe the party plaintiff to be warned to appear before them at a certain day; at which day if the warning be duly witneſſed, and the plaintiff appear upon his warning, then they ſhall plead upon the firſt original Writ, as though no outlawry had been pronounced: (6) and if the plaintiff come not, he that is outlawed ſhall be delivered by virtue of his Charter: (7) and it is to be underſtood, that all ſuch Charters be of the grace of the King, as before they have been. Regiſt. fo.288, 308. Regiſt.jud.f.5,11,28,41.

9 H.6.f.13. 4 Ed.4.f.16. Fitz. Chart. 27,28. Fitz. Scire fac.150. Fitz. Utlagat.4. 1 H.7.f.12. 20. 18 Ed.3.7. Bro. Reſpond.53. Fitz. Reſp. 24,39.85. Dyer f.171, 172. 21 Ed.4.f.17. 30 Aſſ.pl.20. 24 Aſſ.pl.16. 13 Ed.4.f.5. 21 H.6.f.1. 40 Ed.3.f.2

CAP. XIII.

What is requiſite where any perſon will avoid an Outlawry by Impriſonment.

Exigent 3.

ITem, Becauſe divers people being duly outlawed, have avoided the Outlawries pronounced againſt them, by reaſon of impriſonments, untruly teſtified by Sheriffs and others which

have

Fitz. Error 23. Fitz Utlag. 47, 48.

have no record: (2) It is enacted, that if any from henceforth will defeat any outlawry pronounced upon him by ſuch teſtimony, that he ſhall yield himſelf to the priſon, (3) and then the Juſtices of the Kings Bench ſhall cauſe the party at whoſe ſuit the outlawry was pronounced, to be warned to be before them at a certain day; (4) at which day if the party will deviſe that the teſtimony is untrue, his averment ſhall be received. (5) And in like manner the Kings Serjeant, or his Attorney, or other that will ſue for the King, ſhall be received to have the ſame averment againſt ſuch teſtimony, in caſe where ſuch outlawry is pronounced at the Kings ſuit. Raſt.pla.fo.280.

Avoiding an Outlawry by impriſonment.

CAP. XIV.

Night-walkers and ſuſpected perſons ſhall be ſafely kept.

ITem, Whereas in the Statute made at Wincheſter, in the time of King Edward, Grandfather to the King that now is, it is contained, That if any ſtranger paſs by the Country in the night, of whom any have ſuſpicion, he ſhall preſently be arreſted and delivered to the Sheriff, and remain in Ward till he be duly delivered. (2) And becauſe there hath been divers man-ſlaughters, felonies, and robberies done in times paſt, by people that be called Roberdeſmen, Waſtors, and Draw-latches: (3) It is accorded, that if any man have any evil ſuſpicion of ſuch, be it by day or by night, they ſhall be incontinently arreſted by the Conſtables of the Towns. (4) And if they be arreſted within Franchiſes, they ſhall be delivered to the Bailiffs of the Franchiſe; and if in guildable, they ſhall be delivered to the Sheriffs, and kept in priſon till the coming down of the Juſtices deſigned to deliver the Gaol; (5) and in the mean time the Sheriffs or Bailiffs of the Franchiſes ſhall enquire of ſuch arreſts, and at the coming of the Juſtices return their Enqueſts before them, with that which they have found, and the cauſe of the takings with the bodies, and the Juſtices ſhall proceed to the deliverance of ſuch perſons arreſted according to the Law. (6) And in caſe that the Sheriffs or Bailiffs of the Franchiſes have not enquired of ſuch arreſts, they ſhall be amerced, and nevertheleſs the Juſtices ſhall make enquiry, and further proceed to the deliverance, as before is ſaid.

Felony 2. Stat. VVinch. 13 Ed. 1. 4. Suſpected perſons ſhall be arreſted and kept until they be delivered by the Juſtices.

9 Inſt. 197.

Statutes made at *York*, *Craſtino Aſcenſionis*, *Anno* 9 *Ed.* 3. and *Anno Dom.* 1335.

Merchants 1.

WHereas before this time in many Parliaments, and now at this preſent Parliament ſummoned at York on the morrow after the Aſcenſion, in the ninth year of the Reign of King Edward the Third after the Conqueſt, it was ſhewed to our ſaid Lord the King, by the Knights of the Shires, Citizens of the Cities, and Burgeſſes of the Boroughs, which come for the Commons of the ſaid Shires, Cities and Boroughs, that in divers Cities, Boroughs, and other places of his Realm, great dureſs and grievous damage have been done to him and his people, by ſome people of Cities, Boroughs, Ports of the Sea, and other places of the ſaid Realm, which in long time paſt have not ſuffered, nor yet will ſuffer Merchant-ſtrangers, nor other which do carry and bring in by Sea or Land, Wines, Avoir de pois, and other livings and victuals, with divers other things to be ſold, neceſſary and profitable for the King, his Prelates, Earls, Barons, and other Noble men, and the Commons of this Realm, to ſell or deliver ſuch Wines, Livings, Victuals, nor other things to any other than to themſelves, of the Cities, Boroughs, Ports of the Sea, or other places where ſuch Wines, Livings, Victuals, and other things to be ſold, ſhall be brought or carried. (2) By reaſon whereof, ſuch ſtuff aforeſaid is ſold to the King and to his people, in the hands of the ſaid Citizens, Burgeſſes, and other people, Denizens, more dear than they ſhould be, if ſuch Merchant-ſtrangers, and others which bring ſuch things into the Realm, might freely ſell them to whom they would, to the great damage of our Lord the King, and of his Prelates, Earls, Barons, and other Nobles of this Realm, and grievous oppreſſion of his Commons: (3) Whereupon the ſaid Knights, Citizens and Burgeſſes, for them and the Commons, deſired our ſaid Lord the King in his ſaid Parliament, by their Petition, that for the profit and commodity of his Prelates, Earls, Barons, and other Nobles of this Realm, it may pleaſe him without further delay, upon the ſaid grievances and outrage, to provide remedy.

CAP. I.

Merchant-ſtrangers may buy and ſell within this Realm without diſturbance.

OUr Lord the King, deſiring the profit of his people, by the aſſent of his Prelates, Earls, Barons, and other Nobles of his Realm, ſummoned at his Parliament, and by the advice of his Council being there, upon the ſaid things diſcloſed to him, and found true, to the great hurt of the ſaid Prelates, Earls and Barons, and other Nobles of his Realm, and oppreſſion of his Commons, hath ordained and eſtabliſhed, That all Merchants, Strangers and Denizens, and all other and every of them, of what eſtate or condition ſoever they be, that will buy or ſell Corn, Wines, Avoir de pois, Fleſh, Fiſh, and all other Livings and Victuals, Wools, Clothes, Wares, Merchandizes, and all other things vendible, from whence ſoever they come by Foreigners or Denizens, at what place ſoever it be, City, Borough, Town, Port of the Sea, Fair, Market, or elſewhere within the Realm, within Franchiſe or without, may freely without interruption ſell them to what perſons it ſhall pleaſe them, as well to Foreigners as Denizens; Except always the Enemies of our Lord the King, and of his Realm. (2) And if haply any diſturbance be done to any Merchant-ſtranger or Denizen, or any other for the ſale of ſuch things in any City, Borough, Town, Port of the Sea, or other place which hath Franchiſe, and the Mayors and Bailiffs, or other which hath the rule of ſuch Franchiſe, being required by the ſaid Merchants or other, thereof to provide remedy, and do not, and be thereof attainted, the Franchiſe ſhall be ſeiſed into the Kings hands. (3) And nevertheleſs he and the other which hath

Merchants 1. Merchant-ſtrangers. Merchants ſtrangers may buy and ſell within the Realm without diſturbance. 9 H. 3. 30. What puniſhment ſhall be inflicted upon them that diſturb Merchants to ſell their commodities.

Aliens ſhall carry no Wine out of the Realm.

Who may enquire of, and puniſh the offences aforeſaid.

done this diſturbance againſt this Statute, ſhall be bound to yield and reſtore to the ſaid Merchant his double damages which he hath thereby ſuſtained. (4) And if ſuch diſturbance or interruption be done to ſuch Merchants, or to other in ſuch Towns or places where no Franchiſe is: And the Lord if he be preſent, or his Bailiff, Conſtable, or other Ruler of the ſaid Towns and places, in the abſence of the Lords, being therein required to do right, and do not, and thereof be attainted, they ſhall yield to the party plaintiff his double damages as afore is ſaid. (5) And the diſturbers in the one caſe and the other, as well within Franchiſes as without, if they be attainted, ſhall have one years impriſonment, and nevertheleſs be ranſomed at the Kings will. (6) And it is ordained and eſtabliſhed, that no Alien or Denizen upon the ſame pain ſhall be troubled, but that he may freely buy ſuch things aforeſaid, in the ſaid places, and carry them where it pleaſeth him, to his own uſe, or to the profit of the King, or of the great men, or the Commons of the Realm: (7) Saving that ſuch Merchants Aliens ſhall carry no Wine out of the ſame Realm, as is contained in their Charter. (8) And it is enacted and eſtabliſhed, that the things aforeſaid ſhall be obſerved, performed, and kept in every City, Borough, Town, Port of the Sea, and other places within the Realm, notwithſtanding Charters of Franchiſe granted to them to the contrary, nor uſage, nor cuſtom, nor judgment given upon their Charters, Uſages, or Cuſtoms that they can alledge. (9) Which Charters, Uſages and Cuſtoms (if any be) our Lord the King and the Prelates, Earls, Barons, Great men, and the Commons aforeſaid hold them of no force, as things granted, uſed, or accuſtomed, to the damage of the King and his Prelates, Earls, Barons, and Great men of his Realm, and to the oppreſſion of the Commons; Saved alway to the King and to other, the cuſtoms due of the ſaid Merchandizes. (10) It is alſo ordained and provided, That the Chancellor, Treaſurer, and the Juſtices aſſigned to hold the Kings pleas, in places where they come, ſhall enquire of ſuch diſturbances and grievances, and the ſame ſhall puniſh, according as is before ordained. (11) And nevertheleſs the King ſhall aſſign by Commiſſion of his Great Seal certain perſons, where and when it ſhall pleaſe him, to enquire of ſuch diſturbances and grievances, and the ſame to puniſh as afore is ſaid.

Stat. 25 Ed. 3. 2. The Statute of Clothes. St. 2 R. 2. 1. firſt Seſſ. St. 11 R. 2. 7. St. 16 R. 2. 1.

CAP. II.

No man ſhall loſe Land becauſe of Non plevin.

Non plevin, Raſt. 1. No man ſhall loſe his land becauſe of Non plevin. 2 Ed. 3. 36. pl. 32. 7 Ed. 3. 27. pl. 13.

ITem, At the requeſt of the Commons aforeſaid made to our Lord the King at the ſaid Parliament: our Lord the King for the eaſe of his people, by the aſſent of the Prelates, Earls, Barons, and other Great men, and the Commons aforeſaid, hath put out Non plevin of land, which hath been accuſtomed in the time of his Progenitors and his own time, and the pain alſo that was wont to enſue, in caſe the land was not replevied in due time: (2) Alſo it is enacted, that none ſhall loſe his land from henceforth becauſe of Non plevin. And that this Statute hold place as well in Pleas yet hanging wherein no Judgment is given, as in time to come.

CAP. III.

In a Writ of Debt againſt divers Executors, they ſhall not fourch by Eſſoin.

Executors 4. In a Writ of debt brought againſt divers Executors, they ſhall not fourch by Eſſoin.

Raſt. pl. f. 311. In an action of Debt brought againſt divers Executors, he which firſt appeareth ſhall anſwer.

1 Roll. 127. Bro. Parl. 24. Bro. Parl. 24. Fitz. Reſpon. 5, 6, 15, 22, 44, 45, 47, 53, 57, 60, 67, 69, 70, 71, 72, 73, 74, 76, 95, 98, 99 3 H. 6. f. 14. 7 H. 4. f. 10. 1, 3, 4, 10.

ITem, At the requeſt of the ſaid Commons made to our Lord the King in his ſaid Parliament: It is ordained and eſtabliſhed by our Lord the King, by the aſſent of the Prelates, Earls, Barons, and other Great men, and the Commons aforeſaid, that in a Writ of Debt brought againſt divers Executors, the ſame Executors, nor any of them ſhall have but one Eſſoin before appearance, that is to ſay, at the ſummons or attachment, nor after appearance they ſhall have but one Eſſoin, as the Teſtator ſhould have had, ſo that all the Executors do preſent the perſon of the Teſtator as one perſon. (2) It is alſo enacted, that though the Sheriff do anſwer at the ſummons, that ſome of them have nothing whereby he may be ſummoned, yet there ſhall an attachment be awarded upon him. (3) And if the Sheriff anſwer, that he hath nothing whereby he may be attached, the great diſtreſs ſhall be awarded, ſo that at the great diſtreſs returned upon them, he or they that do firſt appear in the Court ſhall anſwer to the Plaintiff. (4) And although ſome of them have appeared in the Court, and make default at the day that the great diſtreſs is returned upon the other, yet nevertheleſs he or they ſhall be put to anſwer that firſt appeared at the great diſtreſs returned: (5) And in caſe the judgment paſs for the Plaintiff, he ſhall have his judgment and execution againſt them that have pleaded, according to the Law heretofore uſed, and againſt all other named in the Writ, of the goods of the Teſtator, as well as if they had all pleaded. (6) And it is to be underſtood, that if any in ſuch caſe will ſue according to the law that hath been uſed heretofore, he may freely do it notwithſtanding this Staute.

CAP. IV.

Trial of a Deed dated where the Kings Writ runneth not.

Trials 9. Trial of a deed denied, dated where the Kings Writ runneth not.

19 H. 6. f. 11. 31 Ed. 4. f. 9.

AND becauſe in times paſt many have been oftentimes delayed of their action, as well in Aſſiſes and other pleas of lands, as in contracts, covenants, and treſpaſſes, by reaſon that the Tenants or Defendants have pleaded in bar a releaſe, quit claim, or other ſpecial deed, made within a Franchiſe within the bounds of the Realm, where the Kings Writ runneth not: (2) It is enacted and eſtabliſhed, That when ſuch deeds be ſhewed forth in bar of an Action, bearing date in a place within the ſame Franchiſe, although there be witneſſes of the ſame Franchiſe, named in the ſame deeds, if the ſame Deeds be denied, Proceſs ſhall be awarded into the ſame County where the plea ſhall be moved, to have the inqueſt of the Country, and the witneſſes to appear: (3) and if the witneſſes come not at the great diſtreſs returned, then for the abſence of the ſaid witneſſes, the Juſtices ſhall not let to proceed to the taking of the Enqueſt, as well as if ſuch Deed did bear the date in the ſame Shire where the plea was moved, and the witneſſes were of the ſame County.

CAP. V.

Which Juſtices ſhall ſend their Records and Proceſs determined into the Exchequer.

14 H.7.c.5. 15 H.7.c.5.

ITem, At the requeſt of the Commons, our Lord the King by the ſaid aſſent hath ordained and eſtabliſhed, that Juſtices of Aſſiſes, Gaol-delivery, and of Oyer and Terminer, ſhall ſend all their Records and Proceſſes determined and put in execution to the Exchequer at Michaelmaſs, every year once to be delivered there; (2) and the Treaſurer and Chamberlains, which for the time ſhall be, having the ſight of the Commiſſions of ſuch Juſtices, ſhall receive the ſame Records and Proceſſes of the ſaid Juſtices under their Seals, and keep them in the Treaſury, as the manner is: (3) ſo that the Juſtices always do firſt take out the eſtreats of the ſaid Records and Proceſſes againſt them, to ſend to the Exchequer as they were wont before.

Records, Raſt. 1. The Juſtices ſhall ſend their Records into the Exchequer. St. 11 H.4.3.

The Statute of Mony, made at *York, Craſtino Aſcenſionis, Anno* 9 *Ed.* 3. St. 2. and *An. Dom.* 1335.

EDward by the Grace of God, King of England, &c. To the Sheriff of N. greeting. Becauſe we have perceived that divers people beyond the Sea do endeavour themſelves to counterfeit our Sterling money of England, and to ſend into England their weak money, in deceit of us, and damage and oppreſſion of our People, if remedy be not provided: We willing to prevent and let all ſuch deceits, damages and oppreſſions, and that our good money be increaſed in our Realm, and other Countries within our power, to the Profit of us and our Subjects, by the aſſent of the Prelates, Earls, Barons, and other Great men of our Realm, at our Parliament holden at York, the morrow of the Aſcenſion laſt paſt there aſſembled, have ordained and eſtabliſhed theſe things enſuing in the manner under-written.

CAP. I.

None ſhall convey Gold or Silver forth of the Realm without the Kings Licence.

3 Inſt. 94.

FIrſt, It is provided that from henceforth no religious man, nor other, ſhall carry any Sterling out of the Realm of England, nor Silver in Plate, nor Veſſel of Gold, nor of Silver, upon pain of forfeiture of the Money, Plate, or Veſſel that he ſhall ſo carry, without our eſpecial licence. St. 38 Ed. 3. 2. St. 5 R. 2. 2. St. 2 H. 4. 5. 19 H. 7. 5.

Money 3. None ſhall carry any Gold or Silver out of the Realm, without the Kings licence.

CAP. II.

No falſe Money or counterfeit Sterling ſhall be brought into the Realm.

3 Inſt. 93.

ITem, That no falſe Money or counterfeit Sterling be brought into the Realm, nor elſewhere within our power, upon forfeiture of ſuch Money: (2) So always that all people of what Realm or Dominion they be, may ſafely bring to the Exchanges, and to no place elſe, Bullion-Silver in Plate, Veſſel of Silver, and all manner of money of Silver, of what value ſoever it be, (ſaving falſe Money and Sterling counterfeit) and there receive good and convenient exchange, &c. St. 1 & 2 Ph. & M. 11. St. 14 Eliz. 3. 14 Car. 2. cap. 31.

Money, Raſt. 5. No falſe money ſhall be brought into this Realm.

CAP. III.

No Sterling Farthing or Half-peny ſhall be molten to make Veſſel.

ITem, That no Sterling half-peny nor farthing be molten, for to make Veſſel, or any other thing by Goldſmiths, nor other, upon forfeiture of the Money ſo molten; (2) and that the Goldſmith, or other, which hath ſo molten ſuch Money, ſhall be committed to priſon, there to remain till he hath yielded unto us the one half of that he hath ſo molten, notwithſtanding any Charter or Franchiſe granted or uſed to the contrary. St. 27 R. 2. 1. St. 17 Ed. 4. 1. St. 19 H. 7. 5.

Money, Raſt. 6. Small money ſhall not be molten to make Veſſel.

CAP. IV.

Black Money ſhall not be currant in this Realm. OB.

Money, Raſt. 7.

CAP. V.

The Reward of thoſe that will ſue againſt the offenders of this Statute. 4 part. OB.

Money, Raſt. 8.

CAP. VI.

There ſhall be no defrauding of this Statute.

Money, Raſt. 6.

CAP. VII.

Exchanges ſhall be where it ſhall pleaſe the King and his Council.

Exchange, Raſt. 1.

CAP. VIII.

Pilgrims ſhall paſs at Dover only. Rep. 21 Jac. 28. St. 4 Ed. 4. 10.

Paſſage, Raſt. 2.

CAP. IX.

Search ſhall be made for Money carried out, and falſe Money brought in.

Money, Raſt. 10.

CAP. X.

The Searchers ſhall have the fourth part of the forfeiture.

Money, Raſt. 11.

CAP. XI.

Hoſtlers ſhall be ſworn to ſearch their gueſts.

Money, Raſt. 12.

Other Statutes made at *Weſtminſter, Anno* 10 *Ed.* 3. and *Anno Dom.* 1336.

BEcauſe our Lord the King, Edward the Third after the Conqueſt, (which Sovereignly deſireth the maintenance of his peace and ſafeguard of his People) hath perceived at the complaint of the Prelates, Earls, Barons, and alſo at the ſhewing of the Knights of the Shires, and his Commons by their petition put in his Parliament holden at Weſtminſter the Monday next after Lent, in the tenth year of his Reign, divers oppreſſions and grievances done to his ſaid people; and namely, by Murderers, Robbers, Thieves, Raviſhers of VVomen, and other Felons: Coveting to obvent the malice of ſuch Felons, and to ſee a conveniable remedy, hath ordained and eſtabliſhed by the aſſent of the ſaid Prelates, Earls, Barons, and other Nobles of this Realm, and at the requeſt of the ſaid Knights and Commons, for the quietneſs and peace of his people, that the Articles under-neath written be kept and maintained in all points.

CAP. I.

A Confirmation of former Statutes.

Confirmation, Raſt.4. Former Statutes confirmed.

FIrſt, It is accorded and eſtabliſhed, that the great Charter, and the Charter of the Foreſt, and alſo the Statutes made in the time of the Kings Progenitors, and alſo in his own time, be kept, holden and firmly maintained, as well by the great men as by the ſmall, and the rich men as the poor.

CAP. II.

Pardons ſhall not be granted contrary to the Statute of 2 Ed.3.2.

Pardon 1. Pardons ſhall not be granted againſt the Statute of 2 Ed.3.2. Chart. de Pardon Br.10.

ITem, Whereas Murderers, Robbers, and other felons be greatly encouraged to offend by reaſon that Charters of pardon of man-ſlaughter, robbery, felonies, and other treſpaſſes againſt the Peace, have been ſo lightly granted before this time: (2) It is accorded and eſtabliſhed by our Lord the King, by the aſſent of his Prelates, Earls, Barons, and at the requeſt of the ſaid Knights and Commons, that no ſuch Charters from henceforth ſhall be granted by our Lord the King, againſt the form of a Statute late made at Northampton, the ſecond year of his Reign. St.14 Ed.3.15.

CAP. III.

He that hath a Pardon of Felony ſhall find ſureties for his good abearing.

Pardon 5.

He that hath a Pardon of felony ſhall find Sureties of his good abearing.

AND as to Charters granted in times paſt: It is accorded and eſtabliſhed by our Lord the King, by the ſame aſſent, and at the requeſt aforeſaid, that all ſuch which have Charters, ſhall come before the Sheriffs and Coroners of the Counties where the felonies be done, between this and the Feaſt of the Nativity of St. John Baptiſt next coming, and every of them ſhall find before the ſaid Sheriffs and Coroners of the Counties where the felonies be done, ſix good and ſufficient Mainpernors, for whom the ſaid Sheriffs and Coroners will anſwer, that they from henceforth ſhall bear themſelves well and lawfully. (2) And the mainpriſes ſhall be ſealed with their Seals, and returned into the Chancery at the fifteenth of the ſaid Feaſt of St. John. (3) And they that will aid themſelves by ſuch Charters, and have not found mainpriſe, as above is ſaid, or after the mainpriſe found, bear themſelves otherwiſe againſt the peace than they ought, their Charters ſhall be holden for none. (4) And in caſe that our Lord the King grant any ſuch Charters in time to come, that within three months after the making of the ſame, they that ſhall have the ſaid Charters, ſhall come and find before the Sheriffs and Coroners of the Counties where the felonies be done, ſuch like mainpriſe, and alſo as before is ſaid of their good abearing. (5) And the ſaid mainpriſes ſhall be ſealed and returned into the Chancery within three weeks after the end of the ſaid three Months. (6) And if they that ſhall have ſuch Charters will in time to come aid themſelves thereby, and have not found ſuch mainpriſes, or after ſuch mainpriſe found, do bear them otherwiſe againſt the peace than they ought, their Charters ſhall be holden for none, as is aforeſaid. Raſt.pla.fo.417. Co.pl.fo.396. 3 H.7.f.7.

Statutes of Purveyors, made at *Weſtminſter*, *Anno* 10 *Ed.*3.St.2. and *Anno Dom.*1336.

THeſe be the Articles accorded in the Parliament of our Lord King Edward the Third after the Conqueſt, holden at Weſtminſter the Monday next after the half of Lent, in the tenth year of his Reign, by our ſaid Lord the King, with the aſſent of the Prelates, Earls, Barons, and alſo at the requeſt of the Knights of the Shires, and the Commons by their petitions put up in the ſaid Parliament.

CAP. I.

Purveyors, 17.

Things purveyed for the Kings houſe ſhall be praiſed, and Tallies made thereof. Rep. 12 Car.2.24.

CAP. II.

Of what people Enqueſts in the Marſhals Court of the Kings houſe ſhall be taken.

Marſhal 4. Of what people inqueſts ſhall be taken in the Marſhals Court.

ITem, In every caſe where Inqueſts be to be taken before the Steward or Marſhal of the Kings houſe, the ſame Inqueſts ſhall be taken by the People of the Country thereabout, and not by people of the Kings houſe, except it be of the contracts, covenants or treſpaſſes made by the people of the ſame houſe, of the one part and of the other, according to another Statute thereof made, in the time of the ſame King the Grandfather. St.28 Ed.1.3. St.5 E.3.2. Co.l.10.f.68.

CAP. III.

Error in the Marſhals Court ſhall be reverſed in the Kings Bench.

Marſhal 5. Error in the Marſhals Court ſhall be reverſed in the Kings Bench.

ITem, In caſe where a man will complain of Errors made before the ſaid Steward and Marſhal, the Plaintiff ſhall have a Writ, to make the Record and the Proceſs to come before the King in his place, and there the Error ſhall be redreſſed, and ſo it ſhall be done in every caſe, where a man will complain of Error made before the ſaid Steward and Marſhal of the Kings houſe. St.5 Ed.3.2. Regiſt.fo.17. Raſt.pla.fo.297.

CAP. IV.

The Sheriff ſhall make purveyance for the Kings horſes.

Purveyors 10. Purveyance for the Kings great horſes ſhall be made by the Sheriffs.

ITem, It is accorded, that for the great grievances that the Keepers of the Kings great horſes have done to his people, as our Lord the King hath perceived by the ſhewing of the ſaid Commons, that purveyances from henceforth to be made for the ſaid horſes, as long as they do ſojourn in parties, ſhall be made by the Sheriffs of the Counties, where the ſaid horſes ought to ſojourn, and not by other. (2) And that the Commiſſions made afore this time to ſuch Keepers, ſhall be from henceforth of none effect, and utterly repealed. (3) And that the purveyances to be made by the ſaid Sheriffs in this caſe, ſhall be delivered to the ſaid Keepers by Indentures. St.14 E.3.19.

CAP. V.

Certain perſons ſhall be appointed to hear the offences of the Keepers of the Kings horſes.

ITem, It is accorded, That certain people ſhall be aſſigned to hear and determine all the offences done by the ſaid keepers, as well at the ſuit of the King, as of the party. But this is holden for no Statute, as appeareth by the Roll.

Purveyors, Raſt. 10.

Statutes made at *Weſtminſter, September* 27, *Anno* 11 *Ed.* 3. and *An. Dom.* 1337.

CAP. I.

3 Inſt. 95.

It ſhall be felony to carry any Wool out of the Realm, until it be otherwiſe ordained. Rep.

Wools, Raſt. 1.

CAP. II.

None ſhall wear any Cloth, but ſuch as is made in England. Rep. in part by the Stat. of 24 H.8.13. and 1 Jac.25 by general words.

CAP. III.

No Cloths made beyond the Sea, ſhall be brought into the Kings Dominions.

Briton 38.

ITem, It is accorded and eſtabliſhed, That no Merchant foreign nor denizen, nor none other, after the ſaid Feaſt of St. Michael, ſhall bring, or cauſe to be brought privily nor apertly, by himſelf nor by other into the ſaid lands of England, Ireland, Wales and Scotland, within the Kings power, any Cloths made in any other places then in the ſame, upon the forfeiture of Cloths, and further to be puniſhed at the Kings will.

Drapery 101. No Clothes made beyond the Seas ſhall be brought into the Kings Dominions.

CAP. IV.

Who only may wear Fur. Rep. 24 H.8.23. 1 Jac.25.

St. 4 Ed. 4. 1. Drapery 101.

CAP. V.

Cloth-workers may come into the Kings Dominions, and have ſufficient Liberties.

ITem, It is accorded, That all the Cloth-workers of ſtrange lands, of whatſoever Country they be, which will come into England, Ireland, Wales and Scotland, within the Kings power, ſhall come ſafely and ſurely, and ſhall be in the Kings protection and ſafe conduct, to dwell in the ſame lands, chuſing where they will. (2) And to the intent the ſaid Cloth-workers ſhall have the greater will to come and dwell here, our Sovereign Lord the King will grant them Franchiſes as many and ſuch as may ſuffice them.

Drapery. Raſt. 1. Cloth-workers of ſtrange lands ſhall have the Kings protection.

Statutes made at *Weſtminſter*, *Anno* 14 *Ed.* 3. and *Anno* 1. of his Reign of *France*, and *Dom.* 1340.

TO the honour of God, and of holy Church, by the aſſent of the Prelates, Earls, Barons, and other aſſembled at the Parliament holden at Weſtminſter the Wedneſday next after Mid-lent, in the 14th year of the Reign of our Lord King Edward the Third of England, and the firſt year of his Reign of France, the King for the peace and quietneſs of his people, as well great as ſmall, doth grant and eſtabliſh the things under-written, which he will to be holden and kept in all points perpetually to endure.

CAP. I.

A Confirmation of Liberties.

FIrſt, That holy Church have her liberties in quietneſs, without interruption or diſturbance, (2) and that the great Charter, and the Charter of the Foreſt be holden in all points. (3) And that the City of London, and all other Cities and Boroughs of the Realm of England, have all their Franchiſes and Cuſtoms, which they have reaſonably had and uſed in time paſt.

Confirmation, Raſt. 4. Franchiſes.

CAP. II.

The King in reſpect of his Wars in Scotland, France and Gaſcoign, and the great coſts and aids of his people, doth pardon them ſeveral offences. And alſo of Aid to make his Son Knight, and to marry his Daughter all his time. Exp.

Pardon, Raſt. 11.

CAP. III.

The Kings pardon to his people of divers debts, accompts, arrerages, &c. due until the tenth year of his Reign. Exp.

CAP. IV.

Preſentment of Engleſchire ſhall be clearly extirpate.

ITem, Becauſe many miſchiefs have happened in divers Counties of England, which had no knowledge of preſentment of Engleſchire, whereby the Commons of the Counties were often amerced before the Juſtices in Eyre, to the great miſchief of the people: it is aſſented, that from henceforth no Juſtice errant ſhall put in any Article, oppoſition, preſentment of Engleſchire, againſt the Commons of the Counties, nor againſt any of them, but that Engleſchire, and preſentment of the ſame, be wholly out and void for ever: So that no perſon by this cauſe may be from henceforth impeached. Co.7.17.

Engleſchire, Raſt. 1. Preſentment of Engleſchire ſhall be clearly extirpate.

CAP. V.

Delays of Judgment in other Courts ſhall be redreſſed in Parliament.

ITem, Becauſe divers miſchiefs have happened, for that in divers places, as well in the Chancery, as in the Kings Bench, the Common Bench, and in the Exchequer before the Juſtices aſſigned, and other Juſtices to hear and determine deputed, the Judgments have been delayed, ſometime by difficulty, and ſometime by divers opinions of the Judges, and ſometime for ſome other cauſe: (2) It is aſſented, eſtabliſhed and accorded, that from henceforth at every Parliament ſhall be choſen a Prelate, two Earls, and two Barons, which ſhall have commiſſion and power of the King to hear by Petition delivered to them, the complaints of all thoſe that will complain them of ſuch delays or grievances done to them; (3) and they ſhall have power to cauſe to come before them at Weſtminſter, or elſe where the places of any of them ſhall be, the tenour of Records, and Proceſſes

Co. Inſt. 71.b. 1 H.7.f.19. 11 Ed.3.f.3.

Parliament 13. Co. Inſt. 2 par. 67. Delays of Judgments in other Courts ſhall be redreſſed in Parliament. 3 Bulſtr. 47.

of ſuch judgment ſo delayed, and to cauſe the ſame Juſtices to come before them, which ſhall be then preſent to hear their cauſe and reaſons of ſuch delays. (4) Which cauſe and reaſons ſo heard, by good advice of themſelves, the Chancellor, Treaſurer, the Juſtices of the one Bench and of the other, and other of the Kings Council, as many, and ſuch as they ſhall think convenient, ſhall proceed to take a good accord, and make a good Judgment. (5) And according to the ſame accord ſo taken, the tenor of the ſaid record, together with the judgment which ſhall be accorded, ſhall be remanded before the Juſtices, before whom the plea did depend; And that they haſtily go to give judgment according to the ſame record. (6) And in caſe it ſeemeth to them that the difficulty be ſo great, that it may not well be determined without aſſent of the Parliament, that the ſaid tenor or tenors ſhall be brought by the ſaid Prelate, Earls and Barons unto the next Parliament, and there ſhall be a final accord taken what judgment ought to be given in this caſe. (7) And according to this accord, it ſhall be commanded to the Judges before whom the plea did depend, that they ſhall proceed to give judgment without delay. (8) And to begin to do remedy upon this ordinance: It is aſſented, that a Commiſſion and a power ſhall be granted to the Archbiſhop of Canterbury, the Earls of Arundel and Huntington, the Lord of Wake, and the Lord Ralph Baſſet, to endure till the next Parliament. (9) And though the miniſters have made an oath before this time, yet nevertheleſs to remember them of the ſame oath: It is aſſented, that as well the Chancellor, Treaſurer, Keeper of the Privy-Seal, the Juſtices of the one Bench and of the other, the Chancellor, Barons of the Exchequer, as the Juſtices aſſigned, and all that do meddle in the ſaid places under them, by the advice of the ſame Archbiſhop, Earls and Barons, ſhall make an Oath well and lawfully to ſerve the King and his people. (10) And by the advice of the ſaid Prelate, Earls and Barons, be it ordained to increaſe the number of the miniſters when need ſhall be, and them to diminiſh in the ſame manner. (11) And ſo from time to time Officers ſhall be newly put in the ſaid offices, they ſhall be ſworn in the ſame manner. St.27 El.8. Regiſt.fo. 17. Raſt.pla.fo.302.

The Officers oath to ſerve the King and his people.

CAP. VI.

A Record which is defective by miſpriſion of a Clerk, ſhall be amended.

Records 1. A proceſs which is defective by miſpriſion of a Clerk, ſhall be amended.

ITem, It is aſſented, That by the miſpriſion of a Clerk in any place whereſoever it be, no proceſs ſhall be adnulled, or diſcontinued, by miſtaking in writing one ſyllable, or one letter too much or too little: (2) but aſſoon as the thing is perceived by challenge of the party, or in other manner, it ſhall be haſtily amended in due form, without giving advantage to the party that challengeth the ſame becauſe of ſuch miſpriſion. St.9 H. 5. 4. St. 4 H. 6. 3. 8 H. 6.12. 15.

11 H.6. f. 3. Dyer f. 342. Co. l.5 f.45. li.8 f.157. Bro.Amend. 9,10,18,20, 24,27,32, 113.

CAP. VII.

How long a Sheriff ſhall tarry in his Office.

Sheriffs 4: No Sheriff ſhall tarry in his office above one year. Raſt.pla.f.202.

ITem, Becauſe that ſome Sheriffs have their Bailiwicks for term of years of the Kings grant, and ſome do ſo much truſt to tarry in their office by procurement, that they be encouraged to do many oppreſſions to the people, and evil ſervice to the King and his people: (2) It is aſſented and eſtabliſhed, That no Sheriff ſhall tarry in his Bailiwick over one year, and then another convenient ſhall be ordained in his place, that hath land ſufficient in his Bailiwick, by the Chancellor, Treaſurer, and chief Baron of the Exchequer, taking to them the chief Juſtices of the one Bench and of the other, if they be preſent. (3) And that ſhall be done yearly in the morrow of All-Souls, at the Exchequer. St.28 Ed. 1. 8. St. 28 Ed. 3. 7. St.42 Ed. 3. 9. St.23 H.6.8.

CAP. VIII.

How many Eſcheators may be in the Realm, and how long they ſhall continue in Office.

Eſcheator 8. How many Eſcheators ſhall be.

ITem, Whereas ſometime there were no more but two Eſcheators in England, that is to ſay, one Eſcheator on this ſide Trent, and another beyond, whereby the King and the people were worſe ſerved than in the time when there were divers Eſcheators, and of leſs Eſtate: (2) It is aſſented and accorded, that from henceforth there ſhall be as many Eſcheators aſſigned as were in the time when the King that now is, did take the Governance of this Realm upon him: (3) And that the ſame Eſcheators be choſen by the Chancellor, Treaſurer, and chief Baron of the Exchequer, taking to them the chief Juſtices of the one Bench and the other, if they be preſent, in manner as is aforeſaid of Sheriffs. (4) And that no Eſcheator tarry in his office above a year. (5) And that no Coroner be choſen, unleſs he have land in fee ſufficient in the ſame County, whereof he may anſwer to all manner of people. Regiſt.f.177.

Coroner 1. St. 1 H.8.ca.8. **A Coroner ſhall have ſufficient land.**

CAP. IX.

Sheriffs ſhall keep Hundreds in their own hands, or let them upon the old rent.

There ſhall be but one Bailiff Errant in one County.

Sheriffs, Raſt. 13. Co.Inſt.2 par. 267. **Hundreds and Wapentakes let to ferm.** St. 4 E.3.15. Regiſt. fo.178.

ITem, Whereas many miſchiefs be hapned through the Realm, for that the Sheriffs have let the Hundreds and Wapentakes to a higher ferm than they yield to the King, and the fermors do let the ſame to other at more higher and greater ſums, in ſuch manner that by the high letting and enhanſing of the ferms, and by the great number of Bailiffs errants, out-riders, and other whom the Sheriffs, Bailiffs and Hundreders do put in, the people be in divers manners charged and grieved: (2) It is aſſented and accorded, that from henceforth all the Wapentakes and Hundreds which be ſevered from the Counties, ſhall be rejoyned to the ſame Counties, as before this time hath been eſtabliſhed by another Statute. (3) And that the Sheriffs hold the ſame in their own hands, and put in ſuch Bailiffs and Hundreders, having lands within the Bailiwicks and Hundreds, for whom they will anſwer. (4) And if they will let any Hundreds, Bailiwicks or Wapentakes to ferm, they ſhall let the ſame at the ancient ferm without any thing increaſing. (5) And that the King and his people be ſerved by ſuch Bailiffs and Hundreders, and their Under-bailiffs, in avoiding for ever the out-riders, and other which in divers Counties before-time have notoriouſly grieved the people. (6) And that no Bailiff errant be put in the Counties where Bailiffs errant have been in times paſt, in the time of the Kings Grandfather that now is. (7) And that there be no more but one Bailiff errant in one County. (8) And in the ſame manner it is aſſented, that all other, of what eſtate or condition they be, which have Bailiwicks or Hundreds in fee, if they the ſame will hold in their own hands, then they ſhall put in ſuch Bailiffs for whom they will anſwer, (9) And if they will let the ſame in ferm to other, then they ſhall let the ſame at the ancient ferm, without any thing increaſing, as afore is ſaid. (10) And the Juſtices of the one Bench and the other, the Barons of the Exchequer, and the Juſtices aſſigned, ſhall have power to inquire of all thoſe that offend againſt this ordinance, at all times that they come into the Country, and to execute ſuch puniſhment, as to them ſhall ſeem convenient to be done according to the law and reaſon. (11) And if the Sheriffs or their fermors be found in default in any point againſt this ordinance, and thereof be attainted, the Hundreds and Wapentakes where ſuch default ſhall be found, ſhall be taken into the Kings hands, and let to other by the ſame Juſtices, and to commit them to priſon, there to remain till they have made fine and ranſom to the King according to the quality of the treſpaſs; And nevertheleſs they ſhall anſwer to the King of the whole ferm. (12) And that the Lords which hold Hundreds or Wapentakes in fees, ſhall ſet ſuch Bailiffs which be ſufficient to anſwer the King and his people. (13) And if their Bailiffs do againſt this ordinance, they ſhall be called to anſwer. (14) And if they be attainted, they ſhall have ſuch puniſhment as the law of the Land requireth in ſuch a caſe, and they ſhall be put out of their Bailiwicks for ever, and other ſufficient put in their places by the ſame Lords. St. 4 Ed. 3. 15. St. 4 H. 4. 5. St. 23 H. 6. 10.

There ſhall be but one Bailiff errant in one County.

Who ſhall have authority to puniſh the offenders.

The puniſhment of the offenders.

CAP. X.

Sheriffs ſhall have the keeping of Gaols. A Priſoner by dureſs becometh an approver.

Co.l.4. f.34. 3 Inſt. 91, 92.

ITem, In the right of the Gaols, which were wont to be in ward of the Sheriffs and annexed to their Bailiwicks: (2) It is aſſented and accorded, that they ſhall be rejoyned to the Sheriffs, and the Sheriffs ſhall have the cuſtody of the ſame Gaols, as before this time they were wont to have; (3) and that they ſhall put in ſuch keepers for whom they will anſwer. (4) And if it happen that the keeper of the priſon, or under-keeper, by too great dureſs of impriſonment, and by pain make any priſoner, that he hath in his ward, to become an appellor againſt his will, and thereof be attainted, he ſhall have judgment of life and of member. (5) And that the Kings Juſtices before whom ſuch caſes ſhall happen, ſhall enquire the truth thereof: (6) And if they find by inqueſt thereupon taken, that any keeper or under-keeper hath done the ſame, he ſhall be thereof arraigned: and if he be found guilty, he ſhall have judgment of life and member, as afore is ſaid.

Priſons 2. Sheriffs ſhall have the cuſtody of Gaols.

St. 19 H. 7. 10. It ſhall be felony for a Gaoler to cauſe a priſoner to become an approver.

St. 1 Ed. 3. 7.

CAP. XI.

A Clerk of the Statutes ſhall have ſufficient, and be reſident upon his Office.

ITem, It is aſſented and eſtabliſhed, That every Clerk which ſhall be deputed to receive recognizances in Cities and Boroughs, according to the Statute-merchant, ſhall abide in proper perſon to do his Office, according as is contained in the Statute of Acton-Burnel. And that he have lands ſufficient in the ſame County whereof he may anſwer to all perſons if he offend. And if any other be in the ſame Office, he ſhall be removed, and another convenient ſet in his place.

Statutes 2. A Clerk of the Statutes ſhall attend upon his Office.

St. 13 Ed. 1.

CAP. XII.

Buſhels and Weights ſhall be made, and ſent into every County.

ITem, Where it is contained in the great Charter, That one meaſure and one weight be throughout England; (2) and alſo it is contained in a Statute made in the time of King Edward, Grandfather to the King that now is, That none ſhall ſell by the Buſhel, if it be not marked with the Kings Seal, and that it be according to the Kings Standard: (3) And alſo it is contained, That he which ſhall be attainted for having double meaſure, that is to ſay, one greater to buy, and another leſs to ſell, ſhall be impriſoned as falſe, and grievouſly puniſhed; which things have not been holden nor uſed after the ſaid eſtabliſhment, to the great grief of the people: (4) It is aſſented and accorded, That from henceforth one meaſure and one weight ſhall be throughout the Realm of England. (5) And that the Treaſurer cauſe to be made certain Standards of buſhels, galons, of weights of Auncel, and ſend the ſame into every Country where ſuch Standards be not ſent before this time. (6) And thereupon ſhall be aſſigned two good and ſufficient perſons in every County, and more according as the County in greatneſs requireth, to ſurvey as well within Franchiſe as without, that the meaſures and the weights be according to the Standard, and that they have power to inquire, hear, and determine, and to puniſh all thoſe that ſhall be found thereof guilty. (7) And that the Sheriffs at their commandments receive and detain them in priſon till they have made fine to the King. (8) And every perſon that will complain of ſuch as do offend in buying or ſelling, ſhall be heard as well for the King as for himſelf.

Weighes 1. St. 9 H. 3. 25. 1 Seſſ.

St. 27 Ed. 3. 101.

Buſhels and weights ſhall be made and ſent into every Shire. The Clerk of the Market.

II. And that the ſaid aſſignees ſhall deliver their eſtreats every year in the morrow of St. Michael at the Exchequer, and take for their expences the fourth part of that which they may levy, and anſwer to the King the three parts. (2) And of that which may not be levied before their profer, the fourth part ſhall be allowed to them at the Exchequer, and the three parts levied to the Kings uſe. (3) And it is not the Kings mind, but that the Clerk of the Market ſhall do his office where he will, according as he was wont to do in times paſt. (4) Nor the Lords of Franchiſes ſhall not be ouſted of their Franchiſes by the occaſion of this Ordinance. 11 H. 7. 4.

CAP. XIII.

Eſcheators ſhall make no waſte in the Lands of the King's Wards. A Ward ſhall have an Action of Waſte againſt his Guardian.

Wards 23.
St. 9 H. 3. 4,5.
Eſcheators ſhall make no waſte in the Lands of the Kings Wards.
St. 6 Ed. 1. 5.
28 Ed. 1. 18.
St. 36 Ed. 3. 13.

Item, Whereas in the great Charter it is contained, That after the death of the anceſtors, which hold of the King in chief, and whoſe heirs be within age, that the King ſhall keep the Lands without waſte and deſtruction, and reſtore them wholly to the heirs when they come to their full age. (2) And againſt God and right, and the ſaid eſtabliſhments, the Eſcheators, and other to whom the Lands of ſuch heirs have been committed, have done waſte and deſtruction, to the great miſchief, as well of the heirs of Earls, Barons, and other great men, as of other which hold of the King in chief; (3) and nevertheleſs the ſaid Eſcheators have had no conſcience to do ſuch deſtructions and ſcarcely have anſwered the King: (4) Wherefore it is aſſented and eſtabliſhed, That from henceforth after the death of every perſon which holdeth of the King in chief, that the Eſcheators ſhall cauſe to be ſeiſed into the Kings hands the Lands as do appertain, without doing waſte in houſes, woods, parks, ponds, or other extortions, which may fall to the damage of the heir. (5) And haſtily after the Diem clauſit extremum delivered to him, to make return of the ſame by a good and true extent in the Chancery: (6) After which return, if it be found that the heir is within age and if the next friends of the ſame heir, to whom the inheritance cannot deſcend, ſhall come and offer them to take the ſaid Lands, yielding the value to the King, till the age of the heir, ſo far forth as other will yield, without fraud, by accord betwixt the Chancellor and the Treaſurer, they ſhall have Commiſſion to keep the ſaid Lands by good and ſufficient ſurety till the age of the ſaid heirs, and to anſwer the King of the value. (7) And it is not the Kings intent, that by this Statute he be forecloſed to have an action of waſte againſt ſuch Guardians and Fermors, as he and his anceſtors have had before this time: (8) And that the heirs, when they ſhall come to their full age, ſhall have their action of waſte againſt ſuch Guardians and Fermors. Regiſt. f. 72. Fitz. N.B.f. 59. Rep. 12 Car. 2. cap. 24.

The next of kin to the Kings Ward, may take in ferm his Land.
St. 32 H. 8. 46
V.N.B. fo. 37.
The heir may have an action of waſte.
Raſt. pl. f. 693.

Fitz. Waſte 62, 75, 80, 97, 98, 117, 126, 136, 137, 139, 142.

CAP. XIV.

There ſhall be but four Writs of Search for the King. Nothing ſhall hinder the execution of Juſtice.

Aid of the King 3.

1 Rol. 201.

Item, Whereas before this time, in caſe that a man hath demanded by petition in the Parliament certain Lands and Tenements which be in the Kings hands, and to the ſame petitions hath been anſwered in the ſame Parliament, Chancery, or the Kings Bench, that the King will, that a Writ be ſued to the Treaſurer and Chamberlains of the Exchequer to ſearch Charters, Miniments and other Remembrances, which may him avail, whereby he may be adviſed to make anſwer; (2) to which Writs commonly the Treaſurer and Chamberlains have anſwered, that they have ſearched, but did not ſearch, and would not anſwer that they have fully ſearched and nothing found, nor that they can no more find, but that which they have ſent, whereby according to the Law afore this time uſed, a man hath not had cauſe to put them which be for the King to anſwer, and in ſuch manner the demandants have been greatly delayed to their miſchief: (3) wherefore it is aſſented, that after that the four Writs be returned, whether the Miniment or Remembrance be found for the King, or not, that then in the Parliament, Chancery, or in the Kings Bench, or in the Common Bench, they which ſhall ſue for the King, ſhall be put to anſwer, and to defend the Lands and Tenements ſo demanded againſt the King, to the beſt that they can or may, according to the Law, ſo always that every of the four Writs be delivered to the Treaſurer, and to the Chamberlains forty days before the day of the return: (4) And that by commandment of the great Seal, or privy Seal, no point of this Statute ſhall be put in delay, nor that the Juſtices of whatſoever place it be, ſhall let to do the common Law by commandment which ſhall come to them under the great Seal or privy Seal. St. 9 H. 3. 29.

He that prayeth aid of the King, ſhall have but four Writs of ſearch.
Raſt. pl. 462.
The great or privy Seal ſhall not hinder the execution of Juſtice,
St. 2 Ed. 3. 8.
5 Ed. 3. 9.
Regiſt. fo. 186.
F.N.B. 240. d.

9 Ed. 4. f. 51.
Kel. f. 178.
Dyer. f. 110, 138, 320.
Fitz. Petition 9.

CAP. XV.

No pardon for Felony, but where the King may do it ſaving his Oath.

Pardon 1.
St. 6 Ed. 1. 9.
St. 2 Ed: 3. 2.
No pardon of felony ſhall be granted but where the King may do it ſaving his Oath.
St. 10 Ed. 3. 2. 1 *Seſſ.*

Item, Becauſe by divers Statutes made before this time in divers Parliaments, it was aſſented, That no Charter of pardon of the death of a man ſhould be granted by the King, but in caſe where he may do it keeping the Oath of his Crown; which Statutes have not been holden, but Charters have been granted without number to divers felons and manſlayers, to the evil example, and fear of good people and lawful, whereby thieves, felons and offenders be comforted to do their robberies and man-ſlaughter, and the ſame do from day to day, and the more be encouraged to do the ſame, becauſe of hope eaſily to have their Charters of pardon: (2) It is aſſented, eſtabliſhed and accorded, That no Charter or pardon of the death of a man, nor of other felony, ſhall be from henceforth granted to any man, but in caſe where the King may the ſame do ſaving the Oath of his Crown, as it is contained in the Statutes made before this time. (3) And if any Charter be from henceforth granted againſt the ſaid Statutes, the ſame ſhall be holden for none.

Co. li. 6. f. 13

CAP. XVI.

Before what perſons Niſi prius may be granted.

Niſi prius 2.
St. 13 Ed. 1. 30.
St. 12 Ed. 2. 3.
2 Inſt. 422.

Niſi prius, **grantable at the defendant or plaintiffs ſuit.**

Item, Whereas before this time it was eſtabliſhed, That the Inqueſts and Juries, which be to be taken as well of the Kings Bench as of the Common Bench, ſhould be taken before one or two Juſtices of the ſame place, as it is contained in the ſaid eſtabliſhment, and now it is notoriouſly ſeen and known, that divers Inqueſts and Juries have been taken and yet be in divers Counties of England, where no Juſtice did come, to the great miſchief of the parties that do ſue, and alſo of the good people of the Country which be impanelled: (2) Wherefore it is aſſented and eſtabliſhed, that whoſo demandeth the Niſi prius in the Kings Bench, as well at the ſuit of the Defendant, as of the Plaintiff (as before this time hath been done by the form of the Statute) the Niſi prius ſhall be granted before any Juſtice of the

33 H 6. f. 14.
16 H. 7. f. 14.
19 H. 6. f. 47.

yer fo.163, ro. Niſi rius.

the place where the plea dependeth, if any of the ſame place may well go into thoſe parts. (3) And if not, then the Niſi prius ſhall be granted before any Juſtice of the Common Bench, at a certain day, which may be accorded, and to deliver or ſend the tenor of the Record to him under the ſeal of the chief Juſtice of the place, at which day he ſhall take the Inqueſt, and return the verdict under his ſeal with the Writ, the tenor, and the panel, which ſhall be received in the Kings Bench, and there enrolled, and thereupon judgment given according to the verdict of the ſame Inqueſt. (4) And the ſaid Juſtice of the Common Bench ſhall have power to record defaults and nonſuits, as far forth as if the Niſi prius had been granted before any Juſtice of the Kings Bench. After which defaults ſo recorded and returned in the Kings Bench, the Juſtices ſhall go to give judgment upon the ſame Record. (5) And in the ſame manner be it done of all the pleas which be or ſhall be in the Common Bench, whereof the Inqueſt and Juries be or ſhall be taken in the Country by Niſi prius. (6) And if none of the Juſtices of the ſame place go, the Niſi prius ſhall be granted before any Juſtice of the Kings Bench, to do as afore is ſaid of the Juſtices of the Common Bench. (7) And the tenor of the Record ſhall be ſent to the ſame Juſtice, that he may have like power as afore is ſaid of the Juſtices of the Common Bench which be aſſigned to take Inqueſts and Juries of the Kings Bench. (8) And if it happen that none of the Juſtices of the one Bench nor the other may come into the Country where Inqueſt of Juries be to be taken, then the Niſi prius ſhall be granted before the chief Baron of the Exchequer, if he be a man of the Law, and he ſhall have ſuch power as the Juſtices of the one Bench and the other have by this Statute. (9) And in caſe that none of the Juſtices of the one Bench nor the other, nor the chief Baron of the Exchequer, being a man of the Law, do not come into the Country where the Inqueſts and Juries be or ſhall be taken by the Niſi prius: then the Niſi prius ſhall be granted before the Juſtices aſſigned to take Aſſiſes in thoſe parts. (10) So always that one of the ſaid Juſtices aſſigned be Juſtice of the one Bench or the other, or the Kings Sergeant ſworn. And the ſame Juſtices ſhall have ſuch power as afore is ſaid of the Juſtices of the one Bench and of the other. (11) And if the one party demand the tenor of the Record to have with him, to deliver to the Juſtices before whom the Niſi prius is granted, for to eſchue that no fraud or damage be done to the other party, nor to the people of the Inqueſts; another tenor of the ſame Record ſhall be delivered to the other party, if he the ſame require. (12) And whereas it hath been another time eſtabliſhed, that the Juſtices before whom the Niſi prius hath been granted in pleas of Aſſiſes, of Darrain preſentment, and Quare impedit, ſhould have power to give the judgments in the Country upon the verdicts of Aſſiſe, and of Inqueſts, and upon nonſuits and defaults: (13) It is aſſented, That the Juſtices of the one Bench and of the other, the chief Baron of the Exchequer, and the Juſtices aſſigned, before whom the Niſi prius is granted by this Statute, ſhall have power to give judgments in the Country, and return the ſame according as it is contained in the Statute of York thereupon made.

St.2 Ed. 3. 16. V.N.B. fo. 175.

Niſi prius may be granted before a Juſtice of another Court than where the ſuit dependeth. St. 27 Ed. 1. 4.

St.12 Ed. 2 3. Juſtices of Aſſiſe may give judgment upon Aſſiſe, Quare Impedit, & Darrain Preſentment.

CAP. XVII.

A *Jurius utrum* maintainable for a Parſon or Vicar.

29 H.8. f.7. 12 H.4. f.20. 8 Ed.3. f.5. 40 Ed.3. f.28. Fitz. juris utrum 14. Fitz. Brief 785. Bro. Dean & Chapt. &c. 8. 2 Rol. 98.

ITem, It is aſſented and eſtabliſhed, That Parſons, Vicars, Wardens of Chappels, and Provoſts, Wardens and Prieſts of perpetual Chantries, ſhall have their Writs of Juris utrum of Lands and Tenements, Rents and Poſſeſſions annexed, or given perpetually in alms to Vicarages, Chappels, or Chantries, and recover by other Writs in their caſe as far forth as Parſons of Churches or Prebends. Regiſt. f. 32. V.N.B. f. 19. Fitz N.B. f. 48. Raſt. pl. f. 419.

Eccleſ. Perſons 46. A Juris utrum maintainable for a Parſon or Vicar, &c. St. 13 Ed. 1. 24. Coke pl. f. 399.

CAP. XVIII.

If the Tenant will vouch to Warranty a dead man, the demandant may aver that he is dead.

Fitz. Count de vouch. 51, 56, 73. 40 Ed.3. f.36. 39 Ed.3. f.32. 5 Ed.3. f.35. 7 Ed.3. f.27. 11 Ed.3. f.28. Fitz. Averment 30, 33, 36, 38, 39.

ITem, Becauſe the demandants in plea of Land have been often delayed, for that the Tenants have vouched to Warranty a dead man, againſt which voucher the demandants before this time might not be received to aver that the vouchee is dead, to their great delay and miſchief: (2) It is accorded and eſtabliſhed, That from henceforth, if the Tenant vouch to Warranty a dead man, and the demandants will aver that the vouchee is dead, or that there is none ſuch, their averment ſhall be received without delay. Raſt. pl. f. 354, 587.

Voucher 5. If the tenant vouch to warranty a dead man, the demandant may aver it. 3 Leon. 134.

CAP. XIX.

How Purveyors for the Kings houſe and VVars ſhall make their Purveyance. Rep. 12. Car. 2. cap. 24.

Purveyors 5.

CAP. XX.

A Subſidy granted to the King of the ninth Fleece, the ninth Lamb, and the ninth Sheaf, by the Lords and Commons of the Realm, in regard of the Pardons, Grants and Releaſes that he hath made to them, in reſpect of his VVars, his good will to keep his Realm, and obtain his Rights. Exp.

Taxes, Raſt. 4.

CAP. XXI.

A Subſidy granted to the King (in reſpect of his Wars) of Wool, Woolfels, Leather, and other Merchandiſe that paſs the Sea from Eaſter next until the Feaſt of Pentecoſt twelvemonth following; for the which the King granteth, that aafter the ſaid Feaſt of Pentecoſt, he nor heirs his will take more than the old cuſtom. Exp.

Taxes, Raſt. 5.

Other Statutes made *Anno* 14 *Ed.* 3. St. 2. and *Anno Dom.* 1340.

The Kings grant that the foreſaid Subſidy of the ninth Lamb, &c. ſhall be no example, nor prejudicial to his Subjects. All ſhall be ſpent in his Wars.

EDward by the grace of God, &c. to all them, &c. greeting. Know ye that whereas the Prelates, Earls, Barons, and Commons of our Realm of England, in our preſent Parliament, holden at Weſtminſter, the Wedneſday next after the Sunday of middle Lent, the xiv. year of our Reign of England, and the firſt of France, have granted to us of their good gree and good will in aid of the ſpeed of our great buſineſs, which we have to do, as well on this ſide of the Sea as beyond, the ix. ſheaf, the ix. fleece, and the ix. lamb, to be taken by two years next coming, after the making of the ſame, and the Citizens and the Burgeſſes of

Taxes, Raſt. 4.

A former grant of a Subſidy to the King, ſhall be no example in time to come. 12 Car. 2. ca. 24. How the Subſidy granted to the King ſhall be ſpent.

of Boroughs, the very ninth part of all their goods, and the foreign Merchants and other which have not of gain nor of ſtore of ſheep, the fifteenth of their goods lawfully to the value: (2) We willing to provide for the indemnity of the ſaid Prelates, Earls, Barons, and other of the Comminalty, and alſo of Citizens, Burgeſſes, and Merchants aforeſaid, will and grant for us and our heirs, to the ſame Prelates, Earls, Barons and Commons, Citizens, Burgeſſes and Merchants, that the ſame grant which is ſo chargeable, ſhall not another time be had in example, nor fall to their prejudice in time to come, nor that they be from henceforth charged nor grieved to make any aid, or to ſuſtain charge, if it be not by the common aſſent of the Prelates, Earls, Barons, and other great men, and Commons of our ſaid Realm of England, and that in the Parliament: (3) And that all the profits riſing of the ſaid aid, and of Wards and Marriages, Cuſtoms and Eſcheats, and other profits riſing of the ſaid Realm of England, ſhall be put and ſpent upon the maintenance and ſafeguard of our ſaid Realm of England, and of our Wars in Scotland, France, and Gaſcoign, and in no places elſewhere during the ſaid Wars.

CAP. II.

All Merchants being no enemies, ſhall come into the Realm and depart quietly.

Merchants, Raſt. 5. St. 9 H. 3. 30. Merchants may come into the Realm and return in ſafety. Franchiſes granted to Cities and Boroughs reſerved.

ITem, Where it is contained in the great Charter, that all Merchants ſhall have ſafe and ſure conduct, to go out of our Realm of England, and to come and abide, and go through the Realm of England, as well by water as by land, and to buy and ſell, paying their rights and cuſtoms, but in the time of War: (2) We at the requeſt of the Prelates, Earls, Barons, and Commons, will and grant for us and for our heirs and ſucceſſors, That all Merchants, Denizens, and Foreigners (except thoſe which be of our enmity) may without let, ſafely come into the ſaid Realm of England, with their goods and Merchandizes, and ſafely tarry, and ſafely return, paying the Cuſtoms, Subſidies, and other profits reaſonably thereof due: (3) So always that Franchiſes and free Cuſtoms, reaſonably granted by us and our Anceſtors, to the City of London and other Cities, Boroughs, and good Towns of our Realm of England, be to them ſaved. St. 9 H. 3. 9. 12 Co. 75.

A Statute for the Clergy, made at *Weſtminſter* the 16. of *April*, *Anno* 14 *Ed.* 3. *St.* 3. *Anno* 1340.

Purveyors, Raſt. 12. St. 9 H. 3. 1.

EDward by the grace of God, &c. greeting, &c. Know ye, that whereas in the firſt Article of the great Charter it is contained, that the Church of England be free, and have all her Rights entirely, and Franchiſes not blemiſhed: (2) and alſo in all the whole eſtabliſhments made as well in times of our Progenitors, as in our own time, the ſame Article is often ratified and confirmed. (3) Nevertheleſs in our Parliament holden at Weſtminſter, the Wedneſday next after the Sunday of middle Lent, it is ſhewed unto us by the Reverend Father in God, John Archbiſhop of Canterbury, Primate of England, and the other Prelates of the Clergy of our Realm, how ſome oppreſſions and grievances be done in divers manners by ſome of our ſervants to people of holy Church, againſt the Franchiſe of the great Charter, and the eſtabliſhments aforeſaid, which oppreſſions they ſhew in Petition, praying upon the ſame remedy. (4) Wherefore we, their petition ſeen and regarded, and thereupon deliberation had with the Peers of our Realm, and other of our Council, and of the Realm ſummoned to our ſaid Parliament, and having regard to the great Charter, and to other Statutes aforeſaid, and at the requeſt of the ſaid Prelates and Clergy, which have much aided us, and daily do, by the aſſent and accord of the ſaid Peers, and of all other ſummoned and being in our ſaid Parliament, have granted and do grant for us and our heirs and ſucceſſors to the ſaid Prelates and Clergy, the things under-written perpetually to endure.

CAP. I

Spiritual perſons goods ſhall not be taken by Purveyances without the Owners conſent.

Purveyors 2 No ſpiritual perſons goods ſhall be purveyed for the King without the owners conſent.

FIrſt, That none by us, nor by other by Commiſſion of the Great Seal, nor of the Small, nor without Commiſſion, ſhall take any Corn, Hay, Beaſts, Carriage, nor other goods of Archbiſhops, Biſhops, Abbots, Priors, Abbeſſes, Prioreſſes, Parſons, Vicars, or of other people of holy Church, within their houſes, mannors, granges, nor other places within the fees of holy Church nor without, againſt the agreement and will of the owners of the ſame goods. (2) And we do defend, that from henceforth no ſuch Commiſſions under the Great Seal, nor the Small, ſhall in any wiſe go forth to make any ſuch prices. For we do take the ſaid Prelates and Clergy, their poſſeſſions, goods, and cattels, into eſpecial protection and defence of us and our heirs. (3) Alſo we grant for us and our heirs, that we ſhall not from henceforth charge any the ſaid Prelates or Clergy, nor their houſes, to receive gueſts, nor ſojourners of Scotland, nor of other Countries, nor our Horſes, nor Dogs, Falcons, nor other Hawks of ours, nor others againſt their gree and will. (4) Saving alway to us the ſervices which be due to us of right from them which owe to us the ſame ſervices, to ſuſtain and receive Dogs, Horſes, or Hawks. St. 3 Ed. 1. 1. St. 18 Ed. 3. 4. St. 1 R. 2. 3. Regiſt. fo. 289.

Prerogative, 14. The King ſhall not preſent in anothers right, but within three years after the avoidance. Rep. 25. Ed. 3. St. 3. 2.

CAP. II.

Preſentment to Churches made by the King in anothers right.

ITem, Becauſe of the Temporalties being in our hands, or in the hands of our Anceſtors, by reaſon of Archbiſhopricks, Biſhopricks, or other Prelacies void, and alſo becauſe of other lands, tenements, fees, and advowſons being in our hands, and in the hands of our Anceſtors, by nonage of heirs, it hath been uſed before this time, the exception of plenarty ſhould hold no place againſt us, nor againſt any of our Anceſtors, no more in caſe where ſuch preſentments ſhould be devolute to us in anothers right, than if they had been in our own 1 Cr. 156.

right, or in the right of our Crown, whereby many Perſons and Prebendaries were put out of their Churches, Prebends, and Benefices, which they had long time holden, to their great miſchief and impoveriſhment: (2) we will and grant for us and for our heirs, to avoid ſuch miſchiefs, that from henceforth we nor our heirs ſhall not make collation or preſentment to any Church, Prebend, Chappel, or other Benefice, by the occaſion of ſuch avoidances of Prelacies, or of the lands of Infants within age, or of others come or to come into our hands, or in the hands of our heirs, if we or our heirs do not make our collations or preſentments within three years after that ſuch Benefices do ſo indeed become void. (3) And that of ſuch Churches and other Benefices, of which Clerks be in poſſeſſion, and have had poſſeſſion by a year before the making of this Statute, we nor our heirs ſhall have none action nor reaſon to preſent to ſuch Benefices ſo full. (4) And we will not that any man be holden to anſwer to any Writ of Quare impedit taken in our name in ſuch caſe, if the collation or preſentment be not made within three years after the avoidance, as afore is ſaid. (5) And of ſuch voidances taken in the time of our Anceſtors no collation nor preſentment ſhall be from henceforth made by us nor by our heirs, but to take any ſuch action of ſuch voidances we will be wholly and quietly foreclosed.

11 H. 4. f. 1. fitz. Quare imp. 53, 112.

35 H. 6. 63. per Priſot.

CAP. III.

No Biſhops Temporalties ſhall be ſeiſed without good cauſe.

ITem, We will and grant for us and for our heirs, that from henceforth we nor our heirs ſhall not take, nor cauſe to be taken into our hands the temporalties of Archbiſhops, Biſhops, Abbots, Priors, or other people of holy Church, of what eſtate or condition they be, without a true and juſt cauſe, according to the Law of the Land, and judgment thereupon given. St. 25 Ed. 3. 6. Regiſt. fo. 32.

Biſhops 9. Temporalties of Biſhops ſhall not be ſeiſed without good cauſe. St. 1 Ed. 3. 2. 3 Seſſ.

CAP. IV.

How the Temporalties of Biſhops ſhall be uſed in time of vacation.

ITem, Becauſe that in the petition of the ſaid Prelates and Clergy it is contained, that Eſcheators and other keepers, in the time of vacation of Archbiſhopricks, Biſhopricks, and other Prelacies, have done great waſte and deſtruction in the ſame time paſt: (2) We will and grant for us and for our heirs, that at all times from henceforth, when ſuch voidances ſhall happen, that our Eſcheators and the Eſcheators of our heirs, which for the time ſhall be, ſhall enter and cauſe to be well kept the ſaid voidances, without doing waſte or deſtruction in the Manors, Warrens, Parks, Ponds or Woods. (3) And that they ſell no underwood, nor hunt in the Parks or Warrens, nor Fiſh in Ponds, nor free Fiſhings, nor ſhall rack nor take fines of the tenants free nor bond: but ſhall keep and ſave as much as pertaineth to the ſaid voidances, without doing harm, or any manner of oppreſſion. (4) And if the Dean and Chapter of Churches Cathedral, Priors, Subpriors, Prioreſſes, Subprioreſſes, and Covents of Prelacies, Abbies or Priories, whoſe voidance pertaineth to us and our heirs, will render to us and our heirs the value of the ſaid voidance, as other will reaſonably yield, then the Chancellor and Treaſurer ſhall have power to let the ſaid Dean and Chapter, Prior or Subprior, Prioreſs or Subprioreſs, and Covent, the ſaid voidances by good and ſufficient ſurety, ſo that they ſhall have the ſame before all other, yielding to us the value of them, according as ſhall be found by remembrances of the Exchequer, or by enqueſt to be taken upon the ſame if need be without making fine. (5) And in caſe they will not accord to yield to the value, nor find ſuch ſurety, then the Chancellor and Treaſurer ſhall cauſe to be ordained the good preſervation of ſuch voidances, by Eſcheators or other ſufficient keepers, to anſwer the King of that to him pertaineth reaſonably, without doing waſte or deſtruction, or other thing, which may turn in diſheriſon of the Churches whereof ſuch voidances ſhall happen.

Biſhops 10. How the temporalties of Biſhops ſhall be uſed in the time of vacation. F.N.B. fo. 59 b.

The Dean and Chapter may take them in farm if they will.

CAP. V.

Who ſhall demiſe Biſhops Temporalties during the time of vacation.

ITem, Wholly to ſhew the affection and good will which we have, that that pertaineth to God and holy Church be ſafely kept without waſte or deſtruction, or impeachment to be made thereof by us or our Miniſters, (2) We will, and by theſe preſent Letters do grant full power to our ſaid Chancellor and Treaſurer, which taking to them other of our Council ſuch as to them ſhall ſeem beſt to be taken, by good information of remembrances of the Exchequer, and other informations as to them ſhall ſeem beſt, ſhall let the vacations of Archbiſhopricks, Biſhopricks, Abbacies, Priories and other Houſes, which voidances pertaineth unto us, to the Dean and Chapter, Prior or Subprior, Prioreſs or Subprioreſs, and Covent, to yield a certain of every voidance by the year, quarter, or month, during the vacations, according as to them ſhall ſeem beſt, without making any fine. (3) So that no Eſcheator nor other Miniſter in the time of vacations ſhall have cauſe to enter, or meddle to do any thing which ſhall be in prejudice of the Churches whereof ſuch voidances ſhall happen: (4) Saving to us and to our heirs the Knights fees, Advowſons of Churches, Eſcheats, Wards, Marriages, Reliefs and Services of the ſaid Fees. In witneſs whereof, we have made theſe our Letters Patents, dated at Weſtminſter the xvi. of April, the xiiii. year of our reign of England, and the firſt of France.

Vacation of Biſhops, Raſt. 2. Who ſhall let to farm the temporalties of Biſhops to the Kings uſe.

Anno 14 *Ed.* 3. St. 4. and *Anno Dom.* 1340. By a Statute it was ordained, That the Realm of England and the People thereof, ſhall not be Subject to the King or Kingdom of France.

EDward by the grace of God King of England and France, and Lord of Ireland, to all thoſe which theſe Letters ſhall hear or ſee, Greeting. Know ye, that whereas ſome people do think, that by reaſon that the Realm of France is devolved to us as right Heir of the ſame, and foraſmuch as we be King of France, our Realm of England ſhould be put in ſubjection

Crown, Raſt. 1. England, Raſt. 1.

jection of the King, and of the Realm of France in time to come: (2) we having regard to the eſtate of our Realm of England; and namely, that it never was nor ought to be in ſubjection nor in the obeiſance of the Kings of France, which for the time have been, nor of the Realm of France; (3) And willing to provide for the ſurety and defence of the Realm of England, and of our liege people of the ſame, will and grant and ſtabliſh for us and for our heirs and ſucceſſors, by aſſent of Prelates, Earls, Barons, and Commons of our Realm of England, in this our preſent Parliament ſummoned at Weſtminſter, the Wedneſday next after the Sunday in Middle-Lent, the xiv. year of our ſaid reign of our Realm of England, and the firſt of France, that by the cauſe or colour of that that we be King of France, and that the ſaid Realm to us pertaineth, as afore is ſaid, or that we cauſe us to be named King of France in our Style, or that we have changed our Seal or our Arms, nor for the commandments which we have made, or from henceforth ſhall make as King of France, our ſaid Realm of England, nor the people of the ſame, of what eſtate or condition they be, ſhall not in any time to come be put in ſubjection nor in obeiſance of us, nor of our heirs nor ſucceſſors as Kings of France, as afore is ſaid, nor be ſubject nor obedient, but ſhall be free and quit of all manner of ſubjection and obeiſance aforeſaid, as they were wont to be in the time of our Progenitors Kings of England for ever. In witneſs of which things, &c. Dated at Weſtminſter, &c. the xiv. year of our reign of England, and the firſt of France.

The Realm of England and the people thereof ſhall not be ſubject or obedient to the King or Kingdom of France.

Statutes made at *Weſtminſter*, *Anno* 15 *Ed.* 3. and *Anno Domini*, 1341.

OUr Lord King Edward the Third after the Conqueſt, at his Parliament holden at Weſtminſter at the xv. of Eaſter, deſiring that the peace of the Land, and the Laws and Statutes before this time ordained, be maintained and kept in all points, to the honour of God and of holy Church, and the common profit of his people, by the aſſent of the Prelates, Earls, Barons, and other great men, and of all the Commonalty of the Realm of England ſummoned to the ſaid Parliament, hath ordained and ſtabliſhed in the ſame Parliament the Articles under-written, which he will and grant for him and his heirs, that they be firmly kept and holden for ever.

Repeal. Raſt. 2.

CAP. I.

A confirmation of the great Charter and former Statutes. Rep. 15 Ed. 3.

Repeal. Raſt. 2.

CAP. II.

The Peers of the Realm and great Officers for great offences ſhall be tried in Parliament. Rep. 15 Ed. 3.

Repeal. Raſt. 2.

CAP. III.

Thoſe that attempt ſuits againſt the Laws and Statutes of the Realm, ſhall anſwer it in Parliament. Rep. 15 Ed. 3.

Repeal. Raſt. 2.

CAP. IV.

At every Parliament the King may take ſeveral great Offices into his hand, and retain them four or five days, except the Offices of Juſtices of both Benches, Juſtices aſſigned, and Barons of the Exchequer. Rep 15 Ed. 3.

Repeal. Raſt. 2.

CAP. V.

Puniſhments of Uſury by the King or the Ordinaries. Rep. 15 Ed. 3.

Repeal. Raſt. 2.

CAP. VI.

Miniſters of the Church ſhall not anſwer before the Kings Juſtices for things done touching the Juriſdiction of the Church. Rep. 15 Ed. 3.

By another Statute made alſo *Anno* 15 *Ed.* 3. St. 2. the laſt mentioned Statute of *Anno* 15 *Ed.* 3. was repealed, becauſe it was made without the Kings conſent.

Repeal, Raſt. 2. **Error,** Br. 141.

12 Co. 75.

EDward by the grace of God, &c. to the Sheriff of Lincoln, Greeting. Whereas at our Parliament ſummoned at Weſtminſter in the xv. of Eaſter laſt paſt, certain Articles expreſly contrary to the Laws and Cuſtoms of our Realm of England, and to our Prerogatives and Rights Royal were pretended to be granted by us by the manner of a Statute; (2) we conſidering how that by the bond of our Oath we be tied to the obſervance and defence of ſuch Laws, Cuſtoms, Rights and Prerogatives, and providently willing to revoke ſuch things to their own ſtate, which be ſo improvidently done; upon conference and treatiſe thereupon had with the Earls, Barons, and other wiſe men of our ſaid Realm, and becauſe we never conſented to the making of the Statute, but as then it behoved us, we diſſimuled in the premiſſes by proteſtations of revocation of the ſaid Statute, if indeed it ſhould proceed, to eſchew the dangers which the denying of the ſame we feared to come, foraſmuch as the ſaid Parliament otherwiſe had been without diſpatching any thing in diſcord diſſolved, and ſo our earneſt buſineſs had likely been ruinated, which God prohibit. And the ſaid pretenced Statute we promiſed them to be ſealed. (3) It ſeemed to the ſaid Earls, Barons, and other wiſe men, that ſithence the Statute did not of our free will proceed, the ſame be void, and ought not to have the name nor ſtrength of a Statute: And therefore by their counſel and aſſent we have decreed the ſaid Statute to be void, and the ſame in as much as it proceeded of Dread, we have agreed to be adnulled; (4) willing nevertheleſs that the Articles contained in the ſaid pretenced Statute, which by other of our Statutes, or of our Progenitors Kings of England, have been approved, ſhall according to the form of the ſaid Statute in every point as convenient is, be obſerved. (5) And the ſame we do only to the conſervation and reintegration of the rights of our Crown, as we be bound, and not that we ſhould in any wiſe grieve or oppreſs our Subjects, whom we deſire to rule by lenity and gentleneſs. And therefore we do command thee, that all theſe things thou cauſe to be openly proclaimed in ſuch places within thy Bailiwick, where thou ſhalt ſee expedient. Witneſs my ſelf at Weſtminſter, the firſt day of October, the fifteenth year of our Reign.

A repeal of the former Statutes made Anno 15 Ed. 3.

A third Statute made *Anno* 15 *Ed.* 3. expreſſing certain Conditions or Covenants whereupon the Subſidy granted *Anno* 14. was given him.

Taxes, Raſt. 6.

THe conditions which the great men and the Commons demanded, for the grant that they made to the King for the ninth lamb, fleece and ſheaf of the ſecond year. Cap. 1, 2, 3, 4, 5, 6. Exp.

Statutes made *Anno* 18 *Ed.* 3. *Anno* 1344. declaring in what caſes and for what offences Exigents ſhall be awarded.

An Exigent awarded againſt the Kings Receivers of Wool or Mony, which detain the ſame: (2) and againſt thoſe that tranſport Wool being not cocketed or without cuſtom, (3) and againſt Conſpirators and Confederators of quarrels: (4) and againſt them that commit Routs in affray of the people, (5) which bring in falſe mony in deceit of the people, if they cannot be found or brought in by Attachment or diſtreſs, and not againſt any other.

Exigent, Raſt. 3.

Another Statute made *Anno* 18 *Ed.* 3. St. 2. and *Anno Dom.* 1344.

Two Quinzimes granted to the King by the Commonalty, and two Diſmes by Cities and Boroughs, to be paid in two years towards his VVars in France and Scotland. Exp.

Taxes, Raſt. 7

CAP. I.

Commiſſions of new inquiries ſhall ceaſe, ſaving indictments of Felonies, and treſpaſſes of VVools carried out without Subſidies, Cuſtoms, &c. Exp.

Commiſſion, Raſt. 1.

CAP. II.

Juſtices of Peace ſhall be appointed, and their authority.

ITem, That two or three of the beſt of reputation in the Counties, ſhall be aſſigned keepers of the Peace by the Kings Commiſſion. (2) And at what time need ſhall be, the ſame with other wiſe and learned in the Law, ſhall be aſſigned by the Kings Commiſſions to hear and determine felonies and treſpaſſes done againſt the Peace in the ſame Counties; And to inflict puniſhment reaſonably according to the law and reaſon, and the manner of the deed. St. 1 Ed. 3. 16. 4 Ed. 3. 2. 34 Ed. 3. 1. 18 H. 6. 11.

Juſtices 1. Juſtices of Peace ſhall be appointed and their authority.

CAP. III.

All perſons may buy Wools. The Sea ſhall be open.

ITem, That the Ordinances made before this time, upon taking of ſorts of wools in every County, be wholly annulled and defeated: (2) And that every man, as well ſtranger as privy, from henceforth may buy wools, according as they may agree with the ſeller, as they were wont to do before the ſaid Ordinances: (3) And that the Sea be open to all manner of Merchants to paſs with their Merchandize where ſhall pleaſe them. St. 5 & 6 E. 6. 7.

Wools, Raſt. 2. **Every man may buy Wool. The Sea ſhall be open.**

CAP. IV.

Commiſſions to aſſay weights and meaſures ſhall be repleled, and none ſuch ſhall be granted. Exp.

Weights 1.

CAP. V.

No Exigent ſhall be granted in treſpaſs, but where it is againſt the Peace.

ITem, That no Exigent ſhall from henceforth go out, in caſe where a man is indicted of treſpaſs, unles it be againſt the peace, or of things which be contained in the declaration made in this caſe at the laſt Parliament holden at Weſtminſter, St. 18 Ed. 3.

Exigent 1. No exigent in treſpaſs, but where it is againſt the peace.

CAP. VI.

Mony ſhall be made, and exchanges ordained where the King ſhall pleaſe. Exp.

Merchants 1.

CAP. VII.

When the Kings wages to Souldiers ſhall begin and end.

Mirror 15.

ITem, That the Statutes for the purveyances to be made for the Houſes of the King, the Queen, and their Children, wherein it is contained, that they ſhall not buy nor take any thing unleſs it be by agreement of the ſellers, and by promiſe made betwixt the buyers and the ſellers: (2) And that the Statutes made of the Steward and Marſhal of the Kings houſe, and what pleas they ſhall hold and determine before them in the Marſhalſey, ſhall be holden and kept in all their points. (3) Which Statutes our Lord the King hath cauſed to be tranſcribed, and ſent to the Steward and Marſhal of his Houſe, and to the Treaſurer of the Wardrobe, and Writs with them, to keep and maintain the ſame in all points. (4) And that men of Arms, Hoblers, and Archers, choſen to go in the Kings ſervice out of England, ſhall be at the Kings wages, from the day that they depart out of the Counties where they were choſen till they return.

War 1. St. 5 E. 3. 2. St. 10 E. 3. 1. 2. 28 Ed. 1. St. 3. cap. 3. **When the Kings wages to Souldiers ſhall begin and end.** St. 1 Ed. 3. 7. 4 H. 4. 13.

A Statute of the Clergy, made *Anno* 18 *Ed.* 3. St. 3. and *Anno Domini*, 1344.

EDward by the grace of God, &c. Greeting. Know ye that our Parliament holden at VVeſtminſter the Monday next after the *Utas* of the holy Trinity, the year of our reign of England the eighteenth, and of France the fifth, amongſt other things ſhewed, aſſented and accorded in the ſaid Parliament, there were ſhewed, aſſented and accorded theſe things under-written.

CAP. I.

A Triennial Diſme granted to the King by the Clergy towards the maintenance of his War in France. Exp.

Taxes, Raſt. 8.

CAP. II.

Bigamy ſhall be tried by the Ordinary, and not by Inqueſt.

ITem, If any Clerk be arraigned before our Juſtices, at our ſuit, or at the ſuit of the party, and the Clerk holdeth him to his Clergy, alledging that he ought not before them thereupon anſwer; (2) and if any man for us, or for the ſame party, will ſuggeſt, that he hath married two wives, or one widow, that upon the ſame the Juſtices ſhall not have the cogniſance or power to try the Bigamy by Inqueſt, or in other manner: but it ſhall be ſent to the Spiritual Court, as hath been done in times paſt, in caſe of Baſtardy; (3) and till the certificate be made by the Ordinary, the party in whom the Bigamy is alledged, by the words aforeſaid or in other manner, ſhall abide in priſon if he not mainpernable.

Clergy 17. Bigamy ſhall be tried by the Ordinary, and not by a Jury. St. 1 Ed. 6. 12.

CAP. III.

Prelates impeached for purchaſing Lands in Mortmain.

ITem, If Prelates, Clerks beneficed, or religious people which have purchaſed Lands, and the ſame have put to Mortmain, be impeached upon the ſame before our Juſtices, and they ſhew our Charter of licence, and proceſs thereupon made by an Inqueſt of Ad

Mortmain 1. Prelates impeached for purchaſing land in Mortmain, do ſhew the Kings licence.

quod damnum, or of our grace, or by fine, they ſhall be freely let in peace without being further impeached for the ſame purchaſe. (2) And in caſe they cannot ſufficiently ſhew, that they have entred by due proceſs after licence to them granted in general or in ſpecial, that they ſhall be well received to make a convenient fine for the ſame, and that the enquiry of this Article ſhall wholly ceaſe, according to the accord compriſed in this Parliament. Stat. 7 E. 1. Stat. of Mortmain. 1 E. 3. cap. 2.

CAP. IV.

In Commiſſions to be made for purveyance, the fees of the Church ſhall be excepted.

Purveyance 2. In Commiſſions for purveyance the fees of the Church ſhall be excepted.

ITem, That the Statutes touching the purveyances of us and of our ſon, made in times paſt by us and our Progenitors, for people of holy Church, be holden in all points. (2) And that in the Commiſſions to be made upon ſuch purveyances, the fees of holy Church ſhall be excepted in every place where they be found. St. 3 E. 1. 1.14 Ed. 3. 1.1 R.2.3.

CAP. V.

No Prohibition ſhall be awarded but where the King hath Cognizance.

Prohibition 2.

ITem, That no Prohibition ſhall be awarded out of the Chancery, but in caſe where we have the Cognizance, and of right ought to have. St. 9 Ed. 2.1, &c. Raſt. pla. f. 444, &c. 27 H. 8. f. 14. 12 H. 7. f. 22. Co. l. 4. f. 123. l. 5. f. 73. l. 6. f. 23.

CAP. VI.

Temporal Juſtices ſhall not enquire of Proceſs awarded by Spiritual Judges.

Prohibition 2. There ſhall be no more Commiſſions granted to Juſtices to enquire of Spiritual Judges. Juriſdiction, Br. 20.

ITem, Whereas Commiſſions be newly made to divers Juſtices, that they ſhall make inquiries upon Judges of holy Church, whether they made juſt Proceſs or exceſſive in cauſes teſtamentary and other, which notoriouſly pertaineth to the Cognizance of holy Church, the ſaid Juſtices have enquired, and cauſed to be indicted, Judges of holy Church, in blemiſhing of the Franchiſe of holy Church: (2) That ſuch Commiſſions be repealed, and from henceforth defended: Saving the Article in Eyre, ſuch as ought to be.

CAP. VII.

No *Scire facias* ſhall be awarded againſt a Clerk for Tythes.

Tythes, Raſt. 1. No Scire fac. ſhall be awarded to warn a Clerk to anſwer for his Tythes.

Co Inſt. 2 par. 639.

ITem, Whereas Writs of Scire facias have been granted to warn Prelates, religious and other Clerks to anſwer diſmes in our Chancery, and to ſhew if they have any thing, or can any thing ſay, wherefore ſuch diſmes ought not to be reſtored to the ſaid Demandants, and to anſwer as well to us as to the party to ſuch diſmes: (2) that ſuch writs from henceforth be not granted, and that the proceſs hanging upon ſuch writs be adnulled and repealed and that the parties be diſmiſſed from the Secular Judges of ſuch manner of pleas: (3) Saving to us our right ſuch as we and our anceſtors have had, and were wont to have of reaſon. In witneſs whereof, at the requeſt of the ſaid Prelates, to theſe preſent Letters we have ſet our Seal. Dated at London, the 8th day of July, the year of our Reign of England the 18th, and of France the fifth. Fitz. N.B. f. 30.E.

The Oath of the Juſtices, being made *Anno* 18 *Ed.* 3. St. 4. and *Anno Dom.* 1344.

Juſtices of both Benches 1. That he ſhall ſerve the King in his office. Dalt. 13. To warn the King of any damage. To do Juſtice. To take no reward of any having a ſuit. To give no counſel where the King is a party. St. 2 Ed. 3. 3. St. 20 Ed. 3. 1. To maintain no ſuit. Not to deny right for Letters. To procure the Kings profit. The penalty of an offender.

YE ſhall ſwear, that well and lawfully ye ſhall ſerve our Lord the King and his people in the office of Juſtice, and that lawfully ye ſhall counſel the King in his buſineſs, and that ye ſhall not counſel nor aſſent to any thing which may turn him in damage or diſheriſon by any manner, way or colour. (2) And that ye ſhall not know the damage or diſheriſon of him, whereof ye ſhall not cauſe him to be warned by your ſelf, or by other; and that ye ſhall do equal law, and execution of right to all his ſubjects, rich and poor, without having regard to any perſon. (3) And that ye take not by your ſelf or by other, privily nor apertly, gift nor reward of gold nor ſilver, nor of any other, which may turn to your profit, unleſs it be meat or drink, and that of ſmall value, of any man that ſhall have any plea or proceſs hanging before you, as long as the ſame proceſs ſhall be ſo hanging, nor after for the ſame cauſe. (4) And that ye take no fee, as long as ye ſhall be Juſtice, nor Robes of any man great or ſmall, but of the King himſelf. (5) And that ye give none advice nor counſel to no man great nor ſmall, in no caſe where the King is party. (6) And in caſe that any of what eſtate or condition they be, come before you in your Seſſions with force and arms, or otherwiſe againſt the peace, or againſt the form of the Statute thereof made, to diſturb execution of the Common Law, or to menace the people, that they may not purſue the Law, that ye ſhall cauſe their bodies to be arreſted and put in priſon. (7) And in caſe they be ſuch, that ye cannot arreſt them, that ye certifie the King of their names, and of their mipriſion haſtily, ſo that he may thereof ordain a convenable remedy. (8) And that ye by your ſelf nor by other, privily nor apertly, maintain any plea or quarrel hanging in the Kings Court, or elſewhere in the Country. (9) And that ye deny to no man common right, by the Kings Letters, nor none other mans, nor for none other cauſe; and in caſe any Letters come to you, contrary to the Law, that ye do nothing by ſuch Letters, but certifie the King thereof, and proceed to execute the Law, notwithſtanding the ſame Letters. (10) And that ye ſhall do and procure the profit of the King and of his Crown, with all things where ye may reaſonably do the ſame. (11) And in caſe ye be from henceforth found in default in any of the points aforeſaid, ye ſhall be at the Kings will of body, lands and goods, thereof to be done as ſhall pleaſe him, as God you help and all Saints. 3 Inſt. 144, 223, 224.

The Oaths of the Clerks of the Chancery, and of the Clerks of Courſe, made *Anno* 18 *Ed.* 3. St. 5. and *Dom.* 1344.

Clerks of the Chancery, Raſt. 1. Oath. Clerk of the Chancery.

YE ſhall ſwear that well and lawfully ye ſhall ſerve our Lord the King, and his people, in the Office of Clerk of the Chancery, to which ye be attitled: (2) And ye ſhall not aſſent nor procure the Kings diſheriſon, nor perpetual damage to your power: (3) Nor ye ſhall do nor procure to be done, any fraud to any mans wrong, nor thing that toucheth the keeping of the Seal; (4) and ye ſhall lawfully give counſel in the things that toucheth the King, when ye ſhall be thereto required; and the counſel which you know touching him, ye ſhall conceal. (5) And if you know the Kings diſheriſon, or perpetual damage or fraud to be done upon the things which touch the keeping of the Seal, ye ſhall put your lawful power to repreſs and amend it: And if ye cannot do it, then ye ſhall certifie the Chancellor, or other which may do the ſame to be amended to your intent. *(6)* And for the Clerks of courſe ſhall be added. And ye ſhall not bring, nor to your knowledge ſuffer to be brought any writs which ye make out of the Court not ſealed, thereof to do execution: (7) nor ſhall record any Attorny by writs nor without writs without eſpecial licence, if ye have not lawfully examined the party, and the Attorny in proper perſon, or at the leaſt, him that ſhall make Attorny in proper perſon; (8) nor ye ſhall deliver any writ which ſhall be of commandment to the Examinors; nor to the Seal, before that the ſame writ be ſent to you by the Commander, which thereof hath power, unleſs it be to the Chancellor, or to one of the Maſters, which commandeth you to make the writs. (9) And all the writs that ye ſhall make, ye ſhall deliver to the Examinors by your own hand, or by one companion which is ſworn to the King, if ye your ſelf be out of the Court, becauſe of ſickneſs, or other cauſe neceſſary, ſo that ye cannot do it. (10) And no writ written of another mans hand ſhall be delivered to the Examinors, under your name, as yours, nor no name ſhall be put under your writs, but your own, as God you help and all Saints.

Clerks of Courſe.

Statues made at *Weſtminſter* 7 *Maij*, *Anno* 20 *Ed.* 3.

EDward by the grace of God, &c. to the Sheriff of Stafford, Greeting. Becauſe that by divers complaints made to us, we have perceived that the Law of the Land, which we by our Oath are bound to maintain, is the leſs well kept, and the execution of the ſame diſturbed many times by maintenance and procurement, as well in the Court as in the Country: (2) W greatly moved of Conſcience in this matter, and for this cauſe deſiring as much for the pleaſure of God, and eaſe and quietneſs of our Subjects, as to ſave our conſcience, and for to ſave and keep our ſaid Oath, by the aſſent of the great men, and other wiſe men of our Council: We have ordained theſe things following.

CAP. I.

The Juſtices of both Benches, Aſſiſe, &c. ſhall do right to all men, take no fee but of the King, nor give counſel where the King is party.

Co. Inſt. 3 par. 146, 214. Judges Br, 4 Inſt. 51.

Juſtices of Aſſiſe 2. The Juſtices ſhall do right to all perſons without regard of Letters.

FIrſt, We have commanded all our Juſtices, that they ſhall from henceforth do equal Law and execution of right to all our ſubjects rich and poor, without having regard to any perſon, and without omitting to do right for any letters or commandment, which may come to them from us, or from any other, or by any other cauſe. (2) And if that any Letters, Writs or Commandments come to the Juſtices, or to other deputed to do Law and right, according to the uſage of the Realm, in diſturbance of the Law, or of the execution of the ſame, or of right to the parties, the Juſtices and other aforeſaid ſhall proceed and hold their Courts and proceſſes where the pleas and matters be depending before them, as if no ſuch Letters, Writs or Commandments were come to them: and they ſhall certifie us and our Council of ſuch Commandments which be contrary to the Law, as afore is ſaid. (3) And to the intent that our Juſtices ſhould do even right to all people in the manner aforeſaid, without more favour ſhewing to one then to another, we have ordained and cauſed our ſaid Juſtices to be ſworn, that they ſhall not from henceforth, as long as they ſhall be in Office of Juſtice, take fee nor robe of any man, but of our ſelf, and that they ſhall take no gift nor reward by themſelves, nor by other, privily nor apertly, of any man that to do before them by any way, except meat and drink, and that of ſmall value; *(4)* and that they ſhall give no counſel to great man or ſmall, in caſe where we be party, or which do or may touch us in any point, upon pain to be at our will, body, lands and goods, to do thereof as ſhall pleaſe us, in caſe they do contrary, (5) And for this cauſe we have increaſed the fees of the ſame our Juſtices, in ſuch manner as it ought reaſonably to ſuffice them. Stat. 2 Ed. 3. 8. St. 11 R. 2. 10. Regiſt. fo. 186.

Juſtices to certifie all illegal Commandments. Juſtices ſhall take no fee of any but of the King. Juſtices ſhall give no councel where the King is party. Their fees increaſed for that cauſe.

CAP. II.

Barons of the Eſchequer ſhall do right to all men without delay.

Juſtices of Aſſiſe 2. Barons of Eſchequer.

IN the ſame manner we have ordained in the right of the Barons of the Eſchequer, and we have expreſly charged them in our preſence, that they ſhall do right and reaſon to all our ſubjects great and ſmall; (2) And that they ſhall deliver the people reaſonably and without delay of the buſineſs which they have to do before them, without undue tarrying, as hath been done in times paſt. Co. Inſt. 4 par. 115.

CAP. III.

Juſtices of Gaol-delivery, &c. and their aſſociates, ſhall take an Oath.

Juſtices of Aſſiſe 2. Juſtices aſſigned.

ITem, We have ordained, that all they which ſhall be Juſtices aſſigned by Commiſſion, to hear and determine, and ſuch as ſhall be aſſociated to them, and alſo Juſtices of Aſſiſes to be taken in the Country, and of Gaol-delivery, and ſuch as ſhall be aſſigned and aſſociated to them, ſhall make firſt an Oath in certain points, according as to them ſhall be enjoyned by our Council in our Chancery, before that any Commiſſion be to them delivered.

CAP. IV.

None ſhall maintain any quarrels but their own.

Maintainors 5.
None ſhall maintain any quarrels but their own.
St. 28 Ed. 1. 11.
St. 1 E. 3. 14.
St. 1 R. 2. 4.
Regiſt. fo. 182. 183. 189.
V.N.B. fo. 180.
Fit.N.B. f. 172.

8 H. 7. f. 11.
15 H. 7. f. 2.
3 H. 6. f. 31.
31 H. 6. f. 1.

ITem, We have commanded and utterly defended, That none of our houſe, nor of them that be about us, nor other, which be towards our dear beloved Companion the Queen, or our Son Prince of Wales, or towards our Courts, nor Prelates, Earls, Barons, nor other great nor ſmall of the land, of what eſtate or condition they be, ſhall not take in hand quarrels other then their own, nor the ſame maintain by them nor by other, privily, nor apertly, for gift, promiſe, amity, favour, doubt nor fear, nor for none other cauſe, in diſturbance of Law and hindrance of right, upon the pains aforeſaid; but that every man be free to ſue for, and defend his right in our Courts and elſewhere, according to the Law. (2) And we have ſtraightly commanded our ſaid Son, and divers Earls, and other great men, being before us, that they on their behalf ſhall do to be kept this Ordinance without default, and that they ſuffer none which be towards them to attempt againſt this Ordinance by any way. Raſt.pl. fo. 119.427. &c.

CAP. V.

Maintainors Raſt. 4.

Lords and great men ſhall put thoſe out of their ſervices which be maintainors of Quarrels. Exp.

CAP. VI.

Juſtices of Aſſiſe ſhall enquire of, and puniſh the miſdemeanor of Officers, and other Offenders.

Juſtices of Aſſiſe, Raſt. 4.
Juſtices of Aſſiſe ſhall enquire of the demeanor of Sheriffs, eſcheators, bailiffs, and other officers, and puniſh the offendor.

ITem, We will and have ordained, that the Juſtices aſſigned to take Aſſiſes, ſhall have Commiſſions ſufficient to enquire in their Seſſions of Sheriffs, Eſcheators, Bailiffs of Franchiſes, and their under-miniſters, and alſo of maintainors, common imbraceors, and Jurors in the Country, and of the gifts, rewards, and other profits, which the ſaid miniſters do take of the people to execute their office, and that which partaineth to their office, and for making the array of pannels, putting in the ſame ſuſpect Jurors, and of evil fame, and of that maintainors, imbraceors, and Jurors do take gifts and rewards of the parties, whereby loſſes and damages do very grievouſly come daily to the people, in ſubverſion of the Law, and diſturbance of common right: and to puniſh all them which thereof ſhall be found guilty, according as Law and reaſon requireth, as well at our ſuit as at the parties. (2) And thereupon we have charged our Chancellor and Treaſurer to hear the complaints of all them which will complain, and to ordain that ſpeedy remedy be thereof made. (3) Wherefore we do command, that thou do cauſe the ſaid points and Ordinances aforeſaid, openly to be publiſhed and ſhewed at ſuch places within thy Bailiwick, as thou ſhalt think good; to the end that they which feel them grieved in the form aforeſaid, may purſue for remedy according to the ſaid Ordinance, and that our people may perceive our intent and will in this behalf, and the deſire that we have, that even right may be done to all our ſubjects, as well poor as rich, and that the offendors be reſtrained and puniſhed. Dated at Weſtminſter the ſeventh day of March, the year of our reign of England the twentieth, and of France the ſeventh. Stat. 4 Ed. 3. 2. & 11 St. 34 Ed. 3. 4. Regiſt. fo. 186.

The Statute of Labourers, made 23 *Ed.* 3. and *Anno Domini*, 1349.

EDward by the grace of God, &c. To the reverend Father in Chriſt, William by the ſame grace Archbiſhop of Canterbury, Primate of all England, Greeting. Becauſe a great part of the people, and eſpecially of Workmen and Servants late died of the Peſtilence, many ſeeing the neceſſity of Maſters, and great ſcarcity of Servants, will not ſerve unleſs they may receive exceſſive wages, (2) and ſome rather willing to beg in idleneſs, then by labour to get their living: We conſidering the grievous diſcommodity which of the lack, eſpecially of Plough-men and ſuch Labourers, may hereafter come, have upon deliberation and treaty with the Prelates and the Nobles, and learned men aſſiſting Us, of their mutal councel ordained.

CAP. I.

Laborers, Raſt. 1.

Every perſon able in body under the age of lx years, not having to live on, being required, ſhall be bound to ſerve him that doth require him, or elſe committed to the Gaol, until he find ſurety to ſerve. Rep. 5 Eliz. 4.

CAP. II.

Raſt. 2.

If a VVorkman or Servant depart from ſervice before the time agreed upon, he ſhall be impriſoned. Rep. 5 Eliz. 4.

CAP. III.

Raſt. 3.

The old wages and no more ſhall be given to Servants. Rep. 5 Eliz. 4.

CAP. IV.

Raſt. 4.

If the Lord of a Town or Mannor do offend againſt this Statute in any point, he ſhall forfeit the treble value. Rep. 5 Eliz. 4.

CAP. V.

Raſt. 5.

If any Artificer or VVorkman take more wages then were wont to be paid, he ſhall be committed to the Gaol. Rep. 5 Eliz. 4.

CAP. VI.

Victuals ſhall be ſold at reaſonable prices.

Victual 4.
Victual ſhall be ſold at a reaſonable price, and Victualers ſhall be content with a moderate gain.
Mayors and Bailiffs of Cities and Boroughs, ſhall inquire of offendors, and puniſh them.

ITem, That Butchers, Fiſhmongers, Regrators, Hoſtelers, Brewers, Bakers, Pulters, and all other Sellers of all manner Victual, ſhall be bound to ſell the ſame Victuals for a reaſonable price, having reſpect to the price that ſuch Victual be ſold at in the places adjoyning. So that the ſame Sellers have moderate gains, and not exceſſive, reaſonably to be required according to the diſtance of the place from whence the ſaid Victuals be carried. (2) And if any ſell ſuch Victuals in any other manner, and thereof be convict in the manner and form aforeſaid, he ſhall pay the double of the ſame that he ſo received, to the party damnified, or in default of him, to any other that will purſue in this behalf. (3) And the Mayors and Bailiffs of Cities, Boroughs, Merchant Towns and others, and of the Ports of the Sea, and other places, ſhall have power to enquire of all and ſingular which ſhall in any thing offend the ſame, and to levy the ſaid pain to the uſe of them at whoſe ſuit ſuch offendor ſhall be convict. (4) And in caſe that the ſame Mayors and Bailiffs be negligent in doing execution of the premiſſes, and thereof be convict before our Juſtices, by us to be aſſigned, then the ſame Mayors and Bailiffs ſhall be compelled by the ſame Juſtices to pay the treble of the thing ſo ſold to the party damnified, or to any other in default of him that will purſue. And nevertheleſs towards us they ſhall be grievouſly puniſhed. St. 13 R. 2. 8. St. 12 Ed. 4. 8. St. 25 H. 8. 2.

CAP VII.

No perſon ſhall give any thing to a beggar that is able to labour. Rep. 1 Ed. 6. 3. & 21 Jac. 28.

CAP. VIII.

He that taketh more wages then is accuſtomably given, ſhall pay the ſurpluſage to the Town where he dwelleth, towards a payment to the King of a tenth and fifteenth granted to him. Exp. Regiſt. fo. 189.

Vagabonds, Raſt. 1. **Labourers,** Raſt. 6.

A Statute of Labourers, made *Anno* 25 *Ed.* 3. and *Anno Domini*, 1350.

Labourers 1.

Whereas late againſt the malice of ſervants, which were idle, and not willing to ſerve after the Peſtilence, without taking exceſſive wages, It was ordained by our Lord the King, and by aſſent of the Prelates, Earls, Barons, and other of his Council, that ſuch manner of ſervants, as well men as women, ſhould be bound to ſerve, receiving ſalary and wages accuſtomed in the places where they ought to ſerve, in the xx year of the reign of the King that now is, or five or ſix years before; and that the ſame ſervants refuſing to ſerve in ſuch manner ſhould be puniſhed by impriſonment of their bodies, as in the ſaid Statute is more plainly contained: (2) whereupon Commiſſions were made to divers people in every County to enquire and puniſh all them which offend againſt the ſame. (3) And now for as much as it is given the King to underſtand in this preſent Parliament, by the Petition of the Commonalty, that the ſaid ſervants, having no regard to the ſaid Ordinance, but to their eaſe and ſingular covetiſe, do withdraw themſelves to ſerve great men and other, unleſs they have livery and wages to the double or treble of that they were wont to take the ſaid xx year and before, to the great damage of the great men, and impoveriſhing of all the ſaid Commonalty, whereof the ſaid Commonalty prayeth remedy: (4) Wherefore in the ſame Parliament, by the aſſent of the ſaid Prelates, Earls, Barons, and other great men of the ſame Commonalty there aſſembled, to refrain the malice of the ſaid ſervants, be ordained and eſtabliſhed the things under-written.

CAP. I.

Raſt. 7. The year and days wages of ſervants and labourers in Husbandry. Rep. 5 El. 4.

CAP. II.

Raſt. 8. How much ſhall be given for threſhing all ſorts of Corn by the Quarter. (2) None ſhall depart from the Town in ſummer where he dwelt in winter. Rep. 5 El. 4. Regiſt. f. 189. 50 Ed. 3. 13. pl. 3.

CAP. III.

Raſt. 9. The ſeveral wages of ſeveral ſorts of Artificers and Labourers. Rep. 5 Eliz. 4.

CAP. IV.

Raſt. 10. Shooes and Boots ſhall be ſold as they were the twentieth year of King Edward the Third. Rep. 5 El. 8. & 1 Jac. 22.

CAP. V.

Raſt. 11. Artificers ſworn to uſe their Crafts as they did in the twentieth year of King Edward the Third. OB.

CAP. VI.

Raſt. 12. The ſeveral puniſhments of ſeveral perſons offending againſt the true meaning of this Statute. Rep. 5 El. 4.

CAP. VII.

Raſt. 13. Sheriffs, Conſtables, Bailiffs, Gaolers, nor other Officers, ſhall exact any thing of the ſame ſervants. (2) The forſeitures of ſervants ſhall be imployed to the aid of Diſmes and Quinzims granted to the King by the Commons. OB. 2 Bulſtr. 335. **Labourers.** Raſt. 14.

CAP. VIII.

Raſt. 14. The Juſtices hold their Seſſions four times in the year, and at all times that ſhall be needful. ALT. 2 H. 5. 4. Servants which flees from one County to another, ſhall be committed to Priſon. Rep. 5 Eliz. 4.

A Statute made *Anno* 25 *Ed.* 3. St. 2. and *Anno Domini*, 1350. of thoſe that be born beyond Sea.

In what place Baſtardy pleaded againſt him that is born out of the Realm ſhall be tried.

Ability 1.

Our Lord the King at his Parliament holden at Weſtminſter, at the utas of the Purification of our Lady, the year of his Reign of England the five and twentieth, and of France the twelfth, conſidering the great miſchiefs and damages which have happened to the people of his Realm of England, as well becauſe that the Statutes ordained before this time have not been holden and kept as they ought to be, as becauſe of the mortal Peſtilence that late reigned: and willing to provide for the quietneſs and common profit of his ſaid people convenient Remedy therefore, by the aſſent of the Prelates, Earls, Barons, and other great men, and all the Commons of his ſaid Realm ſummoned to the Parliament, hath ordained and eſtabliſhed the things under-written, videlicet, (2) Becauſe that ſome people be in doubt, if the children born in the parts beyond the Sea, out of the Ligeance of England, ſhould be able to demand any Inheritance within the ſame Ligeance or not, whereof a Petition was put in the Parliament late holden at Weſtminſter, the ſeventeenth year of the Reign of our Lord the King that now is, and was not at the ſame time wholly aſſented: (3) Our Lord the King, willing that all doubts and ambiguities ſhould be put away, and the Law in this caſe declared and put in a certainty, hath charged the ſaid Prelates, Earls, Barons, and other wiſe men of his Council, aſſembled in this Parliament, to deliberate upon this point: all which of one aſſent have ſaid, That the Law of the Crown of England is, and always hath been ſuch, that the Children of the Kings of England, in whatſoever parts they be born, in England or elſewhere, be able and ought to bear the Inheritance after the death of their Anceſtors: which Law our ſaid Lord the King, the ſaid Prelates, Earls, Barons, and other great men, and all the Commons aſſembled in this Parliament, do approve and affirm for ever. (4) And in the right of other children born out of the Ligeance of England, in the time of our Lord the King, they be of one mind accorded, that Henry Son of John de Beaumond, Elizabeth Daughter of Guy de Bryan, and Giles Son of Ralph Dawbeny, and other which the King will name, which were born beyond the Sea, out of

The Kings Children be inheritable in England, wheresoever they be born. The Children of others born beyond the Sea. St. 42 E. 3. 10. **Denizen,** Br. 14.

the Ligeance of England, ſhall be from henceforth able to have and enjoy their inheritance after the death of their Anceſtors, in all parts, within the Ligeance of England, as well as thoſe that ſhould be born within the ſame Ligeance. (5) And that all children inheritors, which from henceforth ſhall be born without the Ligeance of the King, whoſe Fathers and Mothers at the time of their birth be and ſhall be at the faith and ligeance of the King of England, ſhall have and enjoy the ſame benefits and advantages, to have and bear the inheritance within the ſame ligeance, as the other inheritors aforeſaid in time to come: ſo always that the mothers of ſuch children do paſs the Sea by the licence and wills of their husbands. (6) And if it be alledged againſt any ſuch born beyond the Sea, that he is a baſtard, in caſe where the Biſhop ought to have coniſance of baſtardy, it ſhall be commanded to the Biſhop of the place, where the demand is, to certifie the Kings Court, where the plea thereof hangeth, as of old times hath been uſed in the caſe of baſtardy, alledged againſt them which were born in England. Star. 42 Ed. 3.10.

Trial of baſtardy pleaded againſt him which is born out of England. Raſt. pl. f. 104.

1 R. 3. f. 4. Dyer fo. 224. Co. Inſt. 8.

A Statute for the Clergy, made *Anno* 25 *Ed.* 3. St. 3. and *Anno Dom.* 1350.

OUr Lord the King, ſeeing and examining by good deliberation, the Petitions and Articles delivered to him in his Parliament holden at Weſtminſter in the feaſt of St. Hillary, the year of his Reign of England the five and twentieth, and of France the twelfth, by by the honourable Father in God, Simon Archbiſhop of Canterbury, and other Biſhops of his Province, upon and for certain grievances which they alledged to be done to holy Church, and to the Clergy, againſt the priviledges of holy Church; and then they prayed, that a conveniable remedy might be thereof ordained, to the reverence of God and of holy Church: by the aſſent of his Parliament, for him and his heirs, willeth and granteth the points under-written.

CAP. I.

All Priviledges granted to the Clergy confirmed. The King nor his Heirs ſhall preſent to a Benefice of anothers right of any time of his Progenitors.

Confirmation Raſt. 10. The King nor his heirs ſhall not preſent to a benefice of anothers right of any time of his Progenitors. Raſt. 4.

FIrſt, That all the priviledges and franchiſes granted heretofore to the ſaid Clergy be confirmed and holden in all points. (2) And as touching preſentments to be made by our Lord the King, or any of his Heirs, to a benefice of holy Church, in anothers right by old title: our ſaid Lord the King, to the honour of God and holy Church, willeth and granteth, of the aſſent of the ſaid Parliament, That from henceforth he nor any of his Heirs ſhall not take title to preſent to any Benefice in any others right of any time of his Progenitors. (3) Nor that any Prelate of this Realm be bound to receive any ſuch preſentment to be made, nor to do thereof any execution; (4) nor that any Juſtice of the one place, or the other, may not nor ought not to hold plea, or give judgment upon any ſuch preſentment to be made: (5) But, that the ſaid King and his Heirs be for ever hereafter clearly barred of all ſuch preſentments. (6) Saving always to him and his Heirs all ſuch preſentments in anothers right, fallen or to fall of all his time, and of the time to come. Vide Paſc. 8 Car. in Scac. int. Dom. Regem & Pruſt. 1 Cr. 354 Jones 334.

Hetley 126 (129.)

11 H. 4. 1. 6.

CAP. II.

A repeal of the Statute of *Anno* 14 *Ed.* 3. 2. touching the Kings preſentment to a Church of anothers right.

Advowſon, Raſt. 3. A repeal of the St. 14 Ed. 2. 3. touching the Kings preſentment to a Church in anothers right.

ANd becauſe in the Parliament holden at Weſtminſter, the fourteenth year of the Reign of our Lord the King that now is, amongſt other things then granted to the Prelates of holy Church, it was ordained that the King ſhould not take title to preſent to any Benefice in anothers right, but of the voidances which ſhall happen of ſuch Benefices within three years next before his preſentment, which thing ſeemeth very prejudicial to the King and his Heirs: (2) It is accorded in this preſent Parliament, that the ſaid Ordinances as to this point, ſhall be holden for none. But nevertheleſs, that all the other Articles contained in the ſaid Ordinance and grant then made to holy Church, ſhall ſtand in their force.

CAP. III.

When the King preſenteth to a Benefice in anothers right, his title ſhall be examined.

Advowſon, Raſt. 5. Incumbent 1. Where the King maketh collation to preſent to a Church in anothers right his title ſhall be examined.

ITem, Whereas before this time our Lord the King hath taken title to preſent to Benefices at the ſuggeſtion of many Clerks, where the title hath not been true, and by ſuch preſentments and judgments thereupon given, the Clerks have been received by the Ordinaries of the places, againſt God and good faith, and in depreſſion of them which had good and true title to the ſaid Benefices: (2) now the King will and granteth, that at what time he ſhall make collation or preſentment from henceforth to any Benefice in anothers right, that the title whereupon he groundeth himſelf ſhall be well examined, that it be true. (3) And at what time before judgment the title be found by good information untrue or unjuſt, the collation or preſentment thereof made, ſhall be repealed. (4) And the Patron or the poſſeſſor which ſhall ſhew and prove the falſe title, ſhall have thereupon Writs out of the Chancery, as many as to him ſhall be needful. St. 13 R. 2. 1. St. 4 H. 4. 22.

Error Br. 145 44 Ed. 3. f. 12. 46 Ed. 3 f. 10. Fitz. Incumb 3, 4, 5, 10, 11, 14.

25 H. 6. 62. b. per Aſhton.

CAP. IV.

All Clerks convicted of Felony or Treaſon, ſhall be delivered to their Ordinaries.

Clergy, Raſt. 6. A Clerk which ſhall be convict of any treaſon or felonies not touching the King, ſhall be delivered to the Ordinary. St. 18 El. 7.

ITem, Whereas the ſaid Prelates have grievouſly complained, praying thereof remedy, for that ſecular Clerks, as well Chaplains as other Monks, and other people of Religion, have been drawn and hanged by award of the ſecular Juſtices, in prejudice of the Franchiſes of holy Church, and in oppreſſion of the juriſdiction thereof: (2) It is accorded and granted by the ſaid King in his Parliament, that all manner of Clerks, as well ſecular as religious, which ſhall be from henceforth convict before the ſecular Juſtices aforeſaid, for any Treaſons or Felonies touching other perſons than the King himſelf, or his Royal Majeſty, ſhall from henceforth freely have and enjoy the priviledge of holy Church, and ſhall be without any impeachment or delay, delivered to the Ordinaries demanding them. (3) And for this grant the

Hob. 211

Bro. Clerg. 25.

ſaid Archbiſhop promiſeth to our Lord the King, that upon the puniſhment and ſafe keeping of ſuch Clerks offenders, which ſo ſhall be delivered to the Ordinaries, he ſhall thereof make a convenient Ordinance, whereby they ſhall be ſafely kept and duly puniſhed, ſo that no Clerk ſhall take courage to offend for default of correction.

CAP. V.

A Clerk ſhall be arraigned of all his offences at once.

Dyer f. 214. Bro.Clerg. 24, 30. 3 Inſt.214. 11 Co. 63.

ITem, Although that Clerks arraigned of Felony before ſecular Juſtices, which challenged their Clergy, and were demanded by the Ordinary of the place, have been often before this time remanded to the Gaol by the ſaid Juſtices, ſurmiſing to them, that other things be to be ſaid againſt them; (2) nevertheleſs becauſe the Common Law is, That a Clerk in ſuch caſe ought not to be remanded to the Gaol, but ought to be preſently arraigned of all, or otherwiſe delivered to the Ordinary: (3) It is accorded, that this point be kept by all manner of Juſtices and Judges ſecular throughout our Realm.

Clergy 18. A Clerk ſhall be arraigned of all his offences at once. St. 8 El. 4. St. 18 El. 7.

CAP. VI.

A Biſhops Temporalties ſhall not be ſeiſed for a contempt.

5 Ed.4. f.28. Bro.Ord.12.

ITem, Becauſe the Temporalties of Archbiſhops and Biſhops have been oftentimes taken into the Kings hands for contempts done to him upon Writs of Quare non admiſit, and likewiſe for divers other cauſes, whereof the ſaid Prelates have prayed the King that no ſuch taking ſhall from henceforth be made, ſith they be Peers of the land: (2) The King will and granteth in the ſame Parliament, that all the Juſtices which from henceforth ſhall give judgment againſt any Prelate of the land in ſuch caſe or the like, that they in ſuch caſe may freely receive, and from henceforth ſhall receive for the contempt ſo judged, a reaſonable fine of the party ſo condemned, according to the quantity of the treſpaſs, and after the quality of the contempt, incontinently at the time of the judgment, if the party offer the ſame, or otherwiſe after the judgment, at what time the party will offer himſelf. (3) And if it need, the Chancellor and the Treaſurer ſhall be called to the receit of the ſaid Fines. Regiſt.f.32.

Biſhops 9. A Biſhops Temporalties ſhall not be ſeiſed for a contempt. St. 1 Ed. 3.2. St. 14 Ed. 3.3. 2 Seſſ. The Stat. for the Clergy.

CAP. VII.

The Ordinary may counterplead the Kings Title for a Benefice fallen by lapſe.

Hob.161. 7 Co. 26. 2 Roll. 453, 458, 460, 466, 470. 2 Roll 452. 1 Leon.45. 2 Leon. 85. Dyer f. 1. Fitz.Q Imp. 194, 196. Fitz.Liv.34. Fitz.Incumb. 4, 6, 7, 10, 11, 14. Hob.318. Savil 108.

ITem, Becauſe that many preſentments to divers Benefices of holy Church, as well of the patronage of lay-peole, as of people of holy Church, which were void by ſix months, whereof the collation of ſuch benefices by lapſe of time was devolute, and of right pertaining to the Ordinaries of the places, where recovered by the King by judgments thereof given of the aſſent of the ſaid patrons, in deceit of the ſaid collations ſo made reaſonably by the ſaid Ordinaries; in which pleas the Ordinaries nor their Clerks to whom they did give ſuch benefices, were not received to ſhew nor defend their right in this behalf, nor to counterplead the Kings right ſo claimed, which is not reaſonable: wherefore the King, by the aſſent of the ſaid Parliament, will and granteth for him and his Heirs, that when Archbiſhops, Biſhops, or other Ordinaries have given a benefice of right devolute to him by lapſe of time, and after the King preſenteth and taketh his ſuit againſt the Patron, which per-caſe will ſuffer that the King ſhall recover without action tried, in deceit of the Ordinary, or the poſſeſſor of the ſaid benefices, That in ſuch caſe, and all other caſes like, where the Kings right is not tried, the Archbiſhop or Biſhop, Ordinary or Poſſeſſor, ſhall be received to counterplead the Title taken for the King, and to have his anſwer, and to ſhew and defend his Right upon the matter, although that he claim nothing in the Patronage in the caſe aforeſaid.

Lapſe 1. 13 Ed.1. W.2. cap.5.§.2. 2 H.4.17. Petition Br.5. 23 Ed. 3.26. Qu. admiſ. 1.1. An Ordinary may counterplead the Kings title for a Benefice fallen to him by Lapſe. St.13 R.3.ca.1.

CAP. VIII.

Cognizance of avoidance of Benefices appertaineth to the Eccleſiaſtical Judge.

Bract.241.

ITem, Whereas the ſaid Prelates have ſhewed and prayed remedy, for that the ſecular Juſtices do accroach to them cognizance of voidance of benefices of right, which cognizance and the diſcuſſing thereof pertaineth to the Judges of holy Church, and not to the Lay-Judge: (2) The King will and granteth, That the ſaid Juſtices ſhall from henceforth receive ſuch challenges made or to be made by any Prelate of holy Church in this behalf, and moreover thereof ſhall do right and reaſon.

Eccleſ perſons 5. Cognizance of voidance of Benefices belongs to the Eccleſiaſtical Judge.

CAP. IX.

Indictments of Ordinaries for Extortion ſhall be put in certainty.

ITem, Becauſe that the Kings Juſtices do take Indictments of Ordinaries, and of their Miniſters of extortions and oppreſſions, and impeach them without putting in certain, wherein or whereof, or in what manner they have done extortion: (2) The King will, that his Juſtices ſhall not from henceforth impeach the Ordinaries, nor their Miniſters, becauſe of ſuch Indictments of general extortions or oppreſſions, unleſs they ſay and put in certain in what thing, and of what, and in what manner the ſaid Ordinaries or their Miniſters have done extortions or oppreſſions. Raſt.pl.f.318.

Ordinary 2. Indictments of Ordinaries or their Miniſters of Extortion, muſt be put in certainty.

Statutes of Clothes, made *Anno* 25 *Ed.* 3. St.4. and *Anno Dom.*1350.

CAP. I.

The Aulneger ſhall be ſworn to do his duty: the penalty if he offend.

ITem, It is accorded and aſſented in the ſame Parliament, That all manner of Clothes vendible which ſhall be ſold for whole Clothes in England, in whoſe hands of the Merchants of the Realm of England, or other of the ſame Realm they be found, ſhall be meaſured by the Kings Aulneger and his deputies, in all Cities, Boroughs, and other Towns within

Drapery 24. All Clothes vendible ſhall be meaſured by the Kings Aulneger or his deputy.

The length and breadth of Cloth of ray, and coloured Cloth. St.2 Ed.3.14. St.5 Ed.6.6. St.8 El.12. St.43 El.10. St.4 Jac.2.

The Aulneger ſhall be ſworn to do his office well.

A buyer may meaſure the Cloth before he hath paid for it.

The forfeiture of defective Cloth, and to what uſe it ſhall be employed.

within Franchiſes and without, as well in the City of London as elſewhere. (2) And that all the Clothes which ſhall be found of leſs meaſure by a yard than of the Aſſiſe contained in the Statute of Northampton, by which it is ordained, That the length of every Cloth of ray, ſhall be meaſured by a line of ſeven yards, four times meaſured by the Liſt, and the breadth of every Cloth of ray, ſix quarters of the meaſure by the yard; and of coloured Clothes the length ſhall be meaſured by the back by a line of ſix yards and a half, four times meaſured, and the breadth ſix quarters and a half meaſured by the yard, without defoiling the Clothes, ſhall be forfeited and arreſted to the King. (3) And that the Aulneger deliver the ſame to the Kings Wardrobe by Indenture, notwithſtanding any Franchiſe, Uſage, or priviledge made to the Cities, Boroughs, or to any perſon of the Realm of England to the contrary. (4) And the Kings Aulneger ſhall be ſworn to do his office well and lawfully. (5) And in caſe he thereof be found in default, and thereof be attainted before the Keepers of the Fairs, and Mayors and Bailiffs of the places where the Cloth ſhall be bought, or before any other Judge whom our Lord the King ſhall thereto aſſign, he ſhall have priſon of one year, and ranſomed at the Kings will, and put out of his office for ever. (6) And the Aulneger ſhall anſwer as well for his Deputies as for himſelf. (7) And alſo it is accorded and eſtabliſhed, That every buyer of ſuch Cloth, or other that will ſue, that the ſaid Aulneger hath done any fraud or deceit in his office, and the falſity be notoriouſly proved, at his Suit ſhall have the one half of that which ſhall be ſo forfeited, or the price of the Kings gift, and the King the other half; (8) And that every buyer of ſuch Cloth, after that he hath agreed of the price with the ſeller, may freely meaſure the Cloth at his will, to aſſay if it be of the Aſſiſe or not, before that he hath paid his money, although the Aulnegers Seal be put to the ſame. (9) And if the buyer find any default after the buying, and ſhew the ſame default to the Mayors and Bailiffs of the place, or to the keepers of the Fair or Market; and if default be found notoriouſly before them, the Cloth ſhall be forfeit to the King, and ſeiſed into the Kings hands by the ſaid Mayors and Bailiffs, or Keepers of the Fairs and Markets, and ſhall remain in their cuſtody, (10) and the ſaid Mayors and Bailiffs, or Keepers, ſhall certifie the Chancellor of the ſame forfeiture at the ſuit of the buyer, or of other which will ſue, without any thing taking of him. (11) And the Chancellor in this Certificate ſhall ſend a Writ to the ſaid Mayor and Bailiffs, or Keepers, to deliver him which hath ſo ſued, the one half of the forfeiture, and to ſave the other half to the Kings uſe. (12) And if the Mayor, Bailiffs or Keepers refuſe to do execution of this accord in the manner aforeſaid, they ſhall be puniſhed by fine and ranſom when they ſhall be thereof attainted, as well at the Kings Suit as the Parties. (13) And that this Article begin to hold place the firſt day of September next coming, ſo that the Merchants and other which have Clothes to ſell, may freely deliver them of the Clothes that they have in their hands in the ſame time.

CAP. II.

Merchant-ſtrangers may buy and ſell without diſturbance.

Merchants 1. St.9 Ed.3.1. Merchants ſtrangers may buy and ſell within this Realm without diſturbance. St. 9 H.3.30.

No Officer ſhall meddle with the ſale of ſtrangers goods.

ITem, Whereas it is contained in a Statute made at York, the ninth year of the Reign of our Lord the King that now is, That all Merchants, Aliens and Denizens, and all other and every of them, of what eſtate or condition they were, which would buy or ſell Wine, Corn, Avoir de pois, Fleſh, Fiſh, and all other Livings and Victual, Clothes, Chaffer, Wools, Merchandizes, or any other things vendible, from what party they come, by foreigners or by denizens, to what place ſoever it be, Borough, Town, Port of the Sea, Fair, Market, or other place within this Realm, within franchiſes or without, may freely and without diſturbance ſell the ſame to whom pleaſe them, as well to foreigners as to denizens, except the Kings enemies: (2) It is accorded by our Lord the King, the Prelates, Earls, Barons, and other great men, and the Commons in this preſent Parliament, That the ſaid Statute in all points and Articles contained in the ſame, be holden, kept and maintained. (3) And if that any Statute, Charter, Letters Patents, Proclamation or Commandment, Uſage, Allowance or Judgment be made to the contrary, the ſame ſhall be openly repealed, void, and holden for none. (4) And moreover, that every Merchant or other, of what condition he be, as well Alien as Denizen, that bring Wines, Fleſh, Fiſh, or other Victuals, Clothes, Woolfells, Avoir de pois, or any other manner of Merchandizes or Chaffer to the City of London, or other Cities, Boroughs and good Towns of England, or Port of the Sea, may freely and without challenge or impeachment of any, ſell in groſs or at retail, or by parcels at his will, to all manner of people that will buy the ſame, notwithſtanding any Franchiſes, Grants or Cuſtom uſed, or any other thing done to the contrary: ſithence that ſuch Uſages and Franchiſes be to the common prejudice of the King and his people. (5) And that no Mayor, Bailiff, Catchpole, Miniſter nor other, ſhall meddle with the ſale of any manner of Victual vendible, brought to Cities, Boroughs, or other Towns, nor Fair nor Market, but only he to whom the Victuals be; (6) and Proclamation be thereof made of new in all Counties of England, and in the City of London, and in all other Cities, Boroughs, good Towns, Ports of the Sea, and other places within the Realm of England, where need ſhall be; (7) and that the King thereupon cauſe to be aſſigned his Juſtices at all times that ſhall pleaſe him; and if need be, to enquire of all thoſe that ſhall offend againſt this Ordinance, or do any thing againſt the ſame, and to puniſh them according to the pain contained in the ſame Statute made the ſaid ninth year. (8) And that every perſon that will ſue againſt any ſuch, ſhall have a Writ in the Chancery to attach him by his body, as a diſturber of the common profit, to cauſe him to come, thereof to make anſwer in the Kings Court. St.2 R.2.1. St.11 R.2 7. St.16 R.2.1.

CAP. III.

The penalty of him that doth foreſtal Wares, Merchandize or Victual.

Foreſtallers. The penalties of foreſtallers of wares, merchandizes or victuals. St.2 R.2.2.

ITem, It is accorded and eſtabliſhed, That the Foreſtallers of Wines, and all other Victuals, Wares and Merchandizes that come to the good Towns of England by Land or by Water, in damage of our Lord the King and of his people, if they be thereof attainted at the Suit of the King, or of the party, before Mayor, Bailiff, or Juſtices thereto aſſigned, or elſewhere in the Kings Court; and if they be attainted at the Kings Suit by Indictment, or in other manner, the things foreſtalled ſhall be forfeited to the King, if the buyer thereof hath made gree to the ſeller. (2) And if he have not made gree of all, but by earneſt, the buyer ſhall incur the forfeiture of as much as the foreſtalled Goods forfeited do amount to, after the value as he bought them, if he have whereof; (3) And if he hath not whereof, then he ſhall have two years impriſonment and more at the Kings will, without being let to mainpriſe, or delivered in other manner. (4) And if he be attainted at the Suit of the party, the party ſhall have the one half of ſuch things foreſtalled and forfeit, or the price of the Kings gift, and the King the other half. St. 5 Ed. 6. 14.

CAP. IV.

New Wears ſhall be pulled down, and not repaired.

11 Co. 35.

Co. l. 10. f. 138

ITem, Whereas the common paſſage of Boats and Ships in the great Rivers of England be oftentimes annoyed by the inhanſing of Gorces, Mills, Wears, Stanks, Stakes, and Kiddles, in great damage of the people: (2) It is accorded and ſtabliſhed, that all ſuch Gorces, Mills, Wears, Stanks, Stakes, and Kiddles, which be levied and ſet up in the time of King Edward the Kings Grandfather, and after, whereby the Kings Ships and Boats be diſturbed, that they cannot paſs in ſuch River as they were wont, ſhall be out and utterly pulled down, without being renewed. (3) And thereupon Writs ſhall be ſent to the Sheriffs of the places where need ſhall be, to ſurvey and enquire, and to do thereof execution. And alſo the Juſtices ſhall be thereupon aſſigned at all times that ſhall be needful. Stat. 45 Ed. 3. 2. 1 H. 4. 12. 12 E. 4. 7.

Wears 2. New wears ſhall be pulled down, and not repaired.

Statute of Purveyors, made *Anno* 25 *Ed.* 3. St. 5. and *Anno Dom.* 1350.

3 Inſt. 2.

AT the Parliament ſummoned at Weſtminſter, in the Feaſt of St. Hillary, the year of the Reign of our Lord King Edward the Third after the Conqueſt, of England the five and twentieth, and of France the twelfth; our ſaid Lord the King by the aſſent of the Prelates, Earls, Barons, and of all the Comminalty of his Realm of England, ſummoned to the Parliament, to the honour of God and holy Church, and in amendment of his ſaid Realm, hath ordained and eſtabliſhed the things under-written.

CAP. I.

By what meaſures the Kings Purveyors ſhall take Corn. Things purveyed ſhall be praiſed, and Tallies made thereof.

FIrſt, Foraſmuch as great and outragious damage and grievance hath been done to the people by the takers or purveyors of victuals, for the houſes of our Lord the King, the Queen, and their Children: (2) It is accorded and aſſented in the ſaid Parliament, That the takers of Corn for the ſaid houſes, ſhall take the ſame by meaſure ſtriked according as is uſed throughout the Land. (3) And that ſuch Corn, Hay, Litter, Beſtail, and all other Victuals and things, which ſhall be taken for the ſaid houſes, ſhall be praiſed at the very value, by the Conſtable and other good people of the Towns where ſuch taking ſhall be made, without that the Praiſers by menace or dureſs ſhall be driven to ſet any other price then their Oath will, and as commonly runneth in the next Markets. (4) And that betwixt the Purveyors and them whoſe Goods ſhall be taken in the preſence of the Conſtables and Praiſers, Tallies be made incontinently, without that that the people whoſe Goods ſhall be taken, ſhall be drawn or travelled elſewhere, and the ſame Tallies ſealed with the Seals of the Takers of the things ſo taken, by which Tallies gree ſhall be made to them whoſe Goods ſhall be ſo taken. (5) And if any Purveyor or Taker for the ſaid houſs do in any other manner, he ſhall be preſently Arreſted by the Town where the taking ſhall be made, and brought to the next Gaol: (6) And if he be thereof attainted, it ſhall be done of him as of a Thief, if the quantity of the Goods the ſame require, according as in a Statute made in the time of our Lord the King that now is, the fifth year of his Reign, and in another made in the time of the Kings Grandfather upon ſuch taking, as is contained at the full. (7) And that from henceforth in the Commiſſions of ſuch Takers and Purveyors, the intent and pain limited in this Statute ſhall be contained. (8) And that no Commiſſion be made, but only under the Kings great Seal, or privy Seal. (9) Nor no man be bound to obey any ſuch Commiſſions, in other manner than is aforeſaid. (10) And that the ſame Statute take place in all points againſt every Taker and Purveyor of every manner of Victual in every part of the Realm, of what condition ſoever he be.

Purveyors 16.
Corn ſhall be taken by meaſure ſtricken.
23 H. 6. 1.
Things taken for the Kings houſe, ſhall be praiſed at the very value.
Tallies ſhall be made between the Purveyor and the owner of the goods taken.
St. 2 & 3 P. & M. 6.
St. 5 Ed. 3. 2.
28 Ed. 1. 2.
The Purveyors Commiſſions ſhall be under the Great or Privy Seal.

CAP. II.

A declaration which offences ſhall be judged Treaſon.

Co. Inſt. 3 par. 1, 6, 113, 161, Co. l. 8. f. 28. Dyer f. 98. 205, 298. 1 Ed. 3. f. 24. Bro. Treaſon 1, 2, 3, 7, 9, 11, 13, 16, 19, 24, 27, 32. Co. pl. f. 360. 22 Aſſ. pl. 49. Dyer f. 288, 396. Co. l. 3. f. 2. 10 l. 4. f. 57. l. 7. f. 33. l. 11. f. 34. 12 Co. 15. 1 R. 3. f. 4. Dyer f. 128, 332. 13 Co. 54. 1 Roll 18. Savil. 4.

ITem, Whereas divers opinions have been before this time in what caſe Treaſon ſhall be ſaid, and in what not: (2) The King at the requeſt of the Lords and of the Commons, hath made a Declaration in the manner as hereafter followeth: That is to ſay, When a man doth compaſs or imagine the death of our Lord the King, or our Lady his Queen, or of their eldeſt Son and Heir: (3) or if a man do violate the Kings Companion, or the Kings eldeſt Daughter unmarried, or the Wife of the Kings eldeſt Son and Heir: (4) or if a man do levy War againſt our Lord the King in his Realm, or be adherent to the Kings enemies in his Realm, giving to them aid and comfort in the Realm or elſewhere, and thereof be *probably attainted of open deed by the people of their condition. (5) And if a man counterfeit the Kings Great or Privy Seal, or his Money: (6) and if a man bring falſe Money into this Realm, counterfeit to the Money of England, as the Money called Luſhburgh, or other like to the ſaid Money of England, knowing the Money to be falſe, to Merchandize or make payment, in deceit of our Lord the King, and of his people: (7) and if a man ſlea the Chancellor, Treaſurer, or the Kings Juſtices of the one Bench or the other, Juſtices in Eyre, or Juſtices of Aſſiſe, and all other Juſtices aſſigned to hear and determine, being in

Treaſon 1. A declaration what offences are to be judged Treaſons high and petit.
St. 1 H. 4. 10.
* Probably, Co. li. 17. 15.

The King ſhall have the forfeiture of all the offenders lands in High treaſon. Petit treaſon. New queſtions of treaſons ſhall be decided in Parliament.

in their places doing their offices. (8) And it is to be underſtood, that in the caſes above rehearſed, that ought to be judged Treaſon, which extends to our Lord the King and his Royal Majeſty. (9) And of ſuch Treaſon the forfeiture of the Eſcheats pertaineth to our Lord, as well of the Lands and Tenements holden of other, as of himſelf. (10) And moreover there is another manner of Treaſon, that is to ſay, when a ſervant ſlayeth his maſter, or a wife her husband, or when a man ſecular or religious ſlayeth his Prelate, to whom he oweth Faith and Obedience. (11) And of ſuch Treaſon the Eſcheats ought to pertain to every Lord of his own Fee. (12) And becauſe that many other like caſes of Treaſon may happen in time to come, which a man cannot think nor declare at this preſent time, it is accorded, That if any other caſe, ſuppoſed Treaſon, which is not above ſpecified, doth happen before any Juſtices, the Juſtices ſhall tarry without any going to judgment of the Treaſon, till the cauſe be ſhewed and declared before the King, and his Parliament, whether it ought to be judged Treaſon or other Felony. (13) And if percaſe any man of this Realm ride armed * covertly or ſecretly with men of arms againſt any other, to ſlay him, or rob him, or take him, or retain him till he hath made fine or ranſom for to have his deliverance, it is not the mind of the King nor his Council, that in ſuch caſe it ſhall be judged Treaſon, but ſhall be judged Felony or Treſpaſs, according to the Laws of the Land of old time uſed, and according as the caſe requireth. (14) And if in ſuch caſe or other like, before this time any Juſtices have judged Treaſon, and for this cauſe the Lands and Tenements have comen into the Kings hands as forfeit, the chief Lords of the Fee ſhall have the Eſcheats of the Tenements holden of them, whether that the ſame Tenements be in the Kings hands, or in others, by gift, or in other manner: (15) Saving always to our Lord the King the year, and the waſte, and the forfeitures of Chattels, which pertain to him in the caſes above named. (16) And that the Writs of Scire facias be granted in ſuch caſe againſt the Land-tenants without other original, and without allowing any protection in the ſaid Suit: (17) And that of the Lands which be in the Kings hands, Writs be granted to the Sheriffs of the Counties where the Lands be, to deliver them out of the Kings hands without delay. St. 1 Ed. 6. 12. 1 M. Seſſ. 1. 13 Car. 2. cap. 1.

Fitz. Coron. 7,210,383. Bro. Treaſon 6,8,12,15, 30. Co. l. 12. f. 16 Cro. Car. 117, 332.

* Diſcoverment ou ſecretment. Rot. Parl. n. 17.

CAP. III.

No Indictor ſhall be put upon the enqueſt of the party indicted.

Jurors 3. Indictors.

ITem, It is accorded, That no Indictor ſhall be put in Enqueſts upon deliverance of the Indictees of Felonies or Treſpaſs, if he be challenged for that ſame cauſe by him which is ſo indicted.

12 Aſſ. pl. 36. Bro. Chal. 42,101,120, 142,166.

CAP. IV.

None ſhall be condemned upon ſuggeſtion without lawful preſentment.

Accuſation 1. St. 9 H. 3. 29. None ſhall be condemned by ſuggeſtion without lawful preſentment. 3 Bulſtr. 47.

ITem, Whereas it is contained in the great Charter of the Franchiſes of England, that none ſhall be impriſoned nor put out of his freehold, nor of his Franchiſes nor free Cuſtom, unleſs it be by the Law of the Land: (2) It is accorded, aſſented and ſtabliſhed, that from henceforth none ſhall be taken by petition or ſuggeſtion made to our Lord the King, or to his Council, unleſs it be by Indictment or Preſentment of his goods and lawful people of the ſame neighbourhood where ſuch deeds be done, in due manner, or by proceſs made by Writ original at the Common Law. (3) Nor that none be out of his Franchiſes, nor of his Freeholds, unleſs he be duly brought in to anſwer, and forejudged of the ſame by the courſe of the Law. (4) And if any thing be done againſt the ſame, it ſhall be redreſſed and holden for none. St. 5 Ed. 3. 9. St. 28 Ed. 3. 3. St. 42 Ed. 3. 3. 17 Car. 1. ca. 10.

1 Roll. 161.

CAP. V.

Executors of Executors ſhall have the benefit and charge of the firſt Teſtator.

Executors 2. Executors of Executors ſhall anſwer and be anſwered. St. 13 Ed. 1. 23.

ITem, It is accorded and ſtabliſhed, That Executors of Executors ſhall have Actions of Debts, Accompts, and of Goods carried away of the firſt Teſtators, (2) and execution of Statutes Merchants and Recognizances made in Court of Record to the firſt Teſtator, in the ſame manner as the firſt Teſtator ſhould have had, if he were in life, as well of actions of the time paſt, as of the time to come, in all caſes where judgment is not yet given betwixt ſuch Executors: (3) But that the judgments given to the contrary to this Article in times paſt ſhall ſtand in their force. (4) And that the ſame Executors of Executors ſhall anſwer to other of as much as they have recovered of the Goods of the firſt Teſtators, as the firſt Executors ſhould do, if they were in full life. Regiſt. fo. 147. V. N. B. fo. 58. Raſt. pl. fo. 323.

Plo. f. 286. Fitz. Covenant 24. Fitz. Exec. 92,103,110, 120. Fitz. Exec. 10,29,70, 95,120.

CAP. VI.

A Purveyor ſhall not take Timber in or about any perſons houſe.

Purveyors 8. No timber ſhall be taken about a mans houſe.

ITem, It is accorded and ſtabliſhed, That no Taker of Wood nor of Timber to the Kings uſe for work, nor for to make other thing, ſhall cut or fell down the trees of any man growing about or within his houſe: (2) And if any do to the contrary, he ſhall make gree to the party of his treble damage, and ſhall be one year in priſon, and be fore-judged of his Office. St. 9 H. 3. 21. St. 14 Ed. 3. 19.

CAP. VII.

Keepers of a Foreſt or Chaſe ſhall gather nothing without the Owners good Will.

Foreſts, Raſt 25. A Foreſter ſhall gather nothing but that which is due.

MOreover, It is accorded and ſtabliſhed, That no Foreſter, nor Keeper of Foreſt or Chaſe, nor any other Miniſter, ſhall make or gather ſuſtenance nor other gathering of Victuals nor other thing, by colour of their office, againſt any mans will, within their Bailiwick nor without, but that which is due of old right. Charta de Foreſta 7.

CAP. VIII.

None ſhall be bound to find men of Arms, but by tenure or grant by Parliament.

Captains 14. Finding of men of Arms.

ITem, It is accorded and aſſented, That no man ſhall be conſtrained to find men of Arms, Hoblers, nor Archers, other then thoſe which hold by ſuch ſervices, if it be not by common aſſent and grant made in Parliament. St. 1 Ed. 3. 5. St. 4 H. 4. 13. 18 Ed. 3. c. 7. 13 Car. 2. 6.

CAP.

CAP. IX.

Auncel weight ſhall be put out, and weighing ſhall be by equal ballance.

ITem, Whereas great damage and deceit is done to the people, for that divers Merchants uſe to buy and weigh Wools and other Merchandizes, by a Weight which is called Auncel: It is accorded and eſtabliſhed, that this Weight called Auncel, betwixt buyers and ſellers, ſhall be wholly put out. (2) And that every perſon do ſell and buy by the Ballance, ſo that the Ballance be even, and the Wools and other Merchandiſes evenly weighed by right Weight, ſo that the ſack of Wool weigh no more but xxvi. Stones, and every Stone to weigh xiv l. And that the Beam of the Ballance do not bow more to the one part than to the other. (3) And that the weight be according to the Standard of the Exchequer. (4) And if any buyer do the contrary, he ſhall be grievouſly puniſhed, as well at the Suit of the party, as at the Suit of our Lord the King. St. 11 H.7.4. St.8 H.6.5.

5 Inſt. 96.

Weights 14. Auncel weight ſhall be put out. St. 34 Ed.3.5. Buying and ſelling ſhall be by equal meaſure. St.27 Ed.3.10. Vet. Magn.Ch. 2 part 33.

CAP. X.

Every meaſure ſhall be according to the Kings Standard, and ſhall be ſtriked without heap: Saving the Rents of Lords.

ITem, Whereas it is contained in the great Charter, that one meaſure ſhall be throughout England, which Charter hath not been well kept and holden in this point in times paſt: (2) It is accorded and aſſented, that all the Meaſures, that is to ſay, Buſhels, Half-Buſhels, Peck, Gallon, Pottle, and Quart, throughout England, within Franchiſes and without, ſhall be according to the Kings Standard. (3) And the Quarter ſhall contain viij Buſhels by the Standard, and no more. (4) And every meaſure of Corn ſhall be ſtriken without heap, ſaving the Rents and Ferms of Lords, which ſhall be meaſured by ſuch meaſures as they were wont in times paſt. (5) And the Purveyors of the King, of the Queen, and all other, ſhall make their Purveyances by the ſame meaſure ſtriked in the ſame manner, and at all times that ſhall be needful. (6) And our Lord the King ſhall aſſign certain Juſtices in every County to enquire, hear and determine upon the points aforeſaid, and upon the ſame to do puniſhment according to the treſpaſs, as well at the parties Suit, as at the Kings: (7) So always that all manner of Franchiſes be ſaved to the Lords in all points, without blemiſh to be made in any manner. Stat.34 Ed.3.6.

Weights 11. St. 9 H.3.25. Every meaſure ſhall be according to the Kings Standard.

Juſtices ſhall enquire of, and puniſh the offenders.

CAP. XI.

Aid to make the Kings Son Knight, or to Marry his Daughter.

ITem, It is aſſented, That reaſonable aid to make the Kings eldeſt Son Knight, and to marry his eldeſt Daughter, ſhall be demanded and levied after the form of the Statute thereof made, and not in other manner, that is to ſay, of every Knights Fee holden of the King without Mean, xx s. and no more, and of every xx l. of Land holden of the King without Mean in Socage xx s. and no more. Regiſt.fo.87. Fitz.N.B.fo.82.f.

13 Co.27. Fitz.Bar. 18.

Aids 1. What ſhall be paid to the King for reaſonable Aid. St.6 Ed.1.35.

CAP. XII.

No perſon ſhall take profit by exchange of Gold or Silver.

ITem, It is accorded, That it ſhall be lawful for every man to exchange Gold for Silver, or Silver for Gold, or for Gold and Silver, ſo* that no man hold the ſame as exchanged, nor take no profit for making ſuch exchange, upon pain of forfeiture of the Money ſo exchanged, except the Kings exchangers, which take profit of ſuch exchange, according to the ordinance afore made. St.5 Ed.6.19. 3 H.7.6.

Money 1. Exchanging of Money.

*The French is, Iſſint que nul home teigne comen eſchange.

CAP. XIII.

The Money of Gold or Silver now Currant, ſhall not be impaired.

ITem, It is accorded, That the Money of Gold and Silver, which now runneth, ſhall not be impaired, in weight, nor in allay; but aſſoon as a good way may be found, the ſame be put in the ancient ſtate, as in the ſterling. Co.Inſt.2 par.311,557. Fleta 2 cap.12.pag.72.

3 Inſt.17. Davis 20.b.

Money, Raſt. 14. Money ſhall not be impaired in weight or allay. 51 H.3.p.10. §.3.N.1.

CAP. XIV.

What Proceſs ſhall be awarded againſt him that is indicted of Felony.

ITem, It is accorded, That if any man be indicted of Felony before the Juſtices in their Seſſions, to hear and determine, it ſhall be commanded to the Sheriff, to attach his body by Writ or by Precept, which is called a Capias; (2) and if the Sheriff return in the ſame Writ or Precept, that the body is not found, another Writ or Precept of Capias ſhall be incontinently made, returnable at three weeks after, (3) and in the ſame Writ or Precept it ſhall be compriſed, that the Sheriff ſhall cauſe to be ſeiſed his Chattels, and ſafely to keep them till the day of the Writ or Precept returned. (4) And if the Sheriff return, that the body is not found, and the Indictee cometh not, the exigend ſhall be awarded, and the Chattels ſhall be forfeit, as the Law of the Crown ordaineth. (5) But if he come and yield himſelf, or be taken by the Sheriff, or by other Miniſter, before the return of the ſecond Capias, then the Goods and Chattels ſhall be ſaved. Raſt.pla.fo.109,417.

Fitz. Proceſs 192.

Indictments 5. What proceſs ſhall be awarded againſt him that is indicted of Felony.

CAP. XV.

The penalty of a Purveyor taking more Sheep than needful.

ITem, Foraſmuch as the takers and buyers of the Kings prices, do take Sheep from people betwixt Eaſter and the Feaſt of St. John Baptiſt, with their Wools, and cauſe the ſame to be praiſed at a ſmall price, and after ſend them to their own houſes, and cauſe them to be ſhorn to their own profit, in deceit of the King, and great oppreſſion of the people: It is accorded, That no ſuch Taker, Purveyor, nor Buyer, ſhall take any Sheep before the time of the Shearing, but as many as may reaſonably ſuffice till the time of Shearing. And after that time they ſhall take as many Sheep ſhorn, and not other, that may reaſonably ſuffice them for

the

Purveyors. The penalty of a Purveyor, that taketh more Sheep for the Kings houſe before Shear-time than be needful.

the time to come. (4) And if any Taker, Purveyor, or Buyer of the Realm, do againſt the ſame, and be thereof attainted at the Suit of the King, or of the party, it ſhall be done to him as a Thief or a Robber. (5) And the pain ſhall be contained in every Commiſſion of ſuch Purveyors. Alt.13 Car.2 cap.8.

CAP. XVI.

The exception of Nontenure of parcel ſhall not abate the whole Writ.

Nontenure 1. ITem, It is accorded, That by the exception of Nontenure of parcel, no Writ ſhall be abated, but for quantity of the Nontenure which is alledged. Regiſt.fo. 228. Raſt.pla.f.440. 36 H.6.f.15. Bro. Nont. 33,40,50.

CAP. XVII.

Proceſs of Exigent ſhall be awarded in Debt, Detinue, and Replevin.

Exigent 1. Proceſs in debt and detinue. 2 Bulſtr.63. ITem, It is accorded, That ſuch Proceſs ſhall be made in a Writ of Debt and Detinue of Chattels, and taking of Beaſts by Writ of Capias, and by Proceſs of Exigend by the Sheriffs return, as is uſed in a Writ of Accompt. Regiſt.fo. 81, &c. V.N.B. fo. 63,65. Fitz.N.B. fo.69,139.A. Raſt.pla.149. 2 Leon.85. Godbolt.290. pl.416. 21 H.6.f.42. 30 Ed.3.f.9. 7 Ed.4.f.9. Fitz. Proceſs 72, 115, 121,216.

CAP. XVIII.

Villenage may be pleaded, and a Villein ſeiſed, though a *Libertate probanda* be depending.

Villenage 1. Villenage may be pleaded, and a Villein ſeiſed, though a Libertate probanda do depend. ITem, It is ordained and aſſented, That notwithſtanding adjournment made in Eyre, by Writ of Libertate probanda, purchaſed in favour of Villeins to delay their Lords of their actions of ſuch Villeins, the ſame Lords ſhall be received to alledge the exception of Villenage againſt their Villeins in all Writs, whether that the ſaid Writs of Libertate probanda were purchaſed by deceit or in other manner, (2) And that the Lords may ſeiſe the Bodies of their Villeins, as well as they might before that the Writs of Libertate probanda were ordained or purchaſed. Regiſt.fo.87. V.N.B.fo.46. Fitz.N.B.f.77.C. Raſt.pla.fo.374,401. 25Ed.3.f.73. 11 H.4.f.49. 15Ed.3.f.49. Fitz.Villenage 39,47.

CAP. XIX.

By the Kings protection the parties ſuit ſhall not be hindred, but his execution.

Protection 1. By the Kings protection the parties Suit ſhall not be hindred, but his execution. ITem, Foraſmuch as our Lord the King hath made before this time Protections to divers people, which were bounden to him in ſome manner of Debt, that they ſhould not be impleaded of the Debts which they owed to other, till they had made gree to our Lord the King, of that which to him was due by them, by reaſon of his Prerogative; and ſo during ſuch protections, no man hath uſed, nor durſt implead ſuch Debtors: (2) It is accorded and aſſented, That notwithſtanding ſuch protections, the parties which have actions againſt their Debtors, ſhall be anſwered in the Kings Court by their Debtors. (3) And if Judgment be thereupon given for the Plaintiff or Demandant, the execution of the ſame judgment ſhall be put in ſuſpence till gree be made to the King of his Debt. (4) And if the Creditors will undertake for the Kings Debt, they ſhall be thereunto received, and ſhall have execution againſt the Debtors of the Debt due and adjudged to them, and alſo ſhall recover againſt them as much as they ſhall pay to the King for them. Fitz.N.B.fo.28.B. Cro.Jac.477. Hob.115. 2 Roll.295. Co.Inſt.131.b. 29Ed.3.f.13.

The Creditors undertaking for the Kings debt. Godbolt 290. pl. 416.

CAP. XX.

Plate of Gold and Silver ſhall be received into the Kings Mint by weight, and not by number; and ſo ſhall the Money be returned.

Money 8. Moneyors. ITem, It is accorded and aſſented, That the Moneyors, and other Wardens and Miniſters of the Money, ſhall receive Plate of Gold and Silver by the weight. And in the ſame manner ſhall deliver the Money when it ſhall be made, by weight, and not by number, without any tarrying.

CAP. XXI.

The Kings Butlers ſhall purvey no more Wine than ſhall be appointed.

Butler 1. The Kings Butler ſhall take no more Wine than ſhall be appointed him. ITem, Whereas before this time the Kings Butlers and their Deputies were wont to take, and daily do take much more Wine, by colour of their office, to the Kings uſe, then they ſhall need, whereof the worſt they deliver to the Kings uſe, and the beſt in great number they retain to themſelves, to ſell and make thereof their profit: and ſometime they releaſe to Merchants that which they have taken of them, for Fines and Gifts, which they take of the ſame Merchants by extortion, to the great damage and impoveriſhment of the ſaid Merchants: (2) It is accorded, That the Steward of the Kings houſe, and Treaſurer of the Wardrobe, ſhall ſend to all the Ports of England, where Wines be to be taken to the Kings uſe, the certain number which the Butler ſhall take in every Port, ſo that nothing be taken over this number. (3) And that the Mayor and Bailiffs of the ſaid Ports certifie the ſaid Steward and Treaſurer of the number of all the Tuns ſo taken by the Butler or his Lieutenant, under the Seal of the ſaid Mayor and Bailiffs, by Indentures made betwixt them and the takers of the ſaid Wines. (4) And in caſe that it be found, that the Butler or his Lieutenant take more, or take reward of any, or delay any by colour of his Office, as by arreſt, he ſhall make gree to the party of the double, and ſhall be put out of his Office, and have impriſonment, and be ranſomed at the Kings will. (5) And the King ſhall aſſign his Juſtices, when ſhall pleaſe him, to enquire upon theſe things. (6) And the Butler ſhall anſwer as well for his Deputies, as for himſelf, where they be not ſufficient. St.43 Ed.3.3.

CAP. XXII.

Pope. He that purchaſeth a Proviſion in Rome for an Abbey, ſhall be out of the Kings Protection, and any man may do with him as with the Kings enemy. St.7 R.2,12. Regiſt.f.181. V.N.B.153. AL.St.5 El.1. 1 Roll 417.

CAP. XXIII.

Merchants, Raſt. 8. The Debt of a Lombard unpaid, ſhall be ſatisfied by his Company. OB.

The Statute of Proviſors of Benefices, made *Anno* 25 *Ed.* 3. St. 6. and *Anno Dom.* 1350.

The King and other Lords ſhall preſent unto Benefices of their own, or their Anceſtors foundation, and not the Biſhop of Rome.

9 Inſt. 127. 12 Co. 37. Roll 459.

Whereas late in the Parliament of good memory of Edward King of England, Grandfather to our Lord the King that now is, the xxv year of his Reign, holden at Carlile, the petition heard, put before the ſaid Grandfather and his Council in his ſaid Parliament by the Communalty of the ſaid Realm, containing, That whereas the holy Church of England was founden in the eſtate of Prelacy within the Realm of England by the ſaid Grandfather and his Progenitors, and the Earls, Barons, and other Nobles of his ſaid Realm and their Anceſtors, to inform them and the people of the Law of God, and to make hoſpitalities, alms, and other works of charity in the places where the Churches were founded, for the ſouls of the Founders, their heirs, and all Chriſtians; (2) and certain poſſeſſions as well in fees, lands, rents, as in advowſons, which do extend to a great value, were aſſigned by the ſaid Founders to the Prelates and other people of the holy Church of the ſaid Realm to ſuſtain the ſame charge, and eſpecially of the poſſeſſions which were aſſigned to Archbiſhops, Biſhops, Abbots, Priors, religious and all other people of holy Church, by the Kings of the ſaid Realm, Earls, Barons, and other Great men of his Realm: (3) the ſame Kings, Earls, Barons, and other Nobles, as Lords and Advowees, have had and ought to have the cuſtody of ſuch voidances, and the preſentments and the collations of the Benefices being of ſuch Prelacies.

Proviſion and Premunire, Raſt. 2. St, Carlile, An. 35 Ed. 1. p. 71. cap. 4 §. 3.

The cauſes why the Kings and Noblemen of the Realm did give lands to Biſhops and other Prelates.

II. And the ſaid Kings in times paſt were wont to have the greateſt part of their Council, for the ſafeguard of the Realm when they had need, of ſuch Prelates and Clerks ſo advanced: The Biſhop of Rome, accroaching to him the Seignories of ſuch poſſeſſions and Benefices, doth give and grant the ſame Benefices to Aliens, which did never dwell in England, and to Cardinals, which might not dwell here, and to other as well Aliens as Denizens, as if he had been Patron, or Advowee of the ſaid dignities and benefices, as he was not of right by the Law of England; whereby if they ſhould be ſuffered, there ſhould ſcarcely be any Benefice within a ſhort time in the ſaid Realm, but that it ſhould be in the hands of Aliens and Denizens by virtue of ſuch proviſions, againſt the good will and diſpoſition of the Founders of the ſame Benefices. (3) And ſo the elections of Archbiſhops, Biſhops, and other religious ſhould fail, and the alms, hoſpitalities, and other works of charity, which ſhould be done in the ſaid places, ſhould be withdrawn, the ſaid Grandfather, and other lay-patrons, in the time of ſuch voidances, ſhould loſe their preſentment, the ſaid Council ſhould periſh, and goods without number ſhould be carried out of the Realm, in adnullation of the eſtate of the holy Church of England, and diſheriſon of the ſaid Grandfather, and the Earls, Barons, and other Nobles of the ſaid Realm, and in offence and deſtruction of the laws and rights of his Realm, and to the great damage of his people, and in ſubverſion of all the eſtate of his ſaid Realm, and againſt the good diſpoſition and will of the firſt Founders: (4) By the aſſent of the Earls, Barons, and other Nobles, and of all the ſaid Communalty, at their inſtances and requeſts, the damage and grievances afore conſidered, in the ſaid full Parliament it was ordained, provided, eſtabliſhed, agreed, adjudged and conſidered, that the ſaid oppreſſions, grievances, and damages in the ſame Realm from henceforth ſhould not be ſuffered in any manner. (5) And now it is ſhewed to our Lord the King in this preſent Parliament holden at Weſtminſter, at the utas of the Purification of our Lady, the five and twentieth year of his reign of England, and of France the twelfth, by the grievous complaints of all the Commons of his Realm, that the grievances and miſchiefs aforeſaid do daily abound, to the greater damage and deſtruction of all his Realm of England, more than ever were before, viz. that now of late the Biſhop of Rome by procurement of Clerks and otherwiſe, hath reſerved, and doth daily reſerve to his collation generally and eſpecially, as well Archbiſhopricks, Biſhopricks, Abbeys, and Priories, as all other dignities, and other Benefices of England which be of the advowry of people of holy Church, and give the ſame as well to Aliens as to Denizens, and taketh of all ſuch Benefices the firſt-fruits, and many other profits, and a great part of the treaſure of the ſaid Realm is carried away, and diſpended out of the Realm, by the purchaſers of ſuch Benefices and graces aforeſaid: (6) and alſo by ſuch privy reſervations many Clerks advanced in this Realm by their true Patrons, which have peaceably holden their advancements by long time, be ſuddenly put out: (7) whereupon the ſaid Commons have prayed our ſaid Lord the King, that ſith the right of the Crown of England, and the Law of the ſaid Realm is ſuch, that upon the miſchiefs and damages which happen to his Realm, he ought, and is bound by his oath, with the accord of his people in his Parliament thereof to make remedy and law, and in removing the miſchiefs and damages which thereof enſue, that it may pleaſe him thereupon to ordain remedy.

The Pope beſtowed ſpiritual livings upon Aliens not dwelling in England.

The inconveniences which did enſue the Popes proviſions of benefices to Aliens in England.

The Pope giveth the benefices of the Church, and reſerveth the firſt-fruits to himſelf.

III. Our Lord the King ſeeing the miſchiefs and damage before mentioned, and having regard to the ſaid Statute, made in the time of his ſaid Grandfather, and to the cauſes contained in the ſame; which Statute holdeth always his force, and was never defeated, repealed, nor adnulled in any point, and by ſo much he is bounden by his oath to cauſe the ſame to be kept as the law of his Realm, though that by ſufferance and negligence it hath been ſithence attempted to the contrary: (2) alſo having regard to the grievous complaints made to him by his people in divers his Parliaments holden heretofore, willing to ordain remedy for the great damages and miſchiefs which have happened, and daily do happen to the Church of England by the ſaid cauſe: (3) By the aſſent of all the Great men and the Communalty of the ſaid Realm, to the honour of God and profit of the ſaid Church of England, and of all his Realm, hath ordered and ſtabliſhed, That the free elections of Archbiſhops, Biſhops, and all other Dignities and Benefices elective in England, ſhall hold from henceforth in the manner as they were granted by the Kings progenitors, and the Anceſtors of

The cauſes and reaſons of making this Statute.

Elections of the dignities of the Church ſhall be free as they were founded.

other Lords founders of the ſaid dignities and other benefices. (4) And that all Prelates and other people of holy Church, which have advowſons of any benefices of the Kings gift, or of any of his Progenitors, or of other Lords and Donors to do Divine Services and other charges thereof ordained, ſhall have their collations and preſentments freely to the ſame, in the manner as they were enfeoffed by their donors. (5) And in caſe that reſervation, collation, or proviſion be made by the Court of Rome of any Archbiſhoprick, Biſhoprick, dignity, or other benefice, in diſturbance of the free elections, collations, or preſentations aforenamed, which at the ſame time of the avoidance, that ſuch reſervations, collations, and proviſions ought to take effect, our Lord the King and his heirs ſhall have and enjoy for the ſame time the collations to the Archbiſhoprick, and other dignities elective, which be of his advowry, ſuch as his Progenitors had before that free election was granted, ſince that the election was firſt granted by the Kings Progenitors upon a certain form and condition, as to demand licenſe of the King to chuſe, and after the election to have his Royal aſſent, and not in other manner. Which conditions not kept, the thing ought by reaſon to reſort to his firſt nature. 11 H.4.f.17, 59,76.

Patrons and Founders of the dignities of the Church and their heirs, ſhall have the collation or preſentation to them, being void. St.9 H.3.33.

IV. And if any ſuch reſervation, proviſion, or collation be made of any houſe of Religion of the Kings advowry, in diſturbance of free election, our Sovereign Lord the King, and his heirs, ſhall have for that time the collation to give this dignity to a convenient perſon. (2) And in caſe that collation, reſervation or proviſion be made by the Court of Rome of any Church, Prebend or other benefices, which be of the advowry of people of holy Church, whereof the King is advowee paramount immediate, that at the ſame time of the voidance, at which time the collation, reſervation, or proviſion ought to take effect as afore is ſaid, the King and his heirs thereof ſhall have the preſentment or collation for that time. (3) And ſo from time to time, whenſoever ſuch people of holy Church ſhall be diſturbed of their preſentments or collations, by ſuch reſervations, collations, or proviſions, as afore is ſaid: ſaving to them the right of their advowſons and their preſentments, when no collation or proviſion of the Court of Rome is thereof made, where that the ſaid people of holy Church ſhall or will to the ſame benefices preſent or make collation: And that their Preſentees may enjoy the effect of their collations or preſentments. (4) And in the ſame manner every other Lord, of what condition that he be, ſhall have the collations or preſentments to the houſes of Religion which be of his advowry, and other benefices of holy Church which be pertaining to the ſame houſes. (5) And if ſuch advowees do not preſent to ſuch benefices within the half year after ſuch voidances, nor the Biſhop of the place do not give the ſame by lapſe of time within a month after half a year: that then the King ſhall have thereof the preſentments and collations, as he hath of other of his own advowry. (6) And in caſe that the Preſentees of the King, or the preſentees of other Patrons of holy Church, or of their advowees, or they to whom the King or ſuch Patrons or advowees aforeſaid have given benefices pertaining to their preſentments or collations, be diſturbed by ſuch proviſors, ſo that they may not have poſſeſſion of ſuch benefices, by vertue of the preſentments or collations to them made, or that they which be in poſſeſſion of ſuch benefices be impeached upon their ſaid poſſeſſions by ſuch Proviſors; then the ſaid Proviſors, their procurators, executors and notaries, ſhall be attached by their body, and brought in to anſwer: (7) And if they be convict, they ſhall abide in priſon without being let to mainpriſe or bail, or otherwiſe delivered, till that they have made fine and ranſom to the King at his will, and gree to the party that ſhall feel himſelf grieved. (8) And nevertheleſs before that they be delivered, they ſhall make full renunciation, and find ſufficient ſurety, that they ſhall not attempt ſuch things in time to come, nor ſue any Proceſs by them, nor by other againſt any man in the Court of Rome, nor in any part elſewhere, for any ſuch impriſonments, or renunciations, nor any other thing depending of them.

Where the Pope maketh proviſion to a dignity of the Church, the King ſhall preſent. F.N.B.fo.37.e. 169.f.

44 Ed.3.f.36

The penalties of thoſe which by proviſions from Rome, do diſturb ſuch preſentments or elections, as others ought to make. 26 H. 8. 15.

V. And in caſe that ſuch Proviſors, procurators, executors or notaries be not found, that the Exigent ſhall run againſt them by due proceſs, and that Writ ſhall go forth to take their bodies in what parts they be found, as well at the Kings ſuit, as at the ſuit of the party, (2) and that in the mean time the King ſhall have the profits of ſuch benefices ſo occupied by ſuch Proviſors, except Abbeys, Priories, and other Houſes, which have Colledges or Covents, and in ſuch Houſes the Colledges and Covents ſhall have the profits: ſaving always to our Lord the King, and to all other Lords, their old right. (3) And this Statute ſhall have place, as well of reſervations, collations, and proviſions made and granted in times paſt againſt all them which have not yet obtained corporal poſſeſſion of the Benefices granted to them by the ſame reſervations, collations, and proviſions, as againſt all other in time to come. And this Statute ought to hold place, and to begin at the ſaid Utas. Stat. 13 R.2.1. V.N.B.f.153. Raſt.pl.fo.427,465.

Fitz. Premunire 9, 12.

The Statute of the levying of the Fifteenth, made *Anno* 25 *Ed.* 3.St.7. and *An.Dom.* 1350.

Taxes, Raſt. 9.

The King granteth to the Commons in aid of a Diſme and Fiſteen by them before granted to him, all the Iſſues, Fines, Forfeitures, and Amerciaments levied of Labourers, Artificers, Regrators, Victuallers, and Servants. Exp. St 23 Ed.3. 8. 36 Ed.5.14.

Statute of Proviſors, made *Anno* 27 *Ed.* 3. and *Anno Dom.* 1353.

OUr Lord the King, by the aſſent and prayer of the Great-men, and the Commons of his Realm of England, at his great Council holden at Weſtminſter the Monday next after the Feaſt of St Matthew the Apoſtle, the ſeven and twentieth year of his Reign of England, and of France the fourteenth, in amendment of his ſaid Realm, and maintenance of the Laws and uſages, hath ordained and ſtabliſhed theſe things under-written.

CAP.

CAP. I.

Præmunire for ſuing in a foreign Realm, or impeaching of Judgment given.

Co. Inſt. 2 par. 119. 4 par. 86. 3 Inſt. 120, 125. 12 Co. 37. 11 Co. 63.

Præmunire 1. 1 Roll 72, 227. 2 Roll 317.

FIrſt, Becauſe it is ſhewed to our Lord the King, by the grievous and clamorous complaints of the great men and Commons aforeſaid, how that divers of the people be, and have been drawn out of the Realm to anſwer of things, whereof the Cognizance pertaineth to the Kings Court: (2) and alſo that the judgments given in the ſame Court be impeached in another Court, in prejudice and diſheriſon of our Lord the King, and of his Crown, and of all the people of his ſaid Realm, and to the undoing and deſtruction of the Common Law of the ſame Realm at all times uſed. (3) Whereupon good deliberation had with the great men and others of his ſaid Council, it is aſſented and accorded by our Lord the King, and the great men and Commons aforeſaid, that all the people of the Kings Ligeance, of what condition that they be, which ſhall draw any out of the Realm in plea, whereof the coniſance pertaineth to the Kings Court, or of things whereof judgments be given in the Kings Court; or which do ſue in any other Court to defeat or impeach the judgments given in the Kings Court, ſhall have a day, containing the ſpace of two months, by warning to be made them in the place where the poſſeſſions be, which be in debate, or otherwiſe where they have Lands or other poſſeſſions, by the Sheriffs or other the Kings miniſters, to appear before the King and his Council, or in his Chancery, or before the Kings Juſtices in his places of the one Bench or the other, or before other the Kings Juſtices, which to the ſame ſhall be deputed, to anſwer in their proper perſons to the King, of the contempt done in this behalf. (4) And if they come not at the ſaid day in their proper perſon to be at the Law, they, their Procurators, Atturnies, Executors, Notaries, and Maintainors, ſhall from that day forth be put out of the Kings protection, and their lands, goods, and chattels forfeit to the King, and their bodies wheresoever they may be found, ſhall be taken and impriſoned, and ranſomed at the Kings will. (5) And upon the ſame a Writ ſhall be made to take them by their bodies, and to ſeiſe their lands, goods, and poſſeſſions, into the Kings hands. (6) And if it be returned, that they be not found, they ſhall be put in exigent and outlawed.

14 H. 4. f. 14. 2 R. 3. f. 17. 5 Ed. 4. f. 6. 9 Ed. 4. f. 3. 30 Ed. 3. f. 11. Fitz. Præmunire 5, 6, 10. 43 Ed. 3. f. 6. 39 Ed. 3. f. 7. 42 Ed. 3. f. 7. Bro. Attorn. 48, 53, 104. Co. l. 11. f. 34. 44 Ed. 3. f. 7, 16.

The penalty for ſuing in a foreign Realm for any thing whereof the Kings Court is to take conuſance, or to impeach a Judgment given in the Kings Court. 2 Bulſtr. 299. 3 Bulſtr. 115.

II. Provided always, that at what time they come before they be outlawed, and will yield them to the Kings priſon, to be juſtified by the Law, and to receive that which the Court ſhall award in this behalf, that they ſhall be thereto received. The forfeiture of the lands, goods and chattels abiding in their force, if they do not yield them within the ſaid two months, as afore is ſaid. Regiſt. f. 59, 180. Regiſt. jud. f. 82. V.N.B. f. 153. Raſt. pl. f. 24, 221, 427, 446, 465.

Appearance of the offender after two months will ſave his outlawry, but not his lands or goods.

CAP. II.

In a pardon of Felony the ſuggeſtions and ſuggeſtors Name ſhall be compriſed.

1 Roll 150.

ITem, Becauſe our Lord the King hath often granted Charters of Pardon of Felonies, upon feigned and untrue ſuggeſtions of divers people, whereof much evil hath chanced in times paſt; (2) and for to eſchue ſuch evil, it is accorded and aſſented by our ſaid Lord the King, and all the ſaid Council, that from henceforth in every Charter of Pardon of felony, which ſhall be granted at any mans ſuggeſtion, the ſaid ſuggeſtion, and the name of him that maketh the ſuggeſtion, ſhall be compriſed in the ſame Charter. (3) And if after the ſame ſuggeſtion be found untrue, the Charter ſhall be diſallowed and holden for none. (4) And the Juſtices before whom ſuch Charters ſhall be alledged, ſhall enquire of the ſame ſuggeſtion, and that as well of Charters granted before this time, as of Charters which ſhall be granted in time to come: And if they find them untrue, then they ſhall diſallow the Charters ſo alledged, and ſhall moreover do as the Law demandeth.

Pardon 2. In every pardon of felony, the ſuggeſtion and the ſuggeſtors name ſhall be compriſed. A pardon granted upon a falſe ſuggeſtion, ſhall be diſallowed. Raſt. pl. f. 455.

CAP. III.

Commiſſions ſhall be granted, to enquire of Offenders contrary to the Statute of 23 Ed. 3. 6. Exp.

Enqueſts.

CAP. IV.

The Aulnegers fees for every Cloth ſold. Clothes ſhall be ſealed before they be put to ſale.
A Subſidy granted to the King of every Cloth ſold.

4 Inſt. 31.

Drapery 92.

ITem, Whereas the great men and Commons have ſhewed to our Lord the King, how divers Merchants as well Foreigners as Denizens, have withdrawn them, and yet do withdraw them to come with Clothes into England, to the great damage of the King and of all his people, becauſe that the Kings Aulneger ſurmiſeth to Merchant ſtrangers, that their Clothes be not of Aſſiſe, that is to ſay, the coloured Cloth of the length of ſix and twenty yards meaſured by the creſt, and of the breadth of ſix quarters and an half: (2) And the Cloth of ray, of the length of eight and twenty yards meaſured by the liſt, and of the breadth of ſix quarters; (3) and whereas the ſame have been arreſted, as forfeit to our Lord the King, they have prayed our ſaid Lord the King, that it may pleaſe him to releaſe and put out ſuch forfeitures in eaſe of his people, for a convenient recompence to be made to him of the other party: our Lord the King, upon ſuch condition hearing their ſupplication, hath releaſed and excluded him of all the ſaid forfeitures, and he willeth and granteth for him and for his heirs, that there ſhall be no Clothes forfeit, although they be not of the ſame Aſſiſe, but the Kings Aulneger ſhall meaſure the Cloth and mark the ſame, by which mark a man may know how much the Cloth containeth. (4) And of as much as the Cloth, which is bought for Cloth of Aſſiſe, ſhall be found leſs than the Aſſiſe, allowance or abatement ſhall be made to the buyer in the payment which he ſhall make for the ſame Cloth, after the quantity of the price for which the Cloth was bought. (5) And the Aulneger ſhall take for every Cloth ſo meaſured, which is of Aſſiſe, that is to ſay, of the ſeller an half-peny, and of half a Cloth a farthing for his office, and no more, nor they ſhall take nothing of the Clothes which be leſs than of the half Cloth. (6) And that he nothing meddle of the Aulnage of any Cloth, but only of Clothes which are to be ſold. (7) And for ſo much as the ſaid Lords and Commons have

The length and breadth of coloured Cloth, and of Cloth of ray.

The Kings releaſe of the forfeiture of Clothes.

The Aulnegers fee for every Cloth and half Cloth ſold.

A Subſidy granted to the King of every Cloth.

granted to the King a Subſidy of every Cloth which is to be ſold, to take of the ſeller over the cuſtoms thereof due, that is to ſay, of every Cloth of the ſaid Aſſiſe, wherein there is no grain, iv d. (8) and of every half ſuch Cloth, ij d. (9) and of every Cloth of Aſſiſe of Scarlet, vj d. (10) and of every half ſuch Cloth iij d. (11) and of every Cloth half grain of Aſſiſe, v d. (12) and of every half ſuch Cloth ij d. ob. (13) And that every Cloth paſſing the half Cloth of Aſſiſe by iij yards and more, which is no Cloth whole of Aſſiſe, and alſo of every Cloth paſſing the whole Cloth by three yards and more, ſhall be taken after the rate of Subſidy which is to be paid for the whole Cloth of the ſame ſort: (14) So always that of no Cloth which containeth not half a Cloth, nor of Clothes which a man maketh for his own uſe to clothe him and his meiny, nor of Cloth ſealed with the Seal of the Collector of the ſaid Subſidy, of which the ſame Subſidy was once paid by the ſeller, to whoſe hands that ſuch Clothes ſhall come after to ſell, or in any manner, nothing of the ſaid Subſidy ſhall be paid and demanded. (15) And that ſuch manner of Clothes which be put to ſale before that they be ſealed with the ſaid Seal ſhall be forfeit to the King, and taken into his hands by the ſaid Collector or Alneger, or by the deputy of one of them, or elſe by the Bailiffs of the Town where ſuch vendible Clothes not ſealed ſhall be found. St.5 Ed.6.6.

Clothes put to ſale before they be ſealed, ſhall be forfeit.

CAP. V.

It ſhall be felony to foreſtall or ingroſs Gaſcoin Wine.

Wines, Raſt. 4. It ſhall be felony foreſtalling or ingroſſing of Gaſcoin Wines.

4 Inſt. 51.

ITem, It is aſſented and accorded, that defence and Proclamation ſhall be made, that no Engliſh Merchants ſhall engroſs nor foreſtal Wines in Gaſcoin, nor take them by way of buying any Gaſcoin, nor of other, for to pay in England, for any greater ſum than Wines be commonly ſold in Gaſcoin, becauſe of the preſt, in peril of the Sea, or by any other colour, (2) upon pain of life and member, and of forfeiture of the Wines and of all their other goods and chattels to the King, and of forfeiture of their lands and tenements to the chief Lords. (3) And the chief Lords ſhall have a Writ of Eſcheat in ſuch caſe. Rep. for the Felony and for the forfeiture of Lands, by 37 Ed.3.16.

CAP. VI.

Merchants may bring their Wines to what Ports they will.

Wines, Raſt. 5. Merchants may bring their Wines to what Ports they will.

4 Inſt. 51.

ITem, That all Merchants Gaſcoins, and other ſtrangers, may ſafely bring their Wines into England, to what Port that ſhall pleaſe them, and make thereof their profits: (2). So always that the Kings Butler may make Purveyance of Wines of Aliens when need ſhall be, making payment for the ſame Wines within forty days, in the manner as hath been uſed in old time. OB. St.43 Ed.3.3.

CAP. VII.

When and where Gaſcoin Wines may be bought.

Wines, Raſt. 6. It ſhall be felony for any Engliſh Merchant to lye in Gaſcoin to buy Wines, but in Vintage time.

4 Inſt. 51.
1 Roll 145

ITem, That no Engliſh Merchant, nor any of his ſervants, nor other for them, ſhall go into Gaſcoin, there to abide, nor ſhall have any other there dwelling, to make bargain or buying of Wines by any colour, before the time of the Vintage, that is to ſay, before that common paſſage be made to ſeek Wines there. (2) And that none buy nor bargain by himſelf nor by other, any Wines, but only in the Ports of Burdeux and Bayon; upon the pains and forfeitures next aforeſaid. (3) And if any be there found doing againſt the ſame, he ſhall be taken and arreſted by the Steward of Gaſcoin, or the Conſtable of Burdeux, and his body ſent into England to the Tower of London. (4) And that the ſame Steward or Conſtable certifie the King in his Chancery of the names of ſuch arreſted, and of their maſters and fellows alſo, with all the deed. OB. Rep. 37 E.3.16. for the Felony, and for the forfeiture of Lands.

CAP. VIII.

Red and white Wine ſhall be gaged: and the puniſhment of him that hindreth it.

Wine 14. Red and white Wine ſhall be gaged, and the puniſhment of him that doth hinder it.

4 Inſt. 51.

ITem, It is accorded and eſtabliſhed, That all Wines red and white, which ſhall come into the ſaid Realm, and into the Land of Wales and Ireland, to ſell, ſhall be well and lawfully gaged by the Kings Gagers, or their Deputies. (2) And if any do ſet diſturbance or debate, and will not ſuffer the ſame to be gaged, he ſhall forfeit the ſaid Wines, and ſhall be puniſhed by impriſonment, and ranſomed at the Kings will. (3) And if default be found in the Gager, that he or his Deputy be not ready to do his Office when he ſhall be required, or that he do fraud or deceit in doing his Office, to the damage of the buyer or of the ſeller, he ſhall pay to the party grieved his treble damage, and loſe his Office, and be puniſhed by impriſonment, and ranſomed at the Kings will. (4) And in caſe that leſs be found in the Tun or Pipe than ought to be of right, after the aſſiſe of the Tun, the value of as much as ſhall lack of ſuch Tun or Pipe ſhall be allowed and deducted in the payment. St.4 R.2.1. St.18 H.6.17. St.23 H.6.16, St.1 R.3.13. St.28 H.8.14.

A Statute of the Staple, made *Anno* 27 *Ed.* 3. St.2. and *Anno Dom.* 1353.

EDward by the Grace of God, &c. to our Sheriffs, Mayors, Bailiffs, Miniſters, and other our faithful people, to whom theſe preſent Letters ſhall come, greeting. Whereas good deliberation had with the Prelates, Dukes, Earls, Barons, and great men of the Counties, that is to ſay, of every County one for all the County, and of the Commons of Cities and Boroughs of our Realm of England, ſummoned to our great Council holden at Weſtminſter the Monday next after the Feaſt of S. Matthew the Apoſtle, the ſeven and twentieth year of our Reign of England and of France the fourteenth, (2) for the damage which hath notoriouſly come as well to us and to the great men, as to our people of our Realm of England, and of our Lands of Wales and Ireland, becauſe that the Staple of Wools, Leather, and Woolfels of our ſaid Realm and Land have been holden out of our ſaid Realm and

Lands, and alſo for the great profits which ſhould come to the ſaid Realm and Lands if the Staple were holden within the ſame, and not elſewhere: (3) to the honour of God, and in relief of our Realm and Lands aforeſaid, and for to eſchew the perils that may happen of the contrary in time to come, by the Council and common aſſent of the ſaid Prelates, Dukes, Earls and Barons, Knights and Commons aforeſaid, we have ordained and ſtabliſhed the things under-written.

CAP. I.

Where the Staple for England, Wales and Ireland ſhall be kept. Whither Merchandizes of the Staple ſhall be carried, and what Cuſtom ſhall be paid for them.

Co. Inſt. 3 par. 95.

FIrſt, That the Staple of Wools, Leather, Woolfels, and Lead, growing or coming forth within our ſaid Realm and Lands, ſhall be perpetually holden at the places under-written; that is to ſay, for England at Newcaſtle upon Tine, York, Lincoln, Norwich, Weſtminſter, Canterbury, Chicheſter, Wincheſter, Exeter and Briſtol: (2) For Wales, at Kaermerdyn: (3) and for Ireland at Devylin, Waterford, Cork and Droghda, and not elſewhere. (4) And that all the ſaid Wools, as well old as new, Woolfels, Leather and Lead, which ſhall be carried out of the ſaid Realm and Lands, ſhall be firſt brought to the ſaid Staples, and there the ſaid Wool and Lead betwixt merchant and merchant, or merchant and others, ſhall be lawfully weighed by the Standard. (5) And that every ſack and ſarpler of the ſame Wools ſo weighed, be ſealed under the Seal of the Mayor of the Staple. (6) And that all the Wools ſo weighed and ſealed at the Staple of York, Lincoln, Norwich, Weſtminſter, Canterbury and Wincheſter; and alſo Leather, Woolfels, and Lead which ſhall come there, (the cuſtoms of the Staple thereof paid,) ſhall be witneſſed by Bill, ſealed with the Seal of the Mayor of the Staple, and brought to the Ports under-written, that is to ſay, from York to Hull, from Lincoln to Saint Botolf, from Norwich to Great Yarmouth, from Weſtminſter to London, from Canterbury to Sandwich, and from Wincheſter to Southampton. And there the ſaid Wools and Lead ſhall be another time weighed by our Cuſtomers aſſigned in the ſame Ports. (7) And all the Wools and Lead brought to the ſaid Ports of Newcaſtle, Chicheſter, Exeter, Briſtow, Kaermerdyn, Devylin, Waterford, Cork and Droghda, where the other Staples be holden, ſhall be but once weighed by the Standard betwixt merchant and merchant, or merchant and other, in preſence of our Cuſtomers there. (8) And an Indenture ſhall be made betwixt the Mayor of the Staple being in the Port of the Sea, and our Cuſtomers there, of all the Wools and Lead ſo weighed, and alſo of all the Leather and Woolfels which ſhall come to the ſaid Staples to paſs there, (9) and the ſame Wools and Lead, and alſo the Leather and Woolfels cuſtomed and cocketed, and the cuſtoms thereof duly paid to our ſaid Cuſtomers in all the ſaid Ports; that is to ſay, of Denizens for the time that they have paſſed, half a mark of a ſack of Wool, half a mark of three hundred Woolfels, a mark of a Laſt of Leather; (10) and of Aliens ten ſhillings of a ſack of Wool, ten ſhillings of three hundred Woolfels, and twenty ſhillings of a laſt of Leather, and three Pence for every ſow of Lead; (11) Then the ſaid merchandizes ſhall be carried by merchants Strangers, which have bought the ſame, and not by Engliſhmen, Welſhmen, nor Iriſhmen, to the parts beyond the Sea out of the ſaid Realm and Lands, to what parts it ſhall pleaſe the ſaid merchants Strangers. (12) And that the ſaid Mayor and Cuſtomers ſhall delay no man willingly for gain, nor for ſuch cauſe, nor in other manner ſhall any thing take of any perſon to do that which pertaineth to their office, upon pain of impriſonment, and to pay the party the double of that which they have ſo taken, and alſo of that which the party ſhall be endamaged becauſe of ſuch taking or delay, and moreover be ranſomed at our will, but ſhall hold them content of that which they did take in certain to do their office. (13) And that the Mayor of the Staple and Cuſtomers take an Oath of all the merchants which ſo ſhall paſs with Wools, Leather, Woolfels and Lead, that they ſhall hold no Staple beyond the Sea, of the ſame merchandizes.

Staple, Raſt. 2. At which Towns the Staple of wool, leather, fells and lead for England, Wales and Ireland, ſhall be holden. St. 43 Ed. 3. 1. 14 R. 2. 1. Merchandize of the Staple carried from Staple-towns to Port-towns. 13 H. 4. 1. pl. 4. Deſceit 25. (ſeu 24.) An Indenture ſhall be made between the Mayor of the Staple and the Cuſtomer, of all the wool and lead weighed. The ſeveral cuſtoms of Merchandizes of the Staple to be paid by Denizens and Aliens. Merchants Aliens, and not the Kings ſubjects, ſhall tranſport beyond the Sea, wool, &c. Every merchant Stranger ſhall be ſworn to hold no Staple beyond the Sea.

CAP. II.

Merchants Strangers may come into, and depart forth of the Realm with their goods, and none of them ſhall be taken by the Kings Purveyors.

ITem, To repleniſh the ſaid Realm and Lands with money and plate, gold and ſilver, and merchandizes of other Lands, and to give courage to merchant Strangers to come with their wares and merchandizes into the Realm and Lands aforeſaid. (2) We have ordained and eſtabliſhed, That all merchants Strangers, which be not of our enmity, of what Land or Nation that they be, may ſafely and ſurely under our protection and ſafe conduct come and dwell in our ſaid Realm and Lands where they will, and from thence return with their Ships, wares and all manner of merchandizes, and freely ſell their merchandizes at the Staple and elſewhere within the ſame Realm and Lands, to any that will buy them, paying the cuſtoms thereof due. (3) And more to aſſure the merchant Strangers and others bringing goods and merchandizes within the ſaid Realm and Lands, we will and grant for us and for our heirs and ſubjects, That nothing ſhall be taken over the Cuſtoms aforeſaid, nor taken of them to our uſe by colour of ſale, nor in other manner againſt their will, nor by the miniſters of us or of our heirs: nor by the miniſters of any of the Prelates, Dukes, Earls, Barons, Lords nor Ladies, nor of any other great nor ſmall. (4) And if any miniſter or other, by colour of his office, or in other manner take any thing of them againſt their agreement, he ſhall be incontinently arreſted by the Mayor and Bailiffs of the place, if it be out of the Staple, or by the Mayor or miniſters of the Staple, if it be within the Staple: (5) And ſpeedy and ready proceſs ſhall be againſt him from day to day, and from hour to hour, according to the Law of the Staple, and not at the Common Law, as well out of the Staple as within, at every mans complaint that ſo ſhall be grieved. (6) And if he be thereof attainted, he ſhall pay to the merchant the double of that which he hath taken, and as much to us. (7) And that no Commiſſion be made to take ſuch prices of the ſaid merchants; and if any Commiſſion be made, it ſhall be holden for none.

Merchants. Raſt. 9. A ſafe conduct granted to merchant Strangers to come and dwell in this Realm, and to return when they will, and none of their goods ſhall be taken by the Kings Purveyors without their conſent.

CAP. III.

All perſons may buy Wools, Fells, &c. ſo that they bring them to the Staple. It ſhall be felony for an Engliſh, Welſh, or Iriſh Merchant to Tranſport Wool, &c.

Merchants, Raſt. 10

All Merchants may buy merchandizes of the Staple, ſo that they bring them to the Staple.

It ſhall be felony for an Engliſh, Welch, or Iriſhman to tranſport Wool, Fells, Leather, or Lead.

St. 36 Ed. 3. 11. 37 Ed. 3. 16. 38 Ed. 3. 6. 43 Ed. 3. 1. 14 R. 2. 5.

No Engliſhman, &c. ſhall tranſport Wool, &c. in a ſtrangers name, nor keep a ſervant beyond the Sea, to ſurvey the ſale of Wool, &c.

1 Inſt. 96.

ITem, We will and grant, That all Merchants, as well Aliens as Denizens, may buy Wools, Leather, Woolfels and Lead, through our Realm and Lands, without covin or colluſion to abate the price of the ſaid merchandizes. So always that they bring the ſame to the Staples, (2) And that no Merchant, Engliſh, Welſh nor Iriſh, ſhall carry any manner of Wools, Leather, Woolfels or Lead out of the ſaid Realm and Lands, upon the pain of life and member, and of forfeiture of the ſaid merchandizes, and of all other their goods and chattels to us, and of forfeiture of all their Lands and Tenements to the chief Lords. (3) And the chief Lords ſhall have a Writ of Eſcheat in the caſe. (4) And that no ſtrange Merchant by covin betwixt them and Engliſh, Iriſh or Welſh Merchants, ſhall carry out of the Realm and Lands aforeſaid, the ſaid wares and merchandizes to the profit of Engliſh, Iriſh or Welſh Merchants, in part or in all. (5) Nor that any Merchant, Engliſh, Iriſh, or Welſh, nor other, make covin or colluſion with Merchants ſtrangers, to carry their Wools, Leather, Woolfels or Lead, to the parts beyond the Sea, out of the Realm and Lands aforeſaid, under the name of Merchants ſtrangers, nor ſhall ſend nor hold their ſervants, or other their Attorneys in the parts beyond the Sea, out of our ſaid Realm and Lands, to ſell or to ſurvey the ſale of their ſaid Wools, Leather, Woolfels and Lead there, or to receive the money coming of the ſale of the ſaid Wools, Leather, Woolfels and Lead. (6) Nor that any Engliſhman, Iriſhman, or Welſhman, by himſelf nor by other, take payment of gold nor of ſilver, nor of other thing in recompence or commutation, or in the name of payment in the parts beyond the Sea out of the Realm and Lands aforeſaid, of merchandizes ſold in England, Ireland or Wales, touching the Staple, but all ſuch payment ſhall be made in gold or ſilver, or merchandize in England, Ireland, or Wales, where the Contract was made, upon the forfeitures and pains next aforeſaid. (7) Nor that the Merchants ſtrangers nor Denizens make betwixt them privily nor apertly, any company or confederacy in fraud or deceit of this Ordinance, nor that any maintain the ſame for gain, nor in other manner do to any ſuch fraud or deceit upon the ſame pains and forfeitures. (8) And always it is to be underſtood, that every Engliſhman, Iriſhman or Welſhman, may freely bring their own Wools, Leather, Woolfels and Lead, to the Staple to ſell there, without being compelled to ſell them in the Country. (9) And that every Merchant that ſhall ſell his Wools at the Staple be bound to warrant the packing of the ſame Wools. See the Stat. of 38 Ed. 3. 6. The Statute in part repealed for the puniſhment.

There ſhall be no exchang of wares for Merchandizes of the Staple, but payment in ſilver, &c. Every man may carry his own Wool, &c. to the Staple to ſell. Warranty of packing of Wool. St. 28 Ed. 3. 13.

CAP. IV.

None going unto, or returning from the Staple, ſhall be diſturbed by Purveyors.

Staple, Raſt. 3.

None going or coming from the Staple, ſhall be diſturbed by the Kings Purveyors.

ITem, Foraſmuch as no Staple may be profitable for us and for our ſaid Realm and Lands, unleſs it be free: (2) we will and grant for us and for our heirs, for the maintenance of the ſaid Staple, that all manner of people may come with their carriage and goods to the Staple, and from the ſame return freely, without being diſturbed by prices of us or of any other: Saving to us and to our heirs all manner of prices Royal, of all manner of carriages and victuals through all our ſaid Realm and Lands of old times due and uſed of right, as have been made by us and by our Anceſtors in time paſt. (3) And every Carrier returning from the Staple, ſhall have a Bill under the ſeal of the Mayor of the Staple, whereby it may be known that he ſerveth the Staple, containing the journeys which he needeth for his return to the houſe, which Bill ſhall be freely granted to him. And the ſame Mayor ſhall be ſworn that he ſhall make no ſuch Bill for any other than which ſerveth the Staple. (4) And if any ſuch Carrier, Carts, Ships, Beaſts, or other thing, which ſerveth for carriage of that which pertaineth to the Staple, be taken, and be within the Virge out of the Staple, Huy and Cry ſhall be levied upon the Takers, and the Takers ſhall be preſently apprehended by people of the Town where the price was made, or by people of another Town, if they be lacking, and brought before the Steward and Marſhal of our houſe: and there ready puniſhment ſhall be made of them, according as the deed requireth. (5) And if any ſuch price be made out of the Virge, Huy and Cry ſhall be levied, and the Takers ſhall be taken and arreſted by the Town where ſuch prices ſhall be made, or by other Towns near, if they be lacking, and brought to the next Gaol, and there to be done of them as of Felons, if the deed the ſame require. (6) And in caſe that the people of ſuch Towns be negligent, and will not purſue and arreſt ſuch Takers as before is ſaid, the four Towns next ſhall anſwer of the damages that may be found before them whom we ſhall thereto aſſign, that the plaintiffs have incurred by their default, if they cannot reaſonably excuſe themſelves thereof. (7) And if ſuch prices be made in a place where the Staple is, the Takers ſhall be arreſted by the Mayors and Miniſters of the Staple, and Right done to the Plaintiffs by the ſaid Mayors and Miniſters. (8) So always, that if ſuch price be made at the Staple, and the Staple be within the Virge, and the Takers arreſted be of one houſe, then right ſhall be done of them by the Mayor and Miniſters of the Staple. (9) And the Steward and Marſhal of our houſe, or the Stewards Lieutenant ſhall be thereto called, if they will be there, to ſee that right be done of the ſaid Takers according to the Law of the Staple. (10) And in caſe they come not, the Mayor and Miniſters of the Staple ſhall proceed in the proceſs, and do juſtice according to the Law of the Staple, notwithſtanding the not coming of the Steward or Marſhal, or Lieutenant aforeſaid.

What penalty ſhall be inflicted, and by whom, upon thoſe that take the goods of the Staple.

CAP. V.

None of the Kings Juſtices ſhall take cogniſance of things belonging to the Staple.

Staple, Raſt. 4.

ITem, In caſe that our Bench or Common Bench, or Juſtices in Eyre, or Juſtices of Aſſiſe, or the place of the Marſhalſey, or any other Juſtices come to the places where the ſaid Staples be, the ſaid Juſtices nor Stewards, nor Marſhals, nor of other the ſaid place, ſhall have any cogniſance there, of that thing which pertaineth to the cogniſance of the Mayor and Miniſters of the Staple.

None of the Kings Juſtices ſhall take cognizance of thoſe things that do belong to the Staple.

CAP. VI.

None of the Kings Officers ſhall meddle where the Staples be.

ITem, We will and defend, That no Marſhal nor other Miniſter of our houſe, or of others, ſhall make Livery, nor meddle in the places where the Staples be holden and kept, nor with the houſes where the ſaid Merchants or their people, or wools, or other merchandiſes of the Staple be lodged, nor enter into the ſame to execute their Office there, nor take any thing thereof to ſpare any, upon pain to make gree to the party at whoſe ſuit he ſhall be attainted, of the quatreble of that which the Plaintiff ſhall be endamaged, and further ſhall be grievouſly puniſhed by us.

Staple, Raſt. 5.

None of the Kings Officers ſhall meddle in the places where the Staples be holden.

CAP. VII.

Licences granted to carry Merchandiſes forth of the Realm ſhall be void.

ITem, We will and grant, That no licence or priviledge to make paſſage by Engliſhmen, Iriſhmen, or Welſhmen, of Wools, Leather, Woolfells or Lead, out of the ſame Realm, and Lands, ſhall be granted by us or our heirs againſt this Ordinance. (2) And if any be granted to the contrary, they ſhall be holden for none. (3) And they ſhall give no Warranty, nor excuſe to them, which ſhall cauſe to be paſſed the ſaid merchandiſes, that they ſhall not incur the pains and forfeitures contained in the ſaid Article.

Staple, Raſt. 6.

If any Licence ſhall be granted to tranſport &c. contrary to this Statute, it ſhall be void.

3 Bulſtr. 21.

CAP. VIII.

The Juriſdiction of the Mayor and Conſtables of the Staple. All people of the Staple ſhall be ruled by the Law-merchant, and not by the Common Law.

11 Co. 73.

ITem, We have ordained and eſtabliſhed, That the Mayors and Conſtables of the Staple ſhall have juriſdiction and cogniſance within the Towns where the Staples ſhall be, of people, and of all manner of things touching the Staple. (2) And that all Merchants coming to the Staple, their ſervants and meiny in the Staple, ſhall be ruled by the Law-merchant, of all things touching the Staple, and not by the Common Law of the Land, nor by uſage of Cities, Boroughs, or other Towns; (3) and that they ſhall not implead nor be impleaded before the Juſtices of the ſaid places in plea of debt, covenant and treſpaſs, touching the Staple, but ſhall implead all perſons of whom they will complain, as well ſuch as be not of the Staple, as thoſe that be of the Staple, which ſhall be there found. (4) And in the ſame manner they ſhall be impleaded only before the Mayor and Juſtices of the Staple, which ſhall be thereto deputed of all manner of Pleas and of Actions, whereof the cognizance pertaineth to the Miniſters of the Staple. (5) So always that all manner of contracts and covenants made betwixt Merchant and Merchant, or other, whereof the one party is a Merchant or Miniſter of the Staple, whether the contract or covenant made, be within the Staple or without, and alſo of treſpaſſes done within the Staple to Merchants, or to Miniſters of the Staple by other, or by any of them to other; the party Plaintiff ſhall chuſe whether he will ſue his action or quarrel before the Juſtices of the Staple by the Law of the Staple, or in other place of the Common Law: And he ſhall be thereto received: (6) So always that in the pleas touching any of our houſe, the Steward or his Lieutenant, and the Marſhals of our houſe ſhall be with the Mayor of the Staple, to ſee that right be done to the parties as before is ſaid, if they will be there. (7) But pleas of Land and of Freehold ſhall be at the Common Law. (8) And if Merchants or their people being in the Staple, becauſe of the ſame do commit Felony or be ſlain, robbed or maimed by any perſons, the Mayor of the Staple and other meet perſons ſhall be aſſigned Juſtices, to hear and determine the ſaid felonies and maims within the Staple without delay, according to the Common Law. (9) And if any ſuch felon or treſpaſſer be taken or detained within any franchiſe to whomſoever the ſame be, becauſe of ſuch felony or maim done within the Staple, it ſhall be preſently commanded by writ, to cauſe the ſaid felon, or him that did the maim, to come before the ſaid Juſtices, to do right of him in form aforeſaid. (10) And if they that have ſuch priſoners in Ward, will not deliver them, they ſhall incur the pain of an C l. to us. And nevertheleſs they ſhall deliver the body in the form aforeſaid. (11) And in caſe that any indictment be made out of the Staple of felonies or treſpaſſes done by people of the Staple, or by other to them within the Staple, the ſame indictment ſhall be ſent before the ſaid Mayor, and them which ſhall be aſſigned Juſtices with him, to do right in this party.* (12) And if the plea or debate be made before the Mayor of the Staple, betwixt the Merchants or Miniſters of the ſame, and thereupon to try thereof the truth, an inqueſt or proof is to be taken: we will that if the one party and the other be a ſtranger, it ſhall be tried by ſtrangers: (13) And if the one party and the other be Denizens, it ſhall be tried by Denizens: (14) And if the one party be Denizen, and the other an Alien, the one half of the Inqueſt or of the proof ſhall be of Denizens, and the other half of Aliens.

Staple, Raſt. 7.

The juriſdiction of the Mayor and Conſtables of the Staple and of what things and between what perſons they may hold plea.

St. 36 E. 3. 7.

Pleas of land Felony or maim done within the Staple.

* St. 36 Ed. 3. 7.

Where the trial of a ſuit in queſtion ſhall be by Denizens, and where by Medietatem linguæ.

St. 28 Ed. 3. 13.
8 H. 6. 29.
Raſt. pla. 30. 248.

Dyer f. 28. 144, 304, 357.
3 Ed. 4. 11.
27 H. 6. f. 4.
Fitz. Trial 30, 32, 71.
21 H. 7. f. 32.
Cro. 275, 293.

CAP. IX.

The effect of a Recogniſance knowledged in the Staple for recovery of a debt.

ITem, To the intent that the contracts made within the ſame Staple ſhall be the better holden, and the payments readily made: (2) we have ordained and eſtabliſhed, That every Mayor of the ſaid Staples ſhall have power to take recognizances of debts, which a man will make before him, in the preſence of the Conſtables of the Staple, or one of them. (3) And that in every of the ſaid Staples be a ſeal ordained, remaining in the cuſtody of the Mayor of the Staple, under the ſeals of the Conſtables, (4) and that all obligations which ſhall be made upon ſuch recognizance, be ſealed with the ſaid ſeal, paying for every obligation of an C l. and within, of every li, an ob. and of every obligation above a C li. a q. (5) And that the

Staple, Raſt. 8.

The effect of a recognizance for the recovery of debts acknowledged before the Mayor and Conſtables of the Staple.

In what manner execution ſhall be made of the Statute Staple.

15 H. 7. 16.

Raſt. pl. f. 97. 594.
Execution awarded out of the Chancery if the debtor have not ſufficient in the Staple.
Regiſt fo.151. 289.
Fitz N.B.f.131.
St. 13 Ed. 1.
What eſtate the creditor ſhall have in the debtors Land extended.
V.N.B. f. 105.
Fitz.N.B.f.178. C. 267.

9 H.6.f.19.
37 H. 6.f.6. Dyer f. 206.
43 Aſſ.pl.13

the Mayor of the Staple by vertue of the ſame letters ſo ſealed, may take and hold in priſon the bodies of the debtors after the term incurred, if they be found within the Staple, till they have made gree to the Creditor of the debt and damages. (6) And alſo arreſt the goods of the ſaid debtors found within the ſaid Staple, and deliver the ſaid goods to the ſaid creditors, by true eſtimation, or to ſell them at the beſt that a man may, and deliver the mony to the creditors until the ſum due. (7) And in caſe that the debtors be not found within the Staple, nor their goods to the value of the debt, the ſame ſhall be certified in the Chancery under the ſaid ſeal, (8) by which certification a writ ſhall be ſent to take the bodies of the ſaid debtors, without letting them to mainpriſe, and to ſeiſe their lands and tenements, goods and chattels. (9) And the writ ſhall be returned in the Chancery, with the certificate of the value of the ſaid lands and tenements, goods and chattels. (10) And thereupon due execution ſhall be made from day to day, in manner as it is contained in the Statute-merchant, ſo that he to whom the debt is due, ſhall have eſtate of freehold in the lands and tenements, which ſhall be delivered to him by vertue of the ſame proceſs, and recovery by writ of Novel diſſeiſin, in caſe if he be outed. (11) And that the debtor have no advantage of the quarter of a year which is contained in the ſaid Statute-merchant. (12) And in caſe that no creditor will have letters of the ſaid ſeal, but will ſtand to the faith of the debtor, if after the term incurred he demand the debt, the debtor ſhall be delivered upon that faith. St. 15 R.2.9. St. 23 H.8.6. 13 Ed.1.St.3.pag.54.§.1.N.19,25.

CAP. X.

There ſhall be but on Weight, Meaſure and Yard through the Realm.

Weights 14.
There ſhall be one weight one meaſure, and one yard through all the Land.
The penalty of him which doth not weigh by equal ballance

ITem, Becauſe we have perceived, that ſome Merchants do buy Avoir de pois, Wools and other merchandiſes by one weight, and ſell by another, and make alſo deceitful draughts upon the weight, and alſo uſe falſe meaſures and yards, in great deceit of us and all the Commons, and of lawful Merchants: (2) We will and eſtabliſh, that one weight, one meaſure, and one yard, be through all the Land, as well out of the Staple as within. (3) And that wools, and all manner Avoir de pois, be weighed by the ballance, ſo that the tongue of the ballance be even, without bowing to the one ſide or to the other, or without putting hand or foot, or other touch making of the ſame. (4) And that he which doth againſt the ſame, to the damage of the ſeller, ſhall forfeit to us the value of the merchandiſe ſo weighed and meaſured. (5) And the party that will complain him, ſhall have the quartreble of that which he ſhall be indamaged. (6) And the Treſpaſſer ſhall have one years impriſonment, and be ranſomed at the Kings will. (7) And thereupon Juſtices ſhall be aſſigned to enquire of ſuch treſpaſſes at all times that ſhall be needful, and to do right as well at our ſuit as at the ſuit of other that hereof will complain. St. 9 H.3.25. 14 Ed.3.12. 9 H.5.8.8 H.6.5. 11 H.7.4. St. 17 Car.1. ca. 19.

CAP. XI.

The penalty for foreſtalling of Merchandiſe before they come to the Staple.

Merchants, Raſt. 11.
It ſhall be felony to foreſtal, buy, or give earneſt for any merchandiſes before they come to the Staple or Port, or to go into the Ship for that cauſe.
St. 28 Ed.3.13.

Vaughan 357.

ITem, We have ordained and eſtabliſhed, that all Merchants, aliens and denizens, and other that do bring Wines and other wares or merchandiſes whatſoever they be to the Staples, Cities, Boroughs, and good Towns, or to Ports of the ſea within our ſaid Realm and Lands, may ſafely and without challenge and impeachment of any ſell them in groſs or at retail, or by parcels at their will, to all manner of people that will buy the ſame. (2) And that no Merchant, privy nor ſtranger, nor other of what condition that he be, go by land nor by water toward ſuch wines, wares, or merchandiſes, coming into our ſaid Realm and Lands in the Sea, nor elſewhere, to foreſtal or buy them, or in other manner, to give earneſt upon them before that they come to the Staple, or to the Port where they ſhall be diſcharged, nor enter into the Ships for ſuch cauſe, till the merchandiſes be ſet to land to be ſold, upon the pains and forfeitures contained in the ſame third Article aforeſaid.

CAP. XII.

The penalty of ſelling Wool, &c. to a Scottiſhman to be carried into Scotland.

Wool, Raſt. 12.
Felony to carry any Wool, &c. into Scotland, or to ſell them to a Scottiſhman.

ITem, That no Merchant, privy nor ſtranger, nor other, ſhall carry out of our Realm of England, Wools, Leather, or Woolfels to Berwick upon Tweed, nor elſewhere, nor into Scotland, nor that any man Merchant nor other, of what condition that he be, ſell his Wools, Woolfels, or Leather to any man of Scotland, nor to any other to carry into Scotland, upon the pains and forfeitures contained in the ſaid third Article.

CAP. XIII.

A remedy where a Merchants goods be robbed or periſhed on the Sea.

Merchants, Raſt. 12.
How Merchants robbed on the Sea, whoſe goods be brought into this Realm, ſhall be relieved.
3 Bulſtr. 28.
Ships periſhed on the Sea.

1 Roll. 175.

ITem, We will and grant, that if any Merchant, privy or ſtranger, be robbed of his goods upon the ſea, and the goods ſo robbed come into any parts within our Realm and Lands, and he will ſue for to recover the ſaid goods, he ſhall be received to prove the ſaid goods to be his own by his marks, or by his Chart or Cocket, or by good and lawful Merchants, privy or ſtrangers. (2) And by ſuch proofs the ſame goods ſhall be delivered to the merchants, without making other ſuit at the Common Law. (3) And in caſe that any Ships going out of the ſaid Realm and Lands, or coming to the ſame, by tempeſt or other misfortune, break upon the Sea-banks, and the goods come to the Land, which may not be ſaid wreck, they ſhall be preſently without fraud or evil device delivered to the merchants to whom the goods be, or to their ſervants, by ſuch proof as before is ſaid, paying to them that have ſaved and kept the ſame, convenient for their travel; that is to ſay, by the diſcretion of the Sheriffs and Bailiffs, or other our Miniſters in places guildable, where others Lords have no Franchiſe, and by the advice and aſſent of four or ſix of the beſt or moſt ſufficient diſcreet men of the Country, (4) And if that be within the Franchiſe of other Lords, then it ſhall it be done by the Stewards and Bailiff, or Wardens of the ſame Franchiſe, and by the adviſe of four or ſix diſcreet men of the Country, as afore is ſaid, without any delay.

CAP. XIV.

Merchants may bring in Gold or Silver to the Kings Exchanges, and carry out as much.

ITem, We have ordained, That all Merchants privy and ſtrangers, may ſafely carry and bring within our ſaid Realm and Lands, plate of ſilver, and billets of gold, and all other manner of gold, and all mony of gold and ſilver to our Bullion, or to our Exchanges, which we ſhall cauſe to be ordained at our ſaid Staples, and elſewhere, taking there mony of our coin of gold and ſilver conveniable to the value. (2) And if any will take good mony of gold and ſilver of other coin than of ours in payment, he ſhall take the ſame without impeachment, ſo that none be thereunto compelled if he will not take it of his good will.

Gold, Raſt. 2.

Poph. 149.

II. Provided always, That no mony have common courſe within our ſaid Realm and Lands, but the mony of gold and ſilver of our coin. (2) And that none carry out of our ſaid Realm and Lands the old Sterling, nor other mony but our new mony of gold and ſilver, except the Merchants ſtrangers that bring to our ſaid Realm and Lands any manner of mony, and there will employ this mony within our Realm and Lands: whom we will that they may re-carry into their Country all this mony, or as much as ſhall remain thereof not employed, without impeachment: So always that good and lawful ſearch be thereof made in the Ports and other places where any arrival is. (3) And that all the mony that every Merchant-ſtranger ſhall bring within our ſaid Realm and Lands, ſhall be put in writing by the Searchers, to the intent that no Merchant ſhall carry more beyond the Sea than he brought into the ſame Realm and Lands.

Merchants may bring in gold or ſilver in mony or bullion to the Kings Exchangers, and carry forth as much new mony, but not old Sterling.

III. Provided always, That no Miniſter nor other by colour of ſuch ſearch, ſhall make impeachment or diſturbance to any merchant-ſtranger to grieve him unduly. (2) And that all the falſe mony that may be found by ſearch, or in other manner eſpied within the ſame our Realm and Lands in deceit of our good mony, ſhall be forfeited to us, according to the Ordinances another time thereof made.

All falſe mony ſhall be forfeited to the King.

CAP. XV.

Indentures ſhall be made between Carriers of Wool by the water, and the Bailiffs of Towns where they load them: which Carriers ſhall be ſworn and bound to carry them to the Staple.

ITem, We will and eſtabliſh, That they that have Wools, Leather, Fells, and Lead in the Country betwixt the places where the Staples be and the Sea, and the ſame will cauſe to be carried to the Staples by freſh waters, or by arms of the Sea, ſhall make Indenture betwixt them and the Bailiffs of the Towns where they put them in Ship, teſtifying how much Wools, Leather, Fells, and Lead is ſo put in Ship. (2) And the Bailiffs of the places ſhall take an oath and ſufficient ſurety, for which they will anſwer, of them and the Mariners, that they ſhall go with the ſame Wools, Leather, Fells, and Lead to the Staple, and no part elſewhere, and there ſhall diſcharge before they do enter the Sea. (3) And that the Bailiffs ſend preſently the one part of the Indenture containing the ſurety and the quantity of the Wools, Leather, Woolfels and Lead, to the Mayor of the Staple, at their coſts that owe the goods, by ſome man for whom they will anſwer. (4) And if any Mayor, Bailiff, or other Miniſter of the places where ſuch merchandiſes ſhall be charged, ſuffer the ſaid merchandiſes to paſs in other manner, as well the Mayors, and Bailiffs and Miniſters aforeſaid, as the Merchants which the ſame ſhall charge, ſhall incur the pains and forfeitures contained in the ſaid third Article.

Staple, Raſt. 9

Indentures ſhall be made between Carriers of Wool &c. to the Staple by freſh water, or arms of the ſea, and the Bailiffs of Towns where they ſhip them.

CAP. XVI.

Houſes ſhall be ſet for reaſonable rents in Staple-Towns, impoſed by the Mayor, &c.

ITem, That in every Town where the Staple ſhall be holden, ſhall be ordained certain rews and places, where the Wools, and other merchandiſes ſhall be put; (2) and becauſe that the Lords or Guardians of the houſes and places (ſeeing the neceſſity of Merchants) do ſet percaſe their houſes at too high ferm: (3) We have ordained, That the houſes which be to be leaſed in ſuch manner, ſhall be ſet at a reaſonable ferm, according to the Ordinance of the Mayor and Conſtables of the Staple, and of four diſcreet men of the beſt of the Town where the Staple is, which ſhall be ſworn in the preſence of the ſaid Mayor and Conſtable, to make a lawful Tax; ſo that for default of houſes, the Staple ſhall not be impeached. (4) And that no man that bringeth his Wools or other merchandiſes there, be diſturbed to lodge the ſame Wools or other merchandiſes in the houſes which they have ſo hired.

Staple, Raſt. 10. Reaſonable Rents ſhall be impoſed upon houſes provided for the Staple by the Mayor, &c.

CAP. XVII.

A Merchant-ſtranger ſhall not be impeached for anothers debt but upon good cauſe. Merchants of enemies Countries ſhall ſell their goods in convenient time, and depart.

Merchants, Raſt. 13. Co. Inſt. par. 205.

ITem, That no merchant-ſtranger be impeached for anothers treſpaſs, or for anothers debt, whereof he is not debtor, pledge, nor mainpernour: (2) provided always, that if our liege people, merchants or other, be indamaged by any Lords of ſtrange lands or their ſubjects, and the ſaid Lords (duly required) fail of right to our ſaid Subjects, we ſhall have the Law of Marque, and of taking them again, as hath been uſed in times paſt, without fraud or deceit. (3) And in caſe that debate do riſe (which God defend) betwixt us and any Lords of ſtrange lands, we will not that the people and merchants of the ſaid Lands be ſuddenly ſubdued in our ſaid Realm and Lands becauſe of ſuch debate, but that they be warned, and Proclamation thereof publiſhed, that they ſhall void the ſaid Realm and Lands with their goods freely, within forty days after the warning and proclamation ſo made. (4) And that in the mean time they be not impeached nor let of their paſſage, or of making their profit of the ſame merchandiſes if they will ſell them. (5) And in caſe for that default of wind, or of ſhip, or for ſickneſs, or for other evident cauſe, they cannot avoid our ſaid Realm and Lands within ſo ſhort a time, then they ſhall have other forty days, or more if need be, within which they may paſs conveniently, with ſelling their merchandiſe, as afore is ſaid.

One Merchants goods ſhall not be ſeiſed for anothers debt, but upon cauſe.

Law of marque.

Merchants of enemies Countries ſhall have convenient time by Proclamation to ſell their goods, and to depart.

CAP.

CAP. XVIII.

Merchants of Ireland or Wales may bring their Merchandiſes to the Staples of England.

Staple, Raſt. 11. Merchants of Ireland and Wales which cannot ſell their Wool, &c. there, may bring the ſame to any of the Staples of England. It ſhall be felony for any Welſh or Iriſh men to carry their Wool, &c. to any other place ſaving to the Staple.

ITem, Becauſe we do well perceive, that Merchants-ſtrangers do not come ſo commonly into Ireland nor into Wales for to merchandiſe as they do into England, (2) we will of our ſpecial grace, that it ſhall be lawful to the people of Ireland and Wales, which cannot utter their Wools, Leather, Woolfels, and Lead in Ireland and Wales, to all Merchants ſtrangers to come with their ſaid merchandiſes, after that they be cuſtomed and cocketed in Ireland and in Wales, to any of our Staples in England which them ſhall pleaſe, bringing their cockets, witneſſing their merchandiſes, which they ſhall diſcharge at the Staples in England: (3) ſo that they when they ſhall come to the Staples in England, or they that bought their ſaid merchandiſes of them, ſhall not pay another time cuſtom nor ſubſidy for the ſaid merchandiſes ſo cuſtomed in our ſaid lands of Ireland and Wales. (4) And our Treaſurer, and the Barons of our Eſchequer of England, ſhall be certified two times by the year at the leaſt; that is to ſay, at Eaſter and Michaelmas, how much Wools, Leather, Woolfels, and Lead ſhall paſs out of the ſaid land of Ireland, and of the cuſtom thereof paid. (5) And in caſe that the Merchants or other people of Ireland or of Wales after that they be in the Sea with their ſaid merchandiſes, do paſs to any place other than to the Staples in England, they ſhall incur the pains and forfeitures in the ſaid third Article.

CAP. XIX.

None ſhall loſe his goods by his ſervants offence. Speedy Juſtice ſhall be done from day to day, and from hour to hour.

Staple, Raſt. 12. No Merchant ſhall loſe his goods for the offence of his ſervant. Speedy juſtice ſhall be done to Merchants from day to day, and from hour to hour.

ITem, That no Merchant nor other, of what condition that he be, ſhall loſe or forfeit his goods nor merchandiſes for the treſpaſs and forfeiture of his ſervant, unleſs he do it by the commandment or procurement of his maſter, or that he hath offended in the office in which his maſter hath ſet him, or in other manner, that the maſter be holden to anſwer for the deed of his ſervant by the Law-merchant, as elſewhere is uſed. (2) And becauſe that Merchants may not often long tarry in one place for levying of their merchandiſes, we will and grant, that ſpeedy right be to them done from day to day, and from hour to hour, according to the Laws uſed in ſuch Staples before this time holden elſewhere at all times, when they will them complain of any, or that any will complain of them, ſo that the Merchants be not by malice delayed for default of ſpeedy remedy.

CAP. XX.

Merchants ſtrangers taken in the Kings protection. And for their wrongs ſhall recover double damages.

Staple, Raſt. 13. Merchants ſtrangers ſhall have preſent remedy for any grievances done to them.

ITem, Becauſe we have taken all the Merchants ſtrangers in our ſaid Realm and Lands, into our ſpecial protection, and moreover granted to do them ſpeedy remedy of their grievances, if any be to them done: (2) We have ordained and eſtabliſhed, that if any outrage or grievance be done to them in the Country, out of the Staple, the Juſtices of the place where ſuch outrages ſhall be done, ſhall do ſpeedy Juſtice to them after the Law-merchant from day to day, and from hour to hour, without ſparing any man or to drive them to ſue at the Common Law. (3) And if any be convict, that he hath grieved the Merchants ſo taken in our protection, he ſhall be puniſhed by us for the contempt done to us, in as much as ſhall be judged to the Merchants for their damages. And to the ſaid Merchants ſtrangers their double damages ſhall be judged.

CAP. XXI.

A Mayor and two Conſtables ſhall be choſen yearly in every Staple-town: And their authority.

Staple, Raſt. 14. There ſhall be a Mayor and two Conſtables in every Staple town, and what by their office they may do.

ITem, Becauſe the Staples cannot long continue, nor the Ordinances thereof made and to be made, be kept, if good Executors and Juſtices be not eſtabliſhed to make thereof good and ready execution: (2) We have ordained and eſtabliſhed, that in every town where the Staple is ordained, a Mayor good, lawful, and ſufficient, ſhall be made and eſtabliſhed, having knowledge of the Law-merchant, to govern the Staple, and to do right to every man after the Laws aforeſaid, without favour, ſparing, or grief doing to any. (3) And in every place where the Staple is, ſhall be two conveniable Conſtables now at his beginning placed by us, to do that pertaineth to their office as in other Staples is accuſtomed; and when they ſhall be dead, or changed, then other ſhall be choſen by the Commonalty of the Merchants of the ſaid places: (4) And that no Mayor hold the office over one year, unleſs he be newly choſen by the Commonalty of the Merchants, as well of ſtrangers as of denizens. (5) And that the ſaid Mayor and Conſtables have power to keep the peace, and to arreſt offenders in the Staples for debt, treſpaſs, or other contract, and them to put in priſon, and puniſh after the Law of the Staple. (6) And a priſon ſhall be ordained for the ſafe keeping of them that ſo ſhall be impriſoned. (7) And the Mayors, Sheriffs, and Bailiffs of the towns where the Staple is, or adjoining to the Staple, ſhall be attending to the Mayor and miniſters of the Staple, to do execution of their commandments, upon pain of grievous forfeiture: (8) and one Lord or other of the moſt ſufficiency in the Country where the Staple is, ſhall be aſſigned to be aidant to the Mayor and miniſters of the Staple, to juſtifie diſobedient perſons, which by the ſaid Mayor and miniſters cannot be juſtified, and to maintain and counſel them when need ſhall be to the good governance of the Staple, and to redreſs at every mans complaint that which ſhall be miſtaken by the ſaid Mayor or miniſters, or other, and to do right to the complainants in this behalf.

II. And if any Merchant will complain of the Mayor or of the Conſtables, that they have failed of right, or ſhewed favour againſt reaſon to either of the parties, it ſhall be ſpeedily redreſſed by the Chancellor and our Council without delay. Regiſt. fo. 18.

III. And that the ſame Mayor and Conſtables do not, nor ordain any thing contrary to theſe Ordinances, nor make interpretation nor exception to them, otherwiſe than the words do purport; (2) but if there be any that is doubted, it ſhall be ſhewed to our Council, and there declared by good advice.

CAP. XXII.

Correctors ſhall be appointed in the Staple-towns to make and record bargains.

Item, We have ordained, that in every place where the Staple ſhall be holden, there ſhall be a certain number of Correctors, as well of ſtrangers as of privies, good people, ſufficient, and having knowledge of ſuch myſtery, lawfully to make and record the bargains betwixt the buyers and the ſellers, as hath been uſed in other Staples holden in other places, (2) and that they find ſufficient mainpernors before the Mayor and Conſtables of the Staple, lawfully to do that pertaineth to their office: (3) and if they be found in defalt, they ſhall pay to him that is indamaged as much as his loſs ſhall amount to: (4) So that they meddle them not with any manner of Merchandiſe for the time that they ſhall abide in the office. (5) And that no man be conſtrained to have a Corrector unleſs he will of his own good will, nor to pay any thing to any Corrector unleſs he meddle of his bargain at his requeſt.

Staple, Raſt. 15. Correctors ſhall be appointed to make and record bargains between buyers and ſellers.

CAP. XXIII.

The Officers of the Staple, and Merchants repairing to it, ſhall be ſworn to maintain the Staple, and the Laws and Cuſtoms of it.

Item, That a certain number of porters, packers, winders, workers, and other labourers of Wools, and all other Merchandiſes, be ſufficiently ordained for the place where the Staple is; and they and the Corectors, and all manner of Officers of the Staple, beſides the Conſtables, ſhall be ſworn before the Mayor of the Staple, that they lawfully ſhall execute their Office, without fraud or deceit. (2) Alſo all Merchants aliens and denizens, coming to the ſaid Staples becauſe of merchandiſe, ſhall be ſworn before the ſaid Mayor and Conſtables, that they ſhall be juſtified by the ſame Mayor and Conſtables, according to the law and uſage of the Staple, and ſhall maintain as much as in them is the Staple, and the laws and uſages of the ſame, without fraud or deceit. (3) And the Mayor and Conſtables ſhall be ſworn in the Chancery to do lawfully that which pertaineth to them. Sc. 14 R. 2. 3.

Staple, Raſt. 16. Officers of the Staple and Merchants coming thither, ſhall be ſworn to be ordered and to maintain the laws of the Staple.

CAP. XXIV.

Two Merchants aliens ſhall be choſen to be aſſociate in judgment to the Mayor and Conſtables. And ſix Mediators of queſtions between buyers and ſellers ſhall be choſen.

Item, We will and ordain, that the Merchants ſtrangers ſhall chuſe two Merchants ſtrangers, whereof the one towards the South, and the other towards the North, ſhall be aſſigned to ſit with the Mayor and Conſtables of the Staples where ſome of thoſe perſons choſen ſhall come, to hear the plaints touching Merchants aliens that ſhall be moved before the ſaid Mayor and Conſtables at all times that any of the ſaid perſons choſen will be there, and to ſee that plain right be done to the ſaid Merchants aliens, ſo that the ſaid Mayor and Conſtables ſhall not ceaſe to proceed in their proceſs, in caſe that thoſe perſons choſen come not thither. (2) And in caſe that debate riſe betwixt them, upon the diſcuſſing of any plea or quarrel: the tenour of the ſame plea or quarrel ſhall be ſent before the Chancellor, and other of our Council, to be determined there without delay. (3) And alſo ſix perſons ſhall be choſen, that is to ſay, four aliens, whereof two ſhall be of Almaigne, and two of Lombardy, and two of England, which ſhall be diſcreet men, and worthy of faith, and ſhall ſwear, that they ſhall well and lawfully execute their office, that is to ſay, that when and at what time any queſtion or debate ſhall riſe or come amongſt Merchants of any unreaſonable Wool, or undue packing according to the covenants made betwixt the ſellers and the buyers, that the ſaid perſons, or four of them, may before the Mayor of the Staple and the Officers, by their Oath ſay and amend as reaſon will, and thereupon credence ſhall be given to them without any contradiction.

Staple, Raſt. 17. Two Merchants aliens ſhall be choſen to be aſſociate in Judgment to the Mayor and Conſtable of the Staple. Matters in queſtion in the Staple ſhall be decided by the Chancellor and the Kings Council. There ſhall be ſix Mediators of queſtion choſen.

CAP. XXV.

It ſhall be felony to make any conſpiracy which may return to the diſturbance of the Staple.

Item, We have ordained and eſtabliſhed, that no Merchant or other ſhall make confederacy, conſpiracy, covin, imagination, or murmur, or evil device in any point, that may turn to the impeachment, diſturbance, defeating, or decay of the ſaid Staples, or of any thing that to them pertaineth or may pertain: (2) and if any do, and thereof be attainted before the Mayor and Miniſters of the Staple, or other whom we ſhall thereto aſſign, he ſhall incur the pains and forfeitures contained in the ſaid third Article.

Staple. Raſt. 18. It ſhall be felony to make any confederacy or conſpiracy which may turn to the diſturbance or the defeating of the Staple.

CAP. XXVI.

Credit ſhall be given to Letters, or the Merchants Oaths, of the value of their goods.

Item, Whereas it is contained in the Charter of our Grandfather, granted to the Merchants ſtrangers, and by us confirmed, that of merchandiſes which they ſhall bring into our ſaid Realm and land, and whereof three pence of the pound ought to be paid by the ſaid Merchants ſtrangers, according to the ſame grant, faith and credence ſhall be given to them upon the value of the ſaid merchandiſes by letters, which they may ſhew of the ſame goods of their Lords and companions. (2) And if they have no letters, they ſhall be believed by their Oath in this behalf. (3) And now of late it is done us and our Council to underſtand by the complaint of the ſaid Merchants, that albeit they have letters teſtifying the value of their merchandiſes, the Sheriffs, Mayors, Bailiffs, and Miniſters of many places do conſtrain them to ſwear for the ſaid merchandiſes, againſt the form of their ſaid Charter, and nevertheleſs after the Oath made, unſeal their Barrels, Fardels and Bales, for which they have taken their oath, and the ſame let lie four or ſix days ſo unſealed before they will ſee the ſame, and ſo they take away from the ſaid Merchants the ſale of their goods, to their great damage. (4) We not willing that the Merchants ſtrangers that come with their merchan-

Merchants, Raſt 14. Credit ſhall be given to Letters brought by Merchants aliens, or to their Oaths, of the value of their goods.

diſes into our ſaid Realm and lands, for the common profit of the ſame, ſhall be in ſuch manner grieved, will, grant and eſtabliſh, that the ſaid Charter be holden, and that the Barrels, Fardels, and Bales, and the other goods of the ſaid Merchants, for which they have ſhewed their letters that be not ſuſpitious, or taken the Oath as it is contained in the ſame Charter, preſently after the Oath taken, or ſuch letters ſhewed, their goods ſhall be delivered to them without delay, thereof to make their profit, without any thing taking of them over the cuſtom of three pence of the pound, (5) ſo that the Sheriffs, Mayors, Bailiffs, or other Miniſters, ſhall meddle no more of the ſame goods, upon pain of impriſonment, and to pay to the party grieved by this cauſe his quatreble damages, and as much to us; and upon the ſame, right ſhall be done in our Chancery at every mans complaint.

CAP. XXVII.

The forſeiture of thoſe which before this Statute have tranſported their Wools,&c.

Wools, Raſt. 4. The forfeiture of thoſe which before this Statute did tranſport Wool, &c.

ITem, We have ordained and eſtabliſhed, that all thoſe that ſhall be convict that they have carried Wools, Leather, and Woolfels to the parties beyond the Sea, againſt the defence and proclamation thereof made before the making of this Ordinance, ſhall be judged to priſon, and incur the forfeiture of the ſame Wools, Leather, and Woolfels ſo paſſed, and of all their other goods and chattels, and moreover be ranſomed at our will.

CAP. XXVIII.

The Liberties of the Staple confirmed, notwithſtanding the Franchiſes of others; But in Fairs, Markets, Hundreds, Leets, &c.

Staple, Raſt. 19. The Liberties of the Staple confirmed notwithſtanding Franchiſes granted to corporate Cities or Towns. Other mens Liberties being in the Staple ſaved

ITem, We will, grant and ordain, that all the ſaid things be firmly kept and holden in all points, notwithſtanding franchiſe, cuſtom, priviledge, exemption, judgments, or other grants made to Cities, Boroughs, Towns, Commonalties, people of the five Ports, and other Ports, or any other ſingular perſons whatſoever. (2) And in caſe that any thing be to be amended, added, changed, or withdrawn of any of the ſaid points in time to come for a true cauſe, we will, that the ſame be done by deliberation and advice of the great men and other of our Council in the Parliament: (3) Saving in other things to the Prelates, Dukes, Earls, Barons, and other Lords, their Fairs, Markets, Hundreds, Wapentakes, Leets, Juriſdictions, Courts, Franchiſes, and Priviledges, and all other things to them pertaining in the places where the Staples be, and ſhall be, and elſewhere, as far forth as they had them before that the Staples were ordained.

The Ordinance of the ſeveral fees of the Mayors and Conſtables of the Staple, in every City and Town where the Staple is ordained to be kept, and by what means the ſame ſhall be levied.

A Statute made at *Weſtminſter*, *Anno* 28 *Ed.* 3. & *Anno Domini*, 1354.

OUr Lord the King at his Parliament holden at Weſtminſter, the Monday next after the Feaſt of Saint Mark the Evangeliſt, the year of his Reign of England the eight and twentieth, and of France the fifteenth, to the honour of God and of holy Church, and for the common profit of him and his people, by the aſſent of the Prelates, the Prince, Dukes, Earls, Barons, and the Commons of his Realm there aſſembled hath ordained and eſtabliſhed points under-written.

CAP. I.

A Confirmation of all Statutes before made and uſed.

Confirmation Raſt. 4. A confirmation of former Statutes.

FIrſt, That the great Charter and the Charter of the Foreſt, and all other Statutes before this time made and uſed, be kept and maintained in all points.

CAP. II.

Lords of the Marches of Wales ſhall be attendant to the Crown of England, and not to the Principality of Wales.

Wales 1. Lords of the Marches ſhall be attendant on the Crown of England, and not to the the principality of Wales.

ITem, It is accorded and eſtabliſhed, that all the Lords of the Marches of Wales, ſhall be perpetually attending and annexed to the Crown of England, as they and their anceſtors have been all times paſt, and not to the Principality of Wales, in whoſe hands ſoever the ſame Principality be, or hereafter ſhall come.

CAP. III.

No perſon ſhall be condemned without his anſwer.

Accuſation 1. No man ſhall be condemned without his anſwer.

1 Anderſ. 158.

ITem, That no man, of what eſtate or condition that he be, ſhall be put out of land or tenement, nor taken, nor impriſoned, nor diſinherited, nor put to death, without being brought in anſwer by due proceſs of Law. St. 9 H. 3. 29. St. 5 Ed. 3. 9. 25 Ed. 3. 4. 17 Car. 1. cap. 10. 3 Bulſtr. 47.

CAP. IV.

How the King ſhall be anſwered the meſne rates of Lands coming to him by his Tenants death.

Livery 13. How the King ſhall be ſatisfied of the mean rates of thoſe lands which come to his hands by the death of his tenants.

1 H. 8. Kel. 156.

ITem, Becauſe that Eſcheators and other the Kings miniſters, which have made Livery by the Kings commandment from his Chancery, of the lands and tenements that were taken into the Kings hands by the death of the tenants which held of him, and the heirs, and other to whom the ſaid lands and tenements ought to deſcend, revert or remain, have been charged in the Eſchequer of the ferms and the rents whereof the terms of payments were to come after ſuch livery made, for the rate and portion of the time that the ſame lands and tenements were in the Kings hands: (2) it is accorded and eſtabliſhed, that of Mannors, Cities, Boroughs, Towns, Hundreds, Franchiſes, and all other lands and tenements, whereof profit doth riſe from time to time through the year, as of Mills, Herbage, Toll, pleas and profits of Courts, and all ſuch iſſues and profits, every Eſcheator and other miniſter, which hath ſeiſed ſuch lands and tenements to the Kings uſe, ſhall be bound to anſwer to the King for the rate and portion of the time, according to the old courſe of the

Eſchequer. (3) And that of ancient ferms and rents, which be to be paid at certain terms, as rent-ſeck and rent-ſervice, whereof no profit riſeth till the day of payment, ſuch ferms and rents ſhall be paid to them which have livery out of the Kings hand, at the terms of payments of the ſaid ferms and rents, which followeth after ſuch livery made, as well of the time paſt, as of the time to come.

CAP. V.

No Iron ſhall be carried forth of the Realm.

3 Inſt. 57. ITem, It is accorded and eſtabliſhed, That Iron made in England, and Iron brought into England and there ſold, ſhall not be carried out of the ſaid Realm of England, upon pain of forfeiture the double to the King: (2) and the Juſtices aſſigned who ſhall have power to enquire of Labourers, and the other Juſtices whom the King will thereto aſſign, ſhall have power to enquire of them that ſell the Iron at too dear a price, and to puniſh them after the quantity of the treſpaſs.

Iron 9. The penalty for tranſporting of Iron.

CAP. VI.

Who ſhall be Coroners, and by whom and where they ſhall be choſen.

ITem, It is ordained and accorded, That all Coroners of the Counties ſhall be choſen in the full Counties, by the Commons of the ſame Counties, of the moſt meet and moſt lawful people that ſhall be found in the ſaid Counties, to execute the ſaid Office: (2) ſaved always to the King and other Lords which ought to make ſuch Coroners, their Seigniories and Franchiſes. Reg.f.177.Fitz N.B.f.163.

Coroners 1. who ſhall be Coroners, and where they ſhall be choſen. St.3 Ed. 1. 10. Raſt. pl.f. 133.

CAP. VII.

No Sheriff ſhall continue in his Office above one year.

2 H.7.f.5. ITem, It is ordained and eſtabliſhed, That the Sheriffs of the Counties ſhall be removed every year out of their Offices, ſo that no Sheriff that hath been in his Office by a year, ſhall abide in the ſame Office the year next following. And that no Commiſſion be made to him thereof, or renewed for the ſame year following. St. 14 Ed. 3. 7. 42 Ed. 3. 9. 23 H. 6. 8. Raſt. pl. fo. 202.

Sheriffs 4. No Sheriff ſhall continue in his office above one year.

CAP. VIII.

An Attaint ſhall be granted as well upon a Bill us upon a Writ of Treſpaſs.

old.3.f.31. ITem, It is accorded, That the Writ of Attaint ſhall be granted from henceforth as well upon a Bill of Treſpaſs as upon a Writ of Treſpaſs, of Enqueſts which be to be taken in time to come, without having regard to the quantity of damages. St. 3 Ed. 1. 37. 1 Ed. 3. 6. 5 Ed. 3. 6, 7. 34 Ed. 3. 7. Reg.f.122. V.N.B.f.48.112. Fitz.N.B.f.105.

Attaint 22. An attaint ſhall be granted as well upon a bill as upon a writ of treſpaſs. Raſt.pl.f.84, &c

CAP. IX.

No Writ ſhall be directed to a Sheriff to charge an Enqueſt to indict any.

ITem, Becauſe that the people of the Realm have ſuffered many evils and miſchiefs, for that Sheriffs of divers Counties, by vertue of Commiſſions and general Writs granted to them at their own Suit, for their ſingular profit to gain of the people, have made and taken divers Enqueſts to cauſe to endict the people at their will, and have taken Fine and Ranſom of them to their own uſe, and have delivered them, whereas ſuch perſons indicted were not brought before the Kings Juſtices to have their deliverance: (2) It is accorded and eſtabliſhed, for to eſchew all ſuch evils and miſchiefs, That all ſuch Commiſſions and Writs before this time made, ſhall be utterly repealed, and that from henceforth no ſuch Commiſſions nor Writs be granted. Fitz.N.B.f.92. C.144.l.250.

Sheriffs, Raſt. 15. No writ ſhall be directed to the Sheriff to charge a Jury to indict any. Cro.El. 371.

CAP. X.

The penalty of the Mayor, Sheriffs, &c. of London, if they do not redreſs Errors and Miſpriſions there: And in what Counties the trial thereof ſhall be.

Co. Inſt. 4 par. 248. ITem, Becauſe that the errors, defaults and miſpriſions which be notoriouſly uſed in the City of London for default of good governance of the Mayor, of the Sheriffs and the Aldermen, cannot be enquired nor found by people of the ſame City: (2) It is ordained and eſtabliſhed, That the ſaid Mayor, Sheriffs and Aldermen which have the governance of the ſame City, ſhall cauſe to be redreſſed and corrected the defaults, Errors and miſpriſions above named, and the ſame duly puniſh from time to time upon a certain pain: that is to ſay, at the firſt default a thouſand marks to the King, and at the ſecond default two thouſand marks, and at the third default that the Franchiſe and Liberty of the City be taken into the Kings hand. (3) And be it begun to enquire upon them at Saint Michael next coming, ſo that if they do not cauſe to be made due redreſs as afore is ſaid, it ſhall be required of their defaults by Enqueſts of people of foreign Counties; that is to ſay, of Kent, Eſſex, Suſſex, Hertford, Buckingham and Berk, as well at the Kings ſuit as others that will complain.

London. The penalty of the Mayor, Sheriffs, &c. of London, which do not redreſs errors and miſpriſons there. Golsb. 146. pl. 63.

II. And if the Mayors, Sheriffs and Alderman be by ſuch Enqueſts thereto aſſigned, indicted, they ſhall be cauſed to come by due proceſs before the Kings Juſtices, which ſhall be to the ſame aſſigned out of the ſaid City, before whom they ſhall have their anſwer as well to the King as to the party. (2) And if they put them in Enqueſts, the ſame Enqueſts ſhall be taken by foreign people, as afore is ſaid. (3) And if they be attainted, the ſaid pain ſhall incur and be levied of the ſaid Mayor, Sheriffs and Aldermen, for default of their governance. (4) And nevertheleſs, the Plaintiffs ſhall recover the treble damages againſt the ſaid Mayor, Sheriffs and Aldermen. (5) And becauſe that the Sheriffs of London be parties to this buſineſs, the Conſtable of the Tower, or his Lieutenant, ſhall ſerve in the place of the Sheriffs, to receive the Writs, as well Originals of the Chancery as Judicials, under the Seal of the Juſtices, to do thereof execution in the ſaid City. (6) And proceſs ſhall be made by attachment and Diſtreſs, and by Exigent, if need be: ſo that at the Kings ſuit the Exigent ſhall be awarded after the firſt Capias returned, and at the third Capias returned, at the ſuit of the party. (7) And if the Mayor, Sheriffs and Aldermen have Lands or Tenements out of the

The trial of the defaults of the Mayor, &c. of London touching government, ſhall be by enqueſt of foreign Counties.

The Conſtable or Lieutenant of the Towns ſhall receive and execute the Kings Writs. What proceſs ſhall be awarded in this ſuit.

City, proceſs ſhall be made againſt them by Attachments and Diſtreſſes in the ſame Counties where the Lands and Tenements be. (8) And that every of the ſaid Mayors, Sheriffs, and Aldermen which do appear before the ſaid Juſtices, ſhall anſwer particularly for himſelf, as well at the peril of other which be abſent, as of himſelf. (9) And this Ordinance ſhall be holden firm and ſtable, notwithſtanding any manner Franchiſe, Privileges or Cuſtoms. (10) And this Ordinance ſhall extend to all Cities and Boroughs of the Realm where ſuch defaults or miſpriſions be uſed, and not duly corrected nor redreſſed: Saving that the Enqueſts ſhall be taken by foreign people of the ſame County where ſuch Cities or Boroughs be. (11) And that the pain of thoſe of the ſaid Boroughs and Towns, which ſhall be thereof attainted, ſhall be judged by the diſcretion of the Juſtices, which ſhall be thereto aſſigned. St. 1 H. 4. 13. St. 31 Ed. 3. 10. St. 17 R. 2. cap. 12.

This ordinance provided for London, ſhall extend to all Cities and Boroughs.

CAP. XI.

Freſh ſuit and Huy and Cry ſhall be made after Robberies from Country to Country.

Hue and Cry 1.

ITem, Becauſe that great clamour and grievous complaints be made as well by Aliens as by Denizens, and Merchants and other paſſing through the Realm of England with their merchandiſes and other goods, be ſlain and robbed, and namely now more than they were wont, whereof remedy hath not been made to the Complainants: (2) Our Lord the King, conſidering the profit which may come to the ſaid Realm by coming and abiding of the ſaid Merchants Aliens in the ſame Realm, and the damage and miſchief which to them and other is done daily by ſuch Manſlaughters and Robberies, and willing to provide for the ſurety and indemnity of Merchants and other aforeſaid, hath ordained and eſtabliſhed, by the aſſent of all his Parliament, to the intent that Merchants Aliens ſhall have the greater will and courage to come into the ſaid Realm of England, and that remedy from henceforth be ſpeedily made to ſuch Merchants and others robbed, according to the form contained in the Statute late made at Wincheſter; that is to ſay, That ſolemn Cry be made in all Counties, Hundreds, Markets, Fairs, and all other places where ſolemn aſſembly of the people ſhall be, ſo that none by ignorance ſhall excuſe him, that every Country from henceforth be ſo kept, that immediately after Felonies and Robberies done, freſh ſuit be made from Town to Town, and from Country to Country, (3) and Enqueſt, if need be, ſhall be alſo taken in the Towns by him which is Soveraign of the Town, and after in Hundreds, Franchiſes, and in the County, and ſometime in two, three or four Counties, in caſe when Felonies ſhall be done in the marches of the Counties, ſo that the Offenders may be attainted. (4) And if the Country do not anſwer of ſuch Offenders, the pain ſhall be ſuch, that every Country, that is to ſay, the people dwelling in the Country, ſhall anſwer of the Robberies done, and of the Damages, (5) ſo that all the Hundred where the Robbery ſhall be done, or the Franchiſes which be within the Precinct of the ſaid Hundred, ſhall anſwer of the Robbery done. (6) And if the Robbery be done in the diviſion of two Hundreds, both Hundreds ſhall anſwer together with the Franchiſes. (7) And longer term ſhall not the Country have after the Robbery or Felony done than forty days, within which them behooveth to make gree of the Robbery or of the offence, or that they anſwer of the bodies of the Offenders. St. 27 El. 13. Stat. 18 El. 2.

St. 13 Ed. 1. 1, 2. Huy and Cry ſhall be levied, and freſh ſuit ſhall be made after robbers from town to town and from country to country. The penalty of the contry, if robbers offending therein be not taken within forty days.

CAP. XII.

Within what time Purveyances made for the Kings houſe ſhall be paid for.

Purveyors.

ITem, For that the mean people of the Realm, and divers others have complained of the grievances done to them, becauſe the Purveyors of our Lord the King, the Queen, and of the Prince, and of other, have taken of them their Goods, Livings and Victuals, and thereof have delivered them Tallies, aſſigning to them a day and place to receive their payment at foreign places and far off, where they diſpended the value of the thing ſo taken of them, or the double, before that they have received their payment, and oftentimes have failed of all: (2) The King willing to provide a remedy againſt ſuch grievances, hath ordained and eſtabliſhed, for the quietneſs and eaſe of his people, that of all Purveyances, which be or ſhall be made to uſe, or to any others uſe, within the ſum of twenty ſhillings, payment ſhall be thereof made incontinently upon the Purveyances made without delivering any Tally for any day or place elſewhere to be thereof aſſigned. (3) And that of other Purveyances made to the ſum of twenty ſhillings and above, payment ſhall be made within a quarter of a year then next following after ſuch Purveyances made, at certain days and places, according as it may be moſt for the eaſe and leſs travel of the people.

Purveyances made to the Kings uſe under xx s. ſhall be preſently paid for, and all above within a quarter of a year. St. 2 H. 4. 14. St. 20 H. 6. 8.

CAP. XIII.

The warranty of packing of Wool ſhall be put out. An Enqueſt ſhall *de medietate linguæ*, where an Alien is party.

Jurors 29. 27 Ed. 3. St. 2. c. 3.

ITem, It is accorded and eſtabliſhed, That all the Ordinances made in the great Council holden at Weſtminſter, the Monday next after the Feaſt of S. Mathew the Apoſtle laſt paſt, together with certain Declarations and Additions made in this preſent Parliament, be firmly kept and holden for a Statute to endure for ever, which Declarations and Additions do follow in this manner; (2) Whereas it is contained in the ſaid Ordinances, that every Merchant that ſelleth his Wools at the Staple, ſhall be bound to warrant the packing of the ſame Wools: (3) and if a plea of debate be moved before the Mayor of the Staple, betwixt the Merchants or Miniſters of the ſame, and thereupon to try the truth thereof an Enqueſt of Proof ſhall be taken, then if both parties be Aliens, it ſhall be tried by Aliens; (4) and if both parties be Denizens, it ſhall be tried by Denizens, (5) but if the one party be Denizen, and the other Alien, half of the Enqueſt or of the Proof ſhall be of Denizens, and the other half of Aliens. (6) And alſo that no Merchant privy nor ſtranger, nor other of what condition that he be, ſhall go by Land nor by Water to meet ſuch Ships charged with Wines, Wares, or other merchandiſes coming into the Realm of England, nor other Lands of the Kings in the

Sea or elſewhere, for to foreſtal, buy, or in other manner giving them earneſt before that they come to the Staple or to the Port where they ſhall be diſcharged, nor enter the Ships for ſuch cauſe till the Merchandiſes be ſet to Land for to ſell: (7) It is accorded and eſtabliſhed, that the warranty of Packing of Wools, for divers miſchiefs which the Commons have thereof perceived, ſhall wholly be out. (8) And that no man be holden to make ſuch warranty unleſs it be by covenant made by deed enſealed. (9) Alſo that no man, other than a Merchant Denizen or Alien, that knoweth the laws and uſages of the Staple, uſed before that the ſaid Ordinances of the Staple were made, ſhall be charged by the ſame laws and uſages till they be declared in Parliament.

The warranty of packing of Wools ſhall be wholly put out.
St. 27 Ed. 3. 3.
St. 27 Ed. 3. 8.
St. 8 H. 6. 29.

Dyer f. 144. 357.
3 Ed. 4. f. 11.
27 H. 6. f. 5.
Fitz. Trial. 30, 32, 71.
Bro. Denizen 412.
21 H. 7. f. 12.
1 Roll. 148.

II. And that in all manner of Enqueſts and proofs, which be to be taken or made amongſt Aliens and Denizens, be they Merchants or other, as well before the Mayor of the Staple as before any other Juſtices or Miniſters, although the King be party, the one half of the Enqueſt or proof ſhall be Denizens, and the other half of Aliens, if ſo many Aliens and Foraigners be in the Town or place where ſuch Enqueſt or proof is to be taken, that be not parties, nor with the parties in contracts, pleas, or other quarrels, whereof ſuch Enqueſts or proofs ought to be taken: (2) and if there be not ſo many Aliens, then ſhall there be put in ſuch Enqueſts or proofs, as many Aliens as ſhall be found in the ſame Towns or places which be not thereto parties, nor with the parties, as afore is ſaid, and the remnant of Denizens, which be good men, and not ſuſpicious to the one party nor to the other.

In Enqueſt ſhall be de medietate linguæ, **where an alien is party to any trial.**
Raſt. pl. f. 30, 248.
St. 27 Ed. 3. 8.

III. And that no manner of Ship which is fraught towards England or elſewhere, be compelled to come to any Port of England, nor here to abide againſt the will of the Maſters and Mariners of the ſame, or of the Merchants whoſe the goods be. (2) And if ſuch Ships come of their own good will, or be driven by Tempeſts or other misfortune or miſchief to any Port in England and the Maſters, Mariners or Merchants of the ſame Ships will ſell or deliver part of their merchandiſes with their good will, it ſhall be lawful for every may to buy ſuch merchandiſes freely without impeachment in the Port where ſuch Ships ſhall come, albeit the ſaid merchandiſes be not put to Land to ſell: (3) ſo always that no Merchant nor other ſhall go by Land nor by Water to meet ſuch Ships charged with merchandiſes, to foreſtal the ſame merchandiſes, or to give them earneſt by way of foreſtalling, upon the pains contained in the third Article of the ſaid Ordinances, (4) ſo that the Maſters, Mariners, and Merchants, after that they have ſold that which pleaſeth them of their ſaid Goods, and paid thereof the Cuſtom, may freely depart and go with their Ships and all the remnant of their Goods whither it ſhall pleaſe them, without Cuſtom thereof to be paid. (5) And that none, of what condition that he be, by Art or Engine, ſhall diſturb any Ship charged with merchandiſes to come to any Port of England, but to the Port where the Maſters, Mariners and Merchants will firſt of their free will arrive; nor after they have arrived, ſhall meddle with the ſale of the ſame merchandiſes, nor diſturb the Merchants nor their ſervants, that they may not themſelves by their own hands, according as to them beſt ſhall ſeem for their profit, ſell and deliver their merchandiſes at what time and to whom it ſhall them beſt pleaſe. (6) And if any ſet diſturbance, he ſhall incur a grievous forfeiture to the King according to the quantity of the treſpaſs.

None ſhall foreſtal merchandiſes coming towards this Realm.
St. 27 Ed. 3. 3.

No foraigners ſhips ſhall be compelled to arive in England, **or to tarry there.**
St. 20 R. 2. 4.

CAP. XIV.

Upon which days Wool may be ſhewed in the Staple, and in which not OB.

Staples, Raſt. 14.

CAP. XV.

The bounds of every Staple, and how far they ſhall extend. OB.

Staple, Raſt. 15.

Statutes made at *VVeſtminſter, Anno* 31 *Edw.* 3. & *Anno Dom.* 1357.

TO the honour of God and holy Church, it is accorded by our Lord the King, the Prelates, Earls, Barons and all the Commonalty of the ſaid Realm of England, in the Parliament holden at Weſtminſter, the Monday next after the week of Eaſter, the year of the Reign of our Lord King Edward of England the one and thirtieth, and of France the ſeventeenth.

CAP. I.

A Confirmation of the great Charter and the Charter of the Foreſt.

FIrſt, That the great Charter and the Charter of the Foreſt be firmly kept, holden, uſed, and executed in all points.

Confirmation, Raſt. 4.

CAP. II.

No Wool ſhall be brought by fraud to abate the price thereof. Weights ſhall be ſent to all Shires.

ITem, Whereas at the grievous complaint of the Commons of the Realm of England, it was ſhewed, that the Merchants which buy Wool in Fairs and Markets, and other places, by covin and conſent betwixt them, do abate the price of Wools, and uſe other weight than is ordained by the Statute before this time, in annoyance of the people: (2) It is accorded and eſtabliſhed, That Proclamation be made through the Realm, that no Merchant do ſuch covin, upon a grievous forfeiture. (3) And if any do againſt the ſame after the Proclamation, the King ſhall aſſign his Juſtices to enquire at the ſuit of the party of all that do ſuch covin, and to hear and determine for the King and for the party. (4) And that certain balances and weights of ſack, half ſack and quarter, pound, half pound and quarter, according to the Standard of the Eſchequer, be ſent to all Sheriffs of England betwixt this and the Nativity of St. John next coming, (5) ſo that they (ſuch balances and weights received) ſhall make open Proclamation through all their Counties, that every man that will have ſuch balances and weights, ſhall come to the Sheriff before Michaelmas, to make their balances and weights according to the ſaid Standard at their coſts, without any thing giving to the Sheriff for to have aſſay or example of the ſaid balances and weights, (6) and that from henceforth none ſhall ſell nor buy by other weights. (7) And if any do againſt the ſame, he ſhall be puniſhed by Fine at the Kings will. St. 11 H. 7. 4.

Weights 8. No wools ſhall be brought by fraud to abate the price thereof. Balances and weights ſhall be ſent to all the Sheriffs of England, **and every perſon may make theirs by them.**

CAP. III.

A man charged with detaining of Felons goods, layeth the fault in another.

Eſtreats 3. A man charged with detaining of felons goods layeth the fault in another.

ITem, If any Man or Town be charged in the Eſchequer by Eſtreats of the Juſtices of the Chattels of Fugitives and Felons, and will alledge in diſcharge of him another which is chargeable, he ſhall be heard, and right done to the other.

CAP. IV.

Redreſſing of extortion in Biſhops Officers in proving of Wills.

Probate of Teſtaments, Raſt. 1. By what means execution in Biſhops officers for proving of Teſtaments ſhall be redreſſed.

3 Inſt. 150. 2 Roll 263.

ITem, Whereas the Miniſters of Biſhops and other Ordinaries of holy Church, take of the people grievous and outragious Fines for the Probate of Teſtaments, and for the making of Acquittances thereof, the King hath charged the Archbiſhop of Canterbury and the other Biſhops, that they cauſe the ſame to be amended; (2) and if they do not, it is accorded, That the King ſhall cauſe to be inquired by his Juſtices, of ſuch oppreſſions and extortions, to hear them and determine them, as well at the Kings Suit as at the Suit of the party, as in old time hath been uſed. St. 3 H. 5. 8. St. 21 H. 8. 5.

CAP. V.

The contents of a Tun of Wine, and the Gaging thereof.

Wines 13. St. 27 Ed. 3, 8. He that ſellet his wine ungaged ſhall forfeit it.

ITem, Whereas it is ordained by a Statute, that the Tuns of Wine ought to contain a certain number of Galons, according to the old Gage, and now they be diminiſhed for default of the Gagers Office evil uſed, to the great damage of the people: (2) It is accorded and eſtabliſhed, That the ſaid Statute ſhall be holden and kept in all points. (3) And moreover if any ſell a Tun or Pipe of Wine not Gaged, that the ſaid ſeller ſhall forfeit the ſame Wine, or the value to the King. St. 18 H. 6. 17. St. 1. R. 3. 13. St. 28 H. 8. 14

CAP. VI.

The Lords of Franchiſes ſhall have the Fines of Labourers and Servants, &c. forfeited, Exp.

Laborers, Raſt. 16.

CAP. VII.

Juſtices ſhall inquire of the Offenders of the Laws of the Staple. OB.

Laborers, Raſt. 17.

CAP. VIII.

What refuſe ſhall be made of Wool. All Wool, &c. ſhall be brought to the Staple.

Wool 11. What refuſe may be made of Wool. St. 13. R. 2. 9. The content of a ſack and ſtone of Wool. Wools brought to the Staple, ſhall remain there xv days.

ITem, It is accorded and aſſented, for the common profit and eaſe of the people, that every Merchant and other, as well Alien as Denizen, may bring to the parts beyond the Sea, which be of the Kings Amity, Wools, Leather and Woolfels from the fifth day of May next coming to the Feaſt of St. Michael next enſuing, paying for every Sack fifty ſhillings, and for CCC Woolfels fifty ſhillings, and for the Laſt of Leather C ſhillings, for the Cuſtom and Subſidy of the ſame. (2) And that no Merchant nor other that buyeth Wools, ſhall make other refuſe of Wools than was wont to be made in times paſt, that is to ſay, of Cote, Gare, and Villian Fleeces; (3) and that every Sack contain xxvj Stones: and every ſtone xiv pound, according to the weight of the Standard of the Eſchequer, and no more nor leſs. (4) And that all the Wools, Fells, and Leather bought in the Country, ſhall be brought to the Staples, and there ſhall abide at the leaſt fifteen days. (5) And thoſe that may not there be ſold or delivered within the fifteen days, ſhall be brought to the Ports ordained for the Staple, to paſs from thence to the parts aforeſaid, paying the Cuſtoms and Subſidies aforeſaid. (6) And that no Wools vendible ſhall be lodged, ſhewed or ſold within three miles of the Staples, but in the ſame Staple, ſaving that every Lord and other man ſaving a Merchant, may freely lodge, ſhew and ſell his Wools which be of his own growing, in his own houſe and elſewhere, as ſhall pleaſe him.

CAP. IX.

The Kings Council upon cauſe may defer the tranſporting of Wool.

Wool 11. Who may defer the paſſage of Wool.

ITem, It is accorded and aſſented, That the Chancellor and Treaſurer which for the time ſhall be, by the advice of other of the Kings Council, ſhall have power to defer the term of paſſage of Wools when they ſee that need is.

CAP. X.

Who may govern or reform the defaults of Victuallers in London.

Victuals 1.

ITem, Becauſe that the Fiſhers, Butchers, Poulters, and other ſellers of Victuals in the City of London, by colour of ſome Charters, and by evil interpretation of ſome Statutes made in advantage of the people, that every man may freely ſell his Victuals without diſturbance; and that no Mayor, Sheriffs or other Miniſter ought to meddle of the Sale: (2) It is accorded and aſſented, That every man that bringeth Victuals, whatſoever they be, to the City, by Land or by Water, may freely ſell the ſame to whom it ſhall pleaſe him, without being interrupted or impeached by Fiſher, Butcher, Poulter, or any other. (3) And that the Mayor and Aldermen of the ſaid City, may rule and redreſs the defaults of Fiſhers, Butchers and Poulters, as they do of thoſe that ſell Bread, Ale, or Wine, notwithſtanding Charters of Franchiſe, and Statutes, Cuſtoms, or other Priviledges made or uſed to the contrary. (4) And that the ſaid Mayor and Aldermen do the ſame, and put it in execution, upon the pain late ordained touching the City of London, ſo that the puniſhment of ſuch be not made in reſpect of any ſingular profit. St. 6 R. 2. 11. St. 7 R. 2. 11.

The Mayor and Aldermen of London may reform the defaults of Victuallers there. St. 28 E. 3. 10.

CAP. XI.

To whom the Ordinary may commit the adminiſtration of the Goods of him that dieth Inteſtate; The benefit and charge of an Adminiſtrator.

Adminiſtration 1. To whom the Ordinary may commit the adminiſtration of the goods of him that dieth Inteſtate. St. 21 H. 8. 5. 1 Roll. 105. Vaugh. 96.

38 Ed. 3 41 Ed. 3 27 H. 6. Dyer Co. l. 5. l. 6. f. 18 f. 38. Co. Inſt. 1 par. Cro. El. Cro. Car. 106.

ITem, It is accorded and aſſented, That in caſe where a man dieth Inteſtate, the Ordinaries ſhall depute the next and moſt lawful friends of the dead perſon Inteſtate to adminiſter his Goods; (2) which Deputies ſhall have an action to demand and recover as Executors the Debts due to the ſaid perſon Inteſtate in the Kings Court, for to Adminiſter and Diſpend for the Soul of the Dead, (3) and ſhall anſwer alſo in the Kings Court to other to whom the ſaid dead perſon was holden and bound, in the ſame manner as Executors ſhall anſwer. (4) And they ſhall be accomptable to the Ordinaries, as Executors be in the caſe of Teſtament, as well of the time paſt as the time to come. Regiſt. f. 141. V.N.B. f. 61. Fitz.N. B. f. 120. D. Raſt.pl. f. 320. 2 Bulſt. 315.

The benefit and charge of an Adminiſtrator.

CAP. XII.

The Lord Chancellor and Lord Treaſurer ſhall examin erroneous judgments given in the Eſchequer.

6 H.7.f.15. 1 H.7.f.13. Coke l. 1. f. 11. Savil 36.

ITem, It is accorded and ſtabliſhed, That in all caſes touching the King or other perſons, where a man complaineth of error made in proceſs in the Eſchequer, the Chancellor and Treaſurer ſhall cauſe to come before them in any Chamber of Counſel nigh the Eſchequer, the record of the proceſs out of the Eſchequer, taking to them the Juſtices and other ſage perſons, ſuch as to them ſeemeth to be taken. (2) And ſhall alſo cauſe to be called before them the Barons of the Eſchequer, to hear their informations, and the cauſes of their judgments, and thereupon ſhall duly examine the buſineſs; (3) and if any error be found, they ſhall correct and amend the Rolls, and after ſend them into the Eſchequer for to make thereof execution as pertaineth. V.N.B.f.55.St.31 El.ca.1.

Error 2. Co. Inſt. 4 par. 165. The Lord Chancellor and Treaſurer ſhall examine erronious Judgments given in the Eſchequer. St. 21 E. 1. St. 16 Car. 2. ca. 2.

CAP. XIII.

The Kings pardon to the Commons of the eſcape of Felons and their goods not eſtreated. (2) And a Fifteen granted to him in regard of the ſame. Exp.

Pardon, Raſt. 15.

CAP. XIV.

How eſcapes of Felons, Chattels of Felons and Fugitives ſhall be levied.

ITem, It is accorded, That the eſcape of Thieves and Felons, and the Chattels of Felons and of Fugitives, and alſo eſcapes of Clerks convict out of their Ordinaries Priſon, from henceforth to be judged before any of the Kings Juſtices, ſhall be levied from time to time, as they ſhall fall, as well of the time paſt as of time to come.

Eſcapes 2. How eſcapes of felons ſhall be levied.

CAP. XV.

At what time a Sheriff ſhall hold his Turn.

ITem, Whereas in the great Charter it is contained, That no Sheriff nor his Bailiff ſhall make his Turn by Hundreds but two times in the year, in a place due and accuſtomed: that is to ſay, once after Eaſter, and another time after Michaelmas. (2) And now divers of the Commons have grievouſly complained them, that ſome Sheriffs make their Turns oftentimes in Lent, when men ought to intend Devotion, and other works of Charity for remedy of their Souls; and ſometime after the gule of Auguſt, when every man almoſt is occupied about the cutting and carrying of his Corn, whereby the people perceiveth them much grieved and diſquieted: (3) Our Lord the King, deſiring the quietneſs of his people, hath ordained and ſtabliſhed, That every Sheriff from henceforth ſhall make his Turn yearly one time within the month after Eaſter, and another time within the month after St. Michael; and if they hold them in other manner, that then they ſhall loſe their Turn for the time. Fitz.N.B.f.158.

Turn 1. St. 9 H. 3. 35.

6 H. 7. f. 2. 31 H.6.f.7.

33 H.8.13.§ 1. N. 3. At what time only the Sheriff ſhall keep his Turn.

The Statute of Herrings, made *Anno* 31 *Ed.* 3. *St.* 2. & *Anno Dom.* 1357.

FOraſmuch as the Commons of the Realm of England, at the Parliament holden at Weſtminſter the Monday next after the week of Eaſter, the year of the Reign of our Lord the King, Edward the third of England xxxj and of France xviij, have complained them to our Lord the King, becauſe that the people of great Yarmouth do encounter the Fiſhers bringing Herring to the ſaid Town in the time of the Fair, and do buy and foreſtal the Herring before they do come to the Town, (2) And alſo the Hoſtelers of the ſame Town that lodge the Fiſhers come thither with their Herring, will not ſuffer the ſaid Fiſhers to ſell their ſaid Herring, nor meddle with the ſale thereof, but ſell them at their own will, as dear as they will, and give to the Fiſhers that pleaſeth them, whereby the Fiſhers do withdraw themſelves to come thither. (3) And ſo is the Herring ſet at much greater price than ever it was, to the great damage of our Lord the King, of the Lords, and of all the people: Wherefore our Lord the King, ſeeing the miſchiefs in this behalf, by the aſſent of the great men and all the Commons, hath ordained and ſtabliſhed remedy upon the ſaid miſchiefs, in the form as followeth.

CAP. I.

Herrings ſhall not be bought or ſold on the Sea. At what time they ſhall be ſold.

FIrſt, That no Herring be bought or ſold in the Sea, till the Fiſhers be come into the Haven with their Herring, and that the Cable of the Ship be drawn to the Land. St. 5 El. 5.

Fiſh 16. No Herring ſhall be ſold on the Sea.

CAP. II.

The order and time of bringing and ſelling of Herring at Yarmouth Fair. How many Herrings ſhall be accompted a C. and how many a M. Who ſhall govern the Fair.

ITem, That the Fiſhers be free to ſell their Herring to all that come to the Fair of great Yarmouth, without any diſturbance of their Hoſtelers, or any other. (2) And when the Fiſhers will ſell their Merchandiſes in the Port, they ſhall have their Hoſtelers with them, if they there will be, and in their preſence, and the preſence of other Merchants openly ſhall ſell their Merchandiſes. (3) And that every man claim his part for the taking, after the rate of the ſame Merchandiſes ſo ſold. (4) And the ſaid ſale ſhall be made from the Sun-riſing till the Sun going down, and not before nor after, upon forfeiture of the ſame Merchandiſes. (5) And that the ſaid Fiſhers be free to buy their Victuals, and that which they need, where ſhall pleaſe them. (6) And that no Hoſtelers nor other, buy any for to hang in their houſes by covin, nor in other manner, at an higher price the Laſt than forty Shilling, but leſs in as much as he may, according as he may agree with the ſeller. (7) And that no Hoſtelers nor any of their ſervants, nor any other whatſoever he be, coming to the ſaid Fair, ſhall go by Land nor by Sea to foreſtal Herring privily nor openly, but the Herring ſhall come freely unſold unto the

Fiſh, Raſt. 3. The order and time of bringing and ſelling of Herring at the Fair of great Yarmouth. St. 25 Ed. 3. 1. The price of a Laſt of Herring. There ſhall be no foreſtalling of Herring. St. 5 El. 5.

A Pyker of London ſhall not enter into Yarmouth Haven to abate the Fair.
To what Hoſtelers ſhall be ſworn.
Herrings ſold to Hoſtelers to their own uſes.
The hundred of Herring ſixſcore, and the Laſt ten thouſand.
The prices of Herring, and the gains thereby.

the Haven. (8) Nor that any Pyker make buying of freſh Herring in the Haven of Yarmouth betwixt the Feaſts of Saint Michael and Saint Martin, upon pain of impriſonment at the Kings will, and to forfeit all the Herring ſo bought. (9) And that no Veſſel called Pyker of London, nor of none other place, ſhall enter into the ſaid Haven to abate the Fair in damage of the people, upon the pain of forfeiture of their Veſſel, and all their Chattels found within. (10) And that all the Hoſtelers be ſworn before the Wardens of the ſaid Fair, and enjoyned upon a great forfeiture to the King, to receive their gueſts well and conveniently, and to aid and eaſe them reaſonably, taking of every Laſt that ſhall be ſold to other Merchants than to the ſaid Hoſtelers, 40 d. (11) And that of Herring ſold to the ſame Hoſtelers to take in their houſes, the ſame Hoſtelers ſhall take nothing, and that becauſe of the profits which they ſhall have of Victuals ſold to their ſaid Gueſts, and of the advantage that they have more than other of carriage of Herring ſo by them bought, and hanging in their houſes. (12) And that the Hoſtelers becauſe of this Ordinance do not refuſe their Gueſts, but receive them and intreat them in good and friendly manner, as they have done before-time. (13) And that they for the advantage of 40 d. the Laſt, take upon them for the payment of all the Herring that ſhall be ſold by their aſſent to any perſons. (14) And the hundred of Herring ſhall be accompted by ſix ſcore, and the Laſt by ten thouſand. (15) And that the Merchants of Yarmouth, of London, or elſewhere, ſell the thouſand of Herring to the people after the rate of the price of the Laſt. (16) And that the people of Yarmouth ſell the Laſt of red Herring bought for 40s. freſh within 40 days, for half a mark of gain, and not above. (17) And that the people of London at ſuch Fair ſhall bring the Laſt from Yarmouth to London for one mark of gain, and not above. (18) And alſo two Laſts of ſhotten Herring freſh ſhall be ſold for the price aſſeſſed of the buying of a Laſt of full Herring: and ſo of more and leſs after the ſame rate; (19) and of ſhotten Herring red, the two Laſt ſhall be ſold dearer of a mark than the Laſt of Herring full red, and that becauſe the carriage of a Laſt of ſhotten Herring draweth to as much as the Laſt of full Herring; and ſo of more and leſs, according to the ſame rate. (20) And that the Ships called the Pykers, ſhall freely buy freſh Herring, and all other merchandiſes of Fiſhes in Kyrkly, and elſewhere upon the coaſts of the Sea, without impeachment or diſturbance of the Hoſtelers of Yarmouth, or of any other: (21) So always that no more Herring be diſcharged in the Road of Kyrkly out of the Fiſhers Ships, but as much as may reaſonably ſuffice to the charge of the Pykers that thither ſhall come for the ſame cauſe. (22) And that the Fiſhers be compelled to bring all the remnant of their Herring to the ſaid Fair to ſell there. (23) So that none ſell Herring in any place about the Haven of Yarmouth by ſeven miles, except in three Towns of Yarmouth, that is to ſay, Eſton, Weſton, and Southton, unleſs it be Herring of their own Fiſhing. (24) And our Lord the King doth will, That the Barons of the five Ports ſhall cauſe to be kept and governed the ſaid Fair according to the compoſition late made between them and the people of the Town of Yarmouth confirmed by the Kings Grandfather, (25) And that the ſame Barons and Bailiffs of great Yarmouth cauſe to be kept theſe preſent Ordinances in all points, and to be cryed in every Sunday between S. Michael and S. Martin, upon pain to loſe their Franchiſe, and to be puniſhed at the Kings will. (26) And that the people of Yarmouth ſuffer the ſaid Barons of the five Ports to govern and rule the ſaid Fair after the purport of the ſaid compoſition, and due execution to be made of this Ordinance, upon the pain laſt aforeſaid: (27) And theſe Ordinances in the right of buying and ſelling of Herring, ſhall be holden in all the Towns of England, where Herring is taken and ſearched, upon the pains aforeſaid.

The Barons of the five Ports muſt govern the Fair of great Yarmouth.
Theſe ordinances for buying and ſelling of Herring ſhall be holden in all Towns where Herring is taken and ſold.

CAP. III.

What great Officers ſhall take order for ſelling and buying of Fiſh.

Fiſh, Raſt. 4. The Chancellor and Treaſurer may make order for the buying and ſelling of certain fiſh and wine.

ITem, It is accorded by our Lord the King, the great men, and all the Commons in this preſent Parliament, That the Chancellor and Treaſurer taking to them Juſtices and other the Kings Council, ſuch as to them ſhall ſeem meet, ſhall have power to ordain remedy touching the buying and ſelling of Stockfiſh of Saint Botulf, and Salmon of Berwick, and of Wines, and Fiſh of Briſtrute, and elſewhere; to the intent that the King and the people may the better be ſerved, and have better Market than they have had before this time, and that the Ordinances by them made in this party be firmly holden.

Another Statute for Fiſh, made *Anno* 31 *Ed.* 3. St. 3.

CAP. I.

Doggers and Land-ſhips of Blackney-haven ſhall diſcharge their Fiſh there.

Fiſh, Raſt. 5. Doggers and land ſhips of the Haven of Blackney ſhall diſcharge their Fiſh within the ſame Heaven

FIrſt, It is ordained, That all the Ships called Doggers and Land-ſhips, pertaining to the Haven of Blackney, and coaſts thereunto adjoyning, that is to ſay, the Suytor, the Wyneton, Clay, Salthouſe, Shiringham and Crowner, ſhall deliver or diſcharge their Fiſh within the Haven of Blackney only, betwixt Benord and Hogfleet, and in no other place, upon pain of impriſonment at the Kings will, and forfeiture of the ſame Fiſh. (2) And no Fiſh be delivered nor carried out of the Ship to any houſe nor elſewhere, before that the owner of the Ship, wherein the ſaid Fiſh is charged, and the Merchant that ſhall buy the Fiſh, be agreed of the price of the ſame by clear day.

CAP. II.

The price of Doggerfiſh ſhall be aſſeſſed at the beginning of the Fair. Who may buy Nets and Hooks in Norfolk.

Fiſh. Raſt. 6. Laychfiſh tried but in three parts, Lob, Ling and Cod. Who ſhall have the Orgeys.

ITem, That no Fiſher nor owner of any Ship, nor any other, ſet hand upon any Fiſh within the Ship, for to try, chuſe, or impair the Fiſh, but only the buyer or his attorny, upon the ſaid pain. (2) And that no Fiſh called Laychfiſh, be choſen or tried but only in three parts, that is to ſay, Lob, Ling and Cod. (3) And that every of the ſame three ſorts of Lob, Ling and Cod, be good and covenable, as in old time had been uſed. And in caſe that no Orgeys, that is to ſay, Fiſh greater than Lob, be found in a Ship called a Lode-ſhip, in the hundred of Lob, Ling, and Cod, the Maſter and Mariners ſhall have of every hundred of Lob, Ling, and Cod, (the hundred accompted to ſix ſcore) twenty Orgeys, if there be ſo many, and if there be leſs, the Maſters and Mariners ſhall have all the Orgeys. (4) And if there be more, the overplus above the ſcores to every hundred, ſhall be put to the Fiſh bought in amendment of their price of the ſame to the profit of the buyer. (5) And alſo by the advice of the merchants and buyers, of the owners coming to the Fair of Blackney, and of the owners of the Ships, a price ſhall be ſet at the beginning, and aſſeſſed upon the Dogger-fiſh, and Lovchfiſh, before that any ſale be made; which price ſhall be holden during the Fair. And that the ſaid Fiſh ſhall be ſold at ſuch a price openly, and not by covin privily. (6) And that no owner of Ships, Mariners, nor other, lodge nor cauſe to be lodged in their houſes privily nor openly, Fiſh in the mud, nor Fiſh ſearched, for to ſell again another time at retail, but all ſuch Fiſh ſhall be ſold reaſonably within the ſaid bounds of the Fair and price aforeſaid, upon the ſame pain. (7) And that no man buy Nets, Hooks, nor other inſtruments pertaining to Fiſhing in the County of Norfolk, but owners, Maſters and Mariners of Ships, that uſe the myſtery of Fiſhing, and which have to do with ſuch things, upon pain of impriſonment, and to be ranſomed at the Kings will, and to forfeit the things ſo bought. (8) And that no Owner of a Ship, Mariner nor other, make impeachment, nor be reſiſtant in any point againſt this preſent Ordinance. Nor that no Mariner nor Fiſher, becauſe of this Ordinance, leave or refuſe to go in Fiſhing, as before times they were wont to do, nor diſturb any covenant made between a Merchant and Owner of a Ship, upon pain of impriſonment, and to be ranſomed at the Kings will. (9) And that upon the ſame a Writ be ſent to the Sheriff of Norfolk, that at every mans complaint that will ſue for the King, or for himſelf againſt thoſe that in any point offend againſt this Ordinance, he ſhall cauſe the ſame reſiſtors and treſpaſſers to be attached, and them detain in priſon till the King and his Council have ordained of them that right requireth, after the quantity of their treſpaſs.

The price of Dogger-fiſh ſhall be aſſeſſed at the beginning of Blackney Fair.

Fiſh ſhall not be kept ſecret to be ſold by retail.

Who may buy Nets and Hooks in Norfolk, to fiſh with.

The puniſhment of the offenders of this Statute.

Statutes made at *Weſtminſter*, *Anno* 34 *Ed.* 3. and *Anno Dom.* 1360.

These be the things which our Lord, the King, the Prelates, Lords, and the Commons have ordained in this preſent Parliament, holden at Weſtminſter the Sunday next before the Feaſt of the Converſion of St. Paul, to be holden and publiſhed openly through the Realm.

CAP. I.

What ſort of perſons ſhall be Juſtices of Peace: And what authority they ſhall have.

Co. El. 148, 685. Co. Lit. f. 36. Kel. f. 41.

First, That in every County of England ſhall be aſſigned for the keeping of the Peace, one Lord, and with him three or four of the moſt worthy in the County, with ſome learned in the Law; (2) And that they ſhall have power to reſtrain the offenders, riotors, and all other Barators, and to purſue, arreſt, take and chaſtiſe them according to their treſpaſs or offence. (3) And to cauſe them to be impriſoned and duly puniſhed according to the Law and Cuſtoms of the Realm, and according to that which to them ſhall ſeem beſt to do by their diſcretions and good adviſement, (4) and alſo to inform them, and to enquire of all thoſe that have been pillors and robbers in the parts beyond the Sea, and be now come again, and go wandring, and will not labour as they were wont in times paſt, (5) and to take and arreſt all thoſe that they may find by indictment, or by ſuſpicion, and to put them in priſon; (6) and to take of all them that be not of good fame, where they ſhall be found, ſufficient ſurety and mainpriſe of their good behaviour towards the King and his people, and the other duly to puniſh, to the intent that the people be not by ſuch riotors or rebels troubled nor endamaged, nor the peace blemiſhed, nor merchants nor other paſſing by the high-ways of the Realm diſturbed, nor put in the peril which may happen of ſuch Offenders. (7) And alſo to hear and determine at the Kings Suit all manner of felonies and treſpaſſes done in the ſame County, according to the Laws and Cuſtoms aforeſaid. (8) And that Writs of Oyer and Determiner be granted according to the Statutes thereof made, and that the Juſtices which ſhall be thereto aſſigned be named by the Court, and not by the party. (9) And the King will that all general inquiries before this time granted within any ſeigniories for the miſchiefs and oppreſſions which have been done to the people, by ſuch inquiries, ſhall ceaſe utterly and be repealed. (10) And that Fines which are to be made before Juſtices for a treſpaſs done by any perſon, be reaſonable and juſt, having regard to the quantity of the treſpaſs, and the cauſes for which they be made.

Juſtices 1. Who ſhall be Juſtices of peace, and what authority they ſhall have.

St. 1 Ed. 3. 16. 2 Ed. 3. 6. 18 Ed. 3. 2. 13 R. 2. 7. 2 H. 5. 4.

Juſtices of peace may hear and determine felonies and treſpaſſes.

Commiſſions of general inquiries ſhall ceaſe.

Fines for treſpaſſes ſhall be reaſonable.

CAP. II.

There ſhall be no purveyance made but for the King, the Queen, and the Kings eldeſt Son.

Item, It is accorded, That Taking ſhall not be from henceforth made by other than the Purveyors of the King, of the Queen, and of the Prince their eldeſt Son; and that if any other mans Purveyors make ſuch Takings, it ſhall be done of them as of people which do without warrant, and their deed judged as a thing done againſt the Peace and the Law of the Land. And ſuch as do make themſelves Purveyors in ſuch manner ſhall be duly puniſhed.

Purveyance, Raſt. 19.

There ſhall be no Purveyance made but for the King, the Queen, and the Kings eldeſt Son, &c.

St. 36 Ed. 3. 2.

CAP. III.

When things purveyed for the Queen and Prince ſhall be paid for.

Item, Of purveyances made to the uſe of the Queen, and of the Prince, of Poultry and of other ſmall things, payment ſhall be made in-hand upon the taking, and of other great purveyances, within the month or ſix weeks, in the Countries where they ſhall be taken. (2) And that the number of ſuch Purveyors be abridged in as much as conveniently may, for the aid and quietneſs of the common people.

Purveyance, Raſt. 20.

When Purveyances made for the Queen and Prince ſhall be paid for.

CAP. IV.

What ſort of people ſhall be returned upon every Jury.

Item, Becauſe that Sheriffs and other Miniſters often do array their Pannels in manner of Inqueſts of people procured, and moſt far off from the Counties, which have no knowledge of the Deed whereof the Inqueſt ſhall be taken; (2) it is accorded, that ſuch Panels ſhall be

Juries 1. What ſort of people the Sheriff ſhall return upon every Jury.

made of the next people, which ſhall not be ſuſpect nor procured. (3) And that the Sheriffs, Coroners, and other Miniſters which do againſt the ſame, ſhall be puniſhed before the Juſtices that take the ſaid Inqueſt, according to the quantity of their treſpaſs, as well againſt the King as againſt the party for the quantity of the damage which he hath ſuffered in ſuch manner. St.21 E.1.St.28 E.1.9.20 E.3.6.42 E.3.11.Regiſt.f.178.Regiſt pla.f.117.

CAP. V.

Auncel weight ſhall be put out. Buying and ſelling ſhall be by equal ballance.

Weights 14. St. 25 Ed. 3.9. Juſtices of Peace ſhall enquire of weights and meaſures. St. 9 H.5.8. Auncel weight ſhall be put out. St.27 Ed.3.10. Buying and ſelling ſhall be by equal balance.

ITem, It is accorded, that they which ſhall be aſſigned to keep the peace, ſhall have power to enquire of meaſures and alſo of weights, according to the Statute thereof made the five and twentieth year of the reign of our Lord the King; (2) wherein is contained the form that followeth. Whereas very great damage and deceit is done to the people, by ſo much that divers Merchants uſe to buy and weigh wools and other merchandizes by weight that is called Auncel: (3) It is accorded and eſtabliſhed, that this weight called Auncel, betwixt the buyer and the ſeller ſhall be wholly put out. (4) And that every buying and ſelling ſhall be by the balance, ſo that the balances be even, and the wools and other merchandizes evenly weighed by right weight. (5) And that the ſack of wool weigh no more but ſix and twenty ſtones, and every ſtone ſhall weigh fourteen pound, and that the beam of the balance ſhall not bow neither to the one part nor to the other. (6) And that the weight be according to the ſtandard of the Eſchequer. (7) And if any buyer do againſt the ſame, he ſhall be grievouſly puniſhed, as well at the ſuit of the party, as at the Kings ſuit.

CAP. VI.

Weights, Raſt. 17.

All meaſures ſhall be according to the Kings Standard, (2) and every meaſure ſhall be ſtriked, except the rents and ferms of Lords. (3) Juſtices of Peace ſhall enquire and puniſh the offenders of this ſort. (4) The Articles thereof ſhall be kept upon the pains contained in the Statute made 28 Ed.3.10.Rep.21 Jac.28.St.11 H.7.4.

CAP. VII.

An Attaint will lye as well in plea real as perſonal.

Attaint 12. An attaint doth lye as well in plea real as in plea perſonal. Regiſt.fo. 122. V.N.B. fo.48, 112. Fit.N.B. f.105. Raſt.pl.f.84,&c.

ITem, It is accorded againſt the falſhood of Jurors, that every man againſt whom they paſs, may have attaint as well in plea real as perſonal. (2) And that the attaint be granted to the poor (which will affie that they have nothing whereof to make fine, ſaving their countenance) without fine, and to all other by eaſie fine. St.3 Ed.1.37. 1 Ed.3.6. 5 Ed.3.6 & 7. 28 Ed. 3. 8.

40 Ed.3.f.37. Bro. Attaint 101.

CAP. VIII.

The penalty of a Juror taking reward to give his Verdict.

Jurors 5. The puniſhment of a Juror taking reward to give his verdict. Raſt.pla.f.145.

ITem, That in every plea, whereof the Inqueſt of Aſſiſe doth paſs, if any of the parties will ſue againſt any of the Jurors, that they have taken of his adverſary or of him, for to give their verdict, he ſhall be heard, and ſhall have his plaint by Bill preſently before the Juſtices, before whom they did ſwear, and that the Juror be put to anſwer without any delay; (2) and if they plead to the Country, the Inqueſt ſhall be taken preſently. (3) And if any man other than the party will ſue for the King againſt the Juror, it ſhall be heard and determined as afore is ſaid: (4) And if the Juror be attainted at the ſuit of other than the party, and maketh fine, the party that ſueth ſhall have half the fine. (5) And that the parties to the plea ſhall recover their damages by the aſſeſſment of the Inqueſt. (6) And that the Juror ſo attainted have impriſonment for one year, which impriſonment the King granteth, that it ſhall not be pardoned for any fine. (7) And if the party will ſue by Writ before other Juſtices, he ſhall have the ſuit in the form aforeſaid. Stat.5 Ed.3.10. 38 Ed.3.12. Regiſt.fo.188. V.N.B.fo.120. F.N.B.fo.171.

31 H.6.f.1. Fitz. Damage 76. Fitz. Decies tantum 2,3,4,5,6,9,11.

CAP. IX.

Labourers, Raſt.18.

The Statutes of 23 Ed.3.1. and 25 Ed.3.1. touching Labourers, confirmed. (2) Lords of Towns may take and impriſon them fifteen days, if the will not juſtifie themſelves. (3) The wages of Carpenters and Maſons, and in what manner they ſhall ſerve. Rep.5 Eliz.4.

CAP. X.

Labourers, Raſt. 19.

Labourers,&c. departing from the ir ſervice into another County, ſhall be burned in the forehead with the Letter F. Rep.5 Eliz.4.

CAP. XI.

Raſt. 20.

If a labourer or ſervant do flee to a City or Borough, the chief Officer upon requeſt ſhall deliver him. Rep. 3 Eliz. 4.

CAP. XII.

There ſhall be no forfeiture of Lands for treaſon of dead perſons not attainted.

Forfeiture 3. There ſhall be no forfeiture of lands for treaſon of dead perſons not attainted in their lives.

ITem, Whereas the Commons have complained them of Eſcheators, which by colour of their office, have ſeiſed divers Lands and Tenements as forfeit to the King for Treaſon ſurmiſed in dead perſons, which were never attainted of Treaſon in their lives, the King thereof hath good regard: (2) But becauſe he and his progenitors have been ſeiſed of the forfeitures of wares of all times, the King will not exclude himſelf of ſuch right whereof he found his Crown ſeiſed; and will continue his right of ſuch forfeitures fallen in his time, and in the time of his Father, in the manner as hath been uſed: (3) Nevertheleſs, of his ſpecial grace, he will and granteth, that of ſuch forfeitures fallen in the time of his Grandfather and all his Progenitors before, as ſoon as an Inqueſt ſhall be thereof returned in the Chancery by the Eſcheators or other which have power to enquire, that the Tenant ſhall not be put out of his poſſeſſion, but ſhall be awarded in Scire facias, to be at a certain day to anſwer to his Scire facias, if he will. (4) And if any ſuch forfeiture be now, or ſhall be ſeiſed at the ſame time, that the Kings hand ſhall be out thereof: (5) ſo always that in all other caſes of forfeiture for Treaſon of dead perſons not attainted or judged in their lives, their Heirs nor their Land-tenants ſhall not be impeached nor challenged, nor of any other forfeiture, except the forfeitures in old times judged after the death of the perſons by preſentment in Eyre, or in the Kings Bench, as of felons of themſelves and other.

Co. Inſt. 3 par. 14.

7 H.6 f.31. 47.

Forfeiture of dead perſons by preſentment in Eyre, or in the Kings Bench.

Fitz. Petition 1.

CAP.

CAP. XIII.

By what ſort of people, and in what place and manner, an Eſcheator ſhall take his Enqueſt.

Dyer fo.169, 170.

ITem, It is accorded, that every Eſcheator ſhall take his Enqueſts of the Office of good people and lawful, which be ſufficiently inherited and of good fame, and of the ſame County where the enquiry ſhall be; (2) and that the Enqueſts ſo taken be endented betwixt the Eſcheators and the Jurors. (3) And if it be otherwiſe done, that ſuch Enqueſts be holden for void. And the King will that ſuch Enqueſts be taken in good Towns openly, and not privily. St.36 Ed.3.13,23. 1 H.6.17 H.8.8.3 H.8.2.

Eſcheator 9. By what ſort of people, in which place and in what manner an Eſcheator ſhall take his Enqueſt.

CAP. XIV.

In What Court Traverſes of Offices found before Eſcheators ſhall be tried.

4 Ed.4.f.21. Kel.f.178. Co.l.4.f.56. Cro.El.523. Roll.351.

ITem, It is accorded, that where Lands or Tenements be ſeiſed into the Kings hand by office of the Eſcheator, containing that the Kings Tenant made thereof alienation without the Kings licence, or that the Kings Tenant by Knights ſervice died ſeiſed of the lands and Tenements aforeſaid in his demeſn as of Fee, and his heir within age; (2) and after the cauſe certified into the Chancery, and he whoſe lands be ſeiſed come into the Chancery, and will traverſe the Office, which was firſt taken by the Kings commandment, and that the ſaid lands be not ſeiſable: he ſhall be thereto received, (3) and the Proceſs ſhall be ſent into the Kings Bench to try according to the Law, and further to do right. St.36 Ed.3.13. 2 Ed.6.8. Raſt.pl.f.315.

Traverſe 1. Traverſes of offices found before Eſcheators ſhall be tried in the Kings Bench.

CAP. XV.

A Confirmation of thoſe Alienations which the Tenants of King Henry the Third, &c. did make.

Co.Inſt.43.

ITem, It is accorded, that the alienations of Lands and Tenements made by people which did hold of King Henry, great Grandfather to the King that now is, or of other Kings before him, to hold of themſelves, that the alienations ſhall ſtand in their force, ſaving always to our Lord the King his Prerogative of the time of his Grandfather, his Father, and of his own time. F.N.B.fo.143.B.235.C.

Prerog. 7. Thoſe alienations which the tenants of of King H. 3. and other Kings before him did make confirmed.

CAP. XVI.

Nonclaim of Fines ſhall hereafter be no bar.

ITem, It is accorded, that the plea of Nonclaim of Fines, which from henceforth be to be levied, ſhall not be taken or holden for any bar in time to come. Co.Inſt.262.a.4 Co.the Epiſtle.

Fines 3. Nonclaim of fines ſhall be no bar hereafter.

CAP. XVII.

Merchandizes may be carried into, and brought out of Ireland.

ITem, It is accorded, that all the Merchants, as well Aliens as Denizens, may come into Ireland with their merchandizes, and from thence freely to return with their merchandizes and victuals, without fine or ranſom to be taken of them, ſaving always to the King his ancient Cuſtoms and other Duties.

Ireland, Raſt. 3. Merchandizes may be carried into, and brought out of Ireland.

CAP. XVIII.

They which have Lands in Ireland, may carry their goods thither, and bring them again.

ITem, That the people of England, as well Religious as other, which have their heritage and poſſeſſions in Ireland, may bring their Corn, Beaſts and Victuals to the ſaid Land of Ireland, and from thence to recarry their goods and merchandizes into England, freely without impeachment, paying their cuſtoms and their devoirs to the King. Rep.as to Cattel, by 18 Car.2.c.2.

Ireland, Raſt.4. They which have lands in Ireland, may carry their goods thither, and bring them again.

CAP. XIX.

No Cuſtom or Subſidy ſhall be paid for Canvas to pack Wool in.

ITem, Becauſe that Merchants, Aliens and Denizens, by an evil cuſtom riſen of late, have been conſtrained to pay Cuſtom and Subſidy for their Canvas, with which their Wools be packed: (2) It is accorded, that ſuch Canvas with their corners, ſhall from henceforth be allowed to them without paying Cuſtom or Subſidy for the ſame.

Cuſtoms 10. No cuſtom or ſubſidy ſhall be paid for Canvas to pack Wool in.

CAP. XX.

No Corn ſhall be tranſported, but to Calice and Gaſcoin. Rep.21 Jac.28.

Corn, Raſt.36.

CAP. XXI.

A Confirmation of Liberty granted by a former Proclamation to Denizens to tranſport Wool over the Sea, until St. Michael next. Exp.

Staple, Raſt.24.

CAP. XXII.

How he ſhall uſe another mans Hawk, that taketh it up.

Inſt.97.

ITem, It is accorded in this preſent Parliament, that every perſon which findeth a Faulcon, Tercelet, Laner, or Laneret, or other Hawk that is loſt of their Lord, that preſently he bring the ſame to the Sheriff of the County, and that the Sheriff make Proclamation in all the good Towns in the County, that he hath ſuch a Hawk in his cuſtody. (2) And if the Lord which loſt the ſame, or any of his people come to challenge it, and proveth reaſonably that the ſame is his Lords, let him pay for the coſts and have the Hawk. (3) And if none come within four months to challenge it, that then the Sheriff have the Hawk, making gree to him that did take him, if he be a ſimple man; and if he be a Gentleman and of good eſtate to have the Hawk, that then the Sheriff re-deliver to him the Hawk, taking of him reaſonable coſts for the time he had him in his cuſtody. (4) And if any man taketh ſuch Hawk, and the ſame conceal from the Lord, whoſe it was, or from his Faulconers: Or whoſoever taketh him from the Lord, and thereof be attainted, ſhall have impriſonment of two years, and yield to the Lord the price of the Hawk ſo concealed and carried away, if he have whereof; and if not, he ſhall the longer abide in priſon. St.37 Ed.3.19.

Hawks 2. In what ſort one mans Hawk taken up by another ſhall be uſed.

An

An Ordinance of Herring, made *Anno* 35 *Ed.*3. and *Anno Dom.*1360.

All perſons may buy Herring in the Fair of Yarmouth openly, and not privily. No man ſhall enter into a bargain of Herring until the firſt Chapman have done with it.

Fiſh, Raſt. 7. **A rehearſal of the Statute of** An. 31 Ed. 3. 2. **and of the inconveniences thereof.**

THough that late at the procurement of ſome, doing us and our Council to underſtand, that becauſe that the Hoſts of our Town of great Yarmouth, which lodge the Fiſhers coming there with their Herring, in the time of the Fair, will not ſuffer the ſaid Fiſhers to ſell their Herrings, nor to meddle with the ſale of the ſame, but ſell them at their own will as dear as they will, and give the Fiſhers that pleaſeth them, ſo that the Fiſhers do withdraw themſelves to come there, and the Herring was ſet at a greater dearth than it was before: (2) Amongſt other things it was ordained by Us and our Council, that the ſaid Fiſhers of Herring ſhould be free to ſell their Herring to all people that will come to the ſaid Fair of Yarmouth without any diſturbance of their Hoſt or any other. (3) And when the ſaid Fiſhers would ſell their merchandizes in the Port, they ſhould have their Hoſts with them, if they would be there, and in their preſence, and in the preſence of other merchants openly ſhould ſell their merchandizes to whom they pleaſed. (4) And if other Merchants preſent would have part of the ſaid merchandize, every of them ſhould have for his part upon the taking, after the rate of the ſame merchandizes ſo ſold. (5) And the ſaid ſale ſhall be made from the Sun-riſing till the Sun going down, and not before nor after. (6) And that no Hoſtlers nor other buy Herring to hang in his houſe by covin nor in other manner at an higher price the Laſt than forty ſhillings: (7) Nevertheleſs, becauſe it is ſhewed to uſe, and to our Council by petition in this preſent Parliament, that the ſale of Herring is much decayed, and the people greatly endamaged by the points aforeſaid, that is to ſay, that many Merchants coming to the Fair, as well labourers and ſervants, as other, do bargain for Herring, and every of them by malice and envy increaſe upon other, and if one profer xl s. another will profer x s. more, and the third lx s. and ſo every one ſurmounteth other in the bargain, and ſuch profers extend to more than the price of the Herring upon which the Fiſhers profered it to ſell at the beginning: (8) And when every man claimeth his part of the Herring for the price accorded, he ſhall have his part, and the Herring ſhall be ſo divided amongſt them, that the Fiſher is ſo much grieved and delayed in the gathering of his mony, that he ſhould demand of ſo may perſons, that he leeſeth his Mart and the advantage of his Fiſhing. (9) And alſo herein, that no freſh Herring is put to ſale, but from the Sun-riſing till the Sun going down, and not before nor after, which is to the great loſs of Fiſhers, and appairing of the Herring, and damage of the people that ſhall buy the ſame; for the Fiſhing is more by Night than by Day, and often it chanceth, that the Fiſhers be ſo long and ſo charged, that they come to the Town after Sun going down, or little before, ſo that they cannot ſell their Herring in the time for the ſale limited, ſo that they muſt abide all the night and the day after upon the ſale of their Herring, and loſe many marts and profits of their Fiſhing: (10) We perceiving the miſchiefs and grievances aforeſaid, by the advice and aſſent of our Parliament, will and grant that it ſhall be lawful to every man, of what condition that he be, Merchant or other, to buy Herring openly, and not privily, at ſuch price as may be agreed betwixt him and the ſeller of the ſame Herring. (11) And that no man enter in bargain upon the buying of the ſame, till he that firſt cometh to bargain ſhall have an end of his bargain greeable to the ſeller; and that none other increaſe upon other during the firſt bargain, upon pain of forfeiture to us the double of his profer, but every man ſhall have the Herring ſo bought, according to the bargain thereof made. (12) And that every Fiſher may deliver and ſell his Herring and Fiſh at every Mart, when he cometh to the ſaid Town of Great Yarmouth, without any diſturbance or impeachment: Notwithſtanding any Ordinance made to the contrary before this time. In witneſs whereof We have cauſed theſe our Letters Patents to be made. Given at Weſtminſter the twentieth day of February, in the five and thirtieth year of our Reign of England.

All perſons may buy Herring in the Fair-time at great Yarmouth, openly and not privily: No man ſhall enter into a bargain of Herring until the firſt Chapman hath done with it. A Fiſher may ſell his Herring at any time when he cometh with it.

Statutes made at *Weſtminſter*, *Anno* 36 *Ed.* 3. and *Anno Dom.* 1362.

TO the honour and pleaſure of God, and amendment of the outragious grievances and oppreſſions done to the People, and in relief of their eſtate, (2) King Edward at his Parliament holden at Weſtminſter in the fifteenth of St. Michael, the ſix and thirtieth year of his reign, at the requeſt of his Commons by their Petitions delivered to him in the ſaid Parliament, by aſſent of the Prelates, Dukes, Earls, Barons, and other Great men in the ſaid Parliament aſſembled, hath granted for him and his heirs for ever the Articles under-written.

CAP. I.

A Confirmation of all former Statutes.

Confirmation, Raſt. 4. **A confirmation of former Statutes.**

FIrſt, That the great Charter, and the Charter of the Foreſt, and the other Statutes made in his time, and in the time of his Progenitors, be well and ſurely holden, and kept in all points.

CAP. II.

No Purveyance but for the King and Queen. The name of Purveyor changed into Buyer. Ready payment ſhall be made of things purveyed, and they ſhall be appraiſed.

Purveyors 1. **No purveyance ſhall be made but for the King and the Queen.** St. 34 Ed. 3. 2.

ITem, For the grievous complaint which hath been made of Purveyors of victuals of the houſes of the King, the Queen, their eldeſt Son, and of other Lords and Ladies of the Realm, the King of his own will, without motion of the Great men or Commons, hath granted and ordained in eaſe of his people, that from henceforth no man of the ſaid Realm ſhall have any taking, but only himſelf and the Queen his Companion. (2) And moreover of the aſſent aforeſaid it is ordained and eſtabliſhed, that upon ſuch purveyances from henceforth to be made for the houſes of the King and the Queen, ready payment ſhall be made in hand, that is to ſay, the price for which ſuch victuals be ſold commonly in the Markets about. (3) And that the heinous name of Purveyor be changed, and named Buyer. (4) And if the Buyer cannot well agree with the ſeller of that which he ſhall need, then the takings which ſhall be made for the ſaid two houſes, ſhall be made by the view, teſtimony, and appraiſement of the Lords, or their Bailiffs, Conſtables, and four good men of every Town, and that by Indenture to be made betwixt the buyers and the ſaid Lords or Bailiffs, Conſtables and four men, containing the quantity of their takings, and of the price, and of what perſons. (5) And that the takings be made in convenient and eaſie manner, without dureſs, compulſion, menace, or other villany. (6) And that the takings and buyings be made in ſuch places where greateſt plenty is, and that in a meet time. (7) And that no more be taken than ſhall be needful in the ſeaſon for the ſaid two houſes. (8) And that the number of the buyers be diminiſhed in as much as well may. And that ſuch be buyers which be ſufficient to anſwer to the King and his people, and that none of them have Deputy, and that the Commiſſions be ſealed with the great Seal, and every half year redelivered into the Chancery, and other newly made: (9) And that in the ſaid Commiſſions be compriſed all the matter and manner of their takings and buyings. And that the ſaid Commiſſions be made upon the end of the ſaid Parliament, and then all the other Commiſſions or Purveyors heretofore made, be wholly repealed. (10) And that no man be bound to obey to the buyers of other Lords againſt their agreement and will, nor to the buyers of the ſaid houſes, unleſs they make ready payment in hand, as before is ſaid: and that no man be put in contempt becauſe of diſobedience made in this behalf: (11) And that the takings of all manner of Corn and Malt for the ſaid two houſes, be meaſured by meaſure according to the Standard, ſtriked, and not by heap: (12) And for the carriages of the ſaid Corn and Malt, and for all manner of takings and buyings to be made for the ſaid two houſes, ready payment be made in hand in the ſame manner as for the takings and buyings aforeſaid. (13) And that there be no more carriage taken than needeth, and ſhall be neceſſary in this behalf: (14) And if any buyer after the new Commiſſions made, make any takings or buying, or taking of carriage in other manner than is compriſed in their ſaid Commiſſions, he ſhall have puniſhment of life and member, as in other Statutes is ordained of Purveyors. Stat. 28 Ed. 1. 2. 4 Ed. 3. 3. 5 Ed. 3. 2. 25 Ed. 3. 1. 23 H. 6. 1, 2.

Corn purveyed ſhall be ſtriked, and not heaped in meaſuring. Preſent payment ſhall be made for carriage. Felony to take otherwiſe than is compriſed in the Commiſſion.

The heinous name of Purveyors ſhall be changed, and named Buyers.

By whom and in what manner appraiſment ſhall be made of things purveyed for the Kings houſe.

No purveyance ſhall be by menace.

No purveyance, but where there is plenty.

The Purveyors ſhall be men ſufficient of eſtate.

Commiſſions of Purveyors ſhall be renewed every half year.

None ſhall need to obey Purveyors without ready payment.

CAP. III.

The penalty of a Purveyor which ſhall receive a reward to ſpare or charge one.

ITem, That no buyer of victuals, nor takers of carriages, take nor receive of any a gift or any other thing for ſparing to be made, nor ſhall not charge nor grieve any man by occaſion of ſuch takings, buyings and carriages, for hatred, evil will, or procuring: (2) If he do, and be thereof attainted at the ſuit of the party, he ſhall yield to the party his treble damage, and ſhall have impriſonment of two years, and alſo be ranſomed at the Kings will, and after forſwear the Court. (3) And if the party will not ſue, he that will ſue for the King ſhall have the third peny of that which ſhall be recovered for his labour, and nevertheleſs the buyer and taker ſhall have the pain as afore is ſaid in the ſame Article, (4) and that every buyer upon his accompt ſhall declare and divide ſeverally all the takings and buyings of every County, Town, Village, and perſon.

Purveyors 14.

The penalty of a Purveyor, which ſhall take a reward to ſpare one and charge another.

CAP. IV.

Commiſſions ſhall be awarded to enquire of Purveyors behaviour.

ITem, To reſtrain the malice and falſhood of buyers of victuals and takers of carriages, Commiſſions ſhall be made to two good men and lawful, of every County, and the third ſhall be of the Kings houſe, named in the ſaid Commiſſions, ſo that if any of the three come not, the two ſhall proceed to enquire of the behaviour and acts of the ſaid buyers and takers, And how much the ſame buyers have taken and bought, and how much carriage the ſaid takers have taken ſeverally of every Town or ſingular perſons, And to hear and determine the contempts, outrages, and treſpaſſes done in this behalf, as well at the Kings ſuit, as at the ſuit of every man that will complain of them. (2) And for information to be made to the ſaid Juſtices of the things aforeſaid, the Steward, Treaſurer, and Controller of every of the ſaid two houſes, ſhall aſſemble and call before them all the Clerks and other Officers whatſoever they be, of every Office of the ſaid two houſes, and ſhall ſee the receipts of the parcels provided in the Country and diſpended in the ſaid two houſes. (3) And at every quarter or half year, they ſhall certifie in the Chancery the parcels taken in every Town, and of every perſon, and the Chancellor ſhall ſend this Certificate to the Juſtices which ſhall be ſo aſſigned. (4) And if it be found in the Country by evidence of their indictors, or in other manner, that they have taken more than they have delivered into the ſaid two houſes, and that they have not paid for that which they have taken, at the ſuit of the party, or at the Kings ſuit, he ſhall have pain of life and member, as afore is ſaid. (5) And that this Ordinance extend and hold place as well againſt the Purveyors for the great horſes of the ſaid two houſes, as againſt the buyers and takers before named.

Purveyors 18.

Commiſſions awarded, to inquire what Purveyors have taken, and what they have delivered.

Co. Inſt. 4 par. 166.

Purveyors for great Horſes.

CAP. V.

None ſhall keep any more Horſes for the King, than be aſſigned unto him.

ITem, That no man of the ſaid two houſes, hold more of the ſaid horſes in the livery, where theſe houſes ſhall be, than is ordained by a Statute of the Kings houſe. (2) And if any do otherwiſe, it ſhall be done to him for the horſes found over the number limited to him by the ſaid Statute, as the Statute will. (3) And that no man of the ſame two houſes, of what eſtate or condition that he be, hath Purveyor or foregoer, to make any Purveyance or taking for any man of the ſaid two houſes, but that they or their people buy that which they need, of them that will ſell the ſame of their good will, and pay readily in hand, according as they may agree with the ſellers: and if they do otherwiſe, ſuch puniſhment ſhall be made upon them,

Purveyors 17.

None ſhall keep more Horſes of the Kings than be committed to him.

as

The Kings hunters, fawkners, and Serjeant at Arms.

as afore is ſaid of the buyers. (4) And that hunters, fawkners, Serjeant at arms, and all other which be at wages or pertaining to the ſaid two houſes, ſhall have the ſame penance if they offend againſt the ſame.

CAP. VI.

No Subjects Chator ſhall buy any thing againſt the owners conſent.

Purveyors, 1. It is felony for any Subjects Chator to buy any thing, but by conſent of the owners.

ITem, That no Lord of England, nor none other of the ſaid Realm, of what eſtate or condition that he be, except the King and the Queen his wife, ſhall make any taking by him, or any of his ſervants, of any manner of Victuals, but ſhall buy the ſame that they need, of ſuch as will ſell the ſame of their good will, and for the ſame ſhall make ready payment in hand, according as they may agree with the ſeller. (2) And if the people of Lords, or of other, do in other manner, and thereof be attainted, ſuch puniſhment of life and of member ſhall be done of them, as is ordained of the buyers. 2 St. 7 R. 2. 8. 23 H. 6. 14.

CAP. VII.

Of what things the Mayor and Conſtables of the Staple ſhall take Cogniſance.

Wools 1. St. 27 E. 3. 8. Of what things only Mayors and Conſtables of the Staple ſhall take cogniſance.

ITem, Though it be ordained by the Statute of the Staple, that the Mayors and Conſtables of the ſaid Staples ſhall have juriſdiction and cogniſance within the Towns where the Staples be, of the people and of all manner of things touching the Staple, and of felonies, mayhems, and treſpaſs done within the Staple: (2) It is accorded and aſſented, that the ſaid Mayors and Conſtables ſhall have cogniſance only of debts, covenants and contracts, and all other pleas touching merchandize and ſurety of merchandize betwixt Merchants which be for Merchants known; (3) and proceſs of felonies, and all other pleas, as well within the Staple as without, ſhall be at the Common Law, as they were before the Statute of the Staple, notwithſtanding the ſaid Statute: (4) Saving always, that the Merchants Aliens (be they plaintiffs or defendants) may ſue their plaints and quarrels, as well of treſpaſs as of other what they will, before the Mayor of the Staple, by the law of the Staple, or elſewhere at the Common law, as is contained in the ſaid Statute of the Staple. (5) And that the King and all other Lords, within their Seigniories, have and enjoy their Franchiſes, Juriſdictions and Priviledges, as they had before the ſame Statute made: (6) ſo always that the Mayor of the Staple have power to take Recogniſances of debts of every perſon, be he Merchant or other, in the ſame manner as is contained in the ſame Statute of the Staple.

Merchants aliens may proſecute their ſuits before the Mayor of the Staple, or at the Common Law. St. 17 Ed. 3. 9. St. 23 H. 8. 6.

CAP. VIII.

Chaplains, Raſt. 1.

A penalty impoſed by the Biſhop upon Prieſts taking more wages than is aſſigned. (2) And no man ſhall give to a Pariſh-Prieſt for his wages above three pounds ſix ſhillings and eight pence, or elſe his board and ſix and twenty ſhillings and eight pence. Alt. 2 H. 5. 2. & Rep. 21 Jac. 28.

CAP. IX.

Whoſoever findeth himſelf grieved with any Statute, ſhall have his remedy in the Chancery.

Parliament 1. Whoſoever findeth himſelf grieved with theſe or any other Statutes, upon complaint ſhall have remedy in the Chancery.

ITem, If any man that feeleth himſelf grieved contrary to any of the Articles above-written, or others contained in divers Statutes, will come into the Chancery, or any for him, and thereof make his complaint, he ſhall preſently there have remedy by force of the ſaid Articles and Statutes, without elſewhere purſuing to have remedy. Co. 2 par. 55, & 553.

CAP. X.

A Parliament ſhall be holden once in the year.

Parliament 1. A Parliament ſhall be holden once in a year.

ITem, For maintenance of the ſaid Articles and Statutes, and redreſs of divers miſchiefs and grievances which daily happen, a Parliament ſhall be holden every year, as another time was ordained by Statute. St. 4 Ed. 3. 14. Co. Inſt. 4 par. 9. 16 Car. 2. ca. 1.

St. 17 Car. c. 1.

CAP. XI.

Wools, Raſt. 9.

The three years Subſidy granted by the Commons to the King, ſhall be no example in time to come. Exp. (2) All Merchants may tranſport Wools. St. 27 Ed. 3. 5.

CAP. XII.

At what times the four Seſſions of Juſtices of Peace ſhall be holden.

Juſtices of Peace, Raſt. 4. At what times the four Seſſions of Juſtices of Peace ſhall be holden.

ITem, That in the Commiſſions of Juſtices of the Peace, and of labourers, expreſs mention be made, that the ſame Juſtices make their Seſſions four times by the year, that is to ſay, one Seſſions within the Utas of the Epiphany, the ſecond within the ſecond week of Lent, the third betwixt the Feaſts of Pentecoſt and of St. John Baptiſt, the fourth within the eight days of St. Michael. St. 12 R. 2. 10. 2 H. 5. 4.

CAP. XIII.

An Eſcheator ſhall have no fee, nor commit waſte in Wards Lands. Thoſe Lands which be ſeiſed upon an Inqueſt taken before an Eſcheator ſhall be letten to Ferm.

Wards 23. An Eſcheator ſhall have no fee of the lands of the Kings Wards, nor commit any waſte therein. St. 9 H. 3. 4. 28 Ed. 1. 18. 14 Ed. 3. 13. Regiſt. fo. 72. V.N.B. fo. 37. F.N.B. fo. 59. B.

ITem, For grievous complaint that the King hath heard by his people of his Eſcheators, and of their evil behaviour: He will and hath ordained of the aſſent aforeſaid, that Lands ſeiſed into his hands becauſe of Ward, ſhall be ſafely kept without waſte or deſtruction. (2) And that the Eſcheator have no fee of Wood, Fiſh, nor of Veniſon, nor other thing, but ſhall anſwer to the King of the iſſues and profits yearly coming of the ſaid Lands, without doing waſte or deſtruction; (3) and if he do otherwiſe, and thereof be attainted, he ſhall be ranſomed at the Kings will, and yield to the heir the treble damages at his own ſuit, as well within age, as of full age: (4) and his friends as long as he is within age ſhall have the ſuit for him, anſwering to the ſaid heir of that which ſhall be ſo recovered. (5) And alſo of other lands ſeiſed into the Kings hands by enqueſt of office taken before the Eſcheators, this ordinance and penance ſhall hold place againſt the Eſcheators. (6) And if there be any man that will make claim or challenge to the Lands ſo ſeiſed, that the Eſcheator ſend the Enqueſt into the Chancery within the month after the Lands ſo ſeiſed, and that a Writ be delivered to him to certifie the

Co. 1. 4. f. Cro. El.

13 Ed. 4. Co. 1. 4.

the cauſe of his ſeiſin into the Chancery, and there he ſhall be heard without delay to traverſe the office, or otherwiſe to ſhew his right, and from thence ſent before the King to make a final diſcuſſion without attending other commandments. (7) And in caſe that any come before the Chancellor and ſhew his right, by which ſhewing by good evidences of his ancient right and good title, the Chancellor by his good diſcretion and advice of Council (if it ſeem expedient to him to have Council) ſhall let and demiſe the Lands ſo in debate to the tenant, yielding thereof to the King the value, if it pertain to the King, in the manner as he and the other Chancellors before him have done in times paſt of their good diſcretion, ſo that he find ſurety that he ſhall do no waſte nor deſtruction, till it be judged. (8) And that the ſaid Eſcheators take ſuch Inqueſts in the good Towns and of good people, and that openly, and by Indentures to be made between the ſaid Eſcheators and them of the Inqueſts, as another time was ordained by a Statute. (9) And if any Eſcheator do to the contrary of this ſaid Ordinance, he ſhall have two years impriſonment, and moreover he ſhall be ranſomed at the Kings will. St. 23 H. 6. 17.

Land ſeiſed into the Kings hands by an Eſcheator, ſhall be ſet to ferm to him which tendreth a traverſe to the office.
St. 34 Ed. 3. 14.
8 H. 6. 16.
By what ſort of people, in which place, and in what manner an Eſcheator ſhall take his enqueſts.
St. 34 Ed. 3. 12.
1 H. 8. 8.

C A P. XIV.

*The Fines and Amerciaments of Labourers, Artificers, and Servants, ſhall be to the uſe of the Commons, and diſtributed amongſt them during three years. Exp.

* **Labourers.**

C A P. XV.

Pleas ſhall be pleaded in the Engliſh-Tongue, and inrolled in Latin.

ITem, Becauſe it is often ſhewed to the King by the Prelates, Dukes, Earls, Barons, and all the Communalty, of the great miſchiefs which have happened to divers of the Realm, becauſe the Laws, Cuſtoms, and Statutes of this Realm be not commonly holden and kept in the ſame Realm, for that they be pleaded, ſhewed and judged in the French-Tongue, which is much unknown in the ſaid Realm, ſo that the people which do implead or be impleaded in the Kings Court, and in the Courts of other, have no knowledge or underſtanding of that which is ſaid for them or againſt them by their Serjeants and other Pleaders: (2) And that reaſonably the ſaid Laws and Cuſtoms the rather ſhall be perceived and known, and better underſtood in the tongue uſed in the ſaid Realm, and by ſo much every man of the ſaid Realm may the better govern himſelf without offending of the Law, and the better keep, ſave, and defend his heritage and poſſeſſions: (3) and in divers Regions and Countries, where the King, the Nobles, and other of the ſaid Realm have been, good governance and full right is done to every perſon, becauſe that their Laws and Cuſtoms be learned and uſed in the tongue of the Country: (4) The King, deſiring the good governance and tranquility of his people, and to put and eſchew the harms and miſchiefs which do or may happen in this behalf, by the occaſions aforeſaid, hath ordained and ſtabliſhed, by the aſſent aforeſaid, that all Pleas which ſhall be pleaded in any Courts whatſoever, before any of his Juſtices whatſoever, or in his other places, or before any of his other Miniſters whatſoever, or in the Courts and places of any other Lords whatſoever within the Realm, ſhall be pleaded, ſhewed, defended, anſwered, debated and judged in the Engliſh-Tongue, and that they be entred and inrolled in Latin. (5) And that the Laws and Cuſtoms of the ſame Realm, Terms and Proceſſes be holden and kept, as they be and have been before this time; (6) and that by the ancient terms and forms of Pleaders no man be prejudiced, ſo that the matter of the action be fully ſhewed in the declaration and in the Writ. (7) And it is accorded by the aſſent aforeſaid, that this Ordinance and Statute of Pleading, begin and hold place at the fifteenth of S. Hillary next coming.

Pleading. Reaſons why the Laws ſhould be pleaded and known in the Engliſh Tongue.
Pleas ſhall be pleaded in the Engliſh Tongue, and not in the French. And they ſhall be inrolled in Latin.
17 Car. 1. ca. 10.
2 Bulſtr. 214.
Old terms and forms ſhall be obſerved in pleading.

EDward by the Grace of God, &c. to all that, &c. greeting. Know ye that we have received the Petition delivered to us by the Commons of our Realm in this Parliament in the form as followeth.

2 Anno 36 *Ed.* 3. St. 2. Certain things whereof the Commons do not deſire to have the Kings pardon, for that they tend to the diſheritance of the Crown. And the things whereof they do deſire to be diſcharged and pardoned, and the Kings pardon of the ſame. Exp.

Pardon.

Statutes made at *Weſtminſter*, *Anno* 37 *Ed.* 3. and *Anno Dom.* 1363.

KIng *Edward* at his Parliament holden at Weſtminſter the Friday in the *Utas* of S. Michael, the ſeven and thirtieth year of his Reign, at the requeſt of the Commons, and by the aſſent of the Prelates, Dukes, Earls, Barons, and other great Men there aſſembled, hath ordained the things under-written in the form as followeth.

C A P. I.

A Confirmation of former Statutes.

FIrſt, That the great Charter, and the Charter of the Foreſt, and the Statutes and Ordinances made in times paſt, and ſpecially the Statutes made at the laſt Parliament, be holden and kept, and duly executed according to the form and effect of them.

Confirmation, Raſt. 1.
The great Charter and other Statutes ſhall be obſerved.

C A P. II.

An *Idemptitate nominis* ſhall be granted upon the wrongful ſeiſure of anothers perſon, Lands or Goods.

ITem, For the great miſchiefs which often have happened, and daily do come, becauſe that Eſcheators, Sheriffs, and other the Kings Miniſters do ſeiſe the lands, goods, and chattels of many, ſurmiſing that they be outlawed, where they be not outlawed, becauſe that they bear ſuch names as thoſe which be outlawed, for default of good declaration of the ſurname: (2) It is ordained, that if any complain him in ſuch caſe, he ſhall have a Writ of Idemptitate nominis, in the manner as hath been uſed in times paſt. (3) And if any mans lands, goods or chattels, be ſeiſed in ſuch caſe by Eſcheator, Sheriff, or other Miniſter of the Kings, he ſhall find ſurety before the Miniſter which hath the warrant to ſeiſe, to anſwer to the King of the value of ſuch lands, goods and chattels, in caſe that he cannot diſcharge him, without taking any thing of the party. (4) And if ſuch Miniſter do not the ſame, and thereof be attainted, the party

Sheriffs 23.
An Idemptitate nominis **ſhall be granted upon the ſeiſure of another mans lands or goods.**
St. 9 H. 6. 4.
Regiſt. f. 194.
V.N.B. fo. 162.
F.N.B. fo. 257.
Raſt pl. f. 407.

ſhall have the ſuit againſt ſuch miniſter, and recover his double damages, and nevertheleſs he ſhall be grievouſly puniſhed to the King.

CAP. III.

Fowls.

The ſeveral prices of a Capon, Hen, Pullet, and Gooſe. Rep.21 Jac.21.28.

CAP. IV.

A Clerk of the Remembrance of the Eſchequer ſhall be aſſigned.

Eſchequer 1. A Clerk of the Remembrance, and Clerk of the Pipe, ſhall be aſſigned to ſit together.

ITem, Becauſe that many people acquitted by Judgment in the Eſchequer in one place, be grieved and endamaged in other offices and places of the ſaid Eſchequer, of the ſame tyings whereof they be ſo acquit, to the great miſchief of the people: (2) It is ordained that the Clerk of the Remembrance be titled to ſit againſt the Clerk of the Pipe to ſee the diſcharges made in the Pipe, and to imbreviate the ſame in the Remembrance, to cauſe to ceaſe all manner of Proceſs thereupon made. (3) And alſo that the ſummons of the Pipe be withdrawn according as the parties by proceſs be diſcharged. (4) And in whomſoever any default be willingly found, the Treaſurer by the Kings commandment ſhall duly puniſh the ſame. Stat.1 R.2.5.

CAP. V.

Merchants, Raſt. 15.

Merchants ſhall not ingroſs merchandiſes to enhance the prices of them, nor uſe but one ſort of merchandiſes. Rep.38 Ed.3.2.

CAP. VI.

Artificer, Raſt. 1.

Handicraftſmen ſhall uſe but one myſtery, but handy-workmen may work as they did. Rep.5 Eliz.4.

CAP. VII.

Cok.l.11.f.54. Co.Inſt. 4 par. 31.

Goldſmiths work ſhall be of good Sterling, and marked with his own mark. None ſhall make white Veſſel and alſo guild.

Gold 8. Goldſmiths ſhall make their work of Sterling. St. 4 H.7.2. 18 El.15. Every Goldſmith ſhall have a mark, and ſet it to his work. St. 2 H. 6. 14. 18 El 25. No Goldſmith ſhall amake white Veſſel, and alſo guild. Rep.21 Jac.28.

ITem, It is ordained, that Goldſmiths, as well in London as elſewhere within the Realm, ſhall make all manner of Veſſel and other work of Silver well and lawfully of the allay of good Sterling. (2) And every Maſter Goldſmith ſhall have a mark by himſelf, and the ſame mark ſhall be known by them which ſhall be aſſigned by the King to ſurvey their work and allay. (3) And that the ſaid Goldſmiths ſet not their mark upon their works till the ſaid Surveyors have made their eſſay, as ſhall be ordained by the King and his Council; and after the eſſay made, the Surveyors ſhall ſet the Kings mark, and after the Goldſmith his mark, for which he will anſwer. (4) And that no Goldſmith take for Veſſel white and full for the weight of a pound, that is to ſay, of the price of two marks of Paris weight, but eighteen pence, as they do at Paris. (5) And that no Goldſmith making white Veſſel ſhall meddle with guilding, nor they that do guild ſhall meddle to make white Veſſel. (6) And they which ſhall be ſo aſſigned in every Town, ſhall make their ſearches as oftentimes ſhall be ordained. (7) And for that which ſhall be in the Goldſmiths default, they ſhall incur the pain of forfeiture to the King the value of the metal which ſhall be found in default. St.28 E.1.20.

CAP. VIII.

Viand, Raſt. 1.

The diet and apparel of Servants. Rep.24 H.8.13. & 1 Jac.15.

CAP. IX.

Apparel, Raſt.2.

The apparel of Handicraftſmen, and Yeomen, and of their wives and children. Rep.24 H.8.13. & 1 Jac.25.

CAP. X.

Raſt. 2.

What apparel Gentlemen under the eſtate of Knights, and what Eſquires of CC Mark land, &c. may wear, and what their wives and children. Rep.24 H.8.13. & 1 Jac.25.

CAP. XI.

Raſt.2.

The apparel of Merchants, Citizens, Burgeſſes, and Handicraftſmen. Rep.24 H.8.13. & 1 Jac.25.

CAP. XII.

Raſt. 2.

The apparel of Knights which have Lands within the yearly value of CC Marks, and of Knights and Ladies which have CCCC Mark land. Rep.24 H.8.13. & 1 Jac.25.

CAP. XIII.

Raſt.2.

The apparel of ſeveral ſorts of Clerks. Rep.24 H.8.13. & 1 Jac. 25.

CAP. XIV.

Raſt.2.

The apparel of Ploughmen, and other of mean eſtate, and the forfeitures of the offenders ſhall be of all the apparel that he doth wear contrary to this Ordinance. Rep.24 H.8.13. & 1 Jac.25.

CAP. XV.

Drapery, Raſt.7.

Clothiers ſhall make Clothes ſufficient of the foreſaid prices, ſo that this Statute for default of ſuch Clothes be in no wiſe infringed. OB.

CAP. XVI.

Wine, Raſt.8.

A repeal of the puniſhment of Lands, and of life and member inflicted by the Stat. of 27 Ed.3.5, & 7. the firſt Seſſ. (2) Inquiry ſhall be made yearly in Gaſcoin in the Kings Dominions of Couchers of England which lie there to buy Wines. OB.

CAP. XVII.

In what caſe a Writ ſhall not be abated by exception of cogniſance of Villenage.

Villenage 3. Where a Writ ſhall not abate by exception of acknowledgment of Villany.

43 Aſſ.Pl. Fitz. Brief 322,764. Fitz Ville- nage 27. Bro. Ville- nage 18,

ITem, It is ordained and eſtabliſhed, that no Writ be abated by exception of acknowledgment of Villenage, if the demandant or plaintiff will aver that he which alledged the exception was free the day of the Writ purchaſed. Raſt.pl.f.401,686.

CAP. XVIII.

The order of purſuing a Suggeſtion made to the King.

Suggeſtion 1. St. 9 H. 3. 29.

11 Co. 9

ITem, Though it be contained in the great Charter, that no man be taken nor impriſoned, nor put out of his Freehold, without proceſs of the Law; nevertheleſs divers people make falſe ſuggeſtion to the King himſelf, as well for malice as otherwiſe, whereof the King is often grieved, and divers of the Realm put in damage, againſt the form of the ſame Charter: (2) Wherefore it is ordained, that all they which make ſuch ſuggeſtions, ſhall be ſent with the ſame ſuggeſtions before the Chancellor, Treaſurer, and his grand Council, and that they there find ſurety to purſue their ſuggeſtions, and incur the ſame pain that the other ſhould have had if he were attainted, in caſe that his ſuggeſtion be found evil. (3) And that then proceſs of the Law be made againſt them without being taken and impriſoned againſt the form of the ſaid Charter and other Statutes. St.25 Ed.3.4. 42 Ed.3.3.

The order of purſuing of a Suggeſtion made to the King. St.38 Ed. 3. 9.

C A P. XIX.

How each perſon ſhall uſe a Hawk of anothers that he taketh up.

ITem, Whereas it was another time ordained, that every perſon that findeth any Faulkon, Tercelet, Laner, or Laneret, or any other Hawk that is loſt of his Lords, that preſently he ſhall bring him to the Sheriff of that County, and that the Sheriff make Proclamation in all the good Towns of the County, that he hath ſuch Hawk in keeping, (2) and if the Lord which hath loſt him, or any of his come to challenge him, and prove reaſonably that it is his Lords, let him pay for his coſts, and have the Hawk; (3) if none come within four months for to challenge him, then the Sheriff ſhall have the Hawk; making gree to him that did take him, if he be a ſimple man, and if he be a Gentleman, and of eſtate to have the Hawk, the Sheriff ſhall redeliver to him the Hawk, taking of him reaſonable coſts for the time that he had him in his keeping, (4) and if any hath taken ſuch Hawk, and the ſame conceal from the Lord, to whom the Hawk is, or from his Fawlkners, or if any take him away from the Lord, and thereof be attainted, he ſhall have two years impriſonment, and yield to the Lord the price of the Hawk ſo concealed or taken away, if he had whereof, and if not, he ſhall the longer abide in priſon: (5) Notwithſtanding this Ordinance, the Offenders doubt but little to offend in this behalf: (6) Wherefore it is ordained, and by Statute eſtabliſhed in this preſent Parliament, that if any ſteal any Hawk, and the ſame carry away, not doing the Ordinance aforeſaid, it ſhall be done of him as of a Thief that ſtealeth a horſe or other thing. Co.Inſt.3 par.97.4 Inſt.51.

Hawks 2.
St.24 Ed.3.22.
How each perſon ſhall uſe a Hawk of another mans that he taketh up.
The concealing or imbezelling of a Hawk, is felony.

Statutes made at *Weſtminſter*, *Anno* 38 *Ed.*3. and *An.Dom.*1363.

OUr Lord King King EDWARD, at his Parliament holden at Weſtminſter in the *Utas* of Saint Hillary, the eight and thirtieth year of his Reign, of the aſſent of his Prelates, Dukes, Earls, Barons, and Commons of His Realm there aſſembled, hath made and ordained the things under-written.

C A P. I.

Former Statutes ſhall be kept and executed.

FIrſt, That the great Charter, and the Charter of the Foreſt, and the other Statutes made as well in his time as in the time of his Progenitors, be holden and kept, and duly executed in all points.

Confirmat. 4.
Former Statutes ſhall be kept and executed.

C A P. II.

Any Merchant may uſe more Merchandiſes than one, notwithſtanding the Statute of 37 Ed.3.5. Who only may tranſport gold or ſilver.

ITem, To that which was ordained at the laſt Parliament, of Living, and of Apparel, and that no Engliſh Merchant ſhould uſe but one merchandiſe, it is ordained, That all people ſhall be as free as they were at all times before the ſaid Ordinance, and namely as they were in the time of the Kings Grandfather, and his other good Progenitors. (2) And that all Merchants, as well aliens as denizens, may buy and ſell all manner of merchandiſes, and freely carry them out of the Realm, paying the cuſtoms and ſubſidies thereof due, except that the Engliſh Merchants ſhall not paſs out of the Realm with Wools, or Woolfels. (3) And that none carry out of the Realm gold nor ſilver in plate nor in money, ſaving the Victuallers of fiſh that fiſh for Herring, and other fiſh, and they that bring fiſh within the Realm in ſmall Veſſels, which meddle not with other merchandiſes, and that according to the arbitrement of the Chancellor.

Merchants, Raſt.16.
Any Merchant may uſe more merchandiſe than one, notwithſtanding the Stat. of 37 Ed.3.5.
St.27 Ed. 3. 3.
36 E. 3. 11.
St. 9 Ed. 3.1.
St. 5 R. 2. 2.
St. 2 H. 4. 5.
Who only may carry gold or ſilver out of the Realm.

C A P. III.

Fines ſhall be levied in preſence of the pledges.

ITem, It is accorded, that all the fines to be taken before any Juſtices, ſhall be in the preſence of the pledges, and that the pledges know the ſum of their fine before their departing.

Fines, Raſt.5.
Fines ſhall be taken in the preſence of the pledges

C A P. IV.

Penal Bonds in the third perſon ſhall be void.

ITem, Whereas divers people be bound in another Court out of the Realm by Inſtruments, and in another manner: (2) It is accorded, That all penal Bonds in the third perſon be void and holden for none.

H. 6. f. 10
Ed.3.f.1.
Ed.4.f.5.
Ed.4.f.22.
Co. Inſt.
6,230.

Oblig. Raſt.1.
Penal bonds in the third perſon, void.

C A P. V.

Any man may wage his Law againſt a Londoners Papers.

ITem, Whereas many people be grieved and attached by their body in the City of London, at the ſuit of the people of the ſame City, ſurmiſing to them, that they be debtors, and that they prove by their papers, whereas they have no deed nor tail: It is aſſented, That every man be received to his Law by people ſufficient of his condition againſt ſuch papers, and the Creanſour ſhall take ſurety by another way if he will, without putting the party to plead to the Inqueſt, if he will not of his own gree.

Ley 38.

Wager 2.
Any man may wage his Law againſt a Londoners papers.
St. 7 Jac. 12.

A repeal of the felony impoſed by the Statute of 27 *Ed.*3.3. for tranſporting of Wool, &c. by Engliſhmen; but the forfeiture of lands and goods ſhall ſtand. OB.

Inſt. 95.

Wools, Raſt.10.

C A P. VII.

A Confirmation of the Statute of the Staple made 27 Ed. 3.

ITem, It is aſſented, That the Staple ſhall be in England, and that the Statute of the Staple made the ſaid ſeven and twentieth year, with the declarations, additions, and modifications thereof made, be holden and kept, notwithſtanding any grant, licence, or other Statute or Ordinance made afterward.

Staple, Raſt. 26.
The Statute of the Staple made An.27 E. 3. confirmed.

CAP. VIII.

A Ship ſhall not be loſt for a ſmall thing therein not Cuſtomed.

Cuſtoms 10. A Ship ſhall not be loſt for a ſmall thing therein not cuſtomed Ships, Raſt. 1.

ITem, Whereas the Ships of divers people of the Realm be arreſted and holden forfeit, becauſe of a little thing put in their Ship not cuſtomed, whereof the owners of the ſame Ships be ignorant: (2) It is accorded and aſſented, That no owner ſhall loſe his Ship from the fifteenth day of February next coming forth, for ſuch a ſmall thing put within the Ship not cuſtomed, without his knowledge.

CAP. IX.

The puniſhment of him which proveth not his ſuggeſtion made to the King.

Suggeſtion 1. The puniſhment of him which proveth not his ſuggeſtion made to the King. 37 Ed. 3. 18.

ITem, As to the Article made at the laſt Parliament, of thoſe that make grievous complaints to the King himſelf: It is aſſented, that if he that maketh the complaint, cannot prove his intent againſt the defendant by the proceſs limited in the ſame Article, he ſhall be commanded to priſon, there to abide till he hath made gree to the party of his damages, and of the ſlander he hath ſuffered by ſuch occaſion; (2) and after ſhall make fine and ranſom to the King. (3) And the point contained in the ſame Article, that the Plaintiff ſhall incur the ſame pain, which the other ſhould have if he were attainted, ſhall be out, in caſe that his ſuggeſtion be found untrue.

CAP. X.

A Confirmation of the Statutes made for Wine.

Wines, Raſt. 9. The Statutes of wines confirmed.

ITem, As to the Merchants of Wines, and of thoſe that paſs the Sea to fetch Wines in Gaſcoin, for the diverſity of opinions of divers: It is aſſented, That the Statutes and Ordinances thereupon made, ſhall ſtand in their force.

CAP. XI.

Merchants Denizens may fetch Wines, and Aliens may bring them.

Wine, Raſt. 10. All Merchants Denizens that be not Artificers, may go into Gaſcoin to fetch wine, and aliens may bring wines into this Realm.

ITem, The King will of his grace and ſufferance, that all Merchants Denizens that be not Artificers, ſhall paſs into Gaſcoin to fetch Wines there, to the end and intent that by this general licence, greater plenty may come, and greater market may be of wines within the Realm. (2) And that the Gaſcoins and other Aliens may come into the Realm with their wines, and freely ſell them without any diſturbance or impeachment. Always ſaved to the King, that it may be lawful to him, whenſoever it is adviſed to him or his Council, to ordain of this Article in the manner as beſt ſhall ſeem to him for the profit of him and his Commons.

CAP. XII.

The puniſhment of a Juror taking reward to give his Verdict, and of Embraceors.

Jurors 5. St. 34 Ed. 3. 8. A Juror taking reward to give his verdict, ſhall pay ten times ſo much as he hath taken. The puniſhment of Embraceors. None ſhall inquire of office of this Statute, but at the ſuit of the party.

ITem, As to the Article of Jurors in the four and thirtieth year, it is aſſented and joyned to the ſame, That if any Juror in Aſſiſes ſworn, and other Inqueſts to be taken between the King and party, or party and party, do any thing take by them or other, of the party Plaintiff or Defendant, to give their verdict, and thereof be attainted by Proceſs contained in the ſame Article, be it at the ſuit of the party that will ſue for himſelf, or for the King, or any other perſon, every of the ſaid Jurors ſhall pay ten times as much as he hath taken. (2) And he that will ſue ſhall have the one half, and the King the other half. (3) And that all the Embraceors that bring or procure ſuch Inqueſts in the County to take gain or profit, ſhall be puniſhed in the ſame manner and form as the Jurors. (4) And if the Juror or Embraceor ſo attainted, have not whereof to make gree in the manner aforeſaid, he ſhall have the impriſonment of one year. (5) And the intent of the King, or Great men, and of the Commons is, That no Juſtice or other miniſter ſhall inquire of office, upon any of the points of this Article, but only at the ſuit of the party, or of other, as afore is ſaid. St. 5 Ed. 3. 10 Regiſt. f. 188. V. N. B. f. 120. Fitz. N. B. f. 171. Raſt. pla. f. 145.

31 H. 6. 1 37 H. 6. 13. Fitz. Decies tantum 1, 2, 5, 6, 9, 11. 39 Aſſ. pl. 1

Other Statutes made *Anno* 38 *Ed.* 3. St. 2. and *Anno Dom.* 1363.

Proviſors and Premunire, Raſt. 4. 4 Inſt. 51. § 5.

TO nouriſh love and peace, and concord between holy Church and the Realm, and to appeaſe and cauſe to ceaſe the great hurt, perils and importable loſſes and grievances that hath been done and happened in times paſt, and that ſhall happen hereafter if the thing from henceforth be ſuffered to paſs, becauſe of perſonal Citations, and other that be paſt before this time, and commonly doth paſs from day to day out of the Court of Rome by fained and falſe ſuggeſtions and propoſitions againſt all manner of perſons of the Realm, upon cauſes, whoſe cogniſance and final diſcuſſing pertaineth to our Lord the King, and his Royal Court, (2) and alſo of Impetrations and Proviſions made in the ſaid Court of Rome, of Benefices and Offices of the Church, pertaining to the gift, preſentation, donation, and diſpoſition of our ſaid Lord the King, and other lay Patrons of his Realm, and of Churches, Chappels, and other Benefices appropried to Cathedral Churches, Abbies, Priories, Chantries, Hoſpitals, and other poor houſes, and of other Dignities, Offices and Benefices occupied in times paſt, and preſented by divers and notable perſons of the ſaid Realm: (3) For the which cauſes and the dependants thereof, the good ancient Laws, Cuſtoms, and Franchiſes of the ſaid Realm have been and be greatly impeached, blemiſhed, and counfounded, the Crown of our Lord the King abated, and his perſon very hardly and falſly defamed, the treaſure and riches of his Realm carried away, the inhabitants and ſubjects of the Realm impoveriſhed and troubled, the Benefices of the Church waſted and deſtroyed, Divine Service, Hoſpitalities, Alms-deeds, and other works of Charity withdrawn and ſet apart: the Great men, Commons, and ſubjects of the Realm in body and goods dammified.

The ſeveral enormities of Citations and impetrations of benefices obtained from Rome.

CAP. I.

They which receive Citation from Rome againſt any of this Realm for cauſes, the cogniſance whereof pertaineth to the King and his Court: Or for impetration of Benefices of the Kings or other mens gifts, ſhall incur the penalty ordained for Proviſors, made Anno 25 Ed. 3. **Proviſors,** Raſt. 5.

Cap. 2. They which being ſuſpected of any of the ſaid offences that cannot be attached by their perſons, if within two months after warning, they do not appear before the Kings Juſtices to anſwer, ſhall incur the penalty of the Statute of 27 Ed. 3. 1. Raſt. 5.

Cap. 3. He which doth commit any of the offences aforeſaid, ſhall be put out of the Kings protection, and puniſhed according to the Statute of Anno 27 Ed. 3. 1. Raſt. 6.

Cap. 4. He that upon malice doth falſly purſue any upon this Statute, ſhall be puniſhed at the Kings pleaſure, and make amends to the party grieved. The King and all the Parliament-houſe agreed to appeach the offenders, and to reſiſt them. ALT. 13 Eliz. 2. viz. The offences made High Treaſon. Raſt 7.

Statutes made at *Weſtminſter*, *Anno* 42 *Ed.* 3. and *An. Dom.* 1368.

CAP. I.

A Confirmation of the great Charter, and the Charter of the Foreſt: And a repeal of thoſe Statutes that be made to the contrary.

Confirmation, Raſt. 4.
A Confirmation of the great Charter, and the Charter of the Foreſt, and a repeal of thoſe Statutes that have been made to the contrary.

AT the Parliament of our Lord the King, holden at Weſtminſter **the firſt day of** May **the two and fortieth year of his Reign: (2) It is aſſented and accorded, That the great Charter, and the Charter of the Foreſt be holden and kept in all points; (3) and if any Statute be made to the contrary, that ſhall be holden for none.** St. 25 Ed. 3. 1. ca. 2.

CAP. II.

A Writ of allowance of a Pardon, Anno 36 Ed. 3. Exp.

Pardon.

CAP. III.

None ſhall be put to anſwer an Accuſation made to the King without preſentment.

Accuſation 1.
None ſhall be put to anſwer to an accuſation made to the King without preſentment, or ſome matter of Record.

ITem, **At the requeſt of the Commons by their Petitions put forth in this Parliament, to eſchew the miſchiefs and damage done to divers of his Commons by falſe Accuſers, which oftentimes have made their accuſations more for revenge, and ſingular benefit, than for the profit of the King, or of his people: which accuſed perſons, ſome have been taken, and ſometime cauſed to come before the Kings Council by Writ, and otherwiſe upon grievous pain againſt the Law: (2) It is aſſented and accorded, for the good governance of the Commons, that no man be put to anſwer without preſentment before Juſtices, or matter of Record, or by due proceſs, and Writ original, according to the Law of the Land. (3) And if any thing from henceforth be done to the contrary, it ſhall be void in the Law, and holden for error.** St. 25 Ed. 3. 4. 37 Ed. 3. 18. 17 Car. 1. ca. 10.

CAP. IV.

To what ſort of people Commiſſions of inquiry ſhall be granted.

Commiſſions 2.
To what ſort of people Commiſſions of inquiry ſhall be granted.

ITem, **Becauſe that Commiſſions have been made and granted in divers Counties, at the procurement of certain perſons, to inquire of certain Articles, which Commiſſioners have made their inquiries in ſecret places, and by people not ſufficient, and of their covin more to their private profit, than for the Kings advantage, or of his people: (2) It is aſſented and accorded, That from henceforth in all inquiries within the Realm, Commiſſions ſhall be made to ſome of the Juſtices of the one Bench or of the other, or Juſtices of Aſſiſe, or Juſtices of the Peace, with others of the moſt worthy of the Country, as well for the Kings profit as the Commons, ſaving in the office of the Eſcheatorſhip, or thing that toucheth the ſame Office.**

CAP. V.

Of what ſufficiency in Land every Eſcheator muſt be. And he ſhall execute his Office in his own proper perſon.

Eſcheator, Raſt. 5.
St. 14 Ed. 3. 8.
Of what ſufficiency in land every Eſcheator muſt be.

ITem, **Whereas it is contained in the Statutes ordained for the common profit of Eſcheators, that none ſhould be Eſcheator, unleſs he have ſufficient Land, whereof he may anſwer to the King and to his people: (2) It is aſſented, That no Eſcheator ſhall be made, unleſs he have xx l. of Land at the leaſt, or more in Fee. (3) And that they do their office in proper perſon. And if any other be, he ſhall be put out.** St. 12 Ed. 4. 9. 1 H. 8. 8.

CAP. VI.

The Stat. of 25 Ed. 3. concerning Labourers and Artificers, ſhall be executed. Rep. 5 Eliz. 4.

Labourers, Raſt. 21.

CAP. VII.

Londoners and none other ſhall ſell Victuals by retail. Exp.

London, Raſt. 3.

CAP. VIII.

English Merchants ſhall not paſs into Gaſcoin to fetch Wines. ALT. 43 Ed. 3. 2. (2) nor ſhall buy any Wines, until they be landed. Rep. 5 El. 5. 3 Bulſtr. 21.

Wines, Raſt. 11.

CAP. IX.

Eſtreats ſhall be ſhewed to the party indebted, and that which is paid ſhall be totted. And that no Sheriff, &c. ſhall continue in Office above a year.

Eſtreats 1.
Eſtreats ſhall be ſhewed to the party indebted, and totted.

ITem, **Whereas the Green War is ſent to Sheriffs, to levy the Kings debts: the Sheriffs Miniſters do levy the ſame by Rolls, and other remembrances, and do not ſhew the ſame Eſtreats under the ſeal of the Eſchequer, ſo that which is once levied, cometh another time in demand, becauſe that they do not charge them fully of that which is levied, in deceit of the King, and impoveriſhment of his people: (2) It is ordained and aſſented, That a man ſhall ſee the ſame Eſtreats ſealed, and that the ſame which is paid, be totted, and the**

St. 3 Ed. 1.19. 7 H. 4. 5. **Sheriffs** 3. **Sheriffs ſhall account by Eſtreats totted, and none other.** St. 14 Ed. 3.7. 38 Ed. 3. 7. St. 23 H. 6.8. Raſt. pl. fo. 202.

ſame Eſtreats ſent to the Sheriffs upon the receit. (3) And if any Sheriff or miniſter do to the contrary, he ſhall be charged to anſwer to the party which thereof will him complain, his treble damages, and make fine to the King, (4) and that he have his ſuit as well before Juſtices of the Peace, as before other Juſtices, (5) and that the Sheriffs be bound to accompt by the ſame Eſtreats ſo totted, and by none other: (6) And the ſame Eſtreats ſhall not be doubled by the Sheriffs, but the copy of the Eſtreats, wherein they touch the Franchiſes of Lords, ſhall be delivered to the Bailiffs of the Franchiſes, under the ſeal of the Sheriff, and that the ſame Bailiffs yield their accompt in the Eſchequer by the ſame copies ſo delivered. (7) And alſo that no Sheriff, Under-Sheriff, nor Sheriffs Clerk abide in his office above one year, as it is ordained by the ſame Statute. St. 6 H.8.18.

CAP. X.

Children born beyond Sea in the Kings Dominions ſhall be inheritable in England.

Ability 1. **Infants born in Calais ſhall be inheritable in** England.

ITem, Upon the Petition put in the Parliament by the Commons, deſiring that Infants born beyond the Sea, within the Seigniories of Calice, and elſewhere, within the Lands and Seigniories that pertain to our Lord the King beyond the Sea, be as able and inheritable of their heritage in England, as other Infants born within the Realm of England: It is accorded, That the Common Law, and the Statute upon the ſame point another time made, be holden. Stat. 25 Ed. 3.

CAP. XI.

Copies of Panels ſhall be delivered to the parties ſix days before the Seſſions.

Aſſiſe 8.

Copies of Panels ſhall be delivered to the parties before the Juſtices Seſſions. St. 6 H.6.2. **What ſort of perſons ſhall be returned upon Inqueſts.** St. 28 Ed. 1. 9. 20 Ed. 3.6. 34 Ed. 3.4.

ITem, Foraſmuch as divers miſchiefs have happened, becauſe that the Panels or Inqueſts which have been taken before Juſtices by Writ of Scire facias, and other Writs, have not been returned before the Seſſions of the Juſtices at the Niſi prius and otherwiſe, ſo that the parties could not have knowledge of the names of the perſons which ſhould paſs in the Inqueſt, whereby divers of the people have been diſherited and oppreſſed: (2) It is ordained, That no Inqueſt, but Aſſiſes and deliverances of Gaols, be taken by Writ of Niſi prius, nor in other manner, at the ſuit of the great or ſmall, before that the names of all them that ſhall paſs in the Inqueſts, be returned in the Court. (3) And that the Sheriffs array the Panels in Aſſiſes four days at the leaſt before the Seſſions of the Juſtices, upon pain of twenty pound, ſo that the parties may have the view of the Panels, if they the ſame demand. (4) And as to the return or anſwer of the Bailiffs of Franchiſes, they ſhall make their anſwer to the Sheriffs ſix days before their Seſſions, upon the ſame pain. (5) And in all manner of Panels arrayed by the Sheriffs or Bailiffs within Franchiſe, ſhall be put the moſt ſubſtantial people and worthy of credit, and not ſuſpect, which have beſt knowledge of the truth, and be neareſt. Regiſt. f. 178. Raſt. pl. f. 117.

Statutes made *Anno* 43 *Ed.* 3. and *Anno Dom.* 1369.

The danger which might enſue by keeping the Staple at Calais.

EDward, by the Grace of God, &c. To the Sheriff of Stafford, greeting, &c. Whereas of late it was ordained for the profit of the Realm, and eaſe of Merchants of England, That the Staple of Wools, Woolfels, and Leather ſhould be holden at Calice, and there it hath been ſithence the firſt day of March, the ſeven and thirtieth year of our Lord the King that now is: (2) And now becauſe the peace another time taken between the Realms of England and France is by the Frenchmen broken, and great peril might come to the goods of the Realm there being, and coming by the Sea to the Staple out of England, if the ſame Staple were continued: And thereupon the Prelates, Great men, and Commons ſeeing the miſchiefs and perils which may happen to the goods and merchandizes in this behalf, pray the King in this preſent Parliament holden at Weſtminſter, at the Utas of the holy Trinity, the three and fortieth year of his Reign, thereupon to ordain remedy.

CAP. I.

Wools, Raſt. 11.

Whereas the Staple of Wools, &c. hath been holden at Calice ſithence the firſt day of March, Anno 37 *Ed.* 3. Now the Staple of Calice ſhall be wholly put out, (2) and the Staple holden in theſe places following, viz. at Newcaſtle, Kingſton upon Hull, Saint Butolph, Yarmouth, Quinsborough, Weſtminſter, Chicheſter, Wincheſter, Exeter, and Briſtow. (3) And the Staples of Ireland and Wales ſhall be kept at the places where they were firſt ordained. OB. Stat. 27 *Ed.* 3.1.

CAP. II.

Wines, Raſt. 12. 3 Bulſtr. 21.

Engliſh, Iriſh, and Welſhmen, being not Artificers, may fetch Wine in Gaſcoin, ſo that they find ſureties to buy a hundred Tun of their own goods, and to bring the ſame into England, Ireland, or Wales, notwithſtanding the Stat. of 42 *Ed.* 3.8.

CAP. III.

The Kings Butler, or his Lieutenants ſhall take no more Wines than is commanded.

Butler 2. Co. Inſt. 4 par. 30.

The Kings Butler ſhall take no more wine than he is commanded, and he ſhall take that within ten days. 2 Bulſtr 254.

ITem, Foraſmuch the Great men and Commons of the Realm before this time, and now in this preſent Parliament have grievouſly complained, for that the Kings Butler and his Lieutenants in divers places and Ports of the Realm, have ingroſſed, and taken by colour of their office, for the houſe and expences of the King, and by ſuch colour have arreſted the Wines which Merchants brought into the ſaid Realm, and holden them ſo long in arreſt, That the Great men and Commons, and other of the Realm cannot thereof make their Purveyance, nor Merchants their Profit, and oftentimes by ſuch colour have ingroſſed and taken of them ſo many Tuns of Wine above that was needful for the King, that they have commonly ſold the ſame, and thereof made their ſingular profit, and as much as other Merchants and Vintners in the Realm, to the great damage of the ſaid Merchants and other: Whereupon the King deſiring to ordain remedy, of the aſſent of the Great men and Commons in this preſent Parliament hath ordained, That the Butler, nor any of his Lieutenants ſhall not buy, ingroſs, nor take by colour of their Office, nor in other manner to their proper uſe, nor of others, more Wines for the houſe and expence of the King than they have in commandment, upon pain of impriſonment of their bodies, and to be ranſomed at the Kings will; (3) and as much as they ſhall take by force of the ſaid Warrant, ſhall be taken within ten days, and (that done) the Merchants of the ſaid Wines may, and it ſhall be lawful to them of the remnant of the ſaid Wines another time to make their profit, notwithſtanding any arreſt made upon ſuch Wines by the Butler, or any of his Lieutenants aforeſaid. St. 25 Ed. 3. 21.

CAP. IV.

The Kings general Pardon to all men of Vert and Veuiſon, ſaving to the Officers of his Foreſt, &c.

Pardon.

Statutes made at *VVeſtminſter, Anno* 45 *Edw.* 3. & *Anno Dom.* 1371.

CAP. I.

A Confirmation of the great Charter, and the Charter of the Foreſt in all points.

At the Parliament ſummoned at Weſtminſter, the Monday in the firſt week of Lent, the five and fortieth year of the Reign of King Edward the Third: It is ordained, That the great Charter, and the Charter of the Foreſt be holden and kept in all points.

A confirmation of the great Charter, and the Charter of the foreſt.

CAP. II.

The penalty of him that ſetteth up, or enhaunſeth Wears.

Item, Whereas in the Statute made at Weſtminſter, in the five and twentieth year, amongſt other things it was ordained, That becauſe the common paſſage of ſhips and boats in the great Rivers of England, were often diſturbed by the levying of Wears, Mills, Stanks, Stakes and Kiddles, which were levied and ſet up in the time of the Kings Grandfather in great damage of the people: (2) It was accorded and eſtabliſhed, that all the Wears, Mills, Stanks, Stakes and Kiddles, which were levied and ſet up in the time aforeſaid, and after in ſuch Rivers, whereby the ſhips and boats were diſturbed, that they might not paſs as they were wont, ſhould be cut, and wholly pulled down without repairing: (3) and thereupon Writs ſhould be made and ſent to the Sheriffs of places where ſhould be needful to ſurvey, enquire, and to make thereof Execution, and alſo that Juſtices be thereupon aſſigned at all times when need ſhall require. (4) And now at the grievous complaint of the great men and the Commons made in this preſent Parliament, complaining by their Petition, that the Statute is not duly executed nor kept, according to the effect of the ſame: (5) It is accorded and eſtabliſhed, That the ſaid Statute in this point be holden and kept, according to the effect of the ſame: Joyning thereto, That if any ſuch annoyance be done, it ſhall be pulled down by due proceſs contained in the ſaid Statute. (6) And he that ſhall repair the ſame annoyance, and thereof be duly attainted, ſhall incur the pain of an hundred marks to the King, to be levied by Eſtreats of the Eſchequer. (7) And the like Law ſhall hold of annoyance made by enhaunſing of ſuch Wears, Mills, Stanks, Stakes and Kiddles, as by the new levying, St. 1 H. 4. 12.

Wears 2. A confirmation of the Statute of 25 E. 3. 4. concerning the pulling down of Wears.

The penalty of him that ſetteth up again Wears or doth enhaunſe them.

CAP. III.

A Prohibition ſhall be granted where a ſuit ſhall be commenced in a Spiritual Court for *Sylva cædua.*

Item, At the complaint of the ſaid great men and Commons, ſhewing by their Petition. That whereas they ſell their great Wood of the age of twenty years, or of greater age, to Merchants to their own profit, or in aid of the King in his Wars, (2) Parſons and Vicars of holy Church do implead and draw the ſaid Merchants in the Spiritual Court for the Tithes of the ſaid Wood in the name of this word called Sylva cædua, whereby they cannot ſell their Woods to the very value, to the great damage of them and of the Realm: (3) It is ordained and eſtabliſhed, That a Prohibition in this caſe ſhall be granted, and upon the ſame an Attachment, as it hath been uſed before this time. Regiſt. f. 44. Fitz. N. B. fo. 54. B. Raſt. pla. fo. 489.

l.11.f.48
ld.3.f.10
H.4.f.8.
H.6.f.56.
w.f.470.
.dismes
z. Attach.
prohibi-
1.
l.1.
7.736.
Leonard.

Prohibition 5. A prohibition ſhall be granted where a ſuit is commenced in the Spiritual Court for Sylva cædua. Co. Inſt. 2 par. 642. Cro. Jac. 100. 133.

CAP. IV.

No Impoſition ſhall be ſet upon Merchandiſes of the Staple without aſſent of Parliament.

Item, It is accorded and eſtabliſhed, That no Impoſition or charge ſhall be put upon Wools, Woolfels and Leather, other than the Cuſtom and Subſidy granted to the King, in no ſort, without the aſſent of the Parliament; and if any be, it ſhall be repealed and holden for none. St. 11 R. 2. 9.

Wools, Raſt. 12. No new impoſition ſhall be put upon Wools without aſſent of Parliament.

Statutes made at *Weſtminſter, Anno* 47 *Ed.* 3. and *Anno Domini,* 1373.

CAP. I.

The length and breadth of Cloth of Ray, and Cloth of Colour. Rep 5 Ed. 6. 6. 43 El. 10. 4 Jac. 2.

CAP. II.

The value of a Scottiſh Groat ſhall be Three pence. OB.

12 Co. 6

Drapery, Raſt. 8.
Money, Raſt. 17.

A Statute made at *Weſtminſter, Anno* 50 *Ed.* 3. & *Anno Domini,* 1376.

By the aſſent of the Prelates, Dukes, Earls, Barons and other aſſembled at the Parliament holden at Weſtminſter, at the Fifteenth of St. Hillary, the year of the Reign of our Lord the King that now is of England the fiftieth, and of France the ſeven and thirtieth, the ſame our Lord the King much deſiring that the peace of his Land be well kept, and his faithful Subjects in quietneſs and tranquility maintained, hath therefore made and eſtabliſhed certain Ordinances, and alſo granted certain Graces and Pardons to his Commons of England in the form as hereafter followeth: (2) which Ordinances, Pardons, and Graces he will, for the honour of God and of holy Church, and quietneſs of the ſame his people, they be firmly kept and holden in all points.

CAP.

CAP. I.

A Confirmation of the Liberties of the Church.

Confirmation, Raſt. 4.

FIrſt, It is ordained and eſtabliſhed, That holy Church have all her Liberties and Franchiſes in quietneſs, without impeachment or other diſturbance.

CAP. II.

A Confirmation of the great Charter, and the Charter of the Foreſt.

Raſt. 4.

ITem, That the great Charter, and the Charter of the Foreſt, be firmly holden and kept in all points.

CAP. III.

Pardon, Raſt. 19.

This being the year of the Kings Jubilee, he doth grant Pardon to his people of Alienations without licence, intruſions, fines, amerciaments, iſſues, forfeitures, reliefs, eſcuages, debts, accounts, the ſuit of his peace, Except, &c.

CAP. IV.

No Prohibition ſhall be allowed after conſultation duly granted.

Prohibition 9. No prohibition ſhall be allowed after a conſultation duly granted. 3 Bulſtr. 181. Noy. 67. Latch. 6. Poph. 159.

Cro. Car. 208, 1 Roll 37 2 Roll. 207, 500.

ITem, It is ordained and eſtabliſhed of the ſaid aſſent, That whereas a conſultation is once duly granted upon a prohibition made to the Judge of holy Church, that the ſame Judge may proceed in the cauſe by vertue of the ſame conſultation, notwithſtanding any other prohibition thereupon to him delivered. Provided always, That the matter in the Libel of the ſaid cauſe be not engroſſed, enlarged, or otherwiſe changed. St. 14 Ed. 1. Regiſt. f. 45. V.N.B.fo.33. Fitz.N.B.f.45.A.

CAP. V.

None ſhall arreſt Prieſts or Clerks doing Divine Service.

Arreſts 1. None ſhall arreſt Parſons or Clerks doing Divine Service. St. 1 R. 2. 15.

12 Co. 10

ITem, Becauſe that complaint is made to our Lord the King by the Clergy of his ſaid Realm of England, that as well divers Prieſts bearing the ſweet Body of our Lord Jeſus Chriſt to ſick people, and their Clerks with them, as otherwiſe divers perſons of holy Church, whiles they attend to Divine Services in Churches, Church-yards, and other places dedicate to God, be ſundry times taken and arreſted by Authority Royal, and commandment of other Temporal Lords, in offence of God, and of the Liberties of holy Church, and alſo in diſturbance of Divine Services aforeſaid: (2) The ſame our Lord the King, who would be ſore diſpleaſed if any did in ſuch manner, will and granted, and defendeth upon grievous forfeiture, that none do the ſame from henceforth; ſo that colluſion or feigned cauſe be not found in any of the ſaid perſons of holy Church in this behalf. Co. lib. 12. 100. Stat.

CAP. VI.

Fraudulent aſſurances of Lands or Goods to deceive Creditors, ſhall be void.

Fraudulent Aſſurance 1. Fraudulent aſſurances of lands or goods to deceive Creditors ſhall be void. Raſt. pla. f. 197.

1 H. 7. 10 22 Aſſ pl. Dyer f. 1 295. Fitz. Exe tion 51, 1

ITem, Becauſe that divers people inherit of divers tenements, borrowing divers goods in mony or in merchandiſe of divers people of this Realm, do give their tenements and chattels to their friends by colluſion, thereof to have the profits at their will, and after to flee to the Franchiſe of Weſtminſter, of S. Martain le graund of London, or other ſuch priviledged places, and there do live a great time with an high countenance of another mans goods, and profits of the ſaid tenements and chattels, till the ſaid Creditors ſhall be bound to take a ſmall parcel of their debt, and releaſe the remnant: (2) It is ordained and aſſented, that if it be found that ſuch gifts be ſo made by colluſion, that the ſaid Creditors ſhall have execution of the ſaid tenements and chattels, as if no ſuch gift had been made. St. 2 R. 2. 3. 3 H. 7. 11.

CAP. VII.

Woollen Clothes ſhall not be tranſported before they be fulled.

Drapery, Raſt. 9. Woollen cloth ſhall not be tranſported before it be fulled.

ITem, It is ordained and defended by our Lord the King, that no Woollen Clothes ſhall be carried into any part out of our Realm of England before they be fulled: nor that any ſubſidy be thereof demanded nor paid, before that they be fulled. St. 7 Ed. 4. 3. 3 H. 7. 11.

CAP. VIII.

Certain Clothes whereof no Subſidy or Aulnage ſhall be paid.

Drapery, Raſt. 10. Cloth called Friſe Ware. St. 47 Ed. 3. 1.

ITem, It is ordained and eſtabliſhed, That no Subſidy nor Aulnage ſhall be paid, levied, nor demanded of Clothes called Friſe ware, which be made in Ireland, or otherwiſe in England of Iriſh wool, brought within the Realm of England, becauſe that thoſe Clothes do not contain the length and breadth ordainded by the Statute, and for ſo much they ought not to be compriſed in the Statutes late made of ray Clothes and coloured Clothes. St. 2 Ed. 3. 14. 25 Ed. 3. 1.

Thus end the Statutes made in the time of the Noble King EDWARD the Third.

Anno primo RICHARDI Secundi.

Statutes made at *Weſtminſter*, the firſt year of the Reign of King RICHARD the ſecond after the Conqueſt of *England*, in the year of our Lord God, 1377.

RICHARD by the Grace of God King of England and France, and Lord of Ireland, to the Sheriff of Northampton, Greeting. Know thou, That to the honour of God and reverence of holy Church, for to nouriſh Peace, Unity, and Concord, in all the parts within our Realm of England, (which we do much deſire) by the whole aſſent of the Prelates, Dukes, Earls and Barons of this our Realm, at the inſtance and eſpecial requeſt of the Commons of our Realm aſſembled at our Parliament holden at Weſtminſter, the fifteenth day of S Hillary in the firſt year of our Reign, we have ordained and eſtabliſhed certain Statutes in amendment and relief of this our ſaid Realm, in manner and form following.

CAP. I.

A Confirmation of the Liberties of the Church, and of all Statutes not repealed.

FIrſt, It is agreed and eſtabliſhed, That holy Church ſhall have and enjoy all her rights, liberties and franchiſes wholly and without blemiſh. (2) And that the great Charter, which at the requeſt of the ſaid Commons was read in the ſaid Parliament, and alſo the Charter of the Foreſt, and all other good Statutes and proviſions made in the time of the Progenitors of our Lord the King that now is, and not repealed, ſhall be obſerved and firmly kept in all points.

Confirmation, Raſt 4. A confirmation of the Liberties of the Church. The great Charter read in Parliament.

CAP. II.

The Peace ſhall be kept, and Juſtice ſhall be done to all perſons.

ITem, Our ſaid Lord the King, greatly deſiring the tranquillity and quietneſs of his people, willeth and straitly commandeth, That the peace within this Realm of England be ſurely obſerved and kept, ſo that all his lawful ſubjects may from henceforth ſafely and peaceably go, come, and dwell according to the Law and uſage of the Realm. (2) And that juſtice and right be indifferently miniſtred to every perſon.

Peace, Raſt 2. Peace ſhall be maintained, and Juſtice ſhall be done.

CAP. III.

Prelates ſhall have their Action of Treſpaſs againſt Purveyors offending.

ITem, That the Statutes late made in the time of the Noble King Edward, Grandfather to our Lord the King that now is, for Purveyors and Buyers, ſhall be firmly obſerved and kept in all points; (2) adding thereunto, becauſe that Prelates and Clerks may not thereof commence their ſuits againſt any by way of crime, (as the ſaid Statutes required) all Prelates and Clerks ſhall from henceforth have their actions againſt all ſuch Purveyors and Buyers, by actions of Treſpaſs, and recover their treble damage. Regiſt. fol. 281.

Purveyors 2. Prelates ſhall have their actions of treſpaſs againſt Purveyors offending, and recover treble damages. St. 2 Ed. 1. 1. 14 Ed. 3. 1.

CAP. IV.

The ſeveral penalties of ſeveral perſons that do maintain quarrels.

el. f. 50. itz. mainte- nce 4, 8, 9, 0, 11, 12, 23 4, 15, 16, 17 8, 19, 20, 21 2, 23, 24, 25 8. 28 Ed. 1. 1. Ed. 3. 14. Ed. 3. 11. 0 Ed. 3. 4. aſt. pl. fo. 39, 427 &c. Cro. El. 594.

ITem, It is ordained and eſtabliſhed, and the King our Lord ſtraitly commandeth, that none of his Counſellors, Officers, or Servants, nor any other perſon within the Realm of England, of whatſoever eſtate or condition they be, ſhall from henceforth take nor ſuſtain any quarrel by maintenance in the Country, nor elſewhere, upon a grievous pain; (2) that is to ſay, the ſaid Counſellors and the Kings great Officers, upon a pain which ſhall be ordained by the King himſelf, by the advice of the Lords of his Realm: (3) and other leſs officers and ſervants of the King, as well in the Exchequer, and all his other Courts and places, as of his own mony, upon pain to loſe their offices and ſervices, and to be impriſoned, (4) and then to be ranſomed at the Kings will, every of them according to their degree, eſtate, and deſert. (5) And all other perſons through the Realm, upon pain of impriſonment, and to be ranſomed as other aforeſaid. Regiſt. fo. 182, &c. V.N.B. fo. 180. Fitz. N.B. fo. 172.

St. 18 Ed. 3. 4. Maintenance 1. The ſeveral penalties of ſeveral perſons which do maintain quarrels.

CAP. V.

The puniſhment of a Clerk of the Exchequer making proceſs for a debt paid.

Inſt. 99. par. 4.

ITem, It is ordained, That all Statutes and Ordinances made before this time of Officers of the Exchequer, be holden and firmly kept in all points. (2) And moreover it is ordained and eſtabliſhed, that at what time any debts be once paid, and the tallies thereof made, rejoyned and allowed in the ſaid Exchequer, that this debt ſhall never come in demand: (3) and if it ſo happen, that after ſuch allowance made there, any Clerk of the Exchequer make any Writ or Proceſs to levy the ſame debt of new, and that duly proved, the ſame Clerk ſhall loſe his Office, and have impriſonment till he hath made gree to the party by ſo much as he is endamaged, if any will ſue, by the diſcretion of the Treaſurer and the Barons of the Exchequer: St. 51 H. 3. St. 10 Ed. 1. St. 37 Ed. 3. 4.

Exchequer 2. The puniſhment of a Clerk of the Exchequer making proceſs for a debt that is paid.

CAP. VI.

Commiſſions ſhall be awarded to enquire of the miſbehaviour of Villains and Land-tenants in villenage to their Lords, and to puniſh the offenders, their counſellers, procurers, maintainers and abettors by impriſonment. OB. V.N.B. fo. 11. 46.

Villains 1.

CAP. VII.

There ſhall be no giving of Liveries for maintenance.

ITem, Becauſe that divers people of ſmall revenue of land, rent, or other poſſeſſions, do make great retinue of people, as well of Eſquires as of other, in many parts of the Realm, giving to them Hats and other Liveries, of one ſuit by year, taking of them the value of the ſame Livery, or percaſe the double value, by ſuch covenant and aſſurance, that every of them ſhall maintain other in all quarrels, be they reaſonable or unreaſonable, to the great miſchief and oppreſſion of the people: (2) It is ordained and aſſented, that the Statutes and Ordinances made in ſuch caſe before this time, be kept and duly executed. (3) And moreover the King doth ſtraitly defend, that from henceforth no ſuch Livery be given to any man for maintenance of quarrels, nor other confederacies, upon pain of impriſonment and grievous forfeiture to the King. (4) And the Juſtices of Aſſiſes ſhall diligently enquire of all them that gather together in fraternities by ſuch Livery to do maintenance; (5) and they which thereof ſhall be found guilty, ſhall be duly puniſhed, every man after the quantity of his deſert. St. 20 R. 2. 1.

Liveries 1. Statutes ordained againſt maintenances. 3 Ed. 1. 28. 13 Ed. 1. 49. 28 Ed. 1. 11. 33 Ed. 1.

1 H. 7. f. 17. 1 Ed. 4. f. 22. 11 H. 4. f. 65.

The puniſhment of them which give Liveries for maintenance. The Juſtices of Aſſiſe ſhall enquire of, and puniſh this offence.

CAP. VIII.

In what caſe a Protection *cum clauſula Volumus* is not allowable.

Co. lib. 1. f. 123.

ITem, It is aſſented, that from henceforth no Protection with the clauſe of Volumus be allowed before any Judge for victuals, taken or bought upon the voyage or ſervice whereof the

Protection 2. In what caſe a protection cum clauſula Volumus is not allowable.

St. 13 R. 2. 16.

the protection maketh mention, nor alſo in pleas of treſpaſs, or of other contract made or perpetrate after the date of the ſame protection. Reg. fo. 22. V.N.B. fo. 21. Fitz. N.B. f. 28. Raſt. pl. fo 492. St. 33 Ed. 1.

CAP. IX.

A feoffment of lands, or gift of goods for maintenance ſhall be void. An Aſſiſe is maintainable againſt the Pernor of the profits of Lands.

Force 3.

Uſes 1.

A feoffment of lands, or gift of goods for mainten=ance ſhall be void.
St. 3 Ed. 1. 24.
St. 8 Ed. 6. 9.
Raſt. pla. f. 68.
A diſſeiſee may main=tain an aſſiſe againſt the pernor of the profits.
St. 11 H. 6. 3.
1 H. 7. 1.

Co. l. 1. f. 12

Bro. Feoffment 1. 19.
Fitz. Counterplea de voucher 3.
Fitz. Return de Viſcount 5.
Co. Inſt. 369.
1 H. 5. f. 4.
12 H. 4. f. 21.
9 H. 6. f. 14.
22 H. 6. f. 16.
39 H. 6. f. 44.
1 Ed. 4. f. 2.
4 Ed. 4. f. 17.
21 H. 6. f. 55.
14 H. 7. f. 17.
7 H. 7. 5.

ITem, Becauſe it is complained to the King, that many people of the ſaid Realm as well great as ſmall, having right and true title as well to lands, tenements, and rents, as in other perſonal actions, be wrongfully delayed of their right and actions, by means that the occupiers or defendants to be maintained and ſuſtained in their wrong, do commonly make gifts and feoffments of their Lands and Tenements which be in debate, and of their other goods and chattels to Lords and other great men of the Realm, againſt whom the ſaid Purſuants for great menace that is made to them, cannot nor dare not make their purſuits: (2) and alſo on the other part, complaint is made to the King, that oftentimes many people do diſſeiſe other of their tenements, and anon after the diſſeiſin done, they make divers alienations and feoffments, ſometime to Lords and great men of the Realm to have maintenance, and ſometime to many perſons of whoſe names the diſſeiſees can have no knowledge, to the intent to defer and delay by ſuch frauds the ſaid diſſeiſees, and the demandants and their heirs of their recovery, to the great hinderance and oppreſſion of the people: (3) It is ordained and eſtabliſhed, that from henceforth no gift or feoffment of lands, tenements, or goods be made by ſuch fraud or maintenance. (4) And if any be in ſuch wiſe made, they ſhall be holden for none, and for no value. (5) And the ſaid diſſeiſees ſhall from henceforth have their recovery againſt the firſt diſſeiſors, as well of the lands and tenements, as of their double damages, without having regard to ſuch alienations, ſo that the diſſeiſees commence their ſuits within the year next after the diſſeiſin done: (6) And it is ordained and eſtabliſhed, that the ſame Statute ſhall hold place in every other action in plea of land where ſuch feoffments be made by fraud or colluſion, to have their recovery againſt the firſt Feoffor. (7) And it is to wit, that this Statute ought to be underſtood where ſuch Feoffors thereof take the profits. St. 4 H. 4. 7. 4 H. 7. 24. Raſt. pl. fo. 80. 258. 341, &c.

CAP. II.

A confirmation of the Pardon granted by King Edward the Third, in the fiftieth year of his Reign. Exp.

Pardon, Raſt. 20.

CAP. XI.

None that hath been Sheriff, ſhall be ſo again within three years.

Sheriffs 4.
St. 14 Ed. 3. 7.
42 Ed. 3. 10.
23 H. 6. 8.
Raſt. pl. f. 242.
None that hath been Sheriff ſhall be again in three years.

ITem, It is ordained, that none that hath been Sheriff of any County by an whole year, ſhall be within three years next enſuing choſen again, or put in the ſame Office of Sheriff, if there be other ſufficient in the ſaid County of poſſeſſions and goods to anſwer to the King and his people.

CAP. VII.

A priſoner by judgment ſhall not be at large. Confeſſion of a debt to the King to delay anothers execution.

Eſcape 3.
2 Bulſtr. 138.
3 Bulſtr. 97.

The penalty of the War=den of the Fleet if he ſuffer a pri=ſoner being there by Judg=ment to go at large.
St. 13 Ed. 1. 11.
Regiſt. fo. 98.
Fitz. N.B. f. 93.
C. 121. A.
Raſt. pl. f. 8. 168, &c.
The penalty of him who confeſſeth a debt due to the King to delay ano=thers execu=tion.

Plow f. 35.
Dyer f. 59, 66, 162, 237, 306, 322, 241, 247, 271, 278, 275.
Kel. fo. 2.
Cok. l. 3. f. 22. 52. 71.
lib. 4. fol. 95.
lib. 5. fol. 59
lib. 8. fo. 141
Fitz. Dette 53. 77. 110, 130, 162.
Fitz. Executor 74. 100.
Co. Inſt. 4 par. 187.
Dyer f. 197. 296, 307.
1 Roll 205. 241, 275.

ITem, Whereas divers people, at the ſuit of the party commanded to the priſon of the Fleet, by judgments given in Courts of our Lord the King, be oftentimes ſuffered to go at large by the Warden of the priſon, ſometime by mainpriſe or by bail, and ſometimes without any mainpriſe with a baſton of the Fleet, and to go from thence into the Country about their merchandiſes, and other their buſineſs, and be there long out of priſon nights and days, without their aſſent at whoſe ſuit they be judged, and without their gree thereof made: Whereby a man cannot come to his right and recovery againſt ſuch priſoners, to the great, miſchief and undoing of many people: (2) It is ordained and aſſented, that from henceforth no Warden of the Fleet ſhall ſuffer any priſoner there being by judgment at the ſuit of the party, to go out of priſon by mainpriſe, bail, nor by baſton, without making gree to the ſaid parties of that whereof they were judged, unleſs it be by writ or other commandment of the King, upon pain to loſe his office, and the keeping of the ſaid priſon. (3) And moreover, if any ſuch Warden from henceforth be attainted by due proceſs, that he hath ſuffered or let ſuch priſoner to go at large againſt this Ordinance, then the Plaintiffs ſhall have their recovery againſt the ſame Warden, by writ of debt. (4) And alſo it is ordained, that if any at the ſuit of the party judged to another priſon for debt, treſpaſs, or other quarrel, will confeſs himſelf voluntarily, and by a fained cauſe, debtor to the King, and by that means to be judged to the ſaid priſon of the Fleet, there to have greater liberty of priſon than elſewhere, and ſo to delay the party of his recovery, the ſame recognizance ſhall be there received; and if he be not debtor to the King of record, his body ſhall incontinently be remanded to the priſon where he was before, there to remain till he hath made gree to the ſaid party, and the ſame gree made, he ſhall be immediately ſent again to the Fleet, there to abide, till he hath made gree to the King of his recognizance aforeſaid. St. 7 H. 4. 4.

CAP. XIII.

Eccleſiaſtical Judges ſhall not be vexed for ſuits for Tithes in a Spiritual Court.

Eccleſiaſtical Perſons 47.
Eccleſiaſtical Judges nor other ſhall be indicted or impriſoned for ſuits in any Spiritual Court for Tithes, &c.

Co. Inſt. 2 par 489.

ITem, The Prelates and Clergy of this Realm do greatly complain them for that the people of holy Church, purſuing in the ſpiritual Court for their Tithes, and their other things, which of right ought, and of old times were wont to pertain to the ſame ſpiritual Court, and that the Judges of holy Church, having cognizance in ſuch cauſes, and other perſons thereof medling according to the Law, be maliciouſly and unduly for this cauſe indicted, impriſoned, and by ſecular power horribly oppreſſed, and alſo enforced with violence by oaths, and grievous obligations, and many other means unduly compelled to deſiſt and ceaſe, utterly of the things aforeſaid, againſt the liberties and franchiſes of holy Church: (2) Wherefore it is aſſented, that all ſuch obligations made or to be made by dureſs or violence, ſhall be of no value. And as to thoſe that by malice do procure ſuch indictments, and to be the ſame enditors, after the ſame inditees be ſo acquit, ſuch procurers ſhall have and incur the ſame pain that is contained in the Statute of Weſtminſter the ſecond, of thoſe which procure falſe appeals to be made. And the Juſtices of Aſſiſes or other Juſtices before whom ſuch inditees ſhall be acquit, ſhall have power to enquire of ſuch procurers and enditors, and duly to puniſh them according to their deſert.

St. 13 Ed.1.22. The penalty of thoſe which do procure ſuch Indictments.

CAP. XIV.

In an action of goods taken away, the defendant maketh title for Tithes due to the Church.

20 Ed.4.3.b.

ITem, It is accorded, that at what time that any perſon of the holy Church be drawn in plea in the ſecular Court for his own Tithes taken by the name of goods taken away, and he which is ſo drawn in plea, maketh an exception, or alledgeth that the ſubſtance and ſuit of the buſineſs is only upon Tithes due of right and of poſſeſſion to his Church, or to another his Benefice: that in ſuch caſe the general averment ſhall not be taken without ſhewing ſpecially how the ſame was his lay-chattel.

Tithes 24. In an action of goods carried away the defendant maketh his title for Tithes due to his Church.

CAP. XV.

The penalty for arreſting of Prieſts doing Divine Service.

13 Co. 130.

ITem, Becauſe that Prelates do complain themſelves, that as well beneficed people of holy Church, as other, be arreſted and drawn out as well of Cathedral Churches as of other Churches and their Church-yards, and ſometime whiles they be intended to Divine ſervices, and alſo in other places, although they be bearing the body of our Lord Jeſus Chriſt to ſick perſons, and ſo arreſted and drawn out, be bound and brought to priſon againſt the liberty of holy Church: (2) It is ordained, that if any Miniſter of the King or other, do arreſt any perſon of holy Church by ſuch manner, and thereof be duly convict, he ſhall have impriſonment, and then be ranſomed at the Kings will, and make gree to the parties ſo arreſted. (3) Provided always, that the ſaid people of holy Church ſhall not hold them within the Churches or Sanctuaries by fraud or colluſion in any manner. (4) And therefore we command that thou cauſe all the ſaid Statutes to be cried and publiſhed, and firmly kept through thy Bailiwick, according to the form and tenour thereof; and that do not omit in any wiſe. Given under the witneſs of our great Seal the firſt day of February, in the firſt year of our Reign.

Browal.301.

Arreſts 1. The penalty for arreſting a Prieſt doing divine ſervice.
St.50 Ed. 3.5.
St. 1 Mar. 3.
3 Bulſtr. 72.
2 Cr.321. pl.4.

A Statute made at *Glouceſter*, *Anno* 2 *Rich.* 2. & *Anno Domini*, 1378.

OUr Lord the King at his Parliament holden at Glouceſter, the Wedneſday next after the Feaſt of S. Luke, the ſecond year of his Reign, amongſt other things there aſſented and accorded, hath made certain Statutes, and Ordinances, as well for the common profit of the Realm, as for the maintenance of the peace of his ſaid Realm, in the form following.

CAP. I.

All Merchants may buy and ſell within the Realm without diſturbance.

FIrſt, Becauſe that before this time in time of the Noble King Edward, Grandfather to our Lord the King that now is, in his Parliaments holden at York and Weſtminſter, and alſo in this preſent Parliament, great complaint hath been made to our ſaid Lord, for that in many Cities, Boroughs, Ports of the Sea, and other places within the Realm of England, great damages and outragious grievances have been, and yet be done to the King, and to all his Realm, by the Citizens, Burgeſſes and other people of Cities, Boroughs, and other Towns and places aforeſaid, which have not ſuffered, nor yet will ſuffer Merchants ſtrangers, nor other that do bring, carry or convey by ſea or by land, Wines avoir de pois, ſuſtenance, victuals, or other things vendible, profitable and neceſſary, as well for the King, the Prelates and Lords, as for all the Communalty of his land, to ſell or deliver the ſaid Wines, Suſtenance, Victuals, nor other things vendible to any other than to them of the ſame Cities, Boroughs, Ports of the Sea, and other places, to which ſuch Wines, ſuſtenance, victuals or other things vendible were and be brought, carried and conveyed: (3) and by ſo much thoſe things have been and yet be ſold and ſet to the King, to his Lords, and to all his people, by the hands of the Citizens, Burgeſſes, and other people Denizens, to a great and exceſſive dearth over that they ſhould have been, if the Merchants ſtrangers and other which bring ſuch things into the Realm, might freely have ſold them to whom they would: (3) nor alſo would not, nor yet will ſuffer the Merchants ſtrangers, that do come or would come within the Realm, to buy Wools and other merchandiſes growing within the Realm, to go, travel, and merchandiſe, or abide freely as they were wont to do, to the great damage of the King, of the Prelates, of the Lords, and of all the Ream, and againſt the common profit, and againſt the Statutes and Ordinances thereof made in times paſt in the ſaid two Parliaments: (4) our Lord the King conſidering clearly the coming of Merchants ſtrangers within the Realm to be very profitable for many cauſes to all the Realm, by the aſſent of the Prelates, Dukes, Earls, Barons, and of the Commons of the Realm, hath ordained and eſtabliſhed, that all Merchants Aliens, of what Realms, Countries, or Seigniories that they come, which be of the amity of the King, and of his Realm, may from henceforth ſafely and ſurely come within the Realm of England, and in all Cities, Boroughs, Ports of the Sea, Fairs, Markets, or other places within the Realm, within franchiſe and without, and abide with their goods and all merchandiſes, under the ſafeguard and protection of the King as long as ſhall pleaſe them, without diſturbance or denying of any perſon. (5) And that as well thoſe Merchants Aliens and Denizens, and every of them that will buy and ſell Corn, Fleſh, Fiſh, and all manner other victuals and ſuſtenance, and alſo all manner of Spiceries, Fruit, Fur, and all manner of ſmall Wares, as Silk, Goldwyre,

Merchants 1.
St.9 Ed. 3. 1.
St. 25 Ed.3.1.

The inconveniences enſuing by reſtraining Merchants from ſelling of victuals where they will.

Merchants ſtrangers may buy or ſell all things vendible within the Realm.

or

Aliens muſt ſell their wines in groſs, and not by retail. Alt. 11 R. 2. 7.

What commodities Merchants Aliens or Denizens may ſell in groſs, and which by retail, and to whom.

The penalty of them which do diſturb Merchants to buy and ſell wares at their pleaſures, and of chief officers not puniſhing theſe diſturbers.

or Silverwyre, Coverchiefs, and other ſuch ſmall Ware, may from henceforth freely and without denying or any manner of diſturbance, as well in the City of London, as in all Cities, Boroughs, Ports of the Sea, Fairs, Markets, and other places within the Realm, ſell and buy in groſs, and by parcels, to whom and of whom they pleaſe, Denizens or Foreign, (6) except the Kings enemies, and except that all manner of Wines, as well ſweet as other ſhall be ſold by the ſaid ſtrangers in groſs and by whole veſſels, as they be brought into the Realm, and not at retail by any in the ſaid Cities, Boroughs, and other Towns franchiſed, but only by the inhabitants and freemen in the ſame. (7) And as to all other great Wares, as Cloth of Gold and Silver, Silk, Sendal, Napery, Linnen-cloth, Canvas and other ſuch great Wares, and alſo all manner of other great merchandiſes not above expreſſed, whatſoever they be, from henceforth as well Aliens as Denizens, as well in the City of London, as in other Cities, Boroughs, Ports of the Sea, Towns, Fairs, Markets, and elſewhere through the ſaid Realm, within franchiſe and without, may ſell the ſame in groſs to every perſon foreign or denizen that will buy the ſame freely and without denying (except to the Kings enemies and the Realms) as well by the Bale, Cloth, or by whole pieces at their pleaſure, and not at retail, upon pain of forfeiture of the ſame merchandiſes, but only the Citizens and Burgeſſes in their own Cities and Boroughs and other good Towns franchiſed, to whom (and to none other ſtrange Merchant of their franchiſe) they may, (8) and it ſhall be lawful to them without impeachment, to unfold, undo, and put in the ſame their proper Cities, and Boroughs, the great merchandiſes, and other great Wares aforeſaid, and as well the ſame as Wines and other merchandiſes whatſoever, there to ſell in groſs and by retail at their pleaſure, paying all the Cuſtoms and Subſidies due: notwithſtanding any Statutes, Ordinances, Charters, Judgments, Allowances, Cuſtoms, and Uſages made or ſuffered to the contrary: (9) which Charters and Franchiſes, if any there be, they ſhall be utterly repealed and adnulled, as a thing made, uſed or granted againſt the common profit, or oppreſſion of the people. (10) Saving always to Prelates and Lords of the Realm wholly their liberties and franchiſes, that they may make their purveyances and buyings of victuals, and of other their neceſſaries as they were wont to do in old time, (11) and ſaving that the Ordinances made before this time of the Staple of Calice be holden in their force and vertue. (12) And it is not the Kings mind, that Merchants ſtrangers, or denizens, that will buy and ſell their Wools, Woolfels, Wares, Clothes, Iron, and other merchandiſes, at Fairs and Markets in the Country, ſhould be reſtrained or diſturbed by this Statnte to ſell or buy freely in groſs or at retail, as they were wont to do heretofore. (13) And if it ſo happen, that from henceforth diſturbance be made to any Merchant Alien, or Denizen, or other upon the ſale of ſuch things, in City, Borough, Town, Port of the Sea, or other place that hath franchiſe, againſt the form of this Ordinance: and the Mayor, Bailiffs, or other that have the keeping of ſuch franchiſe, required by the ſaid Merchants or other in their name thereof to make remedy, do not the ſame, and thereof be attainted, the franchiſe ſhall be ſeiſed into the Kings hand: And nevertheleſs, they that have done ſuch diſturbance againſt this Statute, ſhall be bound to render and reſtore to the Plaintiff his double damages that he hath ſuffered by this occaſion. (14) And if ſuch diſturbance be made to ſuch Merchants, or to other in Towns, and places where no franchiſe is, and the Lord if he be preſent, or his Bailiffs, Conſtables, or other Warden of the Towns and places, in abſence of the Lords thereof required to do right, and do not, and thereof be duly attainted, they ſhall yield to the plaintiff his double damages, as afore is ſaid, and the diſturbers in the one caſe and the other, as well within franchiſes as without, if they be attainted, they ſhall have one years impriſonment, and be ranſomed at the Kings will. (15) And it is ordained and eſtabliſhed, that the Chancellor, Treaſurer, and Juſtices aſſigned to hold pleas of the King in the places where they come, ſhall diligently inquire of ſuch diſturbances and grievances, and do puniſhment according as afore is ordained. (16) And nevertheleſs, the King ſhall aſſign by commiſſion certain people, where and when ſhall pleaſe him, to enquire of ſuch diſturbances and grievances, and to puniſh the offendors in this party, as afore is ſaid. 9 H. 3. 30.

Foreſtallers, Raſt. 4.

CAP. II.

A confirmation of the Statute made 25 E. 3. 3. againſt Foreſtallers. Alt. 5 Ed. 6 14.

Merchants, Raſt. 18.

CAP. III.

Merchants of the Weſt may buy merchandiſes, ſo that they find ſureties to carry them to the Weſt or to Calais. OB.

Mariners, Raſt. 1.

CAP. IV.

The penalty of Mariners retained to ſerve the King on the Sea which do depart without licence. Alt. 18 H. 6. 19. and 5 Eliz. 5.

CAP. V.

The penalty for telling of ſlandrous lies of the great men of the Realm.

News 1.

Co. l. 12. 134. 2 Inſt. 227. 4 Inſt. 41. 1 Roll. 78. Vaughan 139. Palmer 565.

2 Bulſtr. 225. The penalty for telling of ſlandrous news of the Peers or great officers of the Realm. Raſt. pl. fo. 393. St. 3 Ed. 1. 33.

1 Leond. 187. Dyer f. 155. Cro. l. 4. 11. Kel. f. 26. Cro. El. 1. Cro. ca. 135. Jones 194.

ITem, Of deviſors of falſe news and of horrible and falſe lies, of Prelates, Dukes, Earls, Barons and other Nobles and great men of the Realm, (2) and alſo of the Chancellor, Treaſurer, Clerk of the Privy-Seal, Steward of the Kings Houſe, Juſtices of the one Bench or of the other, and of other great Officers of the Realm, of things which by the ſaid Prelates, Lords, Nobles and Officers aforeſaid, were never ſpoken, done, nor thought; (3) in great ſlander of the ſaid Prelates, Lords and Officers, whereby debates and diſcords might riſe betwixt the ſaid Lords or between the Lords and the Commons (which God forbid) and whereof great peril and miſchief might come to all the Realm, and quick ſubverſion and deſtruction of the ſaid Realm, if due remedy be not provided: (4) It is ſtraightly defended upon grievous pain, for to eſchew the ſaid damages and perils, that from henceforth none be ſo hardy to deviſe, ſpeak, or to tell any falſe news, lies, or other ſuch falſe things, of Prelates, Lords, and of other aforeſaid, whereof diſcord or any ſlander might riſe within the ſame Realm: (5) and he that doth the ſame ſhall incur and have the pain another time ordained thereof, by the Statute of Weſtminſter the firſt, which will, that he be taken and impriſoned till he have found him of whom the word was moved. St. 12 R. 2. 11. 1 & 2 P. & M. 3. 1 El. 6.

CAP.

CAP. VI.

Urban was duly choſen Pope, and ſo ought to be accepted and obeyed. Exp. Proviſion, Raſt. 8.

CAP. VII.

Commiſſions ſhall be awarded to arreſt Riotors, and other perſons offenſive to the peace, and to impriſon them. Rep. 2 R. 2. 2. St. 17 R. 2. 8. Riots, Raſt. 1.

CAP. VIII.

The Statute of 23 Ed. 2. 3. and all other Statutes of Labourers, &c. confirmed. Rep. 5 Eliz. 4. Laborers. Raſt. 22.

Other Statutes made at *Weſtminſter*, *Anno* 2 *R.* 2. *St.* 2. & *Anno Dom.* 1379.

TO the honour of God and of holy Church, and for the common profit of the Realm of England, our Lord the King Richard, at his Parliament holden at Weſtminſter, in the fifteenth of Eaſter, the ſecond year of his Reign of the aſſent of the Prelates, Dukes, Earls, Barons, and other great men, and of the Commons of this Realm ſummoned to the ſaid Parliament, hath ordained and eſtabliſhed, in the ſaid Parliament, for the quietneſs of his ſaid people, the Statutes and Ordinances following, perpetually to endure in his ſaid Realm.

CAP. I.

A Confirmation of the Liberties of the Church.

Inſt. 51. ect. 5.

FIrſt, That holy Church have and enjoy her Franchiſes and Liberties in all points, in as ample manner, as ſhe them had in the time of his Noble Progenitors Kings of England; (2) and that the great Charter, and the Charter of the Foreſt, and the good Laws of the Land be firmly holden and kept, and put in due execution.

Confirmation, Raſt. 4. A confirmation of the liberties of the Church, and the laws of the Realm.

CAP. II.

A repeal of the Statute of 2 R. 2. 7. touching Riots. Riots, Raſt. 1.

CAP. III.

Fraudulent Deeds made by Debtors to avoid their Creditors, ſhall be void.

4 Inſt. 51. Proviſion, Raſt. 9.

ITem, In caſe of debt, where the debtors make fained gifts and feoffments of their goods and lands to their friends, and other, and after withdraw themſelves, and flee into places of holy Church priviledged, and there hold them a long time, and take the profit of their ſaid lands and goods ſo given by fraud or colluſion, whereby their creditors have been long and yet be delayed of their debts and recovery, wrongfully and againſt good faith and reaſon: (2) It is ordained and eſtabliſhed, that after that the ſaid creditors have thereof brought their writs of debt, and thereupon a Capias awarded, and the Sheriff ſhall make his return that he hath not taken the ſaid perſons, becauſe of ſuch places priviledged, in which they be or ſhall be entred: (3) then after ſuch return made, another Writ ſhall be granted and made to the Sheriff, in which Writ ſhall be compriſed, that proclamation be made openly at the gate of the place ſo priviledged, where ſuch perſons be entred, by five weeks continually, every week once, that the ſame perſon be at a certain day compriſed in the ſaid Writ, before the Kings Juſtices, there to anſwer to the plaintiff of his demand; (4) and upon this Writ, returned by the ſaid Sheriff, that Proclamation is made in the ſaid form, if the ſaid perſon called came not in proper perſon, nor by Attorny, judgment ſhall be given againſt them upon the principal for their default: (5) And out of the ſame judgment execution ſhall be made of their goods and lands, being out of the place priviledged, that is to ſay, as well of thoſe lands and goods ſo given by colluſion, as of any other out of the ſame Franchiſe, after that ſuch colluſion or fraud be duly found, in the ſame manner as that ought to have been, if no deviſe had been thereof made, notwithſtanding the ſame deviſe. (6) But it is not the Kings mind that by vertue of this Statute any man be barred out of his ſuit againſt ſuch debtors by the common courſe of the Law before this preſent Statute uſed. St. 50 Ed. 3. 6. 3 H. 7. 4. 13 Eliz. 5. Raſt. pl. fo. 196, 392.

11 H. 4. f. 40. 7 H. 6. f. 8. Dyer f. 295. Fitz. Procl. 2.

Fraudulent deeds made by debtors to avoid their creditors, ſhall be void.

Statutes made at *Weſtminſter*, *Anno* 3 *R.* 2. & *Anno Dom.* 1379.

AT the Parliament holden at Weſtminſter, the Monday next after the Feaſt of Saint Hillary, the third year of King Richard the ſecond, of the aſſent of the Lords and other in the ſaid Parliament, our ſaid Lord hath cauſed to be made certain Statutes and Ordinances in the form following.

CAP. I.

A Confirmation of the Laws of the Church, and of the Laws and Statutes of the Realm.

FIrſt, It is ordained and eſtabliſhed, That holy Church have and wholly enjoy her Franchiſes and Liberties, by the manner as ſhe hath had and enjoyed them in the time of the Kings noble Progenitors, (2) and that the good Laws and Cuſtoms of the Realm, and the Statutes made before this time, and not repealed, be holden and firmly kept and put in due execution.

Confirmation, Raſt. 4. A confirmation of the liberties of the Church, and of the Laws of the Realm.

CAP. II.

The penalty of the Aulneger that ſetteth his Seal to faulty Cloths.

Drapery, Raſt. 11.

ITem, Becauſe that the Commons do greatly complain them to be grieved, in that, that whereas in the time of the Kings noble Grandfather, it was ordained for the common profit of the Realm, That all the Woollen Clothes from thenceforth to be made in England, which ſhould be ſet to ſale, ſhould contain a certain meaſure in length and breadth, upon a certain pain compriſed in the ſaid Statute; (2) nevertheleſs, divers people through the Realm, not having regard to the ſaid Statute, make now divers Woollen Clothes vendible, which do not contain the meaſure nor the Aſſiſe ordained by the ſame Statute, and which worſe is, cauſe ſubtily to be tacked and ſet together with threed divers pieces of ſuch Clothes, and after by covin betwixt them and the Kings Aulnegers, to hide and colour

St. 2 Ed. 3. 14. 27 Ed. 3. 1. 47 Ed. 5. 1.

lour the falſity, do procure the ſaid Aulneger to put the ſeal ordained upon the ſame Clothes, to the intent and that the buyers might believe, that ſuch Clothes ſo ſealed be ſufficient Clothes, and whole, containing the ſame Aſſiſe, for otherwiſe they had not been ſealed, as they ſay, in great deceit of the people, and miſchief to the ſaid buyers, as well denizens as ſtrangers: It is accorded and aſſented, That the Statutes made of the ſaid Clothes before this time, and not repealed, be kept and duly put in execution. (4) And moreover it is aſſented, That if any the ſaid Aulnegers or of the Collectors of the Subſidy of the ſaid Clothes, do from henceforth ſet his ſeal to any ſuch Cloth ſo ſowed in deceit, the ſame Cloth ſhall be forfeit to the King, in whoſe hands ſoever it be found, and alſo the Aulneger or Collector thereof found guilty, ſhall forfeit his Office. (5) And if he have put the ſame ſeal to any other Cloth vendible, that is not of the ſaid Aſſiſe, the ſame Aulneger or Collector ſhall forfeit to the King the value of the ſame Cloth ſo ſealed in deceit of the people, together with his ſaid Office. (6) And nevertheleſs, for the ſaid falſity he ſhall have one years impriſonment, and then be ranſomed at the Kings will. (7) And this Statute ſhall begin to hold place at the Nativity of Saint John Baptiſt next coming, and not before.

The penalty of the Aulneger that ſetteth his ſeal to Cloth tacked together faulty or lacking Aſſiſe

St. 11 H. 4. 6.

CAP. III.

None ſhall take any Benefice of an Alien, or convey Mony to him.

Premunire 2. 4 Inſt. 51. §. 5.

ITem, Becauſe that our Lord the King hath perceived, as well by the complaints of his faithful liege-peole, and by their clamour by divers Petitions thereof delivered in divers Parliaments before this time, as otherwiſe by the perfect knowledge and experience of the deed, how the Churches Cathedral and Collegial, Abbeys and Priories, and other Benefices of his Realm, which were late founden, and richly endowed by his noble Progenitors, in which divers Dignities, Offices, Parſonages, Chanonries, Prebends, and other Benefices were ſolemnly and devoutly ordained and eſtabliſhed, of the aſſent of the foreſaid Progenitors of the King, and of other their noble Founders, which did give to the ſaid Paſtors of the ſame Churches, Abbies, Priories, and of other great places, the advowſons of the ſame Benefices, to the intent that the ſame Benefices ſhould be given to honeſt and meet perſons of the Realm, to ſerve and honour God diligently, and alſo to keep hoſpitality, and to inform and teach the people, and to do other worthy things pertaining to the cure of Souls, after the eſtate and quality of the ſaid Benefices: (2) and ſo was it done in all times paſt after the foundation of the ſame, till now of late, that by the informations, inſtigations, and procurements of ſome of the Kings liege-people, the ſame Benefices have been given againſt the will of the Founders to divers people of another Language, and of ſtrange Lands and Nations, and ſometime to the utter Enemies of the King and of his Realm, which never made reſidence in the ſame, nor cannot, may not, nor will not in any ſuch wiſe bear and perform the charges of the ſame Benefices, as in hearing Confeſſions, Preaching, nor Teaching the people, keeping Hoſpitality nor accompliſhing the other things neceſſary to the governance of the ſame Benefices, but only thereof have and take the emoluments and temporal profits, not having regard to the ſpiritual Cure, nor to other charges to the ſame Benefices pertaining or belonging, but maniféſtly ſuffer the noble buildings in old times were made, when the ſame Benefices were occupied by Engliſhmen, wholly to fall to decay, whereby the Divine Service is greatly miniſhed, the cure of ſouls neglected and left, the Clergy enfeebled, the Treaſure of the ſaid Realm carried to the hands of Aliens, and all the Eſtate of holy Church brought to leſs reverence than before it was wont to be: (3) and though that in the time of the ſaid Grandfather certan Ordinances, Statutes and Compoſitions were made and affirmed, wholly to put out, or at the leaſt to reſtrain the ſaid miſchiefs in this behalf; nevertheleſs, the ſaid Aliens not having regard to the ſame, do not refrain to take and receive ſuch Benefices within the ſaid Realm, but by the Comfort, Aid, and great ſuccour which they have had of the Kings liege-people, that be their Fermors, Procurators and Attornies in this behalf, and in every part of the ſaid Realm, do enforce themſelves from day to day more and more to accept the greateſt Dignities and Benefices within the ſaid Realm, and by divers cautelous manners, much prejudicial to the ſame Realm if that were ſuffered, whereby the ſaid miſchiefs do daily increaſe, and much more will increaſe, if due remedy be not the ſooner provided.

The cauſes why advowſons of Benefices were given to ſpiritual perſons.

The inconveniences which have enſued by giving of benefices to aliens.

St. 25 Ed. 3.

None ſhall take in ferm any Benefices of the Church of an Alien without the Kings Licence.

None ſhall convey mony out of the Realm to an Alien for ſuch ferm.

II. Our Lord the King, by the advice and common aſſent of all the Lords Temporal being in this Parliament, hath ordained and eſtabliſhed, That none of the Kings liege-people, nor other perſon of whatſoever eſtate or condition that he be, ſhall not take nor receive within the ſame Realm of England, Procuracy, Letter of Attorny, nor Ferm, nor other Adminiſtration by Indenture, nor in other manner whatſoever of any perſon of the world, of any Benefice within the ſaid Realm, but only of the Kings liege-people, of the ſame Realm, without the ſpecial grace and expreſs licence of our Lord the King, by the advice of his Council. (2) And if any before this time have accepted of any Aliens ſuch Procuracies, Ferms, or adminiſtration, that they ſhall utterly leave them within forty days after publication of this Ordinance. (3) And that none of the ſaid liege-people, nor other that may be found in the ſaid Realm, ſhall convey by vertue of ſuch Procuracy, Ferm, or adminiſtration, gold, ſilver nor other Treaſure nor Commodity out of the ſaid Realm by Letter of Eſchange, by Merchandiſe, nor in other manner to the profit of the ſaid Aliens, without like licence of the King by the advice of his ſaid Council. (4) And if any do the contrary in any point contained in this Ordinance, he ſhall incur the pain and puniſhment contained in the Statute of Proviſors, made in the time of the Kings Grandfather, the ſeven and twentieth year of his Reign, by the ſame proceſs compriſed in the ſaid Statute, (5) and by warning to be made to them in their Benefices, or other their Poſſeſſions within the Realm. (6) And if they be out of the ſaid Realm, and not Beneficed, nor having Poſſeſſion within the ſame Realm where they may be warned, then a Writ ſhall be made in the

St. an. 27 Ed. 3. de proviſoribus.

Chancery grounded upon this Ordinance to the Sheriff of London, or to the Sheriff of the County in which they were or ſhall be born, at the Kings ſuit, returnable in the one Bench or the other, by which Writ it ſhall be commanded, That Proclamation be made openly, that they appear before the Juſtices in the Bench where the Writ is returnable at a certain day compriſed in the ſame Writ, containing the ſpace of half a year, to anſwer upon the matters compriſed in the ſaid Writ: (7) and after this Writ returned, the Juſtices ſhall proceed againſt them, according to the form above ordained. (8) And it is aſſented by the King in the ſame Parliament, by the aſſent aforeſaid, That no Biſhop nor other perſon of holy Church through the Realm, ſhall meddle by way of Sequeſtration, or in any other manner with the fruits of ſuch Benefices given or to be given to the ſaid Aliens, to the profit of the ſame Aliens, upon the peril that belongeth. Dated, &c. Stat. 7 R. 2. 12. 1 H. 5. 7.

Proceſs awarded againſt offenders that are out of the Realm.

None ſhall meddle by ſequeſtration nor in other manner with a benefice given to an Alien.

A Statute made at *Northampton Anno* 4 *Rich.* 2. & *Anno Domini*, 1380.

CAP. I.

All Veſſels of Wine, Honey, and Oyl brought into this Realm, ſhall be gauged.

RICHARD by the Grace of God, &c. to the Sheriff of Nottingham greeting. The Commons of our Realm of England have prayed us by their Petition delivered to us at our preſent Parliament holden at Northampton, containing how many Wines of divers manners oftentimes brought within the Land, which do often paſs without gauging, becauſe that the Statutes thereupon made in the time of our Grandfather, (whom God aſſoil) do not make expreſs mention of all manner Wines, and of other liquors, to the great damage of the Lords and Commons of the ſame Realm, which be oftentimes deceived in their buying, becauſe they cannot without gauge have rightful knowledge how much the ſame veſſel will contain. That it may pleaſe us, for the profit of us and our Realm more plainly to declare the ſame Statutes, in ſuch manner, that all manner of Wines, and other liquors gaugeable brought within the Realm, may be compriſed in the ſame Statutes: (2) We conſidering the ſaid Supplication to be profitable for us, the Lords and Commons of the ſame Realm, will and grant by the aſſent of the Prelates, and Lords aforeſaid, That the Statutes thereupon made (as is ſaid) be holden, kept, and put in due execution. (3) And moreover we declare, and of the aſſent aforeſaid, will and grant, That as well all manner veſſels of ſweet Wines of the Rine, and of other Wines, as other veſſels of Vineger, Oyl, Honey, and all other liquors gaugeable, which from henceforth ſhall come within this Realm of England, or within our Lands of Wales and Ireland, ſhall be well and lawfully gauged by our Gaugers thereto aſſigned, or their deputies. (4) And if any ſet debate and diſturbance, and will not ſuffer the Wines or other liquors aforeſaid to be gauged, he ſhall incur the pain ordained by the ſaid other Statutes. (5) And in the ſame manner the Gaugers ſhall incur the pain compriſed in the ſame Statutes, if default be from henceforth found in them, or in their deputies in this behalf. Stat. 18 H. 6. 17. 1 R. 3. 13. 28 H. 8. 14.

Wines 13.
St. 27 Ed. 3. 8.

All the veſſels of wine, vineger, honey, and Oyl brought into the Realm ſhall be gauged.

CAP. II.

The Kings Pardon of Eſcapes, and Felons, and Clerks Convict. Exp.

Pardon.

Other Statutes made at *Weſtminſter, Anno* 5 *Rich.* 2. & *Anno Domini*, 1381.

Richard by the Grace, &c. To the Sheriff of Nottingham, greeting. Know thou, That to the reverence of God and of holy Church, and for to Nouriſh, Peace, Unity, and quietneſs of good accord, in all parts of our Realm of England, and eſpecially for the good Governance of the ſame Realm (which we do chiefly deſire) of the aſſent of the Prelates, Lords and Commons aſſembled at our Parliament holden at Weſtminſter the morrow after All Souls laſt paſt, we have cauſed to be made certain ordinances and eſtabliſhments, as well for the amendment of the ſaid governance, as for the common profit of the Realm in the form following.

CAP. I.

A Confirmation of the Liberties of the Church, and of all Statutes made and not repealed.

Confirmation
Raſt. 6.

First, It is aſſented and accorded, That holy Church have and enjoy all her Liberties and Franchiſes wholly. (2) And that the great Charter and the Charter of the Foreſt, and all other good Statutes and Ordinances made before this time, and not repealed, and eſpecially the Statutes of Purveyors late made in the time of the noble King Edward our Grandfather, be holden, kept, and put in due execution after the form and effect of the ſame.

A confirmation of the Liberties of the Church, and of the Laws of the Realm.

CAP. II.

None ſhall Tranſport Gold or Silver. None ſhall depart out of the Realm without Licence.

Mony 3.

None ſhall tranſport gold or ſilver without the Kings licence.

St. 9 Ed. 3. 1.
2 H. 4. 3.
2 H. 6. 6.
4 H. 4. 16.
19 H. 7. 5.

ITem, For the great miſchief which the Realm ſuffereth, and long hath done, for that gold and ſilver, as well in mony, veſſel, plate, and jewels, as otherwiſe by exchanges made in divers manners, is carried out of the Realm, ſo that in effect there is none thereof left, which thing if it ſhould longer be ſuffered, would ſhortly be the deſtruction of the ſame Realm (which God prohibit:) (2) It is aſſented and accorded, and the King enjoyneth all manner of people, Merchants, Clerks, as other, as well ſtrangers as denizens, of what eſtate or condition they be, upon pain of as much as they may forfeit, That none of them upon the ſaid pain privily nor openly ſend nor carry, nor cauſe to be ſent or carried out of the ſaid Realm, any gold or ſilver in mony, Bullion, Plate, or Veſſel, neither by exchanges to be made, nor in other manner, but the wages of Calis, and of other the Kings For-

In what caſes and for what cauſes gold or ſilver may be tranſported.

treſſes beyond the Sea, and eſpecially excepted the Prelates, Lords, and other of the ſame Realm, to whom ſometimes it behoveth neceſſarily to make payments beyond the Sea, that of the ſame payments only they make Exchanges in England, by good and ſufficient Merchants to pay beyond the Sea; (3) And firſt ſpecial leave and licence had of the King, as well for the Exchangers as for the perſon which ought to make the payments, containing expreſly the ſum which ſhall be ſo exchanged. (4) And it is aſſented, That the Merchants that ſo ſhall make exchanges, ſhall be diligently examined and ſworn in their proper perſons, as often as they ſhall have the ſaid licence, That they ſhall not ſend beyond the Sea any manner of gold nor ſilver under the colour of the ſame Exchange. (5) And if after Proclamation of this Ordinance, any perſon be from henceforth duly attainted that he hath cauſed to be ſent or carried beyond the Sea any gold or ſilver againſt this Reſtraint and Ordinance, he ſhall forfeit to the King the ſame ſum ſo carried or ſent. (6) And the King our Lord of his Royal Majeſty defendeth the paſſage utterly of all manner of people, as well Clerks as other, in every Port and other Town and place upon the coaſt of the Sea, upon pain of forfeiture of all their goods, except only the Lords and other great men of the Realm, and true and notable Merchants, and the Kings Souldiers. (7) And every perſon other than is before excepted, which after publication of this Ordinance made, ſhall paſs out of the ſaid Realm without the Kings ſpecial licence (which licence the King willeth and commandeth that it be not from henceforth made, but only in one of the Ports underwritten, that is to ſay, London, Sandwich, Dover, Southampton, Plimouth, Dertmouth, Briſtow, Yarmouth, Saint Botolph, Kingſton upon Hull, Newcaſtle upon Tine, and the other Ports and paſſages towards Ireland, and the Iſles pertaining to the Realm of England) ſhall forfeit to the King as much as he hath in goods, as above is ſaid: (8) and nevertheleſs, the Maſter or Mariner of the Ship, or of other veſſel in which he ſhall carry over beyond the Sea any perſon but ſuch only as be before excepted, without the ſaid licence, and thereof be convict duly, ſhall forfeit the ſaid veſſel to the King. (9) And the King commandeth all Wardens and Searchers of the Ports and paſſages through England, That they ſhall from henceforth diligently uſe their Office, and make good and ſtrait ſearch. (10) And if any Searchers or Wardens of the Ports and paſſages through the ſaid Realm, by negligence or in other manner do, or ſuffer wittingly to be done in any point the contrary of the ſaid two Articles touching the mony of gold or ſilver, and the ſaid paſſages of people, and thereof be duly convict, he ſhall forfeit to the King his ſaid Office and all his goods, and his body ſhall be committed to Priſon, there to abide a whole year without redemption. (11) and thereupon whoſoever eſpieth and proveth duly that any thing be done againſt the intent of the ſaid two laſt Articles, whereby the ſaid forfeiture ought to fall upon any perſon, he ſhall have half of the ſame forfeiture for his labour of the Kings gift.

None ſhall depart without the King licence. Rep. 4 Jac. 1. Fit. N. B. f. 85. E. St. 12 R. 2. 8.

Dyer f. 1 165, 17 296.

The penalty of the Maſter or Mariner of the Ship offending.

The penalty of Searchers or Wardens of Ports offending.

CAP. III.

Ships, Raſt. 2

None of the Kings Subjects ſhall carry forth nor bring any Merchandiſes, but only in Ships of the Kings allegiance. Stat. 1 Eliz. 13. 5 Eliz. 5. 13 Eliz. 15. 6 R. 2. 8. 23 H. 8. 7. 32 H. 8. 14.

CAP. IV.

Wines, Raſt. 13.

The ſeveral prices of ſeveral ſorts of Wine to be ſold in groſs or by retail, and the forfeiture of them which do ſell them dearer. And the chief Officer of a City or Borough may ſell them at the ſame prices, if the owner will not. Rep. 7 R. 2. 11. Stat. 6 R. 2. 7. 28 H. 8. 14.

CAP. V.

Pardon, Raſt. 22.

The Kings pardon to thoſe that repreſſed or took revenge of his Rebels.

CAP. VI.

Dureſs, Raſt. 4

Manumiſſions, Releaſes, and other Bands made in the laſt tumult by compulſion, ſhall be void. It ſhall be Treaſon to begin a Riot, Rout, or Rumor. Rep. 1 Ed. 6. 12.

CAP. VII.

The penalty where any doth enter into Lands where it is not lawful, or with force.

Force 1. The penalty where any doth enter into lands but where his entry is given by the Law, and then with ſtrong hand. Godbolt 145. pl. 180.

1 Buſt. 2 1 Roll. 4

AND alſo the King defendeth, That none from henceforth make any Entry into any Lands and Tenments, but in caſe where Entry is given by the Law, and in ſuch caſe not with ſtrong hand, nor with multitude of people, but only in peaceable and eaſie manner. (3) And if any man from henceforth do to the contrary, and thereof be duly convict, he ſhall be puniſhed by impriſonment of his body, and thereof ranſomed at the Kings will, Reg. f. 182. Fitz. N. B. f. 248. St. 15 R. 2. 2. 8 H. 6. 9. Raſt. pl. f. 62, 116, 141, 251, 354. 1 H. 7. 12, 22. 11 H. 7 f. 15. 27 H. 8. f. 26. 10 H. 7. f. 27. 20 H. 7. f. 2. Fitz. Entry 28, 30, 31, 32, 37, 42, 43. St. 23 H. 8. 14. 4 H. 4. 8. 31 Eliz. 11. 21 Jac. 15.

CAP. VIII.

A remedy for them whoſe writings were deſtroyed in the late inſurrection.

Deeds, Raſt. 1 **A remedy for them whoſe writings were burned in the late inſurrection.**

ITem, Touching the Charters, Releaſes, Obligations, and other Deeds and Miniments, burnt, deſtroyed, or otherwiſe eloined in the ſame rumour, it is aſſented, That they which thereof feel them grieved, ſhall put their Petitions diſtinctly made upon their matters ſpecially before the King and his Council, betwixt this and the Nativity of Saint John Baptiſt next coming at the furtheſt, and there make ſufficient proof of the ſaid Miniments ſo loſt, and of the form and tenor of the ſame; and that done, ſuch remedy ſhall thereof be provided for them at every mans complaint, as beſt ſhall ſeem in the caſe, ſaving the Law. Stat. 6 R. 2. 4.

CAP. IX.

Every perſon that is impeached in the Eſchequer, may plead in his own diſcharge.

Eſchequer 3. Every perſon that is impleaded in the Eſchequer, may plead in his own diſcharge.

ITem, Becauſe that grievous complaint hath oftentimes been made of the Officers of the Eſchequer, for that the Heirs, Executors, Occupiers of Goods, and Lands, Tenents of divers perſons which have been impeached in the ſaid Eſchequer, of debts, accompts and other demands, and which although they have offered them there to ſhew, or plead for their diſcharge of thoſe impeachments according to the Law, they have not been always thereunto received heretofore, without having expreſs commandment by Writ, or Letter of the great Seal or privy Seal, to the great diſquietneſs, miſchief and delay of the ſaid perſons impeached, and no advantage to the King: (2) It is ordained and aſſented, That the Barons of the ſaid Eſchequer ſhall from henceforth have full power to hear every anſwer of every demand made in the ſame Eſchequer, ſo that every perſon that is impeached or impeachable of any cauſe by himſelf, or by any perſon, ſhall be from henceforth received in the ſame Eſchequer to plead, ſue, and have his reaſonable diſcharge in this behalf, without tarrying or ſuing any Writ, or other commandment whatſoever. Co. Inſt. 4 par. 110.

CAP. X.

The Covenants of thoſe that ſhall ſerve the King in his Wars or Embaſſies ſhall be put in writing, and ſent into the Eſchequer.

Regiſt. 91. 1 Inſt. 16.

Eſchequer 4.

ITem, Becauſe that great miſchiefs have happened in times paſt to divers perſons, as well to Lords of the Realm, as other, which were retained or aſſigned to ſerve our Lord the King, by Indentures or without Indentures, in his Wars and his Meſſages, or in other manner, and for the ſame cauſes receive certain ſums of mony at the receit of the ſaid Exchequer, or elſewhere by aſſignment, which ſums have been put upon them in the Rolls of the ſaid Exchequer, as mony received by way of lone, and for that cauſe the ſame ſums ſhould run in demand upon them at the Exchequer as a clear debt, although the ſaid perſons ſo retained, their Heirs, Executors, Occupiers of their Goods, or Land-Tenants, after their death have demanded to be admitted to accompt of the ſums received, which hath not been granted to them, but they have been conſtrained to purſue their grant by the great or privy Seal directed to the Treaſurer and Barons there, whereby it was commanded to the Treaſurer and Barons to accompt with them in this behalf: (2) which Warrants oftentimes have been denied, becauſe that the Kings Officers newly made, percaſe had no knowledge of ſuch retaining made before their time: and ſometime have been granted, but not ſo fully as reaſon and the caſe required: (3) and for as much as the ſame Warrant would that accompt ſhould not be received but only of the ſum ſo received by lone, whereas a greater ſum percaſe was due to them of reaſon, to the great miſchief and hinderance of the ſaid perſons: (4) It is ordained and aſſented, That of all people which from henceforth ſhall be retained or aſſigned to ſerve the King, their Covenants ſhall be put in writing and ſent to the Exchequer, there to remain of Record: ſo that at what time that any perſon ſo retained, his Heirs or Executors, Occupiers of the goods, or Land-tenants come to accompt thereof at the Exchequer, they ſhall be thereto received, and have due allowance in their accompt, according to the content of their covenant: (5) if percaſe any repeal or countermand be made of ſuch retinue of any perſon after that his covenants be put in writing, and ſent to the ſaid Exchequer, as is aforeſaid, the ſame repeal likewiſe ſhall be put in writing, and ſent to the Exchequer, ſo that by the ſight of the ſame repeal, and of the covenants before there ſent, the Barons of the ſaid Exchequer ſhall do right to the party according as the Law and reaſon demandeth. (6) And if any thing be due unto them by the ſame accompt, that thereof by certificate of the ſame Exchequer, the Treaſurer and the Chamberlains ſhall make payment or aſſignment to them without tarrying or ſuing other Warrant, or commandment of the great or privy Seal in this behalf.

The covenants of thoſe which ſhall be retained to ſerve the King in his Wars or Embaſſies ſhall be ſent into the Eſchequer.

CAP. XI.

The Accompts in the Exchequer ſhall be more ſpeedily heard than they were wont.

Co. Inſt. 4 par. 113.

Eſchequer 3 Raſt. 6.

ITem, It is ordained and aſſented, That the accompts in the Exchequer ſhall be more ſhortly heard, made and ingroſſed, than they were wont heretofore: Saving always, that the parcels of the ſame accompts be made as fully as they were wont in times paſt, and that by ordinance to be made by the Barons of the ſaid Exchequer, there to endure of Record for ever.

The accompts of the Eſchequer ſhall be more ſpeedily heard than before they were.

CAP. XII.

Two Clerks ſhall be aſſigned to make parcels of Accompts in the Exchequer.

Eſchequer 5.

ITem, It is ordained and aſſented, That two Clerks ſhall be aſſigned to make parcels of accompts in the ſame Exchequer to them that will demand the ſame, and they ſhall be ſworn that they ſhall commit no falſhood in their office, and ſhall take for their labour of them to whom they ſerve reaſonably according to the ordinance of the Barons of the ſaid Exchequer.

Two Clerks ſhall be aſſigned to make parcels of Accompts in the Eſchequer.

CAP. XIII.

Accompts of *Nihil* ſhall be put out of the Exchequer. An Accomptant diſcharged upon his Oath.

Eſchequer 6.

ITem, It it is ordained and aſſented, That the accompts of Nihil in the Exchequer, ſhall be wholly put out; (2) or if any ſuch accompts ought there to remain, the accomptants preſently after their oath made in the ſaid Exchequer ſhall be examined by the Barons there, if they ſhould or ought to anſwer the King of any thing in this behalf: (3) And if it be found by their ſaid Oath that they ought not, then by the ſame their Oath they ſhall be diſcharged to yield other accompt before any Auditor. The Kings right always ſaved. Co. Inſt. 4 par. 106.

Accompts of Nihil ſhall be put out of the Eſchequer.

CAP. XIV.

The Clerk of the Pipe, &c. ſworn for the entry of Writs of the great and privy Seal.

Eſchequer 7.

ITem, It is accorded and aſſented, That the Clerk of the Pipe, and the Remembrancers of the Exchequer ſhall be ſworn, that from Term to Term they ſhall ſee (whiles the ſaid Exchequer ſhall be open) all the Writs of the great Seal, or of the privy Seal, which ſhall be ſent to the ſaid Exchequer the ſame Term for the final diſcharge of any perſon of the Realm of any demand in the ſaid Exchequer, and that every of them to whom it pertaineth, ſhall make due execution of the ſaid commandment. (2) And alſo it is ordained and aſſented, That the ſaid two Remembrancers ſhall be ſworn of their part, that every Term from

The Clerk, the Pipe and the two Remembrancers ſhall be ſworn for the entry of Writs of the great or privy Seal, &c.

henceforth they ſhall make a ſcedule of all the perſons that ſhall be diſcharged in their Offices by Judgment, or in other manner in the ſame Term, of any demands in the ſame Eſchequer, containing the manner of the ſame diſcharges, and to deliver the ſame ſcedule to the Clerk of the Pipe the ſame Term, to the intent that the ſame Clerk of the Pipe ſhall thereof diſcharge the ſaid parties in the great Roll. (3) Alſo the ſaid Clerk of the Pipe ſhall be ſworn, that he from Term to Term ſhall require the ſame ſcedules, and the ſame ſcedules by him ſo received, he ſhall diſcharge the ſaid parties in the manner aforeſaid. (4) And in the ſame manner the ſaid Clerk of the Pipe for his part ſhall cauſe to be certified in writing to the ſaid Remembrancers of all ſuch diſcharges which ſhall be made in his Office, to the intent that a man diſcharged in one place, be diſcharged in all other places of the ſaid Eſchequer.

CAP. XV.

Upon a Judgment of Livery, the Remembrancer ſhall cauſe the ſuit to ceaſe.

Eſchequer. Raſt. 10.

How the Remembrancer ſhall uſe a Judgment of Livery coming out of any Court into the Eſchequer.

ITem, Though that many times heretofore divers perſons have had livery of their Lands and Tenements out of the Kings hands, by judgment given for them in the Kings Bench, or elſewhere, and of the ſame judgments after have procured to ſend the tenor of the Records and Proceſſes thereof made by Writ of Mittimus, into the ſaid Eſchequer, to the intent for to diſcharge them of the accompts demanded of them upon the ſame Tenements; nevertheleſs the Officers of the ſame Eſchequer would not in times paſt diſcharge the ſaid perſons thereof, before that the ſame Records and Proceſſes were word by word newly entred in the Eſchequer, and thereupon new proceſs made, and new judgments there another time given, to the great damage and delay of the parties, without profit to the King: (2) It is ordained and aſſented, That from henceforth after that ſuch Record or the tenor of the ſame, ſhall come into the ſaid Eſchequer by the Kings commandment (as it is ſaid) that the Remembrancer, in whoſe Office ſuch accompts ſhall be demanded, ſhall preſently cauſe the ſuit to ceaſe in that behalf, by words to be entred upon the indorſement of the Writ, touching the tenor of the Record of the ſaid Judgment, without new Judgment, or making of proceſs further in this behalf. Alt. 33 H. 8. cap. 22. Rep. 12 Car. 2. cap. 24.

CAP. XVI.

The fees of Clerks of the Eſchequer for making Commiſſions, or Records of *Niſi prius*.

Eſchequer. Raſt. 11.

The Clerks fee for making of a Commiſſion or Record of Niſi prius in the Eſchequer.

ITem, It is aſſented, and the King ſtraitly defendeth, that from henceforth nothing ſhall be given for making of a Commiſſion in the ſaid Eſchequer for the fee of a Clerk which ſhall make the ſame, above two ſhillings only, (2) nor for the Record of Niſi prius with the Writ, but two ſhillings only, as afore this time was wont to be done and uſed.

Other Statutes made at *VVeſtminſter*, *Anno* 5 *R.*2. St.2. & *Anno Dom.* 1382.

FOr the common profit of the Realm of England, divers Ordinances and eſtabliſhments have been made by our Lord the King, the Prelates, Lords and Commons of the ſaid Realm, being in this preſent Parliament holden at Weſtminſter the Tueſday next after the Feaſt of St. John Portlatine, the fifth year of the Reign of our Lord King Richard the ſecond, in the form following.

CAP. I.

Merchants ſtrangers may come unto, continue, and depart forth of the Realm.

Merchants 1 Merchants ſtrangers may come into this Realm, continue here, and depart at their pleaſure.

FIrſt, It is accorded and aſſented in the Parliament, that all maner of Merchants ſtrangers, of whatſoever Nation or Country they be, being of the amity of the King and of his Realm, ſhall be welcome, and freely may come within the Realm of England, and elſwhere within the Kings power, as well within Franchiſe as without, and there to be converſant, to merchandiſe and tarry as long as them liketh, as thoſe whom our ſaid Lord the King by the tenor hereof taketh into his protection and ſafeguard, with their goods, merchandiſes, and all manner familiars. (2) And for ſo much the King willeth and commandeth, That they and every of them be well, friendly, and Merchant-like intreated, and demeaned in all parts within his ſaid Realm and Power, with their merchandiſes and all manner goods, and ſuffered to go and come, and into their proper Country peaceably to return without diſturbance or impeachment of any. St. 9 H. 3. 30. 9 Ed. 3. 1. 25 Ed. 3. 2.

CAP. II.

Wools, Raſt. 13.

Woolſels and Leather may be carried into any Country by Aliens or Denizens, ſaving into France, until Michaelmas come twelvemonth. (2) Certain mony ſhall be abated to them that will pay their cuſtom beforehand. Exp.

CAP. III.

Taxes, Raſt. 10.

A Subſidy granted to the King, ſo that the mony that cometh thereby may be wholly imployed upon the keeping of the Sea. Exp.

CAP. IV.

Every perſon to whom it belongeth, ſhall upon ſummons come to the Parliament.

Parliament 1 Every perſon to whom it doth belong, ſhall upon ſummons come to the Parliament.

Co Inſt 4 par 1043

ITem, The King doth will and command, and it is aſſented in the Parliament, by the Prelates, Lords and Commons, that all and ſingular perſons and Commonalties, which from henceforth ſhall have the ſummons of the Parliament, ſhall come from henceforth to the Parliaments in the manner as they are bound to do, and have been accuſtomed within the Realm of England of old times. (2) And if any perſon of the ſame Realm, which from henceforth ſhall have the ſaid ſummons (be he Archbiſhop, Biſhop, Abbot, Prior, Duke, Earl, Baron, Banneret, Knight of the Shire, Citizen of City, Burgeſs of Borough, or other ſingular perſon or Comminalty) do abſent himſelf, and come not at the ſaid ſummons (except he may reaſonably and honeſtly excuſe him to our Lord the King) he ſhall be amerced, and otherwiſe puniſhed, according as of old times hath been uſed to be done within the ſaid Realm in the ſaid caſe. (3) And if any Sheriff of the Realm be from henceforth

2 Ed. 3. 19.20

forth negligent in making his returns of Writs of the Parliament, or that he leave out of the ſaid returns any Cities or Boroughs, which be bound, and of old time were wont to come to the Parliament: he ſhall be amerced, or otherwiſe puniſhed in the manner as was accuſtomed to be done in the ſaid caſe in times paſt.

The puniſhment of a Sheriff omitting his returns.

CAP. V.

Inſt.51. 6. Commiſſions ſhall be directed to Sheriffs and others, to apprehend ſuch as be certified by the Prelates to be Preachers of Hereſie, their fautors, maintainers and abettors, and to hold them in ſtrong priſon, until they will juſtifie themſelves according to the Law of holy Church. The ſeveral enormities enſuing by preaching of Hereſies. Rep.1 *Ed.6.*12. and 1 *El.*1. St.25 *H.*8.14.

Hereſie, Raſt. 5. Commiſſions againſt Preachers of Hereſies. Co. Inſt. 3 par. 40.

Statutes made at *Weſtminſter*, *Anno 6 R.*2. and *Anno Dom.*1382.

TO the laud and honour of Almighty God and of our holy Mother the Church, and to the commodity and profit of the Realm of England, and of the Comminalty of the ſame: Our Lord Richard by the Grace of God, King of England, and of France, and Lord of Ireland, by the aſſent of the Prelates, Lords and Commons of the ſaid Realm of England, in his Parliament holden at Weſtminſter the Monday in the *Utas* of St. Michael, the ſixth year of his Reign, hath cauſed to be made and ſtabliſhed certain Statutes, Ordinances, Remiſſions, and Pardons, in the form following.

CAP. I.

A Confirmation of the Liberties of the Church, and of all Statutes not repealed.

FIrſt, It is ordained and accorded, that our holy mother the Church of England, have all her Liberties whole and unhurt, and the ſame fully enjoy and uſe. (2) And that the great Charter and the Charter of the Foreſt, and the Statute of Purveyors for the Kings houſe, and for others, and all Statutes and Ordinances before this time made, and not yet repealed, be firmly obſerved in all their Articles, and put in due execution according to the effect of the ſame.

Confirmation, Raſt. 6. A confirmation of the liberties of the Church, and of all Statutes not repealed.

CAP. II.

Writs of Debt, Accompt, &c. ſhall be commenced in the Counties where the Contracts were made.

E.4.f.74. n.Teſta- nt 6. o.Viſne 1. o.Exam.2. n. Brief ,39,43,44 4,649,891

ITem, To the intent that Writs of Debt and Accompt, and all other ſuch actions be from henceforth taken in their Counties, and directed to the Sheriffs of the Counties where the contracts of the ſame actions did riſe: (2) It is ordained and accorded, that if from henceforth in pleas upon the ſame Writs it ſhall be declared, that the contract thereof was made in another County than is contained in the Original Writ, that then incontinently the ſame Writ ſhall be utterly abated. St.4 H.8.4. Raſt.pl.fo.178,183.

Proceſs 1. Actions of debt, &c. ſhall be commenced in the Counties where the contracts were made.

CAP. III.

In which Court Writs of Nuſance, called Vicountiels, ſhall be purſued.

ITem, It is accorded and ordained, That all Writs of Nuſances, commonly called Vicountiels, ſhall be from henceforth made at the election of the Plaintiff, in the nature of old times uſed, or elſe in the nature of Aſſiſes determinable before the Kings Juſtices of the one Bench or the other, or before the Juſtices of Aſſiſe to be taken in the County of the place aſſigned, or to be aſſigned. St.13 Ed.1.24.

Nuſance 1. In what Courts Writs of Nuſance called Vicountiels, ſhall be purſued. Regiſt. fo.199. V.N.B.fo.110. F.N.B.f.184.

CAP. IV.

Deeds inrolled that were deſtroyed in the late Inſurrection, exemplified, ſhall be of force.

ITem, It is accorded, that all the Inrolments of Deeds, and other miniments in the Rolls of the Chancery, of either Bench, and the Eſchequer of our Lord the King, before this time inrolled, and after by Traitors to the King and his Realm, in the inſurrection late made within the ſame Realm ſeditiouſly removed, torn and rent, or otherwiſe imbezelled, ſhall be in a due form exemplified under the Kings great Seal, without fee of the Seal thereof to be paid; (2) and that the ſame exemplifications ſo had, ſhall be of the ſame effect and ſtrength in all things, as the ſame deeds and miniments ſhould have been, if they were had whole and unhurt. St.5 R.2.8.

Inrolment, Raſt. 1. Deeds that were inrolled and late imbezeled by Rebels in an inſurrection, being exemplified, ſhall be of the ſame force as the Deeds.

CAP. V.

Juſtices of Aſſiſe, &c. ſhall hold their Seſſions in principal Towns.

ITem, It is ordained and accorded, that the Juſtices aſſigned and to be aſſigned, to take Aſſiſes and deliver the Gaols, ſhall from henceforth hold their Seſſions in the principal and chief Towns of every of the Counties, where the Shire-courts of the ſame Counties be holden, and hereafter ſhall be holden. St.14 H.6.3.

Juſtices of Aſſiſe 6. Juſtices of Aſſiſe and Gaol-delivery, ſhall hold their Seſſions in principal Towns. St.11 R.1.11.

CAP. VI.

The penalties of the men and women, where a woman raviſhed doth conſent. In an appeal of Rape, the Defendant ſhall not wage battel.

d.4.f.6. .7.f.25. d.4.f.58. l.3.f.61. w.f.5.

ITem, Againſt the offenders and raviſhers of Ladies, and the daughters of Noblemen, and other women in every part of the ſaid Realm, in theſe days offending more violently, and much more than they were wont: (2) It is ordained and ſtabliſhed, that whereſoever and whenſoever ſuch Ladies, daughters, and other women aforeſaid be raviſhed, and after ſuch rape do conſent to ſuch raviſhers, that as well the raviſhers, as they that be raviſhed, and every of them, be from thenceforth diſabled, and by the ſame deed be unable to have or challenge any inheritance, dower, or joynt-feoffment after the death of their husbands and anceſtors. (3) And that incontinently in this caſe the next of the blood of thoſe raviſhers, or of them that be raviſhed, to whom ſuch inheritance, dower, or joynt-feoffment ought to revert remain, or fall after the death of the raviſher, or of her that is ſo raviſhed, ſhall have title immediately, that is to ſay, after the rape to enter upon the raviſher, or her that is raviſhed, and their aſſigns, and land-tenants, in the ſame inheritance, dower, or joynt-feoffment, and the ſame to hold in ſtate of inheritance. (4) And that the husbands of ſuch women,

Rape 3. The penalties both of the men and the women, where a woman raviſhed doth conſent.

In an appeal of Rape, the defendant ſhall not wage battel.

Bro. Par 3. 1 H 6.11.

men, if they have husbands, or if they have no husbands in life, that then the fathers, or other next of their blood, have from henceforth the ſuit to purſue, and may ſue againſt the ſame offenders and raviſhers in this behalf, and to have them thereof convict of life, and of member, although the ſame woman after ſuch rape do conſent to the ſaid raviſhers. (5) And further it is accorded, That the defendant in this caſe ſhall not be received to wage battel, but that the truth of the matter be thereof tried by inquiſition of the Country. (6) Saving always to our Lord the King, and to other Lords of the ſaid Realm, all their Eſcheats of the ſaid raviſhers, if peradventure they be thereof convict. St. 3 Ed. 1. 13. 13 Ed. 1. 34.

CAP. VII.

At what prices ſweet Wines may be ſold.

Wines, Raſt. 13. At what prices ſweet Wines may be ſold. 5 R. 2. 4.

ITem, Though it were late ordained in the Parliament of the ſaid King, holden at Weſtminſter in the morrow of All Souls, the fifth year of his Reign, That no ſweet Wines in his ſaid Realm ſhould be in any wiſe ſold at retail after the Feaſt of St. John Baptiſt laſt paſt, upon pain of forfeiture of the ſame: yet of the aſſent aforeſaid it is ordained and accorded, that the ſame ſweet Wines may be ſold in every place within the ſaid Realm, at the price that Wines of Gaſcoin and Ryne ſhall happen to be ſold, and not above, upon pain of forfeiture of the ſame, notwithſtanding the ſaid firſt Ordinance. 28 H. 8. 14.

CAP. VIII.

Where no Engliſh Ships are to be had, others may be uſed.

Ships, Raſt. 3. St. 5 R. 2. 3.

Where no Engliſh ſhips are to be had, men may bring in or carry forth their merchandiſes in ſtrangers ſhips.

ITem, Though late in the ſame Parliament it was ordained, That none of the Kings Liege people, after the Feaſt of Eaſter next coming, ſhould in any wiſe ſhip any merchandiſes or goods to be carried out of the Realm of England, or to be brought within the ſame Realm, in any ſhips, upon pain of forfeiture of the ſaid goods and merchandiſes, or the value of the ſame, except in ſhips of the Kings ligeance: (2) Yet of the aſſent aforeſaid, it is ordained and granted, that the ſaid Ordinance only have place as long as ſhips of the ſaid ligeance in the parts where the ſaid Merchants ſhall happen to dwell, be found able and ſufficient: So that then they ſhall be bound to fraught the ſame ſhips of the Kings ligeance, with their merchandiſes under the pain aforeſaid, before all other ſhips. (3) And otherwiſe it ſhall be lawful to the ſame Merchants to hire other ſhips convenient, and there to fraught them with their goods and merchandiſes, notwithſtanding the ſaid firſt Statute. St. 23 H. 8. 7. 32 H. 8. 14. 1 El. 13. 5 El. 5. 13 El. 15.

CAP. IX.

No Victualler ſhall execute a Judicial place in a City, or Town corporate.

St. 4 H. 7. 10. Victuals. No Victualler ſhall exerciſe a judicial place in any City or Town Corporate.

ITem, It is ordained and enacted, That neither in the City of London, nor in other Cities, Boroughs, Towns, or Ports of the Sea, through the Realm, any Victualler ſhall have, exerciſe, nor in no wiſe occupy any Judicial office, but in ſuch Town where none other perſon ſufficient may be found to have the ſame Office. (2) In which caſe yet the ſame Judge for the time that he ſhall continue in the ſaid Office, ſhall utterly omit and abſtain himſelf and his from the exerciſe of Victualling, upon pain of forfeiture of his Victuals ſo ſold. St. 12 Ed. 2. 6. 3 H. 8. 8.

CAP. X.

Aliens being in amity with the King and the Realm, may bring in victuals and ſell them.

Victuals 2. Aliens being in amity with the King and the Realm, may bring in victuals and ſell them in groſs. St. 14 H. 6. 6.

ITem, It is ordained and accorded, That all manner of Foreigners and Aliens being of the amity of the King, and of his Realm, and coming within the ſaid City of London, and other Cities, Boroughs, and Towns within the ſaid Realm, as well within Liberties as without, with fiſh and all manner of other victuals, there tarrying and going again to their own Countries, ſhall from henceforth be under the ſafeguard and the ſpecial protection of our ſaid Lord the King. (2) And there it ſhall be lawful to them and every of them, and by force of theſe preſents, they may from henceforth cut their fiſhes and victuals aforeſaid, without impeachment or denying of any man, in pieces, and in part, or in all, at retail, or in groſs, as to them beſt ſhall ſeem, to ſell and make their profit: Any Charters, Statutes, Ordinances, Privileges, or Cuſtoms made or had to the contrary notwithſtanding. 1 H. 4. 17.

CAP. XI.

Fiſh.

Hoſts in Cities, Towns, and places upon the Sea-coaſts, ſhall not foreſtall fiſh, or other victuals. Fiſhmongers of London may not buy freſh fiſh to ſell again, except Eels, Luces, and Pikes. Rep. 7 R. 2. 11.

CAP. XII.

Corporation.

All chief Officers of Towns Corporate, ſhall be ſworn to obſerve the foreſaid Ordinance touching Fiſhmongers. Rep. 7 R. 2. 11.

CAP. XIII.

Pardon.

The Kings pardon to his ſubjects after the late Inſurrection. Except, &c.

Other Statutes made at *Weſtminſter*, *Anno* 6 *R.* 2. St. 2. and *Anno Domini*, 1383.

RICHARD by the Grace of God, &c. Know ye that in the Parliament laſt holden at Weſtminſter, We cauſed to be made certain Statutes, Ordinances and Pardons to ſuch effect as followeth, rehearſing the beginning of the laſt Parliament, with the confirmation of the Liberties of the Church, of the great Charter, and the Charter of the Foreſt, and the Statute of Purveyors for the Kings houſe.

CAP. I.

Pardon.

A more large pardon granted by the King to the offenders in the late Inſurrection, with few Exceptions. Exp.

CAP. II.

War.

Whoſoever will attempt any ſuit for any treſpaſs done him in the late Inſurrection, ſhall begin it before xv. of S John. Exp.

CAP. III.

Treaſor.

They which can bring witneſſes that they came to the Inſurrection compelled, ſhall be acquitted of treſpaſſes. Exp.

Statutes made at *Weſtminſter, Anno* 7 *R.* 2. and *An. Dom.* 1383.

RICHARD by the Grace of God,&c. To the Sheriff of York, greeting. Know thou,that at our Parliament holden at Weſtminſter the Monday next before the Feaſt of All Saints laſt paſt, to the honour of God,and of holy Church, and for the common profit of the Realm, of the aſſent of the Prelates, Lords and Commons being at the ſaid Parliament, We have cauſed to be made certain Statutes and Ordinances in the form following.

CAP. I.

A Confirmation of the Liberties of the Church.

FIrſt, It is aſſented and accorded, That holy Church have and enjoy all her Liberties and Franchiſes, as wholly as ſhe hath had and enjoyed them in the time of the Kings Noble Progenitors.

Raſt. 6. A confirmation of the liberties of the Church.

CAP. II.

A Confirmation of all former Statutes in force.

ITem, That the great Charter, and the Charter of the Foreſt,and all other good Statutes and Ordinances made before this time, and not repealed,ſhall be holden and kept, and put in due execution according to the effect of the ſame.

Raſt. 6. A confirmation of all other Statutes in force.

CAP. III.

A Jury for a treſpaſs within the Foreſt ſhall give their Verdict where they received their charge.

ITem, At the grievous complaint which now is made of the Officers of the Foreſt, it is aſſented and accorded, that no manner of Jury ſhall be from henceforth compelled by any Officer of the Foreſt, or other perſon whatſoever, to travel from place to place out of the places where their charge is given to them, againſt their gree, (2) nor by malice, nor by menace, or other dureſs, conſtrained to give their verdict of a treſpaſs done in the Foreſt,otherwiſe than their Conſcience will clearly inform them: (3) but they ſhall give their verdicts upon their charge, in the places where their charge is given them, as above is ſaid. Stat. 9 H.3.16.

Foreſts 1. A Jury for a treſpaſs within a Foreſt, ſhall give their verdict where they receive their charge.

CAP. IV.

None ſhall be taken or impriſoned by the Officers of the Foreſt without Indictment.

ITem, It is aſſented, That no man be taken nor impriſoned by any officer of the Foreſt without due Indictment, or being taken with the manner, or treſpaſſing in the Foreſt; (2) nor ſhall be conſtrained to make any obligation or ranſom to any Officer of the Foreſt, in any ſort, againſt their agreement, and the Aſſiſe of the Foreſt. (3) And if any do againſt 55 Ed.3.c.7. this Ordinance in any point, and thereof be attainted, he ſhall pay to the party damnified their double damages, and fine and ranſom to the King for his offence. Stat. 9 H. 3. 16. 1 Ed.3.8.

Foreſts 2. None ſhall be taken or impriſoned by the Officers of the Foreſt without Indictment, or, &c.

CAP. V.

3 Inſt. 197. Juſtices,&c. ſhall examine Vagabonds, bind them to their good abearing, or commit them to Priſon. Rep. 39 Eliz.4. & 21 Jac. 28.

Regiſt. fo. 80. Vagabonds, Raſt. 1.

CAP. VI.

The Statute of Wincheſter confirmed: and every Sheriff ſhall proclaim it.

ITem, For the grievous miſchiefs and complaints that do daily happen of robberies, thefts, manſlaughters, burning of houſes, and ridings in routs and great companies in every part of the Realm: (2) It is ordained and aſſented, that the Statute of Wincheſter (the tenor whereof is ſent by our Lord the King this year laſt paſt into every County of England to be proclaimed) be holden and kept in all points, and put in good and haſty execution at the complaint and purſuit of every man that feeleth him grieved againſt the tenor of the ſame. (3) And to the intent that no man ſhall excuſe himſelf by ignorance of the ſame Statute, it is alſo aſſented, That every Sheriff of England ſhall be bound from henceforth in proper perſon to make proclamation of the ſame Statute four times in a year in every Hundred of his Bailiwick, and by his Bailiffs in every Market-town, as well within Liberties as without.

Sheriff 31. 13 Ed. 1. The Statute of Wincheſter confirmed; and every Sheriff ſhall proclaim it four times in a year in every Hundred or Market.

CAP. VII.

In what caſe a Niſi prius ſhall be granted at the ſuit of any of the Jurors.

ITem, Againſt the miſchief that happeneth to divers people of the Realm, which be impanelled and returned before the Juſtices and Barons of the Eſchequer, in which caſe, becauſe that the enqueſt is not purſued to the end by thoſe that be parties, but continued in delay from year to year,the Jurors do greatly loſe,and ſome much more than the value of their land is by year, to their great impoveriſhing and hindrance: (2) It is accorded, that from henceforth all manner of pleas where a Niſi prius is grantable of Office, after the great diſtreſs returned,and three times ſerved before the Juſtices againſt the Jurors, and thereupon the parties demanded, if none of the ſaid parties will purſue, or if the parties refuſe to have a Writ of Niſi prius in the caſe, that at the ſuit of any of the Jurors that be preſent, a Writ of Niſi prius ſhall be made and granted unto him, and that as well in the Eſchequer, as elſewhere, and thereupon the quarrel ſhall be ſet at an end without delay, according as the caſe requireth and the Law demandeth.

Niſi prius. In what caſes Niſi prius may be granted at the requeſt of any of the Jurors, to avoid delay.

CAP. VIII.

No Subjects Chator ſhall take any victuals or carriage without the Owners good will.

ITem, It is accorded and aſſented,that the Statutes of Purveyors made before this time, be firmly holden and kept, and put in good and due execution,(2) joining to the ſame,That if the ſervants of other Lords and Ladies, which be not compriſed in the ſaid Statutes, do from henceforth take in any part within the Realm, victuals or carriages to the uſe of their Lords and Ladies, otherwiſe than they thereof may agree with the owners and ſellers of the ſame by payment thereof to be made readily in hand, that the ſame Servants ſhall incur the pain

Purveyors 1. No ſubjects Chator ſhall take any victuals or carriage without the conſent of the owners, and preſent payment. St. 36 Ed. 3. 6.

compriſed in the ſaid Statutes of Purveyors, and nevertheleſs the party endamaged by ſuch ſervants, if he will, ſhall have the ſuit at the Common Law. St.23 H.6.14.

CAP. IX.

A Confirmation of all Statutes made againſt all deceits in Clothes, Aulnegers,&c.

Drapery, Raſt.12.

A confirmation of all Statutes made againſt deceit in Clothes to be ſold, and againſt Aulnegers and Collectors of the ſubſidy of Clothes.

He that findeth defects in any clothes contrary to former Statutes, ſhall have the third part for his labour.

Aulnegers and Collectors of ſubſidies ſhall ſatisfie the King of that third part which the finder ſhall have.

ITem, For the miſchief which daily happeneth upon the falſhood and deceit which is found in Clothes vendible, as well coloured, as Ray Clothes, againſt the aſſiſe thereof ordained before this time, (2) It is ordained and aſſented, that all the Statutes thereof made in times paſt,with the Statutes made of Aulnegers and Collectors of the Subſidy of the ſaid Clothes, be holden,kept,and put in due and good execution. (3) Joyning to the ſame, that he which from henceforth ſhall eſpy and prove default in any ſuch Cloth ſet to ſale, againſt the aſſiſe thereof ordained of the ſaid Clothes, and againſt the form of the ſaid Statutes, ſhall have the third part of every ſuch Cloth defective, for his labour, by the delivery of the Sheriffs,if they be preſent,or of the Lords of the Fairs and Markets,and other places where ſuch Clothes ſhall be found defective, or of their Stewards or Bailiffs,or of the Conſtables of the Towns and places aforeſaid, by Indenture betwixt them duly to be made; which Indentures ſhall be every year at the Feaſt of S.Michael delivered into the Eſchequer, by them which ſo ſhall make the ſame delivery, to the intent there to charge the Aulnegers and Collectors aforeſaid, by whom ſuch defaults ought to have been ſearched, corrected and mended,and be not, but commonly maintained and concealed in all parts. (4) For which third part that pertaineth to the King as his forfeiture by force of the Statutes made in times paſt,the Aulnegers and Collectors aforeſaid in every County and place where ſuch Clothes defective ſhall be found, for the pain againſt the ſaid offences and concealment, ſhall make gree of their own money to our Lord the King in his Eſchequer, of the value of the ſame third part. (5)So that as well of the ſame third part as of the remnant of the ſaid Cloth, the King ſhall be wholly anſwered at his ſaid Eſchequer, St.5 Ed.6.6.

CAP. X.

Where an Aſſiſe ſhall be taken of Rents iſſuing forth of lands in divers Counties.

Aſſiſe 7.

Aſſiſe of rents iſſuing forth of lands in divers Counties ſhall be taken in Confinio comitatus.

Fitz. Aſſiſe 26. Kel. f.93. Co. Inſt. 154.a.

ITem, It is ordained and aſſented, that an Aſſiſe of Novel diſſeiſin ſhall be from henceforth granted and made of rent behind due of tenements in divers Counties, to be holden in the confine of the Counties within which the tenements be. (2)And thereupon the Aſſiſe ſhall be taken and tried by people of the ſaid Counties in the ſame manner as is done of a common of paſture being in one County,and appendant to tenements in another County.(3)And that as well of diſſeiſins done in times paſt,as of diſſeiſins yet to be done, (4)and that Writs thereupon at the ſuit of the plaintiffs be made from henceforth in the Chancery without any manner of contradiction,in a due form. Regiſt. f. 196,&c. Fitz.N.B.f.180.A. Raſt.pla.f.249.

CAP. XI.

A repeal of the Statutes 5 Rich.2. 4. and 6 R.2.11, & 12. touching Victuallers of London.

Victuals, Raſt. 5.

A repeal of the St.5 R.2.4. & 6 R.2.11, & 12. touching Fiſhers of London.

Fiſhers and Victuallers of London ſhall be under the rule of the Mayor and Aldermen.

ITem, Whereas in divers Parliaments holden at Weſtminſter, the fifth and ſixth year of our ſaid Lord the King, divers Ordinances and Statutes of Fiſhers of London, and other Victuallers were made, and alſo of Vintners,and of the ſale of Wines,and thereupon the ſame Ordinances and Statutes with the pains in them contained were publiſhed and proclaimed throughout the Realm, as in the ſaid Statutes and Ordinances more plainly may appear: (2) Nevertheleſs for certain cauſes, at the requeſt of the Commons of England thereupon ſpecially made, It is aſſented and agreed, that the ſame Ordinances and Statutes of Fiſhers,Vintners and Victuallers, made in the years aforeſaid, ſhall be wholly adnulled and repealed, and ſhall loſe their effect and ſtrength: (3) Nevertheleſs ſaving to the King all the forfeitures of Wines for the time paſt that to him pertaineth by virtue of the ſame Ordinances and Statutes. (4) Provided always, that all the Vintners and Victuallers, as well Fiſhers as other coming with their victuals to the City of London, ſhall be from henceforth under the governance and rule of the Mayor and Aldermen of the ſaid City for the time being, as in time paſt it hath been uſed.

CAP. XII.

No Alien ſhall purchaſe any Benefice of the Church within this Realm, or occupy the ſame.

St.31 Ed.3.10.

Premunire 5.

A confirmation of the Statute of 3 R.2.3.

No aliens ſhall purchaſe any benefice of the Church, or occupy the ſame without the Kings licenſe.

St.25 Ed.3.22.

ITem, Whereas late in the Parliament holden at Weſtminſter, the third year of the reign of our ſaid Lord the King, at the requeſt of the Commons, and by the aſſent of the Lords Temporal, it was ordained and aſſented, and upon a grievous pain prohibited, that no ſubject of the King nor other perſon, of what eſtate or condition he were, ſhould take,neither receive from thenceforth within the Realm of England, Procuracy,Letter of Atturney,ne ferm nor any other adminiſtration by Indenture, or in any other manner, of any perſon concerning any Benefice of holy Church within the Realm, but only of the Kings Subjects of the ſame Realm, without the ſpecial grace and expreſs licenſe of our ſaid Lord the King, upon a certain pain contained in the ſaid Statute: (2) It is aſſented and agreed by the ſame Lords, that the ſame Statute ſhall keep his force and effect in all points. (3) And moreover, it is aſſented, that if any Alien have purchaſed, or from henceforth ſhall purchaſe any Benefice of holy Church, Dignity, or other thing, and in his proper perſon take poſſeſſion of the ſame, or occupy it himſelf within the Realm, whether it be to his own proper uſe, or to the uſe of another,without ſpecial licenſe of the King, he ſhall be compriſed within the ſame Statute, (4) and moreover ſhall incur all pains and forfeitures in all points, as is before ordained by another Statute made the five and twentieth year of the Noble King Edward the third, Grandfather to our Lord the King that now is, againſt them that purchaſe proviſions of Abbies or Priories. (5) And to the intent that ſuch licenſes ſhall not be from henceforth made, the King willeth and commandeth to all his ſubjects and other, that they ſhall abſtain them from henceforth to pay him for any ſuch Licenſe to be given.(6)And alſo the King himſelf will refrain to give any ſuch Licenſe during the wars, except to the Cardinal of Naples, or to ſome other ſpiritual perſon to whom the King is beholden for a ſpecial cauſe.

The Cardinal of Naples except.

CAP. XIII.

None ſhall ride in Harneis within the Realm, nor with Launcegaies.

ITem, It is ordained and aſſented, and alſo the King doth prohibit, that from henceforth no man ſhall ride in Harneis within the Realm, contrary to the form of the Statute of Northhampton thereupon made, neither with Launcegay within the Realm, the which Launcegays be clearly put out within the ſaid Realm, as a thing prohibited by our Lord the King upon pain of forfeiture of the ſaid Launcegays, Armours, and other Harneis, in whoſe hands or poſſeſſions they be found, that bear them within the Realm, contrary to the Statutes and Ordinances aforeſaid, without the Kings ſpecial Licenſe. St.2 Ed.3.3. 20 R.2.1.

Armour 1. No man ſhall ride in Harneis within the Realm, nor with Launcegays.

CAP. XIV.

They which ſhall depart the Realm by the Kings Licenſe, may make general Atturnies.

ITem, In Writs of Præmunire facias, it is aſſented and agreed, that they againſt whom ſuch Writs ſued, and who at this time be out of the Realm, and be of good fame, and have made their general Atturnies before their departing, that the Chancellor of England for the time being, by the advice of the Juſtices may grant, that the ſame perſons may appear to anſwer, to do, and to receive that thing which the Law demandeth, by their general Atturnies aforeſaid, as well as in other cauſes and quarrels. (2) And thoſe perſons which from henceforth ſhall paſs by the Kings Licenſe, and be of good fame, that at their requeſt the Chancellor, by the advice of the Juſtices, may grant to them to make their general Atturnies in the Chancery, by the Kings Patent before their paſſage, to anſwer as well in the ſaid Writs of Præmunire facias, as in other Writs and Plaints, in which caſe expreſs mention ſhall be made at all times of the Writs and Plaints of Præmunire facias. (3) And this Patent ſo made, the ſaid Atturnies from henceforth in abſence of their Maſter, may anſwer for them, and make other Atturnies under them before any Judge of the Realm, to do, and receive in the ſaid caſe as much as in any other caſe or matter, notwithſtanding any Statute made to the contrary heretofore.

9 Ed.3.ſ.7.

Atturnies 2. They which ſhall depart depart the Realm by the Kings Licenſe, may make general Atturnies.

CAP. XV.

A Confirmation of certain Statutes made againſt Maintenance and Champerty.

ITem, For the grievous complaint that is made of maintainers of Quarrels and Champertors, it is ordained and aſſented, that the Statutes thereof made in the firſt and fourth year of King Edward, grandfather to our Lord the King that now is, and alſo in the firſt year of our Lord the King that now is, ſhall be holden and kept, and duly executed in all points. St.1 Ed.3.14. 4 Ed.3.11. 1 R.2.4.

Inſt.51.

Maintainers Raſt.6. A confirmation of the Statutes made againſt Maintenance and Champerty.

CAP. XVI.

No armour or victual ſhall be ſent into Scotland without the Kings licenſe, upon pain of forfeiture thereof. Rep.4 Jac.1. St.1 5 R.2.7

Scotland, Raſt.1.

CAP. XVII.

The Mainpernors ſhall ſatisfie the Plaintiff for his delay where the Defendant keepeth not his day. Exp.Fitz.Exigent 9.

Mainpernors, Raſt. 3.

Statutes made at *Weſtminſter*, *Anno* 8 R.2. and *Anno Dom.* 1384.

TO the honour of God, and at the Requeſt of the Communalty of the Realm of England made to our Lord the King in his Parliament holden at Weſtminſter in the morrow of S.Martin, the eighth year of his Reign: the ſame our Lord the King of the aſſent of the Prelates, Great men and Commons aforeſaid, hath cauſed to be made in the ſame Parliament a certain Statute for the common profit of the ſaid Realm, and eſpecially for the good and juſt governance, and due execution of the Common Law, in the form following.

CAP. I.

A Confirmation of the Liberties of the Church, and of all Statutes not repealed.

FIrſt, It is ordained and enacted, That holy Church have all her Liberties: (2) And that the great Charter, and the Charter of the Foreſt, the Statutes of Purveyors and Labourers, and all other Statutes and Ordinances heretofore made and not repealed, ſhall be holden and obſerved, and put in due execution according to the form and effect of the ſame.

Confirmation, Raſt. 6. The liberties of the Church and all Statutes not repealed, confirmed.

CAP. II.

No man of Law ſhall be Juſtice of Aſſiſe, or Gaol-delivery, in his own Country.

11 Co. 19.

ITem, It is ordained and aſſented, That no man of Law ſhall be from henceforth Juſtice of Aſſiſes, or of the common deliverance of Gaols in his own Country. (2) And that the chief Juſtice of the Common Bench be aſſigned amongſt other to take ſuch Aſſiſes, and deliver Gaols; (3) but as to the Chief Juſtice of the Kings Bench, it ſhall be as for the moſt part of an hundred years laſt paſt was wont to be done. St.13 H.4.2. 33 H.8.24.

Juſtices of Aſſiſe 5. No man of Law ſhall be Juſtice of Aſſiſe, or, &c. in his own Country.

CAP. III.

None of the Juſtices or Barons ſhall take any fee or reward but of the King, nor ſhall give counſel where the King is party, or in any ſuit depending before them. Rep.9 R.2.1.

Juſtices of, &c. Raſt 4.

CAP. IV.

The penalty if a Judge or Clerk make any falſe Entry, raze a Roll, or change a Verdict.

ITem, At the complaint of the ſaid Communalty made to our Lord the King in the Parliament, for that great diſheriſon in times paſt was done of the people, and may be done by the falſe entring of Pleas, razing of Rolls, and changing of Verdicts: (2) It is accorded and aſſented, that if any Judge or Clerk be of ſuch default (ſo that by the ſame default there enſueth diſheriſon of any of the parties) ſufficiently convict before the King and his Council

Records 6. The penalty if a Judge or Clerk make a falſe entry of a plea, raze a roll, or change a verdict.

by the manner and form, which to the ſame our Lord the King and his Council ſhall ſeem reaſonable, and within two years after ſuch default made, if the party grieved be of full age, and if he be within age, then within two years after that he ſhall come to his full age, he ſhall be puniſhed by fine and ranſom at the Kings will, and ſatisfie the party. (3) And as to the reſtitution of the inheritance deſired by the ſaid Commons, the party grieved ſhall ſue by Writ or otherwiſe, according to the Law, if he ſee it expedient for him. St. 8 H.6.12.

CAP. V.

What ſuit ſhall be diſcuſſed before the Conſtable and Marſhal of England.

Marſhalſey. What ſuit ſhall be diſcuſſed before the Conſtable and Marſhal of England.

AND becauſe divers Pleas concerning the Common Law, and which by the Common Law ought to be examined and diſcuſſed, are of late drawn before the Conſtable and Marſhal of England, to the great damage and diſquietneſs of the people: (2) It is agreed and ordained, that all pleas and ſuits touching the Common Law, and which ought to be examined and diſcuſſed at the Common Law, ſhall not hereafter be drawn or holden by any means before the ſaid Conſtable and Marſhal, but that the Court of the ſame Conſtable and Marſhal ſhall have that which belongeth to the ſame Court, and that the Common Law ſhall be executed and uſed, and have that which to it belongeth, and the ſame ſhall be executed and uſed, as it was accuſtomed to be uſed in the time of King Edward, 13 R.2.2.

Statutes made at *Weſtminſter, Anno* 9 R.2. and *Anno Dom.* 1385.

4 Inſt. 51.§.5.

OUr Lord the King, at his Parliament holden at Weſtminſter, the Friday next after the Feaſt of Saint Luke, the ninth year of his Reign, of the aſſent of the Prelates, Dukes, Marqueſſes, Earls, Barons, and Commons at the ſaid Parliament aſſembled, hath ordained and eſtabliſhed the things under-written.

CAP. I.

A Confirmation of all Statutes not repealed, ſaving of the Statute of 8 R.2.3.

Confirmation, Raſt. 6. **All former Statutes not repealed ſhall be put in execution. A repeal of the Statute of** 8 R.2.3.

FIrſt, It is accorded and aſſented, that all the Statutes made by the Parliament in the times of the Kings noble Progenitors, and in his own time, as well of Sheriffs, Underſheriffs, Eſcheators and Clerks of Sheriffs, as of Purveyors, and all other good Statutes and Ordinances not repealed by Parliament, ſhall be firmly holden and kept, and due execution thereof done, according to the effect of the ſame, (2) (except the Statute of the Juſtices and Barons of the Eſchequer made at the laſt Parliament, which becauſe it is very hard and needeth declaration, the King will that it be of no force till it be declared by Parliament.)

CAP. II.

Villains flying into places enfranchiſed, and ſuing their Lords, ſhall not bar thereby.

Villenage 2. **Villains flying into places enfranchiſed, and ſuing their Lords.**

Co. Inſt. 1 par. 11 115 A.

ITem, Whereas divers Villains and Neifs, as well of great Lords as of other people, as well Spiritual as Temporal, do fly within Cities, Towns and places enfranchiſed, as the City of London, and other like, and fain divers ſuits againſt their Lords, to the intent to make them free by the anſwer of their Lords: (2) It is accorded and aſſented, that the Lords nor other, ſhall not be forebarred of their Villains, becauſe of their anſwer in the Law. Raſt. pl.f.581,686.

CAP. III.

A Writ of Error or Attaint maintainable in the Reverſion.

Error 1. Regiſt. fo.122. V.N.B.fo.55, 112. F.N.B.f.108.A. **He in the reverſion ſhall have an Attaint or Writ of Error upon a falſe verdict found, or an erroneous judgment given againſt the particular tenant.**

4 Ed.3.f.3 Dyer f.1, 89,188. Fitz.Error 53,58,72, 73. Co.l.3.f.4 l.10.f.4 4 Inſt. 51.

ITem, It is accorded and aſſented, that if the tenant for term of life, tenant in dower, tenant by the courteſie of England, or tenant in tail after poſſibility of iſſue extinct, be impleaded and plead to an Enqueſt, and loſe by the oath of twelve, or by default, or in other manner that he to whom the reverſion of the tenements ſo loſt doth appertain at the time of ſuch judgment given, his heirs or ſucceſſors ſhall have an action by Writ of Attaint, to Attaint the ſame oath, if they will aſſign the ſame oath to be falſe, and alſo by Writ of Error, if error be found in the record of ſuch judgment, as well in the life of ſuch tenants that do loſe, as after their death. And if ſuch judgment erroneous be reverſed, or ſuch falſe oath be found, that the tenant which did loſe by the firſt judgment, if he be in life, ſhall be reſtored to his poſſeſſion of the tenements ſo loſt, with the iſſues in the mean time, and the party purſuing to the arrearages of the rent, if any be due to the ſame tenements. And if ſuch tenants be dead at the time of the Judgment given upon ſuch Writs of Attaint, and of Error, that reſtitution of the ſaid tenements be made to the party purſuing, with the iſſues after the death of the ſaid tenant, together with the arrearages of the rent, if any to him were due in the life of the ſaid tenant.

2 Bulſtr. 247. **He in the reverſion alledgeth, that the particular tenant was of covin with the demandant. The particular tenants remedy to traverſe the covin.**

II. Provided nevertheleſs, that although the tenant which ſo did loſe by the firſt judgment be in life, and the party purſuing will alledge that the ſame tenant was of covin, and of aſſent of the demandant, which recovered, that ſuch ought to be loſt, that reſtitution of the ſame tenements be made to the ſame party purſuing, with the iſſues and arrearages, as afore is ſaid, ſaving to ſuch Tenant his action by Writ of Scire facias, out of the ſame judgment ſo reverſed or given, or Writ of Attaint, if he will traverſe the covin and aſſent aforeſaid, and otherwiſe not. And that this Statute hold place of judgments to be given in time to come. And alſo of two judgments late given in the Kings Bench in two pleas of Error, the one betwixt Edmund Frances and Idein his wife demandants, and Robert Weſtby, and other tenants of certain tenements in Oxenford and in the ſuburbs of the ſame town: and the other betwixt the ſaid Edmund and Idein demandants, and Richard Cornwall and Iſabel his wife, and other tenants of certain tenements in the ſame town, of which tenements the reverſion at the time of the ſaid two judgments given, did pertain to the Maſter and Scholars of the Colledge of the Univerſity Hall in Oxenford, as it is ſaid, ſo that the Maſter and Scholars may have and do their ſuit by Writ of Attaint or of error of the ſame judgments, as to them beſt ſhall ſeem, according to the form of this Statute. 23 H.8.3.

CAP.

CAP. IV.

Whether a Prior be datiff and removable, or perpetual, the trial ſhall be by the Ordinary. Exp.

Trials, Raſt. 3.

CAP. V.

The Fees of Prieſts taken in the Marſhalſie of the Kings houſe.

ITem, For the reverence of God and of holy Church, it is accorded and eſtabliſhed, that Prieſts and other people of holy Church, taken in the Marſhalſie of the Kings houſe, ſhall pay ſuch fees as Lay-people pay, reaſonably and no more.

Marſhal 6. **The fees of Prieſts taken in the Marſhalſie of the Kings houſe.**

A Statute made *Anno* 10 *Rich.* 2. and *Anno Dom.* 1386.

KNow ye that for the reverence of God, and to nouriſh peace, unity and good accord in all parties within the Realm of England, and ſpecially for the common profit and eaſe of our People, and good governance of the ſame our Realm of England, which we chiefly deſire, of the aſſent of the Lords and Commons aſſembled in our Parliament holden at Weſtminſter the firſt day of October laſt paſt, we have cauſed to be made a Statute, as well for the amendment of the ſaid governance, as for the common profit of the ſaid Realm, in the form following.

CAP. I.

The King granteth a Commiſſion to his Chancellor, Treaſurer, and Keeper of his Privy-Seal, and to certain Biſhops and Temporal Lords and others to be of his Council for one year, to ſurvey and examine the eſtate of his houſe, Courts, and places of all his Realm, and all his Officers and Miniſters, and his Rents, Revenues and Profits, and all his Gifts, Grants, Alienations and Confirmations, his Money and Bullion, his Priſoners and Towns taken in War, Benefices of Aliens, carrying Money out of the Realm, his Cuſtoms and Subſidies of all Merchandiſes, his Diſms and Quinzims granted to him, the profits of his Hanaper and all other his receipts, the fees and wages of his Officers, Annuities and Rewards, Gifts and Grants made by his Grandfather, Father or him, to any perſon, his lands, his rents, &c. ſold to the prejudice of him and his Crown, of Bargains and Sales, of Tallies and Patents for ſingular profit, and all other offences inquirable prejudicial to him and his Crown, and to correct and amend the ſame defaults and offences. Exp. & Rep. 21 R. 2. 2.

Commiſſion, Raſt. 4.

Statutes made at *Weſtminſter*, *Anno* 11 *R.* 2. and *Anno Domini*, 1387.

OUr Lord the King heartily deſiring that the peace of his land be well holden and kept, and his faithful Subjects nouriſhed and governed in quietneſs and tranquility in all parts within his Realm of England, to the honour of God, and for the cauſes aforeſaid, by the aſſent of the Lords and Commons of his Realm of England aſſembled at his Parliament holden at Weſtminſter the morrow of the Purification of our Lady, the eleventh year of his Reign, doth make and ſtabliſh certain Statutes, and alſo doth grant certain Graces and Pardons in the form under-written.

CAP. 1, 2, 3, 4, 5, & 6.

Certain Peers of the Realm do appeal of high Treaſon, and of Conſpiracy, five Traitors for aſſembling by force, (2) and for conſpiring to deſtroy the King and the Realm, and the Lords Commiſſioners by him authorized: (3) Whereupon the ſaid five Traitors be attainted of High Treaſon by Parliament, and the King ſhall have the forfeiture of their lands and goods. (4) And fraudulent Conveyances of their goods to deceive the King, ſhall be void: and alſo a fraudulent Rent-charge granted by a Traitor. (5) The eſtate of the Iſſue in tail, of him in the Reverſion, and of Women for their Inheritance and Jointure ſaved; (6) And alſo the eſtate of him is ſaved to whoſe uſe a Traitor is ſeiſed. Rep. 21 R. 2. 12. Revived 1 H. 4. 3, & 4. St. 1 H. 4. 9. 2 H. 4. 22.

Attainder, Raſt. 1.

CAP. VII.

All Merchants Aliens and Denizens may buy and ſell within this Realm without interruption.

ITem, Whereas by a Statute made at York, the ninth year of King Edw. 3. Grandfather of the King that now is, it was ordained and eſtabliſhed, That all Merchants, aliens and denizens, and all other and every of them, of what eſtate and condition they be, which will buy or ſell corn, wine, Avoir de pois, fleſh, fiſh, and all other victuals, wool, clothes, wares, merchandiſes, and all other things vendible, from whenceſoever they come, by foreigners or by denizens, to what place that it be, be it City, Borough, Town, Port of the Sea, Fair, Market, or other place within the ſame Realm, within Franchiſe or without, may freely and without diſturbance ſell the ſame to whom pleaſe them, as well to foreigners as denizens, except to the enemies of the King and of his Realm: (2) And if perhaps diſturbance be done to any Merchant alien or denizen, or other, upon the ſale of ſuch things in City, Borough, Town, Port of the Sea, or other place which hath a Franchiſe, and the Mayor, Bailiffs, or other that have the keeping of the ſaid Franchiſe be required by the ſaid Merchants or other, thereof to make remedy, and do not, and thereof be attainted, the Franchiſe ſhall be taken into the Kings hand: (3) And nevertheleſs, he and other which have done this diſturbance againſt this Statute, ſhall be bound to yield and reſtore to the ſaid Merchant his double damages, which he hath ſuſtained by this occaſion. (4) And if ſuch diſturbance be done to ſuch Merchant, or to other, in Towns and places where no Franchiſe is, and the Lord if he be preſent, or his Bailiff, Conſtable, or other Warden of the ſaid Towns and places, in abſence of the Lords thereof, require to do right, do not, and thereof be attainted, they ſhall yield to the Plaintiff his double damages, as afore is ſaid; (5) and the diſturbers in the one caſe and the other, as well within franchiſe as without, if they be attainted, ſhall have impriſonment of one year, and nevertheleſs be ranſomed at the Kings will. (6) And that no alien nor denizen upon the ſame pains be diſturbed, but that he may freely buy the things above-named in the places aforeſaid, and carry the ſame where pleaſeth him to his own uſe, or to the profit of the King, the great men and the people of the Realm, (7) except that the Merchants aliens ſhall carry no Wines out of the Realm (as it is contained in their Charter) (8) and that the ſaid things be holden, kept and performed in every City, Borough, Town, Port of the Sea, and other places within the ſaid Realm: notwithſtanding any Charters of Franchiſe to them granted to the contrary, nor uſage, cuſtom nor judgment given upon their Charters, uſages nor cuſtoms which they can alledge: notwithſtanding any Charters of franchiſe to them granted to the contrary, nor uſage, cuſtom nor judgment given upon their Charters, uſages nor cuſtoms which they can alledge: (9) which Charters, uſages and cuſtoms (if any there were) the ſaid King, the Grandfather, the Prelates, Earls, Barons, and Great men and Commons aforeſaid do hold of no force, as things granted, uſed and accuſtomed to the damage of the King, the Prelates, Earls, Barons, and great men of his Realm, and oppreſſion of the Commons.

Merchants, Raſt. 10. St. 9 Ed. 3. 18. **Merchants may buy and ſell wares, victuals and all other commodities within the Realm, without diſturbance.** 9 H. 3. 30.

What penalty ſhall be inflicted upon them which do diſturb Merchants to ſell their commodities.

Merchants aliens ſhall carry no wine out of the Realm.

A reſervation of Cuſtoms. Who may inquire of, and puniſh the foreſaid Offences. An. 25 Ed. 3. 1.

Merchants may ſell their wares in groſs or by retail, or by parcels, notwithſtanding any grant or cuſtom to the contrary. 2 R. 2. 1.

The Stat. of 9 Ed. 3. 1. & 25 Ed 3. 2. ſhall be executed in all points, notwithſtanding any Charter, &c.

II. Saving always to the King, and to other, the cuſtoms due of the ſaid merchandiſes. (2) And alſo that the Chancellor, Treaſurer, and Juſtices aſſigned to hold the Pleas of the King in places where they come, ſhall inquire of ſuch diſturbances and grievances, and puniſh according as is before ordained. (3) And nevertheleſs, the King ſhall cauſe to be aſſigned by Commiſſion under the great Seal, certain people, where and when it ſhall pleaſe him, to inquire of ſuch diſturbances and grievances, and to execute puniſhment as aforeſaid. (4) And after by a Statute made at a Parliament holden at Weſtminſter the xxv year of King Edward the Third, it was ordained by the ſame Edward the Grandfather, Prelates, Earls, Barons, and all other Great men and Commons, that the ſaid Statute made the ſaid ixth year, in all points and articles contained in the ſame, ſhould be holden, kept and maintained. (5) And if any Charter, Letters Patents, Proclamation or commandment, uſage, allowance or judgment were made to the contrary, the ſame ſhould be utterly repealed, avoided and holden for none. (6) And moreover, that every Merchant or other, of what condition that he be, as well alien as denizen, which ſhall bring wines, fleſh and fiſh, or victuals, clothes, fells, or Avoir de pois, or any other wares or merchandiſes to the City of London, or to other Cities, Boroughs or good Towns of England, or Port of the Sea, may freely and without challenge or impeachment of any, ſell them in groſs or at retail, or by parcels, at his will, to all manner of people that will buy the ſame, notwithſtanding any grant, franchiſe or cuſtom uſed, or any other manner thing done to the contrary, ſince that ſuch franchiſes and uſages be in common prejudice of the King, and of all his people. (7) And that no Mayor, Bailiff, Catchpole, Miniſter or other, ſhall meddle with the ſale of any manner of victuals vendible carried or brought to Cities, Boroughs, nor other Towns, nor Fair, nor Market, but only he to whom the victuals ſhall be. (8) And alſo that Proclamation be thereof made of new in all the Counties of England, and in the City of London, and in all other Cities, Boroughs, and good Towns and Ports of the Sea, and elſewhere within the Realm of England, where it ſhall be needful. (9) And that the ſaid King the Grandfather ſhall thereupon cauſe to be aſſigned his Juſtices at all times that ſhall pleaſe him, and ſhall be neceſſary, to inquire of all them that ſhall ſell or any thing do to the contrary, and to puniſh them according to the pain contained in the ſame Statute made the ſaid ninth year. (10) And that every man that will ſue againſt any, ſhall have a Writ out of the Chancery to attach him by his body, as a diſturber of the common profit, and to make him come to the anſwer thereof in the Kings Court, as by the ſame Statutes plainly doth appear: (11) Our Lord the King ſeeing clearly that the ſaid Statutes if they were holden and fully executed, ſhould much extend to the profit and wealth of all the Realm, hath ordained and eſtabliſhed, by the aſſent of the Prelates, Dukes, Earls, Barons, Great men, Nobles and Commons in this preſent Parliament aſſembled, That the ſaid Statutes ſhall from henceforth be firmly holden, kept, maintained, and fully executed in all the points and articles of the ſame, notwithſtanding any Ordinance, Statute, Charter, Letters Patents, Franchiſe, Proclamation, Commandment, Uſage, Allowance, or Judgment made or uſed to the contrary, (12) And that if any Statute, Ordinance, Charter, Letters Patents, Franchiſe, Proclamation, Commandment, Uſage, Allowance or Judgment be made or uſed to the contrary, it ſhall be utterly repealed, avoided, and holden for none. Stat. 16 R. 2. 1. 1 H. 4. 17.

CAP. VIII.

Certain Annuities granted by the King, his Father and Grandfather, made void.

Patents, Raſt. 2.

ITem, It is ordained and eſtabliſhed, That all the Annuities and other things given or granted by our Lord the King, or by his Father or Grandfather, to any manner of perſons, with the clauſe, Quouſque pro ſtatu ſuo aliter duxerimus ordinandum, ſhall be wholly void and of no force, if the ſame perſons have accepted afterward any other things of the King and of his ſaid Father or Grandfather.

CAP. IX.

No new Impoſition ſhall be put upon Merchandiſes.

Staple, Raſt. 11.

ITem, That no Impoſition or charge be put upon Wools, Leather, or Woolfels, other than the Cuſtom and Subſidy granted to the King in this preſent Parliament; and if any be, tye ſame ſhall be repealed and adnulled, as it was another time ordained by Statute: ſaving always unto the King his ancient right. Stat. 45 E. 3. 4.

CAP. X.

The Kings Signet or privy Seal ſhall not be ſent in diſturbance of the Law.

Juſtice 1. No Seal of the Kings ſhall be ſent to prejudice the Common Law.

ITem, It is ordained and eſtabliſhed, That neither Letters of the Signet, nor of the Kings privy Seal, ſhall be from henceforth ſent in damage or prejudice of the Realm, nor in diſturbance of the Law. Stat. 9 H. 3. 29. 2 E. 3. 8.

CAP. XI.

The keeping of Aſſiſes in good Towns, referred to the conſideration of the Juſtices, &c.

Juſtices of, &c. 6. St. 6 R. 2. 5. The keeping of Aſſiſes in good Towns referred to the conſideration of the Chancellor and Juſtices.

ITem, Whereas late in a Statute made at Weſtminſter the ſixth year of the Kings Reign that now is, amongſt other things it was ordained and accorded, That the Juſtices aſſigned and to be aſſigned to take Aſſiſes, and deliver Gaols, ſhould hold their Seſſions in the chief and principal Towns of every County, that is to ſay, where the Shire-Courts of the ſame Counties be, or hereafter ſhall be holden: (2) Our Lord the King conſidering how the ſaid Statute is in part prejudicial and grievous to the people of divers Counties of England, will and grant of the aſſent aforeſaid, at the requeſt of the ſaid Commons, that the Chancellor of England for the time being, ſhall have power thereof to make and provide remedy by advice of the Juſtices from time to time when need ſhall be, notwithſtanding the ſaid Statute.

Statutes made at *Canterbury*, *Anno* 12 *R.* 2. and *Anno Dom.* 1388.

FOr the common profit and univerſal wealth of all the Realm of England, our Lord the King at his Parliament holden at Canterbury the morrow after the Nativity of our Lady, the twelfth year of his Reign, by the aſſent of the Lords and Commons aſſembled, hath made certain Statutes and Ordinances in the form following.

CAP. I.

A Confirmation of the Liberties of the Church, and of all former Statutes not repealed.

FIrſt, It is accorded and aſſented, That holy Church have all her Liberties and Franchiſes. And that the great Charter and the Charter of the Foreſt, and all other Statutes and Ordinances made in times paſt, and not repealed, ſhall be duly holden, and firmly kept.

A confirmation of the Liberties of the Church, and of the former Statutes.

CAP. II.

None ſhall obtain Offices by ſuit, or for reward, but upon deſert.

Co. Inſt. 1 par. 234 a.

ITem, It is accorded, that the Chancellor, Treaſurer, Keeper of the Privy Seal, Steward of the Kings houſe, the Kings Chamberlain, Clerk of the Rolls, the Juſtices of the one Bench and of the other, Barons of the Eſchequer, and all other that ſhall be called to ordain, name, or make Juſtices of Peace, Sheriffs, Eſcheators, Cuſtomers, Comptrollers, or any other Officer or Miniſter of the King, ſhall be firmly ſworn, that they ſhall not ordain, name or make Juſtices of Peace, Sheriff, Eſcheator, Cuſtomer, Comptroller, nor other Officer nor Miniſter of the King for any gift or brocage, favour or affection; (2) nor that none which purſueth by him, or by other, privily or openly to be in any manner of Office, ſhall be put in the ſame Office, or in any other, (3) but that they make all ſuch Officers and Miniſters of the beſt and moſt lawful men, and ſufficient to their eſtimation and knowledge. St. 5 Ed. 6. cap. 16.

Officer 1. None ſhall obtain offices by ſuit, or for reward, but by deſert.

CAP. III.

No ſervant ſhall depart from one Hundred to another, without a Teſtimonial under the Kings ſeal. (2) A ſervant wandring without a Teſtimonial ſhall be ſet in the Stocks. Rep. 5 El. 4. & 21 Jac. 28.

Labourers, Raſt. 23.

CAP. IV.

The ſeveral penalties for giving or taking more wages than is limited by the Statute. Rep. 5 El. 4. & 21 Jac. 28. St. 4 H. 5. 4. Stat. 4 H. 8. 5.

Ibid.

CAP. V.

Whoſoever ſerveth in Husbandry until twelve years old, ſhall ſo continue. Rep. 5 El. 4. & 21 Jac 28.

Raſt. 24.

CAP. VI.

No ſervants in Husbandry or Labourer ſhall wear any Sword, Buckler, or Dagger. Unlawful Games prohibited. Rep. 21 Jac 28.

Armor 2. Plays, Raſt. 1.

CAP. VII.

The puniſhment of Beggars able to ſerve, and a proviſion for impotent Beggars. Rep. 1 Ed. 6. 3. & 21 Jac. 28.

Vagabonds, Raſt. 1.

CAP. VIII.

They ſhall have Teſtimonials that report themſelves to have been impriſoned beyond the Sea. Rep. 21 Jac. 28.

Travellers.

CAP. IX.

The Statute of Labourers ſhall be executed within Cities and Boroughs. Rep. 5 Eliz. 4. & 21 Jac. 28.

Labourers, Raſt. 25.

CAP. X.

How many Juſtices of Peace there ſhall be in every County: and how often they ſhall keep their Seſſions.

ITem, It is ordained and agreed, That in every Commiſſion of the Juſtices of Peace, there ſhall be aſſigned but ſix Juſtices, with the Juſtices of Aſſiſes, (2) and that the ſaid ſix Juſtices ſhall keep their Seſſions in every quarter of the year at the leaſt, and by three days if need be, upon pain to be puniſhed according to the diſcretion of the Kings Council, at the ſuit of every man that will complain: (3) And they ſhall inquire diligently among other things touching their Offices, if the ſaid Mayors, Bailiffs, Stewards, Conſtables and Gaolers have duly done execution of the ſaid Ordinances of ſervants and labourers, beggars and vagabonds, and ſhall puniſh them that be puniſhable by the ſaid pain of an hundred ſhillings, by the ſame pain; and they that be found in default, and which be not puniſhable by the ſame pain, ſhall be puniſhed by their diſcretion. (4) And every of the ſaid Juſtices ſhall take for their wages four ſhillings the day for the time of their ſaid Seſſions, and their Clerk two ſhillings, of the fines and amerciaments riſing and coming of the ſame Seſſions, by the hands of the Sheriffs. (5) And that the Lords of Franchiſes ſhall be contributory to the ſaid wages, after the rate of their part of fines and amerciaments aforeſaid. (6) And that no Steward of any Lord be aſſigned in any of the ſaid Commiſſions. (7) And that no aſſociation ſhall be made to the Juſtices of the Peace after their firſt Commiſſion. (8) And it is not the intent of this Statute, that the Juſtices of the one Bench or of the other, nor the Serjeants of the Law, in caſe that they ſhall be named in the ſaid Commiſſions, ſhall be bound by force of this Statute, to hold the ſaid Seſſions four times in the year, as the other Commiſſioners, the which be continually dwelling in the Country, but that they ſhall do it when they may beſt attend it.

Juſtices of Peace 5. How many Juſtices of Peace ſhall be in every County, how often they ſhall keep their Seſſions, and what wages they ſhall have. St. 36 Ed. 3. 12. The wages of the Clerk of the Peace. No aſſociation of Juſtices of Peace. 13 R. 2. c. 7. The Judges and Serjeants of the Law ſhall attend but when they may.

CAP. XI.

The puniſhment of him that telleth lies of the Peers or great Officers of the Realm.

Dyer f. 155, 185. Co. l. 4. f. 12. Kel. f. 26.

ITem, Whereas it is contained, as well in the Statute of Weſtminſter the Firſt, as in the Statute made at Glouceſter, the ſecond year of the Reign of our Lord the King that now is, that none be ſo hardy to invent, to ſay or to tell any falſe news, lies, or ſuch other falſe things of the Prelates, Dukes, Earls, Barons, and other Nobles and great men of the Realm, and alſo of the Chancellor, Treaſurer, Clerk of the privy Seal, the Steward of the Kings houſe, the Juſtice of the one Bench or of the other, and other great Officers of the Realm, (2) and he that doth ſo ſhall be taken and impriſoned, till he hath found him of whom the ſpeech ſhall be moved: (3) It is accorded and agreed in this Parliament, That when any ſuch is taken and impriſoned, and cannot find him by whom the ſpeech be moved, as before is ſaid, that he be puniſhed by the advice of the Council, notwithſtanding the ſaid Statutes.

News 1. 2 Inſt. 227, 228. St. 3 Ed. 1. 33. St. 2 R. 2. 5. The puniſhment of him that telleth lies of the Prelates or great Officers of the Realm.

C A P. XII.

In what caſes Lords and Spiritual Perſons ſhall be contributory to the expences of the Knights of the Parliament.

Parliament 11. Lords and ſpiritual perſons purchaſing Lands, contributory to the expences of the Knights of the Parliament.

ITem, In the right of the levying of the expences of the Knights coming to the Parliaments for the Commons of the Counties, it is accorded and aſſented, That the ſaid levying be made as it hath been uſed before this time: (2) joyning to the ſame, that if any Lord, or any other man ſpiritual or temporal, hath purchaſed any lands or tenements, or other Poſſeſſions that were wont to be contributory to ſuch expences, before the time of the ſaid purchaſe, that the ſaid Lands, Tenements and Poſſeſſions, and the Tenants of the ſame, be contributory to the ſaid expences, as the ſaid Lands, Tenements and Poſſeſſions were wont to do before the time of the ſame purchaſe. Regiſt.fo.191. Co.Inſt.4.f.46. 11 H 4.

C A P. XIII.

The puniſhment of them which cauſe corruption near a City or great Town to corrupt the Air.

Nuſance 1.

The puniſhment of him which ſhall caſt corruption into any place near a City or Town.

Chief Officers of Towns ſhall compel offenders to redreſs their annoyances.

ITem, For that ſo much dung and filth of the garbage and intrails, as well of beaſts killed as of other corruptions, be caſt and put in Ditches, Rivers, and other waters, and alſo within many other places, within, about and nigh unto divers Cities, Boroughs, and Towns of the Realm, and the Suburbs of them, that the Air there is generally corrupt and infect, and many maladies and other intolerable diſeaſes do daily happen, as well to the Inhabitants and thoſe that are converſant in the ſaid Cities, Boroughs, Towns and Suburbs, as to other repairing and travelling thither, to the great annoyance, damage and peril of the inhabitants, dwellers, repairers, and travellers aforeſaid: (2) It is accorded and aſſented, That Proclamation be made as well in the City of London, as in other Cities, Boroughs, and Towns through the Realm of England, where it ſhall be needful, as well within Franchiſes as without, that all they which do caſt and lay all ſuch annoyances, dung, garbages, intrails, and other ordure in ditches, rivers, waters, and other places aforeſaid, ſhall cauſe them utterly to be removed, avoided and carried away betwixt this and the Feaſt of S. Michael next enſuing; after the end of this preſent Parliament, every one upon pain to loſe and to forfeit to our Lord the King xx l. (3) And that the Mayors and Bailiffs of every ſuch City, Borough or Town, and alſo the Bailiffs of Franchiſes ſhall compel the ſame to be done upon like pain: (4) And if any feel himſelf grieved that it be not done in the manner aforeſaid, and will thereupon complain him to the Chancellor after the ſaid Feaſt of S. Michael, he ſhall have a Writ to make him of whom he will ſo complain to come into the Chancery, there to ſhew why the ſaid penalty ſhould not be levied of him. (5) And moreover, Proclamation ſhall be made, as well in the City of London, as in other Cities, Boroughs, and Towns as afore, that none of what condition ſoever he be, cauſe to be caſt or thrown from henceforth any ſuch annoyance, garbage, dung, intrails, nor any other ordure into the ditches, rivers, waters, and other places aforeſaid; (6) and if any do, he ſhall be called by Writ before the Chancellor, at his ſuit that will complain; and if he be found guilty, he ſhall be puniſhed after the diſcretion of the Chancellor. Fitz.N.B.f.176.B. 185.D.

C A P. XIV.

Drapery.

A Confirmation of the Statute of 47 Ed 3.1. touching the length and breadth of Clothes, Rep.5 Ed.6.6. 43 Eliz. 10.8. 4 Jac.2.

C A P. XV.

Proviſion, Raſt. 11.

He that will go out of the Realm to provide a Benefice within the Realm, ſhall be out of the Kings protection, and the Benefice ſhall be void. OB. St.13 R.2.2. 3 Inſt.

C A P. XVI.

Staple, Raſt 27.

The Staple ſhall be removed from Middleborough to Calice. Alt. 14 R.2.1, & OB.

Statutes made at *Weſtminſter, Anno* 13 *R.2.* and *An.Dom.*1389.

IN the Parliament holden at Weſtminſter the Monday next after the Feaſt of St. Hillary, the thirteenth year of the Reign of King Richard the Second after the Conqueſt, our Lord the King, to the honour of God and holy Church, and for the common profit of his liege people of his Realm, of the aſſent of the Prelates and Lords temporal, and Commons being in the ſame Parliament, hath ordained and ſtabliſhed the things under written.

C A P. I.

The Kings Preſentee ſhall not be received to a Church full of an Incumbent, until he hath recovered it by Law.

Incumbent 1. The Statute of Ed. 3. 3 confirmed, touching the examination of the Kings Title to a Benefice, when he preſenteth in anothers right. When the King preſenteth to a Benefice full of an Incumbent, his preſentee ſhall not be received until he hath recovered by Law. 4 Inſt.31.§.3.

FIrſt, Whereas it is ordained by a Statute made the xxv year of the Reign of King Edward the Grandfather of our Lord the King that now is, that at what time that the King ſhall make collation or preſentment to any Benefice in anothers right, that the title upon which he groundeth himſelf ſhall be well examined that it be true; (2) and at what time before judgment given, the title be found by good information untrue and not juſt, the collation or preſentment thereupon made ſhall be repealed: (3) And notwithſtanding the ſame Statute, ſome of the Kings preſentees by favour of the Ordinaries be inſtituted and inducted in Benefices of holy Church without due proceſs, the parties not warned nor called, and ſometime taken by falſe Inqueſts favourably, and the Incumbents in ſuch manner put out. It is ordained and aſſented, That the ſaid Statute be firmly holden and kept. (4) And moreover our Lord the King, for the reverence of God and holy Church, doth will and grant, That if he preſent to any Benefice that is full of any Incumbent, that the preſentee of the King ſhall not be received by the Ordinary to the Benefice, till the King hath recovered his preſentment by proceſs of the Law in his own Court: (5) And if any preſentee of the King be otherwiſe received, and the Incumbent put out without due proceſs, as afore is ſaid, the ſaid Incumbent ſhall begin his ſuit within a year after the induction of the Kings preſentee at the leaſt. St.4 H 4.22. 25 Ed.3.cap.3, & 7.

CAP. II.

The Authority of the Conſtable of England, and the remedy where it is abuſed.

Inſt. 51, ſt.2,3. Inſt 41. Roll 57.

ITem, Becauſe that the Commons do make a grievous complaint, that the Court of the Conſtable and the Marſhal hath incroached to him, and daily doth incroach contracts, covenants, treſpaſſes, debts and detinues, and many other actions pleadable at the Common Law, in great prejudice of the King, and of his Courts, and to the great grievance and oppreſſion of the people: (2) Our Lord the King willing to ordain a remedy againſt the prejudices and grievances aforeſaid, hath declared in this Parliament by the advice and aſſent of the Lords ſpiritual and temporal, the power and Juriſdiction of the ſaid Conſtable, in the form that followeth: To the Conſtable it pertaineth to have cogniſance of contracts touching deeds of Arms and War out of the Realm, and alſo of things that touch war within the Realm, which cannot be determined nor diſcuſſed by the Common Law, with other uſages and cuſtoms to the ſame matters pertaining, which other Conſtables heretofore have duly and reaſonably uſed in their time. (3) Joyning to the ſame, that every Plaintiff ſhall declare plainly his matter in his Petition, before that any man be ſent for to anſwer thereunto. And if any will complain that any plea be commenced before the Conſtable and Marſhal, that might be tried by the Common Law of the Land, the ſame Plaintiff ſhall have a privy Seal of the King without difficulty, directed to the ſaid Conſtable and Marſhal, to ſurceaſe in that plea, until it be diſcuſſed by the Kings Council, if that matter ought of right to pertain to that Court, or otherwiſe to be tried by the Common Law of the Realm of England, and alſo that they ſurceaſe in the mean time. St.28 E.1.3. 8 R.2.5. 33 H.8.12. Raſt. pl. fo.278.

H. 44.

Conſtable and Marſhal, Raſt. 1. The authority of the Conſtable of England, and wherein it conſiſteth. Crompt. Juriſdiction 28.

The remedy where the Conſtable and Marſhal ſhall hold plea of any thing determinable by the Common Law.

CAP. III.

The limits of the Steward and Marſhals Court of the Kings houſe.

vil 57.

ITem, it is accorded and aſſented, that the Court of the Steward and Marſhal of the Kings houſe, nor alſo the juriſdiction thereof, ſhall not paſs the ſpace of twelve miles, to be counted from the lodging of our ſaid Lord the King. F.N.B.fo.241.B. 1 Bulſtr.209.

Marſhals 2. The limits of the Steward and Marſhals Court.

CAP. IV.

The duty of a Clerk of the Market of the Kings Houſe.

ITem, At the requeſt of the ſaid Commons, it is ordained and aſſented, that the Clerk of the Market of the Kings houſe ſhall do his office well and duly. (2) And that all falſe meaſures and weights ſhall be burned after the form of the Statute. (3) And that the ſaid Clerk take no common fine, but that every perſon which is found in default touching the ſame Office, be puniſhed according to his deſert, and that he ſhall not ride but with vi Horſes at the moſt, and that he ſhall not tarry in any Town nor other place longer than the neceſſity of his buſineſs ſhall require: and if he do any thing contrary to this Statute, and be thereof duly convict, he ſhall pay to the King at the firſt time that he ſhall be convict an C s. and at the ſecond time x l. and the third time xx l. Co.Inſt.4 par.274. Stat.17 Car.1.c.4.

Clerks 1. The duty of the Market of the Kings houſe.

CAP. V.

With what things the Admiral and his Deputy ſhall meddle.

l.12.104. b.11, 79. 6,212. .171 Co. 42. Roll. 497. H. 6. f.7. f. 159.

ITem, Foraſmuch as a great and common clamour and complaint hath been oftentimes made before this time, and yet is, for that the Admirals and their Deputies hold their Seſſions within divers places of this Realm, as well within Franchiſe as without, accroaching to them greater authority than belongeth to their office, in prejudice of our Lord the King, and the Common Law of the Realm, and in diminiſhing of divers Franchiſes, and in deſtruction and impoveriſhing of the common people: (2) It is accorded and aſſented, that the Admirals and their Deputies, ſhall not meddle from henceforth of any thing done within the Realm, but only of a thing done upon the Sea, as it hath been uſed in the time of the Noble Prince King Edward, Grandfather of our Lord the King that now is. Stat. 15 R.2.3. 2 H.4.11. Raſt.pla.fo.23. Townſend's Table 36. Godbolt 385.pl.470.

Admiral 1. With what things only the Admiral and his Deputy ſhall meddle. Co. Inſt. 4 par. 135. 2 Bulſtr. 323. 3 Bulſt.205. 1 Inſt.260.

CAP. VI.

How many Serjeants at Arms there ſhall be, and with what things they ſhall meddle.

ITem, At the grievous complaint made by the Commons to our Lord the King in this Parliament, of the exceſſive and ſuperfluous number of Serjants at Arms, and of many great extortions and oppreſſions done by them to the people: (2) The King therefore doth will that they ſhall all be diſcharged, and that of them and other there ſhall be taken of good and ſufficient perſons to the number of thirty, and no more from henceforth. (3) And moreover the King prohibiteth them to meddle with any thing that toucheth not their Office. (4) And that they do no extortion nor oppreſſion to the people, upon pain to loſe their Office, and to make a fine and ranſom to the Kings pleaſure, and full ſatisfaction to the party.

Serjeant at Arms, Raſt. 1. There ſhall be but xxx Serjeants at Arms, who ſhall meddle with nothing but touching their offices.

CAP. VII.

What ſort of perſons ſhall be Juſtices of Peace, and what their charge is to do.

H.7 H 4. 4.

ITem, Whereas it is contained in the laſt Statute made at Canterbury, that no Steward of any Lord ſhall be aſſigned in the Commiſſion of the Juſtices of Peace; nevertheleſs for certain cauſes ſhewed in this Parliament, It is accorded and aſſented, that Juſtices of Peace ſhall be made of new in all the Counties of England, of the moſt ſufficient Knights, Eſquires, and Gentlemen of the Law of the ſaid Counties, notwithſtanding the ſaid Statute. (2) And that the ſaid Juſtices be ſworn duly and without favour, to keep and put in execution all the Statutes and Ordinances touching their Offices. Stat.1 Ed.3.16. 4 Ed.3.2. 12 R.2.10. 2 H.5.4. 18 H.6.11.

Juſtices of Peace 1. What ſort of perſons ſhall be Juſtices of Peace, and what their charge is to do. 12 R.2.10.

CAP. VIII.

The rates of Labourers wages ſhall be aſſeſſed and proclaimed by the Juſtices of Peace: And they ſhall aſſeſs the gains of Victuallers. Who ſhall make Horſebread, and the weight and price thereof.

Victuallers, Raſt.8. St.12 R.2.9.

The rate of Artificers, Labourers, and Workmens wages, ſhall be aſſeſſed and proclaimed by the Juſtices. St.5 El.4.

The gains of Victuallers ſhall be aſſeſſed by the Juſtices, and they ſhall be reaſonable St.23 Ed 3.6. St.12 Ed.4.8.

Bodily puniſhment only ſhall be inflicted upon Victuallers, where it is deſerved. St.51 H.3.51. 51 Ed.1. St.23 E.3.6.

Who ſhall make Horſe-bread, and price of it. St.4 H.4.25. 32 H.8.41. 2 Roll 246. (226) 247. (227.)

Cro.

ITem, It is ordained and aſſented, That the Statutes and Ordinances made in the laſt Parliament holden at Canterbury, as well of ſervants, labourers, artificers, and victuallers, as of all other things, ſaving the exception in the next Article before touching Juſtices of Peace, and alſo all other Statutes and Ordinances made before this time, and not repealed, ſhall be firmly kept and duly executed, (2) but foraſmuch as a man cannot put the price of corn and other victuals in certain, it is accorded and aſſented, that the Juſtices of Peace in every County, in two of their Seſſions to be holden betwixt the Feaſt of Eaſter and S. Michael, ſhall make proclamation by their diſcretion according to the dearth of victuals, how much every Maſon, Carpenter, Tiler, and other Craftſmen, Workmen, and other Labourers by the day, as well in harveſt as in other times of the year, after their degree, ſhall take by the day with meat and drink, or without meat and drink, between the two Seſſions beforeſaid, notwithſtanding the Statutes thereof heretofore made: and that every man obey to ſuch Proclamations from time to time as a thing done by Statute. (3) And in the right of Victuallers it is accorded, that they ſhall have reaſonable gains, according to the diſcretion and limitation of the ſaid Juſtices, and no more, upon pain to be grievouſly puniſhed according to the diſcretion of the ſaid Juſtices, where no pain is limited in certain before this time. (4) And that Sheriffs, Stewards of Lords of Franchiſes, Mayors and Bailiffs, and all other that have aſſiſe of Bread and Ale to keep, and the correction of the ſame, ſhall take no amerciament or fine for any default touching the Aſſiſe, for the which a man or woman by the Law ought to have bodily puniſhment, according as it is another time ordained by Statute; but they ſhall judge them to the ſame bodily puniſhment as the offence requireth, and ſhall do due execution thereof. (5) And that Mayors, Bailiffs, and Stewards of Franchiſe, and all other that have the order and ſurvey of victuals in Cities, Boroughs, Merchant-Towns, and elſewhere, where victuals be ſold in the Realm, ſhall put the Statute made the xxiij year of the Reign of King Edward, Grandfather to the King that now is, which beginneth, (Becauſe a great part of the people touching the eſtate of Victuallers and Hoſtlers, and other ſellers of victuals) in due execution. (6) And that no Hoſtler make horſe-bread in his Hoſtry nor without, but Bakers ſhall make it: (7) and the aſſiſe thereof ſhall be kept, and that the weight be reaſonable after the price of the Corn in the Market, (8) and that the ſame Hoſtlers ſhall ſell Hay and Oats after a reaſonable price, ſo that they take not for the buſhel but one half peny over the common price in the Market. This laſt Clauſe is repealed. 21 Jac. 21, & 28.

CAP. IX.

There ſhall be but one weight and one meaſure throughout the Realm, ſaving in the County of Lancaſter. The weight of Wool, and the refuſe thereof.

Weights 1. There ſhall but one weight and one meaſure.

The County of Lancaſter.

Wool ſhall be ſold at xiv l. the ſtone. St.31 Ed.3.8.

Refuge of Wools.

Wool ſhall not be bought by good packing.

Wool ſhall not be cocketed but in the owners name.

ITem, It is ordained and accorded, That one meaſure and one weight be through all the Realm of England, as in the great Charter, and other Statutes and Ordinances thereof made is more plainly contained. (2) And every one that ſhall be convict that he hath or uſeth any other meaſure or weight ſhall have impriſonment of half a year, and make recompence to the party grieved to the double of his loſs, except it be in the County of Lancaſter, becauſe in that County it hath always been uſed to have greater meaſure than in any other part of the Realm. (3) And that none buy or ſell Wool at more weight than at fourteen pound the ſtone, upon the pain to pay the double to him that feeleth him grieved, and to make fine and ranſom to the King after the quantity of the treſpaſs. (4) And that no denizen nor foreigner make any other refuſe of Wools but cot, gare and villein. (5) And that no Merchant nor other man buy his Wools by theſe words, Good packing, nor by like words, upon pain, that is to ſay, the Broker to have impriſonment of half a year, and the buyer to make a fine to the King after the quantity of the treſpaſs, and the party that feeleth him grieved, ſhall have double damages of that which he hath ſuffered by the ſaid occaſion. (6) And that none ſhall make Wools to be cocketed, but in the name of him to whom the Wools be, upon pain of forfeiture of the ſame, as it hath been another time ordained by Statute. St.11 H.7.4. 8 H.6.5.

CAP. X.

The length and breadth of Cogware, and Kendal Cloth.

Drapery, Raſt.4. Cogware and Kendal Cloth may be made of ſuch length and breadth as they have been.

ITem, Although it be ordained by divers Statutes, that all manner of Clothes of ray and of colour ſhall be of a certain length and breadth compriſed in the ſame Statutes, nevertheleſs, for as much as it hath been a common cuſtom to make certain Clothes in divers Counties of England, called Cogware and Kendal Cloth, of the breadth of three quarters of a yard, whereof ſome be of the price of xl d. and ſome of v s. and ſold to Cogmen out of the Realm, and alſo to poor and mean people within the Realm, of the which Clothes a great part is made of the worſt Wool within the Realm, that cannot well ſerve for any other Clothes: (2) It is accorded and aſſented, that from henceforth it ſhall be lawful to every man to make ſuch manner of Clothes of the length and breadth as it hath been uſed before this time, notwithſtanding any Statute made to the contrary. (3) Provided always, that the makers and workers of ſuch Clothes ſhall not make them of any better Wool than they were wont to do. (4) And alſo it is aſſented, that all ſuch Clothes as be arreſted by force or colour of the ſaid Statutes or any of them, ſhall be diſcharged and redelivered. St.2 Ed.3.1. 25 Ed.3.1. 47 Ed.3.1. 12 R.2.14. 5 Ed.6.6. 43 El.10. 4 Jac.2.

CAP. XI.

The Clothes of certain Counties tacked and folded, ſhall not be put to ſale before they be opened.

Drapery 87.

ITem, Foraſmuch as divers plain Clothes that be wrought in the Counties of Somerſet, Dorſet, Briſtol, and Glouceſter, be tacked and folded together and ſet to ſale, of the which Clothes a great part be broken, brouſed, and not agreeing in the colour, neither be according in breadth, nor in no manner to the part of the ſame Clothes ſhewed outwards, but be falſly wrought with divers Wools, to the great deceit, loſs, and damage of the people, in ſo much that the Merchants that buy the ſame Clothes, and carry them out of the Realm to ſell to ſtrangers, be many times in danger to be ſlain, and ſometime impriſoned, and put to fine and ranſom by the ſame ſtrangers, and their ſaid Clothes burnt or forfeit becauſe of the great deceit and falſhood that is found in the ſame Clothes, when they be untacked and opened, to the great ſlander of the Realm of England: (2) It is ordained and aſſented, that no plain Cloth tacked nor folded ſhall be ſet to ſale within the ſaid Counties, but that they be opened, upon pain to forfeit them, ſo that the buyers may ſee them, and know them, as it is uſed in the County of Eſſex: (3) and that the Workers, Weavers, and Fullers ſhall put their Seals to every Cloth that they work, upon a certain pain to be limited by the Juſtices of the Peace: and that this Ordinance begin to hold place at the Feaſt of St. John Baptiſt next following. (4) Provided always, that after the Merchants have bought the ſame Cloths to carry, and do carry them out the Realm, they may tack them and fold them at their pleaſure, for the more eaſie carriage of them.

The inconveniences enſuing the carrying over of tacked and deceitful Cloth.

No plain Cloth tacked or folded made in certain Counties ſhall be put to ſale before they be opened.

CAP. XII.

No Shoemaker ſhall be a Tanner, nor a Tanner a Shoemaker. 4 H. 4. 35. Rep. 5 El. 8. & 1 Jac. 22.

Cordwayners, Raſt. 21

CAP. XIII.

None ſhall hunt but they which have a ſufficient living.

ITem, Foraſmuch as divers artificers, labourers, and ſervants, and grooms keep Greyhounds and other dogs, and on the holy days when good Chriſtian people be at Church, hearing Divine Service, they go hunting in Parks, Warrens, and Connigries of Lords and others, to the very great deſtruction of the ſame, and ſometime under ſuch colour they make their aſſemblies, conferences, and conſpiracies for to riſe and diſobey their allegiance: (2) It is ordained and aſſented, That no manner of artificer, labourer, nor other lay-man, which hath not lands or tenements to the value of xl. s. by year, nor any Prieſt, nor other Clerk, if he be not advanced to the value of x l. by year, ſhall have or keep from henceforth any Greyhound, Hound, nor other Dog to hunt: (3) nor ſhall they uſe Ferrets, Heys, Nets, Harepipes, nor Cords, nor other Engins for to take or deſtroy Deer, Hares, nor Conies, nor other Gentlemens game, upon pain of one years impriſonment: (4) and that the Juſtices of Peace have power to enquire, and ſhall enquire of the offenders in this behalf, and puniſh them by the pain aforeſaid. St. 19 H. 7. 11. Raſt. pla. 405. St. 8 Eliz. cap. 15.

Hunters 1. None ſhall hunt but they which have ſufficient living.

2 Bulſtr. 60.

Juſtices of Peace ſhall enquire of, and puniſh the offenders.

CAP. XIV.

There ſhall be no bonds of the double made in the Exchequer for the Kings debt.

ITem, Foraſmuch as divers recogniſances and other bonds be now of late begun and made in the Exchequer of double, for the ſurety of debts and ferms of our Lord the King, otherwiſe than it was wont to be done heretofore, to the great hindrance of many of the people: (2) It is accorded and aſſented by our Lord the King, and all the Lords of the Parliament, at the requeſt of the Commons, that no ſuch Recogniſance nor other Bond of the double be made nor taken in the Exchequer from this time forth. (3) And that all ſuch Recogniſances, and other Bonds which be made at this preſent, be utterly cancelled and adnulled. (4) Provided always, that the King have ſufficient ſurety of his duty in the manner accuſtomed.

Exchequer 8. There ſhall be no bonds made of the double in the Exchequer.

CAP. XV.

The Kings Caſtles and Gaols ſhall be rejoyned to the bodies of Counties.

Inſt, 51.

ITem, It is ordained and aſſented, That the Kings Caſtles and Gaols which were wont to be joyned to the bodies of the Counties, and be now ſevered, ſhall be rejoyned to the ſame Counties.

Priſons, Raſt. 4. Caſtles and Gaols ſhall be rejoyned to the bodies of Counties.

CAP. XVI.

In what caſe a Protection *Quia profecturus*, or *Quia moraturus*, is not allowable.

ITem, Becauſe that many perſons be delayed as well in actions real as in actions perſonal by protection, with the clauſe of Volumus, for that many people, as well ſuch as be not able to be retained in war, as other by the teſtimonial of the Governors of the Marches, Captains of Garriſons, Admirals, and other do purchaſe divers protections with clauſe of Volumus, and with clauſe Quia profecturus, &c. after that a plea is commenced againſt them, rather to delay the ſame plea, than for the Kings ſervice, whereas plenty of other ſufficient that be not impleaded may be found to do the Kings ſervice in ſuch caſe, and often do remain in the Country without going to their ſaid ſervice, to the great damage of the purſuants, and diſturbance of common right: (2) It is therefore ordained and aſſented, that no protection with clauſe de profecturus, be allowed any plea whereof the ſuit is commenced, before the date of the protection, if it be not in a voyage that the King himſelf goeth, or other voyages Royal, or in the Kings meſſages for buſineſs of the Realm, but they that be impleaded ſhall make their Attornies to anſwer for them in ſuch pleas, or elſe they ſhall tarry themſelves if they will: (3) howbeit, it is not the intent of the making of this Statute, but that the protection with clauſe Quia moraturus be allowed in all caſes, as it hath been before this time: (4) And if any tarry in the Country, without going to their ſervice for the which he is retained, over a convenient time after that he hath any protection, or return from the ſame ſervice, if the Chancellor be thereof duly informed, he ſhall repeal ſuch protection, as it hath been uſed before this time. V. N. B. fo. 21. Fitz. N. B. 28. Stat. 33 E. 1.

Protection 3. In what caſe a protection Quia profecturus is not allowable. St. 1 R. 2. 8.

Fitz. Protection 4. 10. 0, 24, 34, 6, 48, 53. 6, 125. Co. Inſt. par. 131. b.

The protection Quia moraturus. Cauſes to repeal a protection.

CAP. XVII.

Where he in the reverſion may be received in a ſuit commenced againſt the particular Tenant.

Receit 3. Where he in the reverſion may be received to defend his right in a ſuit commenced againſt his particular tenant.

Fitz Reſceit. 70, 71, 73, 82, 84, 85, 94, 98, 100, 103, 187, 190, 191. 2 Leond 62.

ITem, Becauſe that when tenants for term of life, tenants in dower, or by the Law of England, or in tail after poſſibility of iſſue extinct, be impleaded, they be often of the covin of the demandants, that the tenements demanded againſt them ſhall be recovered, and they will not pray in aid, nor vouch to warranty them in the reverſion, but plead in chief ſuch a plea whereby they know well the tenements ſhall be loſt, in diſheriſon of them in the reverſion: (2) It is accorded and aſſented, that if any ſuch tenant be impleaded, and he in the reverſion come into the Court, and prayeth to be received to defend his right at that day that the tenant pleadeth to the action, or before, he ſhall be received to plead in chief to the action, without taking any delay by voucher, aid prayer, nonage, or any other delay whatſoever, (3) ſo that after ſuch receit he ſhall have no manner delay by protection, eſſoin of the Kings ſervice, common eſſoin, nor any other delay whatſoever, but that the buſineſs ſhall be haſted in as much as it may be by the Law: (4) and that days of grace be given by the diſcretion of the Judges between the demandant and him that is received in ſuch caſe, without giving the common day in plea of land, if the demandant will not aſſent, to the intent that the demandants be not too much delayed, becauſe they muſt plead with two adverſaries, (5) and in right of pleas that be now depending in ſuch caſe, they in the reverſion ſhall be received in the manner aforeſaid, at the next day that the parties have in Court, although the ſame parties have pleaded in chief before this time.

He that prayeth to be received, ſhall find ſurety of the iſſues of the lands in demand. St. 20 Ed. 1.

Fitz Reſceit, 76, 80, 91.

II. Provided always, that they in the reverſion which pray to be received, as before is ſaid, ſhall find ſurety of the iſſues of the tenements demanded for the time that the ſame demandants be delayed, after the ſaid plea determined between the demandants and tenants, if the judgment paſs for the demandant, againſt them in the reverſion aforeſaid, as well where the receit is counterpleaded, as where it is granted. Raſt. pla. fo. 530.

CAP. XVIII.

In which Courts an Attaint may be brought upon a falſe Verdict given in Lincoln.

Attaint, Raſt. 8.

ITem, Becauſe that upon the grievous complaint of the reverend Father in God, the Biſhop of Lincoln, and the Dean and the Chapter of the Church of our Lady in Lincoln, made by their Petition to our Lord the King, and the Lords in this preſent Parliament: The Mayor and the Bailiffs of the City of Lincoln by the commandment of the King, and the aſſent of the Lords, were enjoyned and charged by Writ, to be before the King and his Council in the ſame Parliament at a certain day, with ſufficient inſtruction and information of all the matter compriſed in the ſame Petition, with full power and authority under the common Seal of the ſaid City, to anſwer for them, and the Commonalty of the ſaid City, upon all things contained in the ſame Petition, and further to do and receive that which ſhall be ordained by the King and his Council in that behalf, upon a certain pain limited in the ſame Writ; the tenour of which Petition, containing the grievances done to the ſaid Biſhop and Chapter by the people of the City of Lincoln, by colour of their Franchiſe, was ſent to the ſaid Mayor and Bailiffs cloſed within the ſaid Writ. And though the ſaid Mayor and Bailiffs at the day contained in the ſame Writ, came before the King and his Council in the Parliament aforeſaid, yet they did not bring any ſufficient Warrant from the Commonalty of the ſaid City, as they had in commandment by the ſaid Writ; and upon that our ſaid Lord the King, by the aſſent of the Prelates and other Lords in the ſame Parliament being, by default of the Mayor, Bailiffs, and Commons aforeſaid in that behalf, hath proceeded and examined the ſaid Petition, and the grievances therein contained. (2) And alſo becauſe that a common clamour hath been, that many of the Kings lieges often have ſuffered divers injuries in the ſaid City, becauſe in reſpect of freeholds within the ſame City, treſpaſſes, contracts, and other things riſing within the ſame City, triable by Aſſiſe, Jury, or Inqueſt, have been tried by people of the ſame City, which be ſo favourable one to another, that they doubt not to make falſe Oaths, and that becauſe they be encouraged, for as much as they have not been before this time convict by foreigners, by colour of their Franchiſe: (3) Our Lord the King, willing for the cauſes aforeſaid, to provide for the quietneſs of the ſaid Church, and full right to be done as well to the ſaid Biſhop, Dean and Chapter, and their Succeſſors, as to all other in time coming, hath ordained and eſtabliſhed in that behalf, that in Aſſiſes, Juries, and all other Inqueſts that ſhall be taken between party and party, before the Mayor and Bailiffs of the ſame City for the time being, if any of the parties feel himſelf grieved of a falſe Oath made by ſuch Aſſiſe, Jury, or Inqueſt, the Attaint ſhall be granted to him, and the Record ſent by Writ into the Kings Bench, or into the Common place. (4) And that the Sheriff impanel the Jury of ſuch Attaint, of Foreigners of the County, without ſending to the Franchiſe of the ſaid City, and that the Juſtices ſhall take the ſame Jury of the ſame Foreigners, notwithſtanding any Franchiſe granted to the ſame City, or other uſage to the contrary. St. 3 H. 5. 5. Regiſt. fo. 121.

The inconveniences enſuing of partial trials of ſuits in Lincoln, by the only people of the ſame City.

Upon a falſe Verdict given before the Mayor and Bailiffs of Lincoln, an Attaint may be brought and tried by foreigners of the County of Lincoln.

14 H. 7. 11.

CAP. XIX.

A confirmation of the Statute of 13 Ed. 1. 47. touching the taking of Salmons.

Fiſh 1. A confirmation of the Statute of 13 Ed. 1. 47. touching the prohibition of Salmons to be taken certain times of the year.

ITem, Whereas it is contained in the Statute of Weſtminſter the ſecond, that young Salmons ſhall not be taken nor deſtroyed by Nets, nor by other Engins, at Mill-dams, from the midſt of April till the Nativity of St. John Baptiſt, upon a certain pain limited in the ſame Statute: It is accorded and aſſented, that the ſaid Statute be firmly holden and kept, (2) joyning to the ſame, That young Salmons ſhall not be taken during the ſaid time, at Mill-dams, nor in other places, upon the ſame pain. (3) And that no Fiſher, or Garth-man, nor any other, of what eſtate or condition that he be, ſhall from henceforth put in the waters of Thamiſe, Humber, Ouſe, Trent, nor any other waters of the Realm by the ſaid time, nor in any other time of the year, any Nets called Stalkers, nor other Nets nor Engins whatſoever they be, by the which the frie or the breed of the Salmons, Lampreys, or any other fiſh, may in any wiſe be taken or deſtroyed, upon the pain aforeſaid. (4) And alſo where it is contained in the ſame Statute, that all the waters in the which Salmons be taken within the Realm, ſhall be put in defence as to the taking of Salmons, from the day of the Nativity of our Lady, until St. Martins day: (5) It is ordained and aſſented, that the waters of Lonwyre, Merſee, Rybbyl, and all other waters in the County of Lancaſter, be put in defence, as to the taking of Salmons, from Michaelmas day to the Purification of our Lady, and in no other time of the year, becauſe that Salmons be not ſeaſonable in the ſaid waters in the time aforeſaid. And in the parties where ſuch Rivers be, there ſhall be aſſigned and ſworn good and ſufficient Conſervators of this Statute, as it is ordained in the ſaid Statute of Weſtminſter, and that they ſhall puniſh the offenders after the pain contained in the ſame Statute, without any favour thereof to be ſhewed. St. 17 R. 2. 9.

There ſhall be no deviſes practiſed whereby the frie of fiſh ſhall be deſtroyed. What time of the year the rivers in the County of Lancaſter ſhal be in defence. Conſervators of this Statute, and their authority.

CAP. XX.

What ſorts of perſons only may paſs forth of the Realm without the Kings licence, and at what Ports. Rep. 21 Jac. 28.

Paſſage, Raſt. 4.

Other Statutes made at *Weſtminſter*, *Anno* 13 *R.* 2. *St.* 2. & *Anno Domini*, 1389.

CAP. I.

In a Pardon of Murder, Treaſon, or Rape, the offence committed ſhall be ſpecified. The forfeiture of him at whoſe ſuit ſuch a Pardon is obtained.

Co. 18. March.213. Pardon 3.

OUr Lord the King, at his Parliament holden at Weſtminſter the Monday next after the Feaſt of St. Hillary, the thirteenth year of his Reign, hearing the grievous complaint of his ſaid Commons in the ſame Parliament, of the outragious miſchiefs and damages which have happened to his ſaid Realm, for that Treaſons, murders, and rapes of women be commonly done and committed, and the more becauſe Charters of Pardon have been eaſily granted in ſuch caſes: (2) the ſaid Commons requeſted our Lord the King, that ſuch Charters might not be granted: to whom the King anſwered, That he will ſave his Liberty and Regality, as his Progenitors have done heretofore: (3) but to nouriſh the more quietneſs and peace within his Realm, by the aſſent of the great men and Nobles, being in the ſame Parliament, he hath granted, That no Charter of pardon from henceforth ſhall be allowed before any Juſtice for murder, or for the death of a man ſlain by await, aſſault, or malice prepenſed, treaſon, or rape of a woman, unleſs the ſame murder, death of the man ſlain by await, aſſault, or malice prepenſed, treaſon, or rape of a woman, be ſpecified in the ſame Charter. (4) And if the Charter of a death of a man be alledged before any Juſtices, in which Charter it is not ſpecified, that he of whoſe death any ſuch is arraigned, was murdered or ſlain by await, aſſault, or malice prepenſed, the ſame Juſtices ſhall enquire by a good enqueſt, of the viſne where the dead was ſlain, if he were murdered or ſlain by await, aſſault, or malice prepenſed, and if they find that he was murdered or ſlain by await, aſſault or malice prepenſed, the Charter ſhall be diſallowed, and further it ſhall be done as the Law commandeth. (5) And if any be a ſuiter to the King for a Charter of pardon for murder, death of a man ſlain by await, aſſault, or malice prepenſed, treaſon, or rape of a woman, if the Chamberlain indorſe, or cauſe to be indorſed ſuch Bill, he ſhall ſet the name of him that maketh ſuit for ſuch Charter upon the ſame Bill, upon pain of one thouſand marks, and if the under-Chamberlain indorſe ſuch Bill, he ſhall do likewiſe, upon pain of five hundred marks; (6) and that none other than the Chamberlain or under-Chamberlain endorſe nor cauſe to be endorſed any ſuch Bill, upon pain of one thouſand marks: (7) and that ſuch Bill be ſent and directed to the Keeper of the Privy-Seal. (8) And that no warrant of the Privy-Seal be made to have ſuch Charter, unleſs the Keeper of the Privy-Seal have ſuch Bill endorſed or ſigned by the Chamberlain or under-Chamberlain, as afore is ſaid. (9) And that no Charter of Pardon, of treaſon, nor of other felony, paſs the Chancery without warrant of the Privy-Seal, but in caſe where the Chancellor may grant it of his Office, without ſpeaking thereof to the King. (10) And if he, at whoſe ſuit any Charter of Pardon for murder, death of a man ſlain by await, aſſault, or malice prepenſed, treaſon, or rape of a woman, be granted, be an Archbiſhop or Duke, he ſhall pay to the King one thouſand pound: and if he be a Biſhop or Earl, he ſhall pay to the King one thouſand marks; and if he be an Abbot or Prior, Baron or Baronet, he ſhall pay five hundred marks; And if he be a Clerk, Bachelor, or other of leſs eſtate, of whatſoever condition that he be, he ſhall pay to the King two hundred marks, and have one years impriſonment.

In a pardon for murder, treaſon, rape, &c. the offence committed ſhall be ſpecified.

o. Charter o. Plow.f.401.

No pardon of Treaſon or Felony ſhall paſs without warrant of the privy-ſeal.

7.f.11.

The forfeiture of him at whoſe ſuit ſuch a pardon is obtained.

CAP. II.

A Conformation of the Statute of Proviſors made *Anno* 25 *Ed.* 3. And the forfeiture of him that accepteth a Benefice contrary to that Statute.

Inſt. 51. Rep. 16 R. 2. 6. Proviſors, Raſt. 12. 1 Roll. 10. 92. 2 Roll. 419.

ITem, Whereas the noble King Edward, Grandfather to our Lord the King that now is, at his Parliament holden at Weſtminſter at the utas of the Purification of our Lady, the five and twentieth year of his Reign, cauſed to be rehearſed the Statute made at Carleil in the time of King Edward ſon of King Henry, touching the eſtate of the holy Church of England: The ſaid Grandfather of the King that now is, by the aſſent of the great men of his Realm, being in the ſame Parliament, holden the ſaid five and twentieth year, to the honour of God and of holy Church, and of all his Realm, did ordain and eſtabliſh, that the free elections of Archbiſhopricks, Biſhopricks, and all other dignities and Benefices elective in England, ſhould hold from thenceforth in the manner as they were granted by his Progenitors, and by the Anceſtors of other Lords Founders; (2) and that all Prelates and other people of holy Church, which had Advowſons of any Benefices of the gift of the King, or of his Progenitors, or of other Lords and Donors, ſhould freely have their collations and preſentments, and thereupon a certain puniſhment was ordained in the ſame Statute for them which accept any Benefice or Dignity contrary to the ſaid Statute made at Weſtminſter, the ſaid 25th year, as afore is ſaid, which Statute our Lord the King hath cauſed to be recited in this preſent Parliament at the requeſt of his Commons in the ſame Parliament: The tenor whereof is ſuch as hereafter followeth: Whereas late in the Parliament of good memory of Edward King of England, &c. rehearſing the whole Statute made the ſaid xxv year, and then thus: (3) Our Lord the King that now is, of the aſſent of the great men of his Realm, being in this preſent Parliament, hath ordained and eſtabliſhed, that for all Archbiſhopricks, Biſhopricks, and other Dignities and Benefices elective, and all other Benefices of holy Church which ſhall begin to be void in deed the xxix day of January, the thirteenth year of the Reign of our Lord King Richard that now is, or after, or which ſhall be void in time to come within the Realm of England, the ſaid Statute made the ſaid xxv year, ſhall be firmly holden for ever, and put in due execution from time to time in all manner points. (4) And if any do accept of a Benefice of holy Church contrary to this Statute, and that duly proved, and be beyond the Sea, he ſhall abide exiled and baniſhed out of the Realm for ever, his lands and tenements, goods and chattels ſhall be forfeit to the King; (5) and if he be within the Realm he ſhall be alſo exiled and baniſhed as afore is ſaid, and ſhall incur the ſame forfeiture, and take his way, ſo that he be out of the Realm within ſix weeks next after ſuch acceptance. (6) And if any receive any ſuch perſon baniſhed, coming from beyond the Sea, or being within the Realm after the ſaid ſix weeks, knowing thereof, he ſhall be alſo exiled and baniſhed, and incur ſuch forfeiture as afore is ſaid. (7) And that their Procurators, Notaries, Executors and Summoners have the pain and forfeiture aforeſaid.

For all Benefices which ſhall be void after the 29 of January, Anno 13 R. 2. the St. of 25 E. 3. of Proviſors ſhall be put in execution.

If any do accept of a Benefice contrary to the ſaid St. of 25 Ed. 3. he ſhall be baniſhed the Realm.

Stat. 12 R. 2. 15

The puniſhment of the receivers, procurators, &c. of offenders.

II. Provided nevertheleſs, that all they to whom the Pope of Rome, or his predeceſſors, have provided any Archbiſhoprick, Biſhoprick, or other Dignity, or other Benefices of holy Church, of the patronage of people of holy Church, in reſpect of any voidance before the ſaid 29 day of January, and thereof were in actual poſſeſſion before the ſame 29 day, ſhall have and enjoy the ſaid Archbiſhopricks, Biſhopricks, Dignities, and other benefices peaceably for their lives, notwithſtanding the Statutes and Ordinances aforeſaid. (2) And if the King ſend by Letter or in other manner to the Court of Rome, at the intreaty of any perſon, or if any other ſend or ſue to the ſame Court, whereby any thing is done contrary to this Statute touching any Archbiſhoprick, Biſhoprick, Dignity or other benefice of holy Church within the ſaid Realm, if he that maketh ſuch motion or ſuit be a Prelate of holy Church, he ſhall pay to the King the value of his temporalties of one year; (3) and if he be a temporal Lord, he ſhall pay to the King the value of his lands and poſſeſſions not moveable of one year. (4) And if he be another perſon of a more mean eſtate, he ſhall pay to the King the value of the benefice for which ſuit is made, and ſhall be impriſoned one year. (5) And it is the intent of this Statute, that of all dignities and benefices of holy Church, which were void indeed the ſaid xxix day of January, which be given, or to whom it is provided by the Pope of Rome before the ſame xxix day, that they to whom ſuch gifts or proviſions be made, may freely of ſuch gifts and proviſions, ſue execution without offence of this Statute. (6) Provided always, that of no dignity or benefice which was full the ſaid xxix day of January, no man becauſe of any collation, gift, reſervation and proviſion, or other grace Papal, not executed before the ſaid xxix day, ſhall not ſue thereof execution, upon the pains and forfeitures contained in this preſent Statute. Raſt. pl. fo. 427, &c. 465.

Beneficed perſons upon whom the Pope had before given dignities of the Church.

The penalty for ſuing to the Court of Rome to enfringe the purport of this Statute.

Benefices full of an incumbent.

29 Die Jan. An. 13 R. 2.

CAP. III.

The penalty of him which bringeth a Summons or Excommunication againſt any perſon upon the Statute of Proviſors, and of a Prelate executing it.

Proviſors, Raſt. 13.

The penalty of him which bringeth any ſummons, ſentence, or, &c. againſt any perſon upon the Statute of Proviſors.

ALT. 1 El. 1.

The penalty of a Prelate executing the ſentence, &c.

Item, It is ordained and eſtabliſhed, that if any man bring or ſend within the Realm, or the Kings power, any ſummons, ſentence or excommunication againſt any perſon, of what condition that he be, for the cauſe of making motion, aſſent, or execution of the ſaid Statute of Proviſors, he ſhall be taken, arreſted, and put in priſon, and forfeit all his lands and tenements, goods and chattels for ever, and incur the pain of life and member. (2) And if any Prelate make execution of ſuch ſummons, ſentences or excommunications, that his Temporalties be taken and abide in the Kings hands, till due redreſs and correction be thereof made. (3) And if any perſon of leſs eſtate than a Prelate, of what condition that he be, make ſuch execution, he ſhall be taken, arreſted, and put in priſon, and have impriſonment, and make fine and ranſom by the diſcretion of the Kings Council. Co. Inſt. 3. p. 100.

Statutes made at *Weſtminſter*, *Anno* 14 *R.* 2. & *Anno Dom.* 1390.

For the relief and increaſe of the common profit of the Realm of England, and of the Lands of Wales and Ireland, which have been in divers manners greatly hindred in times paſt: Our Lord the King at his Parliament holden at Weſtminſter, the morrow of St. Martin, the fourteenth year of his Reign, hath ordained and eſtabliſhed, by the aſſent of the ſaid Parliament, the things underwritten.

CAP. I.

The Staple ſhall be removed from Calice into England. Every Alien Merchant ſhall beſtow half the mony received upon the Commodities of this Realm.

Staple, Raſt. 28.

The Staple ſhall be removed from Calice to thoſe Towns in England which were named Anno 27 Ed. 2. 1.

Every Merchant Alien ſhall beſtow the value of half his merchandiſes upon the commodities in this Realm.

ALT. 4 H. 4. 15

Co. Inſt. 2 par.

First, That the Staple be removed from Calice into England, ſo that it be in England the Monday next after the Feaſt of the Epiphany at the furtheſt. (2) And that it be holden in the places contained in the Statutes of the Staple, made in the ſeven and twentieth year of the Kings Grandfather that now is, and in none other place. (3) And that the ſaid Statute be firmly and ſurely holden, and duly executed in all points, with the additions under-written, notwithſtanding any Declaration or Statute made ſince to the contrary, that is to ſay, That every perſon Alien, of what degree or condition that he be, that bringeth any merchandiſe into England, ſhall find ſufficient ſureties before the Cuſtomers, in the Port where the Merchandiſe ſhall be brought to buy other Merchandiſe, to the value of half the ſaid Merchandiſes

diſes ſo brought, at the leaſt, as Wools, Leather, Woofels, Lead, Tin, Butter, Cheeſe, Clothes, or other commodities of the Land. St. 27 H. 6. 3. 17 Ed. 4. 1. 3 H. 7. 8.

CAP. II.

Upon exchanges by Aliens, other commodities of the Realm ſhall be bought.

Item, That for every Exchange that ſhall be made by Merchants to the Court of Rome, or elſewhere, that the ſaid Merchants be firmly and ſurely bound in the Chancery, to buy within three months after the ſaid Exchange made, Merchandiſes of the Staple, as Wools, Leather, Woolfels, Lead or Tin, Butter or Cheeſe, Clothes, or other commodities of the Land, to the value of the ſum ſo exchanged, upon pain of forfeiture of the ſame.

Exchange, Raſt. 4. St. 9 H. 5. 9. 11 H. 4. 8. Upon exchange other commodities of the Realm ſhall be bougt

CAP. III.

Officers of the Staple ſhall be firſt ſworn to the King, and then to the Staple.

Item, That in every Port and place where the Staple ſhall be, the Mayors, Conſtables, Brokers and all other officers and miniſters of the Staple ſhall be ſworn firſt to the King, and after to the Staple. St. 27 Ed. 3. 23.

Staple, Raſt 29. Officers of the Staple ſhall be ſworn.

CAP. IV.

Of whom Denizens may buy Wools, and where. But they ſhall not regrate them. Rep. 21 Jac. 28.

Merchants.

Inſt. 51.

CAP. V.

No Denizen ſhall tranſport any Merchandiſe of the Staple forth of the Realm.

Item, That no Denizen carry Wools, Leather, Wolfels, nor Lead out of the Realm of England, to the parts beyond the Sea, upon pain of forfeiture of the ſame, but only Strangers. St. 27 Ed. 3. 3.

Wools, Raſt. 17. Denizens ſhall not tranſport wool, &c.

CAP. VI.

Engliſh Merchants ſhall freight only in Engliſh Ships.

Item, That all Merchants of the Realm of England, ſhall freight in the ſaid Realm, the Ships of the ſaid Realm, and not ſtrange Ships: ſo that the owners of the ſaid Ships take reaſonable gains for the freight of the ſame. St. 5 R. 2. 3. 6 R. 2. 8. 4 H. 7. 10. 1 El. 13.

Ships, Raſt. 4. Freighting in Engliſh Ships.

CAP. VII.

Tin ſhall paſs forth of the Realm only at Dartmouth. Rep. 21 Jac. 28.

Tyn, Raſt. 1.

Inſt. 51.

CAP. VIII.

No perſon ſhall be impeached for not gauging of Rheniſh Wine.

Item, That none of the Kings liege people be from henceforth diſtrained, impeached, moleſted, nor grieved in the Eſchequer, nor elſewhere, for not gauging of Wines of Rhine, nor for any forfeiture of the ſame for that cauſe, otherwiſe then hath been done of old times. St. 18 H. 6. 17. 1 R. 3. 13.

Wine, Raſt. 14. Gauging of Rheniſhwine.

CAP. IX.

Merchants ſtrangers reſorting into this Realm ſhall be well uſed.

Item, The Merchants ſtrangers, repairing into the Realm of England, ſhall be well and courteouſly and rightfully uſed and governed in the ſaid Realm, to the intent that they ſhall have the greater courage to repair into the ſame. St. 9 Ed. 3. 1. 25 Ed. 3. 2. 11 R. 2. 7.

Merchants 1. Merchants ſtrangers ſhall be well uſed.

CAP. X.

No Cuſtomer or Comptroller ſhall have any Ship of his own: And he ſhall have his Office at the Kings pleaſure.

Item, That no Cuſtomer nor Comptroller have any Ships of their own, nor meddle with the freight of Ships, and that to eſchew, as well the damage of our Lord the King of his cuſtoms, as the loſs of the Merchants repairing to the Port, as well aliens as denizens. (2) And that no Cuſtomer, Comptroller, Searcher, Weigher, or Finder, have any ſuch Office for term of life, but only as long as ſhall pleaſe the King, notwithſtanding any patent or grant made to any to the contrary. (3) And if any ſuch Patent or Grant for term of life, be made to any of any ſuch office in time paſt, the King will that it be utterly repealed and void, and of no force nor value. St. 17 R. 2. 5. 1 H. 4. 13. 31 H. 6. 5.

Cuſtom 28. No Cuſtomer or Comptroller ſhall have any Ship of his own. St. 20 H. 6. 5. No Cuſtomer ſhall have his office but at the Kings pleaſure.

CAP. XI.

In every County there ſhall be eight Juſtices of Peace: Their Eſtreats and Wages.

Item, That in every County be aſſigned eight Juſtices of Peace, as is contained in the Statute of Canterbury, beſides the Lords aſſigned in this Parliament. (2) And that the eſtreats of the ſaid Juſtices be doubled, and the one part delivered by the ſaid Juſtices to the Sheriff, to levy the mony thereof riſing, and thereof to pay to the Juſtices their wages by the hand of the ſaid Sheriff by Indenture betwixt them thereof to be made. (3) And that the Sheriffs have allowance in their accompt in the Exchequer by the ſame Indenture. (4) And that no Duke, Earl, Baron or Baronet, albeit they be aſſigned Juſtices of the Peace, and hold their Seſſions with the other eight Juſtices, ſhall take any wages for the ſaid office. (5) And that the Juſtices put their names in the ſame eſtreats, together with the number of the days of their Seſſions, to the intent that the Sheriffs may know to whom to pay the wages, and to whom not: and the Barons of the Exchequer, to whom to allow, and to whom not: (6) and that the ſeals be made for the ſervants, and delivered to the keeping of ſome good man of the Country after the purport of the ſaid Statute of Canterbury: (7) which Statute with the modification of the ſame made at the laſt Parliament, and the Statute of Weights and Meaſures, and all other good Statutes and Ordinances made heretofore and not repealed, ſhall be holden and kept, and put in due execution.

Juſtices 7. In every County there ſhall be eight Juſtices of the Peace. The Juſtices eſtreats ſhall be double. Which Juſtices ſhall be allowed no wages. A Seal for Servants. St. 13 R. 2. 7.

CAP. XII.

The value of Scottiſh mony of ſeveral ſorts.

Mony.

Statutes made at *Weſtminſter*, *Anno* 15 *R.* 2. and *Anno Domini*, 1391.

IN the Parliament holden at Weſtminſter the morrow after All-Souls, the fifteenth year of the Reign of King Richard the Second after the Conqueſt: Our ſaid Lord the King by the aſſent of the ſaid Parliament hath ordained and eſtabliſhed certain things in form following.

CAP. I.

A Confirmation of all former good Statutes not repealed.

Confirmation, Raſt. 6.

FIrſt, That all good Statutes and Ordinances made before this time and not repealed, be firmly holden and kept.

CAP. II.

The duty of Juſtices of Peace when any forcible Entry is made into lands.

Force 2. Former Statutes concerning forcible entries and Riots confirmed. The duty of Juſtices of Peace when any forcible entry is made into lands. St. 5 R. 2. 7. 4 H. 4. 8. 8 H. 6. 9. 21 Jac. 15. Fitz. N. B. f. 249.

ITem, It is accorded and aſſented, that the Ordinances and Statutes made and not repealed of them that make entries with ſtrong hand into lands and tenements or other poſſeſſions whatſoever, and them hold with force, and alſo of thoſe that make inſurrections, or great ridings, riots, routs, or aſſemblies in diſturbance of the peace, or of the Common Law, or in affray of the people, ſhall be holden and kept, and fully executed: (2) joyned to the ſame, that at all times that ſuch forcible entry ſhall be made, and complaint thereof cometh to the Juſtices of Peace, or any of them, that the ſame Juſtices or Juſtice take ſufficient power of the County, and go to the place where ſuch force is made: (3) and if they find any that hold ſuch place forcibly, after ſuch entry made, they ſhall be taken and put in the next Gaol, there to abide convict by the Record of the ſame Juſtices or Juſtice until they have made fine and ranſom to the King. (4) And that all the people of the County, as well the Sheriffs as other, ſhall be attendant upon the ſame Juſtices to go and aſſiſt the ſame Juſtices to arreſt ſuch offenders, upon pain of impriſonment, and to make fine to the King: (5) And in the ſame manner it ſhall be done of them that make ſuch forcible entries in Benefices or Offices of holy Church. Raſt. pl. f. 320. Kel. f. 41. 3 Bulſtr. 71.

CAP. III.

In what places the Admirals Juriſdiction doth lie.

Admiral 2. In what places the Admirals juriſdiction doth lie, and of what things he hath cogniſance. 2 Bulſtr. 323.

ITem, At the great and grievous complaint of all the Commons made to our Lord the King in this preſent Parliament, for that the Admirals and their deputies do incroach to them divers juriſdictions, franchiſes, and many other profits pertaining to our Lord the King, and to other Lords, Cities, and Boroughs, beſides thoſe they were wont or ought to have of right, to the great oppreſſion and impoveriſhment of all the Commons of the land, and hindrance and loſs of the Kings profits, and of many other Lords, Cities and Boroughs through the Realm: (2) It is declared, ordained, and eſtabliſhed, that of all manner of contracts, pleas, and quarrels, and of all other things done riſing within the bodies of Counties as well by land as by water, and alſo wreck of the Sea, the Admirals Court ſhall have no manner of Cognizance, power nor juriſdiction: but all ſuch manner of contracts, pleas, and quarrels, and all other things riſing within the bodies of Counties, as well by land as by water, as afore, and alſo wreck of the Sea ſhall be tried, determined, diſcuſſed, and remedied by the Laws of the Land, and not before, nor by the Admiral, nor his Lieutenant in any wiſe. (3) Nevertheleſs, of the death of a man, and of a maihem done in great Ships, being and hovering in the main ſtream of great Rivers, only beneath the Bridges of the ſame Rivers nigh to the Sea, and in no other places of the ſame Rivers, the Admiral ſhall have Cognizance, and alſo to arreſt Ships in the great Flotes for the great voyages of the King and of the Realm; Saving always to the King all manner of forfeitures and profits thereof coming: (4) and he ſhall have alſo juriſdiction upon the ſaid flotes, during the ſaid voyages only, ſaving always to the Lords, Cities, and Boroughs, their Liberties and Franchiſes. St. 13 R. 2. 5. 2 H. 4. 11. Raſt. pl. f. 23.

13 Co. 42, 52. 1 Roll. 316. Dyer f. 159. 19 H. 6. f. Co. L. 5. f. 106. Cro. Car. 296. Leighs caſe. M. 7 Ja.

CAP. IV.

There ſhall be but eight Buſhels of Corn ſtriked to the Quarter.

Weights 3. St. 4 Ed. 3. 3. 25 Ed. 3. 1. 36 Ed. 3. 2. There ſhall be but eight buſhels of Corn ſtriked to the quarter. St. 1 H. 5. 10.

ITem, Whereas it is ordained by divers Statutes, that one meaſure of Corn, Wine, and Ale ſhould be throughout the Realm, and that eight Buſhels ſtriked make the Quarter of Corn; (2) Nevertheleſs, becauſe that no pain is thereupon ordained in the ſaid Statutes, divers people of divers Cities, Boroughs, Towns and Markets, will not take, neither buy in the ſaid Cities, Boroughs, Towns, Markets, ne in none other place, but nine buſhels for the quarter: (3) and if they cannot buy in that manner, they arreſt it as forfeit, to the great damages and oppreſſion of all the people, and manifeſtly againſt the Statutes aforeſaid: (4) It is ordained and aſſented, that the ſaid Statutes ſhall be firmly kept and holden, as well in the City of London, as in every other place throughout the Realm, and that as well by water as by land, notwithſtanding any uſage in times paſt to the contrary. (5) And that none from henceforth do buy in the City of London, nor in other place, any manner Corn or Mault, but eight buſhels to the quarter, according to the purport of the ſaid Statutes, upon pain of forfeiture of all the Corn or Mault ſo bought; ſaving to the King the ſaid forfeiture: except Franchiſes royal, to whom the King at this time of his ſpecial grace hath granted the ſame forfeiture; (6) and that as well the Mayor and the Sheriffs of London, as the Mayors and Bailiffs of other Cities, Boroughs, Towns and Markets (if they do not thereof full and due execution) ſhall incur like pain, as well at the ſuit of the King as of the party, or of any other perſon that will ſue for the King. St. 11 H. 7. 4.

CAP.

CAP. V.

Aſſurance of Lands to certain places, perſons, and uſes, ſhall be adjudged Mortmain.

de religioſis Anno d. 1.

Mortmain 1. 3.

Item, Whereas it is contained in the Statute De religioſis, that no religious, nor other whatſoever he be, do buy or ſell, or under colour of gift, or term, or any other manner of title whatſoever, receive of any man, or in any manner by gift or engine, cauſe to be appropriated unto him any Lands or Tenements, upon pain of forfeiture of the ſame, whereby the ſaid Lands and Tenements in any manner might come to Mortmain. (2) And if any Religious, or any other, do againſt the ſaid Statute by art or engine in any manner, that it be lawful to the King, and to other Lords upon the ſaid Lands and Tenements to enter, as in the ſaid Statute doth more fully appear. And now of late by ſubtile imagination, and by art and engine, ſome religious perſons, Vicars and other ſpiritual perſons, have entred in divers Lands and Tenements, which be adjoyning to their Churches, and of the ſame by ſufferance and aſſent of the Tenants have made Church-yards, and by Bulls of the Biſhop of Rome, have dedicated and hallowed the ſame, and in them do make continually Parochial burying without licence of the King and of the Chief Lords: therefore it is declared in this Parliament, That it is manifeſtly within the compaſs of the ſaid Statute. (4) And moreover it is agreed and aſſented, That all they that be poſſeſſed by feoffment, or by other manner, to the uſe of religious people, or other ſpiritual perſons, of Lands and Tenements, Fees, Advowſons, or any manner other poſſeſſions whatſoever, to amortiſe them, and whereof the ſaid religious and ſpiritual perſons take the profits, that betwixt this and the Feaſt of St. Michael next coming, they ſhall cauſe them to be amortiſed by the licence of the King and of the Lords, or elſe that they ſhall ſell and alien them to ſome other uſe between this and the ſaid Feaſt, upon pain to be forfeited to the King, and to the Lords, according to the form of the ſaid Statute of religious, as Lands purchaſed by religious people. (5) And that from henceforth no ſuch purchaſe be made, ſo that ſuch religious or other ſpiritual perſons take thereof the profits, as afore is ſaid, upon pain aforeſaid. (6) And that the ſame Statute extend and be obſerved of all Lands, Tenements, Fees, Advowſons, and other poſſeſſions purchaſed, or to be purchaſed to the uſe of Guilds or Fraternities. (7) And moreover it is aſſented, becauſe Mayors, Bailiffs, and Commons of Cities, Boroughs, and other Towns which have a perpetual Commonalty, and others, which have Offices perpetual, be as perpetual as people of Religion, that from henceforth they ſhall not purchaſe to them, and to their Commons or Office, upon pain contained in the ſaid Statute De religioſis. (8) And whereas others be poſſeſſed, or hereafter ſhall purchaſe to their uſe, and they thereof take the profits, it ſhall be done in like manner as is aforeſaid, of people of Religion. St. 9 H. 3. 36. Stat. 7 Ed. 1. Stat. 13 Ed. 1. 32. 33 H. 8. 10. Regiſt. f. 247. Fitz. N. B. fo. 223.

It is within the compaſs of the Statute of Mortmain to convert any land to a Church-yard.

Mortmain where ſome be ſeiſed of lands to the uſe of religious or ſpiritual perſons.

Mortmain to purchaſe Lands to Guilds, Fraternities, Offices, Commonalties.

Mortmain in reſpect of taking of lands in uſe.

H. 4. f. 15.
l. 1. f. 123.
H. 6. f. 20.

CAP. VI.

In appropriation of Benefices there ſhall be proviſion made for the poor and the Vicar.

er. f. 495
. 7. f. 13.
H. 7. f. 19.
d. 3. f. 11.
H. 6. f. 19.
l. 11. f. 9.
Jac. 516.
ll. 99.

Item, Becauſe divers damages and hindrances oftentimes have happened, and daily do happen to the Pariſhioners of divers places by the appropriation of Benefices of the ſame places: (2) It is agreed and aſſented, That in every Licence from henceforth to be made in the Chancery, of the appropriation of any Pariſh-Church, it ſhall be expreſly contained and compriſed, that the Dioceſan of the place, upon the appropriation of ſuch Churches ſhall ordain, according to the value of ſuch Churches, a convenient ſum of mony to be paid and diſtributed yearly of the fruits and profits of the ſame Churches by thoſe that will have the ſaid Churches in proper uſe, and by their ſucceſſors, to the poor Pariſhioners of the ſaid Churches, in aid of their living and ſuſtenance for ever; (3) and alſo that the Vicar be well and ſufficiently endowed.

Eccleſiaſtical perſons 33. In all appropriations of Benefices there ſhall be ſome proviſion made for the poor and the Vicar. St. 4. H. 4. 12.

CAP. VII.

Armour, Corn, or Victual may be be carried to Berwick.

Item, Whereas it is ordained by the Statute made the ſeventh year of our Lord the King, that henceforth no perſon, alien or denizen, of what eſtate or condition that he be, ſhall take or carry, or cauſe to be taken or carried by land or by ſea, out of the Realm of England, or to any parts of Scotland, privily or openly, any manner of Armour, Corn, Mault, or other Victual, or any other refreſhing whatſoever, upon pain of forfeiture of the ſame Victual, or Armour, and other things aforeſaid, together with the Ships, Veſſels, Carts or Horſes that bear or carry them, or elſe the very value of them: (2) whereupon our Lord the King, at the requeſt of the Commons, and by the advice and aſſent of the Lords, hath declared in this Parliament, the ſaid Statute in ſuch manner, that it was not his intent at the making of the ſaid Statute, ne yet is, that they that have carried or taken, or from henceforth ſhall take or carry Victuals or Merchandiſes to the Town of Berwick upon Tweed, which is the Kings Town, and of his Ligeance, ſhall incur the pain of the ſaid Statute, ne ſhall not be bound to pay cuſtoms and ſubſidies granted to our Lord the King, of Merchandiſes that be or ſhall be carried out of the Realm.

II. Provided alway, That they which carry any cloth, victuals, or other merchandiſes out of the ſaid Town of Berwick, to any places being in amity with the King, ſhall pay the ſubſidies, cuſtoms, and other duties thereof to our Lord the King; and if they do carry to any parts of the Kings enemies, they ſhall incur the pain of the ſaid Statute.

Scotland, Raſt. 2.

Armour, corn, or victuals may be carried to Berwick, notwithſtanding the Statute of, 7 R. 2. 16.

CAP. VIII.

A Repeal of the Statute of 14 R. 2. 7. touching the carrying of Tin forth out of the Realm at Dartmouth only. Rep. 21. Jac. 28.

Tin, Raſt. 2.

CAP. IX.

The Mayor of the Staple ſhall take Recogniſances for Debts according to the Statute of 27 Edw. 3. 9.

Statutes 4. The Mayor of the Staple ſhall take Recogniſances for debts according to Statute of 27 Ed. 3. 9.

ITem, Whereas it is contained in the Statute of the ſtaple, to the intent that the Contracts made within the Staple ſhould be the better performed, and the payments readily made, that every Mayor of the Staple ſhall have power to take Recogniſances of Debts that any man will make before him in the preſence of the Conſtables of the Staple, or one of them. (2) And that in every of the ſaid Staples be one ſeal ordained to remain in the cuſtody of the ſaid Mayor, under the Seals of the ſaid Conſtables: it is agreed and aſſented, that the ſaid Statute be firmly kept and holden. (3) And that no Mayor of the Staple take or receive any Recogniſance of debt contrary to the form of the ſaid Statute, upon pain to pay to the King the moiety of the ſum recogniſed before him.

CAP. X.

Drapery, Raſt. 16.

None ſhall buy Guilford Clothes before they be fulled and performed as they ought to be. Rep. 5 Ed. 6. 6.

CAP. XI.

Girdlers, Raſt. 1.

Girdlers may work their Girdles with metal. Rep. 1 Jac. 25.

CAP. XII.

No man ſhall be compelled to anſwer for his Freehold before the Council of any Lord.

Freehold 1. No man ſhall be compelled to anſwer for his freehold before the council of any Lord.

ITem, At the grievous complaint of the Commons made in full Parliament, for that divers of the Kings ſubjects be cauſed to come before the Council of divers Lords and Ladies, to anſwer for their Freehold, and ſo for divers other things, real and perſonal, that ought to be ordered by the Law of the Land, againſt the eſtate and the right of our Lord the King and of his Crown, and in defeating of the Common Law: (2) It is agreed and aſſented, that from henceforth none of the Kings ſubjects be compelled, neither by any mean conſtrained to come, nor to appear before the Council of any Lord or Lady, to anſwer for his Freehold, nor for any thing touching his Freehold, nor for any other thing real or perſonal, that belongeth to the Law of the land in any manner. (3) And if any find himſelf grieved in time to come, contrary to this ordinance and agreement, he may complain to the Chancellor for the time being, and he ſhall give him remedy. St 52 H. 3. 22. 16 R. 2. 2. Regiſt. f. 171.

Statutes made at *Weſtminſter*, *Anno* 16 *R.* 2. and *Anno Domini*, 1392.

OUr Lord the King, Richard the ſecond after the Conqueſt, at his Parliament holden at Wincheſter in the *Utas* of Saint Hillary, the ſixteenth year of his Reign, hath ordained and eſtabliſhed by the aſſent of his Parliament, certain things in the form following.

CAP. I.

No Merchant ſtranger ſhall buy or ſell with another Merchant ſtranger to ſell again.

Merchants, Raſt. 22. St. 9 Ed. 3. 1. Co. Inſt. 4. p. 265. All Merchants aliens and denizens may freely buy and ſell within the Realm.

FIrſt, Whereas by the Statute made at York the ninth year of the Reign of King Edward Grandfather of our Lord the King that now is, it was ordained and ſtabliſhed, that all Merchants aliens and denizens, and all other, and every of them, of what eſtate or condition that they be, which will buy or ſell corn, wines, avoir de pois, fleſh, fiſh, and all other livings and victuals, clothes, wools, wares, merchandiſes, and all other things vendible, from whenceſoever they come, by foreigns, or by denizens, to what place that it be, be it in City, Borough, Town, Port of the Sea, Fair, Market, or other place within the ſame Realm, within Franchiſe and without, may freely and without diſturbance ſell the ſame to whom them pleaſe, as well to Foreigns as to Denizens, except the enemies of the King and of his Realm: (2) And after by another Statute made the five and twentieth year of the ſaid Grandfather, it was ordained and accorded, that the ſaid Statute made the ninth year ſhould be holden, kept, and maintained in all points. (3) And moreover, that every Merchant and other, of what condition that he be, as well alien as denizen, that bringeth wines, fleſh, fiſh or other manner of victuals, clothes, fells, or avor de pois, or other wares or merchandiſes, to the City of London or other Cities, Boroughs, and good Towns of England, or Ports of the Sea, may freely and without challenge or impeachment of any, ſell them in groſs or at retail, or by parcels at his pleaſure, to any people that will buy them, notwithſtanding any Franchiſe, Grant or Cuſtom uſed, or any other manner of thing made to the contrary, and that without diſturbance or impediment of any, upon certain pains contained in the aforeſaid Statutes. (4) And after in the eleventh year of the Reign of our ſaid Lord the King, it was alſo ordained and eſtabliſhed by the Statute made in the ſame year, that thoſe two Statutes aforeſaid ſhould be holden, kept, maintained, and fully executed in all points and articles of the ſame, notwithſtanding any Statute, Ordinance, Charter, Letters Patents, Franchiſe, Proclamation, Commandment, Uſage, Allowance, or Judgment made or uſed to the contrary, as in the ſaid Statute more fully is contained. (5) Nevertheleſs for as much as it ſeemeth to our Lord the King, that the ſaid Statutes, if they ſhall be fully holden and executed, ſhall extend to the great hindrance and damage, as well of the City of London, as of other Cities, Boroughs, and Towns of the Realm: (6) it is ordained and aſſented, that no Merchant ſtranger alien ſhall ſell, nor buy, nor merchandiſe within the Realm with another ſtrange Merchant alien, to ſell again, (7) nor that no ſtrange Merchant alien ſhall ſell to retail within the ſame Realm, (8) nor ſhall put to ſale any manner of wares or merchandiſes, except livings and victuals, (9) and alſo that aliens ſhall ſell wines by whole veſſels, and ſpicery by whole veſſels and bales, and in no other manner. (10) And that no manner of ſpicery, after that it be brought in the Realm, ſhall be carried out of the ſame Realm by alien or denizen, upon pain of forfeiture of the ſame. (11) And moreover the King will that the ſaid Statutrs in all articles and points ſhall be firmly holden and kept.

St. 25 Ed. 3. 2. Merchants may ſell their wares in groſs or by retail, or by parcels.

Stat. 11 R. 2. 7.

No Merchant ſtranger ſhall ſell any merchandiſes by retail but victuals. No wines ſhall be carried forth of the Realm. Neither yet any manner of ſpicery. Rep. 3. Car. 4.

CAP.

CAP. II.

The forſeiture of him that compelleth any perſon to anſwer for his Freehold.

ITem, Whereas at the laſt Parliament it was accorded and aſſented, That none of the Kings liege people from thenceforth ſhould be bound, compelled, nor conſtrained by any means, to come nor to appear before any Lords or Ladies Counſel, there to anſwer of his Freehold, nor of things which touch Freehold, nor of any other thing real nor perſonal, which belongeth to the Law of the Land in any wiſe, as by the Statute thereof made more fully appeareth: (2) It is accorded and aſſented, that the ſaid Statute ſhall be firmly holden and kept; (3) and if any Lord or Lady, or other of the Kings liege people, do to the contrary, they ſhall incur the pain of xx li. to the King. St. 52 H. 3. 22. Regiſt. f. 171.

Freehold 1. A confirmation of the St. 15. of R. 2. 12. with a penalty to the offenders thereof.

CAP. III.

The Clerk of the Market ſhall carry with him all his weights and meaſures ſigned.

ITem, It is ordained and aſſented, that all the weights and meaſures through the Realm ſhall be according to the Standard of the Eſchequer, after the purport of the Statutes thereof made. (2) And the King willeth, that the Clerk of the Market ſhall have his meaſures and weights ready according to the Standard of the Eſchequer; and ſigns and marks of the ſign of the Eſchequer thereunto ordained; (3) and the ſame weights and meaſures ſo ſigned and marked, to carry and bring with him at all times when he ſhall make the aſſay of weights and meaſures in any part within the Realm: (4) and that he nor any other of the Kings liege people ſhall uſe any other meaſure nor weight, upon the pains contained in the Statutes thereof made before this time. St. 9 H. 3. 25. 14 Ed. 3. 12. 34 Ed. 3. 6. 11 H. 7. 4. Co. Inſt. 4. p. 273.

Clerk of the Market 1.

The Clerk of the Market ſhall carry with him all his weights and meaſures.

CAP. IV.

Who only may wear anothers Livery. Rep. 3. Car. 4.

Livery, Raſt. 49.

CAP. V.

Præmunire for purchaſing of Bulls from *Rome*. The Crown of England Subject to none.

1 Leond. 292. 3 Inſt. 120. 121, 126. 12 Co. 37. 40. Davis 84. 15 H. 7. 9.

ITem, Whereas the Commons of the Realm in this preſent Parliament have ſhewed to our redoubted Lord the King, grievouſly complaining, that whereas the ſaid our Lord the King and all his liege people ought of right, and of old time were wont to ſue in the Kings Court, to recover their preſentments to Churches, Prebends, and other benefices of holy Church, to the which they had right to preſent, the conuſance of plea of which preſentment belongeth only to the Kings Court of the old right of his Crown uſed and approved in the time of all his Progenitors Kings of England; (2) and when judgment ſhall be given in the ſame Court upon ſuch a plea and preſentment, the Archbiſhops, Biſhops, and other ſpiritual perſons which have inſtitution of ſuch Benefices within their juriſdiction, be bound, and have made execution of ſuch judgments by the Kings commandments of all the time aforeſaid, without interruption, (for another Lay perſon cannot make ſuch execution,) and alſo be bound of right to make execution of many other of the Kings commandments, of which right the Crown of England hath been peaceably ſeiſed, as well in the time of our ſaid Lord the King that now is, as in the time of all his Progenitors till this day. (3) But now of late divers proceſſes be made by the Biſhop of Rome, and cenſures of Excommunication upon certain Biſhops of England, becauſe they have made execution of ſuch commandments, to the open diſheriſon of the ſaid Crown, and deſtruction of our ſaid Lord the King, his Law and all his Realm, if remedy be not provided. (4) And alſo it is ſaid, and a common clamour is made, that the ſaid Biſhop of Rome hath ordained and purpoſed to tranſlate ſome Prelates of the ſame Realm, ſome out of the Realm, and ſome from one Biſhoprick into another within the ſame Realm, without the Kings aſſent and knowledge, and without the aſſent of the Prelates, which ſo ſhall be tranſlated, which Prelates be much profitable and neceſſary to our ſaid Lord the King, and to all his Realm: (5) by which tranſlations (if they ſhould be ſuffered) the Statutes of the Realm ſhould be defeated and made void; and his ſaid liege ſages of his Counſel, without his aſſent, and againſt his will, carried away, and gotten out of his Realm, and the ſubſtance and treaſure of the Realm ſhall be carried away, and ſo the Realm deſtitute as well of Counſel as of ſubſtance, to the final deſtruction of the ſame Realm. (6) And ſo the Crown of England, which hath been ſo free at all times, that it hath been in no earthly ſubjection, but immediately ſubject to God in all things touching the Regalty of the ſame Crown, and to none other, ſhould be ſubmitted to the Pope, and the Laws and Statutes of the Realm by him defeated and avoided at his will, in perpetual deſtruction of the Soveraignty of the King our Lord, his Crown, his Regalty, and of all his Realm, which God defend.

Præmunire 5 Br. 10.

The remedy to recover preſentments to Benefices in the Kings Court, and the execution thereof is done by the Biſhop.

The Pope awarded proceſſes and ſentences of Excommunication againſt certain Biſhops for executing judgments given in the Kings Court.

The Popes tranſlation of Prelates out of the Realm, or from one ſpiritual living to another.

St. 35 Ed 1. St. 25 Ed. 3. de proviſ.

The freedom of the Crown of England, and that it is in ſubjection to no Realm.

II. And moreover the Commons aforeſaid ſay, that the ſaid things ſo attempted be clearly againſt the Kings Crown and his Regalty, uſed and approved of the time of all his Progenitors: Wherefore they and all the liege Commons of the ſame Realm will ſtand with our ſaid Lord the King, and his ſaid Crown, and his Regalty in the caſes aforeſaid, and in all other caſes attempted againſt him, his Crown, and his Regalty in all points, to live and to die. (2) And moreover they pray the King, and him require by way of Juſtice, that he would examine all the Lords in the Parliament, as well ſpiritual as temporal ſeverally, and all the States of the Parliament, how they think of the caſes aforeſaid which be ſo openly againſt the Kings Crown, and in derogation of his Regalty, and how they will ſtand in the ſame caſes with our Lord the King, in upholding the rights of the ſaid Crown and Regalty. (3) Whereupon the Lords temporal ſo demanded, have anſwered every one by himſelf, that the caſes aforeſaid be clearly in derogation of the Kings Crown, and of his Regalty, as it is well known, and hath been of a long time known, and that they will be with the ſame Crown and Regalty in theſe caſes ſpecially, and in all other caſes which ſhall be attempted againſt the ſame Crown and Regalty in all points with all their power. (4) And moreover it was demanded of the Lords ſpiritual there being, and the procurators of others

The promiſe of the Commons to aſſiſt the King in defence of the liberties of his Crown.

The like promiſe of the Lords temporal.

The promiſe of the Lords ſpiritual touching the Commons petition.

others being abſent, their advice and will in all theſe caſes: (which Lords, that is to ſay, the Archbiſhops, Biſhops, and other Prelates being in the ſaid Parliament ſeverally examined, making proteſtations, that it is not their mind to deny nor affirm that the Biſhop of Rome may not excommunicate Biſhops, nor that he may make tranſlation of Prelates after the Law of holy Church, anſwered and ſaid, That if any executions of proceſſes made in the Kings Court (as before) be made by any, and cenſures of excommunication to be made againſt any Biſhops of England, or any other of the Kings liege people, for that they have made execution of ſuch commandments; And that if any executions of ſuch tranſlations be made of any Prelates of the ſame Realm, which Prelates be very profitable and neceſſary to our ſaid Lord the King, and to his ſaid Realm, or that the ſage people of his Counſel, without his aſſent and againſt his will, be removed and carried out of the Realm, ſo that the ſubſtance and treaſure of the Realm may be conſumed, that the ſame is againſt the King and his Crown, as it is contained in the Petition before named. (5) And likewiſe the ſame Procurators every one by himſelf examined upon the ſaid matters, have anſwered and ſaid in the name, and for their Lords, as the ſaid Biſhops have ſaid and anſwered, and that the ſaid Lords ſpiritual will and ought to be with the King in theſe caſes in lawfully maintaining of his Crown, and in all other cauſes touching his Crown and his Regality, as they be bound by their ligeance. (6) Whereupon our ſaid Lord the King, by the aſſent aforeſaid, and at the requeſt of his ſaid Commons, hath ordained and eſtabliſhed, that if any purchaſe or purſue, or cauſe to be purchaſed or purſued in the Court of Rome, or elſewhere, by any ſuch Tranſlations, Proceſſes, and ſentences of Excommunications, Bulls, Inſtruments, or any other things whatſoever which touch the King, againſt him, his Crown, and his Regality, or his Realm, as is aforeſaid, and they which bring within the Realm, or them receive, or make thereof notification, or any other execution whatſoever within the ſame Realm or without, that they, their notaries, procurators, maintainors, abettors, fautors, and Counſellors, ſhall be put out of the Kings protection, (7) and their lands and tenements, goods and chattels, forfeit to our Lord the King: (8) and that they be attached by their bodies, if they may be found, and brought before the King and his Council, there to anſwer to the caſes aforeſaid. (9) or that proceſs be made againſt them by Præmunire facias, in manner as it is ordained in other Statutes of proviſors: (10) and other which do ſue in any other Court in derogation of the Regality of our Lord the King. Regiſt.jud.fo.82. V.N.B.f.153. Fitz.N.B.f.169 Coke pla.f.435. Raſt.pla.f.24. 221. 427. 465.

The promiſe of the procurators of the Lords ſpiritual being abſent.

1 Bulſtr. 199. **Præmunire for purchaſing of Bulls or other inſtruments from Rome or elſewhere.** Co. lib. 12. 41. St. 25 Ed. 3. 25 Ed. 3. 22. 27 Ed. 3. 1. 7 R. 2. 12.

5 Ed. 4. f. 6. 9 Ed. 1. f. 1. 31 H. 6. f. 8. 36 H. 6. f. 30. 27 H 6 f. Co. l. 11. f. 3. Co. Inſt. par. 130.

C A P. VI.

A Repeal of part of the Statute of 13 R. 2. 1. touching his forfeiture that obtaineth a pardon.

Pardon 3. St. 13 R. 2. 1.

In a pardon of murder, treaſon or rape, the offence ſhall be compriſed.

ITem, Whereas in an Article of a Statute made in the Parliament holden at Weſtminſter the Monday next after the Feaſt of St. Hillary, the thirteenth year of the King that now is, it was ordained and granted, that no Charter of pardon from thence ſhould be allowed, before any Juſtices for murder, death of a man ſlain by await, aſſault, or malice prepenſed, treaſon or rape of woman, if it were not ſpecified in the ſame Charter: (2) And if any Charter of the death of man were alledged before any Juſtices, in which Charter was not ſpecified, that he of whoſe death any ſuch was arraigned, was murthered or ſlain by await, aſſault, or malice prepenſed, the Juſtices ſhould inquire by a good inqueſt of the Viſne where the dead perſon was ſlain, if he were murdered or ſlain by await, aſſault, or malice prepenſed: and if they ſhould find that he was murdered or ſlain by await, aſſault, or malice prepenſed, the Charter ſhould be diſallowed, and moreover done as the Law ſhould require. Which things our Lord the King doth will and grant, that they ſhall be firmly holden and kept. (3) And moreover by the aſſent of the Lords in this preſent Parliament, and at the prayer of the Commons he hath ordained and granted, that the reſidue of the ſaid Article ſhall be wholly out, repealed and adnulled: that is to ſay, if any ſue to the King for a Charter of Pardon for murder, death of man ſlain by await, aſſault, or malice prepenſed, or rape of a woman, if the Chamberlain indorſe, or cauſe to be indorſed ſuch Bill, he ſhall put the name of him that maketh ſuit for ſuch a Charter upon the ſame Bill, upon pain of a thouſand marks; and if the under-Chamberlain indorſe ſuch Bill, he ſhall do likewiſe, upon pain of five hundred marks. (4) And that none other but the Chamberlain or under-Chamberlain ſhall indorſe, or cauſe to be indorſed any ſuch Bill, upon pain of a thouſand marks. (5) And that no Warrant of the privy Seal ſhall be made to have a Charter, except the keeper of the privy Seal have ſuch Bill indorſed or ſigned by the Chamberlain or under-Chamberlain as afore. (6) And that no Charter of pardon of Treaſon, or of other Felony, ſhall paſs the Chancery without Warrant of the privy Seal, but in caſe where the Chancellor may grant it by his Office without ſpeaking thereof to the King. (7) And that he at whoſe ſuit any Charter of Pardon for murder, death of man ſlain by await, aſſault, or malice prepenſed, Treaſon, or rape of a woman, ſhall be granted, if he were an Archbiſhop or a Duke, he ſhall pay to the King a M li. if he were a Biſhop, or an Earl, he ſhall pay to the King a M marks; and if he were an Abbot, Prior, Baron, or Baronet, he ſhall pay to the King 500 marks; and if he were a Clerk, Bachelour, or other of leſs eſtate, of what Condition that he be, he ſhall pay to the King two hundred marks, and ſhall have a years impriſonment: (8) becauſe that the ſaid Commons of the Realm ſithence have perceived great grievance of this Ordinance aforeſaid, for that many people for malice have indicted divers perſons of murder, death of a man ſlain by await, aſſault, and malice prepenſed, and treaſon, where in truth there was no ſuch cauſe, to the intent that no man ſhould be bold to ſue to the King our Lord for ſuch Charter.

A confirmation of the firſt part of the St. of 13 R. 2. 1. and a repeal of the later part thereof.

The forfeiture of him at whoſe ſuit the pardon aforeſaid is obtained.

Statutes made at *Weſtminſter*, *Anno* 17 *R.* 2. and *Anno Domini*, 1393.

THeſe be things ordained and eſtabliſhed by our Lord the King, at his Parliament holden at Weſtminſter, the fifteenth day of St. Hillary, the ſeventeenth year of his Reign, by the aſſent of the ſaid Parliament, which he doth will and command, that they ſhall be firmly holden and kept after the purport of the ſame.

CAP. I.

There ſhall be no melting of mony to make any thing thereof. Foreign mony ſhall not be currant.

Firſt, Where it was ordained by the Noble King Edward, Grandfather to our Lord the King, the ninth year of his Reign, that no ſterling, half-peny nor farthing, ſhall be molten for veſſel, nor other thing thereof to be made by the Goldſmith, nor other, upon pain of forfeiture of the mony ſo molten, and impriſonment of the Founder, till he have yielded to the King the half of that which he hath ſo molten, notwithſtanding any Charter or Franchiſe granted or uſed to the contrary: (2) It is accorded and aſſented, that the ſaid Ordinance ſhall be firmly holden and kept. (3) And moreover it is ordained and aſſented, that no Groat nor half Groat ſhall be molten by any man to make veſſel, or other thing thereof, upon the ſame pain. (4) And that no Gold nor Silver of Scotland, nor of other Lands beyond the Sea, ſhall run in any manner of payment within the Realm of England, but ſhall be brought to the Bullion there to be molten in the Coin of England, upon pain of forfeiture of the ſame, and of impriſonment, fine, and ranſom of him which doth contrary. (5) And that no man ſhall ſend any Engliſh mony into Scotland to change the ſame in mony, or for Scottiſh mony upon the pain next aforeſaid. 19 H.7.5. 14 Car.2. cap.31.

Mony 7. St. 9 Ed. 3.3. No ſterling mony ſhall be melted for veſſel. The groat and half groat ſhall not be melted for the veſſel. 17 E. 4. 1. No foreign coin ſhall be currant in England. There ſhall be no exchange of Engliſh mony with Scottiſh mony.

CAP. II.

Every perſon may make Cloth of what length and breadth he will.

Item, That every man of the Realm may make, and put to ſale and ſell Clothes, as well Kerſeys as other, of ſuch length and breadth as him pleaſe, paying the aulnage, ſubſidy, and other duties, that is to ſay, of every piece of Cloth after the rate, notwithſtanding any Statute, Ordinance, Proclamation, reſtreint, or defence made to the contrary. (2) And that none ſhall ſell or put to ſale any Clothes before that they be meaſured by the Kings Aulneger, and ſealed with the Seal to that ordained, upon the pains contained in the Statutes thereof made: (3) and that no man ſhall put, mingle, cauſe nor make other deceit in the Clothes of Kerſeys, upon pain of forfeiture of the ſame. St. 47 Ed. 3.1. 11 H.6.9.

Drapery, Raſt. 17. Every man may make cloth of what length and breadth he will. Rep. 5 Ed.6.6. No cloth ſhall be ſold before it be meaſured and ſealed by the Aulneger. There ſhall be no deceit in cloth.

CAP. III.

What ſort of Worſteds may be carried forth of the Realm, and what not.

Item, That the Merchants and workers of Clothes, called ſingle Worſteds, may carry Bolts of ſingle Worſted to what parts they will, (except to the Kings enemies) paying tye cuſtoms and ſubſidies thereof due, without paying the duties of Caleis, notwithſtanding any Statute, Ordinance, Proclamation, Inhibition, Commandments or Charters, Liberties, Uſages or Priviledges, granted or to be granted to the Burgeſſes of Caleis, or to the Merchants of the Staple of Caleis, or to any other made or to be made to the Contrary. (2) And that the obligations and ſureties taken before this time for the duties of Caleis, ſhall be reſtored and delivered. (3) Provided always, that under the colour of the ſaid Bolts of ſingle Worſted, they ſhall carry no double Worſteds nor half double, nor Worſteds ray, nor motley, upon pain of forfeiture of the ſame.

Worſteds 5. What ſort of Worſteds may be carried forth of the Realm, and what not.

CAP. IV.

Mault ſold to London ſhall be cleanſed from the duſt.

Inſt. 51. t. 3.

Item, That the Mault which ſhall be made in the Counties of Huntington, Cantabridge, Northampton, and Bedford, that ſhall be ſold and brought to the City of London, to victual the Kings Houſhold, and other Lords Houſholds, and Gentlemens there dwelling and repairing, and alſo for ſuſtenance of all the people of the ſaid City, ſhall be well and ſufficiently ſifted, cleanſed and purified before the ſale of the ſame, from duſt and all other filth, ſo that the buyers may have eight buſhels of clean Mault for the Quarter. (2) And that the Mayors, Bailiffs, and Wardens of Towns and places where ſuch Mault ſhall be ſold, ſhall have power at every mans ſuit that will complain, to ſee and ſearch the ſaid Mault, and if default be found thereof, to make due redreſs. St. 2 Ed. 6. 10.

Corn, Raſt. 2 Mault ſold to London ſhall cleanſed from the duſt.

CAP. V.

A Searcher, Gauger, Aulneger, Cuſtomer, ſhall have no aſſured eſtate in his Office.

yer f. 303.

Item, It is ordained and eſtabliſhed, That no Searcher, Gauger of Wines, Aulneger, Finder, nor Weyer of Woolls, or any other Merchandiſes, Collector of cuſtoms and ſubſidies whatſoever, or Comptroller, ſhall have eſtate in his office for term of life, or for years: but that the ſaid Offices ſhall remain in the Kings hands under the governance of the Treaſurer for the time being, with the aſſent of the Council, when need is. (2) And if any Charters or Letters Patents be made to the contrary, they ſhall be clearly adnulled, void, and of none effect. St. 14 R. 2. 10. 1 H. 4. 13. 4 H. 4. 24. 31 H. 6. 5.

Officers 3. Officers removable at the Kings pleaſure.

CAP. VI.

Upon an untrue ſuggeſtion in the Chancery, damages may be awarded.

Ed.4.f.14.

Item, Foraſmuch as people be compelled to come before the Kings Council, or in the Chancery, by Writs grounded upon untrue ſuggeſtions, that the Chancellor for the time being, preſently after that ſuch ſuggeſtions be duly found and proved untrue, ſhall have power to ordain and award damages according to his diſcretion, to him which is ſo troubled unduly, as afore is ſaid. St. 15 H. 6. 4. Co. Inſt. 4. p. 82.

Suggeſtions 1. Upon an untrue ſuggeſtion made in the Chancery againſt any man the Chancellor may award damages.

CAP. VII.

Inſt. 51.

All the Kings Subjects may carry Corn out of the Realm when they will. Rep. 21 Jac.28.

Corn, Raſt. 3.

CAP. VIII.

The Sheriffs and all other the Kings Officers ſhall ſuppreſs Riotors, and impriſon them, and all other offending againſt the Peace. ALT. 13 H. 4. 7.

Riots, Raſt. 2.

CAP. IX.

Juſtices of Peace ſhall be Conſervators of the Statutes made touching Salmons.

Fiſh 1.
St. 13 Ed. 1. 47.
Stat. 13 R. 2. 19.

4 Inſt. 51.

ITem, Where it is contained in the Statute of Weſtminſter the ſecond, that young Salmons ſhall not be taken nor deſtroyed by Nets, or by other Engins of the Stanks of Mills, from the midſt of April till the Nativity of St. John the Baptiſt, upon a certain pain limited in the ſame Statute: (2) And whereas by a Statute made the xiij year of the King that now is, it was ordained, That the ſaid Statute of Weſtminſter the ſecond, ſhould be firmly holden and kept: Joyning to the ſame, that young Salmons ſhould not be taken at the Mills, Stanks, or elſewhere, upon the ſame pain. (3) And that no Fiſher nor Garthman, nor none other, of what eſtate or condition that he were, ſhould not put from henceforth in the Waters of Thamiſe, Humber, Ouſe, Trent, nor none other Water of the Realm, by the ſaid time, nor by none other time of the year, any Nets called Stalkers, nor other Nets, or Engines whatſoever, whereby the Fry or Breed of Salmons, Lampreys, or of any other Fiſh whatſoever may in any wiſe be taken or deſtroyed, upon the pain aforeſaid: (4) And alſo it was rehearſed in the ſaid Statute, made the ſaid thirteenth year, that where it is contained in the ſame Statute of Weſtminſter, that all the Waters in which Salmons be taken in the Realm, ſhall be put in defence as to the taking of Salmons from the day of the Nativity of our Lady, till Saint Martins day: It was ordained and aſſented in the ſaid Statute made in the ſaid xiij year, that the Waters of Lone, Wire, Merſee, Ribbil, and all other Waters in the County of Lancaſter, ſhould be put in defence as to the taking of Salmons, from the day of Saint Michael till the day of the Purification of our Lady, and in none other time of the year, becauſe that Salmons be ſeaſonable in the ſaid Waters by the time aforeſaid. (5) And that in the parts where ſuch Rivers be, good and ſufficient Conſervators of the ſaid Statute, made the ſaid thirteenth year, ſhould be aſſigned and ſworn, as it was ordained in the Statute of Weſtminſter, and that they ſhould puniſh the Offenders upon the pain contained in the ſame Statute of Weſtminſter, without ſhewing any favour thereof: (6) which Statutes have not been hitherto duly executed for default of good Conſervators, as our ſaid Lord the King hath perceived by complaint to him made in this preſent Parliament: (7) Wherefore it is accorded and aſſented, that the Juſtices of the Peace of all the Counties of England, ſhall be Conſervators of the ſaid Statutes in the Counties where they be Juſtices: And that they and every of them at all times when they may attend, ſhall ſurvey the offences and defaults attempted againſt the Statutes aforeſaid. (8) And alſo ſhall ſurvey and ſearch all the Wears in ſuch Rivers, that they ſhall not be very ſtrait for the deſtruction of ſuch Fry and Brood, but of reaſonable wideneſs after the old aſſiſe uſed or accuſtomed: (9) And that the ſame Juſtices, or any of them which ſhall find default or abuſe againſt the Statutes aforeſaid, ſhall make due puniſhment of them which be found in default or after the content of the ſame Statute. (10) And that the ſame Juſtices ſhall put good and ſufficient Under-conſervators of the ſame Statutes under them, which ſhall be ſworn to make like ſurveying, ſearch and puniſhment, without any favour thereof to be ſhewed. (11) And moreover, that the ſame Juſtices in their Seſſions, ſhall enquire as well by their Office, as at the information of the Under-conſervators aforeſaid, of all treſpaſſes, miſpriſions, and defaults made againſt any of the points aforeſaid, (12) and ſhall cauſe them which be thereof endicted to come before them, (13) and if they be thereof convict, they ſhall have impriſonment, and make fine after the diſcretion of the ſame Juſtices. (14) And if the ſame be at the information of any of the Under-conſervators aforeſaid, the ſame Under-conſervator ſhall have the half of the ſame fine. (15) And foraſmuch as it is granted to the Citizens of London by the Kings Progenitors, that they may remove and take away all the Wears in the Waters of Thames and Medeway, and that they ſhall have the puniſhments thereof pertaining to the King: Our ſaid Lord the King, in this preſent Parliament, by the aſſent aforeſaid hath granted, that the Mayor or Warden of London for the time being, ſhall have a conſervation of the Statutes aforeſaid: And ſhall make thereof due execution, and like puniſhment as afore is ordained of the Juſtices of the Peace, in the ſaid Waters of Thames, from the Bridge of Stanes to London, and from thence over the ſame Water, and in the ſaid Water of Medeway, as far as it is granted to the ſaid Citizens, as afore is ſaid.

Stalkers nor other Nets ſhall be uſed to deſtroy the fry or breed of fiſh.

The Juſtices of Peace ſhall be conſervators of the Statute of 13 Ed. 1. 47. and 13 R. 2. 19.

Under-conſervators appointed by the Juſtices.

The Mayor of London ſhall have the conſervation of the Statute of Thames.

CAP. X.

Two learned men in the Law ſhall be in Commiſſion of Gaol-delivery.

Juſt. of P. 1. Two learned men in the Law ſhall be in the Commiſſion of Gaol-delivery.

ITem, Foraſmuch as Thieves notoriouſly defamed, and other taken with the manner, by their long abiding in priſon, after that they be arreſted, be delivered by Charters and favourable Enqueſts procured to the great hinderance of the people: (2) It is accorded and aſſented, That in every Commiſſion of the Peace through the Realm, where need ſhall be, two men of Law of the ſame County where ſuch Commiſſions ſhall be made, ſhall be aſſigned to go and proceed to the deliverance of ſuch Thieves and Felons, as often as they ſhall think it expedient. St. 4 Ed. 3. 2. 13 R. 2. 7. 18 H. 6. 11.

CAP. XI.

London.

That Aldermen of London ſhall not hereafter be elected yearly, but remain until they be put out for reaſonable cauſe. Pr. Co. Inſt. 4. p. 253.

CAP. XII.

Errour.

An explanation of the Statute 28 E. 3. c. 10. That the Mayors, Aldermen, &c. of London, ſhall incur the penalty of the ſaid Statute for erroneous Judgments given or to be given.

Statutes made at *Weſtminſter*, *Anno* 20 *R.* 2. & *Anno Domini*, 1396.

THe King at his Parliament holden at Weſtminſter, in the Feaſt of St. Vincent, the twentieth year of his Reign, by the aſſent of the Prelates, Lords, and Commons of his Realm of England, aſſembled in the ſame preſent Parliament, for the quietneſs and tranquillity of his people, hath made certain Statutes and Ordinances in the form which followeth.

CAP.

CAP. I.

No man ſhall go or ride armed. Launcegays ſhall be put out.

3 Inſt.162.

FIrſt, Whereas in a Statute made the ſeventh year of the Reign of the King that now is, It is ordained and aſſented, That no man ſhall ride Armed within the Realm, againſt the form of the Statute of Northampton thereupon made, nor with Launcegays within the ſame Realm. (2) And that the ſaid Launcegays ſhall be utterly put out within the ſaid Realm, as a thing prohibited by the King, upon pain of forfeiture of the ſame Launcegays, Armors, or any other harneys in the hands and poſſeſſion of them that bear them from thenceforth within the ſame Realm againſt the ſame Statutes aud Ordinances without the Kings ſpecial Licence: (3) Our Lord the King conſidering the great clamour made to him in this preſent Parliament, becauſe that the ſaid Statute is not holden, hath ordained and eſtabliſhed in the ſame Parliament, that the ſaid Statutes ſhall be fully holden and kept, and duly executed, and that the ſaid Launcegays ſhall be clear put out upon the pain contained in the ſaid Statute of Northampton, and alſo to make Fine and ranſom to the King. (4) And moreover, that no Lord, Knight, nor other, little nor great, ſhall go nor ride by night nor by day Armed, nor bear ſallet nor skull of Iron, nor of other Armour, upon the pain aforeſaid: ſave and except the Kings Officers and Miniſters in doing their Office. (5) And moreover, the King will and hath ordained, That the Statute made the firſt year of his Reign of Liveries of Hats, ſhall be holden and kept upon the pain contained in the ſame Statute, and upon pain to be impriſoned, and make Fine and Ranſom to the King.

Armour 1.
St. 7 R.2.13.
St.2 Ed. 3. 3.

Launcegays ſhall be clearly put out.
No man ſhall go or ride armed.
The Statute of 1 R.2.7. touching giving of Liveries confirmed.
Livery, Raſt. 3.

CAP. II.

Who only may wear anothers Livery. Rep. 3 Car. 4.

CAP. III.

No man ſhall ſit upon the Bench with the Juſtices of Aſſiſe.

ITem, The King doth will and forbid, That no Lord, nor other of the Country, little nor great, ſhall ſit upon the Bench with the Juſtices, to take Aſſiſes in their Seſſions in the Counties of England, upon great forfeiture to the King: and hath charged his ſaid Juſtices, that they ſhall not ſuffer the contrary to be done.

Juſtices of Aſſiſe 4.
No man ſhall ſit upon the Bench with the Juſtices of Aſſiſe.

CAP. IV.

A Confirmation of part of the Statute of 28 Ed. 3. 13. touching Merchants ſtrangers.

11 Co. 17.

ITem, Whereas it is contained in a Statute of the late King Edward, Grandfather to the King that now is, the xxviij year of his Reign, That no manner of Ship, which is freighted towards England, or elſewhere, ſhall be compelled to come to any Port of England, nor there to tarry againſt the agreement of the Maſters and Mariners of the ſame, or of the Merchants to whom the Goods be: (2) And if ſuch Ships come of their own good will, or be driven by tempeſt, caſualty, or other misfortune, to any Port of England, and the Maſters or Mariners, or Merchants of the ſame Ships, will ſell or deliver part of their Merchandiſes with their good will, it ſhall be lawful to every perſon to buy ſuch Merchandiſes freely without impeachment in the Port where ſuch Ships ſhall come, albeit the Merchandiſes be not put to ſale to the Land. (3) And that the Maſters, Mariners, and Merchants, after that they have ſo ſold ſo much as pleaſeth them of their ſaid Goods, and the Cuſtom thereof paid, may freely depart and go with their Ships, and all the remnant of their Goods, where it ſhall pleaſe them, without paying thereof Cuſtom. (4) Our ſaid Lord the King for the quietneſs and eaſe of his people, willeth that the ſaid Statute ſhall be holden and kept in all points and duly executed, notwithſtanding any Ordinance or uſage to the contrary.

Merchants, Raſt. 23.
A Confirmation of that part of the Statute of 28 Ed. 3. 13. which giveth liberty to ſtrangers to come and go where they will.

CAP. V.

The penalty of him who taketh anothers Horſe, or Beaſt, for the Kings ſervice, without ſufficient warrant.

ITem, Foraſmuch as the Commons have made complaint, that many great miſchiefs, extortions and oppreſſions be done by divers people of evil condition, which of their authority take and cauſe to be taken Royally Horſes, and other things, and Beaſts out of their Wains, Carts, and Houſes, ſaying and deviſing that they be to ride on haſty Meſſages and Buſineſs, where of truth they be in no wiſe privy of any Buſineſs or Meſſage, but only in deceit and ſubtilty by ſuch colour and device to take Horſes, and the ſaid Horſes too haſtily do ride and evil entreat, having no manner of Conſcience or compaſſion in this behalf, ſo that the ſaid Horſes become all ſpoiled and foundred, paying no manner of thing nor peny for the ſame, nor giving them any manner of ſuſtenance: (2) And alſo that ſome ſuch manner of people changing and altering their names, do take and ride ſuch Horſes, and carry them far from thence to another place, ſo that they to whom they belong, can never after by any means ſee, have again, nor know their ſaid Horſes where they be, to the great miſchief, loſs, impoveriſhment, and hinderance of the Kings poor people, their husbandry, and of their living: Our Lord the King willing for the quietneſs and eaſe of his people, to provide remedy thereof, will and hath ordained, That none from henceforth ſhall take any ſuch Horſe or Beaſt in ſuch manner againſt the conſent of them to whom they be. (3) And if any that do, and have no ſufficient Warrant nor Authority of the King, he ſhall be taken and impriſoned till he hath made due agreement to the party. St.28 H.6.2.

Horſes, Raſt. 1.

The penalty of him who doth take any perſons horſe, or, &c. to ſerve the King without warrant.

CAP. VI.

Licenſe granted to Belknap, Holt and Bourghe, to return into England, notwithſtanding the Statute of 11 R.2. 1. Exp.

Juſtices of both Benches Raſt.3.

Statutes made at *Weſtminſter*, *Anno* 21 *R.2.* and *An.Dom.*1397.

IT is to be underſtood, that our Lord the King, by the Grace of God, King of England and of France, and Lord of Ireland, at his Parliament ſummoned and begun at Weſtminſter the Monday next after the Feaſt of the Exaltation of the holy Croſs, and from thence adjourned to Shrewsbury until the fifteenth of Hillary then next enſuing, and there ended, to the honour of God and holy Church, and for the preſervation, ſalvation, and ſurety of his Realm, and good governance of his people, of the aſſent and accord of the Prelates, Dukes, Earls, Barons, and Commons of his Realm there aſſembled, hath made certain Statutes and Ordinances hereafter following.

Anno 21 R.2. cap.1,2,3,4,5,6,7,8,9,10,11,12,13.

Treaſon, Raſt.5. 3 Inſt.23.

A repeal of the Commiſſion granted by the King to certain Noblemen to enquire of and reform certain abuſes in the Realm, and of the Statute made Anno 10 R.2. for that they were made by threats given to the King, and by conſtraint. (2) No ſuch Commiſſion hereafter ſhall be granted. (3) It ſhall be adjudged high Treaſon for any perſon to compaſs the death of the King, to depoſe him, or to make War againſt him within the Realm, or to render up his homage. (4) The puniſhment of divers traiterous Conſpiracies and Practices intended againſt the King, and means provided to prevent the like in time to come. (5) The reſolution of certain Judges and other learned men in the Law touching certain Treaſons and other Offences. Rep. 1 H.4. 3.

Bro.Trea 24.

CAP. XIV.

Pardon, Raſt. 24. Ibid.

The Kings pardon of robberies, thefts, outrages, and riots committed in the time of the commotion. Exp. and Rep. 1 H.4.3.

CAP. XV.

The Kings pardon to all his Subjects of alienations without licenſe, intruſions by the Heirs after the death of their anceſtors, treaſons, felonies, outlawries; Except, &c. Exp and Rep. 1 H.4. 3. Rep 2 H.4.13.

CAP. XVI.

Parliament, Raſt. 6. Co. Inſt. 4 par. 42.

Authority given by Parliament to certain Commiſſioners to examine and anſwer petitions exhibited to the King. Exp. and Rep. 1 H.4.3.

CAP. XVII.

Staple, Raſt.31.

There ſhall be no licenſes granted to ſhip merchandiſes of the Staple to any other place but to Calice. Rep. 1 H. 4. 3: Stat. 18 H.6.3.

CAP. XVIII.

Calice, Raſt. 1.

Stones ſhall be carried for laſtage towards the repair of the Beacons, the place called Paradiſe, and other decayed places in Calice. Rep. 1 H.4.3. St.10 H.6.5.

CAP. XIX.

Wears, Raſt.4.

A rehearſal and confirmation of the Statutes of 25 Ed 3.4. and 45 Ed. 3. 2. touching the pulling down of Wears, Mills, Stakes, &c. Rep. 1 H.4.3.

CAP. XX.

Treaſon, Raſt. 5.

Whoſoever ſhall purſue to repeal any of theſe Statutes, and that proved in Parliament, ſhall be adjudged a Traytor. Rep. 1 H.4.3.

Anno primo HENRICI quarti.

Statutes made at *Weſtminſter* in the firſt year of the Reign of King *Henry* the Fourth, and in the year of our Lord, 1399.

HENRY by the Grace of God, King of England and of France, and Lord of Ireland, To the Laud and Honour of God, and Reverence of holy Church, for to nouriſh Unity, Peace and Concord of all Parties within the Realm of England; and for the redreſs and recovery of the ſame Realm, which now of late hath been dangerouſly put to great ruin, miſchief, and deſolation: of the aſſent of the Prelates, Dukes, Earls, Barons, and at the inſtance and ſpecial requeſt of the Commons of the ſame Realm aſſembled, at his Parliament holden at Weſtminſter in the Feaſt of St Faith the Virgin, the firſt year of his Reign, hath made, ordained, and eſtabliſhed certain Ordinances and Statutes, in form as hereafter followeth.

CAP. I.

A Confirmation of the Liberties of the Church, and of all Statutes not repealed. Juſtice ſhall be done, and Peace ſhall be kept.

Confirmation, Raſt.6. **A confirmation of the liberties of the Church, and of all Statutes not repealed. Peace ſhall be maintained and Juſtice ſhall be done to all. Pardon,** Raſt. 27. **Parliament,** Raſt.6.

FIrſt, That holy Church have and enjoy all her Rights, Liberties and Franchiſes, entirely, and without imblemiſhing. (2) And that the great Charter, and the Charter of the Foreſt, and all other good Ordinances and Statutes made in the time of his Noble Progenitors, and not Repealed, be firmly holden and kept in all points. (3) And that the Peace within this Realm be holden and kept, ſo that all his lawful liege people and ſubjects may from henceforth ſafely and peaceably go, come and dwell, according to the lawful uſages of the ſame Realm. (4) And that good Juſtice and even right be done to every perſon.

CAP. II.

None ſhall be impeached that did aſſiſt King H. 4. or helped to purſue King R. 2. or his adherents. Exp.

CAP. III.

A Repeal of the whole Parliament holden Anno 21 R.2. and of the authority given thereby. Exp.

CAP. IV.

A Confirmation of the Parliament holden 11 R.2.

Confirmation, Raſt. 12. **The Parliament holden** Anno 11 R. 2. **confirmed.**

ITem, It is accorded, aſſented and eſtabliſhed, That the Parliament holden at Weſtminſter, the eleventh year of the ſaid late King Richard, be firmly holden and kept according to the purport of the ſame, as a thing made for the great honour, and common profit of this Realm.

CAP. V.

Reſtitution, Raſt.1.

A Reſtitution of thoſe, or their Heirs, which were attainted at the Parliament holden 21 R 2.

CAP. VI.

In a Petition to the King, of Lands, Offices, &c. the value ſhall be contained.

Suggeſtion, Patents, Raſt.4.

ITem, To the intent that our ſaid Lord the King in time to come, ſhall not be deceived in his Grants or Gifts annual, or in Fee, or in any Offices, by him to be given, made, or granted, he will by the aſſent of the Lords Spiritual and Temporal aforeſaid, and at the requeſt of the ſaid Commons, be counſelled by the wiſe men of his Council in things touching the eſtate of him and his Realm (ſaving always his liberty.) (2) Alſo he hath ordained and ſtabliſhed by the aſſent aforeſaid, That all they which from henceforth do demand of the King, Lands, Tenements, Rents, Offices, Annuities, or any other profits, ſhall make expreſs mention in their Petitions, of the value of the thing ſo to be demanded, and alſo of that which in caſe they make not ſuch mention in their ſaid Petitions, and that duly proved, the Kings Letters Patents thereof made ſhall not be available, nor of any force nor effect, but wholly revoked, repealed and adnulled for ever, to the puniſhment of them which ſo have done deceit to the King, as they that be not worthy to enjoy the effect and benefit of the Letters Patents to them granted in this behalf. St.2 H.4.2. St.6 H.4.2.

Co.I 32H.

Co. In 1 par

CAP.

CAP. VII.

The penalty for unlawful giving or wearing of Liveries. Who may wear the Kings honourable Liveries, and in what places. To what perſons only Liveries may be given. Rep. 3 Car. 4.

Liveries, Raſt. 5.

CAP. VIII.

Aſſiſe maintainable by the Diſſeiſee againſt the Kings Patentee of Lands.

ITem, At the grievous complaint of the ſaid Commons, made in the ſaid Parliament, how many of the Kings liege people which have been ſeiſed and poſſeſſed of Lands and Tenements, by their right and title, until the laſt coming of our Lord the King into England, that upon ſuggeſtion made to him, the ſaid Lands and Tenements have been granted to divers perſons, and Letters Patents thereof made, ſo that by colour of ſuch Grants and Letters Patents, the Tenants and true Owners of the ſaid Tenements in divers Counties be diſſeiſed and put out of the ſame to their great damage, and againſt the courſe of the Common Law: (2) Our Lord the King conſidering the miſchiefs aforeſaid, and willing thereupon to provide due remedy, by the advice and aſſent of the Lords and Commons aforeſaid, hath ordained and eſtabliſhed, That in caſe any Lands or Tenements be granted by the Kings Patent, without title found by Enqueſt or otherwiſe, where the Kings Entry is not given by Law; They that be put out or diſſeiſed of their Freehold, ſhall have a ſpecial Aſſiſe of the Chancellors Grant, without other ſuit to be made to the King in that behalf; (3) and if the parties or perſons having the Kings Letters Patents, do pray in aid, a Writ of Procedendo ſhall be granted by the ſaid Chancellor, without making other ſuit to the King. (4) And in caſe that they which be put out or diſſeiſed, do recover againſt the perſons having ſuch Patents, they which be ſo put out or diſſeiſed, ſhall recover their treble damages. (4) And that this Ordinance and Statute hold place as well after the Kings arrival into England, as in time to come.

Aſſiſe 5. Aſſiſe maintainable by the diſſeiſee, for thoſe Lands which be granted by the Kings Patent, without title firſt found for the King.

Aſſiſe 167. Trav. Diſſeiſ.

CAP. IX.

A Confirmation to the Purchaſers of Lands ſold, which were forfeited to the King.

ITem, Whereas among other Statutes and Ordinances made in the eleventh year of the ſaid late King Richard, it was ordained and ſtabliſhed, That the great Officers of the ſaid late King by advice of other Lords of the Council, ſhould have power to ſell parcel of the forfeitures of them that were forejudged in the Parliament holden the ſaid eleventh year, by their good diſcretion, and that the Gifts and Grants to be made upon ſuch Sales ſhould be firm and ſtable: (2) Our ſaid Lord the King, by the advice and aſſent of his Lords Spiritual and Temporal, and at the requeſt of the ſaid Commons, conſidering how divers Sales have been made by force of the Ordinance and Statute aforeſaid, hath ordained and ſtabliſhed, That the Gifts and Grants ſo made by virtue of the ſale aforeſaid only, ſhall ſtand in their force and virtue, notwithſtanding any Gifts or Grants made to the contrary: (3) and that they which will ſue for a confirmation of their Purchaſe made in this behalf, ſhall thereto have a confirmation, paying the Fines and Fees thereof due.

Patents, Raſt. 2. St. 11 R. 2. 6. A confirmation to the purchaſers of certain Lands ſold unto them by Commiſſioners, according to the Statute of 11 R. 2.

CAP. X.

Nothing ſhall be accounted Treaſon, but what was made Treaſon in the time of King Ed. 3.

ITem, Whereas in the ſaid Parliament, holden the ſaid one and twentieth year of the ſaid late King Richard, divers pains of Treaſon were ordained by Statute, in as much that there was no man which did know how he ought to behave himſelf, to do, ſpeak, or ſay, for doubt of ſuch pains: (2) It is accorded and aſſented by the King, the Lords and Commons aforeſaid, That in no time to come any Treaſon be judged otherwiſe, than it was ordained by the Statute in the time of his noble Grandfather King Edward the third, whom God aſſoil. St. 1 Ed. 6. 12. 1 M. 1.

Treaſon, Raſt. 6. Nothing ſhall be adjudged Treaſon, but which was ſo ordained by the Statute of 25 Ed 3. 2.

CAP. XI.

How far Sheriffs ſhall be charged with the ancient Ferms of the County.

ITem, Whereas the ſaid Commons by their Petition have ſhewed in the ſame Parliament, how the Sheriffs of Counties within the Realm, be charged with the ancient Ferm of the ſame Counties, whereas a great parcel of the Profits of the ſame is given ſeverally to Lords and other the Kings liege people, ſo that the ſame Sheriffs cannot pay their Ferm without doing extortion in the ſaid Counties, in great oppreſſion and hindrance as well of the ſaid Sheriff, as of the Inhabitants of the ſaid Counties: (2) Our Lord the King conſidering the miſchiefs aforeſaid, by the advice and aſſent of the Lords and Commons aforeſaid, hath ordained and eſtabliſhed, That from henceforth the Sheriffs of the County of Eſſex and Hertford, in ſpecial, and the Sheriffs of other Counties aforeſaid, for the time being, ſhall accompt in the Exchequer, and have allowance by their Oath of the Iſſues of the ſaid Counties, as well after the date of their Patents made to them by the ſaid late King Richard, as for all times to come. (3) And if any Sheriff from henceforth do any extortion to the people, and be thereof attainted, he ſhall be duly puniſhed for the ſame extortion at the Kings will.

Sheriffs, Raſt. 18. Sheriffs ſhall not be charged with the ancient ferms of the Counties where part of the profits be given to others. Of Sheriffs puniſhment for extortion.

CAP. XII.

A Confirmation of former Statutes touching pulling down of Woars.

216.

ITem, Whereas by Edward late King of England, Grandfather of our Lord the King that now is, the five and twentieth year of his Reign, becauſe that the common paſſage of Ships and Boats in the great Rivers of England were oftentimes diſturbed, by the levying of Wears, Mills, Stanks, Stakes and Kidels, in great damage of the people, it was accorded, That all ſuch Wears, Mills, Stanks, Stakes and Kidels, which were levied and ſet up in the time of King Edward, Son to King Henry, and after in ſuch Rivers, whereby the Ships and Boats be diſturbed, ſo that they cannot paſs as they were wont, ſhall be wholly pulled down, and not be levied again. (2) And that Writs be thereupon ſent to the Sheriffs of places where need ſhall be, to ſurvey and require, and to make thereof execution. (3) And alſo that Juſtices be thereupon aſſigned at all times when need ſhall require. (4) And after at the grievous complaint of

Wears. St. 25 Ed. 3. 4.

the great men and the Commons, made in the Parliament of the ſaid King Edward the Grandfather, the five and fortieth year of his Reign, complaining by their Petition, that the ſaid Statute was not duly executed nor kept, after the effect of the ſame; it was accorded and ſtabliſhed, That the ſaid Statute in this point be holden and kept after the effect of the ſame; (5) Added to the ſame, That if any ſuch noyſance be pulled down by due proceſs contained in the ſaid Statute, he that will cauſe the ſaid noyſance to be repaired, and thereof be duly attainted, ſhall incur the pain of an hundred Marks to the King, to be levied by the eſtreats of the Eſchequer. (6) And like Law to be holden of a noyſance made by the enhanſing of ſuch Wears, Mills, Stanks, Stakes and Kidels, as by new levying, as in the ſame Statutes more fully doth appear. St. 45 Ed. 3. 2.

The inconveniences enſuing by enhaunſing and ſtraightning of Wears, Mills, Stanks, &c.

A confirmation of the Statutes of 25 Ed 3.4. and 45 Ed.3.2. touching the pulling down or abating of Wears, Mills, &c.

Commiſſions ſhall be awarded to certain Juſtices to ſurvey the Wears, and to redreſs the offences.

He that hath the Freehold of the Land ſhall perform the Juſtices award touching the ſame.

(7) And now at the requeſt of the ſaid Commons, ſhewing by their Petition, that the common paſſages of Ships and Boats in the great Rivers of England, and alſo Medows and Paſtures, and Lands ſowed adjoyning to the ſaid Rivers be greatly diſturbed, drowned, waſted and deſtroyed by outragious enhanſing and ſtraighting of Wears, Mills, Stanks, Stakes and Kidels, in old time made and levied before the time of the ſaid King Edward, Son of King Henry, whereof great damage and loſs hath come to the people of the Realm, and daily will come if remedy be not thereof provided: Co. l. 10. f. 138. (8) It is accorded and eſtabliſhed by the aſſent aforeſaid, That the ſaid Statutes be in all their Articles holden, and firmly kept, and duly executed, with all the pains, and after the effect of the ſame. (9) Joyned thereto, That Commiſſions be made in due form to ſufficient perſons to be Juſtices in every County of England, where need ſhall be, to ſurvey and keep the Waters and great Rivers there, and to correct and amend the defaults, and to make due execution of the ſaid Statutes, after the effect of the ſame, as well by their ſurvey, advice, and diſcretion, as by Enqueſts thereof to be taken as well within Franchiſe as without, ſo often and when need ſhall be, and to hear and determine the things aforeſaid. (10) And moreover to ſurvey the Wears, Mills, Stanks, Stakes, and Kidels, in old times made and levied before the ſaid time of King Edward Son of King Henry. And them that they find too much enhanced or ſtraited, to correct, pull down, and amend in the manner and form aforeſaid; Saving always a reaſonable ſubſtance of Wears, Mills, Stanks, Stakes, and Kidels aforeſaid, ſo in old times made and levied. (11) And if any ſuch noiſances of Wears, Mills, Stanks, Stakes, and Kidels of paſſages and ſtraightings in old time made and levied, be judged and awarded by the ſaid Juſtices to be pulled down and amended, he that hath the Freehold of the ſame ſhall make thereof execution at his own coſts within half a year after notice to him thereof to be made, upon pain of an hundred Marks to be paid to the King by Eſtreats of the Eſchequer: (12) and he that cauſed them to be repaired or enhanced, or ſtraited againſt the ſaid judgment, and thereof be duly convict, ſhall incur the pain of an hundred Marks to be paid to the King by Eſtreats in the Eſchequer aforeſaid. (13) And in caſe that any feeleth himſelf grieved by execution or other way in this behalf againſt right and reaſon, he may purſue, and ſhall have right and remedy. St. 21 R.2. 19. 12 E.4.7.

Officers 3. Officers which ſhall have no eſtate, but be removable at the Kings pleaſure.

St. 15 R.2.10. 17 R.2. 5. 31 H.6. 5.

Cuſtomers and Controllers ſhall be reſident upon their offices.

St 4 H. 4. 20. 1 H. 4. 13. 13 H. 4.5. 1 El.11.

CAP. XIII.

Cuſtomers, Controllers, Searchers, &c. ſhall be removable at the Kings pleaſure, and ſhall be reſident upon their Offices.

ITem, Whereas in the Statute made at Weſtminſter, the ſeventeenth year of the ſaid late King Richard, it was amongſt other things ordained and ſtabliſhed, that no Searcher, Gauger of Wines, Aulneger, finder or weyer of Wools, or any other Merchandiſe, Collectors of Cuſtoms and Subſidies, nor Controllers, have Eſtate in his Office for term of life or years, but that the ſame Office remain in the Kings hands under the governance of the Treaſurer for the time being, with the aſſent of the Council when need ſhall be; (2) And if any Charters or Letters Patents be made contrary, they ſhall be voided and of none effect: (3) It is accorded and aſſented, that the ſaid Statute be firmly holden and kept, and put in due execution. (4) Joined to the ſame, that Cuſtomers and Controllers in every Port of England ſhall be reſident upon their offices in proper perſons, without making any Deputy or Lieutenant in their names. Dyer f.303.

Appeals 1. Where all ſorts of Appeals ſhall be tried and determined.

No Appeal ſhall be purſued in Parliament.

CAP. XIV.

Where all ſort of Appeals ſhall be tried and determined.

ITem, For many great inconveniences and miſchiefs that often have hapned by many Appeals made within the Realm of England before this time: (2) It is ordained and ſtabliſhed from henceforth, That all the Appeals to be made of things done within the Realm, ſhall be tried and determined by the good Laws of the Realm, made and uſed in the time of the Kings noble Progenitors: and that all the Appeals to be made of things done out of the Realm, ſhall be tried and determined before the Conſtable and Marſhal of England, for the time being: (3) And moreover, it is accorded and aſſented, That no Appeals be from henceforth made, or any wiſe purſued in Parliament in any time to come. 3 Inſt. 34 48,132. Hut. 3.

London, Raſt. 4. St.28 Ed.3.10. Co. Inſt. 4 par. 248.

The Mayor of London ſhall redreſs errors, defaults, and miſpriſions notoriouſly uſed in the ſame City.

CAP. XV.

The puniſhment of the Mayor, &c. of London, for defaults committed there.

ITem, Whereas by a Statute made in the time of King Edward, Grandfather of our Lord the King that now is, the ſeven and twentieth year of his Reign, it was ordained and ſtabliſhed, That becauſe the errors, defaults and miſpriſions, which were notoriouſly uſed in the City of London, for default of good governance of the Mayor, Sheriffs, and Aldermen, might not be enquired nor found by people of the ſame City: (2) That the ſaid Mayor, Sheriffs and Aldermen, which had the governance of the City, ſhould redreſs and correct the defaults, errors, and miſpriſions aforeſaid, and the ſame duly to puniſh from time to time, upon a certain pain, that is to ſay, at the firſt default a thouſand Marks to the King, and at the ſecond default two thouſand Marks, and at the third default that the Franchiſe be taken into the Kings hand, (3) and be it begun to enquire of them at the Feaſt of Saint Michael next enſuing: ſo that if they make not due redreſs, as before is ſaid, It ſhall be enquired of their defaults by Enqueſts of foreign Counties, that is to ſay, Kent, Eſſex, Suſſex, Hertford, Buckingham and Berk, as well at the Kings ſuit as of others that will complain. (4) And if the Mayor, Sheriffs and Aldermen, be by ſuch Enqueſts indicted, they ſhall be cauſed to come by due proceſs before the Juſtices, which ſhall be thereto aſſigned out of the City, before whom they ſhall have their anſwer, as well at the ſuit of the King as of the party; (5) and if they put themſelves in Enqueſts, the ſame Enqueſts ſhall be taken of foreign people, as afore is ſaid; (6) and if they be attainted, the ſaid pain ſo incurred ſhall be levied of the ſaid Mayor, Sheriffs and Aldermen, for default of their government. (7) And nevertheleſs the Plaintiffs ſhall recover their treble damages againſt the ſaid Mayor, Sheriffs and Aldermen. (8) And becauſe that the Sheriffs of London be party to this buſineſs, the Conſtable of the Tower, or his Lieutenant, ſhall be Officer in ſtead of the Sheriffs, to receive the Writs, as well originals of the Chancery as judicials, under the ſeals of the Juſtices, to do thereof execution in the ſaid City, (9) and proceſs ſhall be made by attachments, diſtreſs, and exigent if need be, ſo that at the Kings ſuits the exigent ſhall be awarded after the firſt Capias returned, and at the third Capias returned, at the ſuit of the party; (10) and if the Mayor, Sheriffs and Aldermen, have Lands and Tenements out of the ſaid City, proceſs ſhall be made againſt them by attachment and diſtreſs in the ſame Counties where the Lands and Tenements be, and that every of the ſaid Mayor, Sheriffs and Aldermen, which cometh before the ſaid Juſtices, ſhall anſwer alone for himſelf, as well at the peril of other which is abſent, as of himſelf. (11) And that this Ordinance be holden firm and ſtable, notwithſtanding any manner of Franchiſes, Priviledges or Cuſtoms. (12) And that this Ordinance ſhall extend to other Cities and Boroughs of the Realm where ſuch defaults or miſpriſions be uſed, and not duly corrected nor redreſſed, ſaving that the Enqueſts be taken by foreign people of the ſame County where ſuch Cities and Boroughs be. (13) And that the penalty of them of ſuch Cities, Boroughs and Towns which ſhall be thereof attainted, be judged by the diſcretion of the Juſtices, which ſhall be thereto aſſigned: (14) Our Lord the King conſidering the good and lawful behaviour of the Mayor, Sheriffs, and Aldermen, and of all the Commonalty of the ſame City of London towards him, and therefore willing to eaſe and mitigate the penalty aforeſaid, by the aſent of the Lords Spiritual and Temporal, and of the Commons aforeſaid, hath ordained and eſtabliſhed, that the penalty aforeſaid, as well of the thouſand marks, and of the two thouſand marks, and of the ſeiſure of the Franchiſe, compriſed in the ſaid Statute, ſhall not be limited in a certainty, but that the penalty in this caſe be by the advice and diſcretion of the Juſtices thereto aſſigned, as other Cities and Boroughs be within the Realm, and that the remnant of the ſame Statute, and the proceſs thereof ſtand in their force.

The Conſtable or Lieutenant of the Tower ſhall receive and execute the Kings Writs.

The penalties inflicted by the Statute of 28 Ed. 3. 10. upon the Mayor of London, ſhall be according to the diſcretion of the Juſtices.

CAP. XVI.

Merchants of London ſhall be as free to Pack their Clothes as other Merchants.

ITem, It is accorded and aſſented, That the Merchants of London from henceforth ſhall be as free to Pack their Clothes and quit of the ſame Packing, as the other Merchants, or other ſtrangers within the ſame City, or within other Cities and Boroughs within the Realm be; (2) and if any Letters Patents be made to the contrary, they ſhall be utterly repealed, adnulled, and holden of no force or virtue.

Drapery, Raſt. 19. Merchants of London ſhall be as free to pack their Clothes as other merchants.

CAP. XVII.

Strangers may buy and ſell within the Realm Victuals in groſs, or by retail.

ITem, Whereas in the Statute made at Weſtminſter, in the ſixth year of the ſaid late King Richard, amongſt other things it is ordained and accorded, That every Foreigner and Alien, being of the Kings amity and of the Realm, and coming within the City of London and other Cities, Boroughs and Towns within the ſaid Realm, as well within Franchiſes as without, with Fiſh and all manner other victuals there dwelling and returning, ſhall be from henceforth under the ſafeguard and ſpecial protection of the King. (2) And that it ſhall be lawful to them, and every of them, to cut their fiſh and victuals aforeſaid, by pieces, and the ſame to tail and retail in part or in all, or in groſs, as to them ſhall beſt ſeem to ſell, and thereof to make their profit without impeachment or contradiction of any, notwithſtanding any Statutes, Charters, Ordinances, Priviledges or Cuſtoms made or had to the contrary. (3) Our Lord the King conſidering the ſame Statute to be very profitable many ways, if it were put in execution, by the aſſent of the Lords and Commons aforeſaid hath ordained and ſtabliſhed, that the Statute be firmly holden, kept, and duly executed after the form and effect thereof, notwithſtanding the Letters Patents late granted to the contrary to the Fiſhmongers of London, by the ſaid late King Richard, upon his laſt voyage toward Ireland. St.6 R.2.10. 14 H.6.6. 3 Jac.6.

Victuals 2. A confirmation of the Statute 11 R. 2. 7. authoriſing merchants ſtrangers to buy and ſell within the Realm.

CAP. XVIII.

Proceſs againſt one of the County of Cheſter which committeth an offence in another Shire.

ITem, Upon the grievous clamour and complaint made to our Lord the King, in this preſent Parliament, of many Murders, Manſlaughters, Robberies, Batteries, and other riots and offences, which before this time have been done by people of the County of Cheſter to divers of the Kings Liege people in divers parts and Counties of England: (2) The ſame our Lord the King, by the advice and aſſent of his Lords Spiritual and Temporal, and of his Commons aforeſaid, hath ordained and ſtabliſhed, That if any perſon of the County of Cheſter reſident or dwelling within the ſame County, of what eſtate or condition he be, do commit any murder or felony in any place out of the ſame County, proceſs ſhall be made againſt him by the Common Law, till the Exigent, in the County where ſuch murder or felony was done. (3) And if he flee from thence into the County of Cheſter, and be Outlawed and put in Exigent for ſuch murder or felony, the ſame Outlawry or Exigent ſhall be certified to the Officers and Miniſters of the ſame County of Cheſter, and the ſame Felon ſhall be taken by the ſame Officers or Miniſters, and his Lands and Tenements, Goods and Chattels, being within the ſame County of Cheſter, ſhall be ſeiſed as forfeit into the hands of the Prince, or

Cheſter 3. What proceſs ſhall be awarded where one of the County of Cheſter doth commit Felony in another County.

or

of him that ſhall be Lord of the ſame County of Cheſter, for the time, and the King ſhall have the year and day, and the waſte. (4) And the other Lands and Tenements, Goods and Chattels of ſuch Felon, being out of the ſaid County of Cheſter, ſhall remain wholly to the King, and to other Lords having thereof Franchiſe, as forfeit. (5) And if any perſon of the ſame County of Cheſter, reſident or dwelling in the ſame, make a Battery, or other treſpaſs in any place out of the ſaid County of Cheſter, proceſs ſhall be made againſt him by the Common Law till the Exigent in the Counties where ſuch Battery or Treſpaſs is done. (6) And if he flee from thence into the ſaid County of Cheſter, and be outlawed for ſuch Battery or Treſpaſs, the Outlawry ſhall be certified to the Officers and Miniſters of the ſaid County of Cheſter. And the ſame perſon ſhall be taken by the ſame Officers or Miniſters. (7) And his goods and chattels being within the ſame County of Cheſter, ſhall be ſeiſed into the hands of the Prince, or of them which ſhall be Lords of the ſaid County of Cheſter for the time. (8) And his other goods and chattels being out of the ſaid County of Cheſter, ſhall remain wholly to the King, and to other Lords aforeſaid, as forfeit in ſuch ſort as afore is ſaid. St. 9 H.5.2.

The proceſs where one of the County of Cheſter doth make a battery or other treſpaſs in any other County.

C A P. XIX.

Drapery, Raſt. 20.

During three years, for no Cloth whereof the dozen exceedeth not thirteen ſhillings and four pence, any Subſidy ſhall be paid, or ſhall be ſealed. Exp. St. 9 H.4.2. 7 Jac.16.

C A P. XX.

Pardon, Raſt. 26.

The Kings pardon of Treaſon, Felony, Outlawry, &c. to all them that will purſue their Charters before, &c. Except. Exp.

Statutes made at *Weſtminſter*, *Anno* 2 *Hen*.4. & *Anno Domini*, 1400.

AT the Parliament holden at Weſtminſter, in the Utas of St. Hillary, the ſecond year of the Reign of King *Henry* the Fourth. The ſame our Lord the King by the aſſent of the Prelates, Dukes, Earls and Barons, and at the ſpecial inſtance and requeſt of the Commons aſſembled at this preſent Parliament, hath cauſed to be ordained and ſtabliſhed certain Statutes and Ordinances in form following.

C A P. I.

A Confirmation of Liberties. Each perſon may purſue the Law, or defend it.

Confirmation, Raſt. 6. **The Rights of the Church, and of all other perſons, Cities, and Boroughs confirmed, and all Laws in force ratified. Every perſon ſhall be in peace, and juſtice ſhall be done.**

FIrſt, That holy Church have her Rights and Liberties: (2) and that all the Lords Spiritual and Temporal, and all the Cities, Boroughs, and Towns enfranchiſed, have and enjoy all their Liberties and Franchiſes, which they have lawfully uſed, and which they have of the Grant of his noble Progenitors and Predeceſſors Kings of England. (3) And that the great Charter and the Charter of the Foreſt, and all other good Ordinances and Statutes made in his time, and in the time of his noble Progenitors not Repealed, be firmly holden and kept in all points: (4) and that all his liege People and Subjects may freely and peaceably in his ſure and quiet protection go and come to his Courts to purſue the Laws, or defend the ſame, without diſturbance or impediment of any. (5) And that full juſtice and right be done as well to the poor as to the rich in his Courts aforeſaid. St. 1 H.4.1. St. 7 H.4.1.

C A P. II.

Patents, Raſt. 5.

An expoſition of part of the Statute of 1 *H*.4.6. touching the mentioning of other gifts, which a Petitioner hath received of the King, or his Predeceſſors. Exp.

C A P. III.

Proviſion, Raſt. 15.

If any do accept a proviſion granted by the Pope to a Religious perſon to be exempt from obedience, he ſhall be within the danger of the Statute of Proviſors. OB. St. 13 R.2.3. 13 *El*.2.

C A P. IV.

The penalties for purchaſing of Bulls to be diſcharged of Tithes.

Proviſion, Raſt. 16.

ITem, For as much as our Lord the King, upon grievous complaint to him made in this Parliament, hath perceived that the religious men of the Order of Ciſteaux in the Realm of England, have purchaſed certain Bulls, to be quit and diſcharged to pay the Tithes of their Lands, Tenements and Poſſeſſions, let to Ferm, or Manured, or Occupied by other perſons than by themſelves, in great prejudice and derogation of the Liberty of holy Church, and of many liege people of the Realm: (2) Our Lord the King willing thereupon to ordain remedy, by the advice and aſſent of the Lords Spiritual and Temporal, and at the inſtance and requeſt of the ſaid Commons, hath ordained and ſtabliſhed, That the religious perſons of the Order of Ciſteaux ſhall ſtand in the eſtate that they were before the time of ſuch Bulls purchaſed. (3) And that as well they of the ſaid Order, as all other religious and ſeculars, of what eſtate or condition they be, which do put the ſaid Bulls in execution, or from henceforth do purchaſe other ſuch Bulls of new, or by colour of the ſame Bulls purchaſed or to be purchaſed, do take advantage in any manner: That proceſs ſhall be made againſt them, and every of them by garniſhment of two months by Writ of Præmunire facias. (4) And if they make default, or be attainted, then they ſhall incur the pains and forfeitures contained in the Statute of Proviſors, made the thirteenth year of the ſaid King Richard. St. 13 Eliz. 2.

2 Rol.410. Poph.136. Dyer f. 17

Religious perſons purchaſing Bulls to be diſcharged of tithe ſhall incur the danger of Præmunire.

St. 13 R.2.3.

C A P. V.

He that carrieth Gold or Silver out of the Realm, ſhall confeſs ſo much.

Money 3. St. 5 R.2.2.

Br. Surr. 30. Co. Inſt. 2 par. 741.

ITem, Whereas in the Statute made at Weſtminſter, in the fifth year of the ſaid King Richard, amongſt other things it is contained how it was aſſented, accorded and enjoyned by the ſaid late King, to all manner of people, Merchants, Clerks, and other, as well ſtrangers and denizens of whatſoever ſtate or condition they ſhould be, upon pain of as much as they might forfeit, that none of them, upon the ſaid pain, privily nor openly ſhould ſend or carry, nor cauſe to be ſent nor carried out of the ſaid Realm of England, any gold or ſilver in Mony, Bullion, Plate, Veſſel, nor by exchange to be made, except the Wages of Calice, and other the Kings Fortreſſes beyond the Sea, ſaving certain Prelates, Lords, and other compriſed in the ſame Statute, without ſpecial leave, and licence thereupon firſt had, as by the ſame Statute may more fully appear: our Lord the King for to prevent the ſubtilty of them that will

2 R.399.

do fraud or deceit to him in this behalf, hath ordained and ſtabliſhed, that if from henceforth any Searcher of the King may find gold or ſilver in coin, or in maſs, in the keeping of any that is paſſing, or upon his paſſage in any ſhip or veſſel to go out of any port, haven or creek of the Realm, without the Kings ſpecial licence, all that gold or ſilver ſhall be forfeit to the King, (3) ſaving his reaſonable expenſes, which he ſhall be bound to confeſs and diſcover preſently, after that he is warned and charged ſo to do by the ſame Searcher, or elſe all the ſaid money ſo concealed, ſhall be forfeit to the King. (4) Provided always, that the Merchants ſtrangers that do ſell their merchandiſe within the Realm of England, and the one half of the money of England received for the ſame merchandiſes, do employ upon other merchandiſes of the Realm, may freely carry out from the ſame the other half of the ſaid Money by the Kings licence, according to the Statute thereof made. 19 H.7.5.

He that carrieth gold or ſilver out of the Realm, ſhall confeſs the ſame to the Searcher. Merchants ſtrangers may carry half their mony forth of the Realm. St. 4. H. 4. 15. 27 H. 6. 3. 17 Ed. 4. 1.

C A P. VI.

The money of Scotland and of other Countries beyond the Sea, ſhall be voided out of England, or put to coin before Chriſtmas. Exp. Rep. 21 Jac. 28. Stat. 11 H. 4. 5. 13 H. 4. 6. St. 3 H. 5. 2 H. 6. 6.

Money. Raſt. 22.

C A P. VII.

In what caſe the Plaintiff ſhall not be nonſuit if the Verdict paſs againſt him.

Item, Whereas upon verdict found before any Juſtice in Aſſiſe of Novel diſſeiſin, Mortdaunceſtor, or any other action whatſoever, the parties before this time have been adjourned upon difficulty in Law upon the matter ſo found: (2) It is ordained and eſtabliſhed, that if the verdict paſs againſt the Plaintiff, that the ſame Plaintiff ſhall not be nonſuited.

Nonſuit 1. In what caſe if the verdict paſs againſt the plaintiff, he ſhall not be nonſuit.

C A P. VIII.

The Fee of Chirographer of the Common Pleas for a fine levied.

Item, Upon the grievous complaint made to our Lord the King by the Commons in this preſent Parliament, how that the office of the Chirographer in the Common Bench of the King is let to ferm, to which office appertaineth for making and writing of every fine levied in the ſaid Bench, four ſhillings and no more, and notwithſtanding the ſame fee, the fermors of the ſame office will deliver no fine to any without giving to them other four ſhillings or more by extortion, to the great damage and impoveriſhment of all the Kings liege people: (2) Our Lord the King willing in this behalf to provide remedy, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſupplication of the ſaid Commons, hath ordained and eſtabliſhed, That the Chirographer, nor his fermor, deputy, or lieutenant for the time being, ſhall from henceforth take any more than four ſhillings for any fine levied in the Court. (3) And if the ſaid fermors, lieutenant, or deputy, take any more than four ſhillings for a fine, as before is ſaid, he ſhall loſe his office, and be forejudged the Court, and have one years impriſonment, and pay to the party grieved his treble damages. (4) And the party grieved ſhall have his ſuit before the Juſtices of the ſaid Bench.

Chirographer 1. The fee of the Chirographer of the common place upon a fine levied, and the penalty if he take more.

C A P. IX.

Such as were Commiſſioners in the time of King R. 2. and ſpoiled thereof, or that delivered the ſame, ſhall be diſcharged by their oaths. Exp.

Commiſſion, Raſt. 5.

C A P. X.

The Fee of the Clerk of the Crown of the Kings Bench for Indictments.

Item, Becauſe that complaint is made to our ſaid Lord the King by the ſaid Commons, how the Clerk of the Crown of the Kings Bench, whereas fourſcore or an hundred men be indicted of one felony, or of one treſpaſs, and all they plead to any iſſue as not guilty, the ſaid Clerk ought not to take for the Venire facias, nor for entring of the plea more than ij s. the ſaid Clerk doth take for every ſuch name by extortion ij s. in great oppreſſion of the people: (2) Our ſaid Lord the King willing to preſerve his ſaid people from ſuch extortions and injuries, by the aſſent of the ſaid Lords ſpiritual and temporal, and at the ſuit of the ſaid Commons, hath ordained and eſtabliſhed, That the ſaid Clerk of the Crown ſhall take no more than hath been duly uſed of old times. (3) And moreover, our ſaid Lord the King hath charged the Juſtices of the Kings Bench, that no extortion be done in this behalf in the Bench aforeſaid.

The Clerk of the Crown of the King's Bench ſhall take no more for Indictments than hath been uſed.

C A P. XI.

A remedy for him who is wrongfully purſued in the Court of Admiralty.

Item, Whereas in the Statute made at Weſtminſter, the xiij year of the ſaid King Richard, amongſt other things it is contained, That the Admirals and their deputies ſhall not intermeddle from thenceforth of any thing done within the Realm, but only of a thing done upon the Sea, according as it hath been duly uſed in the time of the noble King Edward, Grandfather to the ſaid King Richard. (2) Our ſaid Lord the King will and granteth that the ſaid Statute be firmly holden and kept, and put in due execution. (3) And moreover, the ſame our Lord the King, by the advice and aſſent of the Lords ſpiritual and temporal, and at the prayer of the ſaid Commons, hath ordained and ſtabliſhed, That as touching a pain to be ſet upon the Admiral or his Lieutenant, that the Statute and the Common Law be holden againſt them, (4) and that he that feeleth himſelf grieved againſt the form of the ſaid Statute, ſhall have his action by Writ grounded upon the caſe againſt him that doth ſo purſue in the Admirals Court, (5) and recover his double damages againſt the purſuant, (6) and the ſame purſuant ſhall incur the pain of ten pound to the King for the purſuit ſo made, if he be attainted. Raſt. pla. f. 23.

Admiral 1. 13 Co. 42, 52. The Stat. of 13 R. 2. 5. confirmed, touching the Admirals juriſdiction.

A remedy for him who is wrongfully purſued in the Court of the Admiralty.

C A P. XII.

Whole Welſhmen born reſtrained to purchaſe Land in certain places, to be Citizens or Burgeſſes in Cities or Boroughs, to be Officers in any Cities, Towns or Places; they ſhall find ſurety of their good Behaviour, and ſhall bear no armour. Alt. 27 H 8. 26. Rep. 21 Jac. 28.

Wales, Raſt. 3.

C A P. XIII.

The effect of a Pardon granted by the Statute of 21 R. 2. 15. rehearſed and confirmed notwithſtanding the reſidue of the ſaid Parliament is repealed. Exp.

Pardon, Raſt. 27.

Purveyors 22.

CAP. XIV.

Purveyance for the King's houſe of xls. or under, ſhall be preſently paid for.

Purveyance for any thing of xl s. or under for the Kings houſe, ſhall be preſently paid for.

ITem, It is ordained and ſtabliſhed, That the Statutes of Purveyors made before this time, be holden, kept and put in due execution: joyned to the ſame, that from henceforth no Purveyor nor buyer make any purveyance or buying for the Kings houſe of any thing to the value of xl s. or under, unleſs he make ready payment in hand, upon pain to loſe his Office, and to pay as much to the party grieved. St.20 H.6.8.

CAP. XV.

Hereſie, Raſt. 5. Co. Inſt. 2 par. p.657. Hob.299. 2 Bulſtr.303. 3 Bulſt. 49, 51.

The Catholick Faith, and the holy Church, amongſt all the Kingdoms in the World hath been moſt devoutly obſerved in *England*, and endowed, which hath not been troubled with Hereſie. And therefore none ſhall Preach without the licence of the Dioceſan of the ſame place: None ſhall preach or write any Book contrary to the Catholick Faith, or the determination of the holy Church: None ſhall make any Conventicles of ſuch ſects and wicked doctrins, nor ſhall favour ſuch Preacher. Every Ordinary may convent before him, and impriſon any perſon ſuſpected of Hereſie: An obſtinate Heretick ſhall be burned before the people. Rep.25 *H.*8.14. 1 *Ed*.6.12. 1 *Ed*.1. 10 *H*.7.f.17. Fitz.N.B.f.269.D. Raſt.pla.f.319. Bro. Hereſie 1.

3 Inſt. 142. 4 Inſt. 51. p.6. 12 Co. 5 57.

Hereſie. 1 Roll. 110.

CAP. XVI.

Walls, Raſt.4.

If Welſhmen do not reſtore to Engliſhmen the Injuries done by them within ſeven days, Engliſhmen may return the like meaſure to them. Alt.20 *H.* 6. 3. & 27 *H*.8.26. Rep.21 *Jac*.28.

CAP. XVII.

Raſt. 5.

If a Welſhman commit a Felony in England, and thereof is attainted, and after flieth into Wales, upon Certificate of the Kings Juſtices, he ſhall be executed. Alt.27 *H*.8.26.Rep.21 *Jac*.28.

CAP. XVIII.

Raſt.6.

Lords Marchers in Wales ſhall keep ſufficient guards in their Caſtles. Alt. 27 *H*.8.26.Rep.21 *Jac*.28.

CAP. XIX.

Raſt. 7.

No Engliſhman ſhall be condemned at the ſuit of a Welſhman in Wales, but only by Engliſh Juſtices, or Engliſh Burgeſſes. Exp.

CAP. XX.

Raſt.8.

No Welſhman ſhall purchaſe land in England, nor in the Engliſh Towns in Wales. Alt. 27 *H*.8.26. Rep.21 *Jac*.28.

CAP. XXI.

No Lord ſhall give any Livery or ſign to any Knight, Eſquire, or Yeoman.

Liveries 6. No Lord ſhall give any livery or ſign to any Knight, Eſquire, or Yeoman.

ITem, Whereas in the laſt Parliament it was ordained and ſtabliſhed, That no Lord of what eſtate or condition he were, ſhould uſe nor give any Livery or ſign of company to any Knight, Eſquire, nor Yeoman within the Realm aforeſaid: ſaving always that our Lord the King ſhould give only his honourable Livery to the Lords Temporal, whom pleaſed him: And ſaving alſo that the ſame our Lord the King ſhould give only his honourable Livery to his menials, Knights and Eſquires, and alſo to his Knights and Eſquires which be of his retinue, and take of him their annual fee for term of life: (2) And moreover it was accorded and aſſented by the King, the Lords and the Commons aforeſaid, that the ſaid Knights and Eſquires ſhould in no wiſe uſe their ſaid Liveries in their County or Counties where they ſhould be reſident and dwelling, nor elſewhere within the Realm out of the Kings preſence: (3) and if any Lord did the contrary, and that duly proved, he ſhould make fine and ranſom at the Kings will: (4) and if any Knight or Eſquire did the contrary, and thereof were duly attainted, he ſhould loſe his ſaid livery, and forfeit his fee for ever: (5) and that no Yeoman ſhould take or uſe any livery of the King, or of any other Lord, upon pain of impriſonment, and to make fine and ranſom at the Kings will: (6) Provided always, that the Conſtable and Marſhal of England for the time being in their retinue of Knights and Eſquires, may wear the ſaid livery of the King upon the borders and marches of the Realm in time of War.

The ſeveral forfeitures of ſeveral offenders.

A confirmation of the Stat. 1 H.4.7. ordained againſt unlawful giving or wearing of Liveries.

II. Provided alſo, that all thoſe that ſhall travel or paſs the ſea to the parts beyond the Sea, to acquire honour, may wear the ſame livery in thoſe parts without being thereof in any wiſe grieved or appeached, as in the Statute thereof made more fully is contained. (2) Our ſaid Lord the King conſidering the ſame Statute to be very expedient and neceſſary, hath ordained and ſtabliſhed, that the ſame Statute ſhall be firmly holden and kept, (3) joyned thereto, that the Juſtices of the one Bench and of the other, and the Juſtices of Aſſiſes and of the Peace, have power and authority to enquire, hear, and determine in this caſe, by record in their preſence, or by inquiry to be made from time to time, (4) and that the Dukes, Earls, Barons, and Banerets of the Realm, may uſe the ſaid livery in their Country and elſewhere; (5) and alſo that the ſaid Knights and Eſquires may uſe the ſaid livery in going from the King's houſe and returning to the ſame. (6) Provided always, That the ſame Knights and Eſquires uſe not the ſame livery in their Counties or County where they be reſiant or dwelling, upon the pain contained in the ſaid Statute. (7) Moreover it is accorded, that the Prince may give his honourable liveries or ſign to the ſaid Lords, and to his menial Gentlemen. (8) And that the ſaid Lords may uſe the ſame as they uſe the Kings livery, and that the menials of the Prince may alſo uſe the ſame as the Kings menials, and in the manner, and upon the pains aforeſaid. St.8 Ed.4.2.

The Prince may give his honourable Liveries.

CAP. XXII.

Forfeitures, Raſt. 13.

Suits may be proſecuted againſt certain perſons meant to be protected by the Statute of 11 R.2.1,& 2. Exp.

CAP. XXIII.

The Fees of the Marſhal of the Marſhalſey of the King's houſe.

Marſhal 6. Co. Inſt. 4 par. 131. The fees of the Marſhal of the Marſhalſey of the Kings houſe, and the penalty if he take more.

ITem, Whereas the Marſhal of the Marſhalſey of the Court of our Lord the King's houſe in the time of King Edward, Grandfather of our Lord the King that now is, and before was wont to take the fees which do hereafter follow, that is to ſay, of every perſon that cometh by Capias to the ſaid Court, four pence: (2) and if he be let to mainpriſe till his day, two pence more: (3) and of every perſon which is impleaded of treſpaſs, and findeth two mainpernors to keep his day till the end of the plea, to take for that cauſe two pence of the defendant: (4) and of every perſon committed to priſon by judgment of the Steward, in whatſoever manner the ſame be, four pence: (5) of every perſon delivered of felony, and of every felon let to mainpriſe by the Court, four pence: (6) which fees were wont to be taken and paid in full Court, as the King hath well perceived by the complaint of the ſaid Commons thereof made in the ſaid Parliament: (7) The ſame our Lord the King, to avoid all ſuch wrongs and oppreſſions to be done to his people, againſt the good cuſtoms and uſages made and uſed in the time of his Progenitors, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſupplication of the ſaid Commons, hath ordained and ſtabliſhed, That if the ſaid Marſhal or his Officers under him, take other fees than above are declared, That the ſame Marſhal and every of his ſaid Officers, ſhall loſe their Offices, (8) and pay treble damages to the party grieved, (9) and that the party grieved have his ſuit before the Steward of the ſaid Court for the time being.

3 Cro. El. 212.

II. Alſo it is ordained and eſtabliſhed, That no Servitor of Bills that beareth a ſtaff of the ſame Court, ſhall take for every mile from the ſame Court to the ſame place where he ſhall do his ſervice, any more than 1 d. and ſo for 12 miles xii d. (2) And for to ſerve a Venire facias xii homines, &c. or a Diſtringas out of the ſame Court, the double. (3) And if any of the ſaid Servitors of Bills do the contrary, he ſhall be puniſhed by impriſonment, and make a fine to the King after the diſcretion of the Steward of the ſame Court, and alſo be forejudged the Court; (4) and the ſame Steward ſhall have power to make Proclamation at his coming to the ſaid Court in every Country, from time to time, of all the Articles aforeſaid, and thereof to execute puniſhment as afore is ſaid. St. 9 R. 2. 5.

The fees of a ſervitor of Bills, and the penalty if he take more.

C A P. XXIV.

Proceſs againſt thoſe that were with the Duke of York, 23 R. 2. for their wages then received, ſhall be diſcharged. Exp.

Account, Raſt. 3.

Statutes made at *Weſtminſter*, *Anno* 4 *Hen.* 4. and *Anno Domini*, 1402.

TO the honour of God and holy Church, and for the Common-wealth and profit of all the Realm of England, our Lord the King, by the aſſent of the Lords Spiritual and Temporal, and at the ſpecial inſtance and requeſt of the Commons aſſembled at the Parliament holden at *Weſtminſter* the morrow after the Feaſt of St. *Michael*, the fourth year of his Reign, hath ordained and ſtabliſhed certain Statutes and Ordinances by the manner as followeth.

C A P. I.

A Confirmation of the Liberties of the Church, and of all Corporations and Perſons.

FIrſt, That holy Church have all her Liberties and Franchiſes. (2) And that the Lords Spiritual and Temporal, and all the Cities, Boroughs and Towns franchiſed, have and enjoy all their Liberties and Franchiſes, which they have had of the grant of the Progenitors of our ſaid Lord the King, Kings of England, and of the Confirmation of the ſame our Lord the King. (3) And that the great Charter, and the Charter of the Foreſt, and all the good Ordinances and Statutes made in the time of our ſaid Lord the King, and in the time of his Progenitors, not repealed, be firmly holden and kept.

Confirmation, Raſt. 6. **A confirmation of the liberties of the Church, and of all Corporations and perſons, and of all Statutes not repealed.**

C A P. II.

The word *Inſidiatores viarum, &c.* ſhall not be put in any Indictments, &c.

3 Inſt. 204.

ITem, Our ſaid Lord the King having in remembrance the faithful hearts, and the inward affection that the Clergy of England hath born to him, and alſo the great charges which the ſame Clergy hath had and ſuſtained for his honour and profit, after the time of his Coronation, and therefore willing to be a gracious Lord to them in their affairs, by the aſſent of the ſaid Lords, at the ſpecial ſuit and requeſt of the ſaid Commons, will and granteth, That the Statutes made the five and twentieth year of King Edward, Grandfather to our Lord the King that now is, touching the Clergy of England, be entirely holden and kept, and put in due execution.

Clergy, Raſt. 8. **A confirmation of the Statute made** 25 Ed. 3. de Clero.

II. And moreover, the ſame our Lord the King, conſidering that the words and terms (that is to ſay) Inſidiatores viarum, & depopulatores agrorum, compriſed in the Petition delivered to him in this Parliament by the Clergy of England, have not been commonly uſed in Indictments, Arraignments, Appeals, nor in other impeachments in the time of his ſaid Grandfather, nor in the time of his other Progenitors, and willing therefore to avoid ſuch novelties, for the great quiet and ſurety of his people, by the aſſent of the Lords and Commons of the ſame Parliament will and granteth, and hath ordained and eſtabliſhed, That the ſaid words and terms ſhall not be from henceforth uſed, nor put in indictments, arraignments, appeals, or any other impeachments. (2) Nor that by force of any ſuch word or term, any Clerk religious or ſecular, nor any other of the Kings liege-people, ſhall be from henceforth arraigned, appealed, impeached or grieved before any ſecular Judge: (3) but our Lord the King doth will, that the Juſtices may take and receive before them indictments, arraignments, and appeals of felonies, containing in them the effect of the ſaid words and terms, if any perſon of ſuch felonies ſhall hereafter be indicted, arraigned, or appealed: (4) and if percaſe it chance in time to come any Clerks religious or ſecular ſhall be indicted, arraigned, or appealed, and their indictments, arraignments, or appeals do comprehend the effect of the ſaid words, Inſidiatores viarum, and depopulatores agrorum, or other words purporting the like effect: yet nevertheleſs ſuch Clerks ſhall have and enjoy the priviledge of holy Church, and ſhall be delivered to the Ordinaries them demanding, or their Deputies, without any impeachment, or any delay.

The words Inſidiatores viarum & depopulatores agrorum, **ſhall not be put in Indictments or Appeals.** 3 Inſt. 41.

Clerks ſhall be allowed their Clergy, notwithſtanding an Indictment hath the words aforeſaid.

burt 233.
l. 11. f. 29.

C A P. III.

A Confirmation of the Liberties of the Church and Clergy. A Clerk convict for Treaſon, or being a common Thief, ſhall not make his purgation.

ITem, By the ſame aſſent our Lord the King doth will and grant, and hath ordained and ſtabliſhed, That all the Statutes, Ordinances and Grants, made or granted by his noble Progenitors or predeceſſors Kings of England, to the Clergy of England, for the conſervation of their liberties and priviledges, and for the conſervation of the liberties and immunities

Clergy, Raſt. 9 **The liberties of the Church and Clergy confirmed.**

nities of holy Church not revoked, be firmly holden, obſerved and kept, and put in due execution according to their form and effect: (2) And thereupon the Archbiſhop of Canterbury for himſelf, and for all other Biſhops of his Province, hath promiſed to our ſaid Lord the King, That if from henceforth any Clerk ſecular or religious, that is convict of Treaſon that toucheth not the King himſelf, nor his Royal Majeſty, or that he be a common thief, and for ſuch notoriouſly holden and reputed, and for the ſame cauſe as Clerk convict ſhall be from henceforth delivered to any Ordinary: that the ſame Ordinary ſhall keep him ſafely and ſurely, and according to the effect of a Conſtitution Provincial to be made by the ſaid Archbiſhop and other Biſhops, according to the content, form, and effect of the Letters of Simon late Archbiſhop of Canterbury, bearing date the twelfth Kalends of March, the year of grace, one thouſand three hundred fifty one, ordaining and inſerting in the ſame Conſtitution certain pains by them to be limited by their diſcretion. (3) And that no ſuch Clerk convict of ſuch Treaſon, or that he be a common thief, as afore is ſaid, after he be delivered, ſhall make any purgation contrary to the purport of the ſaid Conſtitution: (4) which Conſtitution ſhall be ſhewed to our ſaid Lord the King before this next Parliament, to the intent that if it ſeemeth to his high diſcretion, that the ſaid Conſtitution ſhall not be a convenient remedy in this caſe, that then it may be treated and provided of other remedy in ſuch ſort as appertaineth. Stat. 23 H.8.1.

Hob. 288.
A Clerk convict for Treaſon, or being a common thief, ſhall not make his purgation.

CAP. IV.

Patents, Raſt. 6.

The King will grant no Lands, or other commodities, but to ſuch as ſhall deſerve them. And if any make demand without deſert, he ſhall be puniſhed by the King and his Council, and not obtain his ſuit. Exp.

CAP. V.

Every Sheriff ſhall in perſon continue in his Bailiwick, and ſhall not let it.

Sheriffs 3.
* **The** French **is** ſerra demurrant,
Every Sheriff ſhall in perſon continue in his Bailiwick, and ſhall not let it to ferm.

Item, It is ordained and aſſented, That every Sheriff of England ſhall * abide in proper perſon within his Bailiwick, for the time that he ſhall be ſuch Officer: (2) and that he ſhall not let the ſaid Bailiwick to ferm to any man, for the time that he occupieth ſuch Office, (3) and that the ſaid Sheriff be ſworn from time to time to do the ſame in ſpecial, amongſt other Articles compriſed in the oath of the Sheriff. Stat. 23 H.6.10.

CAP. VI.

Drapery, Raſt. 21.

There ſhall be a ſeal of Lead provided to ſeal Clothes wrought in London and the Suburbs. Rep 5 E.6.6.

CAP. VII.

The diſſeiſee ſhall have an Aſſiſe againſt the diſſeiſor taking the profits.

Uſes 1.

Item, Whereas in the Statute made the firſt year of King Richard, it was ordained, That where ſeveral perſons did diſſeiſe other of their freehold, and made feoffments to divers people, as well to have maintenance, as alſo to make the diſſeiſies to be ignorant, againſt whom they ought to make their Writ: (2) That the diſſeiſies in ſuch caſe might take their Writ againſt them which thereof ſhall take the profit, ſo that the diſſeiſies commence their ſuit within the year next after the diſſeiſin: (3) and that the ſame Ordinance ſhould hold place in every other action or plea, where ſuch feoffments be made by fraud or colluſion, to have their recovery againſt ſuch feoffors, if they thereof take the profits: (4) our ſaid Lord the King thinking the ſaid Statute to be very miſchievous and prejudicial to his people, becauſe of the ſhortneſs of the time, by the aſſent of the ſaid Lords, and at the requeſt of the Commons aforeſaid, hath ordained and eſtabliſhed, that ſuch diſſeiſies ſhall have their action againſt the firſt diſſeiſor, during the life of the ſame diſſeiſor, ſo that ſuch diſſeiſor thereof take the profits at the time of the ſuit commenced. (5) And as to other Writs in plea of land, the demandant ſhall commence his ſuit within the year, againſt him which is Tenant of the freehold, at the time of the action accrued to him, ſo that ſuch Tenant thereof take the profits, at the time of ſuch ſuit commenced, notwithſtanding the ſaid Statute. Stat. 11 H.6.3. St. 1 H.7.1. 4 H.7.24. Raſt. pl. f. 80, 110, 158, 341, &c.

The diſſeiſee ſhall have an aſſiſe againſt the diſſeiſor, taking the profits during the diſſeiſor's life.

CAP. VIII.

In what caſes a ſpecial Aſſiſe is maintainable againſt a diſſeiſor with force.

Aſſiſe 6.

Item, Becauſe daily the great perſons of the Realm do make forcible entries into other mens Lands, and put out the poſſeſſors of the ſame, claiming ſometime in their own right, where their entry is not lawful, and ſometime in anothers right, where they have nothing in reverſion, in right, nor in demean, nor is there any affinity or couſinage betwixt them and thoſe in whoſe right they have entred, and alſo take their goods and chattels in manner of robbery, ſo that oftentimes they be in ſuch manner put out, and of their goods and cattels ſpoiled, that they have nothing to purſue for their right, and ſo by ſuch forcible entries and maintenance the land-tenants and poſſeſſors be utterly diſherited and undone: (2) Our Lord the King, willing to do equal right to all his liege-people, as well the ſmall as the great, and that his Laws be duly executed, at the grievous complaint of the ſaid Commons, and by the advice and aſſent of all the Lords aforeſaid, for to puniſh and chaſtiſe ſuch Riots and forcible entries ſo made, and hereafter to be made, againſt the Laws of the Land, hath ordained and eſtabliſhed, That if any man great or ſmall, of what eſtate or condition that he be, make any ſuch forcible entry in his own right, or to his own uſe, or in anothers right, to anothers uſe, by way of maintenance, or take or carry away any goods after ſuch forcible entry from the poſſeſſor of the freehold; that if the party grieved, or other lawful man will make affiance in his name, that the entry was made in ſuch forcible manner: That the Chancellor of England for the time being, ſhall have power by his diſcretion to grant a ſpecial aſſiſe in this caſe to the party grieved, of whatſoever value the tenements be, without ſuing to the King. (3) And if ſuch diſſeiſor be attainted of ſuch diſſeiſin made in ſuch forcible manner, he ſhall have one years impriſonment, and yield to the party grieved his double damages. (4) And if he be convict by the ſame Aſſiſe, that he hath taken or carried away any goods or cattels of ſuch diſſeiſees, the Juſtices of Aſſiſe ſhall have power to hear and determine as well for our Lord the King, as for the party, of the goods and cattels ſo

In what caſes a ſpecial Aſſiſe is maintainable againſt a diſſeiſor with force.

The penalty for carrying away the diſſeiſies goods or cattels.

carried away, and to award to the party grieved his damages: (5) And that in every ſuch ſpecial Aſſiſe be named one of the Juſtices of the one Bench or of the other, or the chief Baron of the Eſchequer, if he be a man of the Law. (6) And that hereafter no Writ of Superſedeas be granted to the contrary of ſuch ſpecial Aſſiſes. Stat. 5 R.2.7. 15 R.2.2. 8 H.6.9. 31 El.11. 21 Jac.15. Raſt.pla.f.71,351,&c.

CAP. IX.

A remedy to diſcharge Commiſſioners diſtrained to return Commiſſions.

ITem, Becauſe that many Commiſſions be made in the Chancery, directed to divers perſons of the Realm, ſometime to inquire and certifie, ſometime to inquire, hear and determine, and ſometime to ſeiſe lands add tenements, goods and chattels, which Commiſſions never came to the hands of the ſaid Commiſſioners, whereupon Writs iſſued out of the Eſchequer of our Lord the King, to diſtrain ſuch Commiſſioners, their executors, heirs and land-tenants; ſometime to yield the eſtreats of the fines, iſſues and amerciaments, which pertain to our Lord the King, becauſe of the ſaid Commiſſions; ſometime to certifie that which is found before them by Inqueſt; and ſometime to account of certain things contained in the ſaid Commiſſions, to the great damage and diſquietneſs of many of the King's liege-people: (2) The ſame our Lord the King, for the eaſe and quietneſs of his people, willing in this caſe to provide remedy by the aſſent aforeſaid, doth will, and hath ordained and ſtabliſhed, That the Chancellor of England for the time being, ſhall uſe his power as he hath done before this time. In this caſe, (3) and in other caſes, the ſame Chancellor ſhall have power by authority of Parliament, (calling to him ſuch Juſtices as ſhall pleaſe him, or the chief Baron of the Eſchequer if need be) to provide remedy from time to time, by their diſcretion. Stat.7 H.4.11.

Commiſſion, Raſt.6.

A remedy to diſcharge Commiſſioners diſtrained to return Commiſſions which never came to their hands.

CAP. X.

The third part of the ſilver brought to the Bullion, ſhall be coined in half-pence and farthings.

ITem, For the great ſcarcity that is at this preſent within the Realm of England, of half-pence and farthings of ſilver: (2) It is ordained and ſtabliſhed, That the third part of all the money of ſilver which ſhall be brought to the Bullion, ſhall be made in half-pence and farthings; (3) and that of this third part, the one half be made in half-pence, and the other half in farthings, and the ſame to do and perform the coyner ſhall be ſworn in ſpecial. (4) And that no Goldſmith nor other perſon, whatſoever he be, cauſe to be molten any ſuch half-pence or farthings, upon pain to pay to the King the quatreble of that which ſo ſhall be molten againſt the form of this Statute.

Money, Raſt. 23. The third part of the ſilver which ſhall be brought to the Bullion, ſhall be coined in half-pence and farthings. None ſhall melt half-pence or farthings.

CAP. XI.

Commiſſions ſhall be awarded to Juſtices,&c. to inquire of Wears, Kidels,&c.

ITem, Becauſe that by Wears, Stakes, and Kidels, being in the Water of Thames, and of other great Rivers through the Realm, the Common paſſage of Ships and Boats is diſturbed, and much people periſhed, and alſo the young fry of Fiſh deſtroyed, and againſt reaſon waſted and given to Swine to eat, contrary to the pleaſure of God, and to the great damage of the King and his people: (2) The ſame our Lord the King intending to provide a due remedy for the ſame miſchiefs, by the advice and aſſent of the Lords aforeſaid, and at the requeſt of the ſaid Commons, doth will and grant, That the Statutes thereof made be holden and kept, and put in due execution: (3) joyning to the ſame, That Commiſſions be awarded to certain Juſtices, and other in every County of the Realm where need ſhall be, to inquire of all that which is contained in the ſaid Statutes, (4) and to puniſh the Offenders of the ſame Statutes, by Fine, according to their diſcretion: ſaved always and reſerved to the King our Lord, the Penalties compriſed in eſpecial in the ſaid Statutes, (5) and that the Eſtreats of ſuch Fines be delivered by the ſaid Juſtices, to the Sheriff of every County by Indenture, (6) and that the ſaid Sheriff pay off the Iſſues and Profits riſing out of the ſaid Eſtreats, to every of the ſaid Juſtices, for every day that he ſhall travel to execute the ſaid Commiſſion, four ſhillings, and that the ſaid Sheriffs have thereof due allowance from time to time in the Eſchequer.

Wears, Raſt.6. St.25 Ed. 3.4. 45 Ed. 3.2. Commiſſions ſhall be awarded to Juſtices and other to enquire of Wears, &c. and to puniſh offenders. St. 1 H. 4. 12. Every Juſtice ſhall have four ſhillings a day for every day that he doth travel.

CAP. XII.

In appropriations of Benefices there ſhall be proviſion made for the poor and the Vicar.

Cro.Jac. 516. Rol.99. 100. Lee 14.

ITem, It is ordained, that the Statute of appropriation of Churches, and of the endowment of Vicars in the ſame, made the Fifteenth year of King Richard the ſecond, be firmly holden and kept, and put in due execution: and if any Church be appropriated by licence of the ſaid King Richard, or of our Lord the King that now is, ſithence the ſaid fifteenth year, againſt the form of the ſaid Statute, the ſame ſhall be duly reformed according to the effect of the ſame Statute betwixt this and the Feaſt of Eaſter next coming. And if ſuch reformation be not made within the time aforeſaid, that the appropriation and licence thereof be made void, and utterly repealed and adnulled for ever, except the Church of Hadenham, in the Dioceſs of Ely; which for to eſchew divers damages, diſcords, and debates, that have been before this time betwixt the Biſhop of Ely, and the Archdeacon of Ely, upon the exerciſe of their Juriſdiction (as it was openly declared by the ſame Biſhop, in preſence of the King, and of the Lords in Parliament) was of late appropried Plow.f.495. by the licence of the King our Lord, to the Archdeacon and his ſucceſſors to do Divine Service, keep hoſpitality, and to ſupport other charges as pertaineth. Moreover, it is ordained and ſtabliſhed, That all the Vicarages, united, annexed or appropried, and the licences thereof had, after the firſt year of the ſaid King Richard, how well ſoever that they which have united, annexed or appropried ſuch Vicarages, be in poſſeſſion of the ſame Vicarages, or by the vertue of ſuch licences may in any wiſe be in poſſeſſion of the

Appropriation, Raſt.2. A confirmation of the Statute of 15 R.2.6. touching the appropriation of Churches. The Church of Hadenham in the dioceſs of Ely, appropried to the Archdeacon of Ely. All appropriations of Vicarages made ſince the firſt year of R.2. ſhall be void.

ſame in any time to come, they ſhall be alſo utterly void, revoked, repealed, adnulled and diſappropried for ever: (5) And that from henceforth in every Church ſo appropried, or to be appropried, a ſecular perſon be ordained Vicar perpetual, canonically inſtitute and induct in the ſame, and convenably endowed by the diſcretion of the Ordinary to do Divine Service, and to inform the people, and to keep hoſpitality there, (except the Church of Hadenham aforeſaid.) (6) And that no religious be in any wiſe made Vicar in any Church ſo appropried, or to be appropried by any means in time to come.

A Vicar endowed, ſhall be a ſecular man, and not a religious.

3 H.6

C A P. XIII.

A confirmation of the Statutes of Anno 1 Ed. 3. Anno 18 Ed. 3. and 25 Ed. 3. touching Service in War.

War, Raſt. 5.

The Statute of 1 Ed. 3. 5. 18 Ed. 3. 7. & 25 E. 3. 8. **touching men charged to go into the Kings ſervice in wars, confirmed.**

ITem, It is ordained and ſtabliſhed, That the Statute made the firſt year of King Edward, Grandfather to our Lord the King that now is, containing that none ſhall be conſtrained to go out of their Counties, but only for cauſe of neceſſity of ſudden coming of ſtrange Enemies into the Realm: (2) and the Statute made the xviii year of the ſaid Grandfather, that men of arms, hoblers and archers, choſen to go in the Kings ſervice out of England, ſhall be at the Kings wages from the day they do depart out of the Counties where they were choſen. (3) And alſo the Statute made the xxv year of the ſaid Grandfather, that no man be compelled to find men of arms, hoblers, nor archers, other than thoſe which do hold by ſuch ſervice, unleſs it be by common aſſent and grant made in the Parliament, ſhall be firmly holden and kept in all points: (4) ſo that always by force or colour of the ſaid ſupplication, nor of any other Statute thereupon to be made, the Lords, nor any other that have lands and poſſeſſions in the Country of Wales, or in the Marches thereof, ſhall in no wiſe be excuſed of their ſervice and devoirs, due of their ſaid lands and poſſeſſions, nor of any other devoirs or things, whereto they or any of them be bound to our Lord the King, though that the ſame Lords and other have other lands and poſſeſſions within the Realm of England. (5) Nor that the Lords or other, of what eſtate or condition that they be, which hold by Eſcuage or other ſervice due to the King, any lands or poſſeſſions within the ſaid Realm, be in no wiſe excuſed to do their ſervices and devoirs, due of their ſaid lands or poſſeſſions: (6) Nor that the Lords, Knights, Eſquires, nor other perſons, of what eſtate or condition they be, which hold and have of the grant, or confirmation of our Lord the King, lands, poſſeſſions, fees, annuities, penſions, or other yearly profits, be not excuſed to do their ſervice to our Lord the King in ſuch manner as they are bounden, becauſe of the lands, poſſeſſions, fees, annuities, penſions, or profits aforeſaid. Rep. 12 Car. 2. cap. 24.

All men that hold of the King to do any ſervice in war, ſhall do the ſame.

C A P. XIV.

A Labourer ſhall not be retained to work by the week. Exp. 5 El. 4.

Labourers, Raſt 27.

C A P. XV.

Merchants ſhall beſtow their money received upon other Merchandiſes of this Realm.

Merchants, Raſt. 24. **Merchants ſhall beſtow their money received, upon the Merchandiſe of this Realm.**

ITem, It is ordained and eſtabliſhed, That all the Merchants, Strangers and Denizens which bring Merchandiſes into this Realm of England, and the ſame do ſell within the Realm, and receive Engliſh money for the ſame, that they ſhall beſtow the ſame money upon other merchandiſes of England, for to carry the ſame out of the Realm of England, without carrying any gold or ſilver in Coin, Plate or Maſs, out of the ſaid Realm, upon pain of forfeiture of the ſame, ſaving always their reaſonable coſts. Stat. 5 H. 4. 9. 27 H. 6. 3. 17 Ed. 4. 1. 3 H. 7. 8.

C A P. XVI.

No perſon ſhall carry gold or ſilver out of the Realm without the Kings Licence. Exp. St. 9 Ed. 3. 1. 5 R. 2. 2. 2 H. 6. 6.

Money, Raſt. 24.

C A P. XVII.

Infants are not to be received into the Order of Fryers without their Parents, or, &c. conſent. OB.

Fryers, Raſt. 1.

C A P. XVIII.

The puniſhment of an Atturney found in default.

Atturney, Raſt. 5. **What ſort of men ſhall be Atturnies.** Co. Inſt. 4 par. 76.

9 H.6.f.8. 20 H.6.f.1 19 H.6.f.1 29,38,48.

ITem, For ſundry damages and miſchiefs that have enſued before this time, to divers perſons of the Realm, by a great number of Atturnies, ignorant and not learned in the Law as they were wont to be before this time: (2) It is ordained and ſtabliſhed, That all the Atturnies ſhall be examined by the Juſtices, and by their diſcretions, their names put in the roll, and they that be good and vertuous, and of good fame, ſhall be received and ſworn well and truly to ſerve in their Offices, and eſpecially that they make no ſuit in a foreign County. And the other Atturnies ſhall be put out, by the diſcretion of the ſaid Juſtices; (3) and that their Maſters, for whom they were Atturnies, be warned to take others in their places, ſo that in the mean time, no damage nor prejudice come to their ſaid Maſters. (4) And if any of the ſaid Atturnies do die, or do ceaſe, the Juſtices for the time being, by their diſcretion ſhall make another in his place which is a vertuous man and learned, and ſworn in the ſame manner as afore is ſaid. (5) And if any ſuch Atturney be hereafter notoriouſly found in any default of Record, or otherwiſe, he ſhall forſwear the Court, and never after be received to make any ſuit in any Court of the King. (6) And that this Ordinance be holden in the Eſchequer after the diſcretion of the Treaſurer, and of the Barons there.

The puniſhment of an Atturney greatly found in fault. Raſt. pl. f. 296, 552.

20 H.6.f.3 Bro. Attur 33.

C A P. XIX.

No Officer of a Lord of a Franchiſe ſhall be Atturney in the ſame.

Atturney 8. No Officer of a Lord of a Franchiſe ſhall be Atturney within the ſame.

ITem, It is ordained, that no Steward, Bailiff nor Miniſter of Lords of Franchiſes, which have return of Writs, be Atturney in any plea within the Franchiſe or Bailiwick whereof he is or ſhall be Officer or Miniſter, in any time to come.

C A P. XX.

Cuſtomers, Controllers, &c. ſhall abide upon their Office, and make no Deputies: and every Cuſtomer ſhall be ſworn to anſwer the King all profits.

ITem, It is ordained and eſtabliſhed, That the Statute made in the firſt year of our Lord the King that now is, that Cuſtomers and Controllers in every Port of England, ſhall abide upon their Offices in their proper perſons, without making any Deputy or Lieutenant in their names, be firmly holden and kept in all points: (2) joyned to the ſame, that they ſhall be ſworn to do the ſame from time to time, upon pain of impriſonment, and to pay to the King an C li. if they do contrary. (3) Alſo it is accorded and aſſented, That the Lieutenant of the Kings chief Butler, and the Searcher ſhall be reſident in the ſame manner, and upon the ſame pain of an C li. to pay the one half to our Lord the King, and the other half to him that will ſue for the ſame againſt ſuch Cuſtomer, Controller, Lieutenant, or Searcher not reſident; (4) and that every Cuſtomer from henceforth, upon the yielding of his account in the Exchequer, be ſworn by his Oath to anſwer lawfully to the ſame Lord the King, without fraud or deceit, of all manner of profits and commodities for the payment of any aſſignment, be it by tail, or in any other manner whatſoever. (5) And that all manner Merchandiſes entring in the Realm of England, or going out of the ſame, ſhall be charged and diſcharged in the great Ports of the Sea, and not Crykes and ſmall arrivals, upon pain to forfeit all the Merchandiſes ſo charged or diſcharged to our Lord the King, except veſſels or merchandiſes arriving in ſuch little Crykes and arrivals by cohertion of Tempeſt of the Sea.

Cuſtomers 24. St. 2 H. 4. 53.
Cuſtomers and Controllers ſhall continue upon their offices, and be ſworn thereunto.
St. 13 H. 4. 5.
The lieutenant of the Kings Butler and Searcher ſhall continue upon their offices.
Every Cuſtomer ſhall be ſworn upon the yielding of his account
St. 3 H. 6. 3.
Merchandiſe ſhall be charged and diſcharged in ports, and not in crykes.
St. 11 H. 6. 14.
1 El. 11.

C A P. XXI.

Searchers ſhall not let any their Offices to ferm, nor occupy the ſame by Deputy.

ITem, It is ordained and eſtabliſhed, That the Searchers in every Port of England ſhall be charged and ſworn, that they ſhall not let to ferm their Offices of ſearching, nor occupy the ſame by a Deputy. (2) And that from henceforth they take of no Maſter of Ships for their Office of ſearching, any ſilver or mony for their welcome and farewel, nor any other thing for the ſame, as it hath been taken and received before this time, otherwiſe than ſhall be aſſured to them for their Office by our Lord the King; (3) and that no Searcher be Hoſt to any Merchant or Mariner. (4) And in caſe that any Searcher do contrary to this Statute, and that duly proved, the ſame Searcher ſhall be put out of his Office for ever, and make fine and ranſom at the Kings will.

Search, Raſt. 1.
Searchers ſhall not let their offices to ferm, nor occupy them by deputy.
St. 13 H. 4. 5.

C A P. XXII.

The remedy where by the Kings preſentation any Incumbent is put forth.

Co. 63

ITem, Whereas it is ordained by the Statute made the xxv year of King Edward, Grandfather to our Lord the King, that if the King make collation or preſentment to any Benefice in anothers right, that the title whereupon he groundeth him, ſhould be well examined, that it be true; (2) and at what time before judgment given, the title be found by good information, untrue and unjuſt, the collation or preſentment thereof made, ſhall be repealed and adnulled. (3) And moreover in a Statute made after in the time of King Richard, it was ordained and eſtabliſhed, That if the King preſent to any benefice that is full of any incumbent, that the Kings preſentee ſhall not be received by the Ordinary, till the King hath recovered his preſentment by proceſs of the Law in his own Court. (4) And if any preſentee of the King be otherwiſe received, and the incumbent put out without due proceſs as aforeſaid, the ſame incumbent ſhall commence his ſuit within a year after the induction of the preſentee: (5) Our Lord the King conſidering the great miſchief, of the incumbent in this behalf, hath ordained and eſtabliſhed by the aſſent aforeſaid, That if any ſuch incumbent be put out of his benefice without due proceſs in the manner aforeſaid, That the ſaid incumbent ſo put out without proceſs may be at large, and ſue for his remedy by the ſaid Statute, and begin his ſuit in this caſe at what time ſhall pleaſe him, within the year, or after at his will, and that as well for the time paſt, as for the time to come, notwithſtanding the term ſo limited by the ſaid Statute.

Incumbent 1.
St. 25 Ed. 3. 3.
St. 13 R. 2 1.
The remedy that an incumbent put forth of his benefice by the Kings preſentation in anothers right, hath to recover the ſame.

C A P. XXIII.

Judgments given ſhall continue until they ſhall be reverſed by attaint or Errour.

Leonard.
H. 6. f. 39.
f. 313.
376.
Jac. 335.
oll. 72.

ITem, Where as well in plea real as in plea perſonal, after Judgment given in the Courts of our Lord the King, the parties be made to come upon grievous pain, ſometime before the King himſelf, ſometime before the Kings Council, and ſometimes to the Parliament, to anſwer thereof of new, to the great impoveriſhing of the parties aforeſaid, and in the ſubverſion of the Common Law of the Land: (2) It is ordained and eſtabliſhed, That after Judgment given in the Courts of our Lord the King, the parties and their heirs ſhall be thereof in peace, until the Judgment be undone by attaint or by errour, if there be errours, as hath been uſed by the Laws in the times of the Kings Progenitors. Co. l. 12. 64. Dr. and Stud. ca. 18. Co. Inſt. 4. p. 86. Co. lib. 12. 64. 3. Inſt. 119 & 124.

Error 7.
Judgments given in the Kings Court ſhall continue until they be reverſed by attaint or errour.
3 Bulſt. 42, 47, 115.

C A P. XXIV.

Aulnage of Clothes may be let to farm by improvement.

f. 303.

ITem, Whereas late in the time of King Richard the ſecond it was ordained by a Statute, That the Aulnage of Clothes through the Realm ſhould not be ſet to farm, to the great damage of the King yearly: (2) It is ordained and accorded in the ſaid Parliament, That the ſaid Aulnage may be ſet to farm my improvement according to the diſcretion of the Treaſurer of England for the time being, and of the Barons of the Eſchequer, notwithſtanding the ſaid Statute made to the contrary. St. 31 H. 6. 5.

Drapery, Raſt. 18.
St. 17 R. 2. 5.
The Aulnage may be ſet to farm or improved.

C A P. XXV.

An Hoſtler ſhall not make horſebread. How much he may take for Oats.

2 Roll. 246. (226) **Inholders** 1. **The penalty of an Hoſtler which offendeth contrary to the Stat.** of 13 R. 2. 8. **How much an Hoſtler may gain by a buſhel of Oats.**

ITem, It is ordained and eſtabliſhed, That the Statute of Victuallers and Hoſtlers, and other ſellers of Victuals, made the xiii year of the ſaid King Richard, be holden and kept, and put in due execution; (2) and if any Hoſtler do to the contrary, and that duly proved, the ſame Hoſtler ſhall from time to time incur the penalty of the treble value of the bread made by him in his houſe or elſewhere, contrary to the ſaid Statute: (3) and alſo the ſame Holſter ſhall incur the quatreble value of that which he hath taken over an half-peny of every buſhel of Oats above the common price in the Market, and that as well at the ſuit of the King as of the party. St. 32 H. 8. 41. So much of this Statute as concerns the execution of the Statute of 13 R.2. is repealed. 21 Jac. 21.28. Cro. Jac. 6

C A P. XXVI.

Wales, Raſt. 9. Engliſhmen ſhall not be convict by Welſhmen in Wales. Alt. 27 H. 26. Rep. 21 Jac. 28.

C A P. XXVII.

Raſt. 10. There ſhall be no Waſters, Vagabonds, &c. in Wales. Alt. 27 H. 8. 26. St. 26 H. 8. 6.

C A P. XXVIII.

Raſt. 11. There ſhall be no Congregation in Wales. Alt. 27 H. 8. 26. Rep. 21 Jac. 28.

C A P. XIX.

Raſt. 12. Welſhmen ſhall not be armed. Alt. 27 H. 8 26. St. 26 H. 8. 6.

C A P. XXX.

Raſt. 13. No Victual or Armour ſhall be carried into Wales. Alt. 27 H. 8. 26. Rep. 21. Jac. 28.

C A P. XXXI.

12 Co. 18. A Welſhman ſhall not have an houſe of defence. Alt. 27 H. 8. 26. Rep. 21. Jac. 28.

C A P. XXXII.

Raſt. 14. Raſt. 15. No Welſhman ſhall be an Officer. Alt. 27 H. 8. 26. Rep. 21 Jac. 28.

C A P. XXXIII.

Raſt. 16. Caſtles and Walled Towns in Wales ſhall be kept by Engliſhmen. Alt. 27 H. 8. 26. Rep. 21. Jac. 28.

C A P. XXXIV.

Raſt. 17. No Engliſhman that marrieth a Welſhwoman, ſhall be in any Office in Wales. Alt. 27 H. 8. 26. Rep. 21. Jac. 28.

C A P. XXXV.

Cordwayners Raſt. 21. Shoomakers and Cordwayners may tan Leather, notwithſtanding the Statute of 13 R. 2. 12. Exp. Rep. 5 El. 8. & 1 Jac. 22.

Statutes made at *Weſtminſter*, *Anno* 5 Hen. 4. and *Anno Domini*, 1403.

FOr to remedy and redreſs divers miſchiefs, damages and grievances ſhewed to our Lord the King in his Parliament holden at Weſtminſter, the morrow after St. Hillary, the fifth year of his Reign. The ſame our Lord the King, by the advice and aſſent of his Lords ſpiritual and temporal, and at the requeſt of his Commons of his Realm of England, come to the ſame Parliament, hath ordained and eſtabliſhed divers Statutes and Ordinances in the form as followeth.

C A P. I.

Attainder, Raſt. 2. Lands aſſigned to certain Traitors to the uſe of others, ſhall not be forfeit to the King. Exp. 7 H. 4. 5.

C A P. II.

The penalty of him which procureth pardon for an approver that committeth Felony again.

Pardon 4. **The penalty of him which doth procure pardon for an approver that committeth felony again.**

ITem, Becauſe that divers common and notorious felons be indicted of divers felonies murders and rapes, in divers Countries, and upon the ſame as well before the Kings Juſtices, as before the King himſelf arraigned of the ſame felonies, and for ſafeguard of their lives they become provers, to ſuch intent that in the mean time by brocage, grants and gifts to be made to divers perſons, to purſue and have their Charters, and then after their deliverance they become more notorious felons than they were before: (2) It is ordained and eſtabliſhed, That if any perſon, of what eſtate or condition that he be, man or woman, pray or purſue, or cauſe to be prayed or purſued from henceforth for any ſuch felon ſo attainted by his own confeſſion, to have any Charter or Pardon, that the name of him or her that purſueth ſuch Charter, be put in the ſame Charter, making mention, that the ſame Charter is granted at his or her inſtance: (3) And if he to whom ſuch Charter is granted, after his deliverance becometh a felon again, that the ſame perſon which did ſo purſue for his Charter, ſhall incur the pain of an C li. to be levied to the Kings uſe.

C A P. III.

Watches ſhall be made upon the Coaſt as they were wont to be.

Watch 2. **Watches ſhall be made upon the Sea coaſt, as they had wont to be.** 13 E. 1.

ITem, It is ordained and eſtabliſhed, That the watch to be made upon the Sea-coaſt through the Realm, ſhall be made by the number of the people in the places, and in manner and form as they were wont to be made in times paſt, and that in the ſame caſe the Statute of Wincheſter be obſerved and kept; (2) and that in the Commiſſions of the peace hereafter to be made, this Article be put in, That the Juſtices of Peace have power thereof to make enquiry in their Seſſions from time to time, and to puniſh them which be found in default after the tenor of the ſaid Statute. Cro. El.

C A P. IV.

It ſhall be felony to uſe the craft of multiplication of gold or ſilver.

Felony 2. **Multiplication.**

ITem, It is ordained and eſtabliſhed. That none from henceforth ſhall uſe to multiply gold or ſilver, nor uſe the craft of multiplication; and if any the ſame do, that he incur the pain of felony in this caſe. 3 Inſt. 7 Dyer

C A P. V.

It ſhall be felony to cut out the tongue, or pull out the Eyes of the Kings liege people.

Felony 19. **Cutting of Tongues. Putting out of Eyes.** St. 27 H. 8. 5.

ITem, Becauſe that many offenders do daily beat, wound, impriſon, and maim divers of the Kings liege people, and after purpoſely cut out their tongues, or put out their eyes: (2) It is ordained and eſtabliſhed, That in ſuch caſe the offenders that ſo cut out tongues, or put out the Eyes of any the Kings liege people, and that duly proved and found, that ſuch deed was done of malice prepenſed, they ſhall incur the pain of Felony. Rot. Parl. 5 H. 4. N. 76. 22 & 23 Car. 2. 1. p. 7. N. 1. Co. Inſt. par. 62.

CAP. VI.

The penalty for making an aſſault upon any ſervant of any Knight of the Parliament, &c.

ITem, Becauſe that Richard Chedder Eſquire, which was come to this Parliament with Thomas Broke Knight, one of the Knights choſen to the ſame Parliament for the County of Somerſet, and menial ſervant with the ſaid Thomas, was horribly beaten, wounded, blemiſhed, and maimed by one John Salage, otherwiſe called John Savage: (2) It is ordained and eſtabliſhed, That ſeeing the ſame horrible deed was done within the time of the ſaid Parliament, that Proclamation be made, where the ſame horrible deed was done; that the ſaid John appear and yield him in the Kings Bench within a quarter of a year after the Proclamation made: (3) and if he do not, the ſame John ſhall be attainted of the ſaid deed, and pay to the party grieved his double damages, to be taxed by the diſcretion of the Judges of the ſaid Bench for the time being, or by inqueſt if need be, (4) and alſo he ſhall make fine and ranſom at the Kings will. (5) Moreover, it is accorded in the ſame Parliament, that likewiſe it be done in time to come in like caſe.

Fighting 5. The penalty of him which maketh default upon the ſervant of any Knight or Burgeſs of the Parliament. Stat. 11 H. 6. 11

CAP. VII.

Merchants ſtrangers ſhall be uſed in this Realm, as Denizens be in others.

ITem, It is ordained and eſtabliſhed, That all the Merchants ſtrangers, of what eſtate or condition that they be, coming, dwelling, or repairing within the Realm of England, ſhall be intreated or demeaned within the ſame Realm, in the manner, form and condition, as the Merchants denizens be or ſhall be intreated, or demeaned in the parts beyond the Sea, (2) upon pain to forfeit to the King all the goods and chattels of ſuch Merchants ſtrangers, (3) and upon pain of impriſonment of the bodies of ſuch Merchants ſtrangers. St. 9 H. 3. 30. 9 Ed. 3. 1. 25 Ed. 3. 2. 2 R. 2. 1. 11 R. 2. 7. 4 H. 5. 5.

Merchants, Raſt. 55. Merchants ſtrangers ſhall be uſed in this Realm as Merchants denizens be in other Realms.

CAP. VIII.

In what caſes the Judges may allow the defendant to wage his Law, or plead to an Inqueſt.

ITem, To eſchew divers miſchiefs, which have been and be from day to day, aſwell within the City of London, as within other Cities, and other places within the Realm of England, (2) for that divers fained ſuits of debt have taken as well by the people of the ſaid Cities, as of other places againſt divers people, ſurmiſing to them by their ſaid ſuit, that they had made accompt before Auditors aſſigned of divers receipts, duties and contracts had betwixt them, and that they were found in arrearages upon the ſame accompt in divers great ſums, (3) ſuggeſting by the ſame ſuits ſometime their Apprentices, and ſometime other of their ſervants to be Auditors, where there was never receit nor duty betwixt ſuch parties, and where the ſaid Apprentices nor ſervants did any thing know of ſuch accompt, to the intent to cauſe them againſt whom ſuch Suits were taken, to put them in Inqueſt in the ſame Suits, and to put them from the waging of their Law in ſuch caſe; (4) By reaſon whereof, by ſuch favourable Inqueſts taken thereupon of the neighbors of thoſe which have proſecuted ſuch Suits, divers have been condemned in great ſums, to the great impoveriſhing and undoing of them. (5) It is ordained and eſtabliſhed, that the Juſtices in the Kings Courts, and other Judges, before whom ſuch ſuits and actions in all ſuch caſes, in Cities and Boroughs, ſhall be ſued and taken, ſhall have power to examine the Attornies, and other whom pleaſe them, and thereupon to receive the defendants to their Law, or to try the ſame by Inqueſt, after the diſcretion of the Juſtices and Judges aforeſaid. Raſt. pl. f. 149, &c.

H.6.f.48. yer f. 145. al.6. f. 53. lo.f.103. tz.Examin 9, 10, 13, 1, 20. tz. Ley 10, 16, 17.

Wager 3. In what caſes the Judges may allow the defendant to wage his Law, or to plead an Inqueſt,

CAP. IX.

Merchants Aliens ſhall imploy their mony upon the commodities of this Realm.

ITem, For the better keeping of gold and ſilver within the Realm of England, and for the increaſe of the commodities of the ſaid Realm: (2) It is ordained and eſtabliſhed, that the Statutes thereof made at the laſt Parliament, ſhall be continued and kept, and put in due execution: (3) joyned to the ſame, That the Cuſtomers and Controllers of our Lord the King, in all the Ports of England, ſhall take ſufficient ſureties for all manner of Merchandiſes brought by the Merchants, aliens and ſtrangers, coming and repairing to the ſaid Ports, to the intent that the mony taken for the ſaid Merchandiſe, ſhall be imployed upon the commodities of the Realm: Saving their reaſonable coſts, as in the ſame Statute more fully is contained. (4) And moreover it is ordained and eſtabliſhed, that the ſaid Merchants aliens and ſtrangers ſhall ſell their ſaid Merchandiſes ſo brought within the ſaid Realm, within a quarter of a year next after their coming into the ſame, and alſo the mony which ſhall be delivered by exchange in England, be imployed upon the commodities of the Realm, within the ſame Realm, upon pain of forfeiture of the ſame mony; (5) and that no Merchant, alien nor ſtranger ſell any manner of merchandiſe to any other Merchant alien or ſtranger, upon pain of forfeiture of the ſame Merchandiſe. (6) And alſo it is ordained and eſtabliſhed, That in every City, Town and Port of the Sea in England, where the ſaid Merchants aliens, or ſtrangers, be or ſhall be repairing, ſufficient hoſts ſhall be aſſigned to the ſame Merchants, by the Mayor, Sheriffs, or Bailiffs of the ſaid Cities, Towns and Ports of the Sea. (7) And that the ſaid Merchants aliens and ſtrangers ſhall dwell in no other place, but with their ſaid hoſts ſo to be aſſigned, and that the ſame hoſts ſo to be aſſigned, ſhall take for their travel in the manner as was accuſtomed in old time. St. 4 H. 5. 5. 4 E. 4. 6.

Merchants, Raſt. 26. St. 4 H. 4. 15. Merchants ſtrangers ſhall put in ſureties to imploy their mony upon the commodities of this Realm. St. 27 H. 6. 3. 17 Ed. 4. 1. 3 H. 7. 8. Within what time Merchants aliens ſhall ſell their merchandiſe. Rep. 6 H. 4. 4. One alien ſhall ſell no merchandiſe to another alien. St. 18 H. 6. 4. Hoſts ſhall be appointed to Merchants aliens.

CAP. X.

Juſtices of Peace ſhall impriſon none but in the common Gaol.

Co.l.9.f.129. Cro. E. 129.

ITem, Becauſe that divers Conſtables of Caſtles within the Realm of England be aſſigned to be Juſtices of Peace by Commiſſion of our Lord the King, and by colour of the ſaid Commiſſions, they take people to whom they bear evil will, and impriſon them within the ſaid Caſtles, till they have made fine and ranſom with the ſaid Conſtables for their deliverance;

Priſon Raſt. 5. Juſtices of Peace ſhall impriſon none but in the common Gaol.

rance: (2) It is ordained and eſtabliſhed, that none be impriſoned by any Juſtice of the Peace, but only in the common Gaol: Saving to Lords and other (which have Gaols) their Franchiſe in this caſe. Co.l.9 f.1

C A P. XI.

The Fermors of aliens ſhall pay their Tithes to the Parſons of the ſame Pariſhes.

Tithes, Raſt. 3. **The Fermors of aliens ſhall pay tithes to the parſons and vicars of the ſame Pariſhes.**

ITem, It is ordained and eſtabliſhed, That the Fermors, and all manner of occupiers of the mannors, lands, tenements, and other poſſeſſions of aliens, ſhall pay and be bound to pay, all manner of Diſmes thereof due to Parſons and Vicars of holy Church, in whoſe Pariſhes the ſame Mannors, Lands, Tenements, and poſſeſſions be ſo aſſigned and due, as the law of holy Church requireth, notwithſtanding that the ſaid mannors, lands, tenements, or other poſſeſſions be ſeiſed into the Kings hands, or notwithſtanding any prohibition made or to be made to the contrary. Regiſt. f. 179 b.

C A P. XII.

Execution may be awarded upon a Statute once ſhewed in Court.

Statutes 3. **Execution may be awarded upon a Statute once ſhewed in Court.** Raſt. pl. f. 542.

ITem, It is ordained and eſtabliſhed, That when any Statute merchant is certified into the Chancery, and thereupon a Writ awarded to the Sheriff, and returned into the common place, and the Statute there once ſhewed, that howſoever the proceſs after the ſame ſhewing be diſcontinued, that at what time the party ſueth to have proceſs recontinued, and to have execution of the Statute merchant aforeſaid: That the Juſtices of the Bench where the Statute was once ſhewed, may upon the ſame record make and award full execution of the Statute merchant aforeſaid, without having the ſight, or ſhewing thereof another time after, (2) and that this Statute hold place of all Statutes merchants, not fully executed at this time. 37.H.6.f Dyer f.1

C A P. XIII.

What things may be gilded and laid on with ſilver or gold, and what not.

Gold, Raſt. 5.

ITem, Whereas many fraudulent, artificers, imagining to deceive the common people, do daily make locks, rings, beads, candleſticks, harneis for girdles, hilts, chalices, and ſword-pomels, powder-boxes, and covers for cups, of copper and of latin, and the ſame over gilt and ſilver, like to gold or ſilver, and the ſame ſell and put in gage to many men not having full knowledge thereof, for whole gold and whole ſilver, to the great deceit, loſs and hinderance of the common people, and the waſting of gold and ſilver: (2) It is ordained and eſtabliſhed, That no artificer, nor other man whatſoever he be, from henceforth ſhall gilt nor ſilver any ſuch locks, rings, beads, candleſticks, harneis for girdles, chalices, hilts, nor pomels of ſwords, powder-boxes, nor covers for cups made of copper or latin, upon pain to forfeit to the King C s. at every time that he ſhall be found guilty, and to make ſatisfaction to the party grieved for his damages: (3) but that (Chalices always excepted) the ſaid artificers may work or cauſe to be wrought Ornaments for the Church of copper and latin, and the ſame gilt or ſilver, ſo that always in the foot, or in ſome other part of every ſuch ornament ſo to be made, the copper and the latin ſhall be plain, to the intent that a man may ſee whereof the thing is made, for to eſchew the deceit aforeſaid.

What things may be gilded and laid on with gold or ſilver, and what not St. 8 H. 5. 3.

C A P. XIV.

Inrolling of Writs in the Common place whereupon Fines be levied.

Chirographer, 2. **What writs and notes ſhall be inrolled in the common place whereupon fines be levied** Co.lib. 5. 39. i.

ITem, Whereas many feet of fines of Lands and Tenements within the Realm of England remaining in the Kings treaſury, and the notes of ſuch fines remaining in the common Bench, have been before this time imbeſilled, and other feet and notes of fines falſly counterfeit and ſet in their places by deceit and falſhood of ſome, whereby many people of the Realm have been greatly endamaged before this time, and may be diſherited in the time to come: (2) It is ordained and eſtabliſhed, That all the writs of Covenant, and all other writs whereupon fines ſhall be levied in time to come, with the writs of Dedimus poteſtatem, if any be, with all knowledges and notes of the ſame, before that they be drawn out of the common Bench by the Chirographer, ſhall be inrolled in a Roll, to be of record for ever, to remain in the ſafe cuſtody of the chief Clerk of the common Bench, and of his ſucceſſors, for the old fee of xxii pence accuſtomed to be paid to the chief Clerk, for the entring of the concord of every fine, without paying any more: (3) to the intent that if the notes in the cuſtody of the Chirographer, or the fines be imbeſilled, a man may have recourſe to the ſaid Roll to have execution thereof, as he ſhould have if the fines were not imbeſilled; (4) and that all the writs of Covenant, and all other writs, whereupon all fines have been levied in times paſt, ſhall be alſo of record. (5) And moreover all the fines that were now late imbeſilled in the treaſury of our Lord the King by perſons unknown, if the notes and the ſame writs of Covenant of ſuch fines imbeſilled remaining in the cuſtody of the Chirographer may be found, that then to the party ſhewing part of the fines imbeſilled, ſuch notes and writs of Covenant ſhall remain of record as far forth as the ſame fines ſhould have been, if no imbeſilling thereof had been made.

C A P. XV.

Pardon, Raſt. 29.

The Kings Pardon of the ſuit of his peace. Treaſons, Rebellious Treſpaſſes, &c. Except, &c. Exp.

Statutes made at *Coventry*, *Anno 6 Hen. 4.* & *Anno Domini*, 1404.

C A P. I.

Proviſion, Raſt. 18.

The penalty of thoſe which pay to the Court of Rome more for the firſt fruits of any Biſhoprick, &c. than had wont to be paid, is to forfeit to the King as much as they may forfeit. OBS. St. 25 H. 8. 20.

CAP. II.

The Statute of 1 H. 4. 6. touching Petitions to be made to the King for Lands, Offices, &c. ſhall not extend to the Queen or Prince.

Exp.

Patents, Raſt. 7.

CAP. III.

Commiſſions ſhall be ſent to enquire of the accompt of Sheriffs, Eſcheators,&c.

ITem, Whereas divers of the Sheriffs, Eſcheators, Aulnegers, Cuſtomers, Comptrolers, and other the Kings Officers, accomptable in many parts of the Realm, do fraud and deceive our ſaid Lord the King yearly in their unlawful and untrue accompt, concealing and receiving to their own uſe the greater part of that which rightfully ought to pertain to the King, to his great damage and loſs: (2) Our ſaid Lord the King, by the advice and aſſent aforeſaid, hath ordained, that preſently after every final accompt, given and made by the officers and cuſtomers aforeſaid, before the Barons of the Excheqeuer of our Lord the King, the tenour of the accompt of every of the ſaid officers from time to time ſhall be ſent into the Counties where the ſame accomptants be officers, together with Commiſſions directed to the moſt lawful and diſcreet perſons to enquire and certifie the profits which the ſaid accomptants have received within the ſaid Counties, in the name and to the uſe of our ſaid Lord the King, by them in the manner aforeſaid, upon their ſaid accompts, or deceitfully concealed and received to their proper uſe and profit: (3) And in caſe that the ſaid accomptants be attainted of their ſaid frauds and deceits, they ſhall incur to our Lord the King the penalty of the treble of the ſame whereof they ſhall be ſo convict, and their bodies to priſon, until they have made fine and ranſom to our ſaid Lord the King, according to the diſcretion of his Judges.

Accountant 53. Commiſſions ſhall be ſent to inquire of the accompt of every Sheriff, Eſcheator, Accomptant. Co.Inſt.4 p.117

CAP. IV.

Aliens ſhall not carry forth of the Realm Merchandiſes brought in by Aliens.

ITem, Whereas in the Parliament holden at Weſtminſter, amongſt other things it was ordained, That the Merchants aliens and ſtrangers ſhould ſell their merchandiſes within a quarter of a year next after the coming thereof into the Realm: (2) Our Lord the King ſeeing the ſaid Ordinance hurtful and prejudicial, as well for himſelf and his Realm, as for the ſaid Merchants aliens and ſtrangers, by the advice and aſſent aforeſaid, hath ordained and ſtabliſhed, that the ſaid Ordinance be utterly void and adnulled for ever: (3) And that the ſame Merchants aliens and ſtrangers be at their free diſpoſition to ſell their Merchandiſes in the manner as they did before the making of the ſaid Ordinance: (4) Saving always the Franchiſes and Liberties of the City of London. (5) And farther provided always, that the ſaid Merchants aliens and ſtrangers, ſhall not carry or cauſe to be carried out of the Realm any merchandiſes brought within the Realm by the Merchants aliens and ſtrangers aforeſaid.

Merchants, Raſt. 27. A repeal of ſo much of the Statute of 5 H. 4. 9. as doth aſſign Merchants aliens to ſell their merchandiſe within a quarter of a year. Aliens ſhall not carry forth of the Realm merchandiſe brought in by aliens.

Statutes made at *Weſtminſter, Anno* 7 *Hen.* 4. & *Anno Dom.* 1405.

OUR Lord the King, at his Parliamene holden at Weſtminſter the firſt day of March, the ſeventh year of his Reign, by the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt of the Commons in the ſame Parliament, hath ordained and eſtabliſhed divers Ordinances and Statutes in the form as followeth.

CAP. I.

A confirmation of the Liberties of the Church, and of all Cities and Perſons, &c. and of all Statutes not repealed. Peace ſhall be kept, &c.

FIrſt, That holy Church have all her Liberties and Franchiſes; (2) and that all the Lords ſpiritual and temporal, and all the Cities, Boroughs, and Towns franchiſed, have and enjoy all their Liberties and franchiſes which they have of the grant of the Kings Progenitors, and of the confirmation and grant of our Lord the King that now is. (3) And that the great Charter, and the Charter of the Foreſt, and all the Ordinances and Statutes made in the time of our Lord the King, and in the time of his Progenitors, not repealed, be firmly holden and kept, and duly executed in all points. (4) And that the peace within the Realm be holden and kept, ſo that all the Kings liege people and ſubjects may from henceforth ſafely and peaceably go, come, and abide, according to the laws and uſages of the ſame Realm, (5) and that good juſtice and even right be done to every perſon: ſaving to the ſame our Lord the King his Regalty and Prerogative. St. 1 H. 4. 1.

Confirmation, Raſt. 6. A confirmation of the Liberties of the Church, and of all Statutes not repealed. Peace ſhall be maintained, and Juſtice ſhall be done to all.

CAP. II.

The Realms of *England* and *France* intailed to the King and his four Sons by name.

ITem, At the requeſt and of the aſſent of the Lords and Commons in the ſaid Parliament, it is ordained and eſtabliſhed, that the Inheritance of the Crown, and of the Realms of England and France, and of all the other Dominions of our Lord the King beyond the Sea, with all the appurtenances, ſhall be ſetled and remain in the Perſon of the ſame our Lord the King, and in the heirs of his body begotten: (2) and eſpecially at the requeſt and of the aſſent aforeſaid, It is ordained and eſtabliſhed, pronounced, decreed, and declared, that the Lord the Prince Henry, eldeſt Son to our Lord the King, be Heir apparent to the ſame our Lord the King, to ſucceed him in the ſaid Crowns, Realms and Dominions, to have them with all the appurtenances, after the deceaſe of the ſame our Lord the King, to him and his heirs of his body begotten. (3) And if he die without heirs of his body begotten, then all the ſaid Crowns, Realms, and Dominions, with all the appurtenances, ſhall remain to the Lord Thomas ſecond Son of our ſaid Lord the King, and to the heirs of his body begotten. (4) And if he die without iſſue of his body, that then all the ſaid Crowns, Realms, and Dominions, with all the appurtenances, ſhall remain to the Lord John, the third Son

Crown. Raſt. 2. The inheritance of the Crown of England, and of all the Kings Dominions, intailed to him and his ſons by name.

of our ſaid Lord the King, and to the heirs of his body begotten. (5) And if he die without heirs of his body begotten, that then all the foreſaid Crowns, Realms, and Dominions, with all the appurtenances, ſhall remain to the Lord Humfrey, the fourth Son of our ſaid Lord the King, and the heirs of his body begotten.

CAP. III.

The Rolls of Eſtreats ſhall be made certain.

Eſtreats 2. The Rolls of Eſtreats ſhall be made certain.

ITem, Whereas divers people of the Realm do loſe Iſſues, Fines, and Amerciaments in the Court of our Lord the King, at the ſuit of any party, and alſo Iſſues and Amerciaments in Inqueſts and Juries, wherein they be impanelled betwixt party and party in the ſaid Court, whereupon the Bailiffs of Sheriffs and their Receivers, and the Bailiffs of Franchiſes and their Receivers, which gather the green Wax, do levy the ſame Iſſues, Fines, and Amerciaments, by Eſtreats ſent to them and delivered out of the place where they were forfeit, by obſcure and ambiguous words, containing the ſum ſo loſt, not making mention by expreſs words of the cauſe of the loſs, nor the day of the Term, nor betwixt what parties, nor the nature of the Writ in which the ſame Iſſues, Fines, and Amerciaments were loſt, (2) ſo that the ſaid Officers do levy the ſum two or three times, and ſometime the double ſum contained in their Eſtreats, to the great grief and impoveriſhing of all the people: (3) It is ordained and eſtabliſhed, that the Juſtices and Judges before whom ſuch Iſſues or Amerciaments be or ſhall be forfeit in time to come, ſhall charge the Clerks of the Eſtreats, in the places where ſuch Iſſues and Amerciaments be, or ſhall be forfeit, by their Oath to be made, that they make the Rolls of the Eſtreats of ſuch Iſſues and Amerciaments diſtinctly by expreſs word of the cauſe of the loſs, of the term of the year, and the nature of the Writ, and betwixt what parties ſuch Iſſues and Amerciaments be, or ſhall be loſt, as well in the Kings ſuit, as in the ſuit of the party. (4) And that the Statute made in the time of King Edward the third, the two and fortieth year of his Reign, for gathering of green Wax, be holden and kept in all points.

A confirmation of the Statute of 42 E. 3. 9. touching gathering of green Wax.

CAP. IV.

No protection allowable for a Gaoler which letteth a Priſoner eſcape.

Eſcape 3.

St. 1 R. 2. 12.

In action of debt brought againſt a Gaoler which letteth a priſoner to eſcape, a protection will not lie.

Attainder, Raſt. 18.

ITem, Becauſe that when divers perſons being debtors be condemned to their creditors by due proceſs of the Law, and committed to priſon, that is to ſay, to the Gaols of the Marſhalſie, Kings Bench, Fleet, and other Priſons, in divers Cities, Boroughs, and Towns within the Realm, the Wardens of the Gaols and Priſons aforeſaid, of their own authority do let the ſaid debtors to go at large at their will (2) and whereas by a Statute it was ordained, that if anly Gaoler do let ſuch priſoner to go by mainpriſe or in bail, that then the perſon to whom the priſoner is condemned, ſhall have his action and recovery againſt the ſaid Gaoler: (3) The ſame Wardens do purchaſe to them the Kings protection, whereby the ſaid Creditors by the ſame protection be delayed and deferred from their duty and rightful recovery, as well againſt the ſaid Wardens of the ſaid Gaols, as againſt the ſaid priſoners, to the great damage and prejudice of the common people, and derogation of the Common Law: (4) It is ordained and eſtabliſhed, that no protection be available, nor by any means allowed in ſuch caſe. V.N.B. fol. 22. Fitz. N.B. fol. 28. St. 13 Ed. 1. 11.

CAP. V.

The King ſhall not have the forfeiture of thoſe Lands whereof certain Traitors were ſeiſed to the uſe of others. Exp.

CAP. VI.

The penalty of him which purchaſeth a Bull to be diſcharged of Tithes.

Proviſion, Raſt. 19.

The penalty, for purchaſing of Bulls from Rome **to be diſcharged of Tithes.**

St. 13 R. 2. 2. & 3.

Stat. 13 Ed. 2.

St. 2 H. 4. 4.

ITem, It is ordained and eſtabliſhed, that no perſon religious nor ſecular, of what eſtate or condition that he be, by colour of any Bulls containing ſuch priviledges, to be diſcharged of Diſmes pertaining to Pariſh-Churches, Prebends, Hoſpitals, or Vicarages, purchaſed before the firſt year of King Richard the ſecond after the Conqueſt, or ſithence not executed, ſhall put in execution any ſuch Bulls ſo purchaſed, or any ſuch Bulls to be purchaſed in time to come. (2) And if any ſuch religious or ſecular perſon, of what eſtate or condition he be, from henceforth by colour of ſuch Bulls do trouble any perſon of holy Church, Prebendaries, Wardens of Hoſpitals, or Vicars, ſo that they cannot take or enjoy the Diſmes due or pertaining to them of their ſaid Benefices, that then ſuch diſturbers ſhall incur like proceſs and pain as is ordained by the Statute made againſt them of the Order of Ciſteaux, in the ſecond year of the Reign of our ſaid Lord the King that now is.

Arrow-heads ſhall be well boiled, braſed, and hardened.

Arrow-heads 1.

Arrow-heads ſhall be well boiled, braſed, and hardned at the points. Juſtices of Peace and chief Officers of Cities, &c. may enquire of, and puniſh offendors.

ITem, Becauſe the Arrow-ſmiths do make many faulty heads for arrows and quarels, defective, not well, nor lawful, nor defenſible, to the great jeopardy and deceit of the people and of the whole Realm. (2) It is ordained and eſtabliſhed, that all the heads for arrows and quarels after this time to be made, ſhall be well boiled or braſed, and hardened at the points with ſteel: (3) and if any of the ſaid Smiths do make the contrary, they ſhall forfeit all ſuch heads and quarels to the King, (4) and ſhall be alſo impriſoned, and make a fine at the Kings will, (5) and that every Arrow-head and quarel be marked with the mark of him that made the ſame: And the Juſtices of Peace in every County of England, and alſo the Mayor and Sheriffs, and Bailiffs of Cities and Boroughs within the ſame Cities and Boroughs, ſhall have power to enquire of all ſuch deceitful makers of heads and quarels, and to puniſh them as afore is ſaid.

CAP. VIII.

No proviſion, licence, or pardon ſhall be granted of a Benefice full of an Incumbent.

Proviſion, Raſt. 20.

No proviſion ſhall be made

ITem, To eſchew many diſſentions, diſcords, and debates, and divers other miſchiefs very like to riſe and grow becauſe of many proviſions made and to be made by the Pope, and alſo in reſpect of Licences granted upon the ſame by the King our Soveraign Lord: It is ordained and eſtabliſhed, that no Licence or pardon ſo granted before this time, nor to be granted in time to come, ſhall be available to any Benefice full of any Incumbent, at the day of the date of ſuch Licence or Pardon granted. St. 3 H. 5. 4.

by the Pope nor licence or pardon by the King, touching a Benefice then full of an Incumbent.

CAP. IX.

All Merchandiſes may be ſold in groſs, as well to all others, as to Citizens of London.

Item, Whereas at the grievous complaint made by the Commons in the ſaid Parliament, it is ſhewed how that in old time it was uſed and accuſtomed, that as well the Cloth-makers and Drapers of whatſoever place of the Realm, repairing and having recourſe to the City of London, as other Merchants, with divers Merchandiſes, as Wine, Iron, Oil, and Wax, and other things pertaining to merchandiſe, exerciſing, repairing and having recourſe to the ſaid City, have bought and ſold in groſs, as well with aliens as with denizens, of the clothes and other merchandiſes aforeſaid, at their will and pleaſure, paying in this behalf only the cuſtoms and other devoirs thereof reaſonably due; (2) and never in all the ſaid time were diſturbed, or in any manner hindred to ſell or buy in groſs with Merchants, aliens or denizens, of ſuch clothes and merchandiſes, at their will and pleaſure, but only to retail: (3) And now of late as well the ſame Cloth-makers, as other the Merchants aforeſaid, by the Mayor, Sheriffs, Aldermen, Drapers and Merchants of London, be daily diſturbed and let to ſell and buy in the manner aforeſaid, as well in groſs as in retail, and grievouſly and continually conſtrained to ſell their ſaid clothes and merchandiſes only to the Merchants and inhabitants of the ſaid City, to the ſingular profit and advantage of them of London, and alſo to the damage and loſs of the Lords Spiritual and Temporal, and the Commons of this Realm, as of the ſaid Cloth-makers and Merchants ſo grieved, and a plain enſample and occaſion to ſuch Cloth-makers and Merchants ſo grieved, to withdraw themſelves from the ſaid City from henceforth, if remedy be not rather provided in this behalf: (4) It is ordained and eſtabliſhed, that as well the Drapers and Cloth-ſellers, as other Merchants with their ſundry merchandiſes, as of Wine, Iron, Oil, and Wax, and other things pertaining to merchandiſes, ſhall be free to ſell in groſs their Clothes, Iron, Oil, and Wax, and other their merchandiſes, as well to all the Kings liege people, as to the Citizens of London, notwithſtanding any Franchiſe or Liberty granted to the contrary. Co.Inſt.4.par.249.

Merchants, Raſt. 28.

All merchandiſes may be ſold in groſs in London as well to all the Kings people as to the Citizens of London.

CAP. X.

The length and breadth of Cloth of ray and coloured. Rep. 5 Ed.6.6. 43 El. 10. 4 Jac. 2. 4 H. 4. 6. 11 H. 4. 7. 13 H. 4. 4.

Drapery, Raſt. 26.

CAP. XI.

Commiſſioners not receiving a Commiſſion, ſhall be diſcharged upon their Oaths.

Item, Whereas many of the Kings liege people be aſſigned by his Commiſſions to do and perform the content of the ſame, ſome to hear and determine, ſome to enquire and certifie, and otherwiſe, whereby the ſame Commiſſioners be grievouſly diſtrained by proceſs out of the Exchequer, by reaſon of the ſaid Commiſſions, and by that occaſion do loſe great iſſues, where the ſaid Commiſſioners did never know of ſuch Commiſſions, nor the ſame Commiſſion ever came to their hands, to the great damage and hindrance of many of the Kings ſubjects: (2) It is ordained and eſtabliſhed, that the Barons of the Exchequer ſhall have power to receive the Oath of ſuch Commiſſioners of their excuſe and diſcharge of the receit or occupation of the ſaid Commiſſions. (3) And alſo that the ſame Barons of the Exchequer, and the Juſtices of the one Bench and the other, ſhall have power by Writ of Dedimus poteſtatem, to receive ſuch Oaths in the Country, and that the ſame Juſtices ſhall thereof certifie the ſaid Barons in the Exchequer from time to time, and that upon the ſame, the ſaid Barons ſhall diſcharge the ſaid Commiſſioners; (4) and in like wiſe it ſhall be done for the heirs, executors, or land-tenants of the ſaid Commiſſioners. (5) Provided always, that ſuch Oaths be not taken but in caſe of Commiſſions of Oyer and Terminer, and of enquiry and certifying only. St. 4 H.4.9.

Commiſſion 1. Commiſſioners not receiving the Commiſſions, ſhall be diſcharged upon their Oaths.

CAP. XII.

Thoſe Lands ſhall not be forfeited to the King, whereof Traitors were ſeiſed to the uſe of others. Exp.

Attainders, Raſt. 2.

CAP. XIII.

Impotent perſons that be outlawed may make Attornies.

Item, Whereas many of the Kings liege people be outlawed, and many waved by erroneous proceſs in Law, and be ſo impotent in their bodies by divers maladies and infirmities, that they cannot come in their proper perſons before the King in his Bench, there to make their ſuit to reverſe ſuch erroneous proceſs: (2) It is ordained and eſtabliſhed, that every Juſtice of the one Bench and of the other, and alſo the chief Baron of the Exchequer, ſhall have power to examine the ſame perſons having ſuch malady and diſeaſes openly known, and thereupon may the ſame Juſtices and Baron, and every of them, by their diſcretion record their Attorny in this caſe. (3) Provided always, that in the Writ of Capias ad ſatisfaciendum the Common Law ſhall hold place.

Attorny 10. Impotent perſons that be outlawed may make their Attornies.

Capias ad ſatisfaciendum.

CAP. XIV.

The Statute of 1 H. 4. 7. and 1 R. 2. 7. touching the giving and taking of Liveries, confirmed. No Congregation or Company ſhall make any Livery of Cloth or Hats. Rep. 3 Car. 4.

Liveries 1.40

CAP. XV.

The manner of the Election of Knights of Shires for a Parliament.

Item, Our Lord the King, at the grievous complaint of his Commons in this preſent Parliament, of the undue election of the Knights of Counties for the Parliament, which be ſometime made of affection of Sheriffs, and otherwiſe, againſt the form of the Writs directed to the Sheriff, to the great ſlander of the Counties, and hindrance of the buſineſs of the Commonalty in the ſaid County: (2) Our Soveraign Lord the King, willing

Parliament 4

therein to provide remedy, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, hath ordained and eſtabliſhed, that from henceforth the elections of ſuch Knights ſhall be made in the form as followeth: (that is to ſay) at the next County to be holden after the delivery of the Writ of the Parliament, Proclamation ſhall be made in the full County of the day and place of the Parliament, (3) and that all they that be there preſent, as well ſutors duly ſummoned for the ſame cauſe, as other, ſhall attend to the election of the Knights for the Parliament, (4) and then in the full County they ſhall proceed to the election freely and indifferently, notwithſtanding any requeſt or commandment to the contrary. (5) And after that they be choſen, the names of the perſons ſo choſen (be they preſent or abſent) ſhall be written in an Indenture under the Seals of all them that did chuſe them, and tacked to the ſame Writ of the Parliament, which Indenture ſo ſealed and tacked, ſhall be holden for the Sheriffs return of the ſaid Writ, touching the Knights of the Shires. (6) And in the Writs of the Parliament to be made hereafter, this Clauſe ſhall be put: Et electionem tuam in pleno comitatu tuo factam, diſtincte & aperte ſub ſigillo tuo & ſigillis eorum qui electioni illi interfuerunt, nobis in Cancellaria noſtra ad diem & locum in brevi contentum certifices indilate. St. 11 H.4.1. 6 H.6.4. 23 H.6.15.

The manner of the election of the Knights of the Shires for the Parliament.

A clauſe to be inſerted in every Writ of the Parliament.

CAP. XVI.

Patents, Raſt. 8.

Annuities granted by the King or his Anceſtors of an elder date, ſhall be paid before them that were granted of a later date. Exp.

CAP. XVII.

Apprentice, Raſt. 2.

No man ſhall put his Son or Daughter to be an Apprentice, unleſs he have twenty ſhillings in Land or Rent; but every perſon may put his Son or Daughter to School. Rep. 5 El. 4. St. 8 H. 6. 11. 12 H. 7. 1.

CAP. XVIII.

Pardon, Raſt.30.

None ſhall be puniſhed for repreſſing of the late Riots. Exp.

Statutes made at *Glouceſter*, *Anno* 9 Hen. 4. and *Anno Domini*, 1407.

BEcauſe that divers complaints have been made to our Lord the King by the Commons of this Realm, in the Parliament holden at *Glouceſter*, the twentieth day of October, in the ninth year of the Reign of our ſaid Lord King Henry the Fourth after the Conqueſt: The ſame our Lord the King willing to remedy the ſaid complaints, by the advice and aſſent of the Lords Spiritual and Temporal, and at the inſtance and requeſt of the ſaid Commons, hath cauſed to be ordained and eſtabliſhed divers Statutes and Ordinances, in form as followeth.

CAP. I.

A confirmation of all Liberties, except thoſe granted to the Scholars of *Oxford*.

Confirmation Raſt. 6.

The Liberties of the Church, and the franchiſes of all Cities, Boroughs, and private perſons, confirmed.

A Franchiſe granted to the Scholars of Oxford excepted.

FIrſt, That holy Church have all her Liberties and Franchiſes, (2) and that all the Lords Spiritual and Temporal, and other the Kings liege people, having Liberties and Franchiſes, and all Cities and Boroughs of the Realm have and enjoy their Liberties and Franchiſes, which they have of the grants of the Progenitors of our Lord the King, and of his own Grant or Confirmation, (except the Franchiſe now late granted to the Scholars of the Univerſity of Oxenford,) (3) And that the great Charter, and the Charter of the Foreſt, and all other good Statutes made before this time, and not repealed, ſtand in their force.

CAP. II.

Kendal-Cloth ſhall not be ſealed, nor Aulnage paid for it.

Drapery, Raſt. 23.

Kendal Cloth ſhall not be ſealed or aulnage paid for it.

ITem, It is ordained and eſtabliſhed, that no Cloth called Kendal, whereof the dozen paſſeth not ſix ſhillings and eight pence, ſhall be ſealed with any of the Kings Seals, nor Aulnage great nor little be paid for the ſame. (2) And that the Owners of ſuch Clothes may freely ſell the ſame Clothes not ſealed, without forfeiting any thing to the King for the ſame, notwithſtanding any Statute or Ordinance made to the contrary. Stat. 1 H.4. 19. 7 Jac. 16.

CAP. III.

Wales, Raſt. 18.

Felons in South Wales ſhall be taken, or the Country ſhall ſatisfie for their offences. Alt. 27 H. 8. 26. Rep. 21 Jac. 28.

CAP. IV.

Diſclaimer in Felony in Wales ſhall be utterly excluded and put out.

Wales, Raſt. 19. Declaiming in felony in Wales ſhall be utterly put out.

ITem, It is ordained and eſtabliſhed, That no Thief nor Felon in Wales, openly known, be ſuffered to diſclaim out of the Seigniory where the felony was done, and that ſuch manner of diſclaiming be utterly put out, (2) And that as well the ſaid Thieves openly known, as other Thieves, be put to anſwer as privy to the indictments, or accuſements in the ſame Seigniories where the Thieves be taken, without being delivered by diſclaiming, or by Letters of Marque in any manner. Stat. 27 H. 8. 26.

CAP. V.

Lords of ancient Demeſn or Mayors, &c. named Diſſeiſors in Aſſiſe, to take away their Franchiſe.

Aſſiſe 9.

ITem, Whereas divers people do oftentimes ſue Aſſiſes of Novel diſſeiſin, or other Writs of plea of Land at the Common Law, of Lands, Tenements, and Rents being within Franchiſed Towns, and ancient Demeſn, againſt certain perſons, and cauſe to be named alſo in their ſaid Aſſiſes and Writs, the Mayor and Bayliffs, and Comminalty of the Franchiſes, and the Lords and Bailiffs within ancient Demeſn aforeſaid, whereas of truth they be not Diſſeiſors, nor Tenants of the ſaid Lands, Tenements, or Rents ſo being in plea, but named by colluſion and fraud, to bar and exclude the ſaid Mayors, Bailiffs, and Comminalty, and the ſaid Lords and Bailiffs of ancient Demeſn of their Franchiſes and Liberties, to have Coniſance of Juriſdiction of their Court before them: (2) It is ordained and eſtabliſhed, that in ſuch Aſſiſes or Writs purchaſed or ſued from henceforth, or at this preſent depending betwixt any parties before any ſuch Juſtices at the Common Law, in which ſuch Mayor, Bailiffs, and Comminalty, or Lords of Bailiffs of ancient Demeſn be named, that the ſame Juſtices ſhall firſt inquire by the ſaid Aſſiſe in the Country, whether

Fitz. A
369.

whether the ſaid Mayor, Bailiffs, and Commonalty, or Lords or Bailiffs of ancient Demeſn (if they require it before ſuch Juſtices) be Diſſeiſors or Tenants in that caſe, or be named by colluſion and fraud, as afore is ſaid. (3) And if it be found that they be not Diſſeiſors nor Tenants of the ſaid Lands, Tenements, or Rents, but acquit before the ſame Juſtices, and found that they be named by colluſion and fraud, in the form aforeſaid, that in ſuch caſe the Juſtices ſhall cauſe the ſaid Writs of Aſſiſes, or other Writs purchaſed in the form aforeſaid, to be abated and adnulled, (4) and that the ſaid plaintiff or plaintiffs ſhall be in grievous mercy of the King, notwithſtanding that other Tenents or Diſſeiſors be named or found in ſuch Aſſiſes or Writs.

A remedy where Lords of ancient demeſn or Mayors be named diſſeiſors in Writs to take away their Franchiſe.

Fitz N. B. f. 155. a.

CAP. VI.

A repeal of the Statute of 7 H. 4. 10. touching the length and breadth of Cloth Ray. St. 11 H. 4. 6. 13 H. 4. 4. 5 Ed. 6. 6. 43 El. 10. 4 Jac. 2.

St. 8 H. 6. 26. Drapery, Raſt. 24.

CAP. VII.

Goods ſhall be chargeable for the payment of the Fifteen, where they were at the time when the ſame was granted.

ITem, It is ordained and eſtabliſhed, that all manner of Foreigners having Lands, Tenements, Goods and Cattels, within any Towns at the day of grant of any Diſme or Quinzime, or of any other Tax whatſoever, although they lead away their beaſts, or carry away their Goods and Cattels out of the ſame Town after the day of the ſaid grant, that the ſame foreigners and every of them ſhall be contributory with the inhabitants of ſuch Towns to ſuch Diſme, Fifteen, or Tax whatſoever. (2) And that the Collectors of the ſame Diſme, Quinzime, or Tax, for the time being within ſuch Towns ſhall have power by authority of their Office to tax and aſſeſs ſuch foreigners according to the quantity of their Goods, Cattels, and Poſſeſſions being in the ſaid Towns, at the days of the grant of the ſaid Diſme, Quinzime, or Tax, (3) and for the ſums whereto they be aſſeſſed or taxed, to diſtrain in every place within the County, as well before that our ſaid Lord the King be anſwered of the whole ſums that attain to ſuch Towns, as after. (4) Provided always, that no man nor woman be two times charged for any ſuch beaſts, goods, nor cattels, in any wiſe by occaſion thereof.

Fifteens 1.

Goods ſhall be chargeable to the payment of the Fifteen where they were at the time the ſame was granted.

St. 1 Ed. 3. 6.

None ſhall be twice charged for his goods.

CAP. VIII.

Mony ſhall not be carried out of the Realm to the Court of Rome. All Statutes made againſt Proviſors, and tranſlation of Archbiſhopricks and Biſhopricks, confirmed. Elections of Spiritual Promotions ſhall be free, and not interrupted by the Pope or the King. Alt. 25 H. 8. 20. A pardon granted by the King to all that have purchaſed proviſions, or tranſlation of Biſhopricks, &c. Exp.

Proviſion, Raſt. 21.

Statutes made at *Weſtminſter*, *Anno* 11 Hen. 4. and *Anno Domini*, 1409.

BY the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt, inſtance, and ſuit of the Commons, being in the Parliament holden at Weſtminſter, in the fifteenth of St. Hillary, the eleventh year of the Reign of King Henry the Fourth; The ſame our Lord the King hath ordained divers Statutes and Ordinances in the form as followeth.

CAP. I.

A Sheriff maketh an untrue return of the Election of the Knights of the Parliament.

FIrſt, Whereas in the Parliament holden at Weſtminſter, the ſeventh year of the Reign of our ſaid Lord the King, there was ordained and eſtabliſhed by a Statute for the preſervation of the Liberties and Franchiſes of the election of the Knights of the ſhire uſed through the Realm, a certain form and manner of the Election of ſuch Knights, as in the ſaid Statute more fully is contained: (2) And foraſmuch as in the ſame Statute no penalty was ordained or limited in ſpecial upon the Sheriffs of the Counties, if they make any returns to the contrary of the ſame Statute: (3) It is ordained and eſtabliſhed, that the Juſtices aſſigned to take Aſſiſes, ſhall have power to enquire in their Seſſions of Aſſiſes of ſuch returns made: (4) and if it be found by enqueſt, and due examination before the ſame Juſtices, that any ſuch Sheriff hath made, or hereafter make any return contrary to the tenour of the ſaid Statute, that then the ſame Sheriff ſhall incur the penalty of one hundred pounds to be paid to our Lord the King: (5) and moreover, that the Knights of the Counties ſo unduly returned, ſhall loſe their wages of the Parliament, of old time accuſtomed. St. 1 H. 5. 1. 6 H. 6. 4. 23 H. 6. 15. Raſt. pla. 446.

Parliament 4. St. 7 H. 4. 15.

The penalty of the Sheriff which maketh an untrue return of the Election of the Knights of the Parment.

St. 8 H. 6. 7.

CAP. II.

No common Hoſtler ſhall be a Cuſtomer, Comptroller, or Searcher.

ITem, It is ordained and eſtabliſhed, That no man which holdeth a Common Hoſtry in any City or Borough of England, ſhall be Cuſtomer, Comptroller, Finder, nor Searcher of the ſaid Lord the King: (2) and that to eſchew the damage and loſs which thereof may happen by the favour that ſuch common Hoſtlers may, or will do to Merchants and other their Gueſts in their ſaid Offices. St. 20 H. 6. 5.

Cuſtoms 23. No common Hoſtler in a City or Borough ſhall be a Cuſtomer, Comptroller, or Searcher there.

CAP. III.

Records ſhall not be amended or impaired after judgment inrolled.

ITem, It is ordained and eſtabliſhed, That the Juſtices aſſigned and to be aſſigned, to take Aſſiſes by Commiſſion of our Lord the King in the Counties of the Realm, from henceforth ſhall cauſe to be delivered fully in the Kings Treaſury, all the Records of Aſſiſes of Novel diſſeiſin, of Mortdanceſtor, and of Certifications, with all the appurtenances and appendances before them determined every ſecond year, that the plea thereof be determined and judgment given without more delay; (2) and that the Records and proceſs of Pleas, real and perſonal, and of Aſſiſes of Novel diſſeiſin, or Mortdanceſtor, and Certifications, and of other, whereof Judgment is given and enrolled, or things touching ſuch plea, ſhall in no wiſe be amended nor impaired by new entring of the Clerks, or by the Record or thing certified in witneſs or commandment of any Juſtice in no Term after that ſuch judgment in ſuch pleas is given and enrolled.

Records 1. Juſtices of Aſſiſe ſhall deliver into the Treaſury the Records of Aſſiſe, &c. every ſecond year.

St. 9 Ed. 3. 5.

Records ſhall not be amended or impaired after judgment given and recorded.

CAP. IV.

Plays, Raſt. 1.

He that playeth at unlawful games prohibited by the Statute of 12 R. 2. 6. ſhall be ſix days impriſoned. Rep. 33 H. 8. 9.

CAP. V.

Gally half-pence ſhall not be current in payment in this Realm.

Money, Raſt. 25. **Gally half-pence ſhall not be current payment**

Item, Becauſe that Gally-half-pence do commonly run in the Realm for payment, in derogation of the Kings Crown, and in great deceit of the common people: (2) It is ordained and eſtabliſhed, that the ſaid Gally-half-pence ſhall never be current in payment, nor in other manner within the Realm of England upon pain of forfeiture thereof. (3) And moreover, that the Gally half-pence, in whoſe hands ſoever they be found within the Realm, ſhall be forfeit to our Lord the King after two months next enſuing the Proclamation of this Statute. (4) And alſo the ſame our Lord the King will, that all the Statutes and Ordinances made before this time by him or by his noble Progenitors not repealed, as well of mony of Scotland, as of the mony of other Realms and parts beyond the Sea, be holden, and kept, and put in due execution.

CAP. VI.

Clothes ſhall not be tacked and plaited together before the Aulneger hath ſet his Seal to them.

Drapery 87. St. 7 H. 4. 10.

Item, Whereas by the Statute made the ſeventh year of the Reign of our ſaid Lord the King that now is, it was ordained, That every whole coloured Cloth made within the Realm ſhould contain by aſſiſe the length of eight and twenty yards by the creſt, (2) and every dozen of Cloth of the length of fourteen yards by the creſt, (3) and the Rays meaſured by the liſt ſhould contain the ſame length, that is to ſay, the whole Cloth eight and twenty yards, and the dozen fourteen yards: (4) And certain Aulnegers thereto aſſigned through the Realm, ſhould take their charge in the Exchequer, well and lawfully without fraud to ſearch and ſurvey ſuch Clothes and dozens, that every of them in his nature do contain the length and breadth as the Statute aforeſaid requireth: (5) The ſame Aulnegers having power and authority by our ſaid Lord the King, duly to execute their Office, and with the Seal of their Office thereto aſſigned to ſeal all the ſaid Clothes and Dozens, holding their length and breadth, after the form of the ſaid Aſſiſe, ſo that the people having whereof they may be ſure, that by the warrant of the ſame ſealing, their Clothes and Dozens aforeſaid ſhall hold their length and breadth, after the form of the ſaid Statute: (6) notwithſtanding which Statute, certain perſons, namely, in the Weſt parts, making ſuch manner of Clothes, which do not hold their aſſiſe as well in Rays as in full Cloth, and in eſpecial where the whole coloured Cloth ought to contain the length of eight and twenty yards, it holdeth not but three and twenty yards: (7) and where the Dozen of Cloth ought to hold fourteen yards, it holdeth but eleven yards; (8) and to conceal the deceit of the meaſure, the ſaid people ſo making ſuch Clothes and Dozens, cauſe the ſame to be plaited and tacked together preſently after they be made: And when the Aulnegers ſee the Clothes ſo tacked together, they do ſeal them without making any more ſearch or ſurveying of the ſame Clothes, to the great deceit and hindrance, as well of the Lords as the Commons of the Realm.

No man ſhall tack and plait together clothes before the Aulneger hath ſet his ſeal unto them. St. 13 R. 2. 11.

(9) Our Lord the King conſidering the miſchiefs aforeſaid, and willing thereof to provide remedy, by the advice and aſſent of the ſaid Lords, and at the requeſt of the ſaid Commons, hath ordained and eſtabliſhed, that a new Seal having a ſign and a mark differing from the old Seal of the ſaid Office of Aulneger, ſhall be made and delivered to the ſaid Aulnegers, (10) and after that the ſame Seal ſo newly to be made be delivered to the ſaid Aulnegers, Proclamation ſhall be made openly in the Weſt parts, and other places through the Realm, that no perſons making ſuch manner of Clothes and Dozens in the ſame Weſt parts, nor elſewhere within the Realm of England, be ſo hardy to tack and plait together ſuch manner of Clothes, before that the Aulneger hath duly made his ſearch and ſurvey of the ſame Clothes, that they hold their length and breadth ordained in the ſaid Statute, upon pain of forfeiture of the ſame: (11) And that the ſaid Aulneger after that, ſhall ſet the ſaid new Seal of his Office to ſuch manner of Clothes and Dozens; (12) ſaving always that the Clothes and Dozens of Colour and of Ray, which he enſealed with the ſaid old Seal, before the Proclamation made, may have their courſe to be ſold without any impediment, impeachment, or reſtraint, upon them to be made by the ſaid Aulnegers, or any other Officers, betwixt the date of the ſaid Proclamation, and the Feaſt of Saint Peter ad vincula next coming.

The penalty of an Aulneger not performing his duty.

(13) And in caſe that any Aulneger in doing his ſaid Office do contrary to this Statute, and thereof be duly attainted, that he at the firſt time that he ſhall be ſo attainted, ſhall loſe x li. (14) and at the ſecond time xx li. to be levied and paid to the uſe of our ſaid Lord the King, of all his Lands and Tenements, Goods and Chattels, in whoſe hands ſoever they be; (15) And at the third time his body ſhall be arreſted, and all his Goods and Chattels at the Kings will. (16) And moreover the ſame our Lord the King doth will, that every perſon which will ſue for the King, or for himſelf, ſhall have the ſuit to attaint ſuch Aulnegers, ſo doing againſt this Statute. (17) And the ſame party purſuing ſhall have for his labour the fourth part of the penalty of ten or twenty pound aforeſaid, according as the caſe ſhall happen: ſaving to Lords and other their Franchiſes, if they have any in this caſe. St. 11 H. 6. 9.

CAP. VII.

Cuſtom, Raſt. 6

Merchants Strangers ſhall pay to the King the Cuſtoms and Subſidies granted to him by the Commons for Cloth cut in pieces: and for Clothes put into garments proportionably, after the rate of a whole piece. Exp.

CAP. VIII.

Exchange, Raſt. 5.

The Lord Chancellor ſhall ſend the Eſtreats of Exchanges taken of Merchants, into the Exchequer every fifteen days, OB. St. 14 R. 2. 2. 9 H. 5. 9.

CAP. IX.

Jurors in Indictments ſhall be returned by the Sheriff, or, &c. without denomination of any.

o.l.12.98, 9. ro.Car.194 Inſt.32,33

ITem, Becauſe that now of late Enqueſts were taken at Weſtminſter, of perſons named to the Juſtices, without due return of the Sheriff, of which perſons ſome were outlawed before the ſaid Juſtices of Record, and ſome fled to Sanctuary for Treaſon, and ſome for felony, there to have refuge, by whom as well many offenders were indicted, as other lawful liege people of our Lord the King, not guilty, by conſpiracy, abatement, and falſe imagination of other perſons for their ſpecial advantage and ſingular lucre, againſt the courſe of the Common Law uſed and accuſtomed before this time: (2) Our ſaid Lord the King, for the greater eaſe and quietneſs of his people, will and granteth, that the ſame Indictment, ſo made, with all the dependance thereof, be revoked, adnulled, void, and holden for none for ever. (3) And that from henceforth no Indictment be made by any ſuch perſons, but by enqueſts of the Kings lawful liege people, in the manner as was uſed in the time of his noble Progenitors, returned by the Sheriffs or Bailiff of Franchiſes, without any denomination to the Sheriffs or Bailiffs of Franchiſes before made by any perſon of the names which by him ſhould be empannelled, except it be by the Officers of the ſaid Sheriffs, or Bailiffs of Franchiſes, ſworn and known, to make the ſame, and other Officers to whom it pertaineth to make the ſame, according to the Law of England. (4) And if any Indictment be made hereafter in any point to the contrary, that the ſame Indictment be alſo void, revoked, and for ever holden for none.

Jurors 7.

Jurors in Indictments ſhall be returned by the Sheriffs, or Bailiffs, without denomination of any. St. 11 H. 7. 24. 3 H. 8. 12.

ones 198. o. Inſt. par. 32.

Statutes made at *Weſtminſter*, *Anno* 13 *Hen.* 4. & *Anno Dom.* 1411.

THe Tueſday, being on the morrow of *All-ſouls*, the thirteenth year of the Reign of our Lord King Henry the Fourth: The ſame our Lord the King, by the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt of the Commons being in the ſaid Parliament holden at Weſtminſter, hath cauſed to be ordained and eſtabliſhed divers Statutes and Ordinances in form as followeth.

CAP. I.

A conformation of all Liberties, ſaving a Franchiſe granted to the Scholars of Oxford.

FIrſt, That holy Church have all her Liberties and Franchiſes, (2) and all the Cities and Boroughs of the Realm have and enjoy all their Liberties and Franchiſes, which they have of the grant of our Lord the Kings Progenitors, or of his own grant or confirmation; Except the Franchiſe now late granted to the Scholars of the Univerſity of Oxenford. (3) And that the great Charter, and the Charter of the Foreſt, and all other good Statutes made before this time, and not repealed, ſtand in their force.

Confirmation Raſt. 6. The Liberties of the Church, and of all Cities and Boroughs, confirmed. The liberties granted to the Scholars of Oxford excepted. St. 9 H. 4. 1.

CAP. II.

A conformation of the Stat. of 8 R. 2. 2. touching Juſtices of Aſſiſe and Gaol-delivery, for ſo long as it ſhall pleaſe the King. Exp. 33 H. 8. 24.

Juſtices of Aſſiſe, Raſt. 8.

CAP. III.

A confirmation of ſeveral Statutes of 1 H. 4. 7. 7 H. 4. 14. and 1 R. 2. 7. touching giving and taking of Liveries, R. 3 Car. 4.

Livery, Raſt. 8.

CAP. IV.

A confirmation of the Statute of 7 H. 4. 10. and 11 H. 4. 6. &c. touching the length and breadth of Clothes of Ray, and coloured Clothes. 5 Ed. 6. 6. 43 El. 10. 4 Jac. 2. 9 H. 4. 6.

Drapery, Raſt. 26.

CAP. V.

All Cuſtomers, Comptrollers, &c. ſhall be reſident upon their Offices.

ITem, It is ordained and eſtabliſhed, that the Statutes made of Cuſtomers, Comptrollers, Lieutenants of the chief Butler, and of Searchers, the firſt and fourth years of our ſaid Lord the King that now is, be kept and holden: (2) And moreover it is ordained and eſtabliſhed, that all manner of Cuſtomers, and Comptrollers, Gaugeors of Wine, and Searchers through the Realm, ſhall be continually reſident and abiding upon their Offices, and in ſpecial at the time of the charge and diſcharge of Ships and Veſſels entring in the Ports of England, and paſſing out of the ſame, (3) ſo that no ſuch Officer, after the time above named, be abſent from his ſaid Office, by three weeks at the moſt, upon pain to loſe his ſaid Office, unleſs he be commanded and charged in ſpecial of Record to be in the Kings Courts, or otherwiſe in the Kings ſervice of Record, as afore is ſaid. St. 1 H. 4. 13. 4 Ed. 4. 20.

Cuſtomers 26. Cuſtomers, &c. ſhall be continually reſident upon their Offices.

CAP. VI.

No Gally half-pence or foreign mony ſhall be currant within this Realm.

ITem, Whereas in the Statute made the eleventh year of our Lord the King that now is, it was ordained and eſtabliſhed, that Gally half-pence from henceforth ſhould not run in payment, nor in other manner within the Realm of England, upon pain of forfeiture of the ſame; (2) and moreover that the ſame Gally half-pence, in whoſe hands they might be found within the ſaid Realm, ſhould be forfeit to our ſaid Lord the King; (3) and alſo that the Statutes and Ordinances made by our ſaid Lord the King, or his noble Progenitors, as well of the mony of Scotland, as of other Realms and parts beyond the Sea, ſhould be holden and kept, and put in due execution: (4) Our Lord the King, conſidering the great deceit, as well of the Gally half-pence, as of the mony of other Realms beyond the Sea, will that the ſame Statutes be firmly holden and kept, and put in due execution in all points. St. 2 H. 4. 6. 11 H. 4. 5.

Mony, Raſt. 26. No foreign mony ſhall be currant within this Realm.

CAP. VII.

Juſtices of Peace and the Sheriffs ſhall arreſt thoſe which commit any Riot, &c. Inquire of them, and record their offences.

Riots 1. The Juſtices of Peace and the Sheriff ſhall arreſt thoſe which commit any riots, &c.

Riots 5. 7. f. 7. 4. f. 18. 166.

ITem, It is ordained and eſtabliſhed, That if any Riot, Aſſembly, or Rout of people againſt the Law, be made in parties of the Realm, that the Juſtices of Peace, three, or two of them at the leaſt, and the Sheriff or Under-Sheriff of the County where ſuch Riot, Aſſembly, or Rout ſhall be made hereafter, ſhall come with the power of the County (if need be) to arreſt them, and ſhall arreſt them, (2) and the ſame Juſtices and Sheriff, or Under-Sheriff ſhall have power to Record that which they ſhall find ſo done in their preſence againſt the Law. (3) And that by the Record of the ſame Juſtices and Sheriff, or Under-ſheriff, ſuch treſpaſſers and offenders ſhall be convict in the manner and form as is contained in the Statute of forcible entries. (4) And if it happen that ſuch treſpaſſers and offenders be departed before the coming of the ſaid Juſtices and Sheriff, and Under-ſheriff, that the ſame Juſtices, three, or two of them, ſhall diligently inquire within a month after ſuch Riot, Aſſembly, or Rout of people ſo made, and thereof ſhall hear and determine according to the Law of the Land.

St. 5 R. 2. 7. St. 15 R. 2. 2. **Enquiry of the offendors.**

Certificate of a riot, and the puniſhment of offendors.

II. And if the truth cannot be found in the manner as is aforeſaid, then within a month then next following, the Juſtices, three, or two of them, and the Sheriff or Under-ſheriff ſhall certifie before the King and his Council all the deed and circumſtances thereof: (2) which Certificate ſhall be of like force as the preſentment of twelve; upon which Certificate the ſaid treſpaſſers and offenders ſhall be put to anſwer, and they which ſhall be found guilty, ſhall be puniſhed according to the diſcretion of the King and his Council.

A Traverſe of a riot triable in the K. Bench.

III. And if ſuch treſpaſſers and offenders do Traverſe the matter ſo certified, the ſame Certificate and Traverſe ſhall be ſent into the Kings Bench, there to be tried and determined as the Law requireth. (2) And if the ſame treſpaſſers do not appear before the King and his Council, or in the Kings Bench, at the firſt Precept, then ſhall be another Precept directed to the Sheriff of the County, to take the ſaid treſpaſſers and offenders, if they may be found, and to bring that at a certain day before the King and his Council, or into the Kings Bench. (3) And if they cannot be found, that the Sheriff, or Under-ſheriff ſhall make proclamation in his full County next enſuing the delivery of the ſecond Precept, that they ſhall appear before the King and his ſaid Council, or in the Kings Bench, or in the Chancery, in time of Vacation, within three weeks then next following. (4) And in caſe the ſame offenders come not as afore is ſaid, and the Proclamation made and returned, they ſhall be convict and attainted of the Riot, Aſſembly, or Rout aforeſaid, notwithſtanding any Article or Ordinance made to the contrary.

Conviction of offendors for default of appearance.

The penalty of the next Juſtices omitting their office.

Dyer f. 2

IV. And moreover, That the Juſtices of Peace dwelling nigheſt in every County where ſuch Riot, Aſſembly, or Rout of people ſhall be made hereafter, together with the Sheriff or Under-ſheriff of the ſame County, and alſo the Juſtices of Aſſiſes for the time that they ſhall be there in their Seſſion, in caſe that any ſuch Riot, Aſſembly, or Rout be made in their preſence, ſhall do execution of this Statute, every one upon pain of an hundred pound, to be paid to the King as often as they ſhall be found in default of the execution of the ſame Statute. St. 17 R. 2. 8. 2 H. 5. 8. 11 H. 7. 7. 19 H. 7. 13 Raſt. pla. fo. 383.

Thus end the Statutes of King *Henry* the Fourth.

Anno primo HENRICI *quinti.*

Statutes made at *Weſtminſter*, in the firſt year of the Reign of King *Henry* the Fifth, and in the year of our Lord, 1413.

OUr Lord the King, at his Parliament holden at Weſtminſter, in the third week of Eaſter, the firſt year of his Reign, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial inſtance and requeſt of the Commons of this Realm, hath ordained and eſtabliſhed divers Statutes and Ordinances in the form following.

CAP. I.

What ſort of people ſhall be choſen, and who ſhall be the chooſers of the Knights and Burgeſſes of the Parliament.

Parliament 4 & 9. What perſons ſhall be choſen, and who ſhall be the chooſers of the Knights and Burgeſſes for the Parliament. Raſt. pl. f. 446.

FIrſt, That the Statutes of the election of the Knights of the Shires to come to the Parliament, be holden and kept in all points: (2) adjoyning to the ſame, That the Knights of the ſhires which from henceforth ſhall be choſen in every ſhire, be not choſen unleſs they be reſident within the ſhire where they ſhall be choſen, the day of the date of the Writ of the Summons of the Parliament. (3) And that the Knights and Eſquires, and other which ſhall be chooſers of thoſe Knights of the ſhires, be alſo reſident within the ſame ſhires, in manner and form as is aforeſaid. (4) And moreover, it is ordained and eſtabliſhed, That the Citizens and Burgeſſes of the Cities and Boroughs be choſen men, Citizens and Burgeſſes, reſiant, dwelling and free in the ſame Cities and Boroughs, and no other in any wiſe. St. 7 H. 4. 15. 8 H. 6. 7. 10 H. 6. 2. 23 H. 6. 15.

CAP. II.

A confirmation of former Statutes touching Wears, Mills, Kidels, &c.

Wears, Raſt. 7 St. 25 Ed. 3. 4. 45 E. 3. 2. 4 H. 4. 11.

A confirmation of former Statutes made concerning the levying and ſtraitning of Wears, &c.

ITem, Becauſe that great complaint hath been made to our ſaid Lord the King in this preſent Parliament, for that the Statutes made in the time of his noble Progenitors Kings of England, of the levying and ſtraiting of Wears, Mills, Stanks, Stakes, and Kidels, be not kept according to the form and effect of the ſame Statutes, to the great damage of the people of the Realm of England: (2) Our ſaid Lord the King that now is, by the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt of the ſaid Commons, will and grant that the ſaid Statutes and Ordinances be ſurely holden and kept, and put in due execution.

Forger, Raſt. 1 3 Inſt. 169.

CAP. III.

The penalty that ſhall be inflicted upon him which doth forge or publiſh a falſe Deed, ſhall be to ſatisfie the party grieved his damages, and to make Fine and Ranſom at the Kings will. Rep. 5 El. 14. Raſt. pla. fo. 353. Fitz. forger de faits, 1, 2, 3, &c. 2 Bulſt. 35. 5 Ed. 4. 126. Account. Ca. Br. 89.

CAP. IV.

Sheriffs Bailiffs ſhall not be in the ſame Office in three years after. Sheriffs Officers ſhall not be Attornies.

Attorny 7. Sheriffs 26.

ITem, Foraſmuch as the Kings liege people dare not purſue or complain of the Extortions and of the Oppreſſions to them done by the Officers of Sheriffs, that is to ſay, by Under-ſheriffs, Clerks of Sheriffs, Receivers and Bailiffs of Sheriffs, becauſe that the ſaid Underſheriffs, Clerks, Receivers, and Bailiffs, be continually, from year to year, abiding with the Sheriffs interchangeably out of one Office into another: (2) Our Lord the King, by the advice and aſſent aforeſaid, and at the requeſt of the ſaid Commons, hath ordained and eſtabliſhed, That they which be Bailiffs of Sheriffs by one year, ſhall be in no ſuch Office by three years next following, except Bailiffs of Sheriffs which be inheritable in their Sheriffwicks. (3) And that no Under-ſheriff, Sheriffs Clerk, Receiver, nor Sheriffs Bailiff, be Atturney in the Kings Courts, during the time that he is in Office with any ſuch Sheriff.

The Sheriffs Bailiffs ſhall not be in the ſame office three years after.

Sheriffs Officers ſhall not be Atturnies.

CAP. V.

In which Original Writs additions of the Defendants names ſhall be put.

ITem, It is ordained and eſtabliſhed, That in every Original Writ of Actions Perſonals, Appeals, and Indictments, and in which the Exigent ſhall be awarded, in the names of the Defendants in ſuch Writs Original, Appeals and Indictments, additions ſhall be made of their Eſtate or Degree, or Myſtery, and of the Towns, or Hamlets, or Places and Counties, of the which they were or be, or in which they be or were converſant. (2) And if the proceſs upon the ſaid Original Writs, Appeals, or Indictments, in the which the ſaid additions be omitted, any Utlagaries be pronounced, that they be void, fruſtrate, and holden for none. (3) And that before the Utlagaries pronounced, the ſaid Writs and Indictments ſhall be abated by the exception of the Party, where in the ſame the ſaid additions be omitted. (4) Provided always, that though the ſaid Writs of additions Perſonals be not according to the Records and Deeds, by the ſurpluſage of the additions aforeſaid, that for that cauſe they be not abated. (5) And that the Clerks of the Chancery, under whoſe names ſuch Writs ſhall go forth Written, ſhall not leave out, or make omiſſion of the ſaid additions as is aforeſaid, upon pain to be puniſhed, and to make a Fine to the King, by the diſcretion of the Chancellor. (6) And this Ordinance ſhall begin to hold place at the Suit of the party, from the Feaſt of St. Michael next enſuing forward. Raſt.pla.fo.107,280. St.8 H.6.12. 9 H.6. 4. 5 El.23.

d 4.f.10.
.16 f. 67.
o. El.198.
o.Jac.610.
er f.46,
,213,224.
o.Addit 4,
7,8,9,10,
,14,15,
. Brief
,36,40.
,49,51,
,67,72,
,109,121,
,125,
,151,163,
9,201,
6,940.
Leonard.
3,186,
o.
6. 30.b.
17.
al.156,
9.
Roll.225.
Co.76.

Additions 1. In original Writs wherein Exigent ſhall be awarded, additions of the defendants names ſhall be put.
Co. Inſt. 2 par. 595.
Hob.129.

Surpluſage of additions ſhall not prejudice.

CAP. VI.

No Welſhmen ſhall take revenge againſt thoſe Engliſhmen which did purſue their friends in the late Rebellion. Exp.

Wales, Raſt.20

CAP. VII.

A confirmation of the Statute of 13 R.2. reſtraining liens to accept any Benefices in England. OB.

France, Raſt.1.

CAP. VIII.

All Iriſh men and Iriſh Clerks beggars ſhall depart this Realm before the firſt day of November; except Graduates, Sergeants and Apprentices at the Law, and inheritors in England, Religious perſons and Merchants. Exp.St.1 H.6.3. 2 H.6.8.

Ireland, Raſt. 5.

CAP. IX.

The Revenues of Calice ſhall be employed to the maintenance of it. OB.

Calice, Raſt.2.

CAP. X.

By what meaſure Purveyors and others ſhall take and buy Corn.

ITem, Whereas in the time of the Kings noble Progenitors it was ordained, That one meaſure of the Corn ſhould be through all the Realm of England, that is to ſay, eight Buſhels for the Quarter, and that every Buſhel ſhall contain eight Gallons, by force of which Ordinances ſuch Meaſure hath been uſed, with a Buſhel of the ſaid Quarter heaped: (2) And notwithſtanding the ſaid good Ordinances and Uſages, the Purveyors of Corn as well for the houſe of the Father of our Lord the King, as for the houſe of our Lord the King which now is, have taken before this time for the ſaid houſes continually nine Buſhels of Wheat, and of other Corn, for the Quarter, and that many times by Meaſure not Sealed, and alſo not ſtricken, againſt the will of the Sellers of the ſame, and without due price ſet upon the ſame after the Law of the Land, and alſo cauſe the Sellers to carry the ſaid Corn to what place that them pleaſeth, without paying for the carriage: (3) and the Merchants and Citizens of London, do uſe to take of every Seller for the Quarter of Wheat nine Buſhels by the Meaſure, uſed within the ſaid City called the Fate, with the Buſhel ſet upon the ſaid Fate, and yet make the Sellers to pay a half-peny for the meaſuring of every Quarter, and take for a Quarter of Oats ten Buſhels, whereby the Buyers of the Corn in the Country will not buy nor take for the Quarter of Corn, but in the ſame manner as the ſaid Purveyors, and they of the ſaid City uſed to take, to the great hindrance and perpetual undoing of the Commonalty aforeſaid:

Purveyors 16.

London meaſure called the Fate.

II. It is ordained and eſtabliſhed, That all the ſaid good Ordinances be firmly holden and kept, after the effect of the ſame. (2) And that no Purveyor of our Lord the King, nor any other, ſhall uſe hereafter to buy nor to take any Corn by other meaſure, but eight Buſhels ſtriked for the Quarter, and that none be otherwiſe bound to deliver for the Quarter but eight Buſhels, ſtriked as is aforeſaid, and alſo that the payment be made in hand for the carriage. (3) And that if any Purveyor of our Lord the King, or any other perſon, buy or take any Corn otherwiſe, or by other meaſure but eight Buſhels ſtriked for the Quarter, as in the ſaid Ordinances is contained, and thereof be attainted, he ſhall have one years Impriſonment, and pay to the King a hundred ſhillings, and to the party that feeleth himſelf grieved another hundred ſhillings, and that as often as any of them be thereof attainted; (4) and that the party which will Sue, have an Action grounded upon the caſe, (5) and that the Juſtices of the Peace have power to enquire and hold plea of all theſe things aforeſaid, and upon that make puniſhments as is aforeſaid, as well at the Suit of the King, as of the party: (6) and that from henceforth nothing be taken for the meaſuring of ſuch Corn in any wiſe. Stat. 4 E. 3. 3, 25 Ed.3.1. 36 Ed.3.2. 11 H.6.8. 11 H.7.4.

By what meaſures Purveyors and others ſhall take and buy Corn.

Statutes made at *Leiceſter*, *Anno 2 Hen.* 5. and *Anno Domini*, 1414.

OUr Lord the King at his Parliament holden at Leiceſter the laſt day of April, the ſecond year of his Reign, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial inſtance and requeſt of the Commons of his Realm in the ſame Parliament aſſembled, hath ordained and ſtabliſhed divers Ordinances, Declarations and Statutes made in the form as followeth.

CAP.

CAP. I.

Ordinaries ſhall enquire of, and reform the Eſtates of Hoſpitals.

Hoſpitals 1. The cauſes of the erection of Hoſpitals.

FIrſt, Foraſmuch as many Hoſpitals within the Realm of England, founded as well by the noble Kings of this Realm, and Lords and Ladies both Spiritual and Temporal, as by divers other Eſtates, to the honour of God and of his glorious Mother, in aid and merit of the Souls of the ſaid Founders, to the which Hoſpitals the ſame Founders have given a great part of their moveable Goods for the buildings of the ſame, and a great part of their Lands and Tenements, therewith to ſuſtain impotent men and women, lazers, men out of their wits, and poor women with child, and to nouriſh, relieve, and refreſh other poor people in the ſame, be now for the moſt part decayed, and the Goods and Profits of the ſame by divers perſons as well Spiritual as Temporal withdrawn and ſpent in other uſe, whereby many men and women have died in great miſery for default of aid, living, and ſuccour, to the diſpleaſure of God, and perils of the ſouls of ſuch manner of diſpoſers: (2) The King our Sovereign Lord, conſidering the meritorious and devout intents of the Founders aforeſaid, and the unaccuſtomed Government in the ſame, hath by the advice and aſſent aforeſaid, ordained and eſtabliſhed, That as to the Hoſpitals which be of the Patronage and Foundation of the King, the Ordinaries by virtue of the Kings Commiſſions to them directed, ſhall enquire of the manner and Foundation of the ſaid Hoſpitals, and of the governance and eſtate of the ſame, and of all other matters neceſſary and requiſite in this behalf and the inquiſitions thereof taken ſhall certifie in the Kings Chancery. (3) And as to other Hoſpitals which be of another Foundation and Patronage than of the King, the Ordinaries ſhall inquire of the manner of the Foundation, Eſtate and Governance of the ſame, and of all other matters and things neceſſary in this behalf: and upon that make thereof correction and reformation, according to the Laws of holy Church, as to them belongeth.

Ordinaries ſhall enquire of, and reform the foundation, eſtate, and government of Hoſpitals.
Stat. 14 Ed. 5.

6 H.7.f.14.
8 Aſſ. pl.19
31.

CAP. II.

A *Corpus cum cauſa*, or *Certiorari*, to remove him which is in execution at another mans ſuit.

ITem, Foraſmuch as many men have been condemned in the Courts of our Lord the King, and in the Courts of his Progenitors, as well within the City of London, as in other Cities and Boroughs within the Realm of England, and by the virtue of ſuch condemnations have been committed to the priſon of our Lord the King, there to remain until they have made agreement to the Plaintiffs to whom they were condemned: (2) After by their ſuggeſtion made in the Chancery of our Lord the King, they have had divers Writs called Certiorari and Corpus cum cauſa, out of the Chancery of our ſaid Lord the King, directed to the Sheriff, or Keepers of the priſons where ſuch perſons condemned be holden, to have their bodies with the cauſe of Impriſonment of the condemned aforeſaid in the Chancery, at the days contained in the ſaid Writs: (3) After which Writs, together with the body and the cauſe of the condemnation returned in the Chancery aforeſaid, the ſaid perſons ſo condemned have been delivered in the Chancery aforeſaid by Bail or by mainpriſe, or enlarged without Bail or Mainpriſe againſt the aſſent and will of the ſaid Plaintiffs, and without any agreement made to the ſaid Plaintiffs of the ſums in which they be condemned, againſt the Law of the Land: and ſo remain the ſaid Plaintiffs without remedy, in hinderance of the ſtate of ſuch Plaintiffs, and in defeating of the Judgments given in the Courts aforeſaid: (4) Our Lord the King, willing herein to provide remedy, by the advice and aſſent aforeſaid, and at the requeſt of the foreſaid Commons, hath ordained and eſtabliſhed, That if any ſuch Writ of Certiorari, or Corpus cum cauſa, be granted, or ſhall be granted at any time hereafter, and upon the ſaid Writ if it be returned, that the priſoner which is ſo holden in priſon, is condemned by judgment given againſt him, that preſently he ſhall be remanded where he ſhall remain continually in priſon, according to the Law and Cuſtom of the Land, without being let to go by Bail or Mainpriſe, againſt the will of the ſaid Plaintiffs, until agreement be made to them of the ſums ſo adjudged. Fitz.N.B.fo.242.

Corpus, &c. 1. If a Corpus cum cauſa, or Certiorari be granted to remove him that is in priſon upon an execution at another mans ſuit, he ſhall be ſent back to priſon.

4 H.6.f.1.
20 H.6.f.3.
38 H.6.f.12.
2 Ed.4.f.1.
24 Ed. 3.
27.

CAP. III.

A Libel grantable in the Spiritual Court ſhall be preſently delivered.

Prohibition 10.

ITem, Foraſmuch as divers of the Kings liege people be daily cited to appear in the Spiritual Court before Spiritual Judges, there to anſwer to divers perſons, as well of things which touch Freehold, debt, treſpaſs, covenants, and other things whereof the coniſance pertaineth to the Court of our Lord the King, as of Matrimony and Teſtament: (2) and when ſuch perſons ſo cited appear and demand a Libel of that which againſt them is ſurmiſed to be informed to give their anſwer thereunto, or otherwiſe to purchaſe a Writ of our Lord the King, of Prohibition, according to their caſe, which Libel to them is denied by the ſaid ſpiritual Judges, to the intent that ſuch perſons ſhould not be aided by any ſuch Writ againſt the Law, and to the great damage of ſuch perſons ſo impleaded: (3) Our ſaid Lord the King, by the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt and inſtance of the ſaid Commons, hath ordained and eſtabliſhed, That at what time the Libel is grantable by the Law, that it may be granted and delivered to the party without any difficulty. Fitz.N.B.fo.43.E. Raſt.pla.fo.483.

12 Co. 61,
100.
13 Co. 43.

Regiſter 58.
3 Bulſtr. 51,
120.

A Copy of a Libel grantable in the Spiritual Court ſhall be preſently delivered upon the defendants appearance.

4 Ed.4.f.
Cro.Jac.

CAP. IV.

Which Juſtices of the Peace muſt be reſident in the ſame Shire: And at what times they muſt hold their Quarter Seſſions.

Juſtices of Peace, 1 & 5.

ITem, Foraſmuch as the ſervants and labourers of the Shires of the Realm do flee from County to County, becauſe they would not be juſtified by the Ordinances and Statutes by the Law for them made, to the great damage of Gentlemen and others, to whom they ſhould ſerve, becauſe that the ſaid Ordinances and Statutes for them Ordained, be not executed in every Shire: (2) Our Lord the King, willing in this caſe to provide a remedy, by the advice and aſſent aforeſaid, and at the requeſt of the ſaid Commons, hath ordained and ſta-

St. 12 R. 3. 2, &c.

bliſhed, that the Statute of Labourers made at Canterbury, and all other good Statutes of Labourers, made and not repealed, be firmly holden and kept, and put in due execution. (3) And moreover, that the Juſtices of Peace have power to ſend their Writs for ſuch fugitive Labourers to every Sheriff of the Realm of England, and to make ſuch proceſs as the Statute requireth, to bring them before them to anſwer to our Sovereign Lord the King, and to the parties, of the contempts and treſpaſſes made or done againſt the Ordinances and Statutes aforeſaid, in like manner as the Juſtices have power to ſend to every Sheriff for the Felons before them indicted. (4) And alſo that all the Statutes and Ordinances of Labourers, Servants, and Artificers before this time made and not repealed, be exemplified under the great Seal, and ſent to every Sheriff of the Realm of England, thereof to make Proclamation in full County, and after this Proclamation ſo made, that every Sheriff ſhall cauſe the ſaid exemplification to him directed, to be delivered to the Juſtices of the Peace in his County named of the Quorum, or to one of them, to remain with ſuch Juſtices which be, or ſhall be, for the better putting of the foreſaid Statutes and Ordinances in due execution. (5) And in ſhires where divers Commiſſions of the Peace be made, there ſhall be ſo many exemplifications of the Statutes and Ordinances aforeſaid made, as be Commiſſions of the Peace in the ſame ſhires, and ſent to the Sheriff to make Proclamation, and to deliver the ſame as is aforeſaid.

Juſtices of Peace may ſend their writs for fugitive Servants or labourers to every Sheriff of England.

Rep. 5 El. 4.

II. And that the Juſtices of the Peace in every ſhire named of the Quorum, be reſiant within the ſame ſhire (except Lords named in the Commiſſion of the Peace: and alſo except Juſtices of the one Bench, and of the other, the chief Baron of the Exchequer, Serjeants at the Law, and the Kings Atturney, for the time that the ſame Juſtices, chief Baron, Serjeants at the Law, and the Kings Atturney, be intending and occupied in the Kings Courts, or otherwiſe in ſome other place occupied in the Kings Service) (2) and make their Seſſions four times by the year, that is to ſay, in the firſt week after the Feaſt of St. Michael, and in the firſt week after the Epiphany, and in the firſt week after the clauſe of Eaſter, and in the firſt week after the Tranſlation of Saint Thomas the Martyr, and more often, if need be. (3) And that the ſame Juſtices hold their Seſſions throughout the Realm of England in the ſame week every year from henceforth. (4) And alſo that the Juſtices of Peace from henceforth have power to examine as well all manner of Labourers, Servants, and their Maſters, as Artificers, by their Oaths, of all things by them done contrary to their ſaid Ordinances and Statutes, and upon that to puniſh them upon their confeſſion, after the effect of the Statutes and Ordinances aforeſaid, as though they were convict by Enqueſt. (5) And that the Sheriff in every Shire of the Realm of England ſhall do well and duly his Office in this behalf, upon pain to loſe and to forfeit to our Lord the King twenty pound.

Which Juſtices of Peace and Quorum muſt be reſiant in the ſame Shire, which not.

At what times Juſtices of Peace ſhall hold their Quarter Seſſions.

St. 36 Ed. 3 12.
12 R. 2. 10.
14 H. 6 4.

Juſtices of Peace may examine labourers, ſervants, and their Maſters and Artificers by their Oaths.

CAP. V.

Proceſs againſt Felons dwelling in Tyndal or Examſhire in Northumberland.

ITem, Foraſmuch as by the Commons of the County of Northumberland, grievous complaints have been made to our Sovereign Lord the King in this preſent Parliament, for that many Murders, Treaſons, Manſlaughters, Robberies, and divers other offences, to many of the faithful liege people of the ſame County, by people dwelling in the ſame County within the Franchiſe of Tyndal and Examſhire, where the Kings Writs run not, now of late have been perpetrated, otherwiſe than have been done or known before this time, to ſo many perils of the ſaid liege people of our Lord the King, that without due remedy in this behalf provided, they dare no longer there dwell, becauſe that ſuch offenders be ſo favoured by ſuch Franchiſes: (2) Our ſaid Lord the King, by the advice and aſſent aforeſaid, and at the requeſt of the ſaid Commons, hath ordained and eſtabliſhed, That if any perſon of the ſaid Franchiſes of Tyndal and Examſhire, reſiant or dwelling in the ſame, of what eſtate or condition that he be, do any Murders, Treaſons, Manſlaughters, or Robberies, or conſent to do them out of the ſaid Franchiſes of Tyndal and Examſhire, proceſs ſhall be made againſt him by the common Law, until he be Outlawed. (3) And that after ſuch Outlawry pronounced and returned, the Juſtices before whom ſuch Outlawry is returned, ſhall make thereof Certificate to ſuch Miniſter or Miniſters of the ſaid Franchiſes, as to them ſhall ſeem beſt in this behalf, according to their diſcretion. (4) And ſuch Felons ſhall be taken by ſuch Miniſter or Miniſters, and his Lands and Tenements, Goods and Chattels being within the ſame Franchiſe ſeiſed into the hands of the Lords of the ſame Franchiſes of Tyndal and Examſhire for the time being, as forfeit. (5) And that the other Lands and Tenements, Goods and Chattels of ſuch Felons, being out of the ſame Franchiſes, ſhall wholly remain to the King, and to other Lords, having thereof Franchiſe, as forfeit: (6) Saving always to the King the forfeitures of ſuch Murderers, Traitors, Man-ſlayers, Robbers, and other Offenders, and of other things which to him do belong, as of the right of his Crown: Stat. 9 H. 5. 7. Stat. 14 El. 13.

Tyndal, Raſt. 1.
Co. Inſt. 4 par. 278.

The penalty of offenders dwelling in Tyndal, or, &c. which ſhall commit any robbery, &c. out of the ſame precincts.

CAP. VI.

Breaking of Truce and Safe-conduct ſhall be High Treaſon. In every Port there ſhall be a Conſervator of the Peace and Safe-conduct.

ITem, Foraſmuch as before this time divers people, compriſed within the Truces made as well by our Lord the King that now is, as by his noble Father, and alſo divers other people having ſafe conducts as well of our Lord the King that now is, as of his noble Father, have been ſome ſlain, robbed and ſpoiled by the Kings liege people and ſubjects, as well upon main Sea, as within the Ports and Coaſts of the Sea of England, Ireland, and of Wales, whereby the ſaid Truces and Safe-conducts have been broken and offended, to the great diſhonour and ſlander of the King, and againſt his dignity: (2) And the ſaid Man-ſlayers, Robbers, Spoilers, and Offenders of the ſaid Truces and the Kings Safe-conducts, as is afore declared, have been by divers of the King's liege people and Subjects within the Coaſts of divers Counties, received, abetted, procured, concealed, hired, ſuſtained, and maintained. (3) Our ſaid Lord the King, by the advice and aſſent aforeſaid, and

Breakers of Leagues, &c.
Raſt. 1.
Co. Inſt. 4 par. 152.

Some have broken Truces and ſafe conducts, and others have received and maintained them.

Breaking of truce and ſafe conducts ſhall be high treaſon.

Rep. 20 H. 6. 11 & 1 Ed. 6. 12. & 2 M. Seſſ. 1. St. 14 H. 6. 8.

A Conſervator of the truce ſhall be appointed in every Port of the Sea.

The authority of the Conſervator of the truce.

at the requeſt of the ſaid Commons, hath ordained and declared, That ſuch Man-ſlaughter, Robbery, Spoiling, breaking of Truce and ſafe conducts, and voluntary receit, abetment, procurement, concealing, hiring, ſuſtaining and maintaining of ſuch perſons, to be done in time to come by any of the Kings liege people and ſubjects within the Realm of England, Ireland and Wales, or upon the main Sea, ſhall be adjudged and determined for high Treaſon done againſt the Kings Crown and his Dignity. (4) And in every Port of the Sea ſhall be made and aſſigned from henceforth by the King by his Letters Patents, one lawful man called a Conſervator of the Truce and the Kings ſafe conducts, which ſhall have forty pound Land by the year at the leaſt. (5) And that the Conſervator have power and authority by the ſaid Letters Patents, and alſo by Commiſſion of the Admiral of England, to enquire of all ſuch Treaſons and Offences to be done againſt the Truce and ſafe conducts upon the main Sea, out of the body of the Counties, and out of the Franchiſes of the five Ports of the King, as the Admirals of the Kings of England, before this time reaſonably, after the old Cuſtom and Law on the main Sea uſed, have done or uſed. (6) And alſo that the like Conſervator have like and the ſame power, to puniſh all them which be or ſhall be indicted or accuſed before him as well at the Kings ſuit as at the Parties, of any thing to be done againſt the Truce and the Kings ſafe conducts upon the main Sea, out of the body of the Counties and Liberties of the Realm of England, and out of the Franchiſe of the five Ports, by ſuch Proceſs, Examination, Proofs, Determination, Judgment and Execution, as Admirals of the Kings of England before this time reaſonably, according to the old Cuſtom and Law upon the main Sea uſed, have done or uſed.

The determination of the death of a man excepted out of the Conſervators authority.

Proceſs to be awarded againſt thoſe that be indicted.

The additions of the parties indicted ſhall be inſerted.

Two men learned in the Law ſhall be aſſociate in the Conſervators Commiſſion.

The authority of the Conſervator, and the two aſſociates.

The Oath of the Conſervator and aſſociates.

The Conſervator ſhall have a Seal.

The office of the maſter and poſſeſſor of a Ship.

What ſhall be inrolled by the Conſervator.

The Conſervator ſhall be informed of all things taken from the Kings enemies by the Mariners.

II. Saving the determination of the death of a man in this behalf, and the execution of the ſame, ſhall be always reſerved to the ſaid Admiral, or to his general Lieutenant out of the ſaid Franchiſes of the five Ports. (2) And that the ſaid Conſervator have full power and authority to enquire as well within Liberties and Franchiſes as without, by men inhabiting within the body of the County and Liberty where the ſaid Port is, of all ſuch Treaſons and Offences to be done againſt the Truces, and againſt the Kings ſafe conducts, within the body of the County and Liberty where the ſaid Port is, (3) and to make againſt thoſe perſons before him ſo indicted, ſuch Proceſs as here followeth, that is to ſay, by Capias and Exigent, which ſhall as well go into the Counties of which ſuch men ſo indicted be ſuppoſed to be, as into the Counties where ſuch indictments be taken; (4) which Capias and Exigent aforeſaid, in both Counties, ſhall be returned at one day, and that the firſt Capias in both Counties have day of return by a month at the leaſt. (5) And in caſe that the Capias and Exigent be awarded in this behalf, that the names and ſurnames of ſuch perſons ſo indicted, and the Town and the County and Myſtery whereof they be, ſhall be ſpecified and declared in the indictments and proceſſes of the ſame. (6) And that the ſaid Conſervator have full power to hear, at every mans ſuit which will complain before himſelf, or his Lieutenant, of any offence done to the party againſt the ſaid Truces and ſafe conducts. (7) And that two learned men in the Law be named and aſſociate in every Commiſſion of our Lord the King, to be made to ſuch Conſervator, and that the ſaid Conſervator, and the ſaid men learned in the Law, in the Commiſſion to him aſſociate and aſſigned, ſhall have full power and authority to make deliverance, according to the Law and uſage of the Land, of ſuch men ſo indicted before the ſaid Conſervator, of things to be done within the body of the County or Liberty where the ſaid Port is, againſt the ſaid Truce and the Kings ſafe conducts, and to determine ſuch ſuits commenced at any mans ſuit which will complain before the ſaid Conſervator of any offence done to him againſt the ſaid Truce and ſafe conducts, and thereof to make due redreſs and remedy. (8) And that the ſaid two men to the ſaid Conſervator ſo aſſociate, be aſſiſting and attending to the ſaid Conſervator to make the deliverances and determination in the manner and form aforeſaid, when they be by the ſaid Conſervator reaſonably required. (9) And that the ſaid Conſervator and the ſaid two men of Law, be ſworn that they nor any of them ſhall take free-gift, hire, wages, reward or brocage of any other than of the King in any wiſe in this behalf, in hinderance of due execution and puniſhment of ſuch Traitors and Offenders aforeſaid. (10) And that the ſaid Conſervator ſhall be reſiant in the Port and places where he ſhall be Conſervator aſſigned as aforeſaid. (11) And every Conſervator ſhall take yearly for the ſaid Office forty pound of the King at the leaſt; (12) and that they be ſworn, that if any perſon of what eſtate or condition ſoever he be, procure, excite, or abet them or any of them, to do any thing contrary to this Ordinance and Oath aforeſaid, that every of them ſhall make due relation to our Sovereign Lord the King or to the Chancellor of England for the time being, as ſpeedily as he well may, without concealment in any point, upon pain of Impriſonment, and to make Fine and Ranſom at the Kings pleaſure. (13) And that the ſaid Conſervator have a Seal of our Lord the King ordained for the ſaid Office. (14) And that the Maſter of the Ship, Barge, or Balinger, or other Veſſels in the ſaid Port, be ſworn, and the poſſeſſor alſo (if he be preſent) before the ſaid Conſervator, before that he paſs out of the ſaid Port, that he ſhall not attempt to do any thing againſt the ſaid Truce and the Kings ſafe conducts. (15) And alſo that the ſaid Conſervator ſhall cauſe to be inrolled of Record before him, as well the names of ſuch Owners and Maſters, as the names of their Ship, Barge, Balinger, or other Veſſel, together with the number of the Mariners in the ſame being. (16) And if they take any thing of the Kings enemies, or of any other, they ſhall cauſe to be brought ſuch things taken into the Port, and thereof make full information to the ſaid Conſervator, before that they thereof make diſcharge or ſale. If it be not that by force of wind, tempeſt, or of enemies, or ſome other reaſonable cauſe, ſuch Ship, Barge, Balinger, or other Veſſel, muſt enter into another Port for the preſervation of the ſame Veſſel, or other cauſe reaſonable. And that then they ſhall make full information to the ſaid Conſervator, or to the Conſervator of the Port in which the ſaid Veſſels arrive or enter, of the Price and of the quantity of the thing, receiving a Letter teſtimonial under the ſaid Seal of the aforeſaid Conſervator, by the which the Conſervator of the ſaid Port whereof the Veſſel or Veſſels ſhall go out, may have notice of the quantity, and alſo of the value of the Goods and Chattels ſo taken: (17) And if any poſſeſſor or

Maſter of any ſhip or other veſſel, go out of any Port of the Realm of England, or diſcharge his ſhip or veſſel againſt the form of this Ordinance, that ſuch ſhip or veſſel, together with the prize taken in the ſame duly made, ſhall be forfeit to the King, (18) and the body of the poſſeſſor or maſter of ſuch ſhip or veſſel committed to priſon, there to remain until he hath made a fine and ranſom to the King.

III. Provided alway, that no poſſeſſor of ſhips going out of any port, ſhall make any fine nor ranſom, or have impriſonment of body, if the ſame poſſeſſors be not in the ſame ſhips at the time of the offence committed againſt this Ordinance. (2) And the ſaid Admiral ſhall have the forfeitures in all caſes out of the ſame franchiſe of five Ports aforeſaid, as he hath had, and hath been accuſtomed of right to the Office of the Admiral of England, before the making of this Ordinance. (3) And that all ſuch Conſervators to be made within the ſaid five Ports, have the ſame authority and power by the King Letters Patents, and Commiſſion of the Warden of the ſame Ports for the time being, to enquire of ſuch offences to be done upon the main Sea within the franchiſes of the five Ports out of the body of the Counties, and to puniſh all them which ſhall be before the ſaid Conſervator of the ſame offences indicted or accuſed by like proceſs, examination, proofs, determination, judgment and execution, as the ſaid Admirals reaſonably according to the old cuſtom and Law upon the Sea uſed, have done and uſed out of the ſaid franchiſe of the five Ports. (4) Saving that the determination of the death of a man in this behalf, and the execution of the ſame, ſhall be within the ſame franchiſe of the five Ports reſerved to the ſaid Warden, or to his General Lieutenant there. (5) And that the ſame Warden ſhall have all the forfeitures there, in all ſuch caſes as he hath had, and have been accuſtomed of right to the office of the Warden of the five Ports aforeſaid before this time. And that the ſaid Conſervators and every of them, have power to make full execution of this Ordinance in the form aforeſaid. And this Ordinance ſhall hold place and force, for any thing to be done or attempted againſt this ſame Ordinance after the Proclamation of this Ordinance and Declaration made. Stat. 4 H. 5. 7. 14 H. 6. 8. 29 H. 6. 2.

What forfeitures the Admiral ſhall have.

The authority of the Conſervators within the five Ports.

The Warden of the five Ports ſhall have all the forfeitures there.

CAP. VII.

Inſt. 40, 43. 4 Inſt. 51. 6.

The intent of the Hereticks called *Lollards*, was to ſubvert the Chriſtian Faith, the Law of God, the Church and the Realm. All Officers of Government ſhall be ſworn to aſſiſt the Ordinaries in extirpating of Hereſies. An Heretick convict ſhall forfeit all his fee-ſimple lands, goods, cattels: They which be indicted of Hereſie ſhall be delivered to the Ordinaries. Rep. 1 Ed. 6. 12. 1 El. 1. St. 5 R. 2. 5. 13 Co. 8. 2 H. 4. 15. 25 H. 8. 14.

Hereſie, Raſt. 5.

CAP. VIII.

Commiſſions ſhall be awarded to enquire of a Riot, and of the Juſtices default therein.

Item, Whereas it is contained in the Statute made the xiij year of the Noble King Henry, father to our Lord the King that now is, amongſt other things, that if any Riot, Aſſembly, or Rout of people againſt the Law made in any part of the Realm, that the Juſtices of the Peace, iij or ij of them at the leaſt, and the Sheriff or Under-Sheriff of the County where ſuch Riot, Aſſembly, or Rout ſhall be made hereafter, ſhould come with the power of the ſaid County, if need were, to arreſt them, and them ſhould arreſt, (2) and the ſame Juſtices, Sheriff or Under-Sheriff ſhould have power to record that which they found ſo done in their preſence againſt the Law, and that by Record of the ſame Juſtices, Sheriff, or Under-Sheriff, ſuch treſpaſſers or offenders ſhould be convict in manner and form as is contained in the Statute of forcible entries. (3) And if it happen that ſuch treſpaſſers or offenders were departed before the coming of the Juſtices, Sheriff or Under-Sheriff, that the ſame Juſtices, three or two of them ſhall diligently enquire within a month after ſuch Riot, Aſſembly or Rout of people ſo made, and the ſame hear and determine according to the Law of the Land. (4) And if the truth could not be found in manner as afore is ſaid, within a month then next enſuing, the ſaid Juſtices three or two of them, and the Sheriff or Under-Sheriff ſhall certifie before the King and his Council all the deed and circumſtance of the ſame, which certificate ſhall be of like force as the preſentment of twelve men, upon which certificate the ſaid treſpaſſers and offenders ſhall be put to anſwer, (5) and they which be found guilty, ſhould be puniſhed according to the diſcretion of the King and his Council. (6) And moreover, that the Juſtices of Peace dwelling neareſt in every County where ſuch Rout, Aſſembly, and Riot of people ſhould be made hereafter, together with the Sheriff or Under-Sheriff of the ſame Counties, and alſo the Juſtices of Aſſiſes for the time that they ſhall be in their Seſſions, in caſe that any ſuch Riot, Aſſembly or Rout be made in their preſence, ſhall make execution of this Statute every one of them upon pain of an C l. to be paid to the King, as often as they ſhall be found in default of execution of the ſame Statute. (7) And forasmuch as many Riots, Routs, and Aſſemblies, have been made in divers parts of the Realm, ſince the making and Proclamation of the ſame Statute, becauſe that the ſame Statute hath not been put in due execution, as our Sovereign Lord the King hath perceived by divers and grievous complaints to him made in this preſent Parliament: (8) the ſame our Lord the King, willing hereof to provide a better remedy, by the advice and aſſent aforeſaid, and at the ſuit of the ſaid Commons, hath ordained and ſtabliſhed, that if default be found in the ſaid two Juſtices of the Peace, or Juſtices of Aſſiſes, and the Sheriff or Under-Sheriff of the County where ſuch Riot, Aſſembly, or Rout ſhall be made, touching the execution that they ought to make by virtue of the ſaid Statute, and whereof the ſaid Statute maketh mention, that then at the inſtance of the party grieved, the Kings Commiſſion ſhall go out under his Great ſeal, to enquire as well of the truth of the caſe, and of the original matter for the party complainant, as of the default or defaults of the ſaid Juſtices, Sheriff or Under-Sheriff in this behalf ſuppoſed, to be directed to ſufficient and indifferent perſons at the nomination and by the direction of the Chancellor of the Realm of England. (9) And that the ſaid Commiſſioners preſently ſhall return into the Chancery the enqueſts and matters before them in this behalf taken and found. And moreover, that the Coroners of the ſame County for the time being, in which

County

Riots, Raſt. 4.

A rehearſal of the Statute of 13 H. 4. 7. provided againſt thoſe that commit any riot, rout, or unlawful aſſembly.

Commiſſions ſhall be awarded to enquire of the Riot, and of the Juſtices and Sheriffs defaults. Co. Inſt. 4 par. 184.

Upon the Commiſſion the Coroners ſhall return the enqueſt;

and of what ſufficiency the Jurors ſhall be.

What iſſues the Coroners ſhall return upon the Jurors, and upon what penalty.

Where the Sheriff, and not the Coroner ſhall return the Jury.

A Writ directed out of the Chancery to enquire of Riots.

County ſuch Riot, Aſſembly or Rout ſhall be made, ſhall make the panel upon the ſaid Commiſſion returnable for the time that the Sheriff ſo ſuppoſed in default ſhall continue in his office, (11) which Coroners ſhall return no perſons, but only ſuch which have lands, tenements, or rents to the value of x l. by year at leaſt. (12) And alſo that the ſame Coroners ſhall return upon every of the ſaid perſons empannelled at the firſt day when iſſues be to be loſt, xx s. at the leaſt, and at the ſecond day xl s. at the leaſt, and at the third day C s. at the leaſt, and at every day after, the double at the leaſt, which iſſues ſo returned in reſpect of non-appearance of ſuch perſons empannelled ſhall be adjudged as forfeit to the King, and leviable to his uſe. (13) And if default be found in the ſaid Coroners touching the return of ſuch perſons to be empannelled, or touching the return of ſuch iſſues as afore is ſaid, that every of them ſhall forfeit to the Kings uſe forty pound. (14) And if it happen that the ſaid Sheriff ſo reputed in default, be diſcharged of his Office at the time that ſuch Commiſſion ſhall be awarded out of the Chancery, that then the new Sheriff of the ſame County, his Succeſſor mediate or immediate for the time being, and not the Coroners of the ſame County, ſhall make the panel upon this Commiſſion, returnable in manner and form, as the ſaid Coroners ſhould do in time when the Sheriff ſo reputed in default continued in his office. (15) And that the ſame new Sheriff ſhall incur like pain of forty pound to the King, if any default in him be found touching the return of other perſons by him empannelled, which have not lands, tenements, or Rents to the value of ten pounds by year, or of returning ſuch iſſues which the ſaid Coroners be above charged to return, as the ſaid Coroners are to loſe to the King in this behalf. (16) And that the Chancellor of England for the time being, as ſoon as he may have knowledge of ſuch Riot, Aſſembly or Rout, ſhall cauſe to be ſent the Kings Writ to the Juſtices of the Peace, and to the Sheriff or Under-Sheriff of the County where they be ſo made, that they ſhall put the Statute in execution, upon the pain contained in the ſame. And though that ſuch Writ come not to the ſaid Juſtices, Sheriff or Under-Sheriff, they ſhall not be excuſed of the pain aforeſaid, if they make not execution of the ſaid Statute.

A riot ſhall be repreſſed and enquired of at the Kings charges.

The puniſhment of rioters.

Each able perſon ſhall be aſſiſtant to the Juſtices and Sheriffs to repreſs Riots.

Bailiffs of Franchiſes.

Riots committed in Cities, Boroughs, and Towns corporate.

II. Provided always, that the ſaid Juſtices and other Officers aforeſaid, ſhall execute their Offices aforeſaid at the Kings coſt, in going and continuing in doing their ſaid Offices, by payment thereof to be made by the Sheriff of the ſame County for the time being, by Indentures betwixt the Sheriff and the ſaid Juſtices and other Officers aforeſaid to be made of the payment aforeſaid, whereof the ſaid Sheriff upon his account in the Exchequer, may have due allowance: (2) And that ſuch Rioters attainted of great and heinous Riots, ſhall have one whole years impriſonment at the leaſt, without being let out of priſon by bail, mainpriſe, or in any other manner during the year aforeſaid. (3) And that the Rioters attainted of petty Riots, ſhall have impriſonment as beſt as ſhall ſeem to the King or to his Council. (4) And that the fines of ſuch Rioters attainted, ſhall be by the ſaid Juſtices increaſed and put to greater ſums than they were wont to be put in ſuch caſes before this time, in aid and ſupportation of the Juſtices and other Officers aforeſaid in this behalf. (5) And that the Kings liege people being ſufficient to travel in the County where ſuch Routs, Aſſemblies, or Riots be, ſhall be aſſiſtant to the Juſtices, Commiſſioners, Sheriff, or Under-Sheriff of the ſame County, when they ſhall be reaſonably warned to ride with the ſaid Juſtices, Commiſſioners and Sheriff, or Under-Sheriff, in aid to reſiſt ſuch Riots, Routs and Aſſemblies, upon pain of impriſonment, and to make fine and ranſom to the King. (6) And that the Bailiffs of Franchiſes ſhall cauſe to be impannelled ſufficient perſons as before, upon pain to loſe to the King forty pound, in caſe that ſuch ſufficient perſons may be found within the ſame Franchiſes. (7) And that like Ordinances and pains ſhall hold place, and take effect in Cities, Boroughs, and other places and Towns infranchiſed, which have Juſtices of the Peace within the Cities, Boroughs, Towns, and other places aforeſaid. (8) And that this Statute ſhall begin to hold place preſently after the Proclamation thereof made. Stat. 19 H. 7. 13.

CAP. IX.

A remedy to puniſh him that doth commit felony and fly into an unknown place.

Riots, Raſt. 5.

A remedy to puniſh him which doth commit any murder or robbery, and then doth flee into a ſecret place.

The party accuſed is taken by the Sheriff, or yieldeth himſelf.

The Sheriff returneth, that the party cannot be taken.

ITem, Foraſmuch as great and grievous Complaints have been made to our Sovereign Lord the King, by the Commons in this preſent Parliament, of divers murders, manſlaughters, robberies, batteries, aſſemblies of people in great number, in manner of inſurrection, and of divers other rebellions and riots, and after ſuch offences the ſaid Felons and Offenders flee, and withdraw themſelves into divers woods and ſecret places and unknown, and elſewhere, to the intent and purpoſe to avoid the execution of the Common Law, and that they might not be brought to anſwer: (2) whereupon our Sovereign Lord the King conſidering the aforeſaid complaint, by the advice and aſſent of the Lords Spiritual and Temporal in the ſame Parliament aſſembled, hath ordained and ſtabliſhed at the requeſt of the ſaid Commons, that if any perſon hereafter come into the Chancery, and make complaint duly that any ſuch Felon or Offender as afore is ſaid, flee or withdraw himſelf into any ſuch place, or elſewhere, to the intent aforeſaid, upon ſuch a complaint a bill ſhall be ſufficiently made for the King. (3) And the Chancellor of England for the time being, after ſuch a Bill to him delivered, if he may be duly informed, that ſuch a bill containeth truth, ſhall have power to make according to his diſcretion a Writ of Capias at the Kings ſuit, directed to the Sheriff of the County or Counties where the ſaid murders, manſlaughters, robberies, batteries and other offences be ſuppoſed by the ſaid bill to be done and perpetrate, returnable in the ſaid Chancery at a certain day. (4) And if the perſons in the ſaid Writ contained, be taken by the ſaid Sheriff, or yield themſelves in the ſame Chancery, that then ſuch perſons ſhall be put in ward or to mainpriſe, according to the diſcretion of the Chancellor. (5) And moreover be it commanded to enquire of ſuch offences, and upon that ſhall be done as the Law requireth. (6) And if the Sheriff return at the day of the Capias returnable, that the perſons in the ſame compriſed for any of theſe cauſes aforeſaid, cannot be by him taken, neither the ſame perſons do yield themſelves in the ſaid Chancery, that then the ſaid Chancellor ſhall cauſe to be made a Writ of Proclamation, directed to the ſaid Sheriff, returnable in the

Kings Bench at a certain day, that he ſhall make Proclamation in two Counties, that the perſons named in the ſaid Writ ſhall come at the ſaid day in the Bench aforeſaid, there to anſwer to the matter compriſed within the ſaid bill, upon pain to be convict of the matter compriſed in the ſaid bill. (7) And that in every ſuch Writ of Proclamation ſhall be contained the ſubſtance of the matter compriſed within the ſaid bill: (8) And if they come not at the day of ſuch Proclamation returned, then ſhall they be holden and adjudged for convict, and attainted as aforeſaid: And if they come at the Proclamation, it ſhall be of them enquired and done in manner as above is ſaid.

II. Provided always, that the ſuggeſtions of ſuch Riots be teſtified to the Chancellor of England by Letters ſealed under the ſeals of two Juſtices of Peace at the leaſt, and the Sheriff of the County where ſuch riots ſhall be made, before that the Writ of Capias be granted, (2) in which Writ of Capias, the matter which is compriſed within the ſame bill ſhall be as well expreſſed, as in the Writ of Proclamation thereof to be made. (3) And if ſuch caſe happen in the County Palatine of Lancaſter, or elſe in any franchiſe where there is a Chancellor and a ſeal, that then the Chancellor of England ſhall cauſe to be written or ſent by the Kings Writ to the Chancellor of ſuch County or Franchiſe, all the ſuggeſtion in the ſaid bill compriſed, commanding him to make ſuch execution as in the ſaid article is compriſed: (4) ſo always that the Kings Writ ſhall not run out of the Chancery of England in ſuch a County or Franchiſe, otherwiſe than hath been uſed in time paſt. (5) And that this Ordinance ſhall ſtand in his full force until the end of the next Parliament. St.8 H.6.14. made perpetual. OB.

The ſuggeſtions of ſuch riots ſhall be teſtified under ſeals of two Juſtices of Peace and the Sheriff. Riots committed where there is a Chancellor and a Seal.

Other Statutes made at *Weſtminſter*, *Anno* 2 *H*.5.St.2. and *An.Dom*.1414.

OUr Lord the King at his Parliament holden at Weſtminſter, the Monday next after the Utas of S.Martin, the ſecond year of his Reign, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial inſtance and requeſt of the Commons of his Realm then there aſſembled, hath ordained and eſtabliſhed divers Ordinances and Statutes in the manner and form as followeth.

CAP. I.

What ſorts of men ſhall be Juſtices of the Peace.

FIrſt, That the Juſtices of the Peace from henceforth to be made within the Counties of England, ſhall be made of moſt ſufficient perſons dwelling in the ſame Counties, by the advice of the Chancellor and of the Kings Council, without taking other perſons dwelling in foreign Counties to execute ſuch office, except the Lords and the Juſtices of Aſſiſe now named, and to be named by the King and his Council; and except all the Kings chief Stewards of the Lands and Seigniories of the Dutchy of Lancaſter, in the North parts and in the South, for the time being. St.13 R.2.7.

Juſtices of Peace 1. What ſort of perſons ſhall be Juſtices of Peace. St. 1 Ed.3 16. 34 Ed. 3. 1.

CAP. II.

The yearly wages of Chaplains, ſhall be four pound thirteen ſhillings four pence; and of Pariſh Prieſts, ſix pound for their board, apparel, and other neceſſaries. Rep.21 Jac.28. St.36 Ed.3.8.

Chaplains, Raſt. 2.

CAP. III.

Of what eſtate thoſe Jurors muſt be which are to paſs touching the life of man, Plea real, or forty Marks damages.

ITem, The King conſidering the great miſchiefs and diſheriſons which daily happen through all the Realm of England, as well in caſe of death of a man, as in caſe of freehald, and in other caſes, by them which paſs in enqueſts in the ſaid caſes, which be common Jurors, and other that have but little to live upon but by ſuch enqueſts, and which have nothing to loſe becauſe of their falſe oaths, whereby they offend their conſcience the more largely; (2) and willing thereof to have correction and amendment, hath ordained and eſtabliſhed by aſſent of the Lords and Commons aforeſaid, that no perſon ſhall be admitted to paſs in any enqueſt upon trial of the death of a man, nor in any enqueſt betwixt party and party in plea real, nor in plea perſonal, whereof the debt or the damage declared amount to forty Marks, if the ſame perſon have not lands or tenements of the yearly value of forty ſhillings, above all charges of the ſame; (3) ſo that it be challenged by the party, that any ſuch perſon ſo impannelled in the ſame caſes, hath not lands or tenements of the yearly value of forty ſhillings above the charges as afore is ſaid. St.28 Ed.3.13. 8 H.6.29. 16,17 Car.2. cap.3.

Jurors 1. 2 Roll. 395.

Of what eſtate Jurors muſt be, which are to paſs in an enqueſt touching the life of man, plea real, or forty Marks damages. Raſt. pl. f.417 b

CAP. IV.

There ſhall be no gilding of Silver ware, but of the allay of Engliſh ſterling.

ITem, For that the Goldſmiths of England of their covin and ordinances will not ſell the wares of their Myſtery gilt, but at the double price of the weight of the ſilver of the ſame, which ſeemeth to the King very outragious and too exceſſive a price: (2) The King for the eaſe of his people willing to remedy the ſame, hath ordained and eſtabliſhed, that all the Goldſmiths of England ſhall gild no ſilver wares but of the allay of the England ſterling, and that they take for a pound of Troy gilt but forty ſix ſhillings eight pence at the moſt, (3) and of greater weight and leſs according to the quantity and rate of the ſame ſum, and that which ſhall be by them gilt from henceforth ſhall be of a reaſonable price and not exceſſive. (4) And if any Goldſmith do contrary to this Statute, he ſhall forfeit to the King the value of the thing ſo ſold. St.5 H.4 13.

Gold 7. There ſhall be no gilding of ſilver wares, but of the allay of Engliſh ſterling. The pound Troy of ſilver gilt, ſhall be ſold for 46 s. 8 d.

CAP. V.

If a Welſhman that doth forcibly take and detain an Engliſhman until he be ranſomed, will not upon proceſs awarded againſt him by the Juſtices, appear and anſwer the ſame until he be outlawed, the Juſtices ſhall certifie the ſame under their ſeals to the Officers of the Seigniories where ſuch outlaw is, who ſhall apprehend and do execution of him according to the Law. Alt.27 H.8 26.

Rep. 21 Jac.28. Wales 1.

CAP. VI.

Merchandiſes of the Staple, viz. Wools, Fells, Leather, Lead, or Tin whole and molten, ſhall not be carried to any part beyond the Sea, without the Kings Licence, until they be firſt brought to the Staple, upon pain of forfeiture of them. OB. St.2 R.2.3.2 H.6.4. 14 E.4.3.

Wool, Raſt. 13.

A Statute made at *Weſtminſter*, *Anno* 3 *Hen.*5. and *Anno Dom.* 1415.

AT the Parliament holden at Weſtminſter the Monday next after the Feaſt of All Saints, the third year of the Reign of King *Henry* the fifth, a Statute was made by the King our Lord, with the aſſent of all the Lords Spiritual and Temporal, and at the requeſt of the Commons of England there aſſembled, for the common profit and weal of the Realm.

CAP. I.

Money, Raſt. 27.

It ſhall be felony to bring and put in payment any of the money forbidden, viz. Galley half-pence, Suſkin, Dorkin, and all Scotiſh money of ſilver. OB.

A Statute made at *Weſtminſter*, *Anno* 3 *H.6.* 5. St. 3. and *Anno Dom.* 1415.

OUr Lord the King, at his Parliament holden at Weſtminſter, the Monday the ſixth day of March, the third year of his Reign, by the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt of the Commons aſſembled in the ſame Parliament, hath ordained and eſtabliſhed divers Statutes and Ordinances in the form following.

CAP. I.

A Confirmation of the Liberties of the Church, and of Perſons, Cities, Boroughs.

Confirmation, Raſt. 16. **The liberties of the Church, and of all Cities, Boroughs, and perſons, confirmed.**

FIrſt, That holy Church have all her Liberties and Franchiſes, and that the Lords Spiritual and Temporal, and other the Kings liege people, having Liberties and Franchiſes, and all the Cities and Boroughs of the Realm have and enjoy all their Liberties and Franchiſes, which they have had of the grants of the Kings Progenitors, and of the Confirmation of the ſame our Lord the King, or his grant: (2) Except always thoſe Franchiſes and Liberties which be repealed in this preſent Parliament, and thoſe that be repealed by the Common Law.

CAP. II.

Attorney, Raſt. 7.

Certain Abbots, &c. may make their Atturnies in the Courts of Stancliſe and Frendles Wapentakes in the County of York. Exp. 5 H.5.9. 9 H.6.10.

CAP. III.

Britains, Raſt. 1.

All Britains not made Denizens, ſhall depart the Realm upon pain of death. Exp.

CAP. IV.

All proviſions, licences and pardons of a Benefice full of an Incumbent, ſhall be void.

Proviſion, Raſt. 22. St. 7 H.4. 8. 1 Roll. 453.

All Proviſions made by the Pope, and licences or pardons granted by the King touching any benefices full of an incumbent, ſhall be void.

ITem, Whereas in the time of King Henry the fourth, Father to our Sovereign Lord, whom God forgive, the ſeventh year of his Reign, to eſchew many diſorders and debates, and divers other miſchiefs, which were likely to riſe and happen, becauſe of many Proviſions then made or to be made by the Pope, and alſo of Licences thereupon granted by the ſaid late King, amongſt other things it was ordained and ſtabliſhed, that no licence or pardon ſo granted before the ſame Ordinance, nor after to be granted, ſhould be available to any Benefice full of an Incumbent at the day of the date of ſuch licence or pardon granted: (2) Notwithſtanding, ſeveral perſons, having Proviſions of the Pope of divers Benefices in England and elſewhere, and licences Royal to execute the ſaid Proviſions, have by colour of the ſame Proviſions, Licences and Acceptations of the ſaid Benefices, ſubtilly excluded divers perſons of their Benefices, in which they have been Incumbents by a long ſeaſon, of the collations of the Patrons ſpiritual, to them duly made to their intent, to the utter deſtruction and ſubverſion of the eſtates of the ſaid Incumbents; (3) the King willing to remove ſuch miſchiefs, hath ordained and eſtabliſhed, that all the incumbents of every benefice of holy Church, of the Patronage, Collation or Preſentation of ſpiritual Patrons, may peaceably and quietly enjoy, and ſhall enjoy their ſaid Benefices, without being enquieted, moleſted, or any wiſe grieved by any colour of ſuch Proviſions, Licences and Acceptations whatſoever. (4) And that all the Licences and Pardons upon, and by ſuch Proviſions made, in any manner, ſhall be void and of no value. (5) And if any feel himſelf grieved, moleſted, or inquieted in any wiſe from henceforth by any, by any colour of ſuch Proviſions, Licences, Pardons or Acceptations, that the ſame moleſtors, grievers, and enquietors, and every of them, ſhall ſuffer and incur the pain and puniſhments contained in the Statutes of Proviſors before this time made, and that by proceſs of Præmunire facias formed upon the caſe. (6) And that the party which ſhall ſue by the ſame Writ, ſhall recover his treble damages, if the defendants named in the ſame Writ, or any of them be convict in that behalf.

CAP. V.

In which Courts an Attaint may be brought upon a falſe Verdict given in the City of Lincoln, and by whom it ſhall be tried.

Attaint, Raſt. 9. St. 13 R.2.18.

The Mayor and Bailiffs of Lincoln tranſlated into the name of the Sheriffs of the County of the City of Lincoln.

ITem, Whereas by the Statute made in the Parliament holden at Weſtminſter, the thirteenth year of King Richard the ſecond, it was ordained and ſtabliſhed, that in Aſſiſes, Juries and all other Enqueſts, which thenceforth ſhould be taken betwixt party and party, before the Mayor and Bailiffs of the City of Lincoln which for the time ſhould be, if any of the parties then did complain to him of falſe Oaths made by ſuch Aſſiſes, Juries or Enqueſts, that the attaint ſhould be granted to him, and the record ſhould be ſent by Writ into the Kings Bench, or into the Common Bench: (2) And that the Sheriff ſhould array the panel of the Jury of ſuch attaint, of foreigns, without ſending to the Franchiſe of the ſaid City: And the Juſtices ſhould take the ſame Jury of the ſame foreigns, notwithſtanding any franchiſe granted to the ſaid City, or any other uſage to the contrary. (3) Nevertheleſs, foraſmuch as the Lord Henry late King of England, Father to our Sovereign the King aforeſaid, the xxj day of November, the xiij year of his Reign, by his Letters Patents, amongſt others, granted to the Mayor and Commonalty of the ſaid City, that the name of Bailiffs of the ſame City, ſhould be tranſlate into the name of Sheriffs; and that the ſame City, ſuburbs, and precinct of the ſame (except the Caſtle of Lincoln, and the walls and ditches of the ſame) ſhould for ever be called the County of the City of Lincoln: divers people be and have been in doubt, whether a man that will complain of a falſe oath made in the County of the ſaid City, after by force of the ſaid Statute ſhould have a Writ of Attaint, directed to the Sheriff of the County of Lincoln, to be arrayed by the people of the ſame County, or not, and alſo of other Articles and points of the ſaid Statute: (4) The King willing to remove all manner of ambiguities and doubts in this behalf, hath ordained, granted, and eſtabliſhed, that in Aſſiſes, Juries, and all other Enqueſts which be and ſhall be taken betwixt party and party, before the Mayor and Bailiffs, and before the Sheriff of the County of the City of Lincoln, which for the time is, and ſhall be, or any of them, if any of the ſaid parties do complain of a falſe oath made by ſuch Aſſiſes, Juries, and Enqueſts, a Writ of Attaint ſhall be granted to him, directed to the ſaid Sheriff of the County of Lincoln for the time being, and the ſame Record ſhall be ſent by a Writ into the Kings Bench, or into the Common Bench: (5) And that the Sheriff of the County of Lincoln which for the time ſhall be, ſhall array the panel of the Jury of ſuch Attaint, of people of the County of Lincoln: And that the Juſtices of the King and of his heirs ſhall take the ſame Jury of people of the County of Lincoln, according to the intent and effect of the ſaid Statute, notwithſtanding the ſaid Letters Patents, or any thing therein contained, or any poſſeſſion or other thing by the force of the ſame Letters had or made, or any Franchiſe granted, or to be granted to the Citizens of the ſaid City, or to their ſucceſſors, or other uſage to the contrary, in that the ſaid City of Lincoln is ſo made incorporate.

Upon a falſe verdict given before the Mayor, &c. of the County of the City of Lincoln, an attaint may be brought triable by foreigners.

CAP. VI.

It ſhall be Treaſon to clip, waſh, and file Money.

Item, Becauſe that before this time great doubt and ambiguity hath been, whether that clipping, waſhing, and filing of the Money of the land, ought to be judged Treaſon or not, for as much as no mention thereof is made in the declaration of the Articles of Treaſon, made in the Parliament holden the xxv year of King Edward the third: (2) The ſame our Lord the King willing to decide ſuch doubt, and to put the ſame in a certainty, hath declared in this preſent Parliament, that ſuch clipping, waſhing, and filing, ſhall be adjudged for Treaſon, and they which ſo do clip, waſh, and file the Money of the land, ſhall be judged Traitors to the King, and to the Realm, and ſhall incur the pain of Treaſon. Rep.1 Ed.6.12.& 1 Mar.1. St.5 E.11.

Money, Raſt.28. Clipping, waſhing and filing of the Money of this Realm, ſhall be high Treaſon.

CAP. VII.

Which Juſtices ſhall have authority to hear and determine the offences of falſifying of Money.

Item, Becauſe counterfeiting, clipping, waſhing, and other falſity of Money of the land, is much more uſed, and daily doth more abound than it was wont, for that the puniſhment of the ſame pertaineth not to any Judges of the Realm, but to the Kings Juſtices before himſelf, or by ſpecial Commiſſioners thereto aſſigned, and it is very likely there will be deſtruction of the Money, unleſs haſty execution and remedy be provided, as the King by the grievous complaint of the Commons hath perceived: (2) Our ſaid Lord the King willing to remedy the ſame, hath ordained and eſtabliſhed, that the Kings Juſtices aſſigned to take Aſſiſes in all the Counties of England, ſhall have power by the Kings Commiſſions, to hear and determine in their Seſſions, as well of the counterfeiting, and of the bringing of ſuch falſe money into the Realm, as of clipping, waſhing, and every other falſity of the ſaid money. (3) And that the Juſtices of Peace through the Realm ſhall have power by the Kings Commiſſions, to inquire of all ſuch matters, and thereupon to make proceſs by Capias only, againſt thoſe which before them ſhall be thereof indicted. St.1 Ed.6.12. 1 Mar.1. 5 El.11.

Money, Raſt. 29. Which Juſtices ſhall have authority to hear and determine the offences of falſifying of money.

CAP. VIII.

Ordinaries ſhall take no more for proving of Teſtaments with their Inventories, than was taken in the time of King Ed. 3. Exp. St.31 Ed.3.4. St.21 H.8.9.

Probat of Teſtaments, Raſt. 2.

Statutes made at *Weſtminſter*, *Anno* 4 H. 5. and *An.Dom.*1416.

At the Parliament holden at Weſtminſter, the nineteenth day of October, the fourth year of the reign of King *Henry* the Fifth after the Conqueſt: The ſame our Lord the King, with the aſſent of the Prelates, Dukes, Earls, Barons, and at the ſpecial inſtance and requeſt of the Commons aſſembled in the ſame Parliament, hath cauſed to be ordained and ſtabliſhed certain Statutes and Ordinances, in the form as followeth.

CAP. I.

A Confirmation of all Statutes not repealed.

Firſt, That the great Charter, and the Charter of the Foreſt, and all other Statutes and Ordinances made in his time, and in the time of his Noble Progenitors Kings of England, and not repealed, ſhall be firmly holden and kept in all points.

Confirmation, Raſt. 6. A confirmation of former Statutes not repealed.

CAP. II.

Sheriffs ſhall have allowance upon their accompts upon things caſual.

Inſt. .107.

Item, That all the Sheriffs of England ſhall have allowance upon their accompts, by their oaths, of things caſual, as of eſtreats that be not in ferm, nor in demand; (2) But all ſuch things that be or run in yearly ferms or yearly demands, they ſhall be charged to the King, as the Sheriffs have been charged in that caſe in times paſt.

Sheriffs 37. Sheriffs ſhall have allowance upon their accompts of things caſual.

CAP. III.

No man ſhall make any Pattens of Aſpe upon pain of C ſhillings. Rep.1 Jac.25. & 21 Jac.28.

Pattens, Raſt.2.

CAP. IV.

The penalty aſſigned by the Stat. of 12 R. 2.4. for giving or taking of exceſſive wages, ſhall be impoſed on the Taker only. Exp.

Labourers, Raſt.30.

CAP. V.

How Merchants ſtrangers ſhall be uſed, and Hoſts appointed for them.

Merchants, Raſt.29. A confirmation of the Statute of 5 H. 4. 7. & 5 H. 4. 9. touching the uſing of Merchants ſtrangers.

ITem, Whereas in a Statute made in the time of King Henry the fourth after the Conqueſt, the fifth year of his reign, it was ordained and ſtabliſhed, that all the Merchants aliens, of what eſtate or condition they be, coming, abiding, or reſident within the Realm of England, ſhould be entreated and demeaned within the ſame Realm in the ſame form, manner and condition, as the Merchants denizens be or ſhall be entreated or demeaned in the parties beyond the Sea, and in no other manner, upon pain to forfeit to the King all the goods and chattels of the ſaid Merchants aliens. (2) And alſo it was ordained and ſtabliſhed in the time of the ſaid late King Henry, amongſt other things, by the Statute, that in every City, Town, and Port of the Sea of England, where the ſaid Merchants aliens, or ſtrangers, be, or ſhall be repairing, ſufficient hoſts ſhall be aſſigned to the ſame Merchants by the Mayor, Sheriff, or Bailiffs of the ſaid Cities, Towns, and Port of the Sea; (3) And that the Merchants aliens, and ſtrangers, ſhall not remain in other places, but with the ſaid hoſts ſo to be aſſigned; And that the ſame hoſts ſo to be aſſigned, ſhall take for their labour in the ſame manner as was accuſtomed of old time: (4) and for that our Lord the King hath perceived that the ſame Statutes have not been put in due execution, he willeth and granteth, that the ſame Statutes ſhall be firmly holden and kept in all points, and put in due execution from henceforth according to the purport of the ſame.

CAP. VI.

Ireland, Raſt.6.

If any Archbiſhop, Biſhop, &c. of Ireland, Rebel to the King, ſhall make collation of a Benefice to any Iriſhman, or bring any Iriſhman to the Parliament to diſcover the Councel of Engliſhmen to Rebels, his Temporalties ſhall be ſeiſed until he hath made fine to the King. OB.

CAP. VII.

In what caſes Letters of Marque may be granted.

Breakers of Leagues, &c. Raſt.2. St. 2 H. 5. 6. Letters of Marque ſhall be granted to any of the Kings ſubjects with whom truce is broken upon the Sea.

ITem, Becauſe our Sovereign Lord the King hath heard and conceived at the grievous complaint of the Commons of his Realm in this Parliament, for that in reſpect of a Statute made at his Parliament holden at Leiceſter, the laſt day of April, the ſecond year of his reign, in which Statute is contained, that the breaking of truce and of ſafe conducts, and willing receit, abetment, procurement, council, hiring, ſuſtaining and maintaining of breakers of truce, and of the ſafe conducts of the King our Lord to be made by his liege people from henceforth, within the Realm of England and Ireland, and the Country of Wales, upon the main Sea, ſhall be judged and determined for high treaſon, done againſt the Crown, and the Kings dignity: (2) By reaſon of which Statute, though the Kings ſubjects be ſo much grieved againſt the truce, that they dare not provide remedy by way of Act, for that the Kings enemies, as well in the parts beyond the Sea, as in the Realm of Scotland, have thereof taken great courage to grieve the Kings faithful liege people, in ſlaying ſome of them, and in taking ſome of them priſoners, and alſo taking their goods and cattels, againſt the tenour of the truce, as well upon the main Sea, as upon the Marches of Scotland, whereof the ſaid Commons have humbly beſeeched our ſaid Sovereign Lord the King to provide remedy: (3) The King willing as well in this caſe as in other to take order for the indempnity of his liege people and faithful ſubjects, hath declared in this preſent Parliament, that of all attempts made by his enemies upon any of his faithful liege people againſt the tenour of any truce, taken before this time, wherein is no expreſs mention made, that all marques and repriſals ſhall ceaſe, the ſame our Sovereign lord the King will grant marque in due form to all them that feel themſelves in this caſe grieved, (4) And our ſaid Lord the King will do the like to all his liege people that feel them grieved againſt the tenor of any truce, which betwixt him and any of his enemies ſhall be newly taken hereafter. (5) And to the greater comfort of his faithful liege people, to the intent that they may the more readily, and without long delay, have remedy in this caſe: The ſame our Lord the King will, that if he or they that feel them grieved, againſt the tenor and form of ſuch truce within the Realm of England, out of the ſaid Marches of Scotland, or upon the Sea, or in the parties beyond the Sea, ſhall complain to the keeper of the Privy Seal, which for the time ſhall be, who after ſuch complaint heard and perceived, thereof ſhall make to the party complainant (if he the ſame require) letters of requeſt, under the Privy Seal, in a due form, and if after ſuch requeſt made, the party required do not make within a convenient time due reſtitution or ſatisfaction to the party grieved, then the Chancellor of England for the time being, ſhall cauſe to be made to ſuch party grieved (if he that demand) Letters of Marque under the great Seal, in a due form. (6) And as for remedy to be ordained for the Kings liege people and ſubjects, that feel them grieved in the Realm of Scotland, or in England at the Marches joyning to Scotland, againſt the form of ſuch truce, as afore is ſaid: our Lord the King ſhall give power by Commiſſion to the Wardens, as well of the eaſt Marches, as of the weſt Marches, toward Scotland, and to every of them, to hear the complaints of all them his liege people and ſubjects which be or ſhall be grieved, and to cauſe thereupon to be made requeſt by Letters to be delivered to him which hath done or ſhall do ſuch grievance, or to the Wardens of the Marches, or conſervator of the truce of the parties of Scotland, if he may well do it; or otherwiſe to make Proclamation in open places upon the Marches, that he or they which have done ſuch grievances againſt the truce, ſhall make due reſtitution or ſatisfaction to the party grieved. (7) And if they do it not within a convenient time, then at the inſtance of every of the Kings liege people and ſubjects which thereof feeleth, or ſhall feel himſelf grieved in ſuch caſe, letters of Marque be given in due form under the ſeals of the ſaid Wardens, or under his ſeal to whom the complaint ſhall be made in this caſe, without any difficulty.

The manner how to obtain letters of Marque.

Letters of Marque where truce broken in Scotland, or the Marches thereof. Rep. 4 Jac. 1.

CAP. VIII.

Pardon, Raſt.5.

The Kings pardon of the ſuit of his Peace, and of Iſſues loſt to the ſum of xxvi s. viii d. and under, &c. Exp.

A Statute made at *Weſtminſter*, *Anno* 5 *Hen.* 5. and *Anno Domini*, 1417.

All perſons until the next Parliament may make their Atturnies in Wapentakes, Hundreds, and Court Barons. Exp. St. 3 H. 5. 2.

Atturney, Raſt. 1.

A Statute made at *Weſtminſter*, *Anno* 7 *H.* 5. and *Anno Dom.* 1419.

A remedy againſt thoſe that indict others of Felony committed in a place where there is none ſuch. Proceſs againſt makers, &c. of falſe Deeds.

HENRY King of England, &c. To his Chancellor in the County Palatine of Lancaſter, greeting. Know ye that for as much as divers men of malice and envy, and for gain and revenge have often cauſed to be indicted and appealed divers of our true liege people, of treaſons or felonies, in the County of Lancaſter, pretending by thoſe appeals and indictments, that the ſaid treaſons or felonies were committed in a certain place, where of truth no ſuch place is had in the ſaid County where the ſaid appeal and indictment is made, to the great damage and peril of ſuch our liege people, conſidering that ſome ſo appealed and indicted, dare not appear before the Juſtices in their proper perſons, to anſwer thereof, for fear of beating, maiming, or killing them, by the conſpirators or procurers of the ſame appeals and indictments, as by the Commons of the Realm of England, in our laſt Parliament holden at Weſtminſter, by their petition there exhibited, grievouſly complaining, was ſhewed: (2) It is ordained in the ſame Parliament by the aſſent of the Prelates and great men of the ſame Realm, there being, at the requeſt of the ſaid Commons, for the common profit and quietneſs of the people of the ſame Realm, that every Juſtice which hath power to hear and determine ſuch treaſons and felonies within the ſaid County, by the oath of twelve men, (of whom every one ſhall have freehold in the ſame County, to the yearly value of an hundred ſhillings above all charges) before that the Exigent be awarded, without allegation of the party, as well in the parties abſence as his preſence, ſhall inquire of office, whether any ſuch place be in the County where ſuch appeals or indictments be made or to be made, or not. (3) And if it be found that there is no ſuch place within the ſame County, then ſuch appeals and indictments, and the proceſs thereupon made or to be made, ſhall be void, and holden for none. (4) And that in ſuch caſe the indictors aforeſaid be puniſhed by impriſonment, fine, and ranſom by the diſcretion of the ſaid Juſtices. (5) And that this preſent ordinance and remedy extend as well to appeals and indictments not determined before this time as to appeals and indictments to be taken hereafter: (6) And if any Exigent from henceforth be awarded, before that ſuch inquiſition of office (as afore is ſaid) be taken, that the ſame Exigent and the awarding thereof, be likewiſe void and holden for none.

Conſpiracy, Raſt. 3.

A remedy againſt thoſe that do indict or appeal others of Treaſon or Felony committed in a place within the County of Lancaſter, whereas there is no ſuch place. St. 9 H. 5. 1. 18 H. 6. 12.

II. Provided, That this preſent ordinance have ſtrength, and extend only until the next Parliament. (2) And alſo know ye, that in the ſaid Parliament, of the aſſent and requeſt aforeſaid, it was ordained and ſtabliſhed, That in Writs to be purchaſed againſt thoſe that forge or make untrue Charters or miniments, and them proclaim or cauſe to be read, like proceſs ſhall be made by Capias and Exigent, as in Writs of Treſpaſs. (3) And therefore we command you, firmly enjoyning, that immediately after the ſight thereof, you cauſe this Statute and Ordinance openly to be proclaimed in the places within the ſame County where ſhall be moſt expedient and neceſſary, as well within liberties as without: (4) and that alſo you cauſe all and ſingular our Juſtices, having power to hear and determine felonies and treaſons within the ſaid County, fully to be inſtructed, and without delay to be certified of the ſaid Ordinance and Statute by our Letters, containing the tenour of the ſame. Witneſs, &c. the xvi day of December, the vii year of our Reign. (5) And by petition in the Parliament holden at Weſtminſter, the ſecond day of December, the eighth year of the ſame King, a like Writ was made: Saving that the Teſte of the ſame Writ was, Witneſs Humfrey Duke of Glouceſter, Protectour of England, at Weſtminſter the tenth day of January, the eighth year, &c.

The like proceſs ſhall be awarded againſt him that maketh and publiſheth falſe Deeds by Capias and Exigent, as in Writs of Treſpaſs. Rep. 5 El. 14.

A Statute made at *Weſtminſter*, *Anno* 8 *Hen.* 5. and *Anno Domini*, 1420.

AT the Parliament holden at Weſtminſter the ſecond day of December, the eighth year of the Reign of King *Henry* the Fifth: The ſame our Lord the King, by the aſſent of the Lords Spiritual and Temporal, and at the ſpecial inſtance and requeſt of the Commons aſſembled in the ſame Parliament, hath cauſed to be ordained and ſtabliſhed certain Statutes and Ordinances in the form following.

CAP. I.

Parliament Writs being awarded in the name of the Kings Lieutenant, ſhall not be ſtayed by the Kings return into England. Exp.

Parliament, Raſt. 10 Co. Inſt. 4 par. 7.

CAP. II.

Certain gold or ſilver ſhall be brought to the Mint inſtead of Wool or Tin tranſported.

ITem, It is ordained and ſtabliſhed, That every Merchant ſtranger buying Wools in England to carry them to the Weſt parties, and elſewhere, not coming to the Staple, there to be ſold, ſhall bring to the Maſter of the Mint of the Tower of London of every ſack, one ounce of bullion of gold, and in the ſame manner of three pieces of Tin, one ounce of bullion of gold, or the value in bullion of ſilver, upon pain of forfeiture of the ſame Wools and Tin, or the value of the ſame to the King. OB.

Wool, Raſt. 19. Certain gold and ſilver ſhall be brought to the Mint inſtead of Wool or Tin tranſported by Merchants ſtrangers.

CAP. III.

What things only may be gilded, and what laid on with ſilver.

ITem, That none from henceforth ſhall gild any ſheaths nor metal but ſilver, and the ornaments of holy Church. (2) Nor ſhall ſilver no metal but Knights ſpurs, and all the apparel that pertaineth to a Baron, and above that eſtate, upon pain of forfeiture to the King ten times as much as the thing ſo gilt is of value, and ſhall have only one years impriſon-

Gold, Raſt. 6. What things only may be gilded, and what laid on with ſilver.

ment. (4) And the Juſtices of Peace ſhall have power to enquire thereof, and that to determine. (5) And he that will ſue for the King in this behalf, ſhall have the third part of the ſaid pecuniary pain.

II. Provided that this laſt Ordinance ſhall begin to hold place at the Feaſt of Eaſter next coming. St. 5 H. 4. 13.

Statutes made at *Weſtminſter, Anno* 9 H. 5. and *An. Dom.* 1421.

AT the Parliament holden at Weſtminſter the ſecond day of May, the ninth year of the reign of King *Henry* the fifth after the Conqueſt: The ſame our Lord the King, by the aſſent of the Lords Spiritual and Temporal, and at the ſpecial inſtance and requeſt of the Commons aſſembled in the ſame Parliament, hath cauſed to be ordained and ſtabliſhed certain Statutes and Ordinances in the form following.

CAP. I.

A Continuance of the Stat. of 7 H. 5. touching Indictments.

Conſpiracy, Raſt. 2. **A confirmation of the Statute of** Anno 7 H. 5. St. 18 H. 6. 12.

FIrſt, That the Statute made in the Parliament holden at Weſtminſter in the ſeventh year of the Reign of our ſaid Lord the King touching Appeals and Indictments, ſtand in his force, and hold place till the next Parliament to be holden after the Kings return from beyond the Sea into England. 1 Roll.

CAP. II.

Lancaſter, Raſt. 1. 4 Inſt. 51. §. 5.

No perſon outlawed in the County of Lancaſter, ſhall forfeit any lands or goods, but ſuch as he hath in the ſame County. Exp. St. 18 H. 6. 13. 20 H. 6. 2. 33 H. 6. 2.

CAP. III.

Aſſiſes, Raſt. 14.

Protections granted to them that be in the Kings ſervice in Normandy or France, or which ſhall paſs with him into France. Exp. Stat. 4 H 6. 2. 14 E. 4. 2.

CAP. IV.

The Juſtices may amend defaults in Records or Proceſs before Jugdment given.

Records 1. St. 14 Ed. 3. 6.

ITem, Whereas it was ordained and ſtabliſhed in the Statute made the fourteenth year of King Edward the third after the Conqueſt, that for miſpriſion of the Clerk in any place whereſoever it be, the proceſs of the plea ſhould not be avoided nor diſcontinued, by miſtaking in writing one letter or ſyllable too much, or too little, (2) but aſſoon as the thing is perceived, by challenge of the party, or in other manner, it ſhould haſtily be amended in a due form, without giving advantage to the party that challengeth the ſame, becauſe of ſuch miſpriſion: (3) The King our Sovereign Lord, conſidering the diverſity of opinions which have been upon the ſaid Statute, and to put the thing in more open knowledge, hath declared and ordained at this time by authority of this preſent Parliament, that the Juſtices before whom ſuch plea or record is made, or ſhall be depending, as well by adjournment, as by way of errour, or otherwiſe, ſhall have power and authority to amend ſuch record and proceſs, as afore is ſaid, according to the form of the ſame Statute, as well after judgment in any ſuch plea, record, or proceſs given, as before judgment given in any ſuch plea, record, or proceſs, as long as the ſame record and proceſs is before them, in the ſame manner as the Juſtices had power to amend ſuch record and proceſs before judgment given, by force of the ſaid Statute made in the time of the ſaid King Edward. (4) And that this Ordinance endure till the Parliament that ſhall be firſt holden, after the return of our Sovereign Lord the King into England from beyond the Sea. St. 4 H. 6. 3. made perpetual. St. 8 H. 6. 12. 15.

Dyer f.
Co. l. 5.

The Juſtices before whom default ſhall be found in any Records or Proceſs may amend them before judgment.

CAP. V.

Sheriffs, Raſt. 22.

During four years the King may aſſign Sheriffs, &c. to continue in their Offices above one year, notwithſtanding the Statute of 14 Ed. 3. 7. Exp.

CAP. VI.

Money, Raſt. 37.

The Mint ſhall be at Calice. Exp.

CAP. VII.

The Statute provided 2 H. 5. 5. for Offenders in Tindal and Examſhire, ſhall be extended againſt the like Offenders in Rideſdale.

Tindale, Raſt. 2.

ITem, Whereas in the Parliament holden at Leiceſter, the laſt day of April, the ſecond year of the Reign of our Sovereign Lord the King that now is, at the grievous complaint made to him there by certain of his Commons, for that many murders, treaſons, manſlaughters, robberies, and other offences were committed by divers of the Kings liege people dwelling within the franchiſes of Tindal and Examſhire, by favour of the Franchiſe, where the Kings Writ doth not run, to the great miſchief and peril of the ſaid liege people: (2) It was ordained and ſtabliſhed, that if any perſon of the ſame franchiſes, reſident and abiding within the ſame, of what eſtate or condition that he be, commit any murders, treaſons, manſlaughters, robberies, or conſent to do the ſame out of the ſaid franchiſes, proceſs ſhould be made againſt him by the Common Law, till he were outlawed, (3) and that after ſuch outlawry pronounced, and return made thereof, the Juſtices before whom ſuch outlawry ſhall be returned, ſhould thereof make certificate to ſuch miniſter and miniſters of the ſaid franchiſes, as to them beſt ſhould ſeem in this behalf, according to their diſcretion. (4) And ſuch felon ſhall be taken by ſuch miniſter or miniſters, and his lands and tenements, goods and chattels being within the ſame franchiſes, ſeiſed into the hands of the Lords of the ſame franchiſes for the time being, as forfeit: (5) And that the other lands and tenements, goods and chattels of ſuch felons out of the ſame franchiſes, ſhall wholly remain to the King, and to other Lords having thereof Franchiſes, as forfeit: (6) Saving always to the King the forfeitures of ſuch murderers, traitors, manſlayers, robbers, and all ſuch offenders, and of other things, which to him pertain as of the right of his Crown. (7) And forasmuch as like murders, treaſons, manſlaughters, robberies, conſents, and offences by divers perſons, thieves and felons called Intakers and Outparters dwelling within the franchiſe of Rideſdale, in which franchiſe the Kings Writ doth not run, as it is ſaid, have been done now of late in divers places in the Counties of Northumberland, Cumberland, Weſtmerland, and elſewhere out of the ſame franchiſe of Rideſdale, by favour and ſuccour of the ſame franchiſe, whereof no redreſs towards them hath

Felons called Intakers **and** Outparters.

hath been had by the laws heretofore uſed, to the great miſchief, peril and damage of the people ſo grieved, as our Soveraign Lord the King, by the grievous complaint to him made in this preſent Parliament, hath fully perceived: (8) Our ſaid Soveraign Lord the King, willing to remedy the ſame, hath ordained and eſtabliſhed in the ſame Parliament, that ſuch proceſs, certificate, and execution ſhall be made hereafter againſt ſuch murderers, manſlayers, robbers, conſenters, and offenders, abiding or reſident within the ſaid franchiſe of Rideſdale, for their offences done out of the ſaid franchiſe of Rideſdale. (9) And alſo ſuch manner of forfeitures ſhall run in all points, as well to our Soveraign Lord the King, as to all other perſons, as it was ordained for the ſaid offendors of Tindal and Examſhire, by the ſaid Statute made at Leiceſter, and according to the form and equity of the ſame Statute. (10) Saving always to the King that which pertaineth to him in this behalf, as of the right of his Crown. St.11 H.7.9.14 El.13.

The Statute provided 2 H.5. for robbers, &c. in Tindal and Examſhire ſhall be extended againſt the like offendors in Rideſdale.

CAP. VIII.

Thoſe Scholars of Oxford ſhall be baniſhed the Univerſity, which do diſſeiſe men of their lands, or hunt diſorderly in Foreſts, or take Clerks convict of felony out of the Priſons of Ordinaries. Exp.

Oxford. Raſt. 1.

CAP. IX.

No Abbot or Prior ſhall be appointed by any Biſhop to be Collector of Diſmes or Subſidies out of the County where he dwelleth Exp. and Ob.

Collectors, Raſt. 1.

CAP. X.

Keels that carry Sea-coals at Newcaſtle, ſhall be meaſured and marked.

ITem, Whereas of every Chaldron of Sea-coals, which be or ſhall be ſold to people not franchiſed in the Port of the Town of Newcaſtle upon Tine, ii d. be due to the King of cuſtom, (2) and in the ſame Port be certain Veſſels called Keels, by which ſuch coals be carried from the land to the Ships in the ſaid Port: And every of the ſaid Keels ought to be of portage of twenty Chaldrons, and according to the ſame portage the cuſtom is thereof taken to the Kings uſe: (3) There be now certain people, that of late have made ſuch Keels of the portage of xxii or xxiii Chaldrons, whereof the cuſtom hath been taken according to the portage of xx Chaldrons only, in deceit of our Lord the King, as he hath perceived by complaint in this Parliament: (4) It is therefore ordained and eſtabliſhed againſt ſuch deceits, that all the Keels which now be, and hereafter ſhall be in the ſaid Port, ſhall be meaſured by certain Commiſſioners thereto aſſigned by the King, and marked of what portage they be, before that any carriage be made by the ſame, upon pain of forfeiture to the King all the Veſſels called Keels, by which any ſuch coals ſhall be carried, before that they be marked in the manner aforeſaid. 30 Car.2.8.

Newcaſtle, Raſt. 1. Keels that carry Sea-coals at Newcaſtle, from the land to the Ships, ſhall be meaſured by Commiſſioners.

CAP. XI.

No Engliſh gold ſhall be received in payment but by the Kings weight.

ITem, To avoid the deceits and perils which long have continued within the Realm by Waſhers, Clippers, and counterfeiters of the mony of the Realm of England, to the great loſs and damage of all the people of the ſame Realm: (2) The King by the advice and aſſent of all the Lords and Commons aſſembled in this Parliament, hath ordained and eſtabliſhed, That from Chriſtmas even next coming, none of the Kings liege people ſhall receive any mony of Engliſh gold in payment, but by the Kings weight thereupon ordained. (3) And becauſe of a great part of the gold now currant in payment, is not of rightful weight, nor of good allay, the ſame ſhall be to the great loſs and coſts of the Kings ſubjects, unleſs it pleaſe him to relieve them in this caſe: (4) Our Soveraign Lord the King of his ſpecial grace hath remiſed and pardoned to all his liege people, which betwixt this and the ſaid Feaſt of Chriſtmas ſhall cauſe to be coyned of new at the Kings Coinage within the Tower of London, their mony of gold that is not of juſt weight nor of good allay, that is to ſay, all that to him pertaineth for this new coinage of ſuch gold, as afore: (5) Saving always to the Maſter of the Mint, and to other officers of the ſame, that which to them reaſonably pertaineth.

Money, Raſt. 31.

No Engliſh gold ſhall be received in payment, but by the Kings weight.

CAP. XII.

Writs purchaſed by the Wardens of Rocheſter-Bridge, or againſt them, ſhall be good, though ſome of them die or be removed.

ITem, It is ordained, That all the Writs to be purchaſed by the Wardens of the new Bridge of Rocheſter and their ſucceſſors, or by other againſt them to be purchaſed, ſhall be maintained and continued by the Law of England. (2) And although that the ſaid Wardens or any of them be removed or expulſed from their ſaid Office, or do die, hanging the ſaid Writs, nevertheleſs the ſame Writs ſhall ſtand to be good and effectual in the Law for ever. St.18 El.17. 27 El.25.

Rocheſter, Raſt. 1. Writs purchaſed by or againſt the Wardens of Rocheſter bridge, ſhall be good, though ſome them die, or, &c.

Other Statutes made at *Weſtminſter*, *Anno* 9 *Hen*. 5. St.2. & *Anno Domini*, 1421.

CAP. I.

A Confirmation of all Statutes made touching mony. Exp.

Money, Raſt. 32.

CAP. II.

All men may reſort to the Kings Exchanges, or to the Tower to have mony new coined. Exp.

Ibidem. 33.

CAP. III.

At the Kings Exchanges good mony ſhall be delivered to the parties, or elſe he that doth receive it, may refuſe it. Exp.

Ibidem. 34.

CAP. IV.

The Officers of the Exchanges ſhall bring to the Tower all the gold or ſilver which they buy or exchange. Exp.

Ibidem. 35.

CAP. V.

The Mint ſhall be at Calice. Exp.

Ibidem. 36.

CAP. VI.

The allay and weight of Mony. Exp. 3 Inſt.92.

Ibidem. 37.

CAP. VII.

The weight of gold ſhall be ſent to every City. Exp.

Weights, Raſt. 23.

C A P.

C A P. VIII.

Inquiry and puniſhment of falſities of weights. Exp. Stat. 34 Ed. 3. 5.

Weights, Raſt.25.

C A P. IX.

Exchange, Raſt. 8.

For every Exchange to be made by Merchants to the Court of Rome or elſewhere, they ſhall be bound within nine months to buy the value thereof of the commodities of this Realm. Whereas by 14 R. 2. 2. they were to buy within three months. Exp. Stat. 11 H. 4. 8.

C A P. X.

Collectors, Raſt. 2.

Collectors of diſmes, &c. which be charged in Account for their Companions, ſhall have an Action of Debt againſt them. Exp.

Thus end the Statutes of King *Henry* the Fifth.

Anno primo HENRICI *Sexti.*

Statutes made at *Weſtminſter* in the firſt year of the Reign of King *Henry* the Sixth, and in the year of our Lord, 1422.

AT the Parliament holden at Weſtminſter, the Muuday next before the Feaſt of S. Martin, the firſt year of the Reign of our Soveraign Lord King Henry the ſixth: The ſame King, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial inſtance and requeſt of the Commons of the Realm of England being aſſembled in this preſent Parliament, hath cauſed to be ordained and eſtabliſhed divers Ordinances and Statutes in the form following.

C A P. I.

The Kings Council may aſſign mony to be coyned in as many places as they will.

Money, Raſt. 38. **The Kings Council may aſſign mony to be coined, and exchanges to be holden in as many places as they will.**

FIrſt it is ordained and eſtabliſhed, for the profit of the King, and the eaſe of his people, that the Lords of the Kings Council for the time being, may aſſign by authority of the ſaid Parliament, maſters and workmen to make mony of gold and ſilver, to hold the exchanges of mony as well in the City of York, as in the Town of Briſtol, and alſo in as many places as to the ſaid Lords ſhall ſeem neceſſary, according to their good advice and diſcretion, any Statute or Ordinance made to the contrary notwithſtanding.

C A P. II.

All the Statutes of Purveyors ſhall be proclaimed in every County four times in the year.

Purveyors, Raſt. 30. **Every Sheriff ſhall proclaim the Statutes of Purveyors in his Bailiwick four times in the year.**

ITem, That all the Statutes and Ordinances made of Purveyors and buyers, and not repealed, be kept and executed in all points, and alſo proclaimed in all Counties through the Realm by the Kings commandment. (2) And that every Sheriff of the Realm of England, after that he hath received the ſaid Statutes thereof to make Proclamation by ſuch commandment, ſhall cauſe them to be proclaimed every year four times through his Bailiwick, upon pain to pay to the King at every time that he thereof fails, an hundred ſhillings. (3) And that upon the ſame pain every of the ſaid Sheriffs ſhall deliver the ſaid commandment to his ſucceſſor immediately by Indenture to be made betwixt them, whereby he may make like Proclamation for the time that he continueth in the ſaid Office, for the eaſe and ſurety of the people. (4) And that every ſuch ſucceſſor, after ſuch commandment by him received ſhall make ſuch Proclamations four times in the year, and ſhall make ſuch deliverance of the ſaid Commandment to his ſucceſſor, as above is ſaid, upon the pain aforeſaid. Stat. 20 H. 6. 8.

C A P. III.

Which ſort of Iriſhmen only may come to dwell in England.

Ireland Raſt. 7. **All perſons born in Ireland ſhall depart out of the Realm, &c.**

ITem, Foraſmuch as divers manſlaughters, murders, rapes, robberies, and other felonies, riots, conventicles, and divers other offences now late have been done in divers Counties of the Realm of England, by people born in the Country of Ireland, repairing to the Town of Oxenford, and there reſiant and dwelling under the juriſdiction of the Univerſity of Oxenford, to the great fear of all manner of people in the Realm of England dwelling thereabout, as by all the Commons of the ſame Realm aſſembled in the ſaid Parliament it was grievouſly complained: (2) Our ſaid Lord the King by the aſſent aforeſaid, and at the requeſt of the ſame Commons hath ordained and eſtabliſhed, that all people born in Ireland, ſhall depart out of the Realm within a month after Proclamation made of this Ordinance, upon pain to loſe their goods, and to be impriſoned at the Kings will; Except Graduats in the Schools, and men having benefice of holy Church in England, and men of Law in England, and thoſe which be inherit in England, and thoſe that have father and mother being Engliſh people, religious perſons profeſſed, Merchants, Burgeſſes. and other inhabitants within Cities or Boroughs of good fame, which can find ſurety of their good bearing, and Iriſh women married to Engliſh men, and Iriſh men married to Engliſh women, which be of good fame: (3) and that all theſe Iriſh people wyich have benefices or offices in the land of Ireland, ſhall abide there upon their benefices and offices, upon pain to loſe and forfeit the profits of their benefices and offices, for the defence of the Land of Ireland aforeſaid, according to the ordinance made in the time of King Henry the Fifth, the firſt year of his Reign. (4) And that the Graduats and Beneficed-men ſhall find ſurety of their good bearing, and that they take not upon them the principality of any Hall or Hoſtel, but to remain amongſt the Engliſh Scholars under the principality of others. (5) Moreover, that theſe Scholars of Ireland which be no Graduats, and be of the Kings obeiſance, ſhall find ſurety of their good bearing in the manner as the ſaid Graduats ſhould do, in ſuch ſort and form as is aforeſaid. (6) And that all the Scholars of Ireland, being now in England, which will here dwell, every of them ſhall bring to the Chancellor of England for the time being, before the Feaſt of St. John Baptiſt next coming, letters under the ſeal of the Lieutenant or Juſtices of Ireland, teſtifying that they be of the Kings obeiſance. (7) And of them that bring not ſuch letters betwixt this and the ſaid Feaſt of St. John Baptiſt, it ſhall be done as of Rebels to our Lord the King. (8) And that from and after the ſaid Feaſt of St. John, no perſons born in Ireland ſhall enter the

Iriſh perſons excepted which may remain in England.

St. 1 H. 5. 8. **Iriſh men ſhall be no Principals of any Hall, &c.**

An Iriſh man ſhall bring a teſtimonial that he is of the Kings obeiſance,

Realm of England to dwell in the ſaid Univerſity of Oxenford or of Cambridge, or elſewhere within the Realm of England, unleſs he bring to the ſaid Chancellor of England ſuch Letters Teſtimonials, upon pain to be puniſhed as a Rebel to our Lord the King. Stat. 2 H. 6. 8.

CAP. IV.

The Maſter of the Mint ſhall ſend to the Mint to be coined, all the gold and ſilver that ſhall come to his hands by Exchange. Exp. St. 9 H. 5. 4. 2 H. 6. 12.

Exchange, Raſt 4.

CAP. V.

A certain allowance made to thoſe which were retained to ſerve King H. 5. in his Wars, out of the gains of the Wars. (2) Thoſe Jewels which King H. 5. did mortgage, ſhall be redeemed or forfeited, ſaving the Jewels of the Crown. Exp.

Gages, Raſt. 1.

Statutes made at *Weſtminſter*, *Anno ſecundo Henrici ſexti*, and *Anno Domini*, 1423.

AT the Parliament holden at Weſtminſter the twentieth day of October, in the ſecond year of the Reign of King Henry the ſixth after the Conqueſt, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial inſtance and requeſt of the Commons of England being in the ſame Parliament, certain Ordinances, Declarations, and Statutes were made and eſtabliſhed to the honour of God, and for the wealth of the King and of his Realm, in the form following.

CAP. I.

A confirmation of the Liberties of the Church, and of all perſons, Cities, &c.

FIrſt, That holy Church, and all the Lords Spiritual and Temporal, and all other the Kings people, having Liberties and Franchiſes, and alſo all the Cities and Boroughs, ſhall have and enjoy all their Liberties and Franchiſes well uſed and not repealed, nor by the Common Law repealable.

Confirmation Raſt. 6. **The Liberties of the Church, and of all Cities and Boroughs, confirmed.**

CAP. II.

A remedy for the Maſter, &c. of the Hoſpital of Saint Leonard in York, to recover a Thrave of Corn due to them, &c.

ITem, Whereas the Hoſpital of S. Leonard of York, which is of the foundation of the late Progenitors of our ſaid Lord the King, late Kings of England, and of his Patronage, in the firſt foundation of the ſame, was endowed by the ſaid Progenitors of the King, of a Thrave of Corn to be taken yearly of every Plough earing within the Counties of York, Cumberland, Weſtmerland, and Lancaſter, within the County of York, of which Thraves the Maſter and Brethren of the ſaid Hoſpital, and their predeceſſors have been ſeiſed the time whereof runneth no memory, as parcel of the firſt foundation of the ſaid Hoſpital, and the ſame they have levied and gathered at the Feaſt of S. Martin in Winter every year, till now late that divers people of the ſaid Counties, within the Province aforeſaid, have withholden the ſame Thraves, whereof the ſaid Maſter and Brethren have no ſufficient nor convenable remedy at the Common Law, to the great damage of the ſaid Hoſpital, and open ſubtraction of the ſuſtenance of the ſaid Maſter and Brethren, if remedy be not for them provided, as complaint was thereof made in the ſaid Parliament: (2) The King conſidering the premiſſes, of the aſſent and requeſt aforeſaid, hath ordained and eſtabliſhed, That the ſaid Maſter and brethren, and their ſucceſſors for the time being, may levy, gather, and take the ſaid Thraves within the Province aforeſaid, in the places where they ought of right, and were wont, after the cuſtom and uſage had in the ſame places heretofore: (3) And alſo that the ſame Maſters and ſucceſſors for the time being, ſhall from time to time have actions by Writs or Plaints of debt or detinue at their pleaſure, againſt all them and every of them that detain the ſame Thraves, ſo of right due to the ſaid Hoſpital, or any part of them, to recover the ſaid Thraves, againſt them and every of them with their damages in this behalf.

Hoſpitals, Raſt. 2. **The Hoſpital of St Leonard in York was endowed of a Thrave of Corn of every plough earing within the Counties of York, Cumberland, Weſtmerland, and Lancaſter. The remedy which the Maſters of St. Leonards Hoſpital ſhall have to recover their duties.**

II. Provided always that the parties with whom the ſaid Maſter and Brethren or their predeceſſors be accorded for ſuch Thraves by compoſitions made and ſealed betwixt them, ſhall of no more be charged than is compriſed within the ſame compoſitions, for the poſſeſſions that the ſaid parties had at the time of the making of the aforeſaid compoſitions.

A remedy for the proprietors which have compounded with the Maſter and Brethren

CAP. III.

John Duke of Bedford being in the Kings ſervice in France, ſhall be received to defend his right by Attorney. Exp.

Attorny, Raſt. 10.

CAP. IV.

All Merchandiſes of the Staple paſſing out of England, Wales, and Ireland, ſhall be carried to Calice ſo long as the Staple is at Calice. Exp.

Staple, Raſt. 32.

CAP. V.

The penalty if any carry Wools or Fells not cuſtomed, out of the Realm to any place ſaving to Calice, ſhall be forfeit to them, and to be impriſoned. Exp.

Wools, Raſt. 20.

CAP. VI.

For what cauſes only gold or ſilver may be carried out of the Realm.

ITem, Whereas by King Henry the fifth, father to our Lord the King that now is, it was ordained, that a Mint of gold and ſilver ſhould be holden within the Town of Calice, whereby great ſubſtance of mony of gold and ſilver hath been brought within the Realm, (2) which mony by divers perſons hath been, and is daily carried out of the ſame to Burdeaux, Flanders, and other places, againſt the Statute in old times made and provided in this behalf, as hath been grievouſly complained in this Parliament: (3) It is ordained and aſſented, That the ſame Statute be holden and kept, and put in due execution. (4) And moreover it is ordained and eſtabliſhed, That no gold nor ſilver ſhall be carried out of the Realm, contrary to the ſaid Statute, unleſs it be for payment of Wars, and the Kings ſouldiers beyond the Sea, upon pain of forfeiture of the value of the ſum of mony ſo carried out of the Realm, to be levied of him that ſhall bring, carry, or ſend it out of the ſame Realm. (5) And that he which eſpieth it, and thereof giveth knowledge to the Councel, or to the Treaſurer of England, ſhall have the fourth part of the forfeiture ſo due to the King; (6) Except the ranſoms for fines of Engliſh priſoners, taken and to be taken beyond the Sea, and the mony that the ſouldiers ſhall carry with them for their reaſonable coſts, (7) and alſo for horſes, oxen ſheep,

Money 3. Raſt. 39. **A confirmation of the St. of** 9 H. 5. 5 **That the Mint ſhall be at** Calice. EXP. **No gold or ſilver ſhall be carried forth of the Realm but for the cauſes herein expreſſed.** St. 9 Ed. 3. 1. 5 R. 2. 2. 2 H. 4. 5. 17 E. 4. 1.

Merchants aliens ſhall be bound to carry no gold out of the Realm.

ſheep, and other things bought in Scotland, to be ſent and carried to the parties adjoyning; (8) ſo that the mony to be ſent for the fines of the ſaid priſoners, or to be carried by the ſaid ſouldiers to the parties beyond the ſea, be not done without the Kings ſpecial licence. (9) And becauſe it is ſuppoſed, that the mony of gold of the Realm, is carried out of the ſame by Merchants aliens: It is ordained and eſtabliſhed, That the Merchants aliens ſhall find ſurety in the Chancery, every Company for them of their Company, that none of them ſhall carry out of the Realm any gold or ſilver, againſt the form of the ſaid Statute, upon pain of forfeiture of the ſame gold or ſilver, or the value of the ſame. (10) And if any of them do the contrary, and that duly proved, and he ſo doing be gone over the ſea, then the pledges of his Company ſhall pay to the King the ſaid forfeiture, whereof he that ſhall eſpy it, and thereof give notice to the Treaſurer, or to the Kings Council, ſhall have the fourth part, as is aforeſaid.

CAP. VII.

The penalty of a Cordwayner uſing the myſtery of a Tanner. Rep. 5 El. 8. & 1 Jac. 22.

Cordwayners Raſt. 21.

CAP. VIII.

Iriſhment reſorting into the Realm, ſhall put in ſurety for their good abearing.

Ireland, Raſt. 8. St. 1 H. 6. 3.

ITem, Whereas it is ordained in the laſt Parliament amongſt other things, that all people born in Ireland, ſhall depart out of the Realm within a month next after Proclamation made of the ſaid Ordinance, upon pain to loſe their goods, and to be impriſoned at the Kings will, except certain perſons in the ſame Ordinance excepted, (2) and that the Graduats and Beneficed-men ſhould find ſurety of their good abearing, that they ſhould not take upon them the principality of any Hall or Hoſtel, but to remain amongſt other Engliſh Scholars under the principality of other, (3) and alſo thoſe Scholars of Ireland that be not Graduats, and be of the Kings obeiſance, ſhall find ſurety of their good abearing in the manner as the ſaid Graduats ſhall do in the form aforeſaid. (4) And that all the Scholars of Ireland being elſewhere in England, that will here abide, ſhall bring every of them by himſelf to the Chancellor of England for the time being, before the Feaſt of St. John Baptiſt laſt paſt, Letters under the ſeal of the Lieutenant or Juſtices of Ireland, witneſſing that they be of the Kings obeiſance. (5) And that all of them that bring not thoſe Letters before the Feaſt of Saint John, it ſhall be done as of Rebels to the King. (6) And from this Feaſt of St. John forward, no perſon born in Ireland, ſhall enter the Realm of England to abide in the Univerſity of Oxenford or Cambridge, or elſewhere within the Realm of England, unleſs he bring to the ſaid Chancellor ſuch Letters teſtimonial, upon pain to be puniſhed as Rebels to the King.

II. And foraſmuch as in the ſaid Ordinance no mention was made, before whom nor in what manner the ſurety of good abearing as before, ſhall be found: It is ordained and eſtabliſhed, That the Chancellors of the Univerſities of Oxenford and Cambridge for the time being, every of them within his juriſdiction, ſhall take the ſureties to be taken of Scholars within the ſame Univerſities, and certifie the ſame into the Kings Chancery. (2) And that the Juſtices of Peace within the Counties, and Mayors and Bailiffs within Cities and Boroughs enfranchiſed, have power to take before them ſuch manner of ſurety of good abearing, and to do execution upon them which ſhall abide, or do againſt the ſaid ordinance from henceforth.

Who ſhall take ſureties of Iriſhmen that will reſort into the Realm according to the Statute of 1 H. 6. 3.

CAP. IX.

The mony called Blank ſhall be wholly put out

Money, Raſt. 40. The money called Blanks ſhall be wholly put out. 3 Inſt. 92. St. 3 H. 5. 1.

ITem, It is ordained, That Proclamation be made through all the Counties of England within Franchiſes and without, and within Cities, Towns, Boroughs, and elſewhere, that all the mony called Blanks ſhall be wholly out and voided out of the Realm before the Feaſt of St. John Baptiſt next coming. And moreover that no man after the ſaid Feaſt pay or receive for payment in any manner within the ſaid Realm, the ſaid mony called Blanks, upon the pain contained and ordained by a Statute made the third year of King Henry, father to our Lord the King, againſt all that pay or receive for payment the mony called Gally halfpence, Suskin, and Dotkins within the Realm,

CAP. X.

What manner of inferior Officers ſhall be appointed in the Kings Courts.

Officers 2. What manner of inferior officers ſhall be appointed in the Kings Courts by ſuperior officers.

ITem, To the intent that better and more ſure government be had within the Courts of our Lord the King, for his profit, and eaſe of his people, which have to purſue, and to do in the ſame: It is ordained and eſtabliſhed, That all the Officers made by the Kings Letters Patents Royal within the ſaid Courts, which have power and authority by vertue of their Offices of old times accuſtomed, to appoint Clerks and Miniſters within the ſame Courts, ſhall be charged and ſworn to appoint ſuch Clerks and Miniſters, for whom they will anſwer at their peril, which be ſufficient, faithful, and attending to that which partaineth to them in performance of the buſineſs, as well of the King as of his people. Co. Inſt. 4. p. 114.

CAP. XI.

The ſeveral Meaſures of veſſels of Wine, Eels, Herrings, and Salmons.

Weights, Raſt. 24.

The meaſure of a Tun, &c. of Wine, and of a barrel of Eels, Herrings and Salmons.

ITem, Whereas in old time it was ordained and lawfully uſed, that Tuns, Pipes, Tertians, Hogſheads of Gaſcoin Wine, Barrels of Herring and of Eels, and Butts of Salmon coming by way of merchandiſe into this Land, out of ſtrange Countries, and alſo made in the ſame Land, ſhould be of certain meaſure, that is to ſay, the Tun of Wine CClii gallons, the Pipe Cxxvi gallons, the Tertian lxxxiv gallons, the Hogſhead lxiii gallons, the Barrel of Herring and of Eels xxx gallons fully packed, the Butt of Salmon, lxxxiv gallons fully packed. Nevertheleſs, by device and ſubtilty now of late, ſuch veſſels have been of much leſs meaſure, to the great deceit and loſs of the King and of his people, whereof of ſpecial remedy was prayed in the Parliament: (2) It is ordained and eſtabliſhed, That no man after the end of twelve months from the Feaſt of Eaſter next coming, ſhall bring into the Realm of England, from what Country ſoever it be, nor make within the ſame Realm a Tun of Wine, except it contain of the Engliſh meaſure CC lij gallons, the Pipe C xxvj gallons, and ſo after the rate, the Tertian and the Hogſhead of Gaſcoin wine, upon pain of forfeiture of the ſame wine; (3) nor barrel of Herring, nor of Eels, unleſs they contain xxx gallons fully packed, nor Butt of Salmon, unleſs it contain lxxxiv gallons fully packed, nor Kinderkins, Tertians, and Firkins of Herring, nor of Eels, nor of Salmon, but after the rate fully packed, after the Feaſt of the Nativity of St. John the Baptiſt next coming, upon pain of forfeiture of the ſaid Herring, Eels and Salmon, ſo brought or made contrary to this Ordinance, in what City, Borough and Town of the Realm, or in any part of England that ſuch defaults be found, to the Lord of the ſame Town. (4) And that he which will ſue and prove the ſaid defaults, ſhall have the fourth part of the ſame forfeiture. (5) And the Juſtices of Peace in all the Counties of England, and Mayors and Bailiffs, having power to inquire of the Peace, ſhall inquire, hear and determine all the ſame defaults. (6) And that this Ordinance extend and have ſtrength as well within the County of Cheſter, as elſewhere Stat. 18 H.6.17. 1 R.3.13. 28 H.8.14.

C A P. XII.

The office and duty of the Kings Aſſayer, Controller, and Maſter of the Mint.

ITem, To the intent that the more bullion may be brought to the Mint, and the greater plenty of white mony be made and currant within the Realm, for the eaſe and profit of the Commonalty of the ſame, it is ordained and eſtabliſhed, That the Maſter of the Mint ſhall keep his allay in the making of white mony, according to the form of his Indenture. (2) And that the ſame Maſter receive of every perſon that ſhall bring any ſilver to the Mint, the ſame mony at the true value as it is worth, according to the ſame allay, upon pain to pay to the party his double damages: (3) And alſo to the intent that this Ordinance may the better and more juſtly be obſerved, it is ordained that the Kings Aſſayer, which is a perſon indifferent betwixt the Maſter of the Mint and the Merchant, and alſo the Controller of the Mint, ſhall be preſent when any ſuch bullion of ſilver is brought to the Mint, to the intent that the ſaid Aſſayer may rightfully ſet the value of the ſame according to the Law, in caſe of variance betwixt the Maſter and the Merchant, and the Controuler to controul as well ſilver that is brought to the ſaid Mint, as carried out of the ſame, every two days faithfully and indifferently to do their duty, without taking any reward other than the fee which they ſhall take of the King, upon pain to yield double damages as afore is ſaid. (4) And that the Aſſayer and Controuler be credible, ſubſtantial, and expert men, having perfect knowledge in the myſtery of Goldſmiths and of the Mint. (5) And alſo that neither the Maſter of the Mint, nor the Exchanger for the time being, ſell nor cauſe to be ſold, nor alien to any other uſe but to the coin, no manner of gold nor of ſilver wrought or unwrought, coined or not coined, or bullion which is brought to the Mint, or to the Exchange, but apply the ſame only to the mony, according to the form of the ſaid Indenture, upon the pain contained in the ſame Indenture. (6) And that the ſame Maſter of the Mint cauſe to be ſtricken from time to time, half-nobles, farthings of gold, groats, half-groats, pence, half-pence and farthings, for the eaſe of the people, according to the tenour of the Indenture made betwixt the King and him, upon the pain contained in the ſame, ſo that the common people may have recourſe to the Exchange for ſmall gold and white mony, as they reaſonably ſhall need.

Mony, Raſt. 41. The Maſter of the Mint ſhall keep his Allay in making of white mony.

The office and duty of the Kings Aſſayer of the Mint.

The office of the Controuler of the Mint ſhall convert into Coyn all the gold and ſilver which he ſhall receive.

The Maſter of the Mint ſhall make ſmall mony.

C A P. XIII.

The price of a pound of ſilver in Plate, Piece, or Maſs. Rep. 21 Jac. 28. P. 11. N. 48.

C A P. XIV.

The fineneſs of Harneſs of ſilver. And it ſhall be marked with the Leopards head.

ITem, That no Goldſmith nor Worker of ſilver within the City of London, ſell any workmanſhip of ſilver, unleſs it be as fine as the ſterling, except the ſame need ſowder in the making, which ſhall be allowed according as the ſowder is neceſſary to be wrought in the ſame. (2) And that no Goldſmith nor Jeweller, nor any other that worketh Harneſs of ſilver ſhall ſet any of the ſame to ſell within the City before that it be touched with the touch, and alſo with the mark or ſign of the workman of the ſame, upon pain of forfeiture of the double, as afore is ſaid. And that the mark and ſign of every Goldſmith be known to the Wardens of the Craft. (3) And if may be found that the ſaid keeper of the touch, touch any ſuch harneſs with the Leopards head, except it be as fine in allay as the ſterling, that then the keeper of the touch for every thing ſo proved, not as good in allay as the ſaid ſterling, ſhall forfeit the double value to the King, and to the party as is above recited. (4) And alſo it is likewiſe ordained in the City of York, Newcaſtle upon Tine, Lincoln, Norwich, Briſtol, Salisbury, and Coventry, that every one ſhall have divers touches, according to the Ordinances of the Mayors, Bayliffs, or Governours of the ſame Towns. (5) And that no Goldſmiths, nor other workers of ſilver, nor keepers of the ſaid touches within the ſame Towns, ſhall ſet to ſale or touch any ſilver in other manner than is ordained before within the City of London, upon pain of the ſaid forfeiture; (6) and moreover, that no Goldſmith or other worker of ſilver within the Realm of England, where no touch is ordained as afore is ſaid, ſhall work any ſilver, except it be as fine in allay as the ſterling, and that the Goldſmith or worker of the ſame ſilver ſet upon the ſame his mark or ſign before he ſet it to ſale. (7) And if it be found that it is not as fine as the ſterling, that then the worker of the ſame ſhall forfeit the double value, in manner and form as before is recited within the City of London. (8) And the Juſtices of Peace, Mayors and Bayliffs, and all other having power as Juſtices of Peace, ſhall hear, inquire and determine, by Bill, Plaint, or in other manner, all that do contrary to the ſaid Ordinances, and thereof to make due execution by their diſcretions.

(9) Provided

Gold, Raſt. 7. Gold 3. Raſt. 8.

None ſhall ſell any work of ſilver unleſs it be as fine as the ſterling.

None ſhall ſell any work of ſilver until it be touched and marked with the Goldſmiths known mark.

The Penalty of the keeper of the touch which toucheth any veſſel not ſufficient in allay.

Several Cities and Towns ſhall have ſeveral touches.

Juſtices of Peace, Mayors, &c. may inquire of, hear and determine the offences afore ſaid.

(9) Provided always, That if the Maſter of the Mint that now is, or which for the time ſhall be, offend or have offended in his Office of the ſaid Mint, that then he be puniſhed and juſtified according to the form of the ſaid Indentures. St. 28 Ed. 1. 20. 17 Ed. 4. 1. 18 Eliz. 15.

CAP. XV.

No man ſhall faſten Nets to any thing over Rivers.

Havens, Raſt. 3. 12 Co. 89.

The penalty of thoſe which do faſten trinks or other nets over any river.

In what ſort owners of trinks may fiſh with them.

ITem, It is ordained, That the ſtanding of nets and engines called trinks, and all other nets, which be and were wont to be faſtned and hanged continually day and night by a certain time in the year, to great poſts, boats and ancres, overthwart the River of Thames, and other Rivers of the Realm, which ſtanding is a cauſe of as great and more deſtruction of the brood and fry of fiſh, and diſturbance of the common paſſage of veſſels, as be the wears, kydels, or any other engines, be wholly defended for ever. (2) And that every perſon that ſetteth or faſtneth them hereafter to ſuch poſts, boats, and ancres, or like thing, continually to ſtand as afore is ſaid, and be duly thereof by the courſe of the Law convict, ſhall forfeit to the King C s. at every time that he is ſo proved in default, (3) Provided always, That it ſhall be lawful to the poſſeſſors of the ſaid trinks, if they be of aſſiſe, to fiſh with them in all ſeaſonable times, drawing and pulling them by hand, as other fiſhers do with other nets, and not faſtning or tacking the ſaid nets to poſts, boats and ancres, continually to ſtand as afore is ſaid. (4) Saving always to every of the Kings liege people their right, title, and inheritance in their fiſhings in the ſaid water.

Statutes made at *Weſtminſter*, *Anno* 3 *Hen*. 6. & *Anno Domini*, 1424.

OUr Lord the King, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial requeſt of the Commons aſſembled in this Parliament holden at Weſtminſter, the laſt day of April, the third year of his Reign, hath ordained and eſtabliſhed certain Ordinances and Statutes, to the honour of God, and the weal of his Realm, in the form following.

CAP. I.

Maſons ſhall not confederate themſelves in Chapiters and Aſſemblies.

Felony 22.

It ſhall be felony to cauſe Maſons to confederate themſelves in Chapiters and Aſſemblies.

FIrſt, Whereas by the yearly Congregations and Confederacies made by the Maſons in their general Chapiters and Aſſemblies, the good courſe and effect of the Statutes of Labourers be openly violated and broken, in ſubverſion of the Law, and to the great damage of all the Commons; (2) Our ſaid Lord the King willing in this caſe to provide remedy, by the advice and aſſent aforeſaid, and at the ſpecial requeſt of the ſaid Commons, hath ordained and eſtabliſhed, That ſuch Chapiters and Congregations ſhall not be hereafter holden. (3) And if any ſuch be made, they that cauſe ſuch Chapiters and Congregations to be aſſembled and holden, if they thereof be convict, ſhall be judged for Felons. (4) And that all the other Maſons that come to ſuch Chapiters and Congregations, be puniſhed by impriſonment of their bodies, and make fine and ranſom at the Kings will. Co. Inſt. 3. p. 99.

CAP. II.

Sheep ſhall not be tranſported beyond Sea without the Kings Licence.

Sheep, Raſt, 1

Whoſoever ſhall tranſport ſheep to any part beyond the Sea ſhall forfeit them.

St. 8 El. 3.

ITem, Becauſe that divers perſons do from time to time carry out of the Realm great number of Sheep with Fleeces into Flanders and other Countries beyond the Sea, and there they ſhear them, and ſell as well the ſame Sheep as the Wools of the ſame to men of the ſame Country, ſo that by ſuch perſons the Sheep within the ſaid Country of Flanders and other parts, in ſhort time be likely to be much increaſed, to the great deceit, loſs and damage of our Lord the King, of his cuſtoms and ſubſidies of the ſaid Wools, and alſo to the great hinderance of all the Realm, and diminution and abatement of the price of Wools, as well at the Staple of Calice, as here in England, unleſs remedy be provided in this behalf: (2) Our ſaid Lord the King, conſidering the premiſſes, by the advice and aſſent, and at the requeſt aforeſaid, hath ordained and granted by the authority of the ſaid Parliament, That no manner perſon, of what eſtate or condition that he be, hereafter be ſuffered to ſhip within the Realm of England any Sheep, fleeced or ſhorn, into the ſaid Country of Flanders, or to any other parts beyond the Sea, except it be to victual the Town of Calice and the Marches thereof. (3) And that every man that may be eſpied, which under the colour of victualling of the Town and Marches of Calice, paſſeth into any other places than to the ſame Town and Marches with any Sheep fleeced or ſhorn, (except he have the Kings Licence) ſhall forfeit to the King the ſame Sheep, or the value thereof, as oftentimes as he ſhall be found in default.

CAP. III.

The penalty of a Cuſtomer, &c. concealing the Kings Cuſtom.

Cuſtom 24.

The penalty of a Cuſtomer Collector or Controller concealing the Kings cuſtom.

ITem, It is ordained and eſtabliſhed, That if any Cuſtomer, Collector, or Controller of the Kings Cuſtoms of Cockets of Clothes, of Subſidies of Tunnage or Poundage, in any Port or place of England, be duly attainted or convict at the Kings ſuit, of falſe concealing of the Kings Cuſtom or Subſidy duly entred and paid by any Merchant, that then the ſaid Cuſtomer, Collector, or Controller ſo duly attainted or convict by the Law, ſhall loſe and forfeit to the King the treble value of the merchandiſes ſo duly cuſtomed, and make fine and ranſom. (2) And he that will ſue, ſhall have the third part for his labour. St. 4 H. 4. 20.

CAP. IV.

Licence may be granted to convey Butter and Cheeſe to any place.

Butter, Raſt. 1.

ITem, Whereas by a Statute made in the time of the noble King Edward the third, it was ordained, That the Staple, and the merchandiſes of the Staple ſhould be carried to Calice,

lice, amongſt which Merchandiſes it was ordained by the ſame Statute, That Butter and Cheeſe ſhould be Merchandiſes of the Staple, (2) by which Ordinances divers perſons of the Realm of England have had great damage, becauſe that the ſaid Butter and Cheeſe be ſo tender Merchandiſes that they cannot tarry their Merchants, as our Lord the King hath perceived by the grievous complaint of his ſaid Commons: (3) The ſame our Lord the King, willing to provide remedy in this behalf, by the advice and aſſent aforeſaid, hath ordained and eſtabliſhed, That he that will carry Butter and Cheeſe to any other parts than to the ſaid Staple, ſhall ſue to the Chancellor of England for the time being to have Licence in this behalf. (4) And that the ſame Chancellor have power to make to him ſuch Licences under the Kings great Seal, if it like him ſo to do by his diſcretion. St. 18 H. 6. 3. St. 1 & 2 Phil. & Mariæ 5. 14 Car. 2. c. 26.

The Lord Chancellor may grant licence to any to convey Butter and Cheeſe to any other place beſides the Staple.

CAP. V.

Commiſſions may be awarded to certain perſons to reform the River of Ley running from Ware to Thames. P.R. St. 9 H. 6. 9 13 Eliz. 18.

Havens, Raſt. 27.

Statutes made at *Leiceſter*, *Anno* 4 *Hen.* 6. & *Anno Domini*, 1425.

THeſe be the Ordinances and Statutes made by our Soveraign Lord the King, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial requeſt of the Commons of his Realm, in his Parliament holden at Leiceſter, the eighteenth day of February, the fourth year of his Reign, being to the honour of God, and for the weal, profit, and eaſe of his Realm.

I.

Every Sheriff ſhall return ſuch Writs as be directed to him at ſuch days as they be returnable, (5) and ſhall warn thoſe Jurors which be impanelled. Exp.

Return, &c. Raſt. 27.

CAP. II.

A rehearſal and confirmation of the Statute of Anno 9 H. 5. 3. touching protections granted to thoſe who were in Wars in Normandy or France. Exp.

Aſſiſe, Raſt. 14.

CAP. III.

Juſtices in certain caſes may amend their Records according to former Statutes.

Records 1. St. 9 H. 5. 4. St. 14 Ed. 3. 6.

ITem, Whereas at the Parliament holden at Weſtminſter the ſecond day of May, the ninth year of the Reign of King Henry, Father of our Lord the King that now is, it was rehearſed, how that at the Parliament holden at Weſtminſter the xiv year of King Edward the third, it was ordained by the authority of the ſaid Parliament, That for miſpriſion of a Clerk in whatſoever place it be, no proceſs or plea ſhould be undone nor diſcontinued by overſight in writing a letter or ſillable too much or too little: (2) but as ſoon as the thing were perceived by challenge of the parties, or in other manner, it ſhould be haſtily amended in due form, without giving advantage to the party that challengeth the ſame, becauſe of ſuch miſpriſion: (3) the ſaid late King Henry, conſidering the diverſities of opinions which men had upon the ſaid Statute, and to put the thing in more open knowledge, did declare and ordain by authority of the ſaid Parliament holden the ſaid ninth year, That the Juſtices before whom ſuch plea or record is made, or ſhall be depending, as well by adjournment, as by way of error or otherwiſe, ſhall have power and authority to amend ſuch record and proceſs, as well after judgment given as before, by force of the ſaid Statute made in the time of the ſaid King Edward, which Ordinance ſhould endure till the next Parliament which ſhould be firſt holden after the return of the ſaid King Henry the Father into England from beyond the Sea, and which now is determined by the death of the ſaid late King Henry the father: (4) Our Soveraign Lord, by the advice and aſſent aforeſaid, hath ordained and eſtabliſhed, That the ſaid Statute, and the effect of the ſame, made the ſaid ninth year, ſhall hold ſtrength, force and effect, in every record and proceſs of the ſame, as well after judgment given upon a verdict paſſed, as upon a matter in Law pleaded, as a Statute available and effectual in Law to endure for ever. (5) Provided always, That this Statute do not extend to records and proceſſes in the parts of Wales, nor to records and proceſſes whereby any perſon is or ſhall be outlawed at any mans ſuit.

ke l. 5. f. l. 8. f. 57. er f. 260, 42.

A confirmation of the Statute of 14 Ed. 3. 6. & 9 H. 5. 4. authoriſing Juſtices to amend records.

CAP. IV.

The Writs, Suits and Proceſſes now depending of certain that were late made Knights, ſhall not abate for that cauſe. Exp.

Writs, Raſt. 3.

CAP. V.

Licence given to all the Kings Subjects to Tranſport Corn.

ITem, Whereas the noble King Richard the ſecond after the Conqueſt, at his Parliament holden at Weſtminſter the xv day of S. Hillary, the xvii year of his reign, at the ſpecial requeſt of the Commons of the ſame Parliament, did grant licence to all his liege people of his Realm of England, to ſhip and carry Corn out of the ſaid Realm, to what part them pleaſed, except to enemies, paying the ſubſidies and duties thereof, notwithſtanding any Ordinance, Proclamation, or reſtraint made before to the contrary: Nevertheleſs, the ſame late King, willing that his Counſel might reſtrain the ſaid paſſage when to them ſeemed needful for the profit of the Realm; (2) Our Lord the King at the ſpecial requeſt of the Commons of this preſent Parliament, and by the advice and aſſent aforeſaid, will and granteth, That the ſaid Statute be holden and kept in all points, ſo that his Counſel may reſtrain the ſaid paſſage when they ſhall think it neceſſary for the profit of the Realm. Stat. 1 & 2 Phil. & Mar. 5. 1 Jac. 25. 21 Jac. 28. 3 Car. 4.

Corn, Raſt. 4. A confirmation of the Statute of 17 R. 2. 7. giving licence to all the Kings ſubjects to carry Corn forth of the Realm.

Statutes made at *Weſtminſter*, *Anno 6 Hen. 6.* and *Anno Domini*, 1427.

OUr Lord the King, at his Parliament holden at Weſtminſter, the fifteenth of Saint Michael, the ſixth year of his Reign, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial inſtance and requeſt of the Commons of his Realm in the ſaid Parliament aſſembled, hath cauſed to be made certain Statutes and Ordinances to the honour of God, and for the weal and eaſe of his people, in the manner and form following.

CAP. I.

Within what time a *Capias* awarded againſt any perſon indicted in the Kings Bench ſhall be returnable.

Proceſs, Raſt. 6. **Upon an Indictment of any perſon in the Kings Bench, a** Capias **ſhall be awarded againſt him, returnable at the leaſt ſix weeks before any** Exigent **ſhall be awarded.**

3 Inſt. 31.

FIrſt, For that divers of the Kings faithful ſubjects by falſe practiſe, covin, and conſpiracy of certain evil perſons, be indicted before our Lord the King in his Bench, of divers Felonies and Treaſons, by ſuſpect Jurors, hired and procured to the ſame by confederacy and covin of the ſaid Conſpirators; (2) by force of which Indictments a Capias is awarded to the Sheriffs of the County where the ſaid Bench is, returnable within two or four days, at which day, if the party ſo indicted come not, an Exigent is awarded, whereby the goods and cattels of ſuch perſons indicted be forfeit to our Lord the King, to the utter undoing of divers of the Kings faithful ſubjects, as the ſame our Lord the King hath conceived by the grievous complaint of the ſaid Commons, made to him in the ſaid Parliament. (3) Our ſaid Lord the King, willing in this caſe to provide remedy, hath ordained by the advice and aſſent of the Lords, that before any Exigent be awarded againſt ſuch perſons indicted before the King in his ſaid Bench, Writs of Capias ſhall be directed, as well to the Sheriff or Sheriffs of the County wherein they be indicted, as to the Sheriff or Sheriffs of the County whereof they be named in the Indictments, (4) the ſame Capias having the ſpace of ſix weeks at the leaſt, or longer time by the diſcretion of the ſaid Juſtices, if the caſe require it, before the return of the ſame; (5) which Writs ſo returned, the Juſtices, ſhall proceed in the manner as they have done before this time: (6) and if any Exigent be awarded, or any outlawry pronounced hereafter againſt ſuch perſons indicted before the return of the ſaid Writs, the ſame Exigent ſo awarded, with the outlawry thereof pronounced, ſhall be void and holden for none. (7) And this Ordinance ſhall indure as long as ſhall pleaſe the King. St. 8 H. 6. 10.

CAP. II.

How long time the Copies of Panels in Aſſiſe ſhall be delivered to the parties before the Seſſions of the Juſtices.

Aſſiſe 8. **How long time the copies of Panels in Aſſiſes ſhall be delivered to the parties before the Seſſions of the Juſtices.**

3 Inſt. 17

3 Roll. 31

ITem, Becauſe that divers of the Kings liege people in times paſt have been diſherited, for that in ſpecial Aſſiſes the Tenants and Defendants could not have knowledge nor copy of the pannel of them that be impanelled to paſs in the ſaid Aſſiſes, to inform them of their right and titles before the day of the Seſſions that the Aſſiſes ſhould be demanded: (2) Our Lord the King, willing thereof to provide remedy, hath ordained and eſtabliſhed, That the pannels of the Aſſiſes ſhall be arraied, and a copy indented of the ſame by the Sheriff delivered to Plaintiffs, Tenants and Defendants, ſix days at the leaſt before the Seſſion of the Juſtices, if they the ſame demand. (3) And as to the return or anſwer of the Bailiffs of the Franchiſes, they ſhall make their returns or anſwers to the Sheriffs of ſuch ſpecial Aſſiſes, ſix days before the Seſſions in the manner aforeſaid. (4) And that upon pain of forty pound, to be paid by the ſaid Sheriffs or Bailiffs to our Lord the King, as often as they or any of them do or cauſe to be done contrary to this Ordinance or Statute. Stat. 42 Ed. 3. 11.

CAP. III.

Laborers. Raſt. 31.

The Juſtices of Peace and chief Officers in Cities, &c. ſhall make Proclamations what every Artificer and Workman ſhall take for Wages: And the penalty of a Servant, Artificer, or Labourer that taketh more. Exp. 5 Eliz. 4. Stat. 8 H. 6. 8.

CAP. IV.

The Sheriffs traverſe to an Inqueſt found touching returning Knights of the Parliament.

Parliament 4. **A rechearſal of the St. of** 7 H. 4. 15. **touching the form of the chuſing of the Knights for the Parliament.**

ITem, Where it was ordained and eſtabliſhed in the ſeventh year of King Henry the fourth, Grandfather of our Lord the King that now is, that Knights of Shires for the Parliament ſhould be choſen in the manner and form following, that is to ſay, at the next County to be holden after the delivery of the Writ of the Parliament, Proclamation ſhall be made in the full County of the day and place of the Parliament, (2) and that all they which be preſent there, as well ſuitors duly ſummoned for this cauſe as other, ſhall attend to the election of their Knights for the Parliament. (3) And then in full County they ſhall proceed to the election freely and indifferently, notwithſtanding any requeſt or commandment to the contrary. (4) And that after they be choſen, whether ſuch perſons choſen be preſent or abſent, their names ſhall be written in Indentures, under the ſeals of all the chuſers, and annexed to the ſaid Writ of Parliament, which Indenture ſo ſealed and tacked, ſhall be holden for the return of the ſaid Writ, as to the Knights of the ſaid Shires. (5) And alſo in the Writs of the Parliament hereafter to be made, this clauſe ſhall be put in the manner as followeth, Et electionem tuam in pleno Comitatu tuo factam, diſtincte & aperte ſub ſigillo tuo & ſigillis eorum qui electionem illi interfuerint, nobis in Cancellaria noſtra ad diem & locum in brevi contentos certifices indilate. (6) And for that in the ſame Statute no pain was ordained, nor ſpecially ſet upon the Sheriffs of the County, if they make their return contrary to the ſaid Statute, It was ordained and eſtabliſhed the xi year of the ſaid King Henry the fourth, That the Juſtices of Aſſiſes ſhould have power to enquire in their Seſſions of Aſſiſes of ſuch returns made; (7) and if it be found by Inqueſt and due examination before the ſame Juſtices, that any ſuch Sheriff hath made, or hereafter ſhall make any return contrary to the tenor of

By the Stat. 11 H. 4. 1. **Juſtices of Aſſiſe ſhall inquire of undue returns of Knights of the Parliament.**

of the ſaid Statute, that the ſame Sheriff ſhould incur the pain of an hundred pound, to be paid to our ſaid Lord the King. (8) And moreover, that the Knights ſo unduly returned, ſhall loſe their wages of the Parliament in old times accuſtomed, (9) to the great miſchiefs of Sheriffs and Knights of the Shire, which be forbarred and put out of their anſwer, againſt ſuch Inqueſts of office taken before the ſaid Judges, becauſe of the Statutes and Ordinances aforeſaid: (10) Our Lord the King willing in this caſe to provide remedy, hath ordained and eſtabliſhed, That all the Knights of the Shires choſen for this preſent Parliament, and the Sheriffs of the ſame Counties againſt whom any Inqueſts or offices of undue election be found before the Juſtices of Aſſiſes, ſhall have their anſwer and traverſe to ſuch Inqueſts of office taken. (11) And alſo all the Knights from henceforth ſo to be choſen, and the Sheriffs that ſhall make ſuch elections, ſhall have their anſwer and traverſe to ſuch inqueſts and offices before any Juſtices of Aſſiſes hereafter to be taken, (12) and the ſaid Knights and Sheriffs ſhall not be endamaged unto our ſaid Lord the King, or his ſucceſſors, for any ſuch Inqueſt taken or to be taken, until they be duly convict according to the form of the Law. St. 8 H. 6. 7.

The Knights choſen for the Parliament, and Sheriffs of Counties may have their traverſe to an office found againſt them.

CAP. V.

Several Commiſſions of Sewers ſhall be granted. The form of the Commiſſion.

ITem, Our Sovereign Lord the King, by the Advice and aſſent aforeſaid, conſidering the great damage and loſſes which now late be happened by the great inundation of waters in divers parts of the Realm, and that much greater damage is very like to enſue, if remedy be not ſpeedily provided, hath ordained and granted, That during ten years next enſuing, ſeveral Commiſſions of Sewers ſhall be made to divers perſons by the Chancellor of England for the time being, to be ſent into all parts of the Realm where ſhall be needful, according to the form that followeth:

Sewers, Raſt. 1. Commiſſions of Sewers ſhall be granted during ten years.

(2) HENRY, By the grace of God King of England, &c. To his well beloved and faithful A. B. C. & D. greeting. Know ye, That whereas the Walls, Ditches, Gutters, Sewers, Bridges, Caulceis, and Wears by the Coaſts of the Sea, and Marſh, within the Coaſts and Limits of Lindſey in the County of Lincoln, by the rage of the Sea flowing and reflowing, and Trenches of freſh waters by divers places deſcending to the Sea, be ſo decayed and broken, that many ineſtimable damages for default of reparation of the ſame Walls, Ditches, Gutters, Bridges, Caulceis, and Wears, in times paſt have happened there, and yet it is to be feared that much more hurt within ſhort time will happen, unleſs that ſome ſpeedy remedy be provided therefore: (3) We for as much as by reaſon of our Regal dignity we be bounden to have regard to the ſafety of our Realm of England in all places, willing in this behalf to provide convenient and ſpeedy remedy, have aſſigned you, &c. of which, &c. we will to be one, our Juſtices to ſurvey the ſaid Walls, Ditches, Gutters, Sewers, Bridges, Caulceis, Wears, and Trenches, (4) and to enquire by the oath as well of Knights, as other good and lawful men of the ſaid County, as well within Liberties as without, by whom the truth of the matter may be beſt known, by whoſe default ſuch damages have there happned, and who doth hold lands and tenements, or hath any common of paſture or fiſhing in thoſe parts, or elſe in any wiſe have, or may have the defence, profit, and ſafeguard, as well in peril nigh, as from the ſame far off, by the ſaid Walls, Ditches, Gutters, Sewers, Bridges, Caulceis, and Wears, and alſo hurt or commodity by the ſame Trenches, (5) and there to diſtrain all them for the quanity of their lands and tenements, either by the number of acres, or by their plow lands, for the rate of the portion of their tenure, or for the quantity of their common of paſture or fiſhing, together with the Bailiffs of Liberties, and other places of the Counties and places aforeſaid, to repair the ſaid Walls, Ditches, Gutters, Sewers, Bridges, Caulceis, and Wears, in the places neceſſary, and the ſame or other, as often and where ſhall be needful to make of new, and to cleanſe the ſaid Trenches in places neceſſary, and if need be to ſtop them up: (6) So that no tenants of lands or tenements, nor any having common of paſture or fiſhing, rich or poor, nor other of what condition, ſtate or dignity, which have or may have defence, commodity and ſafeguard by the ſaid Walls, Ditches, Gutters, Sewers, Bridges, Caulceis, or Wears, or elſe any hurt by the ſaid Trenches, (whether they be within liberties or without) ſhall in any wiſe be ſpared in this: (7) And for agiſtments upon the Sea-banks for preſervation of the ſaid parts, according to the number of the acres or perches by you, &c. of whom, &c. we will to be one, newly to number, and as often and where ſhall need of new to make. (8) And to depute certain diligent and true keepers for the ſaid preſervation, and to hear the account of the Collectors of the mony which ſhall be levied for this cauſe, and to be ſpent in the reparation and amendment of the ſaid Walls, Ditches, Gutters, Sewers, Bridges, Caulceis, and Wears, and ſtopping of the ſaid Trenches. (9) And to diſtrain by you, &c. of whom, &c. we will to be one, or by other whom ye ſhall thereto depute for the arrearages of ſuch Collection, as often as need ſhall be, and as ye ſhall think meet, (10) and to make and ordain neceſſary and convient ſtatutes and ordinances for the defence and ſafety of the ſaid ſea-banks and marſhes, and the parts adjoyning, according to the laws and cuſtoms of Romney Marſh, and to hear and determine according to the laws and cuſtom of our Realm of England, and the cuſtom of Romney Marſh, all and ſingular the premiſes, as well at our ſuit, as the ſuit of any other that will complain before you in this behalf: (11) And to take and put in the ſaid works and reparations, as many ditchers and other workmen and labourers for the ſaid workmanſhip and reparations, as may ſuffice for the great, ſpeedy and inſtant neceſſity, upon competent wages to them in this behalf to be paid. (12) And therefore we command you, That at certain days and places which you, &c. of whom, &c. we will to be one, thereto ſhall appoint, ye ſhall ſurvey the ſaid Walls, Ditches, Gutters, Sewers, Bridges, Caulceis, Wears and Trenches, and all and ſingular the premiſes do and accompliſh, and hear and determine in form aforeſaid: (13) So that for default of reparation of the ſaid Walls, Ditches, Gutters, Sewers, Bridges, Caulceis and Wears, and ſtopping of the ſaid Trenches, no hurt nor peril

The form of the Commiſſion of Sewers. St. 23 H. 8. 5.

Commiſſioners ſhall enquire of the annoyances, and by whoſe default they happened.

Inquiry who hath lands, common, or fiſhing there, and who may have loſs by the annoyances, or benefit by the repair of them.

Diſtraining for reparations.

Coke l. 10. f. 141. Coke l. 5. f. 100.

None ſhall be ſpared that may receive benefit or loſs

Taking the accompt of the Collectors.

Diſtraining for the arrearages of the Collection.

Making of Ordinances for the defence of the ſea-banks.

Taking of labourers to work in the reparations.

Puniſhment of them which do neglect or refuſe to repair their portion aſſigned.

The Sheriffs and Jurors ſhall be attendant upon the Commiſſioners of Sewers.

ſhall in any wiſe happen. (14) And that ye compel all them whom ye ſhall find negligent or ſtubbornly denying to do reparation, or making of their portions, ſpeedily to reform and amend the ſame by diſtreſſes and amerciaments, and other ways and means which to you ſhall beſt ſeem for ſuch defaults: (15) And that ye cauſe all things which by you ſhall be ordained in this behalf, as well within liberties as without, firmly to be obſerved, doing therein as to Juſtice pertaineth, according to the Law and Cuſtom of our Realm of England: ſaving to us the amerciament and other things thereof to us pertaining. (16) We have alſo commanded our Sheriff of the ſaid County, that at certain days and places which you, &c. of whom, &c. we will to be one, ſhall give him to know, he ſhall cauſe to come before you, &c. of whom, &c. we will to be one, ſo many and ſuch good and lawful men of his Bailiwick, as well within liberties as without, by whom the truth of the matter in the premiſes may beſt be known and enquired. In Witneſs whereof, &c. Witneſs, &c. St. 8 H. 6. 3. 23 H. 6. 9. 6 H. 8. 10.

CAP. VI.

Wools, Raſt. 21.

All Merchants may ſhip Merchandiſe in Melcomb Haven, and carry them to Calice. OB.

Statutes made at *Weſtminſter*, *Anno* 8 *Hen.* 6. & *Anno Dom.* 1429.

TO the laud and honour of Almighty God, and of the holy mother the Church, our moſt noble Chriſtian Lord Henry, by the grace of God King of England, and France, and Lord of Ireland, in his Parliament holden at Weſtminſter the morrow after S. Matthew the Apoſtle, the eighth year of his Reign, by the advice and aſſent of the Prelates and great men of his Realm of England, and at the ſpecial requeſt and aſſent of the Commons of the ſame Realm being in the ſaid Parliament, hath made certain Statutes and Ordinances for the common profit of the ſaid Realm, and eſpecially for the good and wholſom government and due execution of the Law to be had in the ſame, in the form following.

CAP. I.

The Clergy of the Convocation ſhall have ſuch liberty as they which come to the Parliament.

Convocation 1. The Clergy coming to the Convocation, ſhall have ſuch liberties as they which come to the Parliament.

FIrſt, Becauſe the Prelates and Clergy of the Realm of England called to the Convocation, and their ſervants and families that came with them to ſuch Convocation, oftentimes and commonly arreſted, moleſted and inquieted: (2) Our ſaid Lord the King, willing graciouſly in this behalf to provide for the ſecurity and quietneſs of the ſaid Prelates and Clergy, at the ſupplication of the ſame Prelates and Clergy, and by the aſſent of the great men and Commons aforeſaid, hath ordained and eſtabliſhed, That all the Clergy hereafter to be called to the Convocation by the Kings Writ, and their ſervants and familiars, ſhall for ever hereafter fully uſe and enjoy ſuch liberty or defence in coming, tarrying and returning, as the great men and Cominalty of the Realm of England, called or to be called to the Kings Parliament, do enjoy, and were wont to enjoy, or in time to come ought to enjoy. St. 5 H.4.6. 11 H.6.11.

CAP. II.

Denmark, Raſt. 1.

No Merchants of England ſhall enter into the Dominion of the King of Denmark, but into Northbarám. Rep. 1 H. 8. 1.

CAP. III.

Commiſſioners of Sewers may execute their own Ordinance.

Sewers, Raſt. 2. St. 6 H. 6. 5.

The Commiſſioners of Sewers ſhall have power to execute their ordinances.

ITem, Our Lord the King conſidering how at the laſt Parliament holden at Weſtminſter, the vi. year of his Reign, he did ordain and grant by authority of the ſaid Parliament, That ſeveral Commiſſions of Sewers ſhould be made to divers perſons by the Chancellor of England for the ſame time being, to be named in all parts of the Realm where ſhall be needful, under a certain form in the ſaid Ordinance and Grant contained; (2) by which Ordinance and Grant the ſaid Commiſſioners had no power nor authority to do, perform, nor execute the things compriſed within the ſaid Commiſſions. (3) And therefore he hath ordained and eſtabliſhed by authority of this Parliament, That all ſuch Commiſſioners ſhall have power to do, ordain, and execute the Statutes, Ordinances, and other affairs to be made according to the effect and purport of the ſaid Commiſſions.

CAP. IV.

Liveries 2.

None ſhall buy nor wear Livery to have maintenance in any quarrel. Rep, 3 Car. 4.

CAP. V.

Every City and Borough ſhall have a common balance and weight. Who may buy Wool and Yarn.

Weights 11.

St. 9 H. 3.25.
27 Ed. 3. 10.
14 Ed. 3. 12.
25 Ed. 3. 9.
13 R. 2. 9.

ITem, Whereas by the great Charter of the Liberties of the Realm of England, and by a Statute made the xxv. year of King Edward the third, it was ordained, and by a Statute made in the xiii. year of King Richard the ſecond, confirmed, That one weight and one meaſure ſhould be through all the Realm of England, as well out of the Staple as within; (2) And in the ſame Statute of the ſaid noble King Edward, it is contained, That the weight called Auncel, for the great hurt and ſubtile deceits done by the ſame meaſure to the common people, ſhall be utterly left, and ſet apart, (3) and the Wools and all other manner of Merchandiſes, and all other things weighable, bought or ſold, ſhall be weighed by the balance, ſo that the tongue of the balance do not incline more to the one party than the other, with weights ſealed, and according to the Standard of the Eſchequer: (4) And he that doth contrary, to the damage of the ſeller, ſhall forfeit to our Lord the King the value of the goods ſo weighed or meaſured; (5) And that the party complainant ſhall have his quatreble damages. (6) And by the ſaid Statute of the ſaid noble King Richard, it was added, That the Offender ſhall be Impriſoned by two years, and make fine and ranſom at the will of our Lord the King. (7) And that the Juſtices of Peace ſhould have power to enquire of the ſaid defaults, as well at the Suit of our Lord the King, as the Parties; (8) Our Lord the King, by the Authority of this Parliament, hath ordained and eſtabliſhed, That the Statutes and Ordinances aforeſaid ſhall be firmly kept and holden, and ſtraightly executed.

II. And moreover, for to eſchew divers great miſchiefs which have happened within the Realm of England by the ſaid Auncel, and eſpecially for to deſtroy the falſhood of the Regrators of Yarn, called Journe Choppers, (2) It is ordained by our ſaid Lord the King, by authority aforeſaid, That in every City, Borough, and Town of the Realm of England, a common balance ſhall be, with common weights ſealed, and according to the Standard of the Eſchequer, upon the common coſts of the ſaid City, Borough or Town, in the keeping of the Mayor or Conſtable of the ſame; (3) at which balance and common weight, all the inhabitants of the ſame City, Borough or Town, that have not ſuch weights, and other that have, if they will, may freely weigh without any thing paying; (4) taking nevertheleſs of foreigns for every draught within the weight of xl li. a farthing, and for every draught betwixt forty pound and an hundred pound, on half-peny, and for every draught betwixt an hundred pound and a thouſand pound, a peny at the moſt: (5) whereof the weights ſhall be maintained, and the officers lawfully weighing rewarded by the diſcretion of the chief men of the City, Borough or Town, according to his attendance to his ſaid buſineſs, be it more or leſs. (6) And that no man buy Yarn of Wool, called woollen yarn, unleſs he will make Cloth thereof, nor uſe weight nor meaſure, nor other thing in the place of weight or meaſure, that is not ſealed according to the Standard, nor ſet any thing to the ſame by the way of tacking or hiding, or in any other manner that may increaſe the meaſure or weight, or let the balance to have his natural courſe, upon the forfeiture and penalty aforeſaid. (7) And that the Juſtices of Peace, Mayors, Bailiffs, and Stewards of Franchiſes, have power by authority aforeſaid to examine the treſpaſſers in this caſe, and to enquire in eſpecial of offenders againſt this Ordinance, and to do execution of them that be found faulty by enqueſts, or by examination to be made by the ſaid Judges or Officers in this caſe, in the manner as afore is ſaid; (8) And that this Ordinance be holden and obſerved from the Feaſt of Eaſter next enſuing, for ever. (9) And that every City upon pain of ten pound, every Borough upon pain of an hundred ſhillings, and every Town where a Conſtable is, upon pain of forty ſhillings, have a common balance with weights according to the ſaid Standard, within two months after Proclamation made of this Ordinance, which penalty ſhall be levied to the uſe of our Lord the King, as often as they ſhall be faulty after the ſaid Proclamation. St. 11 H. 7. 4. 11 H. 6. 8. 9 H. 6. 6. & 8.

Regrators of Yarn, called Journe Choppers.

Every City Borough, and Town ſhall have a common balance and weights.

No man ſhall buy woollen yarn, unleſs he will make cloth thereof. Rep. 21 Jac. 28.

The forfeiture of a City or Town wanting common Balance and weights.

CAP. VI.

Inſt. 67.

If any threaten by caſting of bills to burn a houſe, if mony be not laid in a certain place, and after do burn the houſe, ſuch burning of houſes ſhall be adjudged high Treaſon. Rep. 1 Ed. 6. 12. 1 M. 1.

Treaſon, Raſt. 7.

CAP. VII.

What ſort of men ſhall be chuſers, and who ſhall be choſen Knights of the Parliament.

ITem, Whereas the elections of Knights of Shires to come to the Parliaments of our Lord the King, in many Counties of the Realm of England, have now of late been made by very great, outragious and exceſſive number of people, dwelling within the ſame Counties of the Realm of England, of the which moſt part was of people of ſmall ſubſtance, and of no value, whereof every of them pretended a voice equivalent, as to ſuch elections to be made, with the moſt worthy Knights and Eſquires dwelling within the ſame Counties, whereby manſlaughter, riots, batteries, and diviſions among the Gentlemen, and other people of the ſame Counties ſhall very likely riſe and be, unleſs convenient and due remedy be provided in this behalf: (2) Our Lord the King conſidering the premiſſes, hath provided, ordained, and eſtabliſhed by authority of this preſent Parliament, That the Knights of the Shires to be choſen within the ſame Realm of England to come to the Parliaments of our Lord the King hereafter to be holden, ſhall be choſen in every County of the Realm of England, by people dwelling and reſident in the ſame Counties, whereof every one of them ſhall have Land or Tenement, to the value of forty ſhillings by the year at the leaſt, above all charges, (3) and that they which ſhall be ſo choſen ſhall be dwelling and reſident within the ſame Counties: (4) And ſuch as have the greateſt number of them that may expend forty ſhillings by year and above, as afore is ſaid, ſhall be returned by the Sheriffs of every County, Knights for Parliament, by Indentures ſealed betwixt the ſaid Sheriffs, and the ſaid chuſers ſo to be made: (5) And every Sheriff of the Realm of England ſhall have power by the ſaid authority to examine upon the Evangeliſts every ſuch chuſer, how much he may expend by the year: (6) And if any Sheriff return Knights to come to the Parliament, contrary to the ſaid Ordinance, the Juſtices of Aſſiſes in their Seſſions of Aſſiſes ſhall have power by the authority aforeſaid thereof to enquire. (7) And if by enqueſt the ſame be found before the Juſtices, and the Sheriff thereof be duly attainted, that then the ſaid Sheriff ſhall incur the pain of an hundred pound, to be paid to our Lord the King, and alſo that he have impriſonment by a year, without being let to mainpriſe or bail. (8) And that the Knights for the Parliament returned contrary to the ſaid Ordinance, ſhall loſe their wages.

Provided always, That he which cannot expend forty ſhillings by year, as afore is ſaid, ſhall in no wiſe be chuſer of the Knights for the Parliament; (2) And that in every Writ that ſhall hereafter go forth to the Sheriffs to chuſe Knights for the Parliament, mention be made of the ſaid Ordinances.

Parliament 4.

What ſort of people, and of what ſufficiency of eſtate ſhall be chuſers of the Knights for the Parliament. St. 1 H. 5. 1. 10 H. 6. 2.

What ſort of perſons ſhall be choſen Knights for the Parliament. St. 6 H. 6. 4.

The Sheriff may examine every chuſer what land he hath in yearly value.

The penalty of a Sheriff returning a Knight not duly choſen. St. 11 H. 4. 1. 23 H. 6. 15. Raſt. pla. f. 446.

The penalty of a Knight returned which is not duly choſen.

CAP. VIII.

The Statute of 6 H. 6. 3. confirmed touching the wages of Labourers, Artificers, Servants, and Workmen. Rep. 5 Eliz. 4.

Laborers, Raſt. 31.

CAP. IX.

The duty of Juſtices of Peace, where land is entred upon or detained with force.

ke l. 4.
48.
bart 94.
Roll. 406.
7.

ITem, Whereas by the noble King Richard, late King of England, after the Conqueſt the ſecond, at his Parliament holden at Weſtminſter the morrow after All-Souls, the fifteenth year of his Reign, amongſt other things, it was ordained and eſtabliſhed, That the Statutes and Ordinances made, and not repealed, of them that make Entries with

Juſtices of Peace, 89. Force 2. St. 15 R. 2. 2. touching forcible entries, rehearſed and confirmed.

ſtrong hand into Lands or Tenements, or other poſſeſſions whatſoever, and them hold with force, and of them that make Inſurrections, Riots, Routs, Ridings, and Aſſemblies in diſturbance of the Peace, or of the Common Law, or in affray of the people, ſhould be holden and fully executed. (2) And moreover, it is ordained by the ſame Statute, That at all times that ſuch forcible Entries be made, and complaint thereof come to the Juſtices of Peace, or any of them, that the ſame Juſtices or Juſtice ſhall take the power of the County, and ſhall go, or one of them ſhall go to the place where ſuch force is made. (3) And if they find, or he findeth any holding ſuch place forcibly, after ſuch entry made, they ſhould be taken and put in the next Gaol, there to remain convict by the record of the ſame Juſtices or Juſtice, until they have made fine and ranſom to the King. (4) And that all the people of the County, as well Sheriffs as other, ſhall be attending to the ſaid Juſtices, and to aſſiſt them to arreſt ſuch malefactors, upon pain of impriſonment, and to make fine and ranſom to the King. (5) And that in the ſame manner be done of them that make forcible entries into Benefices or Offices of holy Church, as in the ſame Statute is contained more at large.

1 Bulſt. 201.
2 Bulſt. 121. (ſeu 111.)
3 Bulſt. 70 92.

The defects of the Statutes of 15 R. 2. 2.
1 Roll. 94. 154, 159.
Palmer 277.

II. And for that the ſaid Statute doth not extend to Entries in Tenements, in peaceable mannet, and after holden with force, nor if the perſons which enter with force into Lands or Tenements, be removed and voided before the coming of the ſaid Juſtices or Juſtice, as before, nor any pain ordained, if the Sheriff do not obey the commandments and precepts of the ſaid Juſtices, for to execute the ſaid ordinance, many wrongful and forcible entries be daily made, in Lands and Tenements by ſuch as have no right, and alſo divers, gifts, feoffments, and diſcontinuances ſometimes made to Lords, and other puiſſant perſons, and extortioners within the ſaid Counties where they be converſant, to have maintenance, and ſometimes to ſuch perſons as be unknown to them ſo put out, to the intent to delay and defraud ſuch rightful poſſeſſors of their right, and recovery for ever, to the final diſheriſon of divers of the Kings faithful liege people, and likely daily to increaſe, if due remedy be not provided in this behalf: (2) Our Lord the King conſidering the premiſſes, hath ordained, That the ſaid Statute, and all other Statutes of ſuch entries or alienations made in times paſt, ſhall be holden and duly executed: (3) Joyned to the ſame, That from henceforth where any doth make any forcible Entry in Lands and Tenements, or other poſſeſſions, or them hold forcibly, after complaint thereof made within the ſame County where ſuch Entry is made, to the Juſtices of Peace, or to one of them by the party grieved, that the Juſtices or Juſtice ſo warned within a convenient time, ſhall cauſe, or one of them ſhall cauſe the ſaid Statute duly to be executed, and that at the coſts of the party ſo grieved.

The office and duty of Juſtices of Peace when any forcible entry is made into Lands, or peaceable entry, and after detaining with force.
2 Roll. 39. 246. (226.) 311.
1 Leonard. 327.

III. And moreover though that ſuch perſons making ſuch Enties be preſent, or elſe departed before the coming of the ſaid Juſtices or Juſtice, notwithſtanding the ſame Juſtices or Juſtice in ſome good Town next to the Tenements ſo entred, or in ſome other convenient place, according to their diſcretion, ſhall have, or either of them ſhall have authority and power to enquire by the people of the ſame County, as well of them that make ſuch forcible Entries in Lands and Tenements, as of them which the ſame hold with force. (2) And if it be found before any of them, that any doth contrary to this Statute, then the ſaid Juſtices or Juſtice ſhall cauſe to reſeiſe the Lands and Tenements ſo entred or holden as afore, and ſhall put the party ſo put out, in full poſſeſſion of the ſame Lands and Tenements, ſo entred or holden as before. (3) And if any perſon after ſuch entry into Lands or Tenements holden with force, make a feoffment, or other diſcontinuance to any Lord or other perſon, to have maintenance, or to take away and defraud the poſſeſſor of his recovery in any wiſe, if after in Aſſiſe or other action thereof to be taken or purſued before Juſtices of Aſſiſes, or other the Kings Juſtices whatſoever, by due enquiry thereof to be taken, the ſame feoffments and diſcontinuances may be duly proved to be made for maintenance, as afore is ſaid, that then ſuch feoffments or other diſcontinuances, ſo as before made, ſhall be void, fruſtrate, and holden for none.

Cok. l. 8. f. 121.
31 H. 6. f. 5.
14 H. 7. f. 8.
Dyer f. 122. 187.
Co. l. 9. f. 118.
l. 11. f. 65.
7 Ed. 4. f. 18.
4 H. 7. f. 18.
Cro. El. 184, 189, 306, 458, 461, 582, 654, 738, 915.
Cro. Jac. 17, 19, 31, 41, 148, 214, 151, 176.
Cro. Car. 261

The remedy where any perſon entring by force, doth alien the ſame Land to have maintenance.
St. 1 R. 2. 9.
Raſt. pl. f. 62.

IV. And alſo when the ſaid Juſtices or Juſtice make ſuch enquiries as before, they ſhall make, or of one of them ſhall make their warrants and precepts to be directed to the Sheriff of the ſame County, commanding him on the Kings behalf, to cauſe to come before them and every of them, ſufficient and indifferent perſons, dwelling next about the Lands ſo entred as before, to enquire of ſuch Entries, (2) whereof every man which ſhall be impannelled to enquire in this behalf, ſhall have Land or Tenements of the yearly value of forty ſhillings by year at the leaſt, above repriſes, (3) and that the Sheriff return iſſues upon every of them at the day of the firſt precept returnable, twenty ſhillings, and at the ſecond day forty ſhillings, and at the third time an hundred ſhillings, and at every day after, the double. (4) And if any Sheriff or Bailiff within a Franchiſe having return of the Kings Writ, be ſlack, and make not execution duly of the ſaid precepts to him directed, to make ſuch enquiries, that he ſhall forfeit to the King twenty pound for every default, and moreover ſhall make fine and ranſom to the King.

The Juſtices precept to the Sheriff to return a Jury to enquire of forcible entries.

What Land every Juror muſt have that is impanelled to enquire of a forcible entry, and what iſſues ſhall be returned upon them.

The Sheriffs penalty for omitting his duty.
Owen 81.
Savil 68.
Poph 205.
Godbolt 2 p. 69. pl. 45. pl. 56.
Brownl. pleadings, 1 par. 139 & 2 part 478.
Moor 211. pl.
Golsb. 40. pl. 18.

V. And that as well the Juſtices or Juſtice aforeſaid, as the Juſtices of Aſſiſes, and every of them at their coming into the Country to take Aſſiſes, ſhall have, and every of them ſhall have power to hear and determine ſuch defaults and negligences of the ſaid Sheriffs and Bailiffs, and every of them, as well by bill at the ſuit of the party grieved for himſelf, as for the King, to ſue by indictment only to be taken for the King. (2) And if the Sheriff or Bailiff be duly attainted in this behalf by indictment, or by bill, that he which ſueth for himſelf and for the King, have the one moyety of the forfeiture of twenty pound, together with his coſts and expences: (3) and that the ſame proceſs be made againſt ſuch perſons indicted or ſued by bill in this behalf, as ſhould be againſt perſons indicted or ſued by Writ of Treſpaſs done with force and arms againſt the peace of the King.

1 H. 7. f. 19.
10 H. 7. f. 9.
15 H. 7. f. 17.
6 H. 7. f. 12.
Dyer f. 141.

VI. And moreover, if any perſon be put out or diſſeiſed of any Lands or Tenements in forcible manner, or put out peaceably, and after holden out with ſtrong hand, or after ſuch entry, any feoffment or diſcontinuance in any wiſe thereof be made, to defraud and take

away

itz. Entr. ,16,17, ,21,27, ,39,45. o l.11.f.15. oH.7. f.12. oEd.4.f.10. yer f. 214. itz. Dam. ,25. o.l.10. 116. 11. f.30. ro.El. 93, 6, 106, 97. H.6.f.18. el.f.187. 4 H.7.f.28. yer f 141. ro Force

away the right of the Poſſeſſor, that the party grieved in this behalf ſhall have Aſſiſe of Novel diſſeiſin, or a Writ of Treſpaſs againſt ſuch diſſeiſor. (2) And if the party grieved recover by Aſſiſe, or by action of Treſpaſs, and it be found by verdict, or in other manner by due form in the Law, that the party defendant entred with force into the Lands and Tenements, or them after his entry did hold with force, that the plaintiff ſhall recover his treble damages againſt the defendant: (3) And moreover that he make fine and ranſom to the King. And that Mayors, Juſtices or Juſtice of Peace, Sheriffs and Bailiffs of Cities, Towns and Boroughs, having Franchiſe, have in the ſaid Cities, Towns and Boroughs, like power to remove ſuch entries, and in other articles aforeſaid, riſing within the ſame, as the Juſtices of Peace and Sheriffs in Counties and Countries aforeſaid have.

What action the party grieved ſhall have againſt him who doth put out, or keep him out of the poſſeſſion with force, or after maketh diſcontinuance of the Land. 1 Buildr. 177, 218. 1 Leon. 282. 2 Leon 52. Co.pl. f.315. The authority of the chief officers in Cities and Corporate Towns, to repels forces.

VII. Provided always, That they which keep their poſſeſſions with force in any Lands and Tenements, whereof they or their Anceſtors, or they whoſe eſtate they have in ſuch Lands and Tenements, have continued their poſſeſſions in the ſame by three years or more, be not endamaged by force of this Statute. St. 5 R. 2. 7. 4 H. 4. 8. Reg. f. 289. Fitz. N. B. f. 248. Coke pl. f. 44, 46. Raſt. pl. f. 65, 68, 72, 83, 320, 354. Coke Inſt. 1 par. 257.

They may keep their Land by force, which have had three years poſſeſſion.

CAP. X.

Proceſs awarded againſt thoſe which dwelling in foreign Counties be Indicted or Appealed.

Inſt. 31. Inſt. 51. 3.

ITem, Our Lord the King conſidering how divers perſons for their private revenge, and not of right, maliciouſly by ſubtile imagination have cauſed and procured many of his faithful liege people falſly to be indicted and appealed of ſeveral Treaſons, Felonies and Treſpaſſes, before Juſtices of the Peace, and other Commiſſioners and Juſtices, and other having power to take Indictments or Appeals in divers foreign Counties, Liberties and Franchiſes of England, in which the ſaid Lieges be not, nor at any time were converſant nor dwelling: (2) By force of which Indictments and Appeals, and the Proceſſes upon them made in the ſaid Counties, Franchiſes and Liberties, the ſaid perſons ſo indicted, have been, and daily be put in Exigent, and after outlawed, and thereupon their goods and chattels, lands and tenements forfeit, and they in great jeopardy of their lives, whereas the ſaid perſons ſo indicted, appealed, or put in Exigent, or outlawed, had never knowledge of ſuch indictments, appeals, Exigents or outlawries, (3) which falſhood and malice daily doth abound and increaſe in divers Counties, Liberties and Franchiſes of England, in great hinderance, loſs, and perpetual deſtruction of many of his ſaid faithful and innocent Liege people, and very likely to increaſe hereafter, if convenient remedy be not ordained and provided in this behalf.

Stat. 31 El. 11. Indictments 3. The inconveniences enſuing by indicting or appealing of any perſon in one County that is converſant in another.

II. And therefore the ſame our Lord the King of his ſpecial grace, and by authority of this Parliament, for eaſe and tranquility of his faithful Lieges of this Realm, hath cauſed to be ordained and ſtabliſhed, that upon every indictment or appeal by the which any of the ſaid Lieges dwelling in other Counties than there where ſuch indictment or appeal is, or ſhall be taken of Treaſon, Felony and Treſpaſs, to be taken hereafter before the Juſtices of Peace, or before any other having power to take ſuch indictments or appeals, or other Commiſſioners or Juſtices in any County, Franchiſe or Liberty of England, before any Exigent awarded upon any indictment or appeal in the form aforeſaid, to be taken, that preſently after the firſt Writ of Capias, upon every ſuch indictment or appeal awarded and returned, that another Writ of Capias be awarded, directed to the Sheriff of the County, whereof he which is ſo indicted, is or was ſuppoſed to be converſant by the ſame indictment, returnable before the ſame Juſtices or Commiſſioners, before whom he is indicted or appealed at a certain day containing the ſpace of three months, from the date of the ſaid laſt Writ, where the Counties be holden from month to month; and where the Counties be holden from ſix weeks to ſix weeks, he ſhall have the ſpace of four months, until the day of the return of the ſame Writ; (2) by which Writ of ſecond Capias, be it contained and commanded to the ſame Sheriff, to take him which is ſo indicted or appealed, by his body, if he can be found within his Bailiwick: (3) and if he cannot be found within his Bailiwick, that the ſaid Sheriff ſhall make Proclamation in two Counties before the return of the ſame Writ, that he which is ſo indicted or appealed, ſhall appear before the ſaid Juſtices or Commiſſioners in the County, Liberty or Franchiſe where he is indicted or appealed, at the day contained in the ſaid laſt Writ of Capias, to anſwer to our Lord the King, or to the party, of the Felony, Treaſon or Treſpaſs, whereof he is ſo indicted or appealed: (4) after which ſecond Writ of Capias ſo ſerved and returned, if he which is ſo indicted or appealed, come not at the day of the ſame Writ of Capias returned, the Exigent ſhall be awarded againſt ſuch perſons indicted or appealed, and every of them.

Ed.4. f.1. 9 H.6.f.1. itz.Proceſs 92. o.l.179. 35.

Upon indictments or appeals of perſons dwelling in foreign Counties, what proceſs ſhall be awarded againſt them. St. 10 H. 6. 6. Raſt. pl. f. 52, 287.

III. And if any Exigent hereafter be awarded upon any ſuch indictment or appeal, againſt the form aforeſaid, or any outlawry be upon that pronounced, as well the Exigent ſo awarded, as the outlawry upon that pronounced, and every of them ſhall be holden for none and void. (2) And that the party upon whom ſuch Exigent againſt the form aforeſaid is awarded, or outlawry pronounced, be not endamaged, nor put to loſs of his goods or chattels, lands or tenements, nor of his life.

1 H.7.f.25. o.l.3.f.59.

Hob. 166. March 84. St. 6 H. 6. 1.

IV. Provided always, That the Statute made in the laſt Parliament, of Proceſſes to be made in ſuch caſe before the King in his Bench, ſtand in his force: (2) And moreover, the ſame our Lord the King hath granted by authority aforeſaid, That every perſon indicted or appealed in the form aforeſaid, from henceforth after that he be duly acquit by verdict, that he ſhall have a writ and action upon his caſe, againſt every procuror of ſuch indictments or appeals, and like proceſs ſhall be upon and in the ſame Writ, as in a Writ of Treſpaſs done with force and arms. (3) And if ſuch procuror be attainted in this behalf, that the Plaintiff ſhall recover his treble damages.

el. fo. 21.

An Action upon the caſe maintainable by the party indicted or appeald againſt the procuror of the ſame. Fitz. N. B. f. 115. I. Raſt. pl. f. 123.

V. Provided always, That this Ordinance ſhall not extend to indictments or appeals taken or to be taken within the County of Cheſter.

VI. Provided alſo, That if any of the ſaid Lieges, or any of their heirs, be or ſhall be ap-

A man indicted or appealed in the County where he is converſant.

f. 19. f. 9. f. 17. f. 12. 14.

pealed or indicted of Felony or Treaſon, and at the time of the ſame Felony or Treaſou ſuppoſed, he is and was converſant within the County whereof the indictment or appeal maketh mention, the like proceſs be made againſt ſuch perſon ſo indicted or appealed, as hath been uſed always before this time.

CAP. XI.

The Citizens of London may take Apprentices according to their ancient Cuſtoms.

Labourers 27. The ancient liberty and cuſtom of the Citizens of London, touching taking of Apprentices.

ITem, It is ſhewed to our Lord the King by the ſaid Commons for the Mayor and Aldermen and Commons of the City of London, that whereas among other Franchiſes, Liberties and Cuſtoms to them by the ſame our Lord the King and his noble Progenitors granted and confirmed, it is contained, That the manner and form of taking Apprentices within the ſaid City of old time uſed and continued, be kept and obſerved: (2) And where it is alſo there uſed by the Cuſtoms of the ſame City of time out of mind continued and approved in the ſame, that every perſon which was not of villain eſtate or condition, but of free eſtate and condition, might put himſelf, his ſon or daughter to be Apprentice to any Freeman of the ſame City, to learn his Craft or Myſtery, and that likewiſe every Freeman of the ſaid City may take every ſuch perſon, ſon or daughter to be his Apprentice, without impeachment, (3) until now of late the ſaid Mayor, Aldermen and Commons, be and have been grievouſly vexed and inquieted by colour of an Article of the Statute made at Weſtminſter, the ſeventh year of the Reign of King Henry the fourth, rehearſing by general words, That no man nor woman put their ſon nor daughter to be apprentice within any City or Town of the Realm of England, except that he have Land or Rent to the value of twenty ſhillings by year, and that by teſtimony under the Seals of the Juſtices of Peace, nor that any ſhall receive a Prentice to the contrary, upon a grievous penalty limited in the ſaid Statute.

The Citizens of London may take Apprentices according to their old cuſtom, notwithſtanding the Statute of 7 H. 4. 17. St. 7 H. 7. 11.

II. Our Lord the King, conſidering the great hinderance which by the ſaid Statute might redound to the inhabitants of the ſaid City, if they ſhould be thereby reſtrained of their ſaid Liberties and cuſtoms, and how in the beginning of the ſame Statute it is contained, That the ſaid City of London have and enjoy all her Liberties, Franchiſes and Cuſtoms that be not contrary to the ſaid Article, and alſo reſpecting the entire affections, and great kindneſs done and ſhewed to our ſaid Lord the King in all his affairs by the Citizens of the ſaid City of London, and to encourage them the more to ſuch affections and kindneſs hereafter, by the advice and aſſent aforeſaid, hath ordained by the authority of this Parliament, That the ſaid ancient manner, form and cuſtom of putting and taking of Apprentices, uſed and continued in the ſaid City of London, be from henceforth kept and obſerved, as long as it ſhall pleaſe our ſaid Lord the King, without being for that impeached, or to incur the pain contained in the ſaid Statute. St. 5 El. 4.

CAP. XII.

No Judgment or Record ſhall be reverſed by any Writ, Proceſs, &c. raſed. Which defects in Records may be amended by the Judges, and which not.

Records 2. No judgment nor record ſhall be reverſed nor avoided for any writ, return, proceſs, &c. raſed or interlined. The Judges may reform all defects in records which be miſpriſion of the Clerk. St. 14 Ed. 3. 6. 9 H. 5. 4. 8 H. 6. 15. Which defects en records may not be amended. St. 27 El. 5. St. 1 H. 5. 5. Variance alledged between a record and the certificate thereof, ſhall be by the Judges amended. Imbezelling of a record, whereby any judgment ſhall be reverſed, is felony. St. 8 R. 2. 4.

Dyer f. 165, 180, 225, 232, 260, 342. Co. l. 5. f. 45. l. 8. f. 13 Cro. Jac. 11 Cro. Car. 27

ITem, Our Lord the King hath ordained and eſtabliſhed by the authority of this preſent Parliament, that for Error aſſigned, or to be aſſigned in any Record, Proceſs, or Warrant or Atturney, Original Writ, or Judicial, Panel, or Return, in any places of the ſame raſed or interlined, or in any addition, ſubſtraction or diminution of words, letters, titles, or parcel of letters found in any ſuch Record, Proceſs, Warrant of Atturney, Writ, Panel, or Return, which raſings, enterlinings, addition, ſubſtraction, or diminution, at the diſcretion of the Kings Judges of the Courts and places in which the ſaid Records or Proceſs by Writ of Error, or otherwiſe be certified, do appear ſuſpected, no Judgment nor Record ſhall be reverſed nor adnulled.

II. And that the Kings Judges of the Courts and places in which any Record, Proceſs, Word, Plea, Warrant of Atturney, Writ, Panel or Return, which for the time ſhall be, ſhall have power to examine ſuch Records, Proceſs, Words, Pleas, Warrants of Atturney, Writs, Panels or Return, by them and their Clerks, and to reform and amend (in affirmance of the judgments of ſuch Records and Proceſſes) all that which to them in their diſcretion ſeemeth to be miſpriſion of the Clerks, in ſuch records, proceſſes, word, plea, Warrant of Atturney, writ, panel and return, (2) (except Appeals, Indictments of Treaſon and of Felonies, and the outlawries of the ſame, and the ſubſtance of the proper names, ſurnames and additions left out in Original Writs and Writs of Exigent, according to the Statute another time made the firſt year of King Henry, Father to our Lord the King that now is, and in other Writs containing Proclamation) (3) ſo that by ſuch miſpriſion of the Clerk, no judgment ſhall be reverſed nor adnulled. (4) And if any record, proceſs, writ, warrant of Atturney, return or panel be certified defective, otherwiſe than according to the Writing which thereof remaineth in the Treaſury, Courts, or places from whence they be certified, the parties in affirmance ot the judgments of ſuch records and proceſs, ſhall have advantage to alledge that the ſame writing is variant from the ſaid certificate, and that found and certified, the ſame variance ſhall be by the ſaid Judges reformed and amended according to the firſt writing.

Co. l. 8. f. 16 l. 11. f. 34 2 R. 3. 10. Co. Inſt. 3 par. 70. 2 Roll 44. Lane 106. Bro. Parl. 9 Stami. 44.

III. And moreover it is ordained, That if any record, or parcel of the ſame writ, return, panel, proceſs or warrant of Atturney in the Kings Courts of Chancery, Eſchequer, the one Bench or the other, or in his Treaſury, be willingly ſtolen, taken away, withdrawn, or avoided by any Clerk, or by other perſon, becauſe whereof any Judgment ſhall be reverſed: that ſuch ſtealer, taker away, withdrawer or avoider, their procurators, counſellors and abettors thereof indicted, and by proceſs thereupon made thereof duly convict, by their own confeſſion (or by Inqueſt to be taken of lawful men, whereof the one half ſhall be of the men of any Court of the ſame Courts, and the other half of other) ſhall be judged for Felons, and ſhall incur the pain of felony, (2) And that the Judges of the ſaid Courts of the one Bench or of the other, have power to hear and determine ſuch defaults before them, and thereof to make due puniſhment as afore is ſaid.

A Record exemplified under the great Seal, and enrolled in the Chancery.

IV. Provided always, That if any ſuch record, proceſs, writ, or warrant of Atturney, panel, or return, or parcel of the ſame, be now, or hereafter ſhall be exemplified in the Kings Chancery under the great ſeal, and ſuch exemplification there of record enrolled without any raſing in the ſame place, in the exemplification, and the enrolment of the ſame, that another time for any errour aſſigned or to be aſſigned in the ſaid record, proceſs, writ, warrant of Atturney, panel or return, in any letter, word, clauſe or matter of the ſame varying, or contrary to the ſaid exemplification, and the inrolment, there ſhall be no judgment of the ſaid records and proceſs reverſed nor adnulled.

CAP. XIII.

There ſhall be excepted in all the protections of thoſe that ſhall go with the King into France, Aſſiſe of Novel diſſeiſin.

Protection, Raſt. 7.

CAP. XIV.

Riotous perſons committing of felonies, and then fleeing into ſecret places.

Riots, Raſt. 6. St. 2 H. 5. 9.

Riotous perſons commit murders, manſlaughters, robberies, and then flee into ſecret places.

ITem, For that great and grievous complaint was made to King Henry, late King of England, Father to our Lord the King that now is, at his Parliament holden at Leiceſter, the ſecond year of his Reign, by the Commons of his Parliament aforeſaid, of divers murders, manſlaughters, robberies, batteries, aſſemblies of people in great number, in manner of inſurrections, and of divers other rebellions and riots: (2) and after ſuch offences the ſaid felons and offenders did flee and withdraw themſelves to divers woods and ſecret places unknown, and elſewhere, to the intent and purpoſe to avoid the execution of the Common Law, and that they might not be brought to anſwer according to the proceſs of the Common Law: (3) Whereupon the ſaid late King, conſidering the aforeſaid complaint, by the advice and aſſent of the Lords ſpiritual and temporal, in the ſame Parliament aſſembled, did ordain and ſtabliſh, at the requeſt of the ſaid Commons, That if any after come into the Chancery, and make complaint duly, that any ſuch felon or offender as aforeſaid, hath fled or withdrawn him to any ſuch place or elſewhere, to the intent aforeſaid, upon ſuch complaint, a bill ſhall be ſufficiently made for the King: (4) and the Chancellor of England for the time being, after ſuch bill to him delivered, if he may be duly informed that ſuch bill containeth truth, ſhall have power by his diſcretion to award a Writ of Capias at the ſuit of our Lord the King, directed to the Sheriff of the County or Counties where the ſaid murders, manſlaughters, robberies, batteries, and other offences be ſuppoſed by the ſaid bill to be done and committed, returnable in the ſaid Chancery at a certain day: (5) And if the perſons ſpecified in the ſaid Writ, be taken by the ſaid Sheriff, or yield themſelves in the ſame Chancery, that then ſuch perſons be put in priſons or to mainpriſe, according to the diſcretion of the Chancellor. (6) And moreover it ſhall be commanded to inquire of ſuch offences, and upon that ſhall be done as the Law requireth. (7) And if the Sheriff return at the day of the Capias returnable, that the perſons in the ſame compriſed for any of the ſame cauſes aforeſaid, cannot be taken by him, nor the ſame perſons do yield themſelves in the ſaid Chancery; that then the ſaid Chancellor ſhall cauſe to be made a Writ of Proclamation directed to the Sheriff, returnable in the Kings Bench at a certain day, that he make Proclamation in two Counties, that the perſons named in the ſaid Writ, come at the ſaid day into the aforeſaid Bench, there to anſwer to the matter compriſed in the ſaid bill, upon pain to be convict of the matter compriſed within the ſaid bill. (8) And in every ſuch Writ of Proclamation ſhall be contained the ſubſtance of the matter compriſed in the ſaid bill. (9) And if they come not at the day of ſuch Proclamation returned, then they ſhall be holden and adjudged for convict and attainted as afore is ſaid. (10) And if they come at the Proclamation, it ſhall be inquired of them, and done in the manner as afore is ſaid. (11) Provided that the ſuggeſtions of ſuch riots be ſignified to the Chancellor of England by letters ſealed under the ſeals of two Juſtices of the Peace at the leaſt, and the Sheriff of the County where ſuch riots ſhall be, before that ſuch Writ of Capias be granted; (12) In which Writ of Capias, the matter which is compriſed within the ſame bill, ſhall be as well expreſſed as in the Writ of Proclamation thereof to be made. (13) And if ſuch a caſe happen in the County Palatine of Lancaſter, or elſewhere in Franchiſes where there is a Chancellor and a Seal, that then the ſaid Chancellor of England cauſe to be written, or ſent by the Kings Writ to the Chancellor of ſuch County or Franchiſe, all the ſuggeſtion in the ſaid bill compriſed, commanding him to make ſuch execution as in the ſaid Article is compriſed: (14) So always that the Kings Writ out of the Chancery of England ſhall not run in ſuch County or Franchiſe otherwiſe than hath been uſed in time paſſed, and that the ſaid Ordinance ſhall ſtand in his force till the end of the next Parliament: (15) Our Lord the King conſidering that divers other murders, manſlaughters, robberies, batteries, aſſemblies of people in great number in manner of inſurrections, and divers other rebellions and riots have been made in divers Counties of the Realm, ſince the making of the ſaid Statute, not puniſhed, becauſe that the ſaid Statute held no force but until the end of the Parliament then next following, hath ordained and ſtabliſhed by authority of this preſent Parliament, that the ſaid Statute ſhall now be kept, and firmly holden for a Statute for ever, as well of murders, manſlaughters, robberies, batteries, aſſemblies of people in great number in manner of inſurrections, and divers other rebellions and riots made and committed before the beginning of this preſent Parliament, as in time to come.

Proceſs awarded againſt the offenders.

The Stat. of 2 H 5. 9. of thoſe that do commit murder, &c. and after flee into woods, made perpetual.

II. Provided always, That it be teſtified by two Juſtices of the Peace of the Counties where ſuch riots ſhall be ſuppoſed, that the common fame and voice runneth in the ſame Counties of the ſame riots, before that the Writ of Capias ſhall be awarded. (2) Provided alſo, that if any ſuch caſe happen in the ſaid County Palatine of Lancaſter, or elſewhere in a place enfranchiſed where there is a Chancellor and a Seal, that then the ſaid Chancellor of ſuch County or place enfranchiſed, for the time being, after complaint to him duly made and teſtified by a Juſtice, or the Lieutenant of a Juſtice and Sheriff of ſuch County Palatine or place enfranchiſed, for the time being, in the form aforeſaid, ſhall have like power to award a Capias and a Writ of Proclamation aforeſaid, as the ſaid Chancellor of England hath.

A proviſion where any of the ſaid offences be committed in a place franchiſed.

CAP. XV.

The Juſtices may in certain caſes amend defaults in Records.

Records 1. The Juſtices may in certain caſes amend defaults in Records and Proceſſes.

ITem, It is ordained and eſtabliſhed, that the Kings Juſtices before whom any miſpriſion or default is or ſhall be found, be it in any Records and Proceſſes, which now be or ſhall be depending before them as well by way of error as otherwiſe, or in the returns of the ſame made or to be made by Sheriffs, Coroners, Bailiffs of Franchiſes, or any other, by miſpriſion of the Clerks of any of the ſaid Courts of the King, or by miſpriſion of the Sheriffs, Under-ſheriffs, Coroners, their Clerks, or other Officers Clerks, or other Miniſters whatſoever, in writing one letter or one ſyllable too much or too little, ſhall have power to amend ſuch defaults and miſpriſions, according to their diſcretion, and by examination thereof by the ſaid Juſtices to be taken, where they ſhall think needful. (2) Provided that this Statute do not extend to Records and Proceſſes in the parts of Wales, (3) nor to Proceſſes and Records of Felonies and Treaſons, and the dependances thereof. Stat.14 Ed.3.6. 9 H.5.4. 4 H.6.3. 8 H.6.12.

Co.l.8.f.16
1 Rol.447.
Hutton 13.
2 Roll. 16

Proceſſes in Wales and outlawries.

CAP. XVI.

By what perſons Eſcheators ſhall find an Office, and in what time he ſhall certifie it. A Patent made of Lands ſeiſed upon an Enqueſt.

Eſcheator 10. An Eſcheator or Commiſſioner ſhall take no enqueſt, but by ſuch perſons as be returned by the Sheriff. Raſt. pl.f.315.

ITem, To eſchew the dolours, grievances, and diſheriſons, which daily do happen to many of the Kings liege people, by the Eſcheators, for that they take enqueſts, to inquire before them as well by virtue of the Kings Writs, as of their offices, favourably and not duly, by people not impannelled nor returned to them by the Sheriffs of the Counties, and more often for their private gain, and for the diſheriſon of the Kings liege people, than for the profit of the ſame our Lord the King, (2) and alſo for that the lands and tenements of many of the Kings liege people be ſeiſed into the Kings hands upon ſuch enqueſt, or let to ferm by the Chancellor or Treaſurer, before ſuch enqueſts be returned in the Chancery: (3) Our Lord the King hath ordained by the authority of this preſent Parliament, that no Eſcheator or Commiſſioner take in any wiſe any enqueſt to enquire, but of people returned and impanelled by the Sheriffs in the County within which he is Eſcheator or Commiſſioner. (4) And if any Eſcheator or Commiſſioner take enqueſts of people which be not impanelled nor returned by the Sheriff as is aforeſaid, and thereof by examination, or otherwiſe at the ſuit of the party, which for himſelf or for the King, or any other perſon that will ſue, be duly convict for every enqueſt ſo taken, that he incur the pain and forfeiture of xl l. to pe paid, that is to ſay, the one half to the King, and the other half to the party grieved at whoſe ſuit he ſhall be convict. (5) And that no lands nor tenements ſeiſed into the hands of our Lord the King, upon ſuch enqueſts taken before the Eſcheators or Commiſſioners, be not in any wiſe let nor granted to ferm by the Chancellor or Treaſurer of England, or any other the Kings Officer, until the ſame enqueſts and verdicts be fully returned in the Chancery, or in the Eſchequer, (6) but all ſuch lands and tenements ſhall intirely and continually remain in the hands of our Lord the King, until the ſaid enqueſts and verdicts be returned, and by a month after the ſame return, if it be not ſo that he or they which feel them grieved by the ſame enqueſts, or putting out of their lands and tenements, come into the Chancery and profer themſelves to traverſe the ſaid enqueſts, and then offer to take the ſame lands or tenements to ferm. (7) And if they ſo do, that then the ſame lands or tenements be committed to them, if they ſhew good evidence, proving their traverſe to be true, after the form of the Statute made the xxxvi. year of King Edward 3. after the Conqueſt, to hold until the iſſue taken upon the ſame traverſe be found and diſcuſſed for the King or for the party, finding ſufficient ſurety to purſue the ſaid traverſe with effect, and to render and pay to our Lord the King the yearly value of the lands whereof the traverſe ſhall be ſo taken, if it be diſcuſſed for the King. (8) And if any Letters Patents of any of the lands or tenements be made to the contrary to any other perſon, or let to ferm within the ſaid month after the ſaid month of return, they ſhall be holden for none: (9) And that the Eſcheators or Commiſſioners upon pain of the forfeiture of xxl. to be paid, that is to ſay, the one half to the King, and the other half to the party at whoſe ſuit he ſhall be convict, return the enqueſts before them taken into the Chancery of our Lord the King, or into the Eſchequer, within a month next after the taking of the ſame, and every man which will ſue for the King ſhall have the ſuit in this behalf. (10) Provided always that this Statute begin and take effect and force in the Feaſt of Eaſter next coming, and not before, to endure for ever. St.1 H.8.8.

Roll. 15
Dyer f.1
Kel.f.171.
B.7.f.7

Patents 26. When lands ſeiſed into the Kings hands upon an enqueſt of Office ſhall be letten to ferm. St.18 H.6.6.

The lands ſhall be let to ferm to him that tendreth a traverſe to the Office. St.36 E.3.13. 1 H.8.10. 23 H.6.17.

An Eſcheator and Commiſſioners ſhall return an Office found before them. St.18 H.6.7. Fitz.N.B.f.248

CAP. XVII.

Wools, Raſt.22.

They which ſhall ſhip or cauſe to be ſhipped any Wools, Fells, &c. out of England, Wales, or Ireland, to be carried to any other plate but to Calice, ſhall forfeit the double value thereof, and be two years impriſoned, ſaving the Merchants of Jean, Venice, &c. OB. 2 H.6.4.

CAP. XVIII.

Staple, Raſt.33.

Certain Ordinances made for the prices of merchandiſes, and maintenance of the Town and Mint at Calice. Exp. St.11 H.6.13.

CAP. XIX.

Wools, Raſt. 23.

If a Mariner ſhall receive into his ſhip any merchandiſes, or carry them to any other place than to the Saple at Calice, the goods and ſhip ſhall be forfeited. Exp.

CAP. XX.

Calice, Raſt.3.

No Merchant dwelling in Calice ſhall buy beyond the Sea any merchandiſe of the Staple. Exp.

CAP. XXI.

Wools, Raſt.24.

A Repeal of all Licences granted to men of Newcaſtle and Berwick, to carry merchandiſes to other places than to Calice. The penalty for carrying of merchandiſes of the Staple into Scotland. Exp.

CAP. XXII.

What is requiſite to be done in winding and packing of Wool. None ſhall force, clack, or beard any Wool.

Wools 8. What is required to be done in winding and packing of Wool.

ITem, For as much as great hinderance cometh to the King in his Cuſtoms and Subſidies by them that do clack and force the good Wools of the Realm, to carry them out of the ſame into ſtrange Countries: (2) It is ordained, that no ſtranger ſhall cauſe to be forced

12 Co.
c.31

clacked, nor bearded, any manner of Wools, to carry them out of the Realm, upon pain of forfeiture of the ſame Wools, with the double of the ſame, and of impriſonment of his body. (3) And that no Wool-packer ſhall make within the Realm but good and due packing: (4) and that no man make any inwinding within the fleece of Wools at the rolling up of his Wools, nor put in the ſame locks, pelt-wool, tar, ſand, earth, glaſs, nor any dirt: (5) And if any do, he that feeleth him grieved ſhall have his action at the Common Law, of treſpaſs and deceit. St.3 Ed.4.1.23 H.8.17.

C A P. XXIII.

No Thrums or woollen Yarn ſhall be carried out of the Realm.

ITem, Becauſe the Weavers within this Realm be and heretofore have been accuſtomed, that when they wrought a Cloth near the end, to cut away for their private profit the threed which is left unwoven, and call the ſame Thrums, and to the great deceit of the owners of the ſame Clothes, they ſell the ſame Thrums to ſuch perſons which carry them into Flanders and other places, though the King have thereof no profit of Cuſtom nor Subſidy: (2) For under the colour of ſuch Thrums, divers perſons, as well ſtrangers as denizens, do ingroſs and gather in divers parts of the ſaid Realm, great quantity of woollen threed, called woollen Yarn, and the ſame do carry to the ſaid ſtrange parts, and thereof make good Clothes, (3) ſo that under this ſubtil colour the King is yearly greatly defrauded of his Cuſtoms and Subſidies, which ought to riſe to him, if they were fully wrought within the ſaid Realm, or elſe if they were not wrought, but in Wools brought to the Staple of Calice: (4) Wherefore it is ordained, that no man ſhall carry or convey out of the ſaid Realm any manner of Thrums, or woollen Yarn, under colour of Thrums, upon pain to forfeit the double value of the ſame. St.23 H.6.3.

Yarn 5. Neither Thrums nor woollen Yarn ſhall be carried forth of the Realm.

C A P. XXIV.

None ſhall pay Merchants aliens in gold, but in ſilver. Merchandiſe ſhall not be ſold to an Alien, but for preſent payment.

oll. 154. ITem, For that Merchants aliens of late have taken in cuſtom, that when they ſell any of their merchandiſes to any perſon within the Realm, they will not demand nor receive for any payment for the ſame any manner of ſilver as they were wont, but only good gold nobles, half nobles, and farthings, which from time to time they do carry out of the Realm into other ſtrange Countries, where they be changed to their increaſe, and forged into other coins, ſo that they gain in the allay of every noble, twenty pence, againſt the tenor of the Statutes thereof made, and to the great prejudice of this whole Realm.

Merchants, Raſt.30.

II. Our Lord the King, willing in this caſe to provide remedy, hath ordained, That no Merchant alien ſhall conſtrain nor bind any of the Kings liege people, by promiſe, covenannt, or bond, to make him payment in gold for any manner of debt, which to him may be due, nor refuſe to receive payment in ſilver for any manner of ſuch duty or debt, upon the pain of the double value of the ſame. (2) And alſo to eſchew the great loſſes which divers perſons of this Realm of England have had, and alſo be likely to have for their loans made of their merchandiſes to Merchants aliens, which have fled with the ſame, and daily take Sanctuaries: H.7.c.7. It is ordained, that no Engliſhman ſhall ſell within this Realm, or cauſe to be ſold hereafter to any Merchant alien, any manner of merchandiſes, but only for ready payment in hand, or elſe in merchandiſes for merchandiſes to be paid and contented in hand, upon pain of forfeiture of the ſame.

No man ſhall be compelled to pay gold to a Merchant Alien. St. 4 H.7.23. No Engliſhman ſhall ſell his goods to a Merchant alien, but for preſent payment, or other Merchandiſes. St. 9 H. 6.2.

C A P. XXV.

The Mayor of the Staple of Calice ſhall continue two years in his Office. Exp.

C A P. XXVI.

The penalty if in any Action the Defendant make default to put the Lords, Mayors, &c. from their Juriſdiction.

ITem, It is ordained by the authority aforeſaid, that in all Writs of Aſſiſes, and of Actions perſonal, ſued, or to be ſued before the King in his Bench, Juſtices of the Common place, or any other the Kings Juſtices for the time being, of any lands or tenements, or of any thing being and riſing within any Seigniory, Franchiſe, or ancient Demeſn, whereof the Cogniſance or Juriſdiction ought to pertain to any Lords, Mayors, Bailiffs, Citizens, Burgeſſes, or Commonalty of ſuch Seigniories, Franchiſes, or ancient Demeſn, that then if any Defendant in any ſuch Aſſiſe, or other actions perſonal, make any default, to put out, exclude, and expel the aforeſaid Lords, Mayors, Bailiffs, Citizens, Burgeſſes, or Commonalty of their Cogniſance or Franchiſe, that the Juſtices, at the requeſt of the ſaid Lords, Mayors, Bailiffs, Citizens, Burgeſſes, or Commonalty, ſhall make inquiry by the Aſſiſe where ſuch exception is alledged in Aſſiſes, and in actions perſonal, by enqueſts to be taken before the Juſtices if ſuch defaults ſhall be made, as afore is ſaid, or not. (2) In which aſſiſe and enqueſts ſo to be taken, as well the plaintiffs, as the Lords, Mayors, Bailiffs, Citizens, Burgeſſes, and Commonalty may have their challenge. (3) And if it be found by ſuch Aſſiſes or enqueſts ſo to be taken, that ſuch defaults ſhall be made by colluſion, to put out and exclude the ſaid Lords, Mayors, Bailiffs, Citizens, Burgeſſes or Commonalty of their Franchiſes, Liberties, Cognizances, or Juriſdiction, that in ſuch caſes the ſaid Writs ſhall be abated, and the plaintiffs ſhall be in the Kings mercy: (4) By conſideration that it is ordained by the Statute made the ninth year of the Reign of King Henry Grandfather to our Lord the King, that if any Mayor, Bailiff, Commonalty, or Lord of ancient Demeſn, be named in Writs of Aſſiſes by colluſion, to put them out of their Cognizance or Juriſdiction in this behalf, that the Juſtices firſt ſhall inquire by the Aſſiſe of the Country, of ſuch colluſion, if the ſaid Lords, Mayors. Bailiffs, or Commonalty the ſame require. (5) And if it be found by ſuch inquiſition that they be ſo named by colluſion, that then the Writ ſhall abate.

Staple, Raſt.34. Aſſiſe 9. The penalty if in Aſſiſe or perſonal action, the defendant make default, to put the Lords, Mayors, &c. from their Juriſdiction. F.N.B. f.155.a.

St. 9 H. 4. 5. Mayors, Bailiffs, &c. Lords of ancient Demeſn, named diſſeiſors in aſſiſe by colluſion to put them out of their cogniſance.

CAP. XXVII.

Paſſage, Raſt. 5.

Any of the Inhabitants of Tewksbury in the County of Glouceſter, ſhall have an action of debt (according to the Statute of Wincheſter) to recover againſt the Commonalty of the Foreſt of Dean, and Hundred of Blediſtow and Weſtbury, (though they be no Commonalty) recompence for ſuch robberies, oppreſſions, and wrongs, which have been, or ſhall be done unto them upon their River of Severn by any of the ſaid Foreſts or Hundreds. And the goods of every private perſon may be taken upon an execution awarded againſt the Commonalty. And every perſon may arreſt and impriſon the offenders. And he whoſe goods be taken in execution, may have an action of Treſpaſs or Debt againſt the offender. PR.

CAP. XXVIII.

Ways.

There ſhall be a Bridge made over the Water of Burford, and another over the Water of Culhamſord in the County of Oxford. PR.

CAP. XXIX.

An Inqueſt ſhall be *De medietate linguæ*, where an Alien is party.

Jurors 11.

Item, Whereas in the Parliament holden at Weſtminſter, the xxviij year of King Edward the Third, amongſt other things in favour and liberty of the Merchants ſtrangers repairing into the Realm of England, it was ordained, That if a plea or debate be moved before the Mayor of the Staple, amongſt the Merchants or Miniſters of the ſame, and for to try the truth thereof, an enqueſt or proof is to be taken, if the one party and the other be ſtrange, it ſhould be tried by ſtrangers: (2) and if the one party and the other be denizens, it ſhould be tried by denizens: (3) and if the one party be denizen, and the other an alien, the one half ſhould be of denizens, and the other half aliens: (4) And moreover, that in all inqueſts and proofs which ſhall be taken and made betwixt aliens and denizens, be they Merchants or other, as well before the Mayor of the Staple, as before any other Judges or Miniſters although our Lord the King be party, the one half of the enqueſt or proof ſhould be of denizens, and the other half of aliens, if there be ſo many aliens in the town or place where ſuch enqueſt or proof is to be taken, that be not parties, nor with the parties in contracts pleas, or other quarrels, whereof ſuch enqueſts or proofs ought to be taken; (5) and if there be not ſo many aliens, then ſo many aliens ſhall be put in ſuch enqueſts or proof as ſhall be found in the ſame places or towns which be not parties thereunto, nor with the parties as before is ſaid, and the remnant of denizens which be good men, and not ſuſpect of the one party nor of the other. (6) Sithence which Ordinance the ſaid Merchants aliens have been always demeaned and ruled, as well in the Staples as in other of the Kings Courts, after the form of the ſaid Ordinance, until now of late they have been thereof reſtrained and impeached by colour of another Statute made in the Parliament holden at Weſtminſter the ſecond year of King Henry, Father of our Lord the King that now is; (7) by which Statute, for the great miſchiefs, damages, and diſheriſons, which daily do happen through the Realm, as well in caſe of the death of a man, as in caſe of freehold and other caſes, by them that paſs in enqueſts in the ſaid caſe, which were common Jurors and other, which had but little or nothing to live upon, but by ſuch enqueſts, and which had nothing to loſe becauſe of their falſe Oaths, whereby they do the more lightly offend their conſciences: (8) And for amendment and correction thereof to be had, it was ordained and ſtabliſhed, that no perſon be admitted to paſs in any enqueſt, upon trial of the death of a man, nor in any enqueſt between party and party in plea real or perſonal, whereof the debt and the damages declared do amount to forty marks, except the ſame perſon have lands or tenements to the yearly value of forty ſhillings above all charges: (9) becauſe of which reſtraint and impeachment ſo made to divers Merchants aliens, many of the ſame Merchants aliens have withdrawn, and daily do withdraw them, and eſchew to come and be converſant on this ſide the Sea, and likely it is, that all the ſame Merchants aliens will depart out of the ſame Realm of England, if the ſaid laſt Statute be not more plainly declared, and the ſaid Merchants aliens ruled, governed, and demeaned in ſuch enqueſts according to the firſt Ordinance aforeſaid, to the great diminiſhing of the Kings Subſidies, and grievous loſs and damage of all his ſaid Realm of England. (10) Our Lord the King conſidering the premiſſes, and how that it was not the meaning of the ſaid late King, nor of the Lords Spiritual and Temporal of the ſaid Parliament, to hinder or prejudice the ſaid firſt Ordinance by the ſaid laſt Statute, (11) and that the ſaid laſt Statute was made in reſpect of the miſchiefs and diſheriſons that happened by the falſe Oaths of the common Jurors of the Realm of England, as it appeareth by expreſs words of the ſame Statute, and how that the ſaid Merchants aliens be not common Jurors, nor inhabiting within the ſaid Realm, nor may not purchaſe nor enjoy any lands or tenements in the ſame, without the Kings ſpecial licence: (12) and the ſame our Lord the King willing therein to provide for the weal and profit of him and all his Realm, and to eſchew the damages and inconveniences which may eaſily happen in this behalf, and alſo to give to the Merchants aliens the greater courage and deſire to come with their wares and merchandiſes into this Realm, by the advice and aſſent of the Lords Spiritual and Temporal, being in this preſent Parliament, hath declared the ſaid laſt Statute made in the time of his Father, to be in no wiſe prejudicial to the ſaid Ordinance, nor to extend it ſelf but only to the enqueſts to be taken betwixt Denizen and Denizen, and not to other enqueſts and proofs aforeſaid: (13) and the ſaid firſt Ordinance to be effectual and ſtand in force, and to be put in due execution according to the form of the ſame, notwithſtanding the ſaid laſt Statute, or that, that the aliens have no lands or tenements to the value of forty ſhillings by the year, according to the purport of the ſame laſt Statute and Ordinance.

A confirmation of the Statute of 28 Ed. 3. 13. **ordaining, that an Enqueſt ſhall be** De medietate linguæ, **where an alien is party. And the Statute of** 2 H. 5. 3. **doth only extend to enqueſts taken between Denizen and Denizen.** Raſt. pl. f. 30, 248.

Statutes made at *Weſtminſter*, *Anno* 9 *H.* 6. and *An. Dom.* 1430.

At the Parliament holden at Weſtminſter, the Friday next before the Feaſt of St. Hillary, the ninth year of the Reign of our Lord the King that now is, divers Statutes and Ordinance were made and eſtabliſhed by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial requeſt of the Commons of the Realm aſſembled in the ſaid Parliament in the form following.

CAP. I.

Adjournment

All Aſſiſes and *Niſi prius* ſhall be adjourned during this Parliament, until certain days. Exp.

CAP. II.

Merchants, Raſt. 31.

Engliſh Merchants may ſell their merchandiſes to Aliens, giving them only ſix months day of payment, notwithſtanding the Statute of 8 H. 6. 24. Exp. 10 H. 7. c. 7.

CAP. III.

Rebellion, Raſt. 1.

All Indictments, Inquiſitions, Proceſs, Records and Judgments made or given againſt *Owen Glendor*, attainted of High Treaſon, ſhall ſtand good, notwithſtanding any error, miſpriſion or defect: But this ſhall not be prejudicial to the heirs of *Owen* as to any lands intailed. Pr.

CAP. IV.

An *Idemptitate nominis* maintainable by Executors, &c.

Sheriffs 32. St. 1 H. 5. 5.

St. 37 Ed. 3. 2. Raſt. pl. f. 407.

An Idemptitate nominis maintainable by the Executors of a teſtator wrongfully moleſted by colour of any outlawry.

ITem, For that before this time many Outlawries have been pronounced againſt divers of the Kings liege people, as well before the Statute of Additions made at Weſtminſter the firſt year of King Henry the fifth, Father to our Lord the King that now is, as ſithence, in reſpect of which outlawries, the bodies of other perſons having ſuch and like names, as they had which were outlawed indeed, have been taken and impriſoned, and their goods and chattels for this cauſe ſeiſed by the Eſcheators of the King and of his noble Progenitors: (2) And although that by the Common Law of the Realm, a Writ of Idemptitate nominis had been maintenable for the ſame perſon, which in the form aforeſaid was moleſted and grieved; nevertheleſs, if any perſon of the ſaid Lieges, having like name as any other perſon of the ſame liege people which was outlawed in deed, had made his executors, and died, often it happened, that by malice and ſubtil imaginations the goods and chattels of ſuch Teſtator which had the ſame name as he had which was outlawed in deed, were ſeiſed and eſcheated to the hands of our Lord the King and of his Progenitors, in retardation of the execution of the teſtament of every ſuch Teſtator, for the doubt which hath been, whether any Executors made by the Common Law have a Writ of Idemptitate nowinis or not. (3) Wherefore to take away and remove all ſuch ambiguities and doubts in this caſe hereafter, of the aſſent and advice aforeſaid, and at the ſpecial requeſt of the ſaid Commons, it is ordained and eſtabliſhed by authority of this Parliament, That a Writ of Idemptitate nominis be granted and made good and maintainable for the executors of every Teſtator, to the ſame effect that the ſame action of Idemptitate nominis was maintainable before this Parliament for any perſon himſelf which was or might have been moleſted or grieved becauſe or by colour of any ſuch outlawry. (4) And that this Ordinance ſhall have relation and force by authority aforeſaid for the Executors of every Teſtator, as well of every outlawry pronounced againſt any perſon at any time before this Parliament, as of all manner of outlawries to be pronounced againſt any perſon in time to come. Regiſt. f. 194. V. N. B. f. 162. Fitz. N. B. f. 267.

CAP. V.

All Men ſhall have free paſſage in Severn with Goods, Chattels, &c.

Paſſage, Raſt. 6. A remedy for them which be hindred of their free paſſage with boats or goods upon the River of Severn.

ITem, Becauſe the River of Severn is common to all the Kings liege people, to carry and recarry within the ſtream of the ſaid River to Briſtol, Glouceſter and Worceſter, and other places joyning to the ſaid River, all manner of merchandiſes and other goods and chattels, as well in trowes and boats, as in flotes commonly called Drags, in every part joyning to the ſaid River: (2) within which River many Welſhmen and other perſons dwelling in divers places joyning to the ſaid River, have now late aſſembled in great number, arrayed in manner of War, and taken ſuch flotes otherwiſe called drags, and them have hewed in pieces, and with force and arms beaten the people which were in ſuch drags, to the intent that they ſhould hire of the ſaid Welſhmen and other perſons for great ſums of mony, boats and other veſſels for carriage of ſuch merchandiſes, and other goods and chattels, to an evil example and great impoveriſhment of the ſaid liege people, if remedy be not haſtily provided: (3) It is ordained by authority of this Parliament, that the ſaid liege people of the King may have and enjoy their free paſſage in the ſaid River, with flotes and drags, and all manner of merchandiſes, and other goods and chattels at their will, without diſturbance of any: (4) and if any be diſturbed of his free paſſage in the ſaid River, the party grieved ſhall have his action according to the courſe of the common Law. St. 19 H. 7. 18. 23 H. 8. 12.

CAP. VI.

The Burgeſſes of Dorcheſter ſhall have their weighing by xii miles about, &c.

Weights 11. By the Statute of 8 H. 6. 5. the Burgeſſes of Dorcheſter ſhall not be diſturbed to uſe their weighing by 12 miles about the ſame.

ITem, It is ordained and aſſented, that by force of the Statute made in the laſt Parliament, of Weights, according to the Standard of the Exchequer to be had in every City, Borough and Town within the Realm, the Burgeſſes of the Borough of Dorcheſter ſhall not be diſturbed of their right, to uſe their weighing by xij mile round about the ſame Borough, uſing always ſuch weights as in the ſaid Statute be expreſſed: (2) and that no right nor title of weighing grow to any by force of the ſame laſt Statute, in diſturbance of the right of the ſaid Burgeſſes of the ſaid Borough of Dorcheſter.

CAP. VII.

Sheriffs, Raſt. 23.

No Sheriff or Under-Sheriff of the County of Hereford ſhall take mony by extortion, or do any wrong in his Turn or other place by colour of his Office, upon pain of forfeiture of x li. Exp. St. 11 H. 6. 7.

CAP. VIII.

The weight of a Weight of Cheeſe.

Weights 6. St. 8 H. 6. 5. A weigh of Cheeſe ſhall contain 32 cloves.

ITem, Whereas it hath been of old times accuſtomed in all the Counties of England, that all the Cheeſes which ought to be ſold by the Wey ſhould be weighed by the Auncel, and becauſe that at the laſt Parliament holden at Weſtminſter, it was ordained, that the ſaid Auncels in reſpect of the great deceit of the ſame, ſhould be deſtroyed, and other weights touching ſhould be in this behalf ordained, and it is ſo, that the poor people of the Realm be greatly deceived by the ſaid weights touching, for that they know not how many pounds the Wey of Cheeſe doth contain by the ſaid weights touching. (2) And therefore to the intent that the ſaid poor people ſhall not be in this behalf deceived, as they have been ſithence the ſaid laſt Parliament: It is ordained by authority of this Parliament, that the weight of a Wey of Cheeſe may contain xxxij cloves, that is to ſay, every clove vij l. by the ſaid weights touching.

CAP. IX.

Havens, Raſt 5.

A Commiſſion may be granted by the Chancellor of England for the time being, to retain perſons to ſcour and amend the River of Ley, in the Counties of Eſſex, Hertford, Middleſex. Pr. and Exp. St. 3 H.6.5. 13 El.18.

CAP. X.

Attorny, Raſt.9.

A rehearſal and confirmation of the Statute of 3 H. 5. 2. authoriſing certain Abbots and other Religious Perſons to make their Attornies. Exp.

CAP. XI.

Proclamations before a Writ be awarded to the Biſhop to certifie Baſtardy.

Baſtardy 3.

ITem, Whereas by a ſupplication delivered in this preſent Parliament by the Commons of the ſame, it was declared by Margaret Dutcheſs of Clarence, Johan Dutcheſs of York, ſiſters, and amongſt other heirs to Edmund Earl of Kent, Richard Duke of York, Richard Earl of Saliſbury, and Alice his wife, Ralph Earl of Weſtmerland, John Lord of Typtoſt, and of Powes, and Joyce his wife, and Henry Gray, couſins, and other of the heirs of the ſaid Edmund late Earl, as in the ſame ſupplication is ſuppoſed, that is to ſay, the ſaid Duke, ſon to Anne daughter of Alianour, another of the ſiſters of the ſaid Edmund. The ſaid Alice daughter to Alianour, another ſiſter of the ſaid Edmund. The ſaid Ralph ſon to Elizabeth, another ſiſter of the ſaid Edmund. The ſaid Joyce daughter to the ſame Alianor, mother of Anne. And the ſaid Henry Gray, ſon to Johan daughter of the ſame Alianour, (2) that whereas Alianour, wife to James Lord of Audley, pretending, calling and affirming her ſelf daughter and heir to the ſaid Edmund late Earl of Kent, and begotten and born in marriage pretenced, had betwixt him and Conſtance late wife of Thomas Lord Diſpencer, where by the ſaid ſupplication it is ſuppoſed, that the ſaid Alianour, wife to the ſaid James, is Baſtard, and never was any marriage made, had or ſolemnized betwixt the ſaid Edmund and Conſtance, (3) but the ſaid Edmund (by the ordinance, will and agreement of King Henry the Fourth, Grandfather to our Lord the King that now is, after great, notable and long ambaſſage had and ſent to the Duke of Millain, for a marriage to be had betwixt the ſaid Edmund and Luce, ſiſter to the ſaid Duke of Millain) did take to wife, and openly and ſolemnly married the ſaid Luce at London. The ſaid Conſtance then living and being there preſent, not claiming the ſaid Edmund to her husband, nor any dower of his lands after his deceaſe, (4) which marriage betwixt the ſaid Edmund and Luce ſo had and ſolemnized, continued without any interruption of the ſaid Conſtance or of any other, during the life of the ſaid Edmund, as divers Lords and other credible and notable perſons of the ſaid Realm do well remember. And how after the deceaſe of the ſaid Edmund, the ſaid Luce was endowed of his lands, as his lawful wife, continuing thereof her eſtate peaceably all her life.

A ſecret practiſe to prove one mulier in the Spiritual Court that is a Baſtard.

II. Neverthele ſs, the ſaid Alianour, the wife of James, upon great ſubtilty, proceſs imagined, privy labour, and other means, and coloured ways, to the intent that ſhe ought to be certified mulier by ſome Ordinary, in caſe that Baſtardy ſhould be alledged in her perſon, hath brought (as it is ſaid) in examination before certain Judges in the ſpiritual Court, not informed nor having knowledge of the ſaid ſubtilty, imagined proceſs, privy labour, and coloured ways, certain ſuborned proofs and perſons of her aſſent and covin, depoſing for her, that the ſaid Alianour the wife of James, was begotten within marriage had and ſolemnized betwixt the ſaid Edmund and Conſtance. The ſaid Dutcheſs, the Duke of York, and Earl of Saliſbury, and Alice, Earl of Weſtmerland, John the Lord of Typtoſt, Joyce and Henry, nor any of them thereof warned, nor knowing until long time after the depoſition ſo made, whereof the ſaid ſuppliants do fear them to be grieved and impeached of their inheritance had by the ſaid Edmund, by another ſubtilty and labour in the Temporal Law, to be practiſed and wrought by the ſaid Lord of Audley and Alianour his wife. (2) As if they will commence any action againſt any perſons of their own aſſent and covin, or otherwiſe, will cauſe ſuch perſons of ſuch aſſent and covin to purſue an action againſt them (as it is ſuppoſed that they intend to do.) In which action by the covin and aſſent aforeſaid, Baſtardy ought to be alledged in the perſon of the ſaid Alianour, wife of James, and thereupon by the aſſent and covin an iſſue is to be taken, and a Writ to be ſent to ſome Ordinary (where it pleaſe them, not advertiſed of the ſaid ſubtilty, aſſent and covin) to certifie if the ſaid Alianour the wife of James be mulier or not, before which Ordinary the ſame Alianour, wife of James, will alledge and prove her ſelf mulier, by the ſaid depoſitions of the ſaid ſuborned witneſſes. And then the party reputed as adverſary againſt the Lord of Audley, and Alianour his wife, in the ſaid action taken or to be taken by aſſent and covin aforeſaid, will alledge no proof nor matter, nor make any defence before the ſaid Ordinary againſt the ſame Lord Audley, and Alianour his wife, but ſuffer the matter before the ſaid Ordinary to proceed according to the meaning of the ſaid Lord of Audley and Alianour his wife. So that it is very likely, that the ſame Ordinary will certifie the ſaid Alianour the wife of James mulier; (3) which certificate ſo had and made, ought by the Law of England to diſherit the ſaid Dutcheſſes, Duke of York, Earl of Saliſbury, Earl of Weſtmerland, John Lord of Typtoſt, Alice, Joyce and Henry, and their iſſue for ever, of the whole inheritance aforeſaid: (4) whereupon the premiſſes tenderly conſidered, and to eſchew ſuch ſubtil diſheriſons, as well in the ſaid caſe, as in other caſes like in time to come, by the advice and aſſent of all the Lords Spiritual, and alſo at the ſpecial requeſt of the ſaid Commons in this preſent Parliament aſſembled, it is ordained and eſtabliſhed by authority of this Parliament, that if the ſaid Alianour the wife of James be certified mulier in any Court before this time, that no manner of certificate heretofore made for the ſaid Alianour wife of James, ſhall in any wiſe put to prejudice, indamage, nor conclude any perſon or perſons but him or his heirs that was party to the plea. (5) And from henceforth all Juſtices of or in the Courts where any plea is or ſhall be depending, taken or moved, in which pleas ſo depending, taken or moved, Baſtardy is or ſhall be alledged againſt any perſon party to the ſame plea, and thereupon an iſſue joyned, which by the Law ought to be certified by the Ordinary, that the Judges or one Judge of or in the Courts where the ſaid plea is or ſhall be depending, taken or moved, before the time that any Writ of certificate paſs out of the ſame Court to the Ordinary, to certifie upon the

A practiſe to prove one mulier by the Common Law, who is indeed a Baſtard.

iſſue

Procla- tion 14.

iſſue ſo joyned or to be joyned, ſhall make remembrancer under their Seals or his Seal, at the ſuit of the demandant or tenant, plaintiff or defendant in the plea, in which the Baſtardy is or ſhall be alledged, reciting the iſſue that is joyned in the ſame plea of Baſtardy, and certifying to the Chancellor of the King of England for the time being, to the intent that thereupon Proclamation be made in the ſaid Chancery by three months, once in every month, that all perſons pretending any intereſt to object againſt the party which pretendeth himſelf to be mulier, that they ſue to the Ordinary to whom the Writ of Certificate is or ſhall be directed, to make their allegations and objections againſt the party which pretendeth him to be mulier, as the Law of holy Church requireth: (6) and the ſaid Chancellor having notice of the ſaid remembrance and iſſue joyned, and being required by the ſaid demandant or tenant, plaintiff or defendant having the ſaid remembrance, to make the ſaid Proclamation as afore is ſaid, the ſame Chancellor for the time being ſhall cauſe to be made Proclamation in the form aforeſaid, (7) And the Proclamation ſo made ſhall certifie in the Court where the ſaid plea, in which the Baſtardy is alledged, another time ſhall be depending. (8) And that the Judges of or in the Court where the ſame plea is, or ſhall be depending, taken or moved, before any Proclamation ſo to be made in the Chancery, make one time ſuch Proclamation openly in the ſame Court, and alſo another time when the Proclamation ſhall be certified by the Chancellor of England, and made in the form above rehearſed: (9) and then the ſaid Judge ſhall award the ſaid Writ of Certificate to the Ordinary, to certifie upon the iſſue ſo joyned or to be joyned; (10) and if any Writ of Certificate be made or granted, before that all the Proclamations in the form aforeſaid be made and certified, that then the ſaid Writ of Certificate, and the Certificate of the Ordinary thereupon made or to be made, ſhall be void in Law, and of none effect: (11) and if any Writ before this time be directed to any Ordinary, to certifie if the ſaid Alianour, wife of James, be Baſtard or not, and at this time not certified, if it be certified hereafter by vertue of the ſaid Writ, that the ſame Certificate of the ſaid Ordinary ſo made, be void and of none effect. Raſt. pl. f. 29, 105, 261, 280, 577, 609.

Proclamations before a Writ awarded to the Ordinary to certifie Baſtardy.

Statutes made at *Weſtminſter*, *Anno* 10 *H. 6.* and *Anno Dom.* 1432.

OUR Lord the King at his Parliament holden at Weſtminſter the xlj day of May, the tenth year of his Reign, to the honour of God, and for the wealth of him and his Realm, and for the tranquillity and eaſe of his People, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial requeſt of the Commons in the ſame Parliament aſſembled, hath cauſed to be enacted and eſtabliſhed divers Statutes and Ordinances in the form following.

CAP. I.

Recognizances taken before the Mayor, &c. of Calice, ſhall be effectual in England.

FIrſt, Whereas it is granted to the Mayor and Conſtables of the Staple of Calice, by the Charter of the Kings noble Progenitors, and by him confirmed, that they ſhall have power to take and record all Recognizances of debts before them made by any perſon, and therefore great doubts were, if the Recognizances before the ſaid Mayor and Conſtables made beyond the Sea, ſhould be effectual and executory in all points within the Realm of England, as the Recognizances made before the Mayor and Conſtables of the Staple of Weſtminſter be: (2) Our Lord the King willing in this caſe to take away all ſuch doubts, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial requeſt of the ſaid Commons, hath ordained by authority of the ſame Parliament, that all the Recognizances of debts before the ſaid Mayor and Conſtables of Calice, made or to be made by any perſons beyond the Sea, ſhall be as effectual and executory, and of ſuch force in all points within the Realm, and in the ſame form executory, as the ſaid Recognizances made before the ſaid Mayor and Conſtables of the Staple of Weſtminſter, or before any other Mayors or Conſtables of the Staple within the ſaid Realm be.

Staple, Raſt. 35. Recognizances taken before the Mayor of the Staple of Calice ſhall be effectual within England.

CAP. II.

Certain things required in him which ſhall be a Chuſer of the Knights of the Parliament.

ITem, Whereas at the Parliament holden at Weſtminſter the morrow of St. Matthew the Apoſtle, the viij year of the King that now is, it was ordained by authority of the ſame Parliament, that the Knights of all Counties within the Realm of England to be choſen to come to the Parliaments hereafter to be holden, ſhould be choſen in every County by people dwelling and reſiant in the ſame, whereof every one ſhall have freehold to the value of forty ſhillings by year at the leaſt, above all charges, upon a certain pain contained in the ſame Statute: (2) not making expreſs mention in the ſame, that every man that ſhall be chuſer of any ſuch Knights, ſhall have freehold to the value of forty ſhillings at the leaſt, above all charges, within the ſame County where ſuch chuſer with other like ſhall make ſuch election, or elſewhere. (3) And therefore our Lord the King willing to make plain declaration of the ſaid Statute, by the advice and aſſent aforeſaid, and at the ſpecial requeſt of the ſaid Commons, hath ordained, that the Knights of all Counties within the ſaid Realm to be choſen to come to Parliaments hereafter to be holden, ſhall be choſen in every County by people dwelling and reſiant in the ſame, whereof every man ſhall have freehold to the value of xl s. by the year at the leaſt, above all charges, within the ſame County where any ſuch chuſer will meddle of any ſuch election. St. 1 H. 5. 1.

Parliament 4. A chuſer of the Knights of the Parliament muſt be reſiant within the ſame County, and have freehold. St. 8 H. 6. 7.

CAP. III.

A Letter of Requeſt ſhall be granted by the Keeper of the Privy Seal to any of the Kings Subjects from whom Goods be taken by the King of Denmark or any of his Subjects. Exp.

Denmark, Raſt. 2.

CAP. IV.

The penalty of him that maketh a falſe Entry, That the Plaintiff doth offer himſelf in Perſon where he doth not.

ITem, For that divers of the Kings liege people before this time have been outlawed, and greatly vexed and diſquieted in divers ſuits, as well before the King in his Bench, as

Appearance 1. The penalty of him which

maketh a falſe entry, that the plaintiff doth offer himſelf in perſon where he doth not.

in the Common Bench, in the records of which ſuits the entries have been made, that the plaintiffs in the ſame ſuits, Obtulerunt ſe in propria perſona ſua, where the ſame plaintiffs never appeared to ſuch ſuits, nor had knowledge of the ſame, in great miſchief of the ſaid liege people, if remedy be not provided in this behalf: (2) Our Lord the King willing in this caſe to provide remedy, hath ordained and eſtabliſhed by authority of this preſent Parliament, that no manner Filizer, Exigenter, nor any other Officer whatſoever from henceforth ſhall make ſuch entry in any manner ſuit, except that the plaintiff in the ſame ſuit, before that ſuch entry be made, do appear in his proper perſon before ſome of the ſaid Juſtices of the place where the plea is or ſhall be depending. (3) And there he ſhall be ſworn upon a Book, that he is the ſame perſon in whoſe name the ſaid ſuit is ſued, or that ſome other credible perſon of the Kings Council make ſuch Oath for him. (4) And this Ordinance ſhall endure till the next Parliament, St. 18 H. 6. 9. made perpetual.

CAP. V.

Calice, Raſt. 1.

A rehearſal of the Stat. of 21 R. 2. 18. touching the maintenance of certain places about Calice. OB.

CAP. VI.

What Proceſs ſhall be awarded upon an Indictment removed into the Kings Bench.

Indictments 4. St. 8 H. 6. 10.

ITem, Whereas in the Parliament holden at Weſtminſter the eighth year of the King that now is, it was ordained, that upon every indictment or appeal, by the which any of the Kings liege people, dwelling in other foreign and divers Counties then where ſuch indictment or appeal is or ſhall be taken of treaſon, felony or treſpaſs, to be taken hereafter before Juſtices of Peace, or before any other Juſtice whatſoever, having power to take ſuch indictments or appeals, or other Commiſſioners or Juſtices in any County, Franchiſe or Liberty of England, before any Exigent awarded upon any indictment or appeal in the form foreſaid to be taken, that preſently after the firſt Writ of Capias upon every ſuch indictment or appeal awarded and returned, that another Writ of Capias ſhall be awarded, directed to the Sheriff of the County where he that is ſo indicted or appealed is or was ſuppoſed to be converſant by the ſame indictment or appeal, returnable before the ſame Juſtices or Commiſſioners before whom he is indicted or repealed, at a certain day containing the ſpace of three months, from the date of the ſame Writ and the return of the ſame, as by the ſame Statute plainly appeareth: (2) by which clauſe of the ſame Statute, that is to ſay, returnable before the ſame Juſtices or Commiſſioners before whom he is indicted or appealed, ſome do think that the Writ of Capias ordained by the ſaid Statute, which ſhall be directed to the Sheriff, whereof he that is ſo indicted or appealed, is or was ſuppoſed to be converſant by the ſame indictment or appeal, ſhall be returned before the ſame Juſtices or Commiſſioners, or other, before whom the indictment or appeal was taken, and not elſewhere. (3) And imagining to defraud and make fruſtrate the ſaid Statute, do ſue to remove ſuch indictments and appeals out of the hands of the Juſtices or Commiſſioners aforeſaid into the Kings Bench and elſewhere, by Certiorari and otherwiſe, unknown to the party ſo indicted, and thereupon ſue the proceſs uſed at the Common Law before the making of the ſaid Statute in the Kings Bench and elſewhere, after the removing, to the great impoveriſhing and vexation of the Kings faithful ſubjects: (4) wherefore the ſame our Lord the King, by the advice and aſſent aforeſaid, and at the ſpecial requeſt of the ſaid Commons, by authority aforeſaid, hath ordained that the ſaid Statute be holden and kept, and put in due execution in all points: (5) Joyned to the ſame, that if any ſuch indictments, taken or to be taken before any Juſtices of Peace, or before any other having power to take ſuch indictments or appeals, or other Juſtices or Commiſſioners in any County, Franchiſe or Liberty of England, ſhall be removed before the King in his Bench or elſewhere, by Certiorari or otherwiſe, then after ſuch removing, before any Exigent awarded upon any ſuch indictment or appeal in the form aforeſaid taken, or to be taken, that preſently after the firſt Writ of Capias upon every ſuch indictment or appeal awarded and returned, that another Writ of Capias be awarded, directed to the Sheriff of the County, whereof he that is ſo indicted or repealed, is or was ſuppoſed to be converſant by the ſame indictment or appeal returnable before the King in his Bench at a certain day, containing the ſpace of three months or four, from the date of the ſaid laſt Writ of Capias, according to the manner and form that the Juſtices of Peace, and other in the ſaid firſt Statute contained, ought to have done before ſuch removing after the making of the ſaid firſt Statute. (6) And if any ſuch Exigent be hereafter awarded upon any ſuch indictment or appeal after ſuch removing againſt the form aforeſaid, or any outlawry thereupon pronounced, as well the ſame Exigent ſo awarded as the Outlawry thereupon to be pronounced, and every of them ſhall be holden for none, and void, according as in the ſaid firſt Statute is more fully contained.

A confirmation of the Statute of 8 H. 6. 10 touching the awarding of proceſs againſt perſons indicted or appealed that do dwell in foreign Counties. Raſt. pl. f. 52. 287.

Proceſs awarded againſt perſons endicted or appealed in one County that do dwell in another after the ſame indictment, &c. is removed into the Kings Bench.

CAP. VII.

Wools, Raſt. 26.

All Wools and Woolfels that ſhall be carried to any other place then to Calice, ſhall be forfeited to the King and the finder. OB.

Statutes made at *Weſtminſter*, *Anno* 11 *H.* 6. 2. and *Anno Dom.* 1433.

OUR Sovereign Lord the King, at his Parliament holden at Weſtminſter the viij day of July, the eleventh year of his Reign, to the reverence of God, and for the weal of the People of his Realm, by the aſſent of the Lords Spiritual and Temporal, and at the ſpecial requeſt of the Commons of this Realm in his ſaid Parliament aſſembled, by authority of the ſame Parliament, hath ordained and ſtabliſhed divers Statutes, Declarations and Ordinances in the form following.

CAP. I.

Jurors, Raſt. 10.

They that dwell at the Stews in Southwark ſhall not be Impannelled in Juries, nor keep any Inn or Tavern but there. Ob. & Pr.

CAP. II.

The penalty where a Sheriff is named a Diſſeiſor in an Aſſiſe.

Aſſiſe 9.

ITem, Whereas ſeveral perſons do often ſue Aſſiſes of Novel diſſeiſin before Juſtices aſſigned againſt divers perſons, and by craft and colluſion, to have their Writs of their ſaid Aſſiſes directed to the Coroners of the Counties where the Tenements be, to make execution of the ſaid Writs, do name in their ſaid Aſſiſes the Sheriff of the ſame County one of the diſſeiſors, where he is not, neither ever was diſſeiſor or tenant of the tenements in demand, whereby oftentimes the ſaid Aſſiſes be awarded by the default of the tenants which have no knowledge of thoſe Aſſiſes, for that they found not any Aſſiſe againſt them in the file of the Sheriff, nor have any ſuſpection of any ſuch Aſſiſe taken againſt the Sheriff and them: (2) Our Lord the King, willing in this caſe to provide remedy, of the aſſent and authority aforeſaid, hath ordained, that in all ſuch Aſſiſes purchaſed, at this time depending, or hereafter to be purchaſed between any perſons whatſoever they be, before any ſuch Juſtices, in which Aſſiſes any ſuch Sheriff is named Diſſeiſor, if the tenants in the ſaid Aſſiſes or any of them will averre, that the ſaid Sheriff is not nor ever was diſſeiſor nor tenant of the tenements in demand, but was named diſſeiſor by colluſion, the averment ſhall be received. (3) And if it be found by the ſaid Aſſiſe, that the ſaid Sheriff is not nor ever was diſſeiſor nor tenant of the tenements in demand, but was named diſſeiſor by colluſion, then the ſaid Juſtices ſhall cauſe to be abated and quaſhed the ſaid Writ purchaſed or to be purchaſed in the form aboveſaid: (4) And that the plaintiff or plaintiffs be in the grievous mercy of the King.

Fitz. Aſſiſe 162, 373, 378, 402. Fitz. diſſeiſin 32. Fitz. action ſur le caſe 39.

The penalty where the Sheriff is named diſſeiſor in an Aſſiſe, to the intent that he ſhall not execute the writ. F.N.B. f. 155. A.

CAP. III.

An Aſſiſe, &c. maintainable againſt the Pernor of the Profits.

ITem, Whereas by a Statute made the fourth year of the Reign of King Henry, Grandfather of our Lord the King that now is, amongſt other things it was ordained, that the diſſeiſees ſhall have their actions againſt the diſſeiſors during the lives of the diſſeiſors, ſo that ſuch diſſeiſors thereof take the profits at the times of the ſuit commenced, as in the ſame Statute is contained more at large; the which Statute according to the opinion of many hath been intended in Writs of Aſſiſe of Novel diſſeiſin only, and as great miſchief it is to the parties demandants in other Writs ſued and grounded upon Novel diſſeiſin, as in Aſſiſe: Wherefore our Lord the King, willing all manner of opinions and doubts in that behalf to ceaſe, hath ordained by the aſſent and authority aforeſaid, that in all manner of Writs grounded upon Novel diſſeiſin, the diſſeiſees ſhall have their recoveries, if they will, by ſuch Writs againſt the diſſeiſors of their feoffees, as well as they ſhall have in Aſſiſe of Novel diſſeiſin, ſo that the ſame diſſeiſors or their feoffees, againſt whom the Writ ſhall be brought, thereof take the profits at the time of the Writ purchaſed, notwithſtanding any gifts or feoffments made to other perſons for to delay the demandants. St. 1 R. 2. 9. 4 H. 4. 7. 1 H. 7. 1. 4 H. 7. 24. 27 H. 8. 10.

St. 4 H. 4. 7.

Aſſiſes, Raſt. 2.

As well other Actions as an Aſſiſe ſhall be maintainable againſt the Pernor of the profits. Raſt. pl. f. 86. 110, 258, 341, 342.

CAP. IV.

The Plaintiffs in Attaint ſhall recover their Coſts and Damages.

ITem, Our Lord the King, by the grievous complaint of his Commons, conſidering the miſchiefs had within the Realm, and yet not remedied, and alſo the great damage and diſheriſon that cometh by the uſual perjury of Jurors, empanelled upon Enqueſts, as well in the Courts of our Lord the King, as of other, the which perjury doth abound and increaſe daily more then it was wont, for the great gifts that ſuch Jurors take of the parties in pleas ſued in the ſaid Courts: (2) wherefore the greater part of people that have to ſue in the ſaid Courts, leave their ſuits for the miſchiefs aforeſaid, and namely in reſpect of the delays that be in the Writs of Attaints: for that in times paſt in Writs of Attaints, when the Grand Jury had appeared in Court, and were ready to paſs, one of the tenants or defendants, or of the pety Jurors named in ſuch Writs, ſometime have pleaded falſe and faint pleas, which were not triable by the Grand Jury of the attaint, and by that means delayed the taking of ſuch grand Juries until ſuch pleas were tried: and after ſuch pleas tried and found for the plaintiff, another of the Jurors tenants or defendants might plead another ſuch falſe and faint plea after the laſt continuance in the ſame attaints, and ſo every of the defendants, Jurors, or tenants after other, might plead ſuch falſe and faint plea, and delay the Grand Jury when it was ready to paſs: (3) and though that all ſuch falſe and faint pleas were found againſt them which pleaded, no pain was given them by the Common Law: (4) In regard of which delays, the grand Juries in attaints have been often grievouſly vexed and travelled, and the plaintiffs in ſuch attaints put to ſo great coſts, and thereby impoveriſhed, that they could not proſecute their ſaid ſuits, wherefore the Jurors be the more encouraged to be perjured, and to make their falſe Oaths in ſuch caſes: (5) Our ſaid Lord the King, willing thereof to provide remedy, at the requeſt of the ſaid Commons, and by the aſſent of the Lords abovesaid, hath ordained and eſtabliſhed, that the parties plaintiffs in all ſuch attaints ſhall recover their damages and coſts againſt all ſuch tenants, Jurors and defendants, which they have ſuſtained in that behalf, and that this Statute extend as well to Writs of Attaints now hanging, as to Writs of Attaints to be purchaſed hereafter.

Attaint 5.

The ſeveral pleas and delays that were in attaint at the Common Law.

The plaintiff in attaint ſhall recover his coſts and damages againſt the Jurors, tenants and defendants. St. 23 H. 8. 3.

4 f. 23.

CAP. V.

The remedy where a Tenant granteth over his Eſtate, taketh the Profits, and committeth Waſte.

ITem, Becauſe that divers people in times paſt have let their Lands and Tenements to divers perſons, that is to ſay, ſome for term of life or of another mans life, and ſome for term of years, the ſaid tenants have oftentimes let and granted their eſtate which they had in the ſame lands and tenements, to many perſons, to the intent that they in the reverſion, that is to ſay, their Leſſors, their Heirs or their Aſſigns, might not have knowledge of their names, and after the ſaid firſt Tenants continually occupy the ſaid Lands and Tenements, and thereof take the profits to their proper uſe, and in the ſaid Lands and Tenements commit waſte and deſtruction, to the diſheritance of them in the reverſion: (2) It is ordained and eſtabliſhed, that they in the reverſion in ſuch caſe may have and maintain a Writ of Waſte againſt the ſaid Tenants for term of life, of anothers life, or for years, and ſo recover againſt them the place waſted, and their treble damages, for the waſte by them done, as they ought to have done for the waſte committed by them before the ſaid grant and leaſe of their Eſtate. (3) Provided always, that this ordinance hold not place, but where the firſt Tenants, before the leaſe

Roll 146.

Coke l. c. f. 77. Perk. i. 8. Anderſ. 23.

Waſte 4.

A remedy for him in reverſion where tenant for life or years granteth over his eſtate, taketh the profits and committeth waſte.

A proviſo for him that holdeth his term without impeachment of waſte.

leaſe and grant of their ſaid Eſtates, in the manner and form abovesaid, were puniſhable of waſte, (4) and alſo where after the ſaid Grant and Leaſe, the ſaid firſt Tenants of the ſaid Lands and Tenements take the profits at the time of the waſte done to their own proper uſe. (5) And this Ordinance ſhall extend as well to waſte by ſuch Tenants done before this Ordinance as after. Fitz.N.B. f.59. C.

CAP. VI.

No Suit before any Juſtices, &c. ſhall be diſcontinued by a new Commiſſion.

Diſcontin. 6. No ſuit before any Juſtices or Commiſſioners ſhall be diſcontinued by a new Commiſſion. St. 1 Ed. 6. 7.

ITem, Our Lord the King conſidering the great loſſes and damages which oftentimes have come and be likely to come hereafter, as well to himſelf as to many of his Lieges, for that where as well divers Indictments and Suits for our Lord the King, as other Suits between party and party have been taken before divers Juſtices of the Peace, aſſigned by ſeveral Commiſſions of our ſaid Lord the King in divers Counties of England, and divers Pleas and Proceſſes upon thoſe Indictments have often been made, and hanging before the ſame Juſtices not determined, the which Pleas and Proceſſes have been often diſcontinued by making of new Commiſſions of the Peace in thoſe Counties, to the great loſs of our ſaid Lord the King, and of his Subjects, in delay of the ſame Pleas and Suits, and of the deliverance of his ſaid Subjects: (2) And upon that, our Lord the King willing to provide remedy, of the aſſent and authority abovesaid, hath ordained and eſtabliſhed, That in all ſuch Pleas, Suits and Proceſſes, in them to be taken and to be made before Juſtices of the Peace in any County of England, the ſaid Pleas and Proceſſes in ſuch Suits to be done ſhall not be diſcontinued by ſuch new Commiſſions of the Peace to be made: but thoſe Pleas and Proceſſes ſhall ſtand in their force. (3) And the Juſtices in the ſame new Commiſſions ſo aſſigned, after that they ſhall have the Records of the ſame Pleas and Proceſſes before them, ſhall have power and authority to continue the ſaid Pleas and Proceſſes; and the ſame Pleas and Proceſſes, and all that depend upon them, to hear and finally to determine, as the other Juſtices might and ought to have done, of and in the ſame, if no new Commiſſion had been made.

CAP. VII.

Sheriffs, Raſt. 23.

The Statute of Anno 9 H. 6. 7. which reſtraineth the Sheriff of the County of Hereford to take Mony by extortion, or to do any wrong in his Tourn or other Place, revived for three years. Exp.

CAP. VIII.

A confirmation of all Statutes made touching Weights and Meaſures.

1 H. 5. cap. 10.

ITem, Whereas in the Parliament holden at Weſtminſter, the firſt year of King Henry, Father of our Lord the King that now is, it was ordained, That all the Statutes and Ordinances made of Meaſures of Corn ſhould be firmly holden and kept, after the effect of the ſame, (2) and that no Purveyors of the King, nor of other, ſhould not after that time forth, buy nor take any Corn or other Meaſure, but by eight Buſhels ſtricken for the Quarter, and that none ſhould be bound otherwiſe to deliver for the Quarter but eight Buſhels ſtricken for the Quarter, as before is ſaid, (3) and alſo that payment ſhall be made preſently for the carriage of the ſame; (4) and that if any Purveyor of our Lord the King, or of other perſon from that time forward, do buy or purvey any Corn otherwiſe or by other Meaſure then by eight Buſhels ſtricken for the Quarter, as before is ſaid, and of that be attainted, he ſhall have one years impriſonment, and ſhall pay to the King an hundred ſhillings, and to the party that feeleth him grieved an hundred ſhillings; and that as often as any of them ſhall be thereof attainted, (5) and that the party that will ſue ſhall have thereof an Action grounded upon the Caſe: (6) And that the Juſtices of Peace ſhall have power to enquire and to hold plea of all the things aforeſaid, and thereupon to aſſign puniſhment, as well at the Suit of the King as of the party: (7) And that from the ſame time forward, nothing ſhould be taken for the meaſuring of ſuch Corn in any manner: (8) And notwithſtanding the ſaid Ordinances and Statutes, as well the Bakers and all other Merchants and Buyers within the Franchiſe and City of London, as the Kings Purveyors of Corn, and all other Merchants and common Buyers of Corn, in many other Cities, Towns, Boroughs and Counties of England, continually from day to day, do buy and take nine Buſhels for the Quarter, that is to ſay, the Bakers, Buyers, and Merchants within the City and Franchiſes of London, by a Veſſel called the Fat, which containeth eight Buſhels of Corn, with another Buſhel of Corn put to that for a Quarter, and make the Sellers of the ſame Corn againſt their will to pay one Half-peny for the meaſuring of every Quarter, and all the other Purveyors, Buyers and Merchants of Corn, nine Buſhels ſtriken for the Quarter, againſt the form of the ſaid Ordinance and Statute, and in contempt of our Lord the King, for that the ſaid Ordinances and Statutes be not proclaimed nor put in execution, nor the ſaid Penalties and Forfeitures limited by the ſaid Statute, levied according to the effect of the ſame Statute: (9) Our ſaid Lord the King, willing the ſame Statute and Ordinance to be duly holden and kept, by the aſſent and authority abovesaid, hath ordained, That as well the ſaid Statute, as the Statute of Weights and Meaſures made at the Parliament of our Lord the King that now is, the eighth year of his Reign, be proclaimed, as well in the City of London, as in all other Cities, Boroughs and Counties of England, and put in due execution after the form and effect of the ſame: (10) Joyning to the ſaid Statute made the ſaid eighth year, That in every City Borough and Town of the Realm, there ſhall be a common Buſhel ſealed, and according to the Standard of the Exchequer, in the ſame manner and form, and upon the ſame pain as in the ſame Statute is ſpecified, and a Common Ballance to be in every ſuch City, Borough and Town: (11) And that the Mayor of the ſaid City of London, and all other Mayors of all other Cities and Boroughs of England where there is a Mayor, and all Bailiffs of Cities and Boroughs where there is no Mayor, and all Juſtices of Peace in every County of England for the time being, ſhall have full power to put all the Statutes and Ordinances aforeſaid in due execution, and to hear and determine all the Defaults, Miſpriſions, Offences and Treſpaſſes againſt the form and effect of the ſaid Statutes and Ordinances, done or to be done, or committed,

A meaſure in London called the Fat.

St. 8 H. 6. 3.

A confirmation of the Statute of 1 H. 5. 10. & 8 H. 6. 5. touching weights and meaſures.

There ſhall be a common Buſhel in every Town. St. 11 H. 7. 4.

mitted, as well at the Suit of the King, as of the party which in ſuch caſe feeleth himſelf grieved, and of any other of the Kings liege people, which in this behalf will ſue for the King, and that as well by examination of the parties, or any of them, according to the diſcretion of the ſaid Mayor, Bailiffs and Juſtices of Peace, as by Iſſues to be tried by Inquiſitions duly to be taken, and other Pleas and Proceſſes of the Law of the Land: (12) And that as well the party grieved, as any other liege man of the King, that will ſue for the King, ſhall have the Suit in that caſe at his will, (13) and that he that is ſo attainted of any Default, Miſpriſion, Offence or Treſpaſs done againſt the ſaid Statute made the ſaid firſt year, ſhall pay to him at whoſe Suit he is thereof attainted, C s. and his reaſonable Coſts of the ſaid Suit, and to the King another C s. (14) And that as well the Mayor of London for the time being, after that he is choſen Mayor and ſworn within the ſaid City, at his firſt coming to the Exchequer before the Treaſurer of England, and the Barons of the Kings Exchequer, as every of the ſaid other Mayors and Bailiffs in their Oaths to be made for their ſaid Offices, ſhall be charged and ſworn to do, keep and execute all the Statutes aboveſaid. (15) And that all the Mayors and Bailiffs of Cities and Boroughs of the Realm, accomptable in the ſaid Exchequer, do yearly accompt in the ſaid Exchequer of the Profits and Forfeitures that may or ought to pertain to our Lord the King by the form of the ſaid Statutes: (16) Saving always to Lords, Cities and Boroughs, their Liberties and Franchiſes granted to them by our ſaid Lord the King, or any of his Progenitors, not revoked, repealed, or adnulled: (17) And ſaving always, that the ſaid Statute made the firſt year of King Henry the fifth, and all other Statutes of Meaſurers and Weights afore made, ſtand in their force.

All Mayors and Bailiffs ſhall be ſworn to execute the foreſaid Statute touching weights and meaſures.

Mayors, &c. ſhall accompt of the profits accrued to the King by the foreſaid ſtatute.

CAP. IX.

Of what length and breadth Clothes called Streits ſhall be.

ITem, Whereas in a Statute made the ſeventeenth year of King Richard the ſecond after the Conqueſt, it was ordained, That every man of the Realm might make and ſet to ſale and ſell Clothes, as well Kerſies as other, of ſuch length and breadth as him pleaſed, paying the aulnage, ſubſidy, and other devoirs, that is to ſay, of every piece of Cloth after the rate, notwithſtanding any Statute, Ordinance, Proclamation, Reſtraint or Defence made to the contrary, (2) and that none ſell nor put to ſale any Clothes before they be meaſured by the Kings Aulneger, and enſealed with the Seal thereunto ordained, upon pain contained in the Statutes thereof made, (3) and after in the Stat. made in the ſeventh year of King Henry the fourth, Grandfather of our Lord the King that now is, it was alſo ordained, That the Cloth of colour ſhould contain in length eight and twenty Yards meaſured by the Back, and in breadth ſix quarters and a half; (4) and if the Cloth-makers ſhould make their Clothes of leſs length or breadth, they ſhould be forfeit to the King. (5) And after by another Statute made in the eleventh year of the ſaid King Henry the fourth, it was ordained, that Proclamation ſhould be made openly through the Realm, that no perſon making ſuch manner of Clothes or Doſins within the Realm, ſhould be ſo hardy to tack and fold together ſuch manner of Clothes before that the Aulneger hath made his ſearch and ſurveying duly to the ſame Clothes, that they hold their length and breadth, ordained by the ſaid laſt Statute made the ſaid ſeventh year, as in the ſame Statute is more fully contained. (6) Upon which Statutes made in the time of the ſaid King Henry the fourth, divers opinions have been holden in the Kings Exchequer, as the ſame our Lord the King hath conceived by the complaint of the Commons of his Realm: (7) Our Lord the King willing to repreſs ſuch opinions, of the aſſent and authority aboveſaid, hath declared, That this word (Cloth) in the ſaid Statutes before rehearſed, ſhall have relation, and ſhall be underſtood of whole Cloth called Broad Clothes and Broad Doſins, and not of other Clothes and Pieces of Clothes called Streits, now made, or to be made. (8) And moreover hath ordained and ſtabliſhed, That every man may make, ſet to ſale, and ſell all manner of Clothes called Streits, containing in length fourteen Yards, and in the breadth one Yard unwatered, or elſe twelve Yards watered, without impeachment of any Officer of the Kings, paying to the King the Aulnage, Subſidies, Cuſtoms and other Devoirs, that is to ſay, of every Cloth, and of every Piece of Cloth, after the rate contained in the ſaid Statutes. (9) And if the makers of the ſaid Clothes called Streits, make any Clothes to ſell of leſs length and breadth then next above declared, that then it ſhall be lawful to the Aulneger to cut off the Liſt at the one end of all ſuch Streit Clothes, not containing the ſaid length, and the ſame to be ſold for a Remnant for a Piece, and not for a Cloth: (10) And that no ſuch Clothes be put to ſale until the Aulneger hath meaſured them, made his ſearch, and put to them the Kings Seal thereto ordained, upon pain of forfeiture of the ſame. (11) And if any Aulneger enſeal any ſuch Clothes called Streits, not containing the length and breadth of the Streits aboveſaid, and cut not off the Liſt of all ſuch Clothes that do not hold the ſaid length and breadth of the Streits, that then the ſaid Aulneger ſhall pay to the King for every Piece of Cloth ſo found defective, ſix ſhillings eight pence; (12) except always that all Clothes called Streits, made or to be made, until the day of the Nativity of St. John the Baptiſt next coming, ſhall have Licence to be ſold and delivered until the Feaſt of Chriſtmas then next enſuing, of whatſoever length or breadth they be. St. 5 Ed. 6. 6. 4 & 5 P. & M. 4. 4 Jac. 2.

Drapery, Raſt. 25. St. 17 R. 2. 2.

St. 7 H. 4. 10.

St. 11 H. 4. 6.

How this word (Cloth) ſhall be interpreted, and of what Clothes it is meant in the Statute of 7 H. 4. 10. and 11 H. 4. 6.

What length and breadth the Clothes called Streits ſhall contain. St. 27 El. 18.

Clothes ſhall not be put to ſale until the Aulneger hath meaſured them, and put a ſeal to them.

The Aulnegers penalty for ſealing of defective Cloth.

CAP. X.

He ſhall find Sureties, &c. that ſueth to defeat an Execution upon a Statute.

ITem, Becauſe divers perſons within this Realm in time paſt often have been taken and arreſted by divers Sheriffs and other Officers of the King, by Writs as well going out of the Chancery of the King, as of his Progenitors, to have Execution of divers Recognizances made before the Mayors of the Staple, of divers Sums, of which Sums ſuch perſons to whom the duty belonged, had no convenient remedy, other then the ſaid Executions; (2) which perſons ſo taken and arreſted for execution of the ſame Recognizances, be oftentimes brought by divers Writs De corpus cum cauſa before the King in his Chancery, out of Priſons

Corpus, &c. 7.

ſons in the which they be ſo kept by force of ſuch Executions, and there they do Sue, ſhewing forth divers Indentures and other things in defeſance of ſuch Recogniſances, deſiring Writs of Scire facias to warn the party or parties at whoſe Suit they be taken and arreſted, to anſwer thereunto; (3) And thereupon by ſurety found to the King in the Chancery, have been delivered out of Priſon, notwithſtanding their ſaid Arreſt for the Execution of ſuch Recognizances, as above is ſaid, ne Surety found to the Recognizees to whom they be ſo bound to ſatisfie them of their duties, in caſe that the matters compriſed within the ſaid Writs of Scire facias, be not found nor adjudged for the Recognizors thereby bound, (4) whereby the ſaid Recognizees have been ſometime greatly delayed of their Execution, and ſometime their Execution utterly loſt, and in time to come likely to be loſt, for that no advantage nor avail thereof might come, be, or accrue to the ſaid Recognizees to whom ſuch perſons be ſo bound by the ſaid Surety ſo found to the King, ſeeing the ſame perſon ſo bound, may by the Kings Pardon be acquit and diſcharged for ever. (5) Our Lord the King conſidering that the ſaid Recogniſees to whom perſons be bound are oftentimes without remedy, if ſo be that the ſaid Recognizors would not purſue forth their ſaid Writs of Scire facias, with effect, or otherwiſe, that the matters of their ſaid Writs of Scire facias be found or adjudged againſt them, and thereupon they withdraw them to places priviledged, or eloign them out of the Realm, or elſe they would not appear, ſo that their Bodies might be put in Execution, to the great hinderance and undoing of ſuch Recognizees in time to come, (6) and alſo becauſe that the King is inherited of the taking of ſuch Sureties to himſelf by the courſe of the Chancery: (7) The King doth will that from henceforth ſuch Sureties be made as well to the King as to the party.

He ſhall find ſurety to the King and to the party that ſueth to defeat an execution upon a Statute ſtaple. Fitz. N. B. f. 105. Lanr. 79.

C A P. XI.

The puniſhment of thoſe that make aſſault upon any that come to the Parliament.

Fighting 5.

The puniſhment of ſuch as do make aſſault upon any that come to the Parliament, or &c.

ITem, The King willing to provide for the eaſe and tranquility of them that come to the Parliaments and Councils of the King by his Commandment, hath ordained and ſtabliſhed, That if any aſſault or affray be made to any Lord, Spiritual or Temporal, Knight of the Shire, Citizen or Burgeſs, come to the Parliament, or to other Council of the King by his Commandment, and there being and attending at the Parliament or Council, that then Proclamation ſhall be made in the moſt open place of the Town by three ſeveral days, where the aſſault or affray ſhall be made, that the party that made ſuch affray or aſſault, yield himſelf before the King in his Bench, within a quarter of a year after the Proclamation made, if it be in the time of the Term, or otherwiſe at the next day in the time of the Term following the ſaid quarter; (2) and if he do not, that he be attainted of the ſaid deed, and pay to the party grieved his double damages, to be taxed by the diſcretion of the Juſtices of the ſame Bench for the time being, or by Inqueſt if it be needful, and make Fine and Ranſom at the Kings will: (3) And if he come and be found guilty by Inqueſt, by Examination, or otherwiſe, of ſuch affray or aſſault, then he ſhall pay to the party ſo grieved his double damages found by the Inqueſt, or to be taxed by the diſcretion of the ſaid Juſtices, and make Fine and Ranſom at the Kings will, as above is ſaid, St. 5 H. 4. 6.

C A P. XII.

What Wax-Chandlers ſhall take for their Work of Wax.

Wax 8. Inſt. of P. 42.

How much Waxchandlers may take for the work of a pound of Wax more then the Wax is worth.

Juſtices of Peace Mayors chief Officers and Stewards may examine and puniſh offendors.

ITem, Our ſaid Lord the King hath conceived by the complaint of the ſaid Commons, That the Wax-chandlers in divers parts of England, ſell Candles, Images and Figures, and other works of Wax made for Offerings, after the rate of a pound of Wax for ij s. and more where one pound of Wax is no more worth then vj d. whereby they gain in every pound of Wax ſo wrought xviij d. and more, by which means divers of the people be defrauded of their good intent and devotion, ſuppoſing ſuch Candles, Images and Figures, and other works to be of reaſonable value, according as they pay for the ſame, where they be of none or little value: (2) And therefore our Lord the King, willing for ſuch deceit to provide remedy convenient, hath ordained and eſtabliſhed, That no perſon ſhall ſell, nor put to ſale any ſuch Candles, Images, Figures and other works of Wax, at more higher price, but only after the rate of the price of iij d. more in the weight of a pound over that the common price of a pound of plain Wax is between Merchant and Merchant at the time of ſuch ſale or putting to ſale, upon pain to forfeit ſuch Candles, Images, Figures, and other works of Wax ſo put to ſale, and the value of them that ſhall be ſold againſt the form of this Statute, and to make a Fine to the King, if they be thereof duly attainted, or that it be found by examination, or due ſearch by Weights, or in other manner, that they have ſold or put to ſale any ſuch Candles, Images, Figures, or other works of Wax againſt the form of this Statute. (3) And that the Juſtices of Peace in every County where they be Juſtices, ſhall have power to enquire, hear and determine all things done againſt this Statute: (4) And that as well every Juſtice of Peace in the County where he is Juſtice, as Mayors and Bailiffs within the Cities and Boroughs, Stewards of Lords within the Franchiſes of their Lords, ſhall have power and authority to examine and ſearch as well by Weights of ſuch Candles, Images, Figures, and other works of Wax, as in other manner by their diſcretion, all them that any thing ſhall hereafter do againſt this Statute, and to puniſh them that by ſuch examination or ſearch ſhall be found guilty in the form abovſaid. (5) Provided that this Statute do not extend to Hearſes to be made for Nobles that do die.

C A P. XIII.

Staple, Raſt. 33.

A Confirmation for three years of the Statute of 8 H. 6. 18. That Wool, &c. brought to Calice ſhall be ſold for remedy mony. Exp.

C A P. XIV.

Felony, Raſt. 5.

It ſhall be ſelony to ſhip or carry any Merchandiſes of the Staple in Cricks, during three years. Exp.

CAP. XV.

A Cuſtomer ſhall diſcharge the Merchant that hath payed his Cuſtom.

ITem, For that our Lord the King by a Petition to him delivered in the ſame Parliament, by the Commons of the ſame, for the Merchants of the Realm, hath perceived, that ſeeing the Cuſtomers and Controulers in the Kings Ports do not write any Warrants in diſcharge of the ſaid Merchants of their Merchandiſes by them ſhewed and duly cuſtomed, ſome as well coming into the Realm, as paſſing out of the ſame, the ſame Cuſtomers and Controulers do imbeſil the Kings Cuſtoms, and the Merchants be greatly hindred, becauſe that the Warrants might plainly ſhew and declare their due Cuſtom, when they be unduly impeached in the Kings Exchequer: (2) The ſame our Lord the King conſidering the ſaid Deceits, by the advice, aſſent and authority aboveſaid hath ordained, That the ſaid Cuſtomers and Controulers ſhall write and deliver ſufficient Warrants, ſealed with the Seal of their Office to that ordained, to the ſaid Merchants and to every of them, for all and every of their Merchandiſes every time by them to the Cuſtomers and Controulers duly ſhewed. (3) And that the ſaid Merchants, nor any of them, ſhall any thing pay for the Warrants, but only their due Cuſtom: (4) And in caſe that any Cuſtomer or Controuler in any of the ſaid Ports, do the contrary, that then every Merchant ſo grieved may have an Action by vertue of this Ordinance, to purſue againſt every Cuſtomer or Controuler that doth the contrary, in every Court of Record: (5) And then every Cuſtomer or Controuler ſo attainted ſhall forfeit to the King for every default ten pound, and to the Merchant thereby grieved that will Sue, a hundred ſhillings.

Cuſtomer 17. Raſt. 8.

A cuſtomer or controuler ſhall make a warrant to diſcharge a Merchant that hath paid his cuſtom.

CAP. XVI.

Forfeiture of all his goods, and three years impriſonment, for ſealing of a blank Scrowl to deceive the King of his Cuſtoms during three years. Exp.

Cuſtom, Raſt. 8.

Statutes made at *Weſtminſter*, *Anno* 14 *H.* 6. and *Anno Dom.* 1435.

OUR Lord the King *Henry* the ſixth after the Conqueſt, at his Parliament holden at Weſtminſter, the tenth day of October the fourteenth year of his Reign, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial requeſt of the Commons of the Realm being in the ſame Parliament, hath cauſed to be made divers Statutes and Ordinances, to the honour of God, and for the Wealth of him and his Realm in the form following.

CAP. I.

Juſtices of *Niſi Prius* may have judgment of a Man attainted or acquitted of Felony.

El. 30.

FIrſt, Our ſaid Lord the King hath ordained by authority of the ſaid Parliament, That the Juſtices before whom Inquiſitions, Inqueſts and Juries, from-henceforth ſhall be taken by the Kings Writ called Niſi Prius, according to the form of the Statute thereof made, ſhall have power of all the caſes of Felony and of Treaſon, to give their judgments, as well where a man is acquit of Felony or of Treaſon, as where he is thereof attainted at the day and place where the ſaid Inquiſitions, Inqueſts and Juries be ſo taken, and then from thenceforth to award Execution to be made by force of the ſame Judgments.

El. 4. c. 19.

Juſtice of Niſi Prius 7.

The Juſtices of Niſi Prius have authority to give judgment as well where one is attainted of treaſon or felony, as where he is acquitted.

CAP. II.

All wools and fells that ſhall be ſhipped to be tranſported, ſhall be carried to Calice; And no Licence ſhall be granted to the contrary. But the King with the advice of his Council may modifie this Statute: And ſaving to the Merchants of Venice, Jean, Tuſkane, Lumberdy, Florence, Cataloigne, and the Burgeſſes of Berwick, the liberties granted them by another Statute. OB. & Exp. St. 23 H. 6. 6.

Wool, Raſt. 19.

CAP. III.

Where the Juſtices of Aſſiſe of Cumberland ſhall hold their Seſſions.

ITem, Whereas by a Statute made in the time of King Richard the ſecond, it was ordained, That the Juſtices aſſigned and to be aſſigned to take Aſſiſes and deliver Gaols, ſhall hold their Seſſions in the principal and chief Towns of every County, that is to ſay, where the Shire-Courts of the Counties heretofore were, and hereafter ſhall be holden: (2) Our Lord the King, willing the ſame Statute to be obſerved and kept in the County of Cumberland, conſidering that the City of Carlile is the principal and chief City and Town of the ſaid County, and in the which the Shire-Court of the ſame County hath been holden before this time, hath granted and ordained by authority of the ſame Parliament, that the Seſſion of the Juſtices to take Aſſiſes and to deliver Gaols in the County of Cumberland, be holden in time of Peace and of Truce in the ſaid City of Carlile, and in none other place within the ſame County, as it hath been uſed and accuſtomed of old time.

Juſt. of Aſſiſe 7. St. 6 R. 2. 5.

The Juſtices of Aſſiſe, &c. of the county of Cumberland, ſhall hold their Seſſions at Carlile.

CAP. IV.

The Juſtices of Peace of Middleſex ſhall keep their Seſſions but twice in the year.

ITem, Whereas it was ordained by a Statute, That the Juſtices of Peace of all the Counties of England for the time being, ſhould ſit and hold their Seſſions four times by year, to inquire and execute all charges contained in their Commiſſion, which they be ſworn to do according to the form of the ſaid Statute upon a great pain, as by the ſame Statute more fully appeareth: (2) Our Lord the King, conſidering that all the high Courts be ſet and holden in the County of Middleſex, continually during all the four times of the Term, by which time of term the Commons inhabiting in and of the ſame County, muſt attend from time to time to inquire of all the Articles to the ſaid Courts belonging, as reaſon and Law requireth, and that preſently after every of the ſaid Terms ended, the ſaid Juſtices of the ſaid County do ſit and hold their Seſſions in the ſame County, as they ought to do by force of the ſaid Statute, more to avoid the ſame penalty then for any other neceſſary thing there to be inquired, at which Seſſions they cauſe to come before them a great part of the Inhabitants and Commons of the ſaid County of Middleſex, to inquire of all manner of things as to them is given in charge; And by that means they be charged and vexed throughout all the year, as

Juſt. of P. 5. St. 2 H. 5. 4. Dalt. 13. cap. 4.

well out of the time of Term, as in time of the Term, ſo that they have no reſt nor time to do their husbandry and their labour to get their living in any wiſe, to their utter undoing if they be not relieved in this behalf: (3) Therefore the ſame our Lord the King willing in this caſe to provide for them a remedy, hath ordained by the advice and aſſent aforeſaid, and at the requeſt of the ſaid Commons of the Realm, That the Juſtices of Peace which now be, and all other hereafter for the time being, in the ſaid County of Middleſex, ſhall be clearly diſcharged of the ſaid penalty by authority of the ſame Parliament from henceforth, the Court of the Kings Bench being ſet in the ſaid County of Middleſex. (4) Provided always, That the ſaid Juſtices of the Peace of the ſaid County of Middleſex for the time being, keep, obſerve and execute the Court of the Seſſions of the Peace, two times in the year at the leaſt, and more often if need be, for any riot or forcible entry made within the ſame County of Middleſex, and that upon the pain and forfeiture of ſuch Sums as be for that ordained by any Law made before this time, to the end and intent that the ſaid Commons and Inhabitants of the ſaid County of Middleſex be not inforced nor compelled to appear before the Juſtices of Peace of the ſame County for the time being, but at ſuch time which ſhall ſeem by the diſcretions of the ſame Juſtices of Peace neceſſary and behoofful.

The Juſtices of Peace in Middleſex ſhall keep their Seſſions but twice in the year, ſaving to inquire of riots or forcible entries.

CAP. V.

All Merchandiſes ſhipped in Creeks, ſhall be forfeited to the King, &c.

Wools, Raſt. 30.

ITem, It was ſhewed to our Lord the King, by the Commons of the ſame Parliament, That as well becauſe of undue ſearch made in the Ports and Creeks within the Realm upon divers perſons, which by ſubtil imaginations and means do ſhip Wool and Woolfels, and ſeveral other Merchandiſes which ought to repair to the Staple of Calice, and them carry and convey to divers other parts beyond the Sea, without paying Cuſtom, againſt the tenor of the Statutes thereof made and ordained, by the which means the Cuſtoms and Subſidies granted to the King be greatly impaired and decayed: (2) It was ordained by the King and all the Lords Spiritual and Temporal, and the Commons in this preſent Parliament holden at Weſtminſter, the eleventh year of our Lord the King that now is, that none, upon pain of felony, ſhould carry nor ſhip any ſuch Merchandiſes in the Staple in the Creeks within the ſaid Realm againſt the Ordinance aforeſaid: (3) nevertheleſs, divers perſons having no fear of the ſaid Statute, cuſtomably ſhip as well in the Ports as in the Creeks aforeſaid, by undue means, great value of Wools, Woolfels, and of other Merchandiſes of the Staple, and them carry into Flanders, Holland, Zealand, Brabant and Normandy, without paying any Cuſtom for the ſame; (4) And moreover, divers perſons do ſhip cuſtomably Wools and Woolfels, in divers parts of the Realm of England, which be Cocketted and accuſtomed to go to Calice, and come not there, but the ſame Wools and Woolfels carry into other parts aforeſaid, contrary to the Statute thereof ordained, by the which untrue means the King is greatly endamaged and defrauded of his Cuſtoms and Subſidies, and the ſaid Staple within ſhort time in point to be clearly deſtroyed, the Town of Calice impoveriſhed and decayed, and the Realm not increaſed: (5) Our Lord the King conſidering the Premiſſes, hath ordained by the Statute aforeſaid, That all the Wools and Woolfels, and all other Merchandiſes which by Statute ought to repair to the ſaid Staple, found in any Creeks, ſhipped contrary to the ſaid Statute and Ordinance, ſhall be forfeit to our Lord the King: (6) And moreover, that every perſon whatſoever he be, which at any time ſhall ſhip or cauſe to be ſhipped any manner of Wools, Woolfels, and other Merchandiſes to go to the Staple aforeſaid, and come not there, ſhall forfeit as much Goods as the Wools, Woolfels, and other Merchandiſes by them ſo ſhipped and carried to other places then to Calice do amount, by extent after the very value, (except the Merchandiſes which be to be excepted to paſs by the Kings Licence to other places.) Reſerved always to the King the whole moiety of ſuch Forfeitures, which be Cocketted and accuſtomed to go to Calice, and come not there, as afore is ſaid; and to them which find and ſeiſe the Merchandiſes, the other moiety, without any diminution or abatement. (7) And if any perſon take any Wools, Woolfels, or any other Merchandiſe of the Staple, in any ſuſpicious place adjoyning to the Water-ſide, in whatſoever place that it be, and no Indenture thereof made betwixt him and the Mayor, Bailiff or Conſtable of the Town in the which ſuch Wools, Woolfels, and other Merchandiſes of the Staple, be ſo layed, that then the ſame Wools, Woolfels, and Merchandiſes be forfeit; (8) And that the King have one moiety of all ſuch Forfeitures, and the Lords of the Town where ſuch Merchandiſes be ſo layed, and he which them find and ſeiſe, the other moiety to be equally divided betwixt them. (9) And every man ſhall have power by authority aforeſaid to make ſearch in every place for ſuch Goods of the Staple ſo carried or ſhipped, or laid to be ſhipped, as afore is ſaid, without impediment or diſturbance of any perſon. St. 11 H. 6. 14.

All Merchandiſes of the Staple ſhipped in Creeks, ſhall be forfeited to the King.

Merchandiſes laid in ſecret places by the water-ſide to be tranſported.

CAP. VI.

None ſhall diſturb an Alien that bringeth in Victuals to ſell in groſs, or by retail.

Victuals 2. St. 6 R. 2. 10.

ITem, Our Lord the King is informed by the ſaid Commons, how in the Statute made the vi year of King Richard the Second, late King of England, it was ordained and accorded, That every foreign and alien, being of the Amity of our Lord the King, and of the Realm, and coming within the City of London, and other Cities, Boroughs and Towns within the ſaid Realm of England, as well within Franchiſes as without, with Fiſh and other Victuals whatſoever, there abiding and returning, ſhould be from thenceforth under the ſafeguard and ſpecial protection of our Lord the King, and that it ſhould be lawful to them and to every of them, that they might cut Fiſh and Victuals aforeſaid by pieces, and to tail and retail them in part, and in whole, or in groſs, as they ſhall think beſt to ſell and make their profit, without impeachment or contradiction of any, notwithſtanding any Statutes, Charters, Ordinances, Priviledges or Cuſtoms made or had to the contrary: (2) And thereupon by a Statute made the firſt year of King Henry the Fourth, it was ordained and eſtabliſhed, that the ſaid Statute and Ordinance, made the ſaid vi year, ſhould be firmly holden and kept, and duly executed

St. 1 H. 4. 17.

after the form and effect of the ſame, notwithſtanding any Letters Patents of late granted to the Fiſhmongers of the City of London, as in the ſaid Statute, made the firſt year, fully appeareth: by the ſupplication of the Commons aforeſaid, hath made ordained and eſtabliſhed by authority aforeſaid, That the ſaid Statutes ſhall be firmly holden and kept, any other Statutes or Ordinances made to the contrary notwithſtanding: (3) Joyned to the ſame, That if any man diſturb any foraign or alien to ſell their Fiſh in groſs or at retail, in part or in whole, contrary to the ſaid Ordinances, and thereof be duly attainted at the Suit of the King or of the party, that then he ſhall forfeit x li. (4) and he that will ſue for our Lord the King, or for himſelf, ſhall have the one half, and the King the other half, (5) and ſuch Suit ſhall be taken for any offence committed in the City of London againſt the ſaid Ordinance, for him which will ſue for our Lord the King, or for himſelf, in what County that pleaſeth him, of the Counties of Middleſex, Hertford, Eſſex, Kent, Surry, or in the City of London. St. 9 E. 3. 1. 26 Ed. 3. 2. 11 R. 2. 7.

The forfeiture of him which diſturbeth an Alien bringing in Victuals to ſell them in groſs or by retail.

CAP. VII.

Merchandiſes taken upon the Sea from any Forainers being in amity of the King in the ſhips of the Kings enemies, ſhall not be reſtored. Exp.

War, Raſt. 7.

CAP. VIII.

The Statute of 2 H. 5. touching breakers of truce, ſuſpended. Exp. Stat. 20 H. 6. 11.

Breakers of, &c. Raſt. 1.

Statutes made at *Weſtminſter*, *Anno* 15 *H. 6.* and *Anno Domini* 1436.

AT the Parliament holden at Weſtminſter, the one and twentieth day of January, the fifteenth year of the Reign of King *Henry* the ſixth after the Conqueſt, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial inſtance and requeſt of the Commons of the Realm: The ſame our Lord the King hath cauſed to be ordained certain Statutes to the honour of God, and the profit of him and his Realm, in form following.

CAP. I.

Where in a Suit before the Marſhal, the Defendant may plead, that the Plaintiff or he are not of the Kings Houſe.

Marſhal 2. 1 Bulſt. 209.

FIrſt, Becauſe that the Stewards and Marſhals of the Kings houſe, and their Deputies, before this time have holden before them Pleas of Debt, Detinue, and other Pleas perſonal moved betwixt people which were not of the ſame houſe, making mention in their Records that the Plaintiffs and Defendants of the ſame Pleas were of the ſaid houſe, (2) and do not allow to the parties Defendants in the ſame Pleas, their Challenges and Exceptions by them alledged, that they themſelves, or Plaintiffs in the ſame Suits be not of the ſame houſes, againſt the Laws and Statutes before this time had and made, whereby divers of the Kings liege people in his Court holden before the ſaid Stewards and Marſhals oftentimes againſt the Law, be grievouſly vexed and troubled to their great damage and hindrance: (3) Our ſaid Lord the King conſidering the Premiſes, hath ordained by authority of the ſame Parliament, that in every Suit from henceforth againſt the ſaid Defendants to be taken, they ſhall not be eſtopped by ſuch Record, to ſay that themſelves, or the Plaintiffs in the ſame Record ſpecified, were not at the time of the ſaid Plea or Suit thereof commenced, of the Kings houſe, as by the ſame Record is ſuppoſed: (4) But the Defendants ſhall have their averment to ſay that they themſelves or the ſaid Plaintiffs were not of the ſame houſe, at the time of ſuch Plea or Suit commenced, The ſaid Record or other matter within the ſame contained notwithſtanding.

St. 28 Ed. 1. 3. 13 R. 2. 2.

In a ſuit commenced before the Marſhal of the Kings houſe the defendant ſhall not be eſtopped to plead that the plaintiff or he are not of the Kings houſe.

CAP. II.

Corn being of ſmall price, viz. Wheat at vj s. viij d. and Barley at iij s. iv. d. the quarter, may be carried forth of the Realm without Licence. Alt. 1 Jac. 25. 21 Jac. 28. & 3 Car. 4. St. 20 H. 6. 6.

Corn, Raſt 5.

CAP. III.

What things be requiſite to make a ſafe conduct effectual.

Safe conduct.

ITem, Whereas our ſaid Lord the King of late hath granted his Letters of ſafe conduct to certain perſons to come and go in and out of the Realms and Seigniories of England, France and Ireland, with certain number of Ships charged with their Merchandiſes, and that faith and credit ſhould as well be given to the Copy called Vidimus, ſealed under the Seals Authentique, and approved as to the Original of the ſaid Letters; (2) one John de Guntier one of the perſons aforeſaid, granted and delivered the Vidimus of the ſaid ſafe conduct to ſuch, and to as many as him pleaſeth, Sealed with the Seal of him that called himſelf King of France, under the colour of which Vidimus a great Navy of the adverſe part was aſſembled, and did take many Ships, and the Kings liege people and victual, to the Towns and Fortreſſes of the adverſaries, to the great damage of the King, and of the liege people aforeſaid, as our ſaid Lord the King, at the grievous complaint to him made by the ſaid Commons in the ſaid Parliament hath perceived. (3) The ſame our Lord the King, conſidering the great inconveniencies which might enſue by ſuch and other which do evil uſe his Letters of ſafe conduct, and that under colour of ſuch Vidimus a whole Navy of Enemies may be coloured; and daily, victual, ſtuff, and refreſh their party, in great damage of his Realm of England, doth will, and hath commanded by the authority aforeſaid, to the keepers of his Great and Privy Seal, that they ſhall not ſuffer ſuch clauſe Vidimus to be put in any ſafe conduct from henceforth to be granted, unleſs it ſo be, that ſome great or ſome notable cauſe or matter move the ſame our Lord the King to grant the ſame in ſuch wiſe; (4) and willeth alſo, that in all ſafe conducts to be granted from henceforth to any perſon or perſons, the name of them, of the Ships, and of the Maſters, and the number of the Mariners, with the portage of the Ships, ſhall be expreſſed.

The clauſe vidimus ſhall not be put in a ſafe conduct without ſome ſpecial cauſe.

What things be requiſite to be inſerted in a ſafe conduct to make it effectual. St. 18 H 6. 8. 20 H. 6. 1. 14 Ed. 4. 4.

CAP.

CAP. IV.

None ſhall ſue a *Subpœna* until he find ſurety to ſatisfie the Defendant his Damages, if he do not verifie his Bill.

Accuſation, Raſt. 9. No perſon ſhall ſue forth a Subpœna until he find ſurety to ſatisfie the Defendant his Damages and coſts, if he do not verifie his Bill.

ITem, For that divers perſons have before this time been greatly vexed and grieved by Writs of Subpœna, purchaſed for matters determinable by the Common Law of this Land, to the great damage of ſuch perſons ſo vexed, in ſubverſion and impediment of the Common Law aforeſaid: (2) Our Lord the King doth command, That the Statutes thereof made, ſhall be duly obſerved according to the form and effect of the ſame, (3) and that no Writ of Subpœna be granted from henceforth until ſurety be found to ſatisfie the party ſo grieved and vexed, for his damages and expences, if ſo be that the matter cannot be made good, which is contained in the Bill. St. 17 R.2.6. Co.Inſt.4 p.327. Conſc. Br.24. Weſt.Preſid. 1 par.183.

CAP. V.

What ſort of Perſons may be impanelled upon an Attaint.

Attaint, Raſt. 11.

ITem, Our Lord the King conſidering that the trial of life and death, of Land and Tenements, Goods and Chattels of every perſon of his liege people of this Realm, touching matters in deed by the Law of the ſame Realm, remain and ſtand, and daily is very likely to be had and made by the Oaths of Enqueſts of twelve men duly ſummoned in his Courts, (2) and alſo that the great perjury which horribly continueth, and daily increaſeth in the common Jurors of the ſaid Realm, is moſt likely to tend to the greateſt miſchief which may fall to the ſaid Realm; (3) and that it is to be ſuppoſed by reaſon that the more ſufficient that men be of Lands and Tenements, the more unlikely they are to be drawn or moved to perjury by brocage, power or corruption, (4) and that in every Action and Writ of attaint, at the leaſt there muſt be xiij Defendants, unleſs that the death of any cauſe the contrary; (5) of which xiij Defendants every perſon by the Law may have a ſeveral plea and anſwer, triable in whatſoever County that him pleaſeth of the ſaid Realm, (6) and every of the ſame xiij Pleas and Anſwers triable out of the County in which the Action and Writ of Attaint is ſued, doth cauſe the delay of the taking of the Grand Jury of Attaint, until the time that every of the ſaid foreign ſeveral Anſwers be tried: (7) And though that all theſe xiij ſeveral Anſwers and Pleas, every one after other, to cauſe more delays be pleaded, tried and found againſt theſe xiij Defendants, they themſelves have no prejudice by the ſame, nor the Plaintiffs in the ſaid Actions and Writs of Attaint no other advantage, but that the Kings Court then ſhall proceed to the taking of the ſaid Grand Jury, which by ſubtilty that daily increaſeth, may cauſe the delay of the Plaintiffs in the ſaid Actions and Writs of Attaint by ten years or more, by common eſtimation: (8) hath ordained by authority aforeſaid, for part of the remedy of the ſaid miſchief, that no Sheriff, Bailiff of Franchiſe, nor Coroner in Actions, or Writs of Attaint of Plea of Land, of the yearly value of xl s. or more, nor Action of Attaint of Deeds concerning Lands or Tenements of like value or more, nor perſonal, whereof the Judgment of the Recovery ſhall extend to the ſum of forty pounds or more, ſhall return nor impanel in any Inquiſition nor Enqueſt, any perſons but ſuch as be inhabiting within his Bailiwick, which have eſtate to their own uſe, or they to whoſe uſe other perſons have Eſtate of Fee ſimple, Fee tail or Freehold, in Lands and Tenements of the yearly value of xx l. or more in his Bailiwick, out of ancient demean, the five Ports, and the tenure of Gavelkind, (9) nor ſhall return in the Kings Court leſs Iſſues in the ſaid Actions of Attaint, then xl s. at the firſt Writ of Diſtreſs, and C s. at the ſecond Writ of Diſtreſs, and the double of every other Writ of Diſtreſs againſt the perſons impanelled and returned to be ſworn in the ſame Actions. (10) And that no perſon of leſs ſufficiency of Freehold then of the yearly value of xx li. in the form aforeſaid, ſhall be ſworn in the Kings Court upon any Iſſue in the ſaid Actions of Attaint, if he be for the ſame by the Plaintiffs in due form challenged: (11) And that alſo as often as any Sheriff, Bailiff of Franchiſe, or Coroner, do contrary to this Ordinance, he ſhall pay, and by this Statute be bound to pay to the King x li. and to the Plaintiffs in the ſaid Actions and Writs of Attaint for their delay other x li. (12) And if any of the foreign Anſwers and Pleas be tried and found againſt any of the ſaid Defendants, that then the ſame Judgment againſt the ſame Defendants, and for the ſaid Plaintiffs, ſhall be given by the Kings Juſtices, and conſideration of his Courts, as by the Law ſhould be given againſt the ſame Defendants, in caſe that the Grand Jury in the ſaid Actions and Writs of Attaint upon the points and articles of the ſame Writs had paſſed againſt the ſame Defendants, and with the ſaid Plaintiffs. (13) And that by the ſame Judgments, no other of the ſaid Defendants but they againſt whom the aforeſaid foraign Anſwers and Pleas be found and tried, ſhall be prejudiced or endamaged: (14) and that this Statute touching the Office of Sheriff, Bailiff of Franchiſe and Coroner, in returning of the ſaid perſons of the ſufficiency of Freehold of the yearly value of xx l. and that no perſon of leſs ſufficiency of Freehold be ſworn in the ſaid Actions and Writs of Attaint, ſhall not extend to the Cities and Boroughs within the ſaid Realm, nor to the Inhabitants in the ſame.

What ſort of perſons and of what ſufficiency in eſtate may be impanelled in Juries upon an Attaint.

St. 18 H. 6. 2.

What iſſues ſhall be returned upon every Juror in an attaint.

A foreign plea pleaded by any of the defendants found for the plaintiff and againſt the defendant.

This ſtatute doth not extend to cities or boroughs.

A remedy if there be not ſufficient men in the ſame County which have Lands of the yearly value of xx l.

II. Provided always, That if in any of the ſaid Counties there be not perſons inhabiting (under the Eſtate of a Baron) of poſſeſſion of Lands and Tenements of the yearly value of twenty pound, in the ſame County, in the form aforeſaid, to ſuffice the number to be impanelled and returned in the ſaid Actions and Writs of Attaint, that then the Sheriffs and Bailiffs of Franchiſes, and Coroners of the ſame County, ſhall impanel and return in the ſame Actions and Writs, perſons there inhabiting, of the moſt ſufficient of poſſeſſion yearly value of Lands and Tenements within the value of xx l. in the ſame County, in the form aforeſaid: (2) And that to ſuch perſons the ſaid challenge extend not, that he is not of poſſeſſion of Lands and Tenements of the yearly value of xx l. in the ſame County: (3) And that as often as any of the ſame Sheriffs, Bailiffs or Coroners do contrary to this preſent Article, he ſhall pay to the King x l. and to the Plaintiffs x l. in the form aforeſaid. St. 23 H. 8. 3.

CAP. VI.

A reſtraint of unlawful orders made by Maſters of Guilds, Fraternities, and other Companies. Exp. St. 19 H. 7. 7.

Corporation, Raſt. 1.

CAP. VII.

All perſons religious and ſecular may make their general Atturnies to ſue or plead for them in every Hundred and Wapentake. To endure ſo long as it ſhall pleaſe the King. St. Exp. 20 H. 3. 10. 27 Ed. 1. 13 Ed. 1. 10. 7 R. 2. 14.

Attorney, Raſt. 11.

CAP. VIII.

No Merchant ſhall ſhip any Merchandiſes of the Staple, but at Wharfs aſſigned, &c.

ITem, Our Lord the King to avoid and eſchew the great diſloyalty and damage which daily is done to him, in withholding the cuſtoms and ſubſidies, and the hindrance to the Staple of Calice, in the ſale of Wools and Woolfels, by ſuch which do ſhip their Woolls and Woolfels in divers ſecret parts and creeks, and other ſuſpect places within this Realm, ſtealing conveying, and carrying the ſame not cuſtomed to divers parts beyond the Sea, and not to Calice; hath ordained by the authority aforeſaid, that hereafter no manner of perſon ſhall ſhip or cauſe to be ſhipped Wools, Woolfels, or other Merchandiſes pertaining to the Staple, in any place within this Realm, but only at the Keys and Wharfs being in the Ports aſſigned by the Statute, where the Kings Weights and his Woolls be ſet. (2) And that every Maſter of Ships and Veſſels in the which ſuch Wools and Woolfels, and Merchandiſes be put, ſhall find ſufficient Surety to the Cuſtomers of the Ports where they do ſhip, to carry the ſaid Wools and Woolfels to the Staple of Calice, and to bring a Certificate from thence that he hath ſo done: (3) Saving always to the Merchants of Jean, Venice, Tuſcain, Lumbardy, Florence and Cateloine, and to the Burgeſſes of Berwick, the Liberties to them granted by Statute heretofore.

Ships, 6.

No perſon ſhall ſhip any Merchandiſe of the Staple, but at the Keys aſſigned where the Kings weights be. 14 H. 6. 2. 5. 4 Ed. 4. 2. St. 8 H. 6. 17.

Statutes made at *Weſtminſter*, *Anno* 18 *Hen.* 6. and *Anno Domini*, 1439.

OUR Lord King *Henry* the ſixth after the Conqueſt, at his Parliament holden at Weſtminſter, the morrow after S. Martin in Winter, the twelfth day of November, the eighteenth year of his Reign, to the honour of God, and for the weal of him and of his Realm, by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons in the ſame Parliament aſſembled, hath made, ordained and ſtabliſhed divers Statutes and Ordinances in the form following.

CAP. I.

Letters Patents ſhall bear the date of the Kings Warrant delivered into the Chancery.

FIrſt, Whereas by ſuit made to the King by divers perſons it hath been deſired by their petitions, to have offices, ferms, and other things of the gift and grant of the King by his gracious Letters Patents thereof to them to be made, deſiring by the ſame Petitions the ſame Letters Patents of the King to bear date at a certain day limited in the ſame, the which day is often long before the Kings grant to them thereupon made, have born the ſame date; by reaſon whereof, divers of the Kings liege people having ſuch Offices, Ferms, and other things of the gift or grant of the King, by his gracious Letters Patents thereof to them long time before duly made, by ſuch ſubtil imagination of ſuch antedates deſired by ſuch Petition, of ſuch Offices, Ferms, and other things, often have been out, amoved and expelled, againſt right, good conſcience, and reaſon: (2) Our ſaid Lord the King, willing to put out ſuch imaginations, by the advice and aſſent of the Lords Spiritual and Temporal aforeſaid, and at the ſpecial requeſt of the ſaid Commons, hath ordained by authority of the ſame Parliament, that of every Warrant hereafter ſent by the ſame our Lord the King or his Heirs to the Chancellor of England for the time being, the day of the delivery of the ſame to the Chancellor ſhall be entred of Record in the Chancery. (3) And that the Chancellor do cauſe Letters Patents to be made upon the ſame Warrant, bearing date the day of the ſaid delivery in the Chancery, and not before in any wiſe. (4) And if any Letters Patents be from henceforth made to the contrary, they ſhall be void, fruſtrate, and holden for none.

Patents, 1.

The Kings Letters Patents ſhall bear date the day of the Kings warrant into the Chancery delivered.

CAP. II.

They which have Gavel-kind Lands to the yearly value of twenty pound, may be returned in Attaints.

ITem, Where in the Parliament of our Lord the King, holden at Weſtminſter the fifteenth year of his reign, among other Articles it was ordained, that no Sheriff, Bailiff of Franchiſe, nor Coroner, in Action or Writs of Attaint of Plea of Land of the yearly value of xl s. or more, nor in Action of Attaint of Deeds concerning Lands and Tenements of the yearly value of xl s. and more, nor in perſonal action, whereof the Judgment of the recovery extends to xl li. or more, ſhould return or impanel in any inquiſition or enqueſt, any perſons but them that be inhabiting within his Bailwick, which have eſtate to their uſe, or they to whom other perſons have eſtate of Fee-ſimple, Fee-tail, or Freehold, in Lands and Tenements of the yearly value of xx li. or more, within his Balliwick, out of the ancient demean, five Ports, and the tenure of Gavelkind: (2) In reſpect of which Ordinance, ſeeing within the County of Kent there be but xxx or xl perſons at the moſt, which have any Lands or Tenements out of the tenure of Gavelkind, becauſe the greater part of the ſaid County, or well nigh all, is of the tenure of Gavelkind, which perſons be continually impanelled and returned in the ſaid Actions, to the great hindrance and impoveriſhment of the ſame perſons: (3) Our ſaid Lord the King conſidering the Premiſſes, hath granted, ordained and ſtabliſhed by authority aforeſaid, that thoſe men which have eſtate to their uſe, and alſo they to whoſe uſe other men have eſtate of Fee-ſimple, Fee-tail, or Free-hold in Lands and Tenements of the yearly value of xx li. of the tenure of Gavelkind, ſhall be returned and impanelled in all ſuch Attaints as be above recited, which Attaints be not now depending, but may depend in time to come, in the ſame manner and form as any other perſon may be returned and impanelled by force of the ſaid Statute made the ſaid xv.

Attaint, Raſt. 12. St. 15 H. 6. 5.

They which have Gavelkind lands to the yearly value of xx li. may be impanelled upon attaints notwithſtanding the Statute of 15 H. 6. 5. St. 23 H. 8. 3.

CAP. III.

Butter and Cheeſe may be tranſported without licence.

Butter, Raſt. 2: St. 21 R. 2. 17.

St. 3 H. 6. 4. 18 H. 6. 17. 10 H. 6. 7. 14 H. 6. 2.

St. 21 R. 2. 17.

The Kings people may carry Butter and Cheeſe to any place out of the Realm, being in amity with the King, without licence.

ITem, Whereas in the Statute made the xxj year of King Richard the ſecond, at the grievous complaint of his Commons, ſhewing how the Staple was limited to reſt at Calice, (2) and that all manner of Woolls, Woolfels, Leather, Lead, Tin, Cheeſe, Butter and Honey, going out of the Realm of England, ought to have recourſe to the ſaid place of Calice, and to no place elſewhere: (3) certain perſons by their ſuggeſtions had before that time purchaſed Licences to carry out Wolls, and other Merchandiſes aforeſaid, to what parts beyond the Sea that pleaſed them, of the Kings amity, to the which their Licences do extend, without coming to the ſaid places of Calice, to the great advantage of the perſons ſo having Licences, and great damage of them which have no Licence: (4) wherefore the ſaid King by authority of his Parliament holden the year aforeſaid, ordained and ſtabliſhed, that the ſaid Statute ſhould be holden and obſerved as to the great Merchandiſes aforeſaid, that is to ſay, Woolls, Woolfels, Tin and Lead only, without Licence thereof to be granted but by the King himſelf. (5) In reſpect of which Statute ſo made, the Chancellor for the time being often hath denied to grant Licences for Cheeſe and Butter to be carried to any other place, but only to the ſame Calice, to the great damage of the people of this Realm: (6) Our ſaid Lord the King conſidering that Cheeſe and Butter is a Merchandiſe which cannot be well kept, nor tarry his Merchant, and will be greatly impaired by vermine and worms, and is alſo tender and of ſo ſimple price, that it cannot well bear the coſts of the Staple, hath ordained by the authority aforeſaid, that the Kings liege people may convey and carry out of his Realm, whither it ſhall pleaſe them of the Kings amity, Cheeſe and Butter without any Licence to be purſued in any wiſe, paying for the ſame the Cuſtoms and Subſidies thereof due from time to time, any Statute made to the contrary notwithſtanding.

II. Provided that the King may reſtrain the ſame when it ſhall pleaſe him. St. 1 & 2 Ph. & Mar. 5. St. 3 H. 6. 4.

CAP. IV.

Merchants, Raſt. 32.

No Merchant Alien ſhall ſell any Merchandiſes in England to another Merchant Alien upon pain of forfeiture thereof. (2) The Mayor, Balliff, or chief Officer of the City, Borough or Town where any Merchant Alien ſhall repair, ſhall aſſign to every ſuch Alien, an Hoſt or Surveyor, who ſhall ſurvey all his buyings and ſellings, and regiſter them in a Book, and certifie them into the Exchequer, and ſhall have two pence in the pound for all Merchandiſe by him bought or ſold: (3) The ſame Alien ſhall ſell his Merchandiſe for other Merchandiſe or for Mony, and therewith buy Engliſh Merchandiſe within eight Months after his arrival, upon pain of forfeiture thereof. (4) The Merchants of Almain ſhall not be compriſed in this Act. Exp. St. 4 H. 4. 15. 5 H. 4. 9. 27 H. 6. 3. 17 Ed. 4. 1. 3 H. 7. 14 Car. 2. cap. 26.

CAP. V.

None appointed to be a Collector of a Fifteen in a City, ſhall be alſo Collector in the ſame County: Except he hath Lands, &c.

Collectors, Raſt. 3. No man dwelling in any City or, &c appointed to be collector for the Fifteen there, ſhall be ſo in the ſame County. Eſcheator.

ITem, Whereas heretofore at the time of every quinzime and diſme granted to the King or to his Progenitors, the Collectors of the ſame diſmes within the Cities and Boroughs of his Realm, having Citizens, or Burgeſſes of them coming to the Parliament, have often been deputed and aſſigned of perſons dwelling within the ſame Cities and Boroughs, which and other perſons dwelling in the ſame have been often now of late made Collectors of the ſame Quinzimes and Diſmes granted to the King, as well in the Counties within which the ſame Cities and Boroughs be, as within the ſame Cities and Boroughs, to their great loſs and damage, and likely more to be hereafter, if remedy be not provided: (2) The ſame our Lord the King willing againſt ſuch loſs and damage to provide a remedy in this behalf, hath ordained by the authority aforeſaid, That no man dwelling within any City or Borough in the ſaid Realm, of which City or Borough it hath been uſed before this time, and yet is, the names of certain men by the perſons for the ſaid City or Borough coming to the Parliament to be delivered in the Kings Chancery to be Collectors of Diſmes in the ſame City or Borough, and whereupon the King hath ſent his Letters Patents to the ſame perſons ſo named and delivered in his Chancery to be Collectors of the Diſmes, or parcel of the ſame within the ſaid City or Borough, and the which Collectors have uſed and been bound to accompt of their receit in this behalf immediately in the Kings Eſchequer, ſhall in any wiſe be deputed nor aſſigned to be Collector of any Quinzime, or any parcel of the ſame, granted or to be granted to the King or his Heirs within any County of this Realm, except that he may diſpend in the County out of the ſaid City or Borough in Lands or Tenements to the value of an hundred ſhillings by year over the charges and repriſes.

CAP. VI.

No Lands ſhall be granted by Letters Patents, until the Kings Title be found by Inquiſition.

Eſcheators. Raſt. 6. Sr. 8 H. 6. 16.

ITem, Whereas in a Parliament holden at Weſtminſter, the morrow after S. Mathew the Apoſtle, the eighth year of the reign of our Lord the King that now is, among other things it was ordained, that no lands or tenements ſeiſed into the Kings hands upon Enqueſts taken before the Eſcheators or Commiſſioners, ſhall not be granted nor let in any wiſe to ferm by the Chancellor, or Treaſurer of England, or any other the Kings Officer, until the ſame Enqueſts and Verdicts be fully returned into the Chancery, or into the Eſchequer, (2) but all ſuch lands and tenements ſhall wholly and continually remain in the Kings hands, until the ſaid Enqueſts and Verdicts be returned; and by a month after the ſame return, if it be not ſo, that he or they which feel themſelves grieved by the ſame Enqueſts, or put out of their lands or tenements, come into the Chancery, and offer themſelves to traverſe the ſaid Enqueſts, and offer themſelves to take the ſame lands or tenements to ferm: (3) and if they ſo do, that then the ſame lands or tenements ſhall be committed to them, if they ſhew good evidences proving their traverſe to be true, according to the form of the Statute made the fir and thirtieth year of Edward the third, to hold until the iſſue taken upon the ſame traverſe be found and diſcuſſed for the King or for the party, finding ſufficient ſurety to purſue the ſaid traverſe with effect, and to yield and to pay to the King the yearly value of the lands or tenements, whereof the traverſe ſhall be ſo taken, if it be adjudged for the King. (4) And if any Letters Patents of any lands or tenements be made to any other perſon to the contrary, or let to ferm within the ſaid month of the return, they ſhall be void and holden for none. (5) The which good ſtatute and ordinance divers perſons deviſing to ſubvert, and by their ſubtilty to ſerve as for no purpoſe, have ſued to obtain ſuch gifts and grants, and ferms by the Kings Letters Patents, before any inquiſition or title found for the King of the ſame, pretending ſuch gifts and grants not compriſed nor remedied by the ſaid ſtatute, notwithſtanding that it is in like miſchief of the ſaid ſtatute. (6) Our ſaid Lord the King, conſidering the premiſſes, and willing to provide due remedy in this behalf, hath ordained by the authority aforeſaid, that no Letters Patents ſhall be made to any perſon or perſons of any lands or tenements, before inquiſition of the Kings title in the ſame be found in the Chancery or in his Eſchequer returned, if the Kings title in the ſame be not found of record, nor within the month after the ſame return, if it be not to him or them which tender their traverſes as afore is ſaid: (7) And if any Letters Patents be made to the contrary, they ſhall be void, and holden for none. St. 8 H. 6. 16. 23 H. 6. 17. 1 H. 8. 10.

St. 36 Ed. 3. 13.

No lands ſhall be granted before the Kings title thereunto be found by inquiſition, nor within a month after, unleſs it be to him that tendreth his traverſe.

Office 58. Grant 91. f. 146.

March. 84.

CAP. VII.

In what time an Eſcheator ſhall return an Office found before him.

ITem, It is ordained by the authority aforeſaid, that in caſe that any Eſcheator take any office before him, and return not the ſame office in the Chancery, or in the Kings Eſchequer in the month after the taking of the ſame, he ſhall incur the pain of xl li. which he hath forfeit by the ſtatute made the eighth year of our ſaid Lord the King; (2) and alſo he ſhall be charged to pay to the ſame our Lord the King as much as he is indamaged in reſpect of not returning of ſuch office: And that the Chancellor of England call to him the Treaſurer of England in letting ſuch ferms, to make due execution of the ſaid ſtatute made the ſaid eighth year. St. 8 H. 6. 16. 1 H. 8. 8.

Eſcheator 10. Kait. 7.

An Eſcheator ſhall return an office found before him into the Chancery or Eſchequer within a month.

CAP. VIII.

What things be requiſite to make the Kings ſafe conduct good.

ITem, Whereas many people of the Commons aforeſaid, owners of ſhips and veſſels of this Realm, and the Maſters and Mariners of ſuch ſhips, taking ſhips and veſſels of Spain and other parties adverſaries and enemies to our ſaid Lord the King, by the ſuit of Merchants aliens of the Kings amity made before the King and his Council, and ſometime before the Chancellor of England, have been greatly vexed, and be daily, for that the ſaid takers do take their goods and merchandiſes charged in his ſaid Ships and Veſſels of Spain, and other parts enemies aforeſaid, and ſometime by falſe witneſs, marks and letters, teſtimonials contrived, the ſaid aliens be reſtored to the ſaid goods and merchandiſes with their damages and expences, to the great and grievous loſs of the ſaid Owners, Maſters and Mariners, takers aforeſaid, and diſcouragement to the Kings liege people, to make ſuch ſhips and veſſels, and in hindrance of the Navy of the Realm aforeſaid. (2) Our ſaid Lord the King conſidering the matter aforeſaid, and how the goods and merchandiſes of the Kings liege people in like caſe charged and taken be forfeit to the King, hath ordained and granted by the authority aforeſaid, that the ſaid Merchants aliens at their pleaſure may charge ſuch ſhips and veſſels of Spain and of other parts, adverſaries and enemies of the King, if the Maſters, Owners, or Merchants of ſuch veſſels and ſhips having Letters Patents of the King of his ſafe conduct, ſurety, or ſafeguard for ſuch ſhips or veſſels and merchandiſes, making mention of the name of the ſhips or veſſels, and of the name of the Maſter of the Ships and Veſſels, as the manner is. (3) And if any ſuch Ships or Veſſels charged with any merchandiſes of ſuch merchants aforeſaid be taken upon the Sea by the Kings liege people not having the Kings Letters Patents as afore is ſaid, within the board of ſuch Ships or veſſels, at the day of the taking, nor that ſuch Letters Patents at the day of the taking be in the Kings Chancery enrolled of Record, that then the takers and poſſeſſors of the goods and merchandiſes ſo taken, may enjoy and hold the ſame; any ſtatute or ordinance made to the contrary notwithſtanding. (4) And that this Statute and Ordinance ſhall begin to take his force at the Feaſt of S. Michael next coming. And that Proclamation be thereof made upon the Sea Coaſts incontinently after this Ordinance, to the intent that the ſaid Merchants aliens may have knowledge of the ſame Ordinance. St. 15 H. 6. 3. 20 H. 6. 1. 14 E. 4. 4.

Safe conduct 1

What things be required to be performed by them which will take advantage of the Kings ſafe conduct.

CAP. IX.

The warrant of Atturney ſhall be recorded the ſame Term that the Exigent is awarded.

ITem, Whereas in a ſtatute expired, made the tenth year of the reign of our Lord the King that now is, it was contained, that ſeeing divers of the Kings liege people before that time had been outlawed, vexed and greatly diſquieted in divers ſuits as well before the King himſelf, in his Bench, as in the common Bench, in the Records of which ſuits the entries have been made, that the Plaintiffs in the ſame ſuits, Obtulerunt ſe in propria perſona ſua where the ſame Plaintiffs in the ſame ſuits did not appear to ſuch ſuits, nor had any knowledge of the ſame, to the great miſchief of the ſaid liege people, if remedy ſhould not be provided. (2) Our Lord the King willing in this caſe to provide a remedy, did ordain by authority of the ſame Parliament holden the ſame year, That no Filizer, Exigenter, nor any other officer, from the ſame time ſhould make any ſuch entry in any ſuch ſuit, except that the ſame Plaintiffs in the ſame ſuit, before any ſuch entry ſhall be made, do appear in his proper perſon before ſome of the Juſtices of the place where the plea was or ſhall be hanging, (3) and they ſhall be ſworn upon a book, that he was the ſame perſon in whoſe name the ſaid ſuit was ſued, or that ſome other credible perſon of his Counſel ſhall make ſuch oath for him. (4) And that this Ordinance

Atturney, 12.

St. 10 H. 6. 4.

A falſe entry that the Plaintiff in a ſuit doth offer himſelf in proper perſon, where he doth not.

2 Leon. 2 Leon. Golsb Savil 72.

The Statute of 10 H. 6. 4. rehearſed and made perpetual.

The penalty of an Atturny that doth not enter of record his warrant the ſame term that the Exigent is awarded.

dinance ſhall endure until the next Parliament following. (5) Our ſaid Lord the King conſidering moreover like damages which happen as well to him, as to his poor liege people and ſubjects, for that in the Records of divers and many outlawries, the entry is, that the parties do appear by their Atturnies, where the Atturnies have no warrant of Record, by reaſon whereof the ſaid outlawries be reverſible, and for the moſt part reverſed, hath ordained by authority of this Parliament, that the ſaid ſtatute be affirmed, holden and kept to endure for ever. (6) And that no officer contained in the ſaid ſtatute ſhall do to the contrary of the ſame, upon pain of forfeiture of forty ſhillings to the King every time that he of that ſhall be attainted by due examination made by any of the Juſtices of the ſame place before whom any Entry or Record is. (7) And that every Atturny which hath not his warrant entred of Record in all his ſuits wherein Proceſs of Capias and Exigent be awardable, the ſame Term in the which the Exigent is awarded, or before, and upon that be attainted by like examination, for every time that he ſo offendeth he ſhall incur the pain aforeſaid. St. 32 H. 8. 30. 2 Ed. 6. 32. 18 El. 13.

CAP. X.

Commiſſions of Sewers ſhall be awarded where need ſhall require, during ten years. Exp.

CAP. XI.

Of what yearly value in Lands a Juſtice of Peace ought to be.

Juſtices of Peace 3.

St. 1 Ed. 3. 16.
18 Ed. 3. 2.
13 R. 2. 7.
17 R. 2. 10.

No man ſhall be Juſtice of Peace, unleſs he hath Lands to the yearly value of xx li.

ITem, Whereas by ſtatutes made in the time of the Kings noble Progenitors, it was ordained, that in every County of England Juſtices ſhould be aſſigned of the moſt worthy of the ſame Counties, to keep the Peace, and to do other things, as in the ſame ſtatutes fully is contained; which ſtatutes notwithſtanding, now of late in many Counties of England, the greateſt number have been deputed and aſſigned, which before this were not wont to be, whereof ſome be of ſmall behaviour, by whom the people will not be governed nor ruled, and ſome for their neceſſity do great extortion and oppreſſion upon the people, whereof great inconveniencies be likely to riſe daily if the King thereof do not provide remedy. (2) The King willing againſt ſuch inconveniencies to provide remedy, hath ordained and ſtabliſhed by authority aforeſaid, That no Juſtice of Peace within the Realm of England, in any County, ſhall be aſſigned or deputed, if he have not Lands or Tenements to the value of xx l. by year; (3) and if any be ordained hereafter to be Juſtices of Peace in any County which hath not Lands or Tenements to the value aforeſaid, that he thereof ſhall give knowledge to the Chancellor of England for the time being, which ſhall put another ſufficient in his place; (4) and if he give not the ſaid knowledge (as before) within a month after that he hath notice of ſuch Commiſſion, or if he ſit or make any warrant or precept by force of ſuch Commiſſion, he ſhall incur the penalty of xx li. and nevertheleſs be put out of the Commiſſion as before, (5) and the King ſhall have the one half of the ſaid penalty, and he that will ſue for the King the other half; and he that will ſue for the King and for himſelf, ſhall have an action to demand the ſame penalty by Writ of Debt at the Common Law.

Certain perſons excepted to whom this Statute doth not extend.

II. Provided always, that this Ordinance ſhall not extend to Cities, Towns or Boroughs which be Counties incorporate of themſelves, nor to Cities, Towns, or Boroughs which have Juſtices of Peace of perſons dwelling in the ſame by commiſſion or warrant of the King, or of his Progenitors. (2) Provided alſo, that if there be not ſufficient perſons having Lands and Tenements to the value aforeſaid, learned in the law, and of good governance, within any ſuch County, that the Chancellor of England for the time being ſhall have power to put other diſcreet perſons learned in the law in ſuch Commiſſions, though they have not Lands or Tenements to the value aforeſaid, by his diſcretion.

CAP. XII.

Appeals or Indictments of Felony committed in a place where there is none ſuch.

Conſpiracy 3.
St. 9 H. 5. 1.

A writ of conſpiracy maintenable againſt the indictors, procurators, & conſpirators.
Regiſt. f. 134.
V. N. B. f. 56.
Fit. N. B. f. 115. K.
Raſt. pl. f. 123.

A confirmation of the Stat. of 7 H. 5. 1. and 9 H. 5. 1. touching Appeals or Indictments of Felony or Treaſon.

ITem, Whereas in the Parliament holden at Weſtminſter the ſecond day of May, the ninth year of the reign of King Henry the fifth, father to the King that now is, amongſt other things it was ordained and eſtabliſhed, for that many people by malice, envy, and revenge, cauſe often the Kings liege people to be appealed or indicted in divers Counties of treaſons or of felonies, ſuppoſing by the ſaid appeals or indictments, that the ſaid treaſons or felonies were done in a certain place in ſuch a County where the indictment is made, or ſuch a place as is or ſhall be declared by the ſaid appeals, where no ſuch place is in the ſame County, that the proceſs of the ſame ſhall be void, and holden for none; (2) and that the indictors, procurators, and conſpirators ſhall be alſo puniſhed by impriſonment and fine, and ranſom for the Kings advantage, by the diſcretion of the Juſtices, (3) and that the ſaid Appealees or Indictees may have writs of conſpiracy againſt the Indictors, Procurators and Conſpirators, and ſhall recover their damages. (4) And this Ordinance ſhall ſtand in his force until the next Parliament to be holden after the coming again of the ſaid late King into England from beyond the Sea: (5) Which ſtatute by the deceaſe of the ſaid late King by opinion of ſome is expired, and by the opinion of ſome not expired. (6) The ſame our Lord the King that now is, conſidering that the ſaid Ordinance was good and profitable for the weal of him and his liege people, hath declared and ordained by authority of this preſent Parliament, that the ſaid Ordinance made in the ſaid ninth year, and ſo by the death of his ſaid Father as ſome think expired, and not otherwiſe repealed, ſhall be and abide an effectual and available Statute and Ordinance in Law perpetually to endure.

CAP. XIII.

Lancaſter, Raſt. 2.

A Confirmation of the Statute of 9 H. 5. 2. ordained that no man outlawed in the County of Lancaſter, ſhall forfeit any other Lands or Goods but which he hath in the ſame County. Exp. St. 9 H. 5. 2. 20 H. 6. 2. 31 H. 6. 6. 33 H. 8. 2.

CAP. XIV.

Pannel, Raſt. 1.

If any have authority to make Arrays and Pannels, ſhall take reward to make ſuch Array or Pannel, he ſhall forfeit to the party grieved ten times ſo much as he ſhall receive. Exp.

CAP. XV.

Wools, Raſt. 31

It ſhall be Felony to carry Wool or Woolſels to any other place then to Calice: Saving ſuch which paſs the Streights of Marrock. Exp.

CAP.

CAP. XVI.

There ſhall be but one meaſure of Cloth through the Realm, by the yard and the inch, and not by the yard and the handful, according to the meaſure of London. Exp.

Drapery, Raſt. 28.

CAP. XVII.

Veſſels of Wine, Oil and Honey, ſhall be gauged.

ITem, Becauſe all the Tuns, Pipes, Tertians, and Hogſheads of Wine, Oil and Honey, vendible within the Realm of England, ought and were wont according to the ancient aſſiſe of the ſame Realm, to contain a certain meaſure, that is to ſay, every Tun twelveſcore and twelve gallons, every Pipe ſixſcore and ſix gallons, every Tertian fourſcore and four gallons, and every Hogſhead threeſcore and three gallons; (2) and by divers Statutes it hath been ordained, That the Tuns and Pipes of Wine ſhall be gauged; (3) but for the gauging of Tuns and Pipes of Oil and Honey, or of Tertians and Hogſheads of Wine, no Ordinance hath been made in certain before this time, to the great damage of the King and of his people: (4) The King willing againſt this damage to provide a remedy in this behalf, hath granted and ordained by authority aforeſaid, that from henceforth all manner of Tuns, Pipes, Tertians and Hogſheads as well of Wine as of Oil, to be ſold within the Realm, ſhall be well and lawfully gauged by the Kings Gauger, or by his deputy, before they be ſold, upon pain to forfeit to the King all the wine, oil and honey contrary ſold, or the value of the ſame. (5) And in caſe that any perſon of what Country that he be, from henceforth ſell to any of the Kings liege people, for any price in certain any Tun, Pipe, Tertian, Hogſhead of wine, oil and honey, which wanteth in any wiſe of the aſſiſe and meaſure aforeſaid, That he allow and abate of the ſame price to the buyer of ſuch wine, oil and honey, as much as ſuch default after the rate ſhall amount unto, (6) upon pain to forfeit to the King the value of all the wine, oil and honey contrary ſold; any privy covenant made or to be made betwixt the ſeller and the buyer, contrary to this Ordinance notwithſtanding. (7) And every perſon that eſpieth any of the forfeitures aforeſaid, and thereof doth inform the Treaſurer of England, or the Barons of the Eſchequer, ſhall have the half of the ſame forfeitures for his labour.

Wines 13. All veſſels of wine, oil, and honey ſhall be gauged, and the content of every veſſel to be ſold

2 Leonard. 38. pl. 52.

Abatement ſhall be made of the price for the quantity wanting.

II. Provided always, That the ſaid Gauger take and have for his labour for the gauging of every Tun and Pipe of oil and honey, as he taketh and hath of every Tun and Pipe of wine, and for every Tertian and Hogſhead after the rate. St. 27 Ed. 3. 8. 23 H. 6. 16. 1 R. 3. 13. 11 H. 7. 4. 28 H. 8. 14.

The Gaugers fee for gauging of a Tun or Pipe of honey or oil.

CAP. XVIII.

How much a Captain ſhall forfeit that doth detain any part of his Souldiers Wages.

ITem, For that the King is and hath been well certified of many great deceits and falſities, which have been done to him and to his Realm by ſome of the Captains which have before this time indented with the King to ſerve him in the feat of War, ſome beyond the ſea, and in divers parts, as they be appointed and bound by their Indentures, and ſome in his marches on this ſide the Sea, and their wages have been truly paid and contented by the King, according to their Indentures, for them and for all their retinue, according to their degrees, which wages many of the ſaid Captains have abuſed, and taken upon them to deduce from their Souldiers, of ſome more, and ſome leſs; ſo that ſuch from whom they have abated, have not been able to continue their ſervice, nor perform the ſame as of right and reaſon they ought to have done, and peradventure were willing to have done, if they had been fully paid; which hath cauſed them to fall to robbery and pillage, as well on this ſide the ſea before their going, as beyond the ſea when they came thither, amongſt other things it hath been a great cauſe of the long continuance of the war, and great damage and loſs which hath fallen to the Seigniories and Countries of the King in his obeiſance beyond the ſea, and not only that, but loſs alſo of great treaſure which hath been granted to the King, and paid in the form aforeſaid for the defence of his land.

Captains. Raſt. 3.

The inconveniences enſuing by Captains not paying of their ſouldiers.

II. The King willing againſt ſuch damages and loſſes to provide a remedy in this behalf, hath ordained by the authority aforeſaid, That no Captain which hereafter ſhall have the conduct of ſuch retinues, and ſhall receive the Kings wages for the ſame, ſhall abate of his Souldiers, nor any of them, any part of their wages, except it be for their clothing, that is to ſay, if they ſhall be waged for half a year, ten ſhillings a gown for a Gentleman, and ſix ſhillings eight pence for a Yeoman, upon pain of twenty pound for every Spear, and ten pound for a Bow, to the King, from whom he did abate upon the tenour of the ſame. St. 2 Ed. 6. 2.

The forfeit of a Captain that doth detain any part of his ſouldiers wages.

For what cauſe a Captain may abate his ſouldiers wages, and how much.

CAP. XIX.

The penalty of a Souldier not going with, or departing from his Captain without licence.

ITem, Seeing divers and many Souldiers before this time, which have taken parcel or half their wages of their Captains, and ſo have muſtred and been entred of record the Kings Souldiers before his Commiſſioners, for ſuch terms for which their maſters have indented, have ſometime preſently after their muſter, and the receit of part or of the whole of their wages, departed and gone where they would, and have not paſſed the ſea with their ſaid Captains, and ſome paſſed the ſea, and long within their terms departed from their Captains and the Kings ſervice, without apparent Licence to them granted by their ſaid Captains, whereof hath grown ſo great damage to the King and to his Realm, and ſo many inconveniences, which cannot eaſily be expreſſed, as of long time the experience hath ſhewed, and the which Souldiers ſo doing, as much as in them was, decayed the honour and reverence of the King, and have been many ways great cauſers of the loſſes which have enſued in his Lands and Seigniories beyond the Sea, and the adventure alſo of the perſons of the Lords and Captains which did conduct them:

II. The ſame King conſidering the premiſes, and willing againſt ſuch inconveniences and damages to provide a remedy, hath ordained by the authority aforeſaid, That every man

Captains 3.

It is felony for a ſouldier retained to ſerve the King in his wars, which goeth not with, or departeth from his Captain without licence. 7 H. 7. 1.

Officers ſhall arreſt ſouldiers returning from beyond the ſea, and retain them until the cauſe of their return be tried.

ſo muſtring and receiving the Kings wages, which departeth from his Captain within his term, in any manner aforeſaid, except that notorious ſickneſs or impediment, by the viſitation of God, (which may reaſonably be known) ſuffer him not to go, and which he ſhall certifie preſently to his Captain, and ſhall repay his money, ſo that he may provide him for another Souldier in his place, he ſhall be puniſhed as a Felon: (2) And that the Juſtices of Peace ſhall have power to enquire thereof, and to hear and determine the ſame. (3) And likewiſe hath ordained by the ſame authority, that no ſouldier, man of Arms, Archer, ſo muſtred of record, and going with his Captain beyond the ſea, ſhall return into England within the term for which his Captain hath retained him, nor leave his Captain there in the Kings ſervice, and in adventure of the War, except that he hath reaſonable cauſe ſhewed by his Captain, and by him to the chief in the Country having Royal power, and thereupon ſhall have Licence of the ſaid Captain witneſſed under his Seal, and the cauſe of his Licence. (4) And who that ſo doth muſter of record, and come without Letters Teſtimonials of the Captain (as is ſaid) within his term on this ſide the Sea, that the Mayors, Bailiffs, and other the Kings Miniſters, at what Port or place they ſhall arrive, ſhall have authority to put them in arreſt, and them there to keep until it be of them enquired; (5) and if it be found by enquiry before Juſtices of Peace, and proved that they have ſo muſtred of record, and departed from their Captains aforeſaid without Licence, as afore is ſaid, that then they ſhall be puniſhed as Felons. St. 2 R.2.4. 2 Ed.6. 2. 4 & 5 P.& M.3. Regiſt. f. 191. This Statute ſhall extend to Mariners and Gunners. 5 El. 5.

Statutes made at *Weſtminſter*, *Anno viceſimo Henrici ſexti*, and *Anno Domini*, 1442.

OUr Lord the King at his Parliament holden at Weſtminſter, the day of the Converſion of Saint *Paul*, the five and twentieth day of January, the twentieth year of his Reign, to the honour of God, and for the weal of him and of his Realm, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial requeſt of the Commons in the ſame Parliament aſſembled, hath made, ordained and eſtabliſhed divers Statutes and Ordinances in the form following.

CAP. I.

All Letters of Safe conducts ſhall be enrolled in the Chancery.

Safe Conducts 1.

FIrſt, Whereas poor Merchants of the King of this Realm daily be robbed by the Kings enemies upon the ſea, and in divers Rivers and Ports within the ſame Realm, of their ſhips, goods and Merchandiſes, of great riches, and their bodies taken and impriſoned with dureſs, and put to great fines and ranſoms, and the Kings poor Subjects dwelling nigh the Sea-coaſt taken out of their own houſes with their Chattles and Infants upon land, and carried by the ſaid enemies where it pleaſe them: (2) which miſchiefs come by reaſon that the ſaid Merchants be diſcouraged with force and puiſſance of ſhips, and of people defenſible to keep the ſea and the coaſts of the ſame, for that the ſhips, goods and merchandiſes by them taken from the ſaid Kings enemies, be ſometimes claimed by the Kings enemies, by colour of ſafe conducts, not duly purchaſed, nor of record inrolled, ſo that the Kings ſubjects may have notice of them, (3) and ſometime be claimed by Merchants ſtrangers of the Kings amity, to be due to them, by colour of falſe witneſſes of their nation and by Letters of Marque and Charters partly by them counterfeited, and by ſuch proofs upon ſuch claims, be reſtored to the ſame goods and merchandiſes, often taken in ſhips and veſſels belonging to the Kings enemies, and the ſaid Kings ſubjects put to great vexation and loſs of their own goods, (4) whereby the ſaid Kings enemies be greatly enriched, and their Navy ſtrongly increaſed, and the Navy and merchandiſe of the ſaid Realm of our Lord the King greatly diminiſhed, and ſuch damages and inconveniences daily be likely to increaſe and come to the ſaid Realm of our ſaid Lord the King, if ſpeedy remedy in this caſe be not provided:

All Letters of ſafe conducts which be not enrolled in the Chancery before the delivery of them, ſhall be void. St. 18 H. 6. 8.

II. Our ſaid Lord the King conſidering the premiſes, and that if people of the Kings amity be feared and diſcouraged to freight the ſhips and veſſels of the Kings enemies and adverſaries, their Navy in time to come will be decreaſed and diminiſhed, and the Navy of the Kings ſubjects and friends increaſed and enlarged: by the advice and aſſent aforeſaid, and at the ſpecial requeſt of the ſaid Commons, to eſchew the miſchiefs aforeſaid, hath ordained by authority of the ſaid Parliament, That all Letters of ſafe conduct to be granted to the Kings enemies and adverſaries, or any other people whatſoever, ſhall be enrolled in the Chancery of our ſaid Lord the King of Record, before that any ſuch Letters ſhall be in any wiſe delivered to them to whom the ſame Letters ſhall be granted: (2) And that all ſuch Letters of ſafe conduct hereafter to be granted, not enrolled of record in the ſaid Chancery, before the delivery to them to be made, in the manner as is ſaid, ſhall be void and of no force nor effect.

They which will take benefit by the Kings ſafe conduct, muſt have it ready enrolled at the time of their apprehenſion.

III. And moreover, if hereafter any goods or merchandiſes be taken by the ſaid ſubjects of our Lord the King upon the ſea, or the coaſts of the ſame, charged in any ſhip or other Veſſel, which is belonging to the enemies or adverſaries of our Lord the King for the time being, not having ſufficient Letters of ſafe conducts, enrolled in the form aforeſaid, that they which ſo ſhall take the ſame goods and merchandiſes, ſhall them enjoy without any reſtitution thereof to be made in any wiſe, to whatſoever perſon the ſame goods and merchandiſes ſo taken, at the time of taking of the ſame, or before, were belonging.

Though the ſafe conduct be not preſently ſhewed, yet it doth ſuffice if it be after proved to be enrolled.

IV. Provided always, That the ſubjects of our Lord the King, taking ſuch ſhips charged with merchandiſes, not having nor ſhewing ſuch letters of ſafe conduct within the ſame ſhips at the time of the ſaid taking, and bringing them by force to a certain Port or place within the ſaid Realm, ſhall not be endamaged in their perſon nor goods for ſuch taking, if they be ready to make full reſtitution of the ſame ſhips and merchandiſes, within reaſonable time after that full knowledge is made to them of ſufficient Letters of ſafe conduct for the ſame ſhips and merchandiſes, and enrolled in the ſaid Chancery of record before the taking of them. Provided alſo, that this Ordinance ſhall begin to hold his force at the Feaſt of Saint Michael the Archangel next coming. 14 Ed. 4. 4.

CAP. II.

No perſon outlawed within the County of Lancaſter ſhall forfeit any goods or lands but which he hath in the ſame County Rep. 33 H. 6. 2. Exp. St. 9 H. 5. 2. 18 H. 6. 13. 31 H. 6. 6.

Lancaſter, Raſt. 5.

CAP. III.

It ſhall be high Treaſon for Welſhmen to take and carry away Engliſhmen or their goods into Wales, or there to withhold them. Exp.

Treaſon. Raſt. 8.

CAP. IV.

What duties they ſhall pay to the King, which carry Woolls to any other place then to the Staples.

Item, Our ſaid Lord the King hath granted and ordained by the authority aforeſaid, That every Merchant denizen for Woolls, Woolfels, and Tin, which ſhall be charged and ſhipped in any Galley, Carack, or other veſſel, to be conveyed and carried by the ſea by the Kings licence, or otherwiſe, to other places and Ports then to the Kings Staple, ſhall pay to the King ſuch Cuſtoms and Subſidies, and other duties, as Merchants aliens pay to the King for their merchandiſes. Provided always, That this grant and ordinance ſhall not extend to any perſons which have licences by the Kings Letters Patents to them before this time, to ſhip, carry or convey any Woolls, Woolfels or Tin, to other places or Ports beyond the Sea then to the ſtaple of Calice, but that they ſhall be of this ordinance clearly diſcharged and excepted.

Cuſtoms, Raſt. 10. Thoſe denizens which ſhall have the Kings licence to carry wolls, &c. to any other place then to the Staple, ſhall pay ſuch duties as Merchants aliens do.

CAP. V.

No Cuſtomer, &c. ſhall have a Ship of his own, uſe Merchandiſe, keep a Wharf, or Inn, or be a Factor.

Item, Whereas in the Parliament holden at Weſtminſter the xi year of the Reign of King Henry the fourth, it was ordained and eſtabliſhed, That no man that had a common hoſtry in any City or Borough of this Realm, ſhall be cuſtomer, controuler, nor ſearcher, and that to eſchew the damages and prejudices which thereof may grow by the favour that ſuch common Hoſtlers may and will make to Merchants, and to other their gueſts in their offices: (2) and now of late divers cuſtomers, controulers, and alſo ſearchers, controulers, and ſurveyors of ſearches, have divers perſons to be their clerks, deputies, and miniſters in their ſaid offices; of which clerks, deputies and miniſters, ſome have ſhips of their own, and ſome of them meddle with the fraighting of ſhips, and alſo buy and ſell divers Merchandiſes, and thereof occupy to their own uſe divers wharfs and keys, being by the waters ſides, where common diſcharge of divers merchandiſes is had in divers Ports of this Realm, by the which as well great deceit and damages daily do grow to the King of his Cuſtoms and Subſidies, as a great loſs to Merchants repairing to the Ports where the ſaid clerks, deputies and miniſters be: (3) Alſo many hold hoſteries and taverns, and alſo keep wharfs, and they and their ſervants be factors and atturnies for Merchants, denizens and aliens, by which great damage and loſs daily doth grow to the King in his cuſtoms and ſubſidies, by favour that ſuch clerks, deputies and miniſters holding ſuch hoſteries, taverns and wharfs, do to Merchants, and to other their gueſts in the ſaid Offices; and great damage is like thereof to grow in time to come, if ſpeedy remedy be not provided: (4) Our ſaid Lord the King, willing againſt ſuch damages and loſſes to provide a remedy in this behalf, hath ordained and eſtabliſhed by authority aforeſaid, that no cuſtomer, controuler of the cuſtom, clerks, deputies, Miniſters, nor their ſervants, factors nor ſearchers, controuler or ſurveyors of ſearches, nor their clerks, deputies, miniſters or factors ſhall have any ſhips of their own, (5) or ſhall buy or ſell by way or by colour of Merchandiſe, (6) nor they ſhall not meddle with fraighting of ſhips, or have or occupy any ſuch wharfs or keys, (7) or ſhall hold any hoſteries or taverns, (8) or ſhall be any factors or atturnies for any Merchant, denizen or alien, (9) nor ſhall be hoſt to any Merchant alien, (10) upon the pain of xl li. to be forfeit as oft as they do the contrary, that is to ſay, the one half to the King, and other half to him that will ſue in this caſe againſt any ſuch perſon doing the contrary. This Ordinance to begin at the Feaſt of Saint Michael next coming.

Cuſtoms 23. Stat. 11. H. 4. 2. The cauſe why a common Hoſtler ſhall not be a Cuſtomer, Controuler, or Searcher.

No Cuſtomer, Controuler, &c. ſhall have any ſhip of his own, uſe Merchandiſe, keep a Wharf, an Inn, or be a Factor to another.

CAP. VI.

A confirmation for ten years of the Stat. of 15 Hen. 6. 2. touching the tranſportation of Corn, being of certain prices. Exp

Corn, Raſt. 5.

CAP. VII.

If any carry Merchandiſes into Wales, and after bring them into England not cuſtomed, he ſhall forfeit them. Exp.

Cuſtoms, Raſt. 12.

CAP. VIII.

In what caſe Kings Purveyors that would take Cattel, may be reſiſted.

Item, It is ordained by the authority aforeſaid, That the Statutes before this time made of Purveyors and buyers, ſhall be holden and kept, and put in due execution. (2) And in caſe that any purveyor, buyer, or taker, will take and make purveyance, or buy any thing to the value of forty ſhillings or under, of any perſon, and make not ready payment in hand, that then it ſhall be lawful to every of the Kings liege people to retain their goods and chattels, and to reſiſt ſuch Purveyors and buyers, and in no wiſe ſuffer them to make any ſuch purveyances, buyings or takings: (3) And to keep the peace better, every Conſtable, Tythingman, or chief pledge of every Town or Hamlet where ſuch takings or purveyances ſhall be made, ſhall be helping or aſſiſtant to the owner or ſeller of ſuch things to be taken againſt the form of this Ordinance, to make reſiſtance in the manner aforeſaid, in caſe that ſuch Conſtables, Tythingmen, or chief pledges be required ſo to do, upon pain to yield to the party ſo grieved, the value of the things ſo taken, with his double damages: (4) and that none of the Kings liege people be put to loſs or damage, by the King, or any officer for ſuch reſiſtance. (5) And that none of the Kings Officers ſhall cauſe to be arreſted, vexed, or impleaded in the Court of the Marſhalſey or elſewhere, any of the Kings liege people for ſuch detaining, or not ſuffering to be done, upon pain to loſe xx li. the one moyety thereof to the King,

Purveyors 22. The Kings Purveyors who will take cattel to the value of xl s. or under, and not make preſent payment, may be reſiſted. St. 28 Ed. 3. 12.

and the other moyety to him which will in ſuch caſe ſue: (6) and that the Juſtices of Peace in every County ſhall have power by authority of this Ordinance to inquire, hear and determine, as well at the ſuit of the King, as of him that will ſue, of any thing done againſt this Ordinance, and thereof to make due puniſhment and execution, and to award damages to the party plaintiff, when any defendant is thereof duly convict; (7) and that in every action to be taken upon this Ordinance, every party defendant ſhall be put to anſwer unto it without the aid of the King; (8) and in ſuch actions to be taken, proceſs ſhall be made as in a Writ of Treſpaſs done againſt the peace, and that in every Commiſſion of Purveyors, buyers or takers, to be made, this Ordinance ſhall be contained and expreſſed. (9) And moreover, that this Ordinance among other Statutes of Purveyors, buyers or takers, before this time made, ſhall be ſent to the Sheriffs of every County of England, to proclaim and deliver the ſaid Statutes and Ordinances in the manner and form contained in the Statute of Purveyors and buyers, made the firſt year of the Reign of our ſaid Lord the King, upon the pain contained in the ſame Statute. (10) And moreover, the King will and commandeth, That the Statute made the xxxvj year of King Edward, late King of England, the third after the Conqueſt, touching the Purveyors of other perſons then of the King, ſhall be put in due execution. St. 2 H. 4. 14.

St. 1 H. 6. 2. St. 36 Ed. 3 6.

CAP. IX.

The Order of Trial of Counteſſes, &c. being indicted of Treaſon, &c.

Trials Raſt. 5. Magna Charta, cap. 29.

The order of trial of Dutcheſſes, Counteſſes or Baroneſſes, being indicted of Treaſon or Felony. Co. l. 6. 52.

ITem, Whereas it is contained in the great Charter amongſt other things in the form which followeth; No freeman ſhall be taken or impriſoned, or diſſeiſed of his freehold, or his liberties, or free cuſtoms, or ſhall be outlawed or baniſhed, or in any wiſe deſtroyed, nor we will go upon him, nor ſend upon him, but by the lawful judgment of his Peers, or by the law of the land; (2) In which Statute is no mention made how women, Ladies of great eſtate in reſpect of their husbands, Peers of the land, married or ſole, that is to ſay, Dutcheſſes, Counteſſes, or Baroneſſes ſhall be put to anſwer, or before what Judges that they ſhall be judged upon indictments of Treaſons or Felonies by them committed or done, in regard whereof it is a doubt in the Law of England, before whom, and by whom ſuch Ladies ſo indicted ſhall be put to anſwer, and be judged: (3) Our ſaid Lord the King willing to put out ſuch ambiguities and doubts, hath declared by authority aforeſaid, That ſuch Ladies ſo indicted, or hereafter to be indicted of any Treaſon or Felony by them done, or hereafter to be done, whether they be married or ſole, that they thereof ſhall be brought to anſwer, and put to anſwer, and judged before ſuch Judges and Peers of the Realm, as Peers of the Realm ſhould be, if they were indicted or impeached of ſuch Treaſons or Felonies done, or hereafter to be done, and in like manner and form, and in none otherwiſe.

CAP. X.

Worſteds, Raſt. 2.

Every year during four year, four Wardens of Worſted Weavers ſhall be choſen to do right, and make due ſearch of Worſteds in Norwich, and two in Norfolk: And of what length and breadth all ſorts of Worſteds made in Norwich and Norfolk ſhall be. Exp. 23 H. 6. 4. Stat. 7 Ed. 4. 1.

CAP. XI.

Breakers, &c. Raſt. 1.

A repeal of ſo much of the Stat. of 2 Hen. 5. 6. as maketh the breaking of Truce and ſafe conducts high Treaſon. Exp.

CAP. XII.

Staple, Raſt. 36.

There ſhall be a reformation of the partition of money ariſing by the ſale of Wooll and Woollfels, by the Mayor and Conſtables of the Staple of Calice, during ſeven years next. Exp.

Statutes made at *Weſtminſter*, *Anno viceſimo tertio Henrici ſexti*, and *Anno Domini*, 1444.

AT the Parliament holden at Weſtminſter in the xxv day of February, the xxiij year of the Reign of King *Henry* the ſixth after the Conqueſt; The ſame our Lord the King, by the advice and aſſent of the Lords Spitiual and Temporal, and the Commons being in the ſaid Parliament, by the Authority of the ſame Parliament, made to be ordained and ſtabliſhed divers Ordinances and Statutes in the manner and form following.

CAP. I.

The name of Purveyors turned into Buyers.

Purveyors 16. St. 36 Ed. 3. 2.
No purveyance but for the King.
Ready payment ſhall be made.
The name of Purveyors changed, and they named Buyers.
By whom goods purveyed ſhall be praiſed.
Prices ſhall be made where there is plenty.
No more ſhall be taken then is needful for the time.
A Taker ſhall have no deputy.
The ſeal of the Commiſſion.
Reſiſtance of the Purveyors if they make not ready payment, or take for others ſaving the King, &c.

FIrſt, Whereas in the Parliament holden the xxxvj year of King Edward the third, for the grievous complaints made againſt Purveyors of victuals, it was ordained and eſtabliſhed, That no man of the Realm ſhould have any takings but only the King and the Queen his companion: (2) and that upon ſuch purveyance to be made for the houſes of the King and the Queen, ready payment ſhould be made in hand, that is to ſay, the price for which ſuch victuals ſhould be commonly in Markets near about; (3) and that the hainous name of Purveyors ſhould be changed, and named Buyers: (4) And if the Buyers cannot well agree with the ſeller, for that which ſhall be needful, then the prices that ſhall be made for the ſaid two houſes, ſhall be made by the view, witneſſing and appraiſment of the Lords, or their Bailiffs and Conſtables, and four good men of every Town, and that by Indenture to be made betwixt the buyers and the ſaid Lords of Bailiffs, Conſtables, or four men, containing the quantity of the thing by them taken, and the price, and of what perſons: (5) and that the prices ſhall be made in a convenient and eaſie manner, without dureſs, menace rebuke, or otherwiſe: (6) and that the prices and buyings ſhall be made in places where there is greateſt plenty, and that in convenient time: (7) and that there be no more taken then ſhall need for the ſeaſon for the ſaid two houſes: (8) And that the number of the ſaid buyers ſhall be abated, in as much as a man may well: (9) and that ſuch be buyers which ſhall be ſufficient to anſwer to the King and to his people, and that none of them ſhall have a deputy: (10) and that the Commiſſions ſhall be ſealed with the Great Seal, and every half year returned into the Chancery, and other to be made of new: (11) and that in the ſaid Commiſſions ſhall be compriſed all the manner and matter of their prices and buyings, (12) and that no man ſhall be bound to obey the buyers of other Lords againſt their will, nor to the buyers of the ſaid houſes, if they make not ready payment in hand, as afore is ſaid: (13) and that no man ſhall be charged for a contempt becauſe of diſobedience done in this behalf: (14) and that the prices of all manner of Corn and Malt for the ſaid two houſes, ſhall be meaſured by the meaſure according to the Standard ſtricken and not heaped: (15) and for the carriage of the Corn and Malt, and for all other manner of prices and buyings to be made for theſe two houſes, ready payment ſhall be made in hand in the ſame manner as for the prices and buyings aforeſaid: (16) and that no more carriage be taken then ſhall be needful in this behalf: (17) and if any buyer make any prices and buyings, or be taker of carriage in any other manner then is compriſed in their Commiſſions, they ſhall have puniſhment of life and of member, as is ordained of Purveyors.

The corn taken ſhall be meaſured by the ſtrikel.
St 4 Ed. 3. 3.
25 Ed. 3. 1.
11 R. 2. 4.
Ready payment for carriage.
Felony to take otherwiſe.

CAP. II.

In what caſe the Kings Purveyors, who are by the laſt precedent Chapter, to be termed Buyers, may be reſiſted.

ITem, That no buyer of victual, or taker of carriage, ſhall take or receive of any man any gift or other pleaſure, to ſhew any favour, or ſhall charge or grieve any man in reſpect of ſuch takings, buyings and carriages, for hatred, envy, evil will, or procurement: (2) and if he do, and thereof be attainted at the ſuit of the party, he ſhall yield to the party his double damages, and ſhall have impriſonment of two years, and ſhall be ranſomed at the Kings will, and after ſhall forſwear the Court: (3) And if the party will not ſue, he that will ſue for the King, ſhall have the third peny of that which ſhall be recovered for his labour, and nevertheleſs the buyer and taker ſhall have the puniſhment as afore is ſaid in the ſame Article: (4) And that every buyer upon his account ſhall cauſe to be declared, and ſeverally diſtinguiſhed the takings and buyings of every County, Town or perſon: (5) Our ſaid Lord the King that now is, conſidering the premiſſes, hath ordained and commanded by authority of this ſaid Parliament, that the ſaid Statutes from henceforth ſhall be duly kept and put in execution, (6) and alſo hath ordained by the ſame authority, That every Purveyor and buyer before they ſhall have any Commiſſion, ſhall be ſworn in the Chancery, that he ſhall take nothing of the People contrary to the ſaid Ordinances.

Purveyors 20.
No Purveyor ſhall take or forbear for favour or malice.
A Taker ſhall make a particular account of each thing taken.
A rehearſal and confirmation of the Statute of 36 Ed. 3. 2.
The Takers Oath.

II. And moreover, becauſe the poor people be not able, nor dare make reſiſtance againſt the Purveyors and buyers, nor ſue them by the Law, though that they do contrary to the ſaid Statutes, It is ordained by the ſame authority, That the Praiſors, and alſo all the Town or Towns adjoyning, if need be, ſhall be bound to do their endeavour and power to reſiſt the Buyers and Purveyors doing contrary to the ſaid Statutes, and as much as in them is, to execute the ſaid Statutes upon the ſame Purveyors, if they be required; (2) and that he which is grieved for his goods taken contrary to the ſaid Statutes and Ordinances, may chooſe to have an action of debt againſt the ſaid Praiſors, Town or Towns, and every of them, which do not their induſtry in reſiſtance of the ſaid Purveyors or Buyers in the form aforeſaid, when they ſhall be required, or elſe againſt the ſaid Purveyors or Buyers, and every of them, to recover the treble value of his goods ſo taken, and moreover his coſts and his treble damages. (3) And if any Purveyor or other the Kings Officer do trouble or vex any of the Kings liege people in the Marſhalſey or elſewhere, by any evil ſuggeſtion, or cauſe fained, imagined or coloured upon them in reſpect of execution of the ſaid Ordinances, he ſhall incur the pain of xx l. to be paid to the party grieved, over his damages and coſts in this behalf ſuſtained: (4) And that he thereupon ſhall have a Writ of debt; (5) and that every iſſue triable in this action, ſhall be tried in the County where the taking of the ſaid goods was made, and that the defendants in all the ſaid caſes ſhall not be admitted to wage their Law, and ſhall be put to anſwer without fourching, and no eſſoin, aid of the King, nor protection ſhall be to them allowed: (6) And that the Serjeant of the Catery ſhall ſatisfie all the damages, debts and executions which ſhould be recovered againſt every Purveyor and Buyer under him in all the caſes aforeſaid, if the Purveyor or Buyer be not ſufficient to ſatisfie: (7) And the party complainant ſhall have a Scire facias to have execution againſt the ſaid Serjeants in that caſe: (8) And that theſe Statutes and Ordinances ſhall be ſent to the Juſtices of the Peace in every County to proclaim them every year, and thereof to inform the people.

Reſiſtance of the Takers.
Two ſeveral remedies for the party wronged by the Takers.
The remedy if the Kings Officer do trouble him which ſeeketh lawful Revenge.
The Serjeant of the Catery ſhall anſwer for ſome Takers his inferior Officers.

CAP. III.

Whoſoever ſhall pack or ſhip Thrums or Threads to paſs beyond the Sea, during three years next coming, ſhall forfeit the ſame, or the value. Exp. St. 8 H. 6. 23.

Yarn, Raſt. 2.

CAP. IV.

Four Wardens of Worſted Weavers ſhall be choſen yearly during three years next coming, within the City of Norwich and other four within the County of Norfolk, which ſhall ſet down orders for the true making of Worſteds within Norwich and Norfolk, and Suffolk. Exp. St. 7 Ed. 4. 1. 20 H. 6. 10.

Worſted, Raſt. 3.

CAP. V.

Welſhmen indicted of Treaſon or Felony, that do repair into Herefordſhire, ſhall be apprehended and impriſoned, or elſe purſued by Hue and Cry, and a Forfeiture of thoſe which do not purſue them. Alt. 27 H. 8. 26. OB.

Wales, Raſt. 22.

CAP. VI.

A rehearſal of the Statute of 15 H. 6. 2. touching licence to tranſport Corn, when Wheat doth not exceed vj s. viij d. the quarter, and Barley iij s. iv d. and the ſame Statute made perpetual. Alt. 1 Jac. 25. 21 Jac. 28. and 3 Car. 4.

Corn, Raſt 5.

CAP. VII.

The gathering of Head-pence by the Sheriff of Northumberland ſhall ceaſe.

ITem, Whereas the poor Commons and the Kings faithful liege people of his County of Northumberland, have been of long time oppreſſed and ſurcharged by the Sheriffs of the ſaid County for the time being, levied or cauſing to be levied of their goods and chattels, to the ſum of xl li. and more, called Head-pence, two times in ſeven years, that is to ſay, every third year, and every fourth year, to their own avail, without any account, profit or advantage to the King, and without any lawful cauſe or ground, but of their great Extortion, which cauſeth divers men to labour and expend great goods to the Sheriff, when the ſaid years come, to the great oppreſſion of the ſaid Commons: (2) Our Lord the King conſidering the premiſſes, hath ordained and granted by the authority aforeſaid, that the ſaid gathering

Northumberland Raſt. 1.
The gathering of Head-pence by the Sheriff of Northumberland ſhall ceaſe.

thering of the ſaid Head-pence ſhall be clearly put out for ever, any uſe or cuſtom to the contrary notwithſtanding, upon pain of an C li. to be paid, the one half of the ſame to the King, and the other half to the party which will ſue for the forfeiture againſt the Sheriff. This Ordinance to begin at the Feaſt of the Nativity of S. John Baptiſt, which ſhall be in the year of our Lord M. CCCC. xlvj.

CAP. VIII.

No Man ſhall be Sheriff, Under-Sheriff, &c. above a year.

Sheriffs 4. Raſt. 24. St. 14 Ed. 3. 7.

ITem, Whereas King Edward the third, for divers and ſpecial cauſes, in his Parliament holden at Weſtminſter, the Wedneſday next after Midlent, the xiv year of his Reign, for that ſeveral Sheriffs in divers Counties in England then being, had their offices, ſome for term of years of the Kings grant, and ſome truſting of longer continuance in their offices, by procurement, &c. were greatly encouraged, and did take upon them to do many and divers oppreſſions to the Kings liege People, unduly and evil and falſly to ſerve the King and his people, did ordain and eſtabliſh, that no Sheriff ſhould tarry and abide in his office above a year, and that then another meet and ſufficient man ſhould be aſſigned in his place by the Chancellor and Treaſurer of England, and the chief Baron of the Eſchequer, and other, every year in the morrow of All-Souls, as it appeareth in the ſaid Statute: (2) and after the ſaid Statute ſo made, by another Statute made at Weſtminſter in the Parliament of the ſaid King, holden the firſt day of May, the xlij year of his Reign, he ordained and made, that no Sheriff, nor Under-ſheriff, nor Sheriffs Clerk, ſhould tarry and abide in his Office over one year, as it is ordained by other Statutes before this time, as it appeareth more plainly by the ſaid Statute of the ſame xlij year: (3) and moreover by another Statute made at Weſtminſter, the xv of S. Michael, the firſt year of the Reign of King Richard the ſecond, it was ordained and made, that no man which hath been Sheriff of any County by one whole year, ſhall be another time choſen nor put in the ſaid Office within three years next enſuing, except that there be not other ſufficient within the ſaid County, as it appeareth more plainly by the ſaid Statute of King Richard. (4) And whereas in divers Counties in England, after the making of the ſaid Statutes, many and ſeveral Sheriffs have been made, and have occupied within the ſaid Counties, ſome ten years, and ſome twelve years and more, to the great damage of the King that now is, his Progenitors, and their people within the ſaid Counties, contrary to the ſaid Statutes, and all other good rule, and very like in time to come to be to their importable damage, and open diſheriſon, and upholding of manſlaughter, perjury, and great oppreſſion to many of the Kings liege people, conſidering the great conſanguinity, alliance and familiars of the Sheriff, as well of them as have been before this time, as of them which now be in the ſaid Counties: (5) Our ſaid Lord the King, conſidering the premiſſes, hath ordained by the authority aforeſaid, that the Statutes before recited, and every of them, ſhall be duly obſerved in every County of England. (The Under-ſheriffs and all other Officers within the City of London, which now be or ſhall be, at all times excepted; and ſuch Counties only, except in which divers of the Kings liege people be inheritable to the office of Sheriffs at this day, and alſo ſuch perſons as have eſtate of freehold in the office of Sheriffs at this day, and except the Letters Patents made to them of the Office of Sheriffs, and their Under-ſheriff and Clerks.) (6) And if any Sheriff or Under-ſheriff, or Sheriffs Clerk, occupy the Office of Sheriff, Under-ſheriff, or Sheriffs Clerk, contrary to any of the Statutes afore recited, or againſt the effect or intent of any of them (except before excepted) that then he which doth ſo occupy, ſhall forfeit the ſum of CC li. yearly as long as he occupieth contrary to the effect of the ſaid Statutes. (7) And that every pardon hereafter to be made for ſuch offence or occupation, or forfeiture of ſums before recited, ſhall be void and not available, and all Patents made or to be made of any of the ſaid offices for term of years, for term of life, or in fee ſimple, or in fee tail, to any of the Kings liege people (except before excepted) ſhall be void and of no value by the ſame authority, any clauſe or word of Non Obſtante in any wiſe put or to be put in ſuch Patents to be made notwithſtanding. (8) And moreover, whoſoever will take upon him or them to have or occupy the ſaid Office of Sheriff, by vertue of ſuch Grants of Patents now to be made for term of years, for term of life, fee ſimple, or fee tail, ſhall ſtand for ever and at all time diſabled to be or bear the Office of Sheriff within any County in England by the ſame authority. (9) And that every liege man which will ſue for the ſaid ſum forfeit againſt him or them, which in ſuch manner doth forfeit or ſhall forfeit, ſhall be received and admitted to ſue an action of debt in his own name; our Lord the King to have the one half of all that ſhall happen by the ſame action to be recovered by ſuch ſuit, and he or they that ſo purſueth, to have the other half. St. 29 H. 6. 2. 6 H. 8. 28.

St. 42 Ed. 3. 9.

St. 1 R. 2. 11. A confirmation of the Statutes of 14 Ed. 3. 7. 42 Ed 3. 9. and 1 R. 2. 11. that no man ſhall be Sheriff above one year, &c. St. 28 Ed. 3. 7.

The penalty for occupying the Sheriffwick above one year. Raſt. pl. f. 202. ALT. 12 E. 4. 8.

All patents made to any to be Sheriff above a year, ſhall be void.

Who ſhall take the benefit of the forfeiture.

CAP. IX.

Sewers, Raſt. 4.

The Chancellor of England may grant Commiſſions of Sewers, during xv years. Exp.

CAP. X.

No Sheriff ſhall let to ferm his County or any Bailiwick. The Sheriffs and Bailiffs Fees and Duties in ſeveral caſes.

Sheriffs, 5, &c. 11 Raſt. 25. No Sheriff ſhall let to ferm his County or any Baliwick, Hundred or Wapentake. St. 4 H. 4. 5. None of the Sheriffs officers ſhall be returned upon inqueſts.

ITem, The King conſidering the great perjury, extortion and oppreſſion which be and have been in this Realm by his Sheriffs, Under-ſheriffs and their Clerks, Coroners, Stewards of Franchiſes, Bailiffs and keepers of Priſons, and other Officers in divers Counties of this Realm, hath ordained by authority aforeſaid, in eſchewing of all ſuch extortion, perjury and oppreſſion, that no Sheriff ſhall let to ferm in any manner his County, nor any of his Bailiwicks, Hundreds nor Wapentakes; (2) nor that the ſaid Sheriffs, Under-ſheriffs, Bailiffs of Franchiſes, nor any other Bailiff, ſhall return upon any writ or precept to them directed to be returned, any inqueſts in any panel thereupon to be made, any Bailiffs, Officers, or ſervants to any of the ſaid Officers aforeſaid in any panel by them ſo to be made; (3) nor that any of the ſaid Officers and Miniſters, by occaſion or under colour of their Office, ſhall take any other thing by them, nor by any other perſon to their uſe, profit, or avail, of any perſon by them or any of them to be arreſted or attached, nor of none other for them, for the omitting of any arreſt or attachment to be made by their body, or of any perſon by them or any of them by force or colour of their office arreſted or attached for fine, fee, ſuit of priſon, mainpriſe, letting to bail, or ſhewing any eaſe or favour to any ſuch perſon ſo arreſted or to be arreſted for their reward or profit, but ſuch as follow; that is to ſay, For the Sheriff xx d. the Bailiff which maketh the arreſt or attachment, four pence, and the Gaoler, if the priſoner be committed to his Ward, four pence: (4) And that the Sheriff, Under-ſheriff, Sheriffs Clerk, Steward, or Bailiff of Franchiſe, Servant or Bailiff, or Coroner ſhall not take any thing by colour of his office, by him nor by any other perſon to his uſe, of any perſon for the making of any return or panel, and for the copy of any panel, but iv d. (5) And that the ſaid Sheriffs and all other Officers and Miniſters aforeſaid, ſhall let out of priſon all manner of perſons by them or any of them arreſted, or being in their cuſtody by force of any Writ, Bill, or Warrant, in an Action perſonal, or by cauſe of indictment by treſpaſs, upon reaſonable ſureties of ſufficient perſons, having ſufficient within the Counties where ſuch perſons be ſo let to bail or mainpriſe, to keep their days in ſuch place as the ſaid writs, bills or warrants ſhall require. (6) (Such perſon or perſons which be or ſhall be in their Ward by condemnation, execution, Capias utlagatum or excommunicatum, ſurety of the peace and all ſuch perſons which be or ſhall be committed to Ward by ſpecial commandment of any Juſtices, and Vagabonds refuſing to ſerve according to the form of the Statute of Labourers only except.) (7) And that no Sheriff, nor any of the Officers or Miniſters aforeſaid, ſhall take or cauſe to be taken, or make any obligation for any cauſe aforeſaid, or by colour of their Office, but only to themſelves, of any perſon, nor by any perſon which ſhall be in their Ward by the courſe of the Law, but by the name of their Office, and upon condition written, that the ſaid priſoners ſhall appear at the day contained in the ſaid writ, bill, or warrant, and in ſuch places as the ſaid writs, bills, or warrants ſhall require. (8) And if any of the ſaid Sheriffs or other Officers or Miniſters aforeſaid take any obligation in other form by colour of their Offices, that it ſhall be void. (9) And that he ſhall take no more for the making of any ſuch obligation, warrant, or precept by them to be made, but four pence. (10) And alſo that every of the ſaid Sheriffs ſhall make yearly a Deputy in the Kings Courts of his Chancery, the Kings Bench, the Common Place, and in the Eſchequer of Record, before that they ſhall return any writs, to receive all manner of writs and warrants to be delivered to them: (11) And that all Sheriffs, Underſheriffs, Clerks, Bailiffs, Gaolers, Coroners, Stewards, Bailiffs of Franchiſes, or any other Officers or Miniſters which do contrary to this Ordinance in any point of the ſame, ſhall loſe to the party in this behalf indamaged or grieved, his treble Damages, (12) and ſhall forfeit the ſum of xl li. at every time that they or any of them do the contrary thereof in any point of the ſame; whereof the King ſhall have the one half to be imployed to the uſe of his houſe, and in no other wiſe, and the party that will ſue, the other half: (13) And that the Juſtices of Aſſiſes in their Seſſions, Juſtices of the one Bench and of the other, and Juſtices of Peace in their County, ſhall have power to enquire, hear and determine of Office without ſpecial Commiſſion, of and upon all them that do contrary to theſe Ordinances in any Article or Point of the ſame, (14) And if the ſaid Sheriffs return upon any perſon, Cepi Corpus, or Reddidit ſe, that they ſhall be chargeable to have the bodies of the ſaid perſons at the days of the returns of the ſaid Writs, Bills, or Warrants, in ſuch form as they were before the making of this Act.

The Sheriff and his Bailiffs fee for arreſts and attachments. Raſt. pl. f. 337. Coke pl. 365.

The Sheriffs and officers fee for the Copy of a Panel. St. 3 E. 1. 6.

What ſort of perſons the Sheriff and his Officers may ſet out of priſon to mainpriſe and what not. F. N. B. f. 251. B. Poph. 165. Golb. 66. pl. 9. Latch. 23. 143. Hetley 25. 175. 2 Bulſt. 213.

What obligation, and in what form the Sheriff ſhall take of them which he doth let to bail for their appearance.

The Sheriffs fee for an obligation, warrant, or precept. Hob. 72 166.

The Sheriff ſhall make deputies in the Kings Courts. Raſt. pl. f. 371. Sr. 31 El. 9.

The forfeitures of the offenders and who ſhall have them.

Which Juſtices may inquire of hear and determine the offences aforeſaid.

The Sheriff returning Cepi Corpus, or Reddidit ſe.

II. Provided always, that the Warden of the Kings Gaol of the Fleet, and of the Kings Palace of Weſtminſter for the time being, ſhall not be endamaged nor prejudiced by this Ordinance in the duty of his Office. And alſo that this Ordinance ſhall begin at the Feaſt of Eaſter, which ſhall be in the year of our Lord M. CCCC xlvj. Coke li. 4. fo. 76. Dyer fo. 119.

The Warden of the Fleet, and of the Palace at Weſtminſter.

CAP. XI.

The order of levying the Wages of the Knights of the Parliament.

ITem, Whereas before this time divers Sheriffs in divers Counties of England, by colour of Writs to them directed, to levy the wages of the Knights of the Shires for the time being, of the Parliament of the King that now is, and of his noble Progenitors, have levied more Mony then hath been due to the ſaid Knights, and more then they have delivered, keeping and retaining great part of the Mony to their own uſe and profit, to their Officers and Servants, to the great loſs of the common people of the ſaid Counties: (2) The King conſidering the Premiſſes, hath ordained by the authority aforeſaid, That the Sheriff of every County for the time being, in the next County Court holden in their Counties, after the delivery of the ſaid writs directed to them, ſhall make open Proclamation, that the Coroners and every chief Conſtable of the Peace of the ſaid Counties, and the Bailiffs of every Hundred or Wapentake of the ſame County, and alſo other which will be at the aſſeſſing of the wages of the Knights of the Shires, ſhall be at the next County there to be holden to aſſeſs the ſaid wages of the ſaid Knights. (3) And that the Sheriff, Under-ſheriff, Coroners, or Bailiffs for the time being, be there at the ſame time in their proper perſon, upon pain of forfeiture to the King of every of them that maketh default, forty ſhillings. (4) At which time the ſaid Sheriff or Underſheriff in the preſence of them that ſhall come to the ſame, and of the ſuitors of the ſame Counties then being there in the full County, well and duly ſhall aſſeſs every Hundred to that aſſeſſable by it ſelf, to pay a certain ſum for the wages of the Knights of the Shire, ſo that the whole ſum of all the Hundreds do not exceed the ſum which ſhall be due to the ſaid Knights. (5) And after that in the ſame County they ſhall aſſeſs well and lawfully, every Village within the ſaid Hundreds, which ſhould be there aſſeſſable to a certain ſum for the payment of the ſaid wages, ſo that the whole ſum of all the Towns within any of the ſaid Hundreds do not exceed the ſum aſſeſſed upon the Hundred of which they be. (6) And that the ſaid Sheriffs, Under-ſheriffs, Bailiffs, nor any other

Parliament. 12. The order of the levying of the wages of the Knights of the Shire for the Parliament

The penalty of the Sheriff or his Officers which do levy more Mony then is aſſeſſed.

Officer, for the cauſe aforeſaid, ſhall levy more Mony of any Village than that whereunto they were aſſeſſed: (7) and if any do, or will aſſeſs any Hundred or Village, otherwiſe then is aforeſaid, that they ſhall forfeit for every default to the King twenty pound, and to any man which ſhall ſue in this caſe, ten pound.

Who may proſecute Suit againſt the offenders, and by what writ.

II. And that the ſaid Sheriffs well and duly ſhall levy the Mony ſo aſſeſſed upon the aforeſaid Villages, as ſpeedily as they well may after the ſaid aſſeſſing, and the ſame ſhall deliver to the ſaid Knights, according to the writs thereof to be made upon the ſaid penalties. (2) And he that will ſue in this caſe, ſhall be thereunto admitted, and ſhall have for his action in this caſe a Scire facias againſt him that offendeth contrary to this Ordinance; (3) and if the Defendant duly warned in the ſame make default, or elſe appear and be in the ſame convict, that then the Plaintiffs ſhall recover againſt them which be ſo convict, ten pound to their own uſe over the ſaid twenty pound, with their treble damages for the coſts of their ſuits.

Who may enquire of, hear and puniſh the offenders aforeſaid.

III. And the Juſtices of the Kings Bench, and of the Common place, Juſtices of Aſſiſes, and Gaol-delivery, and Juſtices of Peace in every County, ſhall have power to enquire, hear, and determine of all the ſaid defaults, as well by enquiry at the Kings ſuit, as by action at the ſuit of the parties. (2) And that all ſuch expences of Knights, ſhall not be levied of any other villages, ſeigniories or places, but of ſuch whereof it hath been levied before this time.

The Knights wages ſhall be levied but in ſuch places where they have been.

IV. And that in every ſuch Writ from henceforth to be made to levy the wages of the ſaid Knights, this Act ſhall be comprehended in the ſame. Regiſt. f. 192. Raſt. pl. f. 595. Fitz. Avowry 260. St. 35 H. 8. 11.

CAP. XII.

Trials, Raſt. 6.

The trial ſhall be made when the Tenant or Defendant after an iſſue joyned, pleadeth a foreign plea, where the ſame writ is brought, and by the Jury ſo returned. Exp.

CAP. XIII.

Labourers, Raſt. 32.

A Servant in husbandry purpoſing to depart from his Maſter, muſt give him half a years warning, or elſe he ſhall ſerve him the year following. The ſeveral wages of ſervants in husbandry, and of labourers, with meat and drink, and without. Rep. 5 El. 4.

CAP. XIV.

The penalty of a Subjects Taker, taking any thing without the Owners conſent.

Purveyors 1. The penalty if a Subjects Cator, or other, do take any thing againſt the Owners will.

ITem, The King hath ordained and ſtabliſhed by the authority aforeſaid, that if any buyer or other Officer of the Duke of Glouceſter, or of any other Lord or perſon, of what eſtate, degree or condition that he be, preſume upon him to take, or elſe do take any victuals, corn, hay, carriages, or any other thing whatſoever, of any of the Kings liege people in any wiſe againſt their will, without lawful bargain betwixt the ſaid buyers or Officers, and the ſaid liege people thereof to be made, to the uſe of the ſaid Duke or other Lord for their houſes, but only for the King and the Queen, and their houſes, that then if notice or requeſt be made to the Mayor, Sheriff, Bailiff, Conſtable, Officers, or other of the Kings Miniſters of Cities and Boroughs, or other Counties or places where ſuch takings ſhall happen to be, that then the ſaid Mayor, Sheriff, Conſtable, Officer and Miniſter, to whom ſuch notice and requeſt ſhall be made, preſently ſhall take and arreſt all ſuch buyers and Officers ſo doing or offending, and them ſhall ſend to the Kings next priſon, there to remain, and not to be let to bail nor mainpriſe, until they have redelivered the ſame victuals, carriages, and other things ſo taken, or the very value of the ſame. (2) And if the ſaid Mayor, Sheriffs, Bailiffs, Conſtables and Officers aforeſaid, do contrary to this, that then they ſhall forfeit twenty pound, whereof the King ſhall have the one half, and the party from whom ſuch things be taken, the other half, if he will ſue by an action of debt, in the which the defendant ſhall not wage his Law: (3) And if he will not ſue, whoſoever will ſue for the King and himſelf, ſhall have the ſuit to recover to himſelf the one half thereof, and the King the other half. (4) And if any of the ſaid buyers, other than of the King and the Queen be duly convict of ſuch unlawful taking (as afore is recited) at the ſuit of ſuch parties as ſhall ſue them in this behalf, that then they ſhall yield to the party which ſo ſueth, the treble value of the victuals, or other thing ſo taken, and the double coſts of their Suits, and for the ſaid Treſpaſs to make Fine and Ranſom to the King. (5) And that in all ſuch Actions or Suits aforeſaid, the Kings protection ſhall not be allowed nor available for the Defendant. (6) And this Ordinance ſhall begin to take effect at the Feaſt of Eaſter, which ſhall be in the year of our Lord, one thouſand four hundred forty and ſix. (7) Provided always, that by this Act the puniſhment ordained againſt the Kings Purveyors in no wiſe ſhall be reſtrained. St. 36 Ed. 3. 6. 7 R. 2. 8.

The forfeiture of Officers which will not aſſiſt the oppreſſed in this caſe.

CAP. XV.

Who ſhall be Knights for the Parliament. The manner of their election. The remedy where one is choſen and another returned.

Parliament, 4.

ITem, Whereas by authority of a Parliament holden at Weſtminſter the firſt year of the Reign of King Henry, Father to the King that now is, amongſt other things it was ordained, That the Citizens and Burgeſſes of Cities, and Boroughs, coming to the Parliament, ſhould be choſen Men, Cities and Burgeſſes reſident, abiding and free in the ſame Cities and Boroughs and none other, as in the ſame Statute more fully is contained; (2) which Citizens and Burgeſſes have always in Cities and Boroughs been choſen by Citizens and Burgeſſes, and no other, and to the Sheriff of the Counties returned and upon their returns received and accepted by the Parliament before this holden. (3) And alſo whereas by authority of a Parliament holden at Weſtminſter, the eighth year of the Reign of the King that now is, it was ordained in what manner and form the Knights of the Shires coming to the Parliaments from thenceforth to be holden ſhould be choſen, and how the Sheriffs of the ſame Counties thereupon ſhould make their returns, as in the ſame Statute more fully appeareth: (4) by force of which Statute elections of Knights to come to the Parliaments ſometimes have been duly made, and lawfully returned, until now of late that divers Sheriffs of the Counties of the Realm of England, for their ſingular avail and lucre, have not made due elections of the Knights, nor in convenient time, nor good men and true returned, and ſometime no return of the Knights, Citizens, and Burgeſſes lawfully

7 H. 4. 15.

St. 8 H. 6. 7.

The ſeveral defaults of Sheriffs in returning of Knights Citizens or Burgeſſes, to come to the Parliament.

fully choſen to come to the Parliaments; (5) but ſuch Knights, Citizens and Burgeſſes have been returned, which were never duly choſen, and other Citizens and Burgeſſes then choſe which by the Mayors and Bailiffs were to the ſaid Sheriffs returned: (6) and ſometimes the Sheriffs have not returned the Writs which they had to make election of Knights to come to the Parliaments, but the ſaid Writs have imbeſiled, and moreover made no precept to the Mayor and Bailiff, or to the Bailiffs or Bailiff, where no Mayor is of Cities and Boroughs, for the election of Citizens and Burgeſſes to come to the Parliament, by the colour of theſe words contained in the ſame Writs: Quod in pleno comitatu tuo eligi facias pro comitatu tuo duos milites, & pro qualibet civitate in comitatu tuo duos cives, & pro quolibet burgo in comitatu tuo duos burgenſes; (7) and alſo becauſe ſufficient penalty and convenient remedy for the party in ſuch caſe grieved, is not ordained in the ſaid Statutes againſt the Sheriff, Mayors and Bailiffs, which do contrary to the form of the ſaid Statutes: (8) The King conſidering the Premiſſes, hath ordained by authority aforeſaid, That the ſaid Statutes ſhall be duly kept in all points: (9) and moreover, that every Sheriff, after the delivery of any ſuch Writ to him made, ſhall make and deliver without fraud, a ſufficient Precept under his Seal, to every Mayor and Bailiff, or to Bailiffs or Bailiff where no Mayor is of the Cities and Boroughs within his County, reciting the ſaid Writ, commanding them by the ſame Precept, if it be a City, to chuſe by Citizens of the ſame City, Citizens, and in the ſame manner and form, if it be a Borough, by the Burgeſſes of the ſame, to come to the Parliament. (10) And that the ſame Mayor and Bailiffs, or Bailiffs or Bailiff where no Mayor is, ſhall return lawfully the precept to the ſame Sheriffs, by Indentures betwixt the ſame Sheriff and them to be made of the ſaid elections, and of the names of the ſaid Citizens and Burgeſſes by them ſo choſen, and thereupon every Sheriff ſhall make a good and rightful return of every ſuch Writ, and of every return by the Mayors and Bailiffs, or Bailiffs or Bailiff where no Mayor is, to him made. (11) And that every Sheriff at every time that he doth contrary to this Statute, or any other Statutes for the election of Knights, Citizens and Burgeſſes, to come to the Parliament, before this time made, ſhall incur the pain contained in the ſaid Statute made the ſaid eighth year, and moreover ſhall forfeit and pay to every perſon hereafter choſen Knight, Citizen or Burgeſs in his County, to come to any Parliament, and not duly returned, or to any other perſon, which in default of ſuch Knight, Citizen or Burgeſs will ſue, an hundred pound, whereof every Knight, Citizen and Burgeſs ſo grieved, ſeverally, or any other perſon which in their default will ſue, ſhall have his Action of Debt againſt the ſaid Sheriff, or his Executors or Adminiſtrators, to demand and have the ſaid hundred pound, with his coſts ſpent in that caſe. (12) And that in ſuch Action taken by vertue of this Statute, the Defendant ſhall not wage his Law of the demand aforeſaid in any wiſe, (13) and that no defendant in ſuch action ſhall have any Eſſoin. (14) And in the ſame manner at every time that any Mayor and Bailiffs, or Bailiffs or Bailiff where no Mayor is, ſhall return other then thoſe which be choſen by the Citizens and Burgeſſes of the Cities or Boroughs where ſuch elections be, or ſhall be made, ſhall incur and forfeit to the King forty pound: and moreover ſhall forfeit and pay to every perſon hereafter choſen Citizen or Burgeſs to come to the Parliament, and not by the ſame Mayor and Bailiffs, or Bailiffs or Bailiff where no Mayor is returned, or to any other perſon which in default of ſuch Citizen or Burgeſs ſo choſen will ſue, forty pound, whereof every of the Citizens and Burgeſſes ſo grieved ſeverally, or any other perſon which in their default will ſue, ſhall have his Action of Debt againſt every of the ſaid Mayor and Bailiffs, or Bailiffs or Bailiff where no Mayor is, againſt their Executors or Adminiſtrators, to demand and have of every the ſaid Mayors and Bailiffs, or Bailiffs or Bailiff where no Mayor is, forty pound, with his coſts in this caſe expended. (15) And that in ſuch Action of Debt taken by force of this Statute, no Defendant in any wiſe ſhall wage his Law of the ſaid demand, nor have any Eſſoin.

The Sheriffs precept to Mayors and Bailiffs of Cities and Boroughs to chuſe Citizens and Burgeſſes to come to the Parliament.

The penalty of a Sheriff making an untrue return concerning the election of Knights, or Burgeſſes to come to the Parliament. St. 11 H. 4. 1. Raſt. pl. f. 446.

The penalty of Mayors or Bailiffs making untrue returns touching the election of their Citizens or Burgeſſes.

II. And that every Sheriff that maketh not due election of Knights to come to the Parliament in convenient time, that is to ſay, every Sheriff in his full County betwixt the hour of eight and the hour of eleven before Noon, without colluſion in this behalf: (2) And that every Sheriff that maketh not good and true return of ſuch elections of Knights to come to the Parliament in time to come, as to them pertaineth in manner and form aforeſaid, ſhall forfeit to the King an hundred pound, and alſo ſhall incur the pain of a C li. to be paid to him that will ſue againſt him, his Executors or Adminiſtrators for this cauſe by way of Action of Debt, with his coſts in this behalf expended, without waging of Law of his demand, or having eſſoin as afore is ſaid.

At what time of the day the Knights for the Shire ſhall be choſen. Hob. 78.

III. Provided always, that every Knight, Citizen and Burgeſs to come to any Parliament hereafter to be holden in due form choſen and not returned, as afore is ſaid, ſhall begin his Action of Debt aforeſaid, within three months after the ſame Parliament commenced, to proceed in the ſame ſuit effectually without fraud; (2) and if he ſo do not, another that will ſue ſhall have the ſaid action of debt (as it is before ſaid) and ſhall recover the ſame ſum with his coſts ſpent in this behalf, in manner and form aforeſaid: ſo that no defendant in ſuch action ſhall wage his Law, nor be eſſoined in any wiſe, as afore is ſaid. (3) And if any Knight, Citizen, or Burgeſs hereafter returned by the Sheriff to come to the Parliament, in the manner aforeſaid, after ſuch return, be by any perſon put out, and another put in his place, that ſuch perſon ſo put in the place of him which is out, if he take upon him to be Knight, Citizen or Burgeſs, at any Parliament in time to come, ſhall forfeit to the King an hundred pound, and an hundred pound to the Knight, Citizen or Burgeſs ſo returned by the Sheriff, and after as afore is ſaid, put out. (4) And that the Knight, Citizen or Burgeſs which is ſo put out ſhall have an action of debt of the ſame C li. againſt ſuch perſon put in his place, his Executors or Adminiſtrators. (5) Provided always, that he ſhall begin his ſuit within three months after the Parliament commenced: (6) And if he do not, then he that will ſue, ſhall have an action of debt of the ſame C li. againſt him which is put in place of him that is ſo put out after ſuch return, his Executors or Adminiſtrators, and that no Defendant in ſuch action ſhall wage his Law, nor be eſſoined: (7) and that ſuch proceſs ſhall be in the actions aforeſaid,

The party grieved ſhall begin his ſuit within three months after the Parliament begun.

The penalty if any choſen to be Knight, Citizen or Burgeſs, be put out, and another put in his place.

What ſort of perſons ſhall be choſen Knights of the Shires.

ſaid, as in a Writ of Treſpaſs done againſt the Peace at the Common Law. (8) So that the Knights of the Shires for the Parliament hereafter to be choſen, ſhall be notable Knights of the ſame Counties for the which they ſhall be choſen, or otherwiſe ſuch notable Eſquires or Gentlemen born of the ſame Counties, as ſhall be able to be Knights: (9) and no man to be ſuch Knight, which ſtandeth in the degree of a Yeoman, and under.

CAP. XVI.

The Duty of a Gauger, and when he ſhall have it.

Wines, 14. When the gauge-peny ſhall be paid to the Gauger.

St. 27 E. 3. 8.

ITem, The King hath ordained and eſtabliſhed by the Authority aforeſaid, that the Peny, which is called the Gauge-peny, ſhall not be paid to the Gauger, nor to any other in his name, until he or his deputies have gauged the Wines, and then he to take and receive his Peny for the ſame in gree, without more increaſe or advantage to claim for it. (2) And alſo that he or his deputy be ready to do the office of Gauger in all places, when he to that by the party ſhall be required, (3) and that to be obſerved through all the Realm of England, upon the pain compriſed in the Statute made the ſeven and twentieth year of the noble K. Edward the Third, of the gauging of Red Wine and White Wine, duly to be executed. St. 28 H. 8. 14.

CAP. XVII.

When and where an Eſcheator ſhall take his Inqueſt of Office: And his Fee.

Eſcheator, 9. Within what time and where an Eſcheator ſhall take his Inqueſts of Office.
St. 34 E. 3. 13.
1 H. 8. 9.
An Eſcheators Fee for the finding of an Office.
V. N. B. f. 22.

ITem, It is ordained by authority aforeſaid, That every Eſcheator ſhall take his Inqueſts of Office by vertue of the Writs of Diem clauſit extremum, and all other Writs, within the month after the delivery of ſuch Writs, (2) and alſo that all ſuch Inquiſitions ſhall be taken in good Towns and open places; (3) and that none of them ſhall take privily nor openly by him, nor by any perſon for the execution of any ſuch Writs in one County, nor by the occaſion thereof, above the ſum of ſix ſhillings and eight pence, or thirteen ſhillings and four pence, or above, where his labour and his coſts ſhall require it, ſo that the ſum which he ſo ſhall take do not exceed in the whole the ſum of forty ſhillings, for the execution of any ſuch Writ in one County: (4) And if any Eſcheator do contrary to any of the Premiſſes, that then he ſhall forfeit the ſum of forty pound.

Leaſes ſhall be made to thoſe which do tender a Traverſe to an Office.
St. 36 E. 3. 13.
8 H. 6. 16.
18 H. 6. 6.

II. And if any man traverſe an Office taken before any Eſcheator or Commiſſioner, and thereof hath a Scire facias againſt any Patentee, that in this caſe no Protection ſhall be allowed, nor allowable. (2) And as to any Grant or Leaſe to be made to any perſon which ſhall traverſe any ſuch Office, that the Statute in that caſe before this time made, ſhall be duly obſerved, (3) and that the King ſhall have the half of the ſaid forfeiture of forty pound, and the party which in this behalf will ſue for the King and himſelf, ſhall have the other half of the ſame.

CAP. XVIII.

Wines, Raſt. 15.

No new Impoſitions ſhall be laid upon them which buy Wines in Gaſcoyn or Guyon, by any of the Kings Officers in thoſe parts, upon pain of forfeiture of twenty pound, and treble damages. OB.

Statutes made at S. *Edmundbury*, *Anno viceſimo quinto Henrici ſexti*, and *Anno Domini*, 1447.

Wales, Raſt. 23.

All Statutes made againſt Welſhmen confirmed. All Grants of Markets and Fairs to any Welſhman ſhall be void. The Kings Villains in North-Wales ſhall be conſtrained to ſuch labour as they have done before. Rep. 21 Jac. 28. St. 27 H 8. 26.

Statutes made at *Weſtminſter*, *Anno* 27 *H.* 6. and *Anno Domini*, 1448.

AT the Parliament holden at Weſtminſter the twelfth day of February, the ſeven and twentieth year of the Reign of our Lord King HENRY the ſixth after the Conqueſt, the ſame our Lord the King, by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons being in the ſame Parliament, hath ordained and eſtabliſhed divers Ordinances and Statutes in manner and form following.

CAP. I.

Merchants, Raſt. 33.

If woollen Clothes made in this Realm ſhall be prohibited, and not accepted in Brabant, Holland and Zealand: then no Merchandiſe growing or wrought there within the Dominion of the Duke of Burgoin, ſhall come into England upon pain of forfeiture thereof. Exp. St. 28 H. 6. 8.

CAP. II.

Staple, Raſt. 37.

Becauſe in the Reign of King Edward the Third, the Subſidies and Cuſtoms of the Staple of Calice were threeſcore and eight thouſand pounds yearly, and now be not above twelve thouſand pounds: Therefore no Licence granted, or to be granted by the King, ſhall be available for the carriage of Wools, Fells or Tin, to any place out of the Realm, but to Calice: and whoſoever doth obtain, accept and put in execution any ſuch Licence, ſhall be out of the Kings protection. Except, &c. Exp.

CAP. III.

Merchants, Raſt. 34.

Merchants Aliens ſhall beſtow all their Mony upon other Merchandiſes, and carry forth no Gold nor Silver upon pain of forfeiture thereof. Exp. St. 4 H. 4. 15. 5 H. 4. 9. 3 H. 7. 8.

CAP. IV.

Treaſon, Raſt. 8.

A Reherſal and Confirmation for three years, of the Statute of 20 H. 6. 3. provided againſt Welſhmen that take any Engliſhmen, their Goods and Chattels, and carry them into Wales. Exp.

CAP. V.

Certain Days wherein Fairs and Markets ought not to be kept.

Fairs, 2.

ITem, Conſidering the abominable injuries and offences done to Almighty God, and to his Saints, always aiders and ſingular aſſiſters in our neceſſities; becauſe of Fairs and Markets upon their high and principal Feaſts, as in the Feaſt of the Aſcenſion of our Lord, in the day of Corpus Chriſti, in the day of Whitſunday, in Trinity Sunday, with other Sundays, and alſo in the high Feaſt of the Aſſumption of our bleſſed Lady, the day of All-Saints, and on Good Friday, accuſtomably and miſerably holden and uſed in the Realm of England: In which principal and feſtival days, for great earthly covetiſe, the people is more willingly vexed and in bodily labour foiled, then in other ferial days, as in faſtening and making their booths and ſtalls, bearing and carrying, lifting and placing their wares outward and homeward; as though they did nothing remember the horrible defiling of their Souls in buying and ſelling, with many deceitful lies and falſe perjury, with drunkenneſs and ſtrifes, and ſo ſpecially withdrawing themſelves and their ſervants from Divine Service: (2) The foreſaid Lord the King, by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons of this Realm of England, being in the ſaid Parliament, and by authority of the ſame Parliament, hath ordained, that all manner of Fairs and Markets in the ſaid principal Feaſts and Sundays, and Good Friday, ſhall clearly ceaſe from all ſhewing of any goods or merchandiſes (neceſſary victual only except) upon pain of forfeiture of all the goods aforeſaid ſo ſhewed, to the Lord of the Franchiſe or Liberty where ſuch goods, contrary to this Ordinance, be, or ſhall be ſhewed (the four Sundays in Harveſt except.) (3) Nevertheleſs of his ſpecial grace by authority aforeſaid, granteth to them power, which of old time had no day to hold their Fair or Market, but only upon the Feſtival days aforeſaid, to hold by the ſame authority and ſtrength of his old Grant, within three days next before the ſaid Feaſt, or next after, Proclamation firſt made to the ſimple common people, upon which day the aforeſaid Fair ſhall be holden, always to be certified without any fine or fee to be taken to the Kings uſe. (4) And they which of old time have by ſpecial Grant ſufficient days before the Feaſts aforeſaid, or after, ſhall in like manner as is aforeſaid, hold their Fairs and Markets the full number of their days. The ſaid Feſtival days and Sundays, and Good Fridays except.

A penalty inflicted upon thoſe that ſhall keep Fairs or Markets upon Sunday.

II. Provided always, That this preſent Ordinance ſhall begin to take effect at the Feaſt of St. Michael next coming, and not before, and ſhall endure until the next Parliament, and ſo forth, except in the ſaid Parliament a reaſonable cauſe be alledged, ſhewed and proved, for the which it ſhall ſeem not expedient that the foreſaid Ordinance ſo ſhall endure.

CAP. VI.

The Kings Pardon of certain offences granted to all Prieſts, as well Secular as Religious, of ſeveral offences, forfeitures, &c. Exp.

Pardon, Raſt. 32.

Statutes made at *Weſtminſter*, *Anno* 28 H. 6. and *Anno Dom.* 1449.

TO the honour of God, and of holy Church, and for the Commonwealth and profit of all the Realm of England: Our Lord the King, HENRY the ſixth after the Conqueſt, by advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial Inſtance and requeſt of the Commons in the Parliament aſſembled of our Soveraign Lord the King that now is, holden at Weſtminſter the ſixth day of November, the eight and twentieth year of this Reign, by authority of the ſame Parliament, hath ordained and eſtabliſhed certain Ordinances and Statutes in manner and form following.

CAP. I.

A rehearſal and confirmation for ſeven years of the Statute of 27 H. 6. 1. prohibiting Merchandiſes growing or wrought in Holland, Zealand and Brabant, to be brought into this Realm, until Engliſh Cloth may be ſold there. Exp.

Merchants, 1 Raſt. 35.

CAP. II.

The penalty for taking any perſons Horſes or Cart without the delivery of the Owner, or ſome Officer, or for taking Mony to ſpare them.

Purveyors, 11.

ITem, Whereas divers Hoſtlers, Brewers, and other Victuallers, keeping Hoſteries and other houſes of retailing of Victuals in divers places in this Realm, have purchaſed the Kings Letters Patents, ſome to them for term of life, and ſome to them and to other joyntly for term of their lives, to take Horſes and Carts for the carriage of the King and Queen, more for their private and ſingular lucre and profit, then for any faithful ſervice of the King, or of the Queen: by colour of which Letters Patents they daily take Horſes and Carts where that no need is, and bring them to their Hoſteries and other places of their affinity, and there keep them ſecretly ſometime, until they have ſpent xx d. or xl d. of their ſtuff, and ſometime more, and then they make the owners of the ſaid Horſes and Carts to pay for the ſame before that they can get delivery of their Horſes and Carts, and ſome till they have made a fine with them for ſuch Horſes and Carts at their will: And of ſome of the Kings people they take fines to ſhew favour, and not to take their Horſes and Carts; ſo that divers perſons of the Kings liege people in this noble Realm, be greatly indamaged by the ſaid Takers, as well for the non-payment of the hire of the ſaid Horſes and Carts, as for the great charge they have for their meat, and fines made for their delivery after they be ſo taken: (2) Our ſaid Lord the King by the advice and aſſent aforeſaid, hath ordained and ſtabliſhed, That all ſuch Letters Patents, granted to any perſon or perſons holding any Hoſteries, Brewhouſes, or houſe of retailing of Victual, ſhall be void, and of no value nor effect; and if any ſuch Grant be made to any ſuch perſon or perſons from henceforth, that all ſuch Patents ſo granted ſhall be void and none effect. (3) And that no perſon or perſons ſhall take Horſe or Cart in any place within this Realm, but by the delivery of the Mayor, Sheriff, Bailiffs or Conſtable where ſuch taking ſhall be had. (4) And if any ſuch perſon or perſons take any Horſe or Cart of any perſon or perſons, without agreement made to the poſſeſſor for the ſame, and by the delivery of the Mayor, Sheriff, Bailiff or Conſtable where ſuch taking ſhall be had, that then he or they from whom ſuch Horſe or Cart is taken, and he or they of whom ſuch fines or payments be taken, as is afore rehearſed, ſhall have an Action of Treſpaſs at the common Law for ſuch takings. (5) And that he or they that feeleth himſelf grieved in ſuch Action, ſhall recover treble damages againſt him or them which ſo take any Horſe or Cart, fines or payment, contrary to this Ordinance; (6) Saving always to the King his Prerogative and his Preheminence of and in the Premiſſes. St. 3 Ed. 1. 31. 20 R. 2. 5.

The penalty for taking any Horſe and Cart without the delivery of the owner and ſome officer.

CAP. III.

The Kings Pardon to thoſe that were Sheriffs, Under-Sheriffs or Clerks the laſt year before, for occupying their places above one year, contrary to the Statute of 23 H. 6. 7, 8. Exp.

Sheriffs, Raſt. 26.

CAP. IV.

Felony for any Welſh or Lancaſhire Man to take other Men, their Goods or Chattels under colour of diſtreſs, where they have no cauſe. Exp.

Felony, Raſt. 6.

CAP. V.

The Penalty for the Officers of the Cuſtom, which by colour of their Offices ſhall diſtrain any Mans Ships or Goods.

Extortion, Raſt. 4.

ITem, Whereas divers Waterbailiffs, Searchers, Comptrollers of Searchers, and other their Deputies and ſervants within the Ports of this Realm, and ſpecially within the Ports of Fowey, Plimouth, Dartmouth and Pool, by colour of their Offices daily do wrongfully take by conſtraint of diſtreſſes and arreſts upon the Ships, Barges, Balengers, and other Veſſels, Goods and Merchandiſes of the Kings liege Merchants of this ſaid Realm, and among all other upon the Kings liege Merchants of Gaſcoign, Guien, Ireland, Guernſey, and Garnſey, in their coming and going in the ſaid Ports, great charges and impoſitions, that is to ſay, for every piece of Creſcloth, iv d. for every hundred of Canvas, vj d. for the weight of every Tun of Iron, xij d. and ſometime more, and likewiſe of all other goods and merchandiſes of the ſaid liege people and other Merchants of the Kings amity: (2) And by ſuch wrongful diſtreſſes, arreſts, charges and impoſitions, they do diſcourage the ſaid Merchants freely to come into this ſaid Realm, and to return, contrary to all Law and Conſcience, to the great prejudice of our ſaid Lord the King, in loſs of his Cuſtoms and Subſidies, and to the great damage of the ſaid Merchants and their ſucceſſors, unleſs due remedy thereof be had in the ſame: (3) By advice, aſſent and authority aforeſaid, it is ordained and eſtabliſhed, that the ſaid Merchants, and their ſucceſſors, and every of them, of all ſuch injuries, diſtreſſes, arreſts, charges and impoſitions afore recited, to be made to them or any of them, as well by ſuch Waterbailiffs, Searchers and Comptrollers of the ſearch, as by Collectors of the ſaid Cuſtoms and Subſidies, Comptrollers of the ſame, Surveyors of the Cuſtoms and Subſidies, and of the Search-packers, or any other Officers, or their deputies or ſervants by their commandment, or any of them hereafter, may have thereupon a general writ of Treſpaſs againſt ſuch offendors and every of them, according to the form of the Law, and to recover againſt them and every of them thereof ſo convicted forty pounds. (4) And that the ſaid Merchants, their ſucceſſors, and every of them ſo grieved (as afore is ſaid) ſhall purſue the ſaid writ of Treſpaſs againſt the ſaid offendors and every of them for ſuch injuries, diſtreſſes, arreſts, charges and impoſitions ſo to be made, as afore is ſaid, within two months next after ſuch injuries, diſtreſſes, arreſts, charges and impoſitions, to be made by them or any of them, as before is ſaid. (5) And in caſe that the ſaid Merchants, their ſucceſſors, or ſome of them, do not purſue the ſaid writ of Treſpaſs of ſuch injuries, diſtreſſes, arreſts, charges, and impoſitions aforeſaid, againſt the ſaid offendors, nor any of them within the ſaid two months, That then it ſhall be lawful to every other perſon of the Kings liege people, to purſue the ſaid writ of Treſpaſs of ſuch injuries, diſtreſſes, arreſts, charges, and impoſitions to be made as is aforeſaid, againſt all ſuch offendors and every of them, according to the form of the Law, and to recover againſt them and every of them thereof ſo convict, forty pounds; the King to have the one half, and he or they which will purſue, the other half.

The remedy when an officer of the Cuſtom doth make any diſtreſſes, or arreſts upon any ſhips for an unlawful cauſe.

Statutes made at *Weſtminſter*, *Anno 29 H. 6.* and *Anno Domini*, 1450.

OUR Soveraign Lord King *Henry* the ſixth after the Conqueſt, at his Parliament holden at Weſtminſter, in the Feaſt of St. Leonard, the nine and twentieth year of his Reign, by the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt of the Commons in the ſame Parliament aſſembled, and by the authority of the ſame, hath ordained and eſtabliſhed divers Ordinances and Statutes in the form which followeth.

CAP. I.

Rebellion, Raſt. 2.

John Cade attainted of Treaſon, and his Lands, Tenements, Goods, &c. given to the King, and his blood corrupt. Pr.

CAP. II.

Breakers of Truces, &c. Raſt. 3.

A confirmation of the Statute of 2 Hen. 5. 6. ordained againſt them which break Truces and ſafe Conducts, and appointing Conſervators of the ſame. Exp.

CAP. III.

York, Raſt 1. Co. Inſt. 4. p. 49.

All Letters Patents granted, or hereafter to be granted to Citizens of York to be exempt of the offices of Majoralty, Sheriffwick, Chamberlain, Collector of Diſmes and Quinzimes, and Citizens for the Parliament, ſhall be void: And the Citizen which purchaſeth or taketh ſuch exemption, ſhall forfeit forty pound to the King, and to the Mayor and Citizens of York. Pr.

Statutes made at *Reading*, *Anno triceſimo primo Henrici ſexti*, and *Anno Domini*, 1452.

AT the Parliament holden at Reading, the ſixth day of March, the one and thirtieth year of the Reign of our Lord King *Henry* the ſixth after the Conqueſt, the ſame our Lord the King, by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons being in the ſaid Parliament, and by authority of the ſame Parliament, hath made, ordained and ſtabliſhed divers Acts and Statutes in the manner and form following.

CAP. I.

Rebellion, Raſt. 3.

John Cade ſhall be adjudged a Traitor. And all Indictments and Acts done by his authority ſhall be void. Pr.

CAP. II.

Proclamation, Raſt. 4.

If any Perſon, which during ſeven years ſhall receive the Kings Writs under the great Seal, of Letters under the Privy Seal, or warned by Proclamation to appear before the Kings Council, or in the Chancery, to anſwer to Riots, Extortions, Oppreſſions, or grievous offences, do diſobey or refuſe; at the firſt time he ſhall loſe all his offices, fees and other poſſeſſions which he hath of the Kings gift: At the ſecond Proclamation, he ſhall loſe for the term of his life, the Title of his honour and place in Parliament, and all his Lands: And a man of living under the Eſtate of a Lord, ſhall pay a Fine, according to the diſcretion of the two chief Juſtices: And he that hath no Land, ſhall be out of the Kings Protection. Exp. Co. Inſt. 4. p. 82.

CAP. III.

Marches, Raſt. 1.

Attachments in the Eaſt and Weſt Marches, ſhall be made in Cumberland, Weſtmerland, Northumberland and the Town of Newcaſtle duly. Rep. 4 Jac. 1.

CAP. IV.

The remedy for him who having a ſafe Conduct, is robbed upon the Sea.

Safe Conduct, 3.

ITem, Our Soveraign Lord the King by authority aforeſaid hath ordained and eſtabliſhed, That if any of his Subjects attempt or offend upon the Sea, or in any Port within the ſaid Realm, under the Kings obeyſance, againſt any perſon or perſons, ſtrangers, being upon the Sea, or any other Port aforeſaid by way of Amity, League or Truce, or by force of the Kings ſafe Conduct, or Safeguard in any wiſe, and eſpecially in attaching of any ſuch ſtrange perſon, robbing or ſpoiling of him, his Ship, or any other manner of good, or againſt any other perſon of his liege people, the Chancellor of England for the time being, (as well for the deliverance of any ſuch perſon ſo attached to be had, as to make reſtitution to every ſuch perſon ſo robbed or ſpoiled of ſhip or goods, or of the value thereof) ſhall have authority, calling to him any of the Juſtices of the one Bench, or of the other, upon a bill or bills of complaint to him made in this behalf, to make ſuch proceſs out of the ſaid Chancery, as well againſt all ſuch offendors, to bring them into the Kings Chancery, there to anſwer to the parties ſo grieved in this behalf, and againſt any other perſon or perſons, to whoſe hands any ſuch perſon ſo attached, ſhip or goods, ſhall come, as for the delivery and reſtitution by them to be made of the ſame perſon, ſhip and goods, as ſhall ſeem to the ſame Chancellor moſt expedient and neceſſary. (2) And upon this proceſs ſo made out of the ſaid Chancery, the ſaid

By what means he ſhall have remedy, who having the Kings ſafe conduct, is robbed upon the Sea by any of the Kings Subjects.

Chancellor further to proceed in this matter, if the caſe do ſo require, by advice of any ſuch Juſtice, to make the perſon and perſons ſtrangers ſo grieved, to have full delivery and reſtitution of any ſuch perſon ſo attached, and of all ſuch ſhips and goods, and alſo of all their coſts, expences and loſſes diſburſed and ſuffered by them in this behalf, and thereupon to award all manner of execution out of the ſaid Chancery, in ſuch ſort as ſhall ſeem to the ſaid Chancellor moſt expedient and neceſſary for ſuch delivery and reſtitution to be had, calling to him any ſuch Juſtice as afore is ſaid. This Act to begin and take effect the firſt day of May, the two and thirtieth year of the ſaid King. 14 E. 4. 4.

CAP. V.

No Cuſtomer, Comptroller, &c. ſhall have any Eſtate certain in his Office.

Officers, 2.
St. 17 R. 2. 5.

ITem, Whereas it was ordained by a Statute made in the time of King Richard the Second, that no ſearcher, gauger of wines, aulneger, finder, weigher, collector of cuſtoms and ſubſidies, or comptroller, ſhall have eſtate in his office for term of life, or for term of years, but that the ſaid Officers ſhall remain under the government of the Treaſurer of England for the time being: (2) Alſo where it was ordained by the Statute made in the time of King Henry the Fourth, that the alnage of Clothes within this Realm may be committed to ferm, or in approvement, according to the direction of the Treaſurer of England for the time being, as in the ſaid Statutes more fully is declared: (3) yet that notwithſtanding divers perſons have obtained the Kings Letters Patents of the ſaid offices and aulnage, ſome for term of life, and ſome for term of years, to the great prejudice of the King and of his people, and contrary to the ſaid Statutes: (4) Our ſaid Lord the King conſidering the premiſſes, hath ordained by the authority aforeſaid, That all Letters Patents made of any of the ſaid offices or aulnage to any perſon, againſt the effect of the ſaid Statutes, ſhall be void and of no force. (5) And that no Letters Patents of any of the ſaid offices or aulnage, ſhall be made hereafter, but by warrant of bill ſealed by the Treaſurer of England for the time being, ſent by him into the Chancery, as hath been accuſtomed before this time.

St. 4 H. 4. 24.

Hob. 214, 246.
No Cuſtomer, Comptroler, Alneger, Searcher, &c. ſhall have any Eſtate or certainty in his office.
Co. Inſt. 4. p. 118.

II. And that all Letters Patents made or to be made hereafter, of the ſaid offices of aulnage, by other warrant then by bill of the Treaſurer, ſhall be void and of no effect. (2) Provided always, That this Act ſhall not extend, nor be prejudicial nor hurtful to our Sovereign Lady the Queen, the Prince, the Duke of Buckingham, to the inheritors of Henry late Duke of Warwick, nor to the Mayor and Comminalty of London, nor to the Mayors, Bailiffs and Comminalty of the City of Wincheſter, as to any grant or grants, demiſe or demiſes of the alnage, or any grant or grants of any ſum or ſums of money of the ferm of the aulnage to them granted, made or confirmed, nor to any Comptroller having any offices out of the Kings Ports, nor to John Penicock Eſquire, nor to Giles Seyntlo Eſquire, nor to any of the Kings or Queens houſhold ſervants, or of any grant or grants of any office or offices to them made before this time, with the fees and wages of old time due and accuſtomed. Stat. 14 H. 2. 10. 17 R. 2. 5. 1 H. 4. 13.

CAP. VI.

The Stat. of 20 H. 6. 2. touching the forfeiture of them which be outlawed in the County of Lancaſter, made perpetual. Rep. 33 H. 6. 2.

Lancaſter, Raſt. 3.

CAP. VII.

Fees, wages and rewards due to the Kings Officers, ſhall not be compriſed within the Statute of Reſumption made in the eight and twentieth year of the Kings Reign. Exp. 33 H. 6. fol. 34. 9 Ed. 4. fol. 1.

Reſumption, Raſt. 2.

CAP. VIII.

A confirmation of a Subſidy of Wool, Woolfels, and Cloth tranſported, granted by a Statute ordained Anno 31 H. 6. not printed. Exp.

Tares, Raſt. 1.

CAP. IX.

A remedy for a Woman inforced to be bound by the Statute or Obligation.

Women 14.

ITem, Whereas in all parts of this Realm divers people of great power, moved with unſatiable covetouſneſs, againſt all right, humanity, integrity and good conſcience, have ſought and found new inventions, and them continually do execute, to the danger, trouble, and great abuſing of all Ladies, Gentlewomen, and other women ſole, having any ſubſtance of Lands, Tenements, or other moveable goods within this Realm, perceiving their great weakneſs and ſimplicity, will take them by force, or otherwiſe come to them, ſeeming to be their great friends, promiſing them their faithful friendſhip, and ſo by great diſſimulation or otherwiſe, get them into their poſſeſſion, conveying them in ſuch places where the ſaid offenders be of moſt power: (2) and when any woman by ſuch means, or by any other means be in their government, the ſaid evil diſpoſed perſon or perſons will not ſuffer them to go at large, and be at their liberty, until that they will bind themſelves to the ſaid offendors, or other perſon or perſons to their uſe in great ſums, by obligation or obligations, as well ſimple or conditional, or by obligation or obligations of Statute-merchant, made before a Mayor or Bailiffs having power to take ſuch Recogniſances.

II. Alſo they will many times compel them to be married by them, contrary to their own likings, or otherwiſe they will levy the ſaid ſum or ſums on their Lands and Goods, and put their perſon or perſons in danger, to their great damage; which hath been and is like to be an univerſal prejudice to the Law of the holy Church, and the Law of this Realm, unleſs due remedy thereupon be provided: (2) Our ſaid Lord the King conſidering the premiſſes, hath ordained and ſtabliſhed by authority of this preſent Parliament, that in all ſuch caſes aforeſaid, the party bound may have a writ out of the Chancery, containing all the matter of their unreaſonable entreaty, directed to the Sheriff of the County where any ſuch Offences were ſo done, or after ſhall be done, commanding him, That he by force of this writ make Proclamation in the full County, and in the next County-Court after the receit of the ſaid writ, that the perſon or perſons contained in the ſaid writ, ſhall appear at a certain day and place prefixed in the ſaid writ, before the Chancellor of England for the time being, or otherwiſe before the Juſtices of Aſſiſes in the Counties where the ſaid Offences were done, or elſe before ſome other notable perſon to be aſſigned by the Chan-

A remedy for a woman that is inforced againſt her will to be bound by Statute or Obligation.

cellor of England for the time being; (3) at the which day and place if the ſaid parties appear, that then the ſaid Chancellor of England, Juſtice, or other perſon ſo to be aſſigned by the Chancellor for the time being, by vertue of this Ordinance, ſhall duly examine the ſaid parties upon the Premiſſes. (4) By which Examination, if they can find the ſaid obligation or obligations, or any of them ſo to be made, as is aforeſaid, that then the ſaid obligation or obligations, and all proceſs and execution ſued, or to be purſued thereupon, ſhall be void, and of no force nor effect. (5) And if it be found by examination before them, that the ſaid obligation or obligations, or any of them were made, or ſhall be found to be made for a true duty, and by no ſuch means as afore is ſaid, that then the ſaid obligation or obligations, and all the proceſs and execution ſued or to be purſued thereupon, ſhall ſtand good and effectual. (6) And if it be ſo that the perſon or perſons in ſuch Writs named or to be named, againſt whom any ſuch Letters or Writs hereafter ſhall be ſued, make default at the day and place limited in the ſame writ or writs, that then all ſuch obligation or obligations as be before ſpecified and declared, and in the ſaid writ or writs expreſſed, declared and ſpecified, and all manner of proceſs and execution ſued or to be ſued thereupon, ſhall be void, and of no force nor effect. (7) And that the ſaid Sheriff or Sheriffs to whom ſuch writ or writs upon this Ordinance hereafter commenced, ſhall be directed, ſhall execute the ſaid writs according to the tenour of the ſame, upon pain of three hundred pound, whereof our Soveraign Lord the King to have the one half, and the other half to the party which ſhall ſue the ſaid writ of Proclamation: (8) And that the ſaid party ſo grieved may have an action of debt in ſuch caſe againſt the ſaid Sheriff for the half of the ſaid three hundred pound ſo forfeit, with proceſs of Outlawry. (9) And that the party or parties Defendants in any ſuch Action hereafter to be purſued againſt any Sheriff or Sheriffs, ſhall alledge no protection, nor ſhall wage his Law, nor ſhall be received to make or plead any foreign plea, to be tried in any other place then there where the ſaid writ grounded upon this Statute is ſued.

The forfeiture of the Sheriff which doth not execute the Kings writ of Proclamation.

Statutes made at *Weſtminſter*, *Anno triceſimo tertio Henrici ſexti*, and *Anno Domini*, 1455.

HEnry by the Grace of God King of England and France, and Lord of Ireland, the ſixth after the Conqueſt, at his Parliament holden at Weſtminſter, the ninth day of July, the three and thirtieth year of his Reign: by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons of his Realm of England, being in the ſame Parliament, and by authority of the ſame Parliament, made and ordained certain Ordinances and Statutes for the Commonwealth of the ſame Realm in the form following.

CAP. I.

A remedy for Executors againſt Servants that imbeſil their Maſters Goods after his death.

Executors, 5.

FIrſt, Our foreſaid Lord the King conſidering how that of late time divers houſhold-ſervants, as well of Lords, as of other perſons of good degree, ſhortly after the death of their ſaid Lords and Maſters, violently and riotouſly have taken and ſpoiled the Goods which were of their ſaid Lords and Maſters at the time of their death, and the ſame diſtributed amongſt them, to the impediment of the execution of the Will of their ſaid Lords and Maſters, and to the great diſpleaſure of God, and alſo contrary to the duty and truth which they ought to have had towards their ſaid Lords and Maſters, and to a perilous example in time to come, unleſs due remedy in this behalf be provided: (2) Wherefore the ſame Lord the King, by the advice, aſſent and authority aforeſaid, hath ordained and eſtabliſhed, That after full information made to the Chancellor of England for the time being, by the Executors of any ſuch Lord or perſon, or two of the ſame Executors, of ſuch riot, taking and ſpoil made, or hereafter to be made, by the houſhold-ſervants of their or his ſaid Teſtator after his death, the ſame Chancellor by the advice of the chief Juſtices of the Kings Bench, and of the Common Bench, and chief Baron of the Eſchequer for the time being, or two of them, ſhall have power to make ſo many, and ſuch writs to be directed to ſuch Sheriffs by their diſcretion, as to them in this behalf ſhall ſeem neceſſary, to make open Proclamation in ſuch Cities, Boroughs, Towns or place, two Market-days, within twelve days next after the delivery of the ſame writs, as to the ſame Chancellor by the advice aforeſaid ſhall ſeem reaſonable, that the ſaid offendors ſhall appear before the ſame our Lord the King, or his Heirs, in his Bench, at ſuch a day as by the ſaid writ ſhall be limited, ſo that the ſaid laſt Proclamation be made by fifteen days before the ſame day of appearance. (3) And if any ſuch writ be returned at the day contained in the ſaid writ, and the writ be executed, that Proclamation is thereupon had and made according to the ſaid Ordinance; and then if the ſaid perſon or perſons which ſhould appear by reaſon of the ſaid Proclamation, make default at the day ſpecified in the ſaid writ, and do not appear, then he or they ſo making default, ſhall be attainted of Felony.

A remedy for the Executors againſt a Servant of their Teſtators, which imbeſiled his Maſters goods after his death.

II. And if any ſuch perſon or perſons do appear at the ſame day, then the Juſtices of the ſaid Kings Bench, ſhall have power by the ſaid Ordinance, to commit ſuch perſon or perſons, ſo appearing, to priſon, there to remain according to the ſaid Juſtices diſcretion, until the ſaid Offenders, in the ſaid Bench, do anſwer to the ſaid Executors in ſuch Actions which the ſaid Executors will declare againſt them or any of them, by Bill or by Writ for the riot, taking and ſpoiling aforeſaid, and that the ſame actions be determined: (2) So that the ſame actions be purſued with effect, and not ſlackly, to the intent to keep the ſame perſon or perſons in priſon.

Raſt. pl. f. 592.
A Gaolers forfeiture for letting at liberty a priſoner committed to his cuſtody by force of this Statute.

III. And if ſuch perſon or perſons be ſet at liberty out of priſon by the ſaid Juſtices, that then the ſame perſon or perſons ſhall find ſufficient perſons to be bounden with them to the ſaid Executors by way of Recogniſance in the ſaid Bench, by diſcretion of the Juſtices, to keep ſuch days as he or they ſhall have by the ſame Court. (2) And if the keepers of the priſon, whereunto the ſaid perſon or perſons be committed, do let them go at large out of the priſon of his own authority, without the conſideration and order of the ſaid Juſtices, then the ſaid keeper ſhall forfeit and loſe forty pound to the ſaid Executors: (3) And that no Protection be allowed in any Action to be taken upon the ſaid Ordinance.

CAP. II.

Jurors in an Indictment in the County Palatine of Lancaſter. Of foreigners dwelling in another County.

Jurors, 17. A reherſal of the Statute of 20 H. 6. 2. and 31 H. 6 6. That they which be outlawed in the County of Lancaſter, ſhall forfeit no lands nor goods that they have in other Counties.

ITem, Becauſe that the humble and faithful liege people of the King, his Subjects inhabiting within the County Palatine of Lancaſter, to do the King ſervice, be, and at all times were ready, and have done to him and his Progenitors, as well in the Realm of England, as in the Realm of Scotland, France, and other parts, and have been governed by the Kings Laws, and not damnified by the ſame, otherwiſe then other of the Kings liege people inhabiting in the Realm of England out of the ſame County, until now of late by a certain Statute at the laſt Parliament holden at Reading, it was ordained and eſtabliſhed, That none of the Kings liege people againſt whom any Exigent ſhould be awarded, or outlagary pronounced at the Suit of the King, or of the party in the ſaid County, ſhould forfeit any Goods or Chattels, Lands or Tenements in any County, but only the Goods and Chattels, Lands and Tenements, which the perſons ſo outlawed, or they againſt whom any ſuch Exigent in the ſaid County ſhould be awarded, have in the ſame County of Lancaſter, and by reaſon of any ſuch outlagary at the Suit of the King, or at the Suit of the party pronounced within the ſame County, ſhould not be barred or diſabled of any manner of Action, nor to claim any manner inheritance out of the ſame County, notwithſtanding any Outlawry againſt them pronounced, as in the ſame Act doth more plainly appear.

II. And by reaſon of the ſame Act, if any Foreigner ſhould come into the ſaid County Palatine, and ſhould ſlay any of the liege people of our Lord the King, or ſhould commit any Treaſon, Murder, Rape, Robbery, or other Felony or Treſpaſs, or make any Contract, or do any other offence within the ſaid County of Lancaſter, that then he ſhould have no other puniſhment nor forfeiture in this behalf, but only of ſuch goods which ſuch Foreigners doing and committing ſuch horrible offences, have within the ſaid County Palatine, which for the moſt part have nothing within the ſame County: For which cauſe the ſaid Foreigners, knowing no peril, puniſhment, nor loſs of goods in the Law, to refrain or reſtrain them of ſuch Treaſons, Murders, and Felonies, be the more encouraged daily to commit the ſame within the ſaid County, and giveth them audacity daily to offend againſt the Laws of the King, his Crown and Dignity, and alſo in reſtraint of the Kings Laws, to the great loſs and final deſtruction of the ſaid liege people and Subjects in the ſaid County Palatine: (2) whereof the foreſaid Lord the King conſidering the Premiſſes, by the advice, aſſent, and authority aforeſaid, hath willed, granted, and eſtabliſhed, That the Act before rehearſed and made at the ſaid laſt Parliament holden at Reading ſhall be adnulled, void, and ſtand in no force. (3) And further for the conſideration, tranquility, quietneſs, and peace of all his liege people, as well within the ſaid County Palatine, as of other his liege people out of the ſaid County, within the Realm of England, the ſame Lord the King by authority aforeſaid, hath granted, ordained and ſtabliſhed, That every Indictment hereafter to be taken before any of the Kings Juſtices in the ſaid County Palatine of Lancaſter, or before any Sheriff in his tourn, in the ſaid County, whereby any perſon or perſons be ſuppoſed by the ſame endictment to be or to have been inhabiting or converſant out of the ſaid County of Lancaſter, and within any other County within the Realm of England, ſhall be taken and had by the verdict of twelve men, whereof every of them or ſome other perſon or perſons to their uſe within the ſame County of Lancaſter, ſhall have to the yearly value of an hundred ſhillings. (4) And no Proceſs ſhall be made out of any ſuch endictment, before it be duly enquired and examined before the Kings Juſtices within the ſaid County of Lancaſter for the time being, whether the ſaid Endictors, and every of them, at the time of ſuch endictment ſo taken, had Lands and Tenements within the ſaid County of Lancaſter, to the yearly value of an hundred ſhillings above all Charges. (5) And if it be found by examination of the ſaid Juſtices for the time being within the ſaid County, that the ſaid Endictors and every of them at the time of ſuch Endictment ſo taken, had not Lands and Tenements to the yearly value aforeſaid, that then the ſame Endictment, as to ſuch perſons ſo endicted, ſuppoſed by the ſaid Endictments to be inhabiting and converſant out of the ſaid County of Lancaſter, ſhall be void and of no effect. (6) And alſo the ſame Lord the King, of the advice and authority aforeſaid, hath granted, ordained, and eſtabliſhed, That every Endictment from henceforth to be taken within any County of the ſaid Realm, and out of the ſaid County of Lancaſter, before any Juſtice, or the Sheriff in his tourn, whereby any perſon or perſons ſuppoſed by the ſame Endictment to be, or to have been converſant or inhabiting within the ſaid County of Lancaſter, and without ſuch County where ſuch Endictment ſhall happen to be taken, ſhall be taken by verdict of twelve men, whereof every of them, or ſome other perſon or perſons to their uſe, ſhall have Lands and Tenements within the ſame County where the ſaid Endictments ſhall be taken, to the yearly value of an hundred ſhillings. (7) And that no Proceſs be made out of any ſuch Endictments before it be duly examined and enquired before the Kings Juſtices, having power to award any Proceſs upon ſuch Endictments, whether the ſaid Endictors and every of them, at the time of ſuch Endictments taken, or any other perſon or perſons to their uſe, had any Lands or Tenements to the yearly value of an hundred ſhillings within the ſame County above all Charges, where ſuch Endictments happen to be taken. (8) And if it be found before our Lord the King, or any of his Juſtices, That the ſaid Endictors, or any of them, had not at that time of ſuch Endictments taken, nor that none other to their uſe had Lands and Tenements to the value of an hundred ſhillings by year, that then the ſaid Endictment, as to any ſuch perſon or perſons ſuppoſed by the ſame Endictment to be, or to have been inhabiting or converſant within the ſaid County of Lancaſter, ſhall be void, and of no effect.

The inconvenience enſuing by the ſaid Statute of 31 H. 6 6.

A repeal of the foreſaid Statute of 31 H 6.6.

Of what ſufficiency of eſtate thoſe Jurors muſt be which ſhall indict in the County of Lancaſter a Foreigner dwelling in another County.

Of what eſtate thoſe Jurors muſt be, which ſhall indict in another County any perſon dwelling in the County of Lancaſter.

CAP. III.

Several ſorts of Extortion committed by ſeveral means, by the Officers of the Exchequer, and the inconveniences thereof. They ſhall diſcharge accomptants in convenient time. Their ſeveral Fees for ſeveral Cauſes, and the penalty if they take more. Exp.

Eſchequer, Raſt 13.

CAP.

CAP. IV.

Malt. Raſt. 1.

No perſon brewing Ale or Beer in Kent to be ſold, ſhall during five years make above an hundred quarters of Malt to his own uſe. Exp.

CAP. V.

Silk, Raſt. 1.

No wrought Silk, belonging to the myſtery of Silkwomen, ſhall be brought into this Realm by the way of Merchandiſe during five years. Exp.

CAP. VI.

Atturney, Raſt. 12.

The Abbot of Fountain in the County of York, in a Suit commenced againſt him in a Court Baron, Wapentake, &c. may wage his Law by Atturney, and do his Law by a Monk of the ſame Houſe. Exp.

CAP. VII.

How many Atturnies may be in Norfolk, how many in Suffolk, and in Norwich.

Ibid. 13. Co. Inſt. 4. p. 76. A practice of contentious Atturnies, to ſtir up ſuits for their private profits.

ITem, Whereas of time not long paſt within the City of Norwich, and the Counties of Norfolk and Suffolk, there were no more but ſix or eight Atturnies at the moſt, coming to the Kings Courts, in which time great tranquility reigned in the ſaid City and Counties, little trouble or vexation was made by untrue and foreign ſuits. (2) And now ſo it is, that in the ſaid City and Counties there be fourſcore Atturnies or more, the more part of them having no other thing to live upon, but only his gain by the practice of Atturnſhip: and alſo the more part of them not being of ſufficient knowledge to be an Atturney, (3) which come to every Fair, Market, and other places, where is any aſſembly of people, exhorting, procuring, moving and inciting the people to attempt untrue and foreign ſuits for ſmall treſpaſſes, little offences, and ſmall ſums of debt, whoſe actions be triable and determinable in Court-Barons, (4) whereby proceed many ſuits more of evil will and malice, then of truth of the thing, to the manifold vexations and no little damage of the Inhabitants of the ſaid City and Counties, and all to the perpetual diminution of all the Court-Barons in the ſaid Counties, unleſs convenient remedy be provided in this behalf. (5) The foreſaid Lord the King conſidering the premiſſes, by the advice, aſſent and authority aforeſaid, hath ordained and ſtabliſhed, That at all times from henceforth there ſhall be but ſix common Atturnies in the ſaid County of Norfolk, and ſix common Atturnies in the ſaid County of Suffolk, and two common Atturnies in the ſaid City of Norwich, to be Atturnies in the Courts of Record, (6) and that all the ſaid fourteen Atturnies ſhall be elect and admitted by the two chief Juſtices of our Lord the King for the time being, of the moſt ſufficient and beſt inſtructed by their diſcretions. (7) And that the election and admiſſion of all Atturnies which ſhall be elected and admitted by the ſaid Juſtices for the time being, above the ſaid number in the ſaid Counties, ſhall be void and of no authority nor record. (8) And if any perſon or perſons uſurp or preſume to be Atturney in Courts of Record in the ſaid Counties or City otherwiſe then before is ſpecified, and that found by inquiſition taken before the Juſtices of Peace in the ſaid City or Counties (which ſhall have power by vertue of this Ordinance to enquire thereof in their Seſſions) or in any other manner lawfully proved, that then he or they that ſo preſume, if they be thereof lawfully convict, ſhall forfeit twenty pound as often as he or they be ſo convict, the one half thereof to be taken to the Kings uſe, and the other half to his uſe which for the ſame will ſue. (9) And he that thereof will ſue, ſhall have an action of debt againſt any ſuch perſon which ſo preſumeth to be Atturney, (10) and ſuch proceſs for recovery of the ſame, as lieth in an action of debt at the Common Law upon an Obligation. (11) Provided always, that the ſaid Ordinance begin and firſt take effect at the Feaſt of Eaſter next coming and not before, if the ſame Ordinance ſeem reaſonable to the Juſtices.

There ſhall be but ſix common Atturnies in Norfolk, ſix in Suffolk, and two in Norwich.

Juſtices of Peace ſhall have authority to enquire of offenders.

The forfeiture of offendors.

Statutes made at *Weſtminſter*, *Anno* 39 *H.* 6. and *Anno Dom.* 1460.

TO the honour of Almighty God, and the reverence of holy Church, for to nouriſh Peace, Unity and Concord in all parts within this Realm of England, and for the relief and ſuſtentation of our Lord the King and of his Realm: The ſame our Soveraign Lord King Henry the Sixth after the Conqueſt, at his High Court of Parliament holden at Weſtminſter, upon the ſeventh day of the month of October, the nine and thirtieth year of his noble and gracious Reign, by the advice and aſſent of his Lords Spiritual and Temporal, and at the ſpecial requeſt of the Commons of his ſaid Realm, aſſembled in the ſame Parliament, and by the authority of the ſame Parliament hath ordained theſe things under-written.

CAP. I.

Repeal, Raſt. 6.

A Parliament holden at Coventry, 20 *die Novembris*, Anno 38 H. 6. ſhall be repealed, And all Acts, Statutes, and Ordinances made by the authority of the ſame Parliament, ſhall be reverſed, becauſe the Parliament was unlawfully ſummoned and holden, and the Knights and Burgeſſes not duly choſen. Exp.

CAP. II.

A Woman at fourteen years of age at the death of her Anceſtor, ſhall have Livery of her Land.

Wards 12. A woman of the age of fourteen years at the death of her Anceſtor, ſhall have Livery of her Lands.

ITem, Of the advice, aſſent and authority aforeſaid, it is ordained and ſtabliſhed, that Women being of the age of fourteen years at the time of the death of their Anceſtors, without queſtion or difficulty ſhall have Livery of their Lands and Tenements deſcended to them: For ſo the Law of this Land will that they ſhould have.

Thus endeth the Statutes of King Henry the Sixth.

Anno primo EDWARDI *Quarti.*

Statutes made at Weſtminſter in the firſt year of the Reign of King Edward the Fourth, and in the year of our Lord, 1461.

EDWARD by the Grace of God King of England and of France, and Lord of Ireland, the fourth after the Conqueſt To the honour of God and of holy Church, to nouriſh Peace, Unity and Concord within his Realm of England (which he much deſireth, wholly by the advice and aſſent of the Lords Spiritual and Temporal of the ſame Realm, and at the ſpecial requeſt of the Commons of his ſaid Realm aſſembled, at his firſt Parliament holden at Weſtminſter, upon the iv day of November, in the firſt year of his Reign, by authority of the ſame Parliament, hath ordained and eſtabliſhed certain Statutes, Declarations and Ordinances, in manner and form following.

CAP.

CAP. I.

Which Acts done by King Henry the Fourth, King Henry the Fifth, and King Henry the Sixth, or by others during their Reigns, ſhall continue good, and which not.

Confirmation, Raſt. 13. What Acts, Grants, or things done by or during the Reigns of K. H. 4. K. H. 5. and K. H. 6. ſhall remain good, and what not Judicial Acts.

FIrſt, In eſchewing of ambiguous doubts, and diverſities of opinions, which may riſe, enſue and be taken of and upon Judicial Acts, and exemplifications of the ſame made or had in the time or times of Henry the Fourth, Henry the Fifth his Son, and Henry the Sixth his Son, or any of them, late Kings of England ſucceſſively in deed, and not of right: (2) Our ſaid Lord the King, by the advice and aſſent of his Lords Spiritual and Temporal, and at the requeſt of his ſaid Commons in the ſaid Parliament aſſembled, and by authority of the ſame, hath declared, eſtabliſhed, and enacted in the ſaid Parliament, That all Fines and final Concords, levied or made of any Lands, Tenements, Poſſeſſions, Rents, Inheritances, or other things, and all Judicial Acts, Recoveries, and Proceſſes, determined, or commenced, not revoked, reverſed, nor adnulled, made or had in any Court or Courts of Record, or any other Court or Courts in any of the times of the pretenced Reigns of any of the ſaid late Kings, in deed and not in right (other then by authority of any Parliament holden in any of their times) and exemplifications of the ſaid Fines, Acts Judicial, and Recoveries, out of any of the ſaid Parliaments, and every of them, ſhall be of like force, vertue, and effect, as if the ſaid Fines, final Concords, Acts, Recoveries, Proceſſes, and other the Premiſſes, had or made out of any of the ſaid Parliaments and exemplifications of the ſame, were commenced, ſued, had, or determined, in the time of any King lawfully reigning in this Realm, obtaining the Crown of the ſame by juſt title.

Creation of Noble men.

II. And alſo that all Letters Patents made by any of the ſaid pretenced Kings to any perſon or perſons, of creation, ennobling, and erection of any of them to any eſtate, dignity or preheminence, ſhall be to the ſaid perſon or perſons, and to ſuch of their Heirs, which be contained in the ſame Letters Patents, of like force, value and effect, as touching ſuch Creation, Ennobling, or Erection, as if the ſame Letters Patents were made or granted to them by any King lawfully reigning in this Realm of England, and obtaining the Crown of the ſame by juſt Title. (2) And that they being ſo created, ennobled and erected, ſhall have new Grants of the King of their Annuities for the maintenance of their Eſtates, as hath been of old time accuſtomed, except ſuch perſons, and every of them, whom our Soveraign Lord the King reputeth and holdeth for his Rebels and Enemies.

Liberties granted to Counties or Corporations by their ſeveral names.

III. And moreover, the exceſſive charges and coſts, which the Cities, Boroughs, Towns, the Cinqueports of England, and alſo the Town of Calice, with the Marches of the ſame, have endured and ſuffered, and the great poverty amongſt the people of the ſame conſidered, for the eaſe and relief of the ſame: the King hath ordained, eſtabliſhed, granted and enacted by the aſſent and authority of the ſaid Lords Spiritual and Temporal, and at the requeſt of the ſaid Commons, That all manner of Liberties, Priviledges, Franchiſes, Powers, Juriſdictions, Profits, Immunities, Corporations, Munitions, Inlargements, Annexions, Unions, and ſeverings from Counties, and making of Counties by themſelves, and all manner of Grants, Leaſes, Licences, Pardons, Diſcharges, Exemptions, Releaſes, Fairs and Markets (not revoked, repealed, nor adnulled by authority of Parliament, or otherwiſe by Proceſs of the Law) granted in the times of Henry the Fourth, Henry the Fifth, or Henry the Sixth, late Kings of England, in deed and not of right, to any Mayor, Bailiff or Bailiffs, Sheriff or Sheriffs, Mayor and Sheriff, Sheriff and Bailiffs, Mayor and Bailiffs, Commonalty, Citizens, Mayor and Commonalty, Mayor, Commonalty and Citizens, Mayor and Citizens, Mayor and Aldermen, and their Succeſſors, Mayor and Citizens, their Heirs and Succeſſors, Bailiffs and Citizens, their Heirs and Succeſſors, Mayor and Commonalty, their Heirs and Succeſſors, Citizens and their Heirs, Citizens, their Heirs and Succeſſors, Mayor and Aldermen, Mayor, Aldermen and Burgeſſes, Mayor and Burgeſſes, Mayor, Aldermen and Sheriff or Sheriffs, Mayor, Burgeſſes and their Succeſſors, Mayor, Burgeſſes, their Heirs and Succeſſors, Mayor, Sheriffs and Burgeſſes, Mayor, Bailiffs and Commonalty, Aldermen and Commonalty, Aldermen, Bailiffs and Commonalty, Aldermen and Bailiffs, their Heirs and Suceſſors, Bailiffs and Commonalty, Bailiffs, Burgeſſes, and Citizens, Burgeſſes and Commonalty, Mayor, Bailiffs and Burgeſſes, their Heirs and Succeſſors, and the diſcreet men, their Heirs and Succeſſors, Portreves, Bailiffs and Commons, Stewards, Burgeſſes, and the diſcreet men, Portreves, Barons and Men, Mayor, Barons and Commonalty, Mayor and Barons, Barons and Commonalty, Barons and Jurates, Barons and Jurates men Inhabitants, Mayors, Conſtables and Company of the Merchants of the Staple at Calice, and to every of them, and their Heirs, and to the Succeſſors of every of them, and to the Maſters, Brethren, and Siſters of Guilds, and Fraternities, Maſters and Commonalty, their Heirs and Succeſſors, and Wardens and Maſters of Crafts, Wardens of the Commonalty of the Myſtery of the Mercers within the City of London, or to any of them before named, and to the Succeſſors of every of them, having Corporation, by whatſoever name or names they or any of them be, or be called or named in any of the ſaid Grants: they ſhall be in like ſtrength and vertue, as if they were granted by any King or Kings lawfully reigning in this Realm of England, and in like manner and form to have Confirmations and Grants made, as if they had been granted in the times of the Noble King Edward the Third, and King Richard the Second after the Conqueſt, late lawful Kings of England.

Licences or Pardons of Alienation, or to enter into Lands deſcended after an anceſtors death.

IV. And moreover it is ordained, granted, eſtabliſhed and enacted, by the advice, aſſent and authority aforeſaid, That all manner of Licences, Gifts and Grants made by any of the foreſaid late pretenced Kings of England to any perſon or perſons, to give, grant, alien, purchaſe, or receive any Lands, Tenements, Rents, Poſſeſſions or other Hereditaments holden of any of the ſaid late pretenced Kings in any manner, or to enter into any Lands or Tenements, Rents, Poſſeſſions or other Hereditaments, after the death of any of their Anceſtors, without due livery thereof ſued by due Proceſs, according to the courſe of the Common

Law

Licences to found any ſpiritual place or houſe, or any fraternity, guild, &c. or to give any lands to them.

Licences of appropriation, or to make elections.

Pardons to Corporations, Liveries or reſtitutions of Temporalities.

Founding of Religious houſes touching the ſcites of the ſame.

Law of this Realm of England, (2) or Pardons made by any of the ſaid late pretenced Kings, to any perſon or perſons for any alienations made of any Lands or Tenements, Rents, Poſſeſſions, or other Hereditaments, holden of any of the ſaid late pretenced Kings of England, or pardon or pardons granted by any of them to any perſon or perſons, for any entry or entries made in any Lands, Tenements, Rents, Poſſeſſions, or other Hereditaments, which ſhould deſcend, revert, remain, or in any other manner ſhould come to them, or any of them, after, or by the death of any of their ſaid Anceſtors, or any other perſon or perſons, without due livery thereof ſued, according to the courſe of the Chancery, and Law and Cuſtom of this Land, (3) or Licence made by any of the ſaid late pretenced Kings of England, to any perſon or perſons, to found, erect, or eſtabliſh any Abbey, Priory, Houſe of Religion, Colledge, Chantery, Hoſpital, or other Houſe or Spiritual place, or of Alms: (4) or Licence made by any of the ſaid late pretenced Kings to any perſon or perſons, to found or erect any Fraternity, Guild, Company, or Fellowſhip, or other Body Corporate, or to give and grant any Lands, Tenements, Rents, Poſſeſſions, or other Hereditaments, to any perſon or perſons corporate, or having perpetual Succeſſion: (5) or licence made by any of the ſaid late pretenced Kings, to any of theſe aforenamed, for the acceptance and receipt of any thing by any ſuch Gift, Grant or Licence made by any of the ſaid late pretenced Kings to any perſon or perſons to hold or retain any Advowſon, or Church in proper uſe by way of Licence or Appropriation, or to make any Elections, ſo that any ſuch Advowſon pertain not to the Crown, (6) or pardon or pardons made by any of the ſaid late Kings to any body or perſons corporate, or having perpetual ſucceſſion by purchaſe, inquiſition or receit of any of the Premiſſes, or Liveries, or reſtitutions of Temporalities made by any of the ſaid late pretenced Kings to any Archbiſhop, Biſhop, Abbot, Prior, Dean, Chapter, or other perſon or perſons Spiritual, ſhall be of like force, vertue and effect, as if the ſaid Licences, Pardons, and Liveries were granted by any King in this Realm lawfully reigning, and obtaining the Crown of the ſame by juſt title: So that the ſame Licences, Reſtitutions, and Liveries, were executed in the time of any of the ſaid late pretenced Kings, in deed and not of right; or if they were executed within the ſame time in part and not in the whole, that the ſame Licences, as to that part ſo executed, ſhall be of like force, vertue, and effect, as if the ſaid Licences were granted by any King lawfully reigning in this Realm of England, and obtaining the Crown of the ſame by juſt title. (7) And if any of the ſaid late pretenced Kings, in deed and not of right, hath by his Letters Patents, or by authority of their Parliaments, founded or eſtabliſhed any Abbey, Priory, Houſe of Religion, Colledge, Chantery, Hoſpital, or any other Houſe or Spiritual place of Alms, that all ſuch Foundations, as to the Corporations and Scites of the ſame, ſhall be of like force, vertue and effect, as if ſuch Foundations were made by any King lawfully reigning in this Realm, and obtaining the Crown of the ſame by juſt title: ſo that this preſent Article concerning the Foundations or Eſtabliſhments aforeſaid, or any of them, ſhall not extend nor be prejudicial in any manner to the King, or to any other perſon or perſons, for any Lands, Tenements, Rents, Poſſeſſions, or Hereditaments, or any manner Advowſons in any wiſe pertaining to the King, or to any other perſon or perſons, other then ſuch which be and make the Scite or Scites of any ſuch Abby, Priory, Houſe of Religion, Colledge, Chantery, Hoſpital, or other Houſe or place aforeſaid.

Aſſignment of Dower to any woman during her life.

V. And that all Grants and Aſſignments of Dower, made by any of the ſaid late pretenced Kings, to any woman after the death of her Huſband, to hold for term of her life, or by any Letters Patents made of ſpecial grace by any of the ſaid late pretenced Kings, or Aſſignments of Dower made to any ſuch wife after the death of her huſband in the Chancery, after the courſe of the ſame in the time of the pretenced Reigns of any of the ſaid late pretenced Kings, ſhall be of like vertue, power, and effect, as if the ſaid grants and aſſignments were made by any King lawfully reigning, and obtaining the Crown of the ſame by juſt title.

VI. Provided always, that this preſent Article do not extend, nor in any wiſe be prejudicial to the King, for any Lands, Tenements, Rents, Poſſeſſions, or other Hereditaments, pertaining to the King, in the right of his Crown, the firſt day of November laſt paſt.

Lands aſſured in mortmain by the King, which were given to him to that intent.

VII. Provided alſo, that by this preſent Act no prejudice be done to the Dutcheſs of Bedford as concerning her Dower. (2) And whereas any Lands, Tenements, Rents, Poſſeſſions, Hereditaments, or other things have been given to any of the ſaid pretenced Kings by any perſon or perſons, to the intent that gifts ſhould be thereof made by the ſaid Kings, or any of them, by any of their Letters Patents by way of Mortmain for ever, that all Grants and Letters Patents made by any of the ſame late pretenced Kings, for the amortiſing of any Lands, Tenements, Rents, Poſſeſſions, Hereditaments, or other things, ſhall be of like force, vertue and effect, as if the ſame Grants were made by any King lawfully reigning in this Realm, and obtaining the Crown of the ſame by juſt title: ſo that any of the ſaid late pretenced Kings by whom any ſuch Letters Patents were made, were never ſeiſed of and in the ſaid Lands, Tenements, Rents, Poſſeſſions, or Hereditaments, but only by vertue of ſuch Feoffments, Grants, Gifts, or other Eſtates made to them, or any of them.

Lands aſſured to the King by way of recompence or exchange.

VIII. Provided always, that this Act extend not to any Lands, Tenements, Rents, Poſſeſſions, Advowſons, Hereditaments, or other things that were given to any of the ſaid late pretenced Kings, by way of recompence or exchange for any Lands, Tenements, Rents, Poſſeſſions, Advowſons, Hereditaments, or other things which in any wiſe pertained to the Crown, although no mention were made in any Letters Patents or other Writings of any recompence or exchange.

Collations, Gifts, and Preſentations to Benefices during the Incumbents lives.

IX. And that all Grants, Collations, Gifts or Preſentations, made by any of the ſaid late pretenced Kings to any perſon or perſons not Corporate, nor having perpetual Succeſſion of any Benefice, Dignity, Church, Prebend, Hoſpital or Chappel, ſhall be of like force, vertue and effect, as if the ſame Grants, Collations, Gifts and Preſentments were made by any King lawfully reigning in this Realm, and obtaining the Crown of the ſame by juſt title, during the life or lives of the ſaid perſon or perſons being Incumbents, Poſſeſſors or Occupiers of the ſame, or any of them.

The Kings open Enemies and perſons attainted excepted.

X. Provided always, that thoſe perſons which be attainted in this preſent Parliament, and ſuch that be out with the Kings enemies, ſhall take no benefit nor advantage by this Act.

Grants of Wards and Marriages.

XI. And that all Grants made by any of the ſaid late pretenced Kings, by any their Letters Patents, to any perſon or perſons of any Wards and Marriages, ſhall be of like force, vertue, and effect, as if the ſame Grants were made by any King lawfully reigning in this Realm, and obtaining the Crown of the ſame by juſt title.

Grants of Fairs and Markets.

XII. And all Grants and Letters Patents made by any of the ſaid late pretenced Kings, to any perſon or perſons, to have any Fair or Fairs, Market or Markets, in any Town or Towns, place or places, all ſuch Grants, and Letters Patents, as to ſuch Fairs and Markets, and every of them, ſhall be of like force, vertue, and effect, as if the ſame Grants and Letters Patents were made by any King lawfully reigning in this Realm, and obtaining the Crown of the ſame by juſt title.

Grants to Heirs of Liveries of their Anceſtors Lands.

XIII. And alſo if any perſon or perſons hath ſued, obtained, and had any Livery by the courſe of the Common Law of this Realm, or otherwiſe, of any lands, tenements, rents, poſſeſſions, advowſons, or other hereditaments, which ſhould deſcend, revert, remain, or in any other manner come to them or any of them, by any Livery purſued after or by the death of any of their Anceſtors, or any other perſon or perſons, after the fourth day of March laſt paſt, that all ſuch Liveries ſhall be of like force, vertue and effect, as they were at the time of the ſaid Liveries purſued: So that the ſaid lands, tenements, rents, poſſeſſions, advowſons, and other hereditaments, or any parcel thereof, were not pertaining to the King in the right of his Crown.

Wards or marriages granted by King E. 4.

XIV. Provided always, that this Article extend not to any lands, tenements, or other things which do pertain or ought to come into the Kings hands, by reaſon of any Attainder in this preſent Parliament. And alſo that all Grants and Letters Patents made by our Lord the King to any perſon or perſons, after the fourth day of March laſt paſt, of any Wards or Marriages, of any perſon or perſons being within age, ſhall be of like force and effect to them and every of them, as they were at the times of the Grants and Letters Patents thereof made to them or any of them: Any Act or Ordinance in this preſent Parliament made or to be made notwithſtanding.

King Ed. 4. Letters Patents made to ſeveral perſons of Offices.

XV. Provided always, that this Article extend not to any wards or marriages of any perſons which do pertain or ought to come to the Kings hands, by reaſon of any attainder in this preſent Parliament, (2) and that all Grants made by our ſaid Soveraign Lord the King by his Letters Patents, after the iv day of March laſt paſt, to any of his faithful liege men that were not againſt him in any Field after the firſt day of his Reign, nor againſt the high and mighty Prince, Father to the ſaid King, in the Field and evil journey of Wakefield, of any Office or Offices which ſuch perſon or perſons by the Kings diſcreet conſideration hath deſerved, the effect of ſuch Grant or Grants ſhall be of like ſtrength and force, as they or any of them were at the time of ſuch Grant or Grants, Letters Patents, and every of them made: Any Statute, Act or Ordinance, made or to be made in this preſent Parliament notwithſtanding.

Certain Officers to whom the King had granted their Offices during his pleaſure.

XVI. Provided always, that this Act be not prejudicial nor hurtful to any perſon or perſons, for any grant or grants made to them or any of them of any Annuity, Fee, or Penſion, or of any Deanry, Hoſpital, or Benefice, or of any Office or Offices, in the time of the Kings Progenitors, with the fees and wages thereto due and accuſtomed, made by the King by his Letters Patents ſithence the fourth day of March laſt paſt, his Letters Patents made of all the Offices of Serjeants at Arms, and of the Offices of Juſtices of the one Bench and of the other, Barons of his Exchequer, Warden of the Rolls of his Chancery of England, Warden of the Rolls of his Chancery of his Land of Ireland, Clerk of his Council, Secondary in the Office of his Privy Seal, Clerk or Warden of his Hamper of his ſaid Chancery of England, Keeper of his Parks of Hellesbury and Lantgles in the County of Cornwal, Clerk of the Market of his Houſe, the Chirographer and Warden of the Kings Writs and Records of his Common Bench, Meſſengers of his Exchequer, Glaſier, Plummer, Broiderer, Joyner, Fletcher within the Tower of London, chief Carpenter within the Palace of Weſtminſter, Receiver of all Offices accomptable, Bailiff of Havering, Bailiff of Surry and of his Auditors in the Counties of Cheſter and Flint, and of South-Wales, Purveyor and Comptroller of the ſearch of his Port of London, Warden of his Armour in the Tower of London, Maker of his Points, Conſtable of his Caſtle or Lordſhip of Hadleigh, Clerk of his great Wardrobe, Purveyor of all manner ſtuff for his Works within his Palace of Weſtminſter, and the Tower of London, and the Captain of his Caſtle of Hammes, excepted. The ſame Letters Patent ſo excepted, to endure and be of ſtrength, vertue, and effect, at the pleaſure and will of the King. (2) And alſo that all Confirmations, Ratifications, Approbations, Leaſes, and Grants of all Franchiſes, Liberties, Priviledges, Cuſtoms, or any other Commodities, Profits or Advantages, and every of them, Diſtinctions, Severances from Counties, and making of Counties by themſelves, Grants, Releaſes, Diminutions and Pardon, of Fee-ferms, and every of them, made and granted by our ſaid Sovereign Lord the King, by his Letters Patents, ſithence the fourth day of March laſt paſt, in relief and benefit of any City, Town or Borough of this Realm, to any Mayor, Bailiff or Bailiffs, Sheriff or Sheriffs, Mayor and Commonalty, Mayor and Citizens, Mayor and Aldermen, Mayor and Sheriff, Mayor, Bailiffs, and Commonalty, Citizens, Bailiffs, and Citizens, their Heirs and Succeſſors, and the Heirs and Succeſſors of every of them, by whatſoever name or names they or any of them be called or named in the ſaid Grants or other the Premiſſes, or any of them, ſhall be of like force and effect, as they or any of them were at the time of the Grants, and Letters Patents thereof made. (3) And alſo if any of the ſaid late pretenced Kings, or any of their Anceſtors hath been infeoffed by any perſon or perſons, of or in any Lands, Tenements, Rents, Poſſeſſions, Advowſons, or other Hereditaments, only upon truſt and confidence to refeoff the ſaid perſon or perſons, or their Heirs or Aſſigns, of any of the ſame, at ſuch time as they ſhould be thereto required, that all ſuch Grants, Feoffments, or other Eſtates, made by any of the ſaid late pretenced Kings, or any of their Anceſtors, of any ſuch Lands, Tenements, Rents, Poſſeſſions, Advowſons, or other Hereditaments, to any ſuch perſon or perſons, their

King Ed. 4 ſeveral Grants to divers Corporations of Liberties and other benefits within a certain time.

Feoffments upon truſt to the late King, to the uſe of others.

Heirs

The force of the Kings Letters Patents made to the L. Chancellor, L. Treaſurer, Juſtices, &c. or to the Barons of the Exchequer.

Heirs or Aſſigns, or to the Heirs or Aſſigns of any of them, ſhall be of like force and effect in the Law, and available to the ſaid perſon or perſons, and to the Heirs and Aſſigns of them, and every of them, as they were at the times of the ſaid Grants and Feoffments, or other Eſtates made to them, or any of them, any Act or Ordinance in this preſent Parliament made or to be made notwithſtanding: So that none of the ſaid pretenced Kings, nor any of their Anceſtors, after the laſt day of the Reign of King Edward the Third, Progenitor of our ſaid Lord the King, were at any time ſeiſed of the Lands, Tenements, Rents, Poſſeſſions, Advowſons, or other Hereditaments, nor of any parcel thereof, but only by vertue of ſuch Feoffments made to them or any of them upon confidence in manner and form aforeſaid, and in no other manner: and that the ſame Lands, Tenements, Rents, Poſſeſſions, Advowſons, or other Hereditaments, and every of them, be holden of the ſame chief Lords immediate, or of their Heirs, and by the ſame ſervices, as they were holden at the time the ſame Feoffments made to any of the ſaid late pretenced Kings, or to any of their Anceſtors, any Poſſeſſion of the late pretenced Kings, or any of their Anceſtors, after the laſt day of the Reign of King Edward the Third, notwithſtanding. (4) Provided always, that no perſon attainted in this preſent Parliament take any benefit or advantage thereby. (5) Alſo that all Letters Patents granted and directed by our ſaid Lord the King after the firſt day of his Reign, to his Chancellor or Treaſurer of this Realm, Juſtices of the Pleas to be holden before the King, Juſtices of the Common Bench, or Barons of the Exchequer, or to any of them, for the exerciſe of any ſuch thing as pertaineth to the Office or Offices, Authority and Power of them, or any of them, by reaſon of any of the ſaid Letters Patents and Grants, ſhall be of like force, vertue and effect, as they or any of them were the firſt day of November laſt paſt, any Statute, Act, or Ordinance made in this preſent Parliament notwithſtanding: So that the Barons of the Exchequer ſhall occupy, or exerciſe their Offices at the Kings pleaſure, as the Juſtices do. (6) And alſo that every Commiſſion made, granted, and directed by any of the ſaid late pretenced Kings in any of their times, to any perſon or perſons to be aſſigned for the peace in every or any County of this Realm to be eſtabliſhed and kept, and to hear and determine all manner of Felonies, Treſpaſſes, and other Offences ſpecified in the ſaid Commiſſions, and every of them, done or committed in any of the ſaid Counties, or to deliver any Gaol or Gaols within this Realm, or in other place or places under the obeyſance of the Crown, of the Priſoners being in any of the ſaid Gaols in the time of any of the ſaid late pretenced Kings, or to hear and determine all manner Treaſons, Felonies, Treſpaſſes, or other Offences done in any of the ſaid Counties, or in any place or places under the obeyſance of the Crown of the ſaid Realm, ſpecified in every of the ſaid Commiſſions, or for Sewers being aſſigned to ſurvey and to cauſe to be repaired and amended, Walls, Marſhes, Ditches, Gutters, Caucies, and Bridges, and other defaults in any Marſh or Marſhes, in any part of this Realm, ſpecified in the ſame Commiſſions and every of them, and all other Commiſſions made by any of the ſaid late pretenced Kings, to any perſon or perſons before the fourth day of March laſt paſt, and all Proceſſes, Determinations, Executions, Incidents, Adminicles, and other circumſtances pertaining to the ſame Commiſſions and every of them, not void, repealed, and adnulled, ſhall be of like force, vertue and ſtrength, as if the ſame Commiſſions and every of them were made and granted by any King lawfully reigning in this Realm, and obtaining the Crown of the ſame by juſt title: So that a ſpecial Act be made for ſuch perſons that were before this time indamaged for the King.

Commiſſions of the Peace, of Gaol-delivery, and to hear and determine, or of Sewers, and all other Commiſſions.

Acts of Parliament for Shrewsbury.

XVII. And alſo that all manner of Acts and Ordinances made by authority of any Parliament or Parliaments holden in the time of any of the ſaid late pretenced Kings, for the conſervation and keeping of the Town of Shrewsbury, and of the good, peaceable, and quiet rule and government within the ſaid Town, betwixt the Inhabitants of the ſame, and every of them, ſhall be of like force and effect, as if the ſame Acts or Ordinances, and every of them, were made in the time of any King or Kings lawfully reigning in this Realm, and obtaining in the Crown of the ſame by juſt title.

King H. 6. his Grant to the Abbot of Biland of the Mannor of Kilbourn in the County of York.

XVIII. Alſo whereas the ſaid late pretenced King Henry the Sixth, in deed, and not of right, King of this Realm, by his Charter indented under the Seal of the Dutchy of Lancaſter ſealed, bearing date the twentieth day of March, the xxiv year of his uſurped Reign, did give and grant, and by the ſame Charter confirmed to William Abbot of Biland the Mannor of Kilbourn, with the Appurtenances, in the County of York, with all the Knights Fees, Views of Frankpledge, Franchiſes, Liberties, Commodities, Profits and Appurtenances to the ſame Mannor in any wiſe belonging or appertaining, to have and to hold the ſame Mannor, with the other Premiſſes to the ſaid Abbot, and his Succeſſors for ever, yielding therefore to the ſaid pretenced King Henry the Sixth, and his Heirs Dukes of Lancaſter, xxi li. yearly, (where the ſaid pretenced King, nor any of his Anceſtors Dukes of Lancaſter, before the ſame time were ever anſwered of the ſaid yearly iſſues and profits of the ſame Mannor, but of xvi li. by year only) the ſaid xxi li. to be paid at the Feaſts of Pentecoſt and St. Martin in Winter, by even portions, for all ſecular ſervices, with clauſe of diſtreſs for default of payment of the ſaid Rent by half a year, in all the Mannors, Lands, and Tenements of the ſaid Abbot and Convent within the ſame County, as in the ſame Charter thereof made more plainly appeareth: That all the ſame Charter, Gift, and Grant ſhall be until this time, and hereafter to the ſaid Abbot and Covent, and to their Succeſſors, of like force and effect, as they were the firſt day of March laſt: Any Act or Ordinance made in this preſent Parliament notwithſtanding.

Grants to Abbots, Priors, &c. to make free election.

XIX. And alſo that all Grants and Licences made by Letters Patents of any of the ſaid late pretenced Kings, to any Abbot and Covent, Prior and Covent, or to any other perſon or perſons, to have and make by free Election within themſelves at any voidance, Abbot or Prior, and to be conventual, perpetual, and elective, where before they were dative and removeable, ſhall be of like ſtrength, vertue and effect, as if the ſame Grants and Licences, or any of them, were made by any King lawfully reigning in this Realm, and obtaining the Crown of the ſame by juſt title.

XX. Alſo that all Records of Recognizances and Deeds inrolled, had and made in any Court or Courts of Record, or before any Juſtice of Record, in the time of the Reigns of any of the ſaid late pretenſed Kings, ſhall be of like force, vertue and effect, as if the ſame Records were had or made in the time of any King lawfully reigning in this Realm, and obtaining the Crown of the ſame by juſt title.

Recognizances and Deeds inrolled.

XXI. And alſo that all licenſes and grants made by any of the ſaid late pretenſed Kings to any perſon or perſons, to make, have, incloſe and enjoy any Park or Parks, Warren or free Chaſe, or to embattel, to carnel, to maſtol, or to make any Tower, Caſtel or Fortreſs, within this Realm, ſhall be of like force, vertue and effect, as if the ſaid grants and licences were made by any King lawfully reigning in this Realm, and obtaining the Crown of the ſame by juſt title.

Licences to make Parks, Chaſes, free Warrens, or to make Caſtles, Towers, or to imbattel a houſe.

XXII. Provided always, that this Act do not extend nor be prejudicial to the right Noble, high and mighty Princeſs, Cicily Dutcheſs of York, Mother unto our ſaid Soveraign Lord the King, of any grant or grants made to her by the King by his Letters Patents before the firſt day of this Parliament, by whatſoever name or names ſhe ſhall be called in the ſame Letters Patents, but that the ſame Letters Patents, and every grant therein contained, be of like force and effect, as they were before the firſt day of this Parliament: This Act, or any other, made or to be made in this preſent Parliament notwithſtanding.

Cicily Dutcheſs of York, mother to the King.

XXIII. Provided always, that this Act, nor any Article of the ſame, do not extend to any lands, tenements, poſſeſſions, hereditaments, or other things, which the King ought in any wiſe to have by force of any Act of attainder of any perſon or perſons made in this preſent Parliament.

Lands devolved to the King by attainder, or, &c.

XXIV. Provided alſo, that no perſon or perſons attainted in this preſent Parliament, or being out with the Kings enemies, take any benefit or advantage by this Act, nor any other Act made or to be made in the ſaid Parliament.

CAP. II.

Juſtices of Peace may award Proceſs upon Indictments taken in Sheriffs Tourns.

Also, whereas many of the Kings faithful liege people, as well ſpiritual as temporal, by the inordinate and infinite indictments and preſentments, as well of felony, treſpaſſes, and offences, as of other things, which of long time have had and uſed within the Counties of this Realm, and taken before Sheriffs for the time being in their County ſeverally, Under-Sheirffs, their Clerks, Bailiffs and Miniſters, at their tourns or lawdays, holden before them ſeverally in the Counties, which indictments and preſentments be oftentimes affirmed by Jurors having no conſcience, nor any freehold, and little goods, and often by the ſaid Sheriffs menial Servants and Bailiffs, and their Under-ſheriffs, by which indictments and preſentments, the ſaid lawful liege people be attached and arreſted by their bodies, and put in priſon by the ſaid Sheriffs, Under-ſheriffs, their Clerks, Bailiffs and Miniſters, to the great loſs of their goods; and they ſo being in priſon by the ſaid Sheriffs, Under-ſheriffs, their Clerks, Bailiffs, and their Miniſters, are conſtrained to make grievous fines and ranſoms, and levy of them great fines and amerciaments for the ſaid indictments and preſentments, in great hindrance and utter undoing of the ſaid liege people. (2) After which fines, ranſoms and amerciaments ſo rated and levied by the ſaid Sheriffs, Under-ſheriffs, Clerks, Bailiffs, and their Miniſters, the people aforeſaid be inlarged out of priſon, and the ſaid indictments and preſentments be imbeziled and withdrawn: (3) Our ſaid Lord the King conſidering the premiſſes, by the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt of the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath ordained and eſtabliſhed, that all manner of indictments and preſentments that ſhall be taken hereafter before any of his ſaid Sheriffs of his Counties for the time being, their Under-ſheriffs, Clerks, Bailiffs or Miniſters, at their tourns or lawdays before mentioned, they nor any of them ſhall have power or authority to attach, arreſt, or put in priſon, or to levy any fines or amerciaments of any perſon or perſons ſo indicted or preſented, by reaſon or colour of any ſuch indictment or preſentment taken or to be taken before them or any of them, nor to make, or take of any ſuch perſon or perſons ſo indicted or preſented, any fine or ranſom, (4) but that the ſaid Sheriffs, and their Under-ſheriffs, Clerks or Bailiffs, and their Miniſters, ſhall bring, preſent and deliver all ſuch indictments and preſentments taken before them or any of them in their tourns or lawdays aforeſaid, to the Juſtices of Peace at their next Seſſions of the Peace that ſhall be holden in the County or Counties where ſuch indictments and preſentments ſhall be taken, before the ſaid Juſtices of ſuch County or Counties for the time being: (5) And if any of the ſaid Sheriffs, Under-ſheriffs, Clerks, Bailiffs, and their Miniſters, do not bring, deliver and preſent all ſuch indictments or preſentments ſo taken before them and every of them in their tourns or lawdays, as before is recited, at ſuch Seſſions of the Peace, before the ſaid Juſtices of Peace, that then all ſuch Sheriffs, Under-ſheriffs, Clerks, Bailiffs, and their Miniſters, and every of them that ſo ſhall fail in bringing, delivering and preſenting of ſuch indictments or preſentments, ſhall forfeit to the King forty pounds at every time that they or any of them doth the contrary: (6) And that the ſaid Juſtices of Peace ſhall have power and authority to award proceſs upon all ſuch endictments and preſentments, as the Law doth require, and in like form as if the ſaid indictments and preſentments were taken before the ſaid Juſtices of Peace in the ſaid County or Counties, and alſo to arraign and deliver all ſuch perſon or perſons ſo indicted and preſented before the ſaid Sheriffs, Under-ſheriffs, their Clerks, Bailiffs, and their Miniſters, or any of them in their tourns or lawdays. (7) And all ſuch perſon or perſons, which be indicted or preſented of treſpaſs, ſhall make ſuch a fine as ſhall ſeem lawful by their diſcretions. (8) And the eſtreats of the ſaid fines and amerciaments ſhall be enrolled, and by indenture be delivered to the ſaid Sheriffs, Under-ſheriffs, their Clerks, Bailiffs or Miniſters, or ſome of them, to the uſe and profit of him that was Sheriff in the ſaid Counties or County at the time of ſuch indictments or preſentments taken: (9) And if any

Sheriffs 12. The inconveniences of unlawful indictments in Sheriffs tourns by mean perſons.
2 Bulſt. 318.

Godbolt. 190. pl. 290.
Indictments and preſentments taken in the Sheriffs tourn ſhall be delivered to the Juſtices of Peace of the ſame County.
St. 11 H. 7. 17.
2 Inſt. 191.

Juſtices of Peace ſhall award proceſs againſt them that be indicted in the Sheriffs Tourn and arraign and deliver the offenders.

The eſtreats ſhall be indented and delivered by the Juſtices of Peace to the Sheriff.

of the ſaid Sheriffs, their Under-Sheriffs, Clerks, Bailiffs, or their Miniſters do arreſt, attach, or put in priſon, or cauſe any fine or ranſom to be taken, or levy any amerciament of any perſon or perſons ſo indicted or preſented, by reaſon or colour of any ſuch indictment or preſentment taken before them at their tourns or lawdays, above rehearſed, before that they have proceſs from the ſaid Juſtices of Peace, or eſtreats delivered out of the ſaid indictments or preſentments ſo brought, delivered and preſented to them, that then the Sheriffs which ſo do, ſhall forfeit an hundred pound: The one half thereof to be employed to the expences of the Kings houſe, and the other half to the party or parties which be or is indamaged, (11) and he or they ſhall have therefore an Action of debt at the Common Law, and like proceſs as is in an Action of debt at the Common Law, (12) and that the defendant or defendants in ſuch ſuits or actions of debt ſhall not be eſſoigned, nor wage their Law; (13) and if he or they, or any of them againſt whom this action ſhall be taken, do offer or caſt any protection or other impediment in retardation of the ſaid ſuits or actions, that ſhall not be allowed unto him.

This Statute doth not extend to the Sheriffs of London.

II. Provided always, that this preſent Ordinance do not extend, nor in any wiſe be prejudicial to the Sheriffs of the City of London now being, or which at any time hereafter ſhall be, concerning any indictments or preſentments to be taken within the ſaid City of London.

Grants of fines made by the King.

III. Provided alſo, that this Act extend not, nor be prejudicial to any perſon or perſons, which hath grants of any fines or amerciaments by any Letters Patents of our ſaid Sovereign Lord the King, or of any of his Progenitors or Predeceſſors, bearing date before the tenth day of December, next after the beginning of this Parliament, (2) and that this Act and Ordinance do not extend nor be prejudicial to any perſon or perſons, having any liberties or franchiſes by any of the ſaid Letters Patents, or in any other manner by preſcription. (3) And that this Ordinance be in his force, and begin to take effect at the fortieth day next after the ſixth day of May next after the beginning of this preſent Parliament, upon the which ſixth day the ſaid Parliament was diſſolved.

Statutes made at *Weſtminſter*, *Anno 3 Ed.* 4. and *Anno Dom.* 1463.

AT the Parliament ſummoned at Weſtminſter, the nine and twentieth day of April, the third year of the Reign of our Lord King EDWARD the fourth after the Conqueſt: divers Statutes and Ordinances, to the honour of God and of holy Church, and for the wealth of the King and of his People, by the advice and aſſent of his Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, were made in the manner and form as followeth.

CAP. I.

Wools, Raſt. 12

No Alien ſhall ſhip or carry out of this Realm any Wools, Fells, Morling or Shorling: neither ſhall any Denizen carry them but to Calice (except ſuch as be growing in Northumberland, Cumberland, Weſtmerland, and the Biſhoprick of Durham, which ſhall be carried to Newcaſtle.) Every Merchant ſhall receive for his merchandiſe of the Staple, ready payment, whereof the one half ſhall be in Bullion of Gold or Silver, which ſhall be coined at the Mint of Calice. Whoſoever windeth any deceitful thing in Wool, ſhall forfeit vj d. for every Fleece. If any Engliſh or Welſhman ſhall bring in or carry forth any merchandiſe in an aliens ſhip, if he may have fraught in a denizens ſhip, he ſhall forfeit his Merchandiſe. Exp. St. 5 R. 2. 3. 6 R. 2. 8. 14 R. 2. 6. 4 H. 7. 10.

CAP. II.

Corn 9.

A reſtraint of bringing Corn into this Realm, until it ſhall exceed certain prices, Rep. 21 Jac. 28.

CAP. III.

Silk, Raſt. 2.

Whoſoever ſhall bring into this Realm any wrought Silk to be ſold concerning the myſtery of Silk workers, ſhall forfeit the ſame, and x l. Exp. St. 33 H. 6. 5. 22 Ed. 4. 3. 1 R. 3. 10. 1 H. 7. 9.

CAP. IV.

Certain Merchandiſes not lawful to be brought ready wrought into this Realm.

Merchants, Raſt. 33. The inconveniences enſuing of bringing of wares ready wrought into this Realm.

ITem, Whereas in the ſaid Parliament, by the Artificers of manual occupations men and women inhabiting and reſident in the City of London, and other Cities, Towns, Boroughs and Villages within the ſame Realm of England and Wales, it hath been piteouſly ſhewed and complained, how that all they in general, and every of them, be greatly impoveriſhed, and much hindred and prejudiced of their worldly increaſe and daily living, by the great multitude of divers commodities and wares pertaining to their myſteries and occupations, being fully wrought and ready made to ſale, as well by the hands of ſtrangers being the Kings enemies, as other in this Realm, and Wales, fetched and brought from beyond the Sea, as well by Merchant ſtrangers, as denizens and other perſons, whereof the greateſt part in ſubſtance is deceitful and nothing worth in regard of any mans occupation or profit; (2) by which occaſion the ſaid Artificers cannot live by their myſteries and occupations as they have done in times paſt, but divers of them, as well houſholders as hirelings, and other ſervants and apprentices in great number, be at this day unoccupied, and do hardly live, in great miſery, poverty and need, whereby many inconveniencies have grown before this time, and hereafter more be like to come (which God defend) if due remedy be not in this behalf provided: (3) Our redoubted Soveraign Lord the King conſidering the premiſſes, and willing in this caſe to provide remedy, by the advice, aſſent and authority aforeſaid, hath ordained, enacted and eſtabliſhed, That no Merchant born ſubject of our ſaid Lord the King, denizen nor ſtranger, nor other perſon, after the Feaſt of St. Michael the Archangel next coming, ſhall bring, ſend nor convey, nor cauſe to be brought, ſent nor conveyed into this Realm of England, and Seigniory of Wales, any of the chaffers, wares, or things under-written, that is to ſay, Any woollen caps, woollen clothes, laces, corſes, ribbands, fringes of ſilk and of thread, laces of thread, ſilk twined, ſilk in any wiſe imbroidered, laces of gold, of ſilk or gold, ſaddles, ſtirrops, or any harneſs pertaining to ſaddles, ſpurs, boſſes for bridles, aundirons, gredirons, any manner of locks, hammers, pinſons, fire-tongs, dripping-pans, dice, tenis-balls, points, purſes, gloves, girdles, harneſs for girdles, of iron, latten, ſteel, tin, or of alkmine, any thing wrought of any tawed leather, any tawed furres, buſcans, ſhooes, galoches or corks, knives, daggers, woodknives, bodkins,

Certain merchandiſes which it is not lawful to bring into this Realm wrought. St. 1 R. 3. 12.

kins, ſheers for Tailors, ciſors, raſers, cheſsmen, playing cards, combs, pattins, packneedles, any painted ware, forcers, caskets, rings of copper, or of latten gilt, chaffing-diſhes, hanging candleſticks, chaffing balls, ſacring bells, rings for curtains, ladles, ſcummers, counterfeit baſons, ewers, hats, bruſhes, cards of wool, blank iron thread, commonly called and named White wire, or any of thoſe wares or chaffers to be uttered and ſold within the ſame Realm of England, or in the Country of Wales, by way of merchandiſe, (4) upon pain to forfeit the ſame merchandiſes at every time and as often as they may be found in the hands of any perſon or perſons to be ſold: The one half of the ſame forfeiture to be payed to the uſe of our Lord the King, and the other half to him that will firſt ſeiſe the ſame for the King: (5) The ſame half by him ſo ſeiſed for our Lord the King to be delivered by the ſaid ſeiſor thereof to the Eſcheator of the County or Place where the ſame ſeiſin ſhall be, by indenture betwixt them made, duly to anſwer thereof in his accompt.

A Proviſo for ſuch wares as be taken upon the Sea by wreck.

II. Provided always, that if any of the ſaid wares or chaffers made out of this land, be taken upon the Sea without fraud and colluſion, or come in this Realm of England, or the Country of Wales, by way of wreck, that thoſe be in no wiſe taken within this Act or Statute, but that they may be ſold within this Realm of England or Wales, this Act or Statute notwithſtanding.

Wares made in Ireland or Wales.

III. Provided alſo, that all wares and chaffers made and wrought in the land of Ireland or Wales, may be brought and ſold in this Realm of England, and as they were wont before the making of this Statute, this Act or Statute notwithſtanding.

The chief Officers of Cities or, &c. ſhall have authority to ſearch for defective wares.

IV. Alſo our Lord the King hath ordained and eſtabliſhed, by the aſſent and authority aforeſaid, that the Maſters and Wardens for the time being, of every craft and myſtery in every City, Borough, Town and Village where any ſuch craft or myſtery is uſed or occupied, ſhall have ſufficient power and authority in every ſuch City, Town, Borough and Village, where they for the time being ſhall be Wardens or Maſters of any ſuch craft or myſtery, and the Mayor of ſuch City, Borough, Town or Village, for the time being, if any Mayor be, or the Bailiffs or Bailiff of any ſuch City, Borough, Town or Village, for the time being, if any Bailiffs or Bailiff there be, and no Mayor or Serjeant, or any other Officer to them aſſigned by the ſaid Mayor, Bailiffs or Bailiff, in every ſuch City, Borough, Town and Village, where any ſuch craft or myſtery is uſed or occupied, where no ſuch Maſters nor Wardens of any ſuch craft or myſtery be, that the Maſters or Wardens of the crafts and myſteries of the City, Town, Borough or Village next adjoyning to the ſame, and the Conſtable of ſuch City, Town, Borough or Village, ſhall have power and authority to ſearch in their own crafts and myſteries, and in all other crafts and myſteries, uttering by way of ſale any of the aforeſaid wares, as well within Cities, Boroughs, Towns and Villages of the ſame Realm of England, and of the Country of Wales, as within the Liberties and Franchiſe of the ſame Cities, Boroughs, Towns and Villages at all times reaſonable by the day, at Fairs and Markets, ſhops open, and ware-houſes, all ſuch manner of wares, chaffers and merchandiſes pertaining to every of their proper crafts and myſteries, which ſhall be made by any alien artificer, man or woman, or any other perſon or perſons within the ſame Realm of England or Wales, or which at any time ſhall be occupied by any of the ſaid crafts or myſteries, in whoſe hands ſoever they may be found.

Wares and merchandiſes that be not lawful, ſhall be forfeit.

V. Provided alſo, that the ſaid Maſters, Wardens, and other named in the ſaid Ordinance to be ſearchers, ſhall not enter in any place exempt by priviledge, franchiſe or cuſtom, to make in the ſame any ſearch as is aforeſaid, but by the overſight of ſome Officer of every ſuch place ſo exempt where any ſuch ſearch ſhall happen to be made; (2) and if the ſaid Searchers by the ſame ſearch do find that ſuch chaffers, wares or merchandiſes, or any part thereof be not pure, lawful, and able chaffers, wares or merchandiſes, and duly wrought and made, as they ought to be, and that ſufficiently proved, that then it ſhall be lawful to ſuch Searchers to take and ſeiſe all ſuch chaffers, wares and merchandiſes, which ſhall ſo be found not good, pure, lawful or able, nor well wrought, as a thing forfeit: (3) The one half of the ſame forfeiture to be paid to the uſe of our Lord the King, and the other half thereof to ſuch Maſters or Wardens, which ſo ſhall make ſearch and find the ſame. (4) And that this preſent Ordinance or Statute concerning the ſaid Artificers ſtand and be in his force as long as ſhall pleaſe our Soveraign Lord the King.

The liberties of Great St. Martins in London, reſerved.

VI. Provided always, that this Ordinance and Act, nor any other Ordinance or Act, made or to be made in this preſent Parliament, ſhall extend, or in any wiſe be prejudicial or hurtful to Robert Stillington Clerk, Dean of the free Chappel of our Lord the King of St. Martin le Grand of London, nor to his ſucceſſors of the ſaid Chappel hereafter for the time being in any manner; (2) Nor to the ſaid Robert, Dean and Chapiter of the ſame Chappel, as in and for all manner of privilges, liberties, franchiſes, rights and cuſtoms, in any manner pertaining to them before this Parliament; (3) Nor to any perſon or perſons dwelling or inhabiting, or which ſhall hereafter inhabit and dwell within the Sanctuary and Precinct of the ſame Chappel, and eſpecially within the Lane, commonly called St. Martins Lane. St. 5 El. 7. 14 Car. 2. cap. 19.

CAP. V.

What kind of apparel men and women of every vocation and degree are allowed, and what prohibited to wear. Rep. 22 Ed. 4. 1. 1 H. 8. 14. 7 H. 8. 6. 14 H. 8. 13.

Apparel, Raſt

Statutes made at *Weſtminſter*, *Anno* 4 *Ed.* 4. and *Anno Dom.* 1464.

OUR Lord King *Edward* the fourth after the Conqueſt, at his Parliament ſummoned at Weſtminſter, the nine and twentieth day of April, in the third year of his Reign, and by divers Prorogations and Adjournments, continued till the one and twentieth day of January, in the fourth year of his ſaid Reign, on the ſame one and twentieth day of January, to the reverence of God, and for the wealth of him and his people, by the advice and aſſent of his Lords Spiritual and Temporal, and at the ſpecial requeſt of his Commons being in the ſaid Parliament, hath ordained and eſtabliſhed certain Statutes and Ordinances, in manner and form following.

CAP. I.

The length and breadth of Clothes made to be ſold. No clothes wrought beyond Sea ſhall be brought into England.

Drapery 101. The inconveniences which have enſued to this Realm by the deceitful making of Cloth.

Firſt, Whereas many years paſt, and now at this day, the workmanſhip of Clothes and things requiſite to the ſame, is and hath been of ſuch fraud, deceit and falſity, that the ſaid Clothes in other Lands and Countries be had in ſmall reputation, to the great ſhame of this Land: (2) And by reaſon thereof a great quantity of Clothes of other ſtrange Lands be brought into this Realm, and here ſold at an high and exceſſive price, evidently ſhewing the offence, default and falſhood of the making of woollen Clothes of this Land: (3) Our ſaid Lord the King, for the remedy of the premiſſes, and to the preferment of ſuch labours and occupations which have been uſed by the making of the ſaid Clothes, by the advice, aſſent and requeſt, and authority aforeſaid, hath ordained and eſtabliſhed certain Statutes and Ordinances, in manner and form enſuing: (4) Firſt, That every whole woollen Cloth, called Broad Cloth, which ſhall be made and ſet to ſale after the Feaſt called St. Peter ad vincula, which ſhall be in the year of our Lord M.CCCC.LXV. after the full watering and racking, ſtraining or tenturing of the ſame ready to ſale, ſhall hold and contain in length xxiv yards, and to every yard an inch, containing the breadth of a mans inch, to be meaſured by the creſt of the ſame Cloth: and in breadth ij yards, or vij quarters at the leaſt within the liſts. (5) And if the ſaid Cloth be longer in meaſure then the ſaid xxiv yards and the inches, then the buyer thereof ſhall pay to the ſeller for as much as doth exceed ſuch meaſure of xxiv yards, according to the rate of the meaſure above ordained.

The length and breadth of woollen cloth called Broad Cloth. Rep. 5 Ed. 6. 6.

The length and breadth of Streits.

II. And it is enacted and eſtabliſhed by authority of the ſaid Lords, that all manner of Clothes called Streits, to be made and put to ſale after the ſame Feaſt, after the full watering and racking, ſtraining or tenturing thereof ready to ſale, ſhall hold and contain in length xij yards and iij inches, according to the meaſure aforeſaid, and in breadth one yard within the liſts.

The length and breadth of Kerſey.

III. Alſo it is ordained and eſtabliſhed by the authority aforeſaid, That every Cloth called Kerſey, to be made and put to ſale after the ſaid Feaſt, after the full watering, racking, ſtraining or tenturing of the ſame ready to ſale, ſhall hold and contain in length xviij yards and iij inches, as is aforeſaid, and in breadth one yard and a nail, or at the leaſt one yard within the liſt.

Half Clothes.

Lambs wool, flocks or cork, ſhall not be put into Cloth but for certain cauſes. St. 7 Ed. 4. 2.

IV. Alſo it is ordained and eſtabliſhed by the authority aforeſaid, that every half Cloth of every of the ſaid whole Clothes, Streits and Kerſeys, ſhall keep his meaſure in length and breadth according to the rate, form and nature of his whole Cloth aforeſaid. (2) And that no perſon which ſhall make or cauſe to be made any woollen Cloth to ſell after the ſaid Feaſts, ſhall mingle or put in or upon the ſame Cloth, nor the wool whereof the ſaid Cloth ſhall be made, any Lambs wool, flocks or cork in any manner, upon pain to forfeit xx s. for every Cloth or half Cloth, wherein or whereupon any ſuch Lambs wool, flocks or cork ſhall be put or mingled. (3) The one half thereof to be to the King, and the other half to him that will ſeiſe the ſame Cloth, and duly prove the ſame to be made contrary to this Ordinance. (4) But it ſhall be lawful for him to make cloth of Lambs wool by it ſelf, without mingling with any other wool; (5) Except alſo that cork may be uſed in dying upon woaded wool, and alſo in dying of all ſuch cloth that is only made of woaded wool, ſo that the ſame wool and cloth be perfectly boiled and madered; Except alſo that cork may be put upon cloth which is perfectly boiled and madered.

Clothes ſhall perfectly purſue one order of workmanſhip.

A ſeal of Lead ſhall be ſet upon faulty cloth. Rep. 5 Ed. 6. 6.

Cloth lawfully made ſhall be ſealed with a double print in Lead. St. 17 Ed. 4. 5.

Sealing of cloth which is leſs then a whole cloth, and longer then a half cloth.

The Lord Treaſurer ſhall make as many Keepers of the ſeal to ſeal cloth as he will.

V. And it is ordained and enacted, that every of the ſaid clothes and half clothes ſhall perfectly and rightly purſue and follow one order of workmanſhip, from one end to the other, without difference in the weaving, fulling, knotting or burling. (2) And in caſe any ſuch difference, or raw, or skaw cokel, or fagge, happen to be in any part of the ſaid Clothes, Streits, or Kerſeys, that then a Seal of Lead therefore ordained, and by the Treaſurer of England for the time being provided, ſhall be ſet and hanged in the loweſt part of the edge of the ſame Cloth, Streit or Kerſey, for perfect knowledge to be had to the buyer thereof. (3) And that every of the ſaid Clothes, Streit and Kerſey of the length and breadth aforeſaid, and alſo of the ſaid perfection, ſhall be from the Feaſt of St. Peter ad vincula, ſealed at the end of the ſame, with a double print in Lead, deviſed and ordained by the ſaid Treaſurer in teſtimony and witneſs of the foreſaid true length, breadth and making. (4) And if any of the foreſaid Clothes, Streits or Kerſeys, do not contain the foreſaid length and breadth, or be not of the perfect workmanſhip aforeſaid, and the ij parts of the ſame Clothes, Streits, or Kerſeys be of the true and perfect workmanſhip aforeſaid, keeping their ſaid length and breadth, that then every ſuch Cloth, Streit and Kerſey, ſhall be ſealed with the ſaid Seals, in the form aforeſaid; (5) and that every half cloth containing greater length then the half cloth, and leſs length then the whole cloth, of the ſorts of the clothes aforeſaid, being of the ſame perfect workmanſhip and breadth, ſhall be ſealed with a ſeal printed in Lead, having a mark differing from both the ſeals aforeſaid, in teſtimony and witneſs of the true length, breadth, and making of the half cloth. (6) And if any woollen cloth of any ſorts of the clothes before recited, perfectly made, and having breadth after the ſort before limited, containing iij yards and an half, or more, or leſs then the half cloth, be put to ſale after the ſaid Feaſt, the ſame cloth ſhall be ſealed with a ſeal printed in Lead, having a mark differing from any of the ſaid Seals, for a knowledge to be had of the default of the half cloth, (7) the ſaid ſeals to be deviſed and ordained by the ſaid Treaſurer, and to be put at the end of every of the half clothes, and clothes leſs then half clothes. (8) Alſo by the advice, aſſent, and authority aforeſaid, it is ordained and eſtabliſhed, that the Treaſurer of England for the time being ſhall have power and authority to make ſuch and as many keepers of the ſaid ſeals as he ſhall think neceſſary: So that no ſtranger born be made any of the ſaid keepers. (9) And that every of the ſaid keepers ſo to be made ſhall accompt yearly of the revenues of their ſaid Offices in the ſaid Exchequer before the Treaſurer of England, and the Barons there for the time being, duly ſhewing in the ſame accompts the number of the

Clothes, half Clothes, Streits and Kerſeys ſealed by them, with the names of the owners of the ſame. (10) Every of the ſame keepers to be rewarded yearly at his ſaid accompt for his labour and diligence had in this behalf at the receit of the ſaid Eſchequer, by the diſcretion of the ſaid Treaſurer and Barons, without payment of any thing in the ſaid Exchequer in or for the making of his ſaid accompt. (11) And in caſe any of the ſaid keepers do ſeal any of the aforeſaid clothes with any other ſeal, or any of the ſame clothes otherwiſe made then according to the manner and ordinance above ſpecified, and that by ſufficient proof and examination ſhewed and approved before the ſaid Treaſurer and Barons, by the ſaid depoſition, teſtimony and witneſs of ſufficient perſons of good and due reputation, which have had prompt experience in weaving, fulling, and making of clothes: or if the ſame keeper do refuſe to ſeal any of theſe clothes, made according to the ſaid manner and ordinance: or if any ſuch keeper or Aulneger do take after the ſaid Feaſt, for the King, of any perſon for the ſealing or meaſuring of any ſorts of cloth, any other ſum of Mony then is contained in the Statutes and Ordinances made before this time, and not repealed; or if any ſuch Keeper or Aulnager, after the ſaid Feaſt, do refuſe to ſhew his Commiſſion of his Office to any perſon deſiring the ſame upon the ſealing or meaſuring of any ſuch clothes before rehearſed, and that examined and duly proved, that then he, as often as he ſhall offend in any of the premiſſes, ſhall forfeit the ſum of xx s. the one half thereof to the King, and the other half to the party proving the ſaid offences therein by ſuit to be made before the ſaid Treaſurer and Barons, by bill of debt in the ſaid Exchequer, in which bill like judgment and execution ſhall be had, as is accuſtomably had and uſed againſt other accomptants in the ſame Eſchequer. (12) And that theſe Statutes and Ordinances, and other Statutes and Ordinances made before this time and not repealed, concerning any of the premiſſes, ſhall be contained and ſpecified in every Commiſſion to be made to every ſuch Keeper or Aulnager, after the ſaid Feaſt. (13) Alſo whereas before this time in the occupations of Cloth-making, the Labourers thereof have been driven to take a great part of their wages in pins, girdles, and other unprofitable wares under ſuch price as they did extend to, and alſo have delivered to them Wools to be wrought by very exceſſive weight, whereby both men and women have been diſcouraged of ſuch labour: (14) Therefore it is ordained and eſtabliſhed by the authority aforeſaid, That every man and woman being Cloth-makers, from the ſaid Feaſt of St. Peter, ſhall pay to the Carders, Spinſters, and all ſuch other Labourers in any part of the ſaid Trade, lawful mony for all their lawful wages and payment of the ſame: (15) And alſo ſhall deliver Wools to be wrought according to the faithful delivery and due weight thereof, upon pain of forfeiture to the ſame Labourer the treble of his ſaid wages ſo not paid, as often as the Cloth-maker doth refuſe to pay the ſame in the ſaid manner and form to any ſuch Labourer, put by him to the occupation in any of the ſaid parts of Cloth-making; (16) and alſo to forfeit to the ſame Labourer, for every delivery of exceſſive and unlawful weight to him committed to be wrought, vj d. for every default.

The accompt of the keepers of the ſeal, and their reward.

The penalty of the keeper of the ſeal for omitting his duty.

A Clothier ſhall pay to his workfolks ready mony, and ſhall deliver them wool according to the weight.

VI. Alſo it is ordained and eſtabliſhed by the authority aforeſaid, That every Carder, Spinſter, Weaver, Fuller, Sheerman and Dyer, ſhall duly perform his duty in his occupation, upon pain to yield to the party grieved in this behalf his double damages: (2) And that every Fuller from the ſaid Feaſt of St. Peter, in his craft and occupation of Fulling, Rowing, or Caſeyling of Cloth, ſhall exerciſe and uſe Taſels, and no Cards, deceitfully impairing the ſame Cloth, upon pain to yield to the party grieved his double damage: (3) And that every Juſtice of Peace for the time being of every County of this Realm, throughout the ſame County, out of Cities, Boroughs and Towns where any Mayor, Maſter, Warden, Bailiff or Bailiffs, is or be, and every Mayor, where there is no Maſter, and every Maſter, where there is no Mayor, and every Bailiff or Bailiffs where there is no Mayor nor Maſter, and every Portreeve, where no Mayor, Maſter, Bailiff nor Bailiffs is or be, of every City, Borough and Town within every ſuch County aforeſaid, and every Conſtable of Hundred, where any Conſtable of Hundred is, out of every City, Borough and Town where any Mayor, Maſter, Bailiff or Bailiffs, or Portreeves is or be; and that every Steward keeping or holding Wapentake or Leet of any perſon out of City, Borough or Town, where no Mayor, Maſter, Bailiff or Bailiffs, or Portreeves is or be, ſhall have power and authority by this Ordinance to hear and determine the complaints of every ſuch Cloth-maker and Labourer, as well for non-payment of the ſaid Labourers wages, as of the ſaid forfeiture and damages, by due examination of the parties in this behalf, thereupon for non-payment of the ſaid duties and forfeiture, and for the ſaid damages to commit the ſaid offenders in this behalf to the next Gaol within the ſame County, there to remain till the ſaid duties, forfeitures and damages be fully paid to the ſaid Labourer or Cloth-maker. (4) And alſo that every of the ſaid Juſtices of Peace, Mayor, Maſter, Warden, Bailiff or Bailiffs, Portreeve, and Steward of Wapentake and Leet, upon the information or complaint of any other perſon which is not grieved in this behalf, ſhall have power by the ſaid authority within his juriſdiction to cauſe the party to come before him, againſt whom ſuch information or complaint ſhall be made, for offending this Ordinance, and to examine him in and upon the matter contained in the ſame information or complaint: (5) and if the party by examination, or other due proof, be found guilty or defective, that then the ſame party, as often and for every time that he is ſo found guilty or defective, ſhall forfeit to the King, or to ſuch perſon or perſons, which is or be entituled to have Fines or amerciaments for offences done within their juriſdiction, iij s. iv d. (6) And that every of the ſaid Juſtices of Peace, and other Officers aforeſaid within his juriſdiction, upon every of the ſaid informations or complaints, ſhall have full power to make like proceſs againſt the party, upon whom any ſuch information or complaint, as before is rehearſed ſhall be made, to cauſe him perſonally to appear before him, thereupon to be examined, as Juſtices of Peace have upon information or complaint made to them for ſurety of peace, without any fee or reward to be taken or had by any of the ſaid Juſtices, or any other Officer in this party, for the execution of their Offices in this behalf.

Every worker of wool ſhall do his duty therein lawfully.

The Fullers duty in his occupation.

What Magiſtrates may enquire of, and puniſh ſuch as do offend.

What proceſs ſhall be awarded by Juſtices of Peace againſt offenders.

No Clothes made in any other Region ſhall be brought into England to be ſold. St. 11 Ed. 3. 3.

VII. Alſo it is ordained and eſtabliſhed by the authority aforeſaid, That all manner of woollen clothes made in any other Region, brought into this Realm of England, and ſet to ſale within any part of this Realm of England after the ſaid Feaſt of St. Peter, ſhall be forfeit to our ſaid Sovereign Lord the King, except clothes made in Wales and Ireland, and clothes taken by any of the Kings liege people upon the Sea, without fraud or colluſion. (2) And by the authority aforeſaid, it is ordained and eſtabliſhed, That any other Act or Ordinance made in this preſent Parliament concerning Cloth-making, or any of the premiſſes contrary, or not according to this Act, ſhall be void and of none effect.

CAP. II.

Wools, Raſt. 33. All Wools, Fells, Morlings and Shorlings to be tranſported, ſhall be ſhipped at thoſe Ports where the King hath a Beam, Weights, and a Collector of Cuſtoms, and ſhall be carried to Calice: And the Merchant ſhall bring a Certificate thereof from the Cuſtomer of Calice to the Exchequer to be entred of Record. OB. St. 14 H. 6. 2. 15 H. 6. 8. 18 H. 6. 15.

CAP. III.

Ibidem 34. The Wools, Fells, Morlings and Shorlings of the Country beyond the waters of Tweed and Teeſe, and of the Counties of Northumberland, Cumberland, Weſtmerland, Richmondſhire, Northaldertonſhire, and the Biſhoprick of Durham only, and of none other Counties, ſhall be carried to Newcaſtle to be tranſported to the Staple of Calice: and of all other Shires to the Staple of Calice, upon pain that every Offender that tranſporteth them in other ſort, ſhall forfeit to the King and the Informer the double value thereof. OB. St. 3 Ed. 4. 1. 12 Ed. 4 9.

CAP. IV.

Ibidem 35. No perſon during three years next, ſhall buy or take any promiſe of bargain for any Wools, then not ſhorn, of the growing of Berks, &c. before the ſame be ſhorn, and until Bartholomew-day following, but they which ſhall make Cloth or Yarn of them, upon pain of forfeiture of the double value thereof. Exp. St. 4 H. 7. 11. 22 H. 8. 1. 37 H. 8. 15.

CAP. V.

Merchants, Raſt. 37. No Merchandiſes of the growth or workmanſhip of any of the Countries ſubject to the Duke of Burgundy ſhall be brought into this Realm, until he revoke a Proclamation made for the baniſhment of Engliſh Clothes out of his Realm, St. 27 H. 6. 1. 28 H. 6. 1.

CAP. VI.

Ibidem 38. A qualification of the Stat. of 5 H. 4 9. touching ſecurity to be taken of Merchant-ſtrangers for the imployment of their Mony upon the Commodities of this Realm. Exp.

CAP. VII.

Cordwayners, Raſt. 21. A Shoo-maker in London, or within three miles compaſs thereof, ſhall not make any Shoos or Boots with any Pike or Polein paſſing the length of two Inches: Nor ſhall pull upon the Legs or Feet of any Perſon, any Shoes, Buskins or Boots upon the Sunday, the Nativity or Aſcenſion of our Lord, or *Corpus Chriſti* day, upon pain of forfeiture of twenty ſhillings for every Offence. But this ſhall not be prejudicial to the Dean of S. Martins the Grand, nor to any Perſon dwelling in S. Martins. Rep. St. 14 H. 8. 9. & 5 El. 8.

CAP. VIII.

Horners, Raſt. 1. No ſtranger ſhall buy Engliſh horns unwrought, gathered or growing in London, or within four and twenty miles thereof. (2) The Wardens of the Horners in London may ſearch all ware belonging to their Myſtery in London, and four and twenty miles thereof, and in Sturbridge and Ely Fairs. Rep. 1 Jac. 25. But it is recited, and in part revived, 7 Jac. 14.

CAP. IX.

Pattens, Raſt. 2. Patten-makers may make Pattens of ſuch Timber of Aſp as is not meet to be made into Shafts. Rep. 1 Jac. 25.

CAP. X.

Paſſage, Raſt. 7. What Perſons ſhall take Paſſage or Land at Dover in Kent only, and who not. Rep. 21 Jac. 28.

Statutes made at *Weſtminſter*, *Anno ſeptimo Edwardi quarti*, and *Anno Dom.* 1467.

AT the Parliament holden at Weſtminſter the third day of June, the ſeventh year of the Reign of King *Edward* the fourth after the Conqueſt: Our ſaid Lord the King, by the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt of his Commons in the ſaid Parliament aſſembled, and by authority of the ſame Parliament, hath ordained and eſtabliſhed certain Statutes and Ordinances in manner and form following.

CAP. I.

The Election, Oath, Authority, Searching and Sealing of the Wardens of Worſted-Weavers in Norwich and Norfolk.

Worſteds 1.

FIrſt, For that there be as well within the City of Norwich, as elſewhere within the County of Norfolk, divers perſons which do make untrue wares of all manner of Worſteds, not being of the aſſiſe in length nor in breadth, nor of good ſtuff, and right making, as they ought to be, and of old time were accuſtomed, and the ſleyes and yarn pertaining to the ſame not well made and wrought, in great deceit as well of denizens as of ſtrangers inhabiting or repairing to this Realm, which have uſed, and do uſe to buy ſuch merchandiſes, truſting that they were within as they ſeemed without, where indeed it is contrary. (2) And for that the Worſteds in times paſt were lawfully wrought, and merchandiſe well liked, and greatly deſired and eſteemed in the parts beyond the ſea: Now becauſe they be of no right making, nor good ſtuff, they be reported and eſteemed deceitful and unlawful Merchandiſe, and of little regard, to the great damage of our Lord the King, and great prejudice of his loyal ſubjects: (3) Our ſaid Lord the King, by the aſſent of the Lords Spiritual and Temporal, and at the requeſt of his Commons, being in the ſaid Parliament, and by the authority of the ſaid Parliament, for the wealth of his people, and the perpetual amendment of the ſaid Worſteds, and eſchewing and avoiding all manner of deceits to be done and wrought in Worſteds, by them that work the ſame, and are the means thereof: hath ordained and eſtabliſhed, (4) That men of the ſaid craft within the ſaid City, ſhall have power every year, the Monday next after the Feaſt of Pentecoſt, to chooſe four Wardens within the ſaid City of the ſame Craft: (5) And alſo that Artificers of the ſame Craft likewiſe out of the City, that is to ſay, within the County of Norfolk, ſhall have power every year at the ſame day to chooſe four Wardens within and of the ſaid County, of the ſame Craft: (6) And the aforeſaid Wardens in the ſaid County and City, to come before the Mayor of the ſaid City for the time being, upon the Monday next after the Feaſt of Corpus Chriſti then next following, and then to be ſworn before the Mayor of the ſaid City, and the Steward of the Dutchy of Lancaſter within the ſaid County for the time being, if it happen him within the ſaid County then to be preſent, or elſe before the ſaid Mayor only, the ſaid Steward then being abſent. (7) And that all the ſaid Wardens, as well within the ſaid City as without, or elſe the greateſt part of them, under this form before recited, choſen and ſworn, ſhall have full

Four Wardens of Worſted-Weavers in Norwich, other four in Norfolk.

Four Wardens ſhall take their oath before the Mayor, &c. 26 H. 8. 16.

The Wardens power.

power for the year then next following, to ſurvey the workmanſhip of the ſaid Artificers, and that they make and work rightfully and well, and of good ſtuff, and to ordain ſuch rules and ordinances within the ſaid craft, as often as it ſhall ſeem needful or neceſſary for the amendment of the ſaid Worſteds and Craft: and that all ſuch rules and ordinances ſo made and ordained by them, ſhall be obeyed and kept by the ſaid Artificers.

Puniſhment of the offenders.

The length and breadth of pieces of Worſted.

Wardens may ſeiſe defective ſtuff.

II. Or otherwiſe four of the ſaid Wardens, calling to them ſix of the moſt diſcreet of the ſaid Artificers within the ſaid City, and ſix of the ſame Artificers within the ſaid County, by the diſcretion of the ſaid Mayor and Steward, or one of them, ſhall puniſh ſuch of the ſaid Artificers, which breaketh or doth contrary to any of the ſaid rules and ordinances. (2) And that every piece of Worſted ſhall be purſuing through the piece of lawful making, good and convenient ſtuff: (3) And that they ſhall hold the length and breadth as the aſſiſe was wont to be of old time rightfully accuſtomed, that is to ſay, Beds of the greateſt aſſiſe, fourteen yards largely in length, and four yards largely in breadth: and beds of the mean aſſiſe, twelve yards in length, and three yards in breadth: and beds of the leaſt aſſiſe, ten yards in length, and five quarters in breadth: (4) and clothes called Monks clothes, twelve yards in length at the leaſt, and five quarters in breadth: (5) and clothes called Chanon clothes, of the one aſſiſe ſix yards in length, and two yards in breadth: and of the other aſſiſe five yards in length, and ſeven quarters in breadth: (6) and double Motleys ſeven yards in length, and five quarters in breadth: and ſingle Motleys ſix yards in length, and five quarters in breadth: (7) and double Worſted ten yards in length, and five quarters in breadth: and the half double Worſted ſix yards in length, and five quarters in breadth: and the roll of Worſted thirty yards in length, and half a yard in breadth. (8) And that no lambs wool be put in any of the ſaid Worſteds: (9) and that the Wardens of the ſaid Craft, and every of them, for the time being, ſhall have power and authority to ſeiſe all ſuch Clothes and Stuff ſo being defective.

The Mayor and Steward, &c. may enquire of hear and determine all offences.

Twelve artificers ſhall enquire of the viii Wardens.

III. And that the Mayor and Steward, and every of them, by twelve of the diſcreet Artificers of the ſaid City and County, ſhall have power at all times to enquire, hear and determine of all ſuch as do againſt the ſaid ordinances within the ſaid City or County: (2) And moreover in eſchewing all ſuch deceits and falſhoods which might happen to be wrought and done in the ſaid craft by the eight Wardens aforeſaid, or betwixt themſelves only, or in concealing of the falſe workmanſhip of other of the ſaid Artificers in the ſaid City and County, that the Mayor of the ſaid City for the time being, and the ſaid Steward, or one of them, at ſuch time as he ſhall think convenient, ſhall call before him the ſaid twelve Artificers, or the greateſt part of them, and charge them to be ſworn to make rightful ſearch as well in the ſtuff, as in all the working of the Worſted by the ſaid eight Wardens hereafter to be wrought and made.

The puniſhment of the Wardens defective.

Where the Wardens may ſearch.

IV. And that the ſaid Wardens ſo found defective either in execution of their office in ſearch of all other of the ſame Artificers within the ſaid City and County, or elſe in their own ſtuff or workmanſhip, ſhall be corrected by the ſaid Mayor or Steward in ſuch form as other offenders of the ſame craft ought of right to be corrected. (2) And that the ſaid Wardens and every of them, in every part of the ſaid City of Norwich, and elſewhere in the Counties of Norfolk, Suffolk and Cambridge, at all times convenient ſhall have power to ſearch all manner of Worſteds, and the ſtuff of them, as well within the Looms as out of the Looms, wrought within the ſaid City of Norwich, or County of Norfolk.

Defective ſtuff ſhall be forfeit.

Every man ſhall ſet his proper mark upon his Worſted.

V. And if any man before the ſaid Mayor and Steward, or either of them, be thereof found defective, by their diſcretion he ſhall be corrected, (2) and the Worſted and ſtuff found in manner and form aforeſaid defective, ſhall be forfeit. The one half of ſuch forfeiture found in the ſaid City of Norwich, to be to the Mayor of the ſame City, and found in any other place, to the Mayor or Bailiffs of the Cities, Boroughs and Towns, or to the chief Lords of the Fee, of and in ſuch place as ſhall happen any ſuch Worſteds and Stuff by the ſaid Wardens, or by any of them by any cauſe aforeſaid to be found defective or forfeitable: and the other half to the Wardens of the ſaid craft for the time being. (3) And that no man of the ſaid craft make any Worſted, unleſs he put his proper mark fixed or woven upon the ſame, by the ordinance of the ſaid Wardens, or elſe the ſame Worſted ſhall be forfeit to our ſaid Lord the King.

Places of ſearch ſhall be appointed, and alſo days.

Wardens ſhall ſet their mark.

VI. Moreover, For the full reformation of the deceits and falſhood above rehearſed, by authority aforeſaid, it is ordained and enacted, That the ſaid eight Wardens, the ſaid Monday next after Corpus Chriſti, yearly incontinently after their charge recited before the ſaid Mayor and Steward, or one of them, ſhall aſſign incontinently a certain place or two within the ſaid City, and certain days by the week, and another certain place, or two, or more, if they think it neceſſary, in the ſaid County of Norfolk, and certain days by the week for the year then next following, to the intent that every piece of Worſted, which in the ſame year ſhall be ſet to ſale, ſhall be brought before the Wardens of the ſaid craft for the time being, to one of the ſaid places ſo by them aſſigned, to the intent that as well the Artificers of Worſteds, and the ſaid Wardens may certainly know the place where the ſaid Worſteds may duly and rightfully be ſearched; (2) and if the ſaid Wardens find the ſaid Worſteds by their ſearch well and lawfully made, that then ſuch a mark or token ſhall be ſet by the ſaid Wardens, or by one of them, without fine or fee upon the ſame, ſo that all Buyers may well know which piece is ſufficiently and rightfully ſearched and wrought; and that the ſaid ſearch ſhall as well extend to the ſtuff of the ſame, as to the ſufficient making. (3) And ſuch as they ſhall find defective, that the Mayor of the ſaid City, and Stewards of the ſaid Dutchy, or one of them for the time being, by the aſſent of the ſaid Wardens and twelve Artificers, ſhall have power by this act to ſet therein ſuch correction as to them ſhall ſeem reaſonable; and for every piece of Worſted ſold, not marked after the form aforeſaid, that the firſt ſeller thereof ſhall forfeit the price of the piece ſo by him ſold, to our Lord the King. (4) And that all Ordinances, Acts and Grants made or to be made in prejudice, or contrary to the premiſſes concerning Worſteds, be void, and of none effect.

All Officers ſhall be attendant upon the ſearchers.

VII. And that all Mayors, Sheriffs and Bailiffs, and all other Officers ſhall be attending, aiding and ſupporting to the ſaid Wardens in their ſearch, as often as they or any of them ſhall be by the ſaid Wardens or any of them reaſonably required. St. 20 H. 6. 10. 23 H. 6. 4. 14 H. 8. 3. 14 Car. 2. cap. 5.

CAP. II.

The Inhabitants of certain Hundreds in the County of Devon, may put Flocks in the Cloth made of the Wool growing in the ſame Hundreds.

Drapery 57. St. 4 Ed. 4. 1.

ITem, It was ſhewed to our ſaid Lord the King in the ſaid Parliament, by the inhabitants and reſidents of the Hundreds of Liſton, Taveſtock and Rowburgh within the County of Devonſhire, That whereas in the laſt Parliament begun at Weſtminſter the nine and twentieth day of April, the third year of his Reign, and by divers prorogations and adjournments continued till the xxi of January, in the iv year of his Reign, amongſt other things it was ordained by authority of the ſame Parliament, That no perſon which ſhould make any woollen Cloth to ſell, from the Feaſt called Saint Peter ad vincula then next following, ſhould put in or upon the ſame Cloth, nor in the wool whereof the ſaid Cloth ſhall be made, any flocks in any wiſe, upon pain of forfeiture of the ſame Cloth, wherein any flocks ſhould be put or mixt, as by the ſaid ordinance more plainly appeareth: (2) By which ordinance the ſaid inhabitants being within the ſaid Hundreds were likely to be undone, for that they have continually uſed from the time whereof is no memory, to mix and put flocks in the Cloth made thereof, the wool growing within the ſame Hundreds, without which flocks they might nor could make any Cloth there to ſell, by reaſon of the groſſneſs and ſtubbornneſs of the ſaid wool: For the ſame wool is not put in Clothing, nor in Cloth in any part of this Realm; ſo that our ſaid Lord the King by the ſaid ordinance ſhall loſe his Cuſtoms, Aulnages, and all other profits pertaining and belonging to him of the ſaid Cloth made in the ſaid Hundreds, and the inhabitants aforeſaid for ever ſhall be utterly impoveriſhed, and like to be undone, unleſs a reformation be had in the premiſſes.

The inhabitants of Liſton, Taveſtock and Rowburgh may put flocks into their clothes, notwithſtanding the Statute of 4 Ed. 4. 1.

II. Our ſaid Lord the King (the premiſſes conſidered) by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, hath ordained, That all the ſaid inhabitants and reſidents in any places within the ſame three Hundreds, may make and cauſe to be made all manner woollen Cloth of the ſaid wool, and to the ſame lawfully put and cauſe to be put ſuch quantity of flocks as ſhall be needful, and profitable to the maker and owner of the ſame Cloth. And that all the Clothes after ſuch form to be made with flocks within the ſaid three Hundreds, and every of them, may be brought and ſold at all times, without any impeaching or damage of any perſon, and without forfeiting any of the ſaid Clothes, notwithſtanding the ſaid ordinance above rehearſed. St. 5 Ed. 6. 6. 27 El. 17. 30 Car. 2. 3.

CAP. III.

No Woollen Yarn or Cloth ſhall be carried beyond Sea unfulled.

Drapery 99. No perſon ſhall carry beyond the ſea any woollen yarn or cloth not fulled St. 3 H. 7. 11. 8 El. 6. 3 H 8. 7.

ITem, It was ſhewed in the ſaid Parliament by the Commons, That whereas in divers parts within this Realm, Merchants as well Strangers as Denizens, have daily uſed to buy woollen yarn by the pound, and other weights, in divers Markets and Fairs, whereof Cloth ſhould be made: (2) and likewiſe to buy raw Clothes not fulled, and the ſame yarn and raw Clothes ſo not fulled, did carry beyond the ſea, for all which yarn and Clothes unfulled, our Lord the King did take no manner Cuſtom, Aulnage, nor any other profit or avail; (3) where if the ſaid yarn were woven, and the ſaid Clothes fulled within this Realm, the King ſhould have the cuſtom and advantage for the ſame, and Weavers and Fullers of the ſaid Realm ſhould be well occupied, for default whereof the Kings liege people be greatly hurt and impoveriſhed, and ſtrangers thereby the better occupied and enriched: (4) Wherefore our ſaid Lord the King by the aſſent of the Lords Spiritual and Temporal, and at the requeſt of his Commons in the ſaid Parliament aſſembled, and by the authority of the ſame, hath ordained and eſtabliſhed, That no perſon, denizen or ſtranger, from the Feaſt day of the Aſſumption, which ſhall be in the year of our Lord God 1468. ſhall carry or cauſe to be carried into any parts beyond the ſea, any woollen Yarn or Cloth not fulled, but that the woollen yarn which ſhall be made after the ſame Feaſt-day in this Realm, ſhall be woven in the ſame Realm. (5) And alſo all Cloth therein made, after the ſaid Feaſt-day, ſhall be fulled, and fully wrought within the ſaid Realm, before that it be had and carried out of this Realm, upon pain of forfeiture of the very value of all ſuch Yarn unwoven, and Cloth not fulled, had or carried out of this Realm. (6) The one half of the ſame forfeiture to be levied to the Kings uſe, and the other half thereof to him or them that eſpieth or maketh proof of any ſuch unwoven Yarn, or Cloth not fulled after the ſaid Feaſt-day to be carried to any place beyond the Sea. St. 50 Ed. 3. 7.

CAP. IV.

The effect of the Kings Grant of Lands to them which before had right in them.

Patents, Raſt. 10. The force of the Kings grants, releaſes, &c. of lands to them which before had right to them.

ITem, By the advice, aſſent and authority aforeſaid, it is ordained, That every grant, releaſe, confirmation and reſtitution made and granted by the King in Fee-ſimple or Fee-tail, to any perſon or perſons after the fourth day of March, the firſt year of his Reign, of any mannor or mannors, lands or tenements with their appurtenances, whereunto the ſaid perſon or perſons before the time of every ſuch grant, releaſe, confirmation or reſtitution to him or them ſo made, had in or to the ſame right or title, ſhall be of ſuch force and effect as they were before the beginning of the ſaid Parliament: Any Act made or to be made in the ſame Parliament notwithſtanding.

C A P. V.

How Lands coming to the Kings Hands by Attainder, and after granted to another, ſhall be holden.

ITem, By the advice, aſſent and authority aforeſaid, it is ordained, That all Lands, Tenements, Hereditaments, and other poſſeſſions, which the firſt day of March, next before the fourth day of March, the firſt year of the Kings Reign, were holden by fealty and rent, or other ſervices, of any perſon or perſons not attainted, which lands, tenements, hereditaments, or other poſſeſſions the fourth day of March, in the firſt year of the Kings Reign, or any time after came into the Kings hand or poſſeſſion, by reaſon of any attainder of Treaſon, and after paſſed from the King by any of his Letters Patents, to any perſon or perſons, or hereafter ſhall paſs from the King by any of his Letters Patents, to any perſon or perſons, that the ſame perſon or perſons, and every of them, and every their Heir and Heirs, Aſſignee and Aſſignees, Succeſſor and Succeſſors ſhall have, perceive and take ſuch rent and rents, as to any of them were due, and ought to be due of the ſame lands, tenements, hereditaments, or other poſſeſſions, or any of them being in the hands of any other perſon or perſons then the King, as if the ſaid attainders had not been had. (2) And that it ſhall be lawful to every perſon or perſons not attainted, and to every of them, and to every of their heir or heirs, Aſſignee and aſſignees, ſucceſſor and ſucceſſors in the ſame lands, tenements, hereditaments or other poſſeſſions, being in the hands of any other perſon or perſons then of the King, for the ſaid rent or rents to diſtrain, after ſuch manner and form as they and every of them might have done, if the ſame attainders had not been had. This Act to be in his force the firſt day of this ſaid Parliament.

Tenures, Raſt. 8.
Lands holden of a common perſon by fealty, &c. coming to the Kings hands by attainder of treaſon, being after granted to another ſhall be holden as if the ſame attainder had not been.

Statutes made at *Weſtminſter*, *Anno octavo Edwardi quarti*, and *Anno Domini* 1468.

OUR Lord King *Edward* the Fourth after the Conqueſt, at his Parliament holden at Weſtminſter the third day of June, the ſeventh year of his Reign, and by divers Prorogations and Adjournments continued till the twelfth day of May, the eighth year of his Reign: The ſame xij day, by the advice and aſſent of his Lords Spiritual and Temporal, and at the ſpecial requeſt of his Commons in the ſaid Parliament aſſembled, hath made ordained and eſtabliſhed divers Statutes and Ordinances in the form which followeth.

C A P. I.

The length, breadth and weight of broad ſet Clothes, and ſtrait ſet Clothes made in Norfolk, Suffolk and Eſſex: And they ſhall be ſealed by the Aulnager. Rep. 5 Ed. *6*. *6*.

Drapery, Ibid. 32.

C A P. II.

The penalty for giving or taking of Liveries, or for retaining. Rep. 3 Car. 4.

Liveries 5.

C A P. III.

In Actions triable by Jurors of Middleſex, the Jurors ſhall be called the fourth day.

ITem, It was ſhewed by the Commons in the ſaid Parliament, on the behalf of the Freeholders dwelling within the County of Middleſex, within which County there be yearly many actions ſued, and trials had by twelve men, which be within many other Counties of this Realm, in regard of the reſiance of all the Kings Courts holden and remaining at Weſtminſter within the ſaid County, ſo that in every action brought to an iſſue in the ſaid County, ſome of the ſaid Freeholders be impanelled, to their great vexation: (2) and farther, the Seſſions of Peace holden within the ſaid County, by inquiſitions in the Kings Bench, and upon the deliverance of priſoners there, and by actions upon Patents and Tails ſued in the Kings Eſchequer, and to Sheriffs and other Accountants, their Deputies and Attornies, ſurmiſes be ſhewed, and iſſues thereupon joined and taken, the ſame tenants always impanelled thereupon be importunately vexed, grieved and impoveriſhed, (3) and (which more hurt is) when they be impanelled upon divers actions perſonal, and the Venire facias, and Habeas Corpora returned, a delay by eſſoin or default, is by the Law allowed to the party plaintiff or defendant: (4) and though ſome of them which be impanelled would appear, yet the Jury ſhould not be demanded, but all their defaults without demanding (be it amerciaments or iſſues ſo upon them returned) ſhall be entred, no default being in them, which is againſt reaſon: (5) Our Lord the King (the premiſes conſidered) by the advice of the Lords Spiritual and Temporal, and at the requeſt of the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, hath ordained that every Juror, from the Feaſt of the bleſſed Trinity next coming, that ſhall be impanelled and returned within the ſaid County of Middleſex, in any of the ſaid Courts, in any of the ſaid actions, at every fourth day of the return thereof ſhall be demanded and called, (6) that all perſons impanelled in any of thoſe Courts that do appear at the ſame day, their appearance ſhall be recorded, and there entred by the Court, and they ſhall not be amerced, nor loſe any Iſſues the ſame day in that ſuit. (7) And it is ordained by the ſame authority, That every default, eſſoin, and every other delay of any perſon, plaintiff or defendant, in any ſuch perſonal action by the Law heretofore uſed, by this ordinance ſhall not be prejudiced, nor taken away in any manner, but be adjudged, adjourned, and allowed, in as ample and large form, as they were before the making of this Statute; This Ordinance notwithſtanding.

Jurors 35.
The ſeveral charges and troubles which the Freeholders of Middleſex being Jurors do endure.

In Actions triable in any Court at Weſtminſter by Jurors of Middleſex, at the fourth day after the return the Jurors ſhall be called.
Delays in perſonal actions, not prejudiced by this Statute.

C A P. IV.

A Pardon to all thoſe that occupied the Sheriffwick above one year, Anno 1, 2, 3 Ed. 4. And yet the Statutes made 14 Ed. 3. 7. 42 Ed. 3. & 23 H. *6*. 8. for all the other years, ſhall continue. Exp.

Sheriffs, Raſt. 28.

Statutes made at *Weſtminſter*, *Anno* 12 *Ed*.4. and *Anno Dom*. 1472.

AT the Parliament holden at Weſtminſter the vi day of October, in the xij year of the Reign of King Edward the fourth after the Conqueſt: Our ſaid Soveraign Lord the King, to the honour of God, and the weal of him and of his Realm, by the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt of his Commons in the ſame Parliament aſſembled, and by authority of the ſame Parliament, hath ordained, made and eſtabliſhed certain Statutes and Ordinances in form following.

CAP. I.

How long a Sheriff being not diſcharged may occupy his Office.

Sheriffs 4. St. 23 H 6.8.

A Sheriff being not diſcharged, may occupy his office during Michaelmas Term notwithſtanding the St. of 23 H.6.8.

FIrſt, Whereas by a Statute made at Weſtminſter, in the xxiij year of the reign of King Henry late in deed and not of right King of England, called King Henry the ſixth, it was ordained, that no Sheriff ſhould Occupy his Office of Sheriff above a year, upon pain of two hundred pounds; (2) Except certain perſons in the ſaid Statute excepted, as in the ſame is more plainly ſpecified: (3) Divers and many of the Kings liege people have been grievouſly endamaged and greatly delayed of their ſuits and proceſſes every year, in the Term called Michaelmas Term, as for their actions, writs and precepts to be returned within the ſame Term, after the ſixth day of the month of November, becauſe that the Kings Letters Patents whereby any Sheriff is made, do moſt commonly bear date the ſixth day of November. (4) And though it ſo be, that the new Sheriffs be yearly choſen the morrow after the Feaſt day of All-Souls, of which new Sheriffs ſo choſen and appointed, divers of them have refuſed, and divers of them have not had their Patents, nor taken their Oath, until long time after the end of the ſaid Michaelmas Term; by reaſon whereof divers of the Kings liege people and ſubjects be greatly endamaged and delayed of their ſuits, proceſſes and precepts, which ſhould be returnable in the Kings Courts at the days of the return within the ſame Term after the ſixth day of November, that is to ſay, at the days of return called Craſtino Martini, Octabis Martini and Quindena Martini, becauſe that the old Sheriffs durſt not, nor would not take upon them to return any writ or precept after the year that his Patent did bear date, for fear of the penalty contained in the aforeſaid Statute, to the great loſs as well to the King of that which ſhould grow to him by reaſon of the ſaid proceſs, as to his liege people, by delays which they thereby ſuſtain. (5) It is ordained by authority of the foreſaid Parliament, that if any Sheriff of any County do execute or return any writ, precept or warrant in any of the ſaid Courts of the King within the ſaid Term called Michaelmas Term, after the ſixth day of November, and before any Writ of diſcharge delivered to him of his occupying of Sheriffwick, he ſhall not be damnified by force of the ſaid Statute, nor charged of the penalty aforeſaid, although that he hath occupied the Office of Sheriff after any of the ſaid days of return called Craſtino Martini, Octabis Martini, or Quindena Martini. Stat. 17 Ed. 4. 6.

CAP. II.

Four Bowſtaves ſhall be brought into this Realm for every Tun of Merchandiſe.

Bows 1. Co.Inſt. 4 p. 264.

Four Bowſtaves ſhall be brought into this Realm for every Tun of merchandiſes.

Bowſtaves brought into this Realm ſhall be ſurveyed, ſearched and marked.

ITem, Becauſe that our Soveraign Lord the King by a Petition delivered to him in the ſaid Parliament by the Commons of the ſame, hath perceived, that great ſcarcity of Bowſtaves is now in this Realm, and the Bowſtaves that be in the Realm be ſold at an exceſſive price, whereby the exerciſe of Archery is greatly diſcontinued, and almoſt loſt: (2) Our ſaid Lord the King conſidering the premiſſes, by the advice, aſſent and authority aforeſaid, hath ordained and eſtabliſhed, that every Merchant ſtranger, and every, or any of their factors, attornies or ſervants, which at any time after the Feaſt of St. Michael the Archangel next coming, ſhall bring, ſend or convey into this land any merchandiſe in Carrack, Galley, or Ship, of the City or Country of Venice, or of other City, Town or Country, from whence any ſuch Bowſtaves have been before this time brought, ſent or conveyed into this land, at every time of their bringing, ſending or conveying of any ſuch merchandiſes, into this Realm, ſhall bring, ſend or convey into this Realm, with the ſaid merchandiſes, in the ſame Carrack, Galley or Ship, wherein any ſuch merchandiſes ſhall be hereafter brought, ſent or conveyed, for every tun weight of ſuch merchandiſes which hereafter ſhall be contained in every Carrack, Galley or Ship, four Bowſtaves, (3) upon pain of forfeiture to the King for every default of bringing of every ſuch Bowſtaff vi s. viij d. (4) And alſo the ſaid Bowſtaves ſo brought, ſent or conveyed by the ſaid Merchants, their factors, attornies, or ſervants into this Realm, ſhall be ſearched and ſurveyed by the Mayor, Sheriffs, Bailiffs, or chief Governors of ſuch Cities or Towns within this Realm, where any ſuch Carrack, Galley or Ship, ſhall hereafter come to ſafe port: (5) And the ſaid Mayors, Sheriffs, Bailiffs, or chief Governors ſhall aſſign two men moſt expert to ſearch the ſaid Staves, and the ſaid two men to be ſworn by the ſaid Mayor, Sheriffs, Bailiffs, or chief Governors, that they ſhall truly and indifferently mark the Staves that be not good and ſufficient, according to the manner as ſuch Staves in times paſt were wont to be marked, to the intent that all the Kings liege people may have knowledge of them without fraud. St. 13 El. 14.

CAP. III.

Cuſtoms 12. Co.Inſt. 4 p. 32.

Several Ordinances made for the true payment of a Subſidy of Tunnage and Poundage, granted to the King during his life by a Statute not printed, made An. 4 Ed. 4. Exp. 6 H.8.14. St. 11 H.7.6. 4 H.8.6.

CAP. IV.

Livery, Raſt. 11.

Edward Prince of Wales may give his honourable livery and ſign and retain, notwithſtanding any former Statute, &c. Exp.

CAP. V.

Wools, Raſt. 36

During five years the Wools, &c. of certain Counties only ſhall be carried to Newcaſtle, and all others to Calice, upon pain of Felony. Exp. St. 3 Ed.4.1. 4 Ed.4.3. 14 Ed.4.3.

CAP. VI.

Sewers, Raſt. 5.

The Lord Chancellor of England may for fifteen years next, grant ſeveral Commiſſions of Sewers where need requireth. Exp. St. 6 H.6.5. 18 H.6.10. 23 H.6.9. 4 H.7.1.

CAP. VII.

The penalty of them that do not perform the award and order of Commiſſioners authoriſed to pull down Wears.

Wears 5. St. 9 H. 3. 23. Statutes that have been made for the pulling down or reforming of wears and of the Commiſſioners authority.

ITem, Whereas by the laudable Statute of Magna Charta, amongſt other things, it is contained, that all Kedels by Thamiſe and Medway, and throughout the Realm of England, ſhould be taken away, ſaving by the Sea-banks, (2) which Statute was made for the great wealth of all this land, in avoiding the ſtraitneſs of all Rivers, ſo that ſhips and boats might have in them their large and free paſſage, and alſo in ſafeguard of all the fry of fiſh ſpawned within the ſame; (3) upon which Magna Charta the great ſentence and Apoſtolick curſe by a great number of Biſhops was pronounced againſt the breakers of the ſame, and the ſame ſentence is four times in the year openly declared according to the law of the holy Church: (4) and in affirmance of the ſaid Statute of the great Charter divers Statutes have been after made and ordained, amongſt which in a Parliament holden in the firſt year of the uſurped reign of King Henry the fourth it was recited, that in the xxv year of King Edward the third, progenitor of our Lord the King that now is, becauſe that the common paſſages of ſhips and boats in the great Rivers of England were oftentimes diſturbed by levying of Wears, Mills, Millſtanks, Stakes and Kedles, to the great damage of the people, (5) it was ordained and eſtabliſhed, that all ſuch Wears, Mills, Millſtanks, Stakes, Kedles, which were levied and ſet up in the time of King Edward, ſon of King Henry, and after in ſuch Rivers (whereby the ſhips and boats were diſturbed that they could not paſs as they were wont) ſhould be taken away and broken down, never to be ſet up again: (6) and that Writs ſhould be thereupon ſent to the Sheriff of ſuch places where need ſhould be, to ſurvey and enquire and the ſame to execute; (7) and that Juſtices ſhould be thereto aſſigned at all times when need requireth. (8) And after grievous complaint both of great men and of the Commons thereupon made in the Parliament of the ſaid King Edward the third, in the five and fortieth year of his reign, ſhewing by their petition, that the ſaid Statute was not duly executed nor obſerved according to the form and the effect thereof: It was accorded and eſtabliſhed, that the ſame Statute in that point ſhould be holden and kept, according to the tenor of the ſame: (9) adjoined thereto, that if any ſuch annoyance be done, that the ſame be broken down by due proceſs contained in the ſaid Statute, (10) and that he which again doth levy ſuch annoyances, and be thereof duly attainted, ſhall run in the pain of an C marks to our Lord the King, to be levied by the eſtreats of the Eſchequer. (11) The ſame Law ſhall be holden of annoyance made by the enhanſing of the ſaid Wears, Mills, Millſtanks, Stakes and Kedles, as by new levying, as in the ſaid Statutes more plainly appeareth. (12) And then at the requeſt of the ſaid Commons, ſhewing by their petition, that the common paſſages of ſhips and boats in the great Rivers of England, and alſo meadows and paſtures, and arable lands adjoining to the ſaid Rivers, were greatly diſturbed, drowned, waſted and deſtroyed by the outragious enhanſing and ſtreiting of Wears, Mills, Millſtanks, Stakes and Kedles, made in old time and levied before the time of the ſaid King Edward, ſon to the ſaid King Henry; whereby great loſs and damage often enſued to the people of the Realm, and daily would enſue, if remedy were not provided.

St. 1 H. 4. 12.
St. 25 Ed. 3. 4.
St. 47 Ed. 3. 8.
St. 1 H. 4. 12.

II. Wherefore it was ordained and enacted by the aſſent of the ſaid Parliament, holden the firſt year of the ſaid pretenced King Henry the fourth, that the ſaid Statutes in all their articles ſhould be obſerved, firmly kept, and duly executed: (2) adjoining thereto that Commiſſions ſhould be made in due form to ſufficient perſons to be Juſtices in every County of England, where need ſhould be, to ſurvey and keep the waters and great rivers there, and to correct and amend the faults, and to make due execution by the ſaid Statutes, according to the effect of the ſame, (3) as well by their ſurvey, advice and diſcretion, as by enqueſts to be taken thereof within franchiſe and without, when need ſhall be, and to hear and determine all thoſe things aforeſaid, (4) and moreover to ſurvey the Wears, Mills, Millſtanks, Stakes and Kedels, made in old time and levied before the ſaid time of King Edward, ſon to King Henry; and ſuch as they find too much enhanſed or ſtreited, to correct, break down and amend in the manner and form aforeſaid.

III. Saving always a reaſonable ſubſtance of the ſame Wears, Mills, Millſtanks, Stakes, Kedles, ſo made in old time and levied. (2) And if any ſuch annoyances of Wears, Mills, Millſtanks, Stakes and Kedles, in letting of the paſſages and ſtreiting made in old time and levied, be judged or conſidered by the ſaid Juſtices to be broken down or amended, he that hath the freehold of the ſame ſhall do execution thereof at his own Coſts, within half a year after knowledge given to him, upon pain of forfeiture of an C marks, to be paid to our Lord the King by eſtreats in the Exchequer: (3) and he that doth levy them again, enhanſe or ſtreit them contrary to the ſaid judgment, and thereof be duly convict, ſhall run in pain of an C marks to be paid to our Lord the King by eſtreats into the Eſchequer aforeſaid, as in the ſame Statutes more fully appeareth: (4) Contrary to which great Charter, and all the Statutes aforeſaid, in divers parts of this Realm of England, both in the deſtroying of the fiſh as afore is ſaid, and in diſturbance of the paſſages of ſhips, barges, boats, and other veſſels, by divers and many people, divers Fiſhgarths, Mills, Milldams, Millſtanks, Locks, ebbing Wears, Stakes, Kedles, Hecks or Floodgates, and divers other diſturbances be daily enhanſed, levied and enlarged, to the great damage of our Lord the King, and of his faithful lieges; (5) Our ſaid Lord the King graciouſly conſidering the premiſſes, by the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt of the ſaid Commons in this Parliament aſſembled, and by authority of the ſame, hath ordained and eſtabliſhed, that the ſaid Statute of the great Charter, and all other Statutes concerning the premiſſes, ſhall be duly obſerved and kept: (6) Adjoyned thereto, that if after the Feaſt of St. Michael, which ſhall be in the year of our Lord God, 1475. by award, rule or judgment of any of the ſaid Commiſſioners aſſigned, according to the ſaid Statute made in the ſaid firſt year of Henry the Fourth, it be found that any ſuch Wears, Fiſhgarths, Mills, Milldams, Millſtanks, Locks, ebbing Wears, Stakes, Kedles, Hecks or Floodgates, be made, levied, enhanſed, ſtraited or enlarged, againſt the ſame Statute, the offenders in this behalf, contrary to the aforeſaid award, rule and judgment, being duly warned by the Sheriff or Sheriffs by Scire facias, directed to the Sheriff or Sheriffs of ſuch County or Counties where ſuch Wears, Fiſhgarths, Mills, Milldams, Millſtanks, and other noyances, diſturbances or impediments be, and within three months next after the ſaid garniſhment made, they do not duly and wholly amend, break down, and avoid the ſaid making, levying, enhaunſing,

A confirmation of all Statutes made for the pulling down of Wears.

The penalty of an offendor that doth not perform the award of Commiſſioners authoriſed by the Stat. of 1 H. 4. 12.

ſtreiting or enlarging, being defective as afore is ſaid in the ſaid Statute made in the ſaid firſt year, that then he or they being defective in this behalf, ſhall forfeit to our Lord the King an C marks, to be paid by Eſtreats in the Eſchequer, in manner and form as in the ſame Statute more fully is contained.

The penalty of him which doth continue in his offence, or doth delay to reform it.

IV. Moreover, if the ſaid offendor or his heir or heirs, aſſignee or aſſignees, or any of them do defer or continue the ſame default, contrary to the award, rule or judgment of the Commiſſioners aforeſaid, that he or they ſo doing, deferring or continuing the ſame default, ſhall forfeit for every month after the ſaid three months ended, that the ſame default ſhall remain and be not corrected, amended nor reformed, an C marks, (2) the one half thereof to our Lord the King, and the other half to any of his liege people which in this behalf will ſue for the ſame, (3) by action of debt to be conceived by original Writ, without fine to be made or taken for the ſame in the Chancery.

V. In which action, like proceſs, rule, judgment and execution ſhall be allowed, had and made, as is uſed in other actions of debt purſued at the Common Law by writ; (2) and that the defendant in any ſuch action be not admitted to do or wage his Law, (3) nor that any protection or eſſoin of the Kings ſervice be allowed for the defendant in the ſame Writ.

The penalty of the heir or aſſignee of the offendor that continueth the ſame offence.

VI. Moreover, it is ordained and eſtabliſhed by the ſame Authority, that if any perſon or perſons, other then ſuch againſt whom ſuch award, rule or judgment were made and had, being heir or aſſignee to them or any of them, do preſume to occupy or continue any ſuch Wears, Fiſhgarths, Mills, Milldams, Millſtanks, Locks, ebbing Wears, Stakes, Kedles, Hecks, Floodgates, or other diſturbances or impediments as afore is ſaid, he or they ſo preſuming to occupy or continue, ſhall forfeit at every default, for every month, as is aforeſaid, an C marks, (2) the one half to our Lord the King, and the other half to him of the Kings liege people that will in this behalf ſue, by action of debt thereupon to be conceived, without paying any fine for the ſame as is aforeſaid: (3) In which action like proceſs, rule, judgment and execution ſhall be uſed and made as in all other actions of debt purſued at the Common Law by Writ is uſed: (4) and that the defendant in any ſuch action ſhall not be admitted, nor in any ſuch received to wage or do his Law: (5) Nor any manner protection or eſſoin of the Kings ſervice be for ſuch defendant in any wiſe allowed.

C A P. VIII.

All Mayors, Bailiffs, &c. ſhall have the ſearching and ſurveying of Victual.

Victuals 4. Co.Inſt.4 p.262.

ITem, Whereas the Governors, that is to ſay, Mayors, Bailiffs, and other like Governors of every City, Borough and Town of ſubſtance within this Realm of England, for the moſt part have Courts of Leets and views of frankpledge, holden yearly within the ſame Cities, Boroughs and Towns, and ſurveying of all Victuallers there, and correction and puniſhment of the offenders and breakers of the aſſiſe of the ſame, to be preſented and amerced if any default be found in the ſaid Courts, or by their ſurveying, which by reaſon ought not to be contraried, nor the Victuallers there by the Law ought to be ſurcharged or oppreſſed, (2) as now of late divers perſons daily intending their ſingular avail and profit to oppreſs the ſaid Victuallers, and to enter and break the liberty of divers places in this Realm having franchiſes, and ſurveying of all victuallers and correction of the ſame, have purchaſed Letters Patents of our Soveraign Lord the King, to be ſurveyors and correctors of all ſuch Victuallers within divers Cities, Boroughs, and other places of this Realm of England, as of Ale, Beer, Wine, and other ſuch victuals, by which pretence and unlawful Office they do commit divers and many extortions and oppreſſions amongſt the Kings liege people, taking of them unlawfully divers great fines and ranſoms, to the great damage of the Kings liege people, and alſo wrongful derogation of the liberties and franchiſes of divers of the ſaid Cities, Boroughs and Towns: (3) Our ſaid Lord the King (the premiſſes conſidering) by the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt of the ſaid Commons in the ſaid Parliament aſſembled, and by authority of the ſame Parliament hath ordained and eſtabliſhed, that all Letters Patents granted by him to any perſon or perſons of any Office of ſearching or ſurveying of Wine, Ale, Beer, or any other victual, ſhall be utterly void and of none effect. (4) And that no perſon other then ſuch Governors before rehearſed or other intitled by point of Charter, from the Feaſt of Eaſter next coming, by colour of ſuch Letters Patents ſo obtained, or after to be obtained, as before is ſaid, ſhall uſe or exerciſe any ſuch Office, upon pain of forfeiture for every default xl li. (5) The one half thereof to our Lord the King, to be imployed only to the uſe of his houſe; the other half to him that in this behalf will ſue for the ſame by action of debt, wherein like proceſs, rule and proceeding ſhall be had as is commonly uſed in other actions of debt at the Common Law: (6) and that the defendant in any ſuch action ſhall not be received nor admitted to his Law: (7) Nor that any protection or eſſoin of the Kings ſervice be to him in any wiſe allowed.

All Letters Patents granted to any perſons for ſearching or ſurveying of victuals, ſhall be void.

Chief Governors of Cities, Boroughs and Towns only, ſhall be ſearchers and ſurveyors of victuals. St. 23 Ed. 3. 6. 13 R. 2. 8. 25 H. 8. 2.

C A P. IX.

What Lands an Eſcheator muſt have: who he may make his Deputy: he ſhall not let his Office to ferm.

Eſcheators 12. St. 4 Ed. 3. 5.

ITem, Whereas by an Ordinance made at Weſtminſter the xlij year of the reign of King Edward the third, Progenitor of our Lord the King that now is, amongſt other things it was ordained, that none ſhould be made Eſcheator, unleſs he had xx li. of land at the leaſt, or more in fee, (2) and that they ſhould do their Offices in their proper perſons, and if any other be, he ſhall be out: (3) which ordinance according to the true meaning thereof is not obſerved, to the great damage of divers people of this Realm of England, becauſe that many perſons inſufficient and of evil conſcience, be yearly made Eſcheators in divers parts of this Realm of England, which often do ſet their Office of Eſcheatorſhip to ferm to other great men extortioners and oppreſſors of the people, the ſame Eſcheators taking of the ſaid perſons ſuch ſum of mony as betwixt them may be agreed, and ſurety to be diſcharged upon their account, and to be ſaved harmleſs againſt our Soveraign Lord the King and all other perſons:

which

(4) which perſons ſo unlawfully taking the ſaid office of Eſcheatorſhip, by an undue manner to ferm, do enforce themſelves to be extortioners and offenders to the people; (5) where of old time by the government of the Realm of England, Eſcheators and their deputies ſhould be, and ought to be good, ſufficient, and well diſpoſed perſons and rightful, as well to our Lord the King, as to his people: where at this day few ſuch perſons be made Eſcheators or their deputies: (6) It is therefore ordained by authority of this preſent Parliament, that no Eſcheator to be made after the Feaſt of the Nativity of our Lord, which ſhall be in the year of our Lord God, 1473. ſhall take upon him the office of Eſcheator, nor occupy the ſame office by himſelf, nor by any other, unleſs the ſaid Eſcheator, or other perſon or perſons to his uſe, have at the time that he ſhall be choſen Eſcheator, Lands, Tenements, or Rents in fee ſimple, fee tail, or for term of life, of the yearly value of xx li. lying and being within the ſame County or Counties whereof he ſhall be made Eſcheator. (7) Nor that any ſuch Eſcheator to be choſen after the ſaid Feaſt ſhall in any wiſe ſell nor ſet to ferm the ſaid office of Eſcheatorſhip, nor make any deputy or deputies, but ſuch for whom he will anſwer at his peril; (8) the name or names of the ſaid deputy or deputies to be certified by the ſame Eſcheator by his Letters Patents to the Treaſurer, and Barons of the Kings Eſchequer for the time being, within twenty days after ſuch deputation. (9) And that no ſuch deputy or deputies take upon him or them to occupy in the office of Eſcheatorſhip, unleſs ſuch Eſcheator have Lands, Tenements or Rents, to the aforeſaid yearly value, in manner and form as is aforeſaid: (10) And if any perſon or perſons after the ſaid Feaſt do contrary to the Premiſſes or any of them, he ſhall forfeit for every default xl li. (11) the one half thereof to our Soveraign Lord the King, to be imployed to the uſe of his honourable houſe: the other half to every of the Kings liege people, which will therefore ſue by action of debt, (12) wherein like proceſs, rule, judgment, coſts and damage, ſhall be had and awarded, as is uſed in other actions of debt uſually purſued by writ at the Common Law; (13) And that no waging of Law, protection, nor eſſoin be in any wiſe allowed in the ſame to the defendant: (14) And the Juſtices of Peace in every place Corporate, and the Juſtices of Peace in every other place having Juſtices of Peace within them, ſhall have power to hear and determine every ſuch forfeiture upon preſentment thereof had before them in their Seſſions; (15) in which preſentment, like proceſs ſhall be had, as is uſed upon indictments of treſpaſs done with force and arms againſt the Kings Peace. (16) Provided always, that this Act do not extend to any perſon or perſons made or to be made Eſcheator of any City, Borough, or Town of this Realm of England, having authority to make or to be Eſcheators within themſelves by the Letters Patents of the grant of our Soveraign Lord the King, or any of his noble Progenitors or Predeceſſors.

No man ſhall be Eſcheator, unleſs he hath xx l. Land or Rent in the ſame County.

No Eſcheator ſhall let his office to ferm, or make any deputy, but for whom he will anſwer.

Juſtices of Peace may require of and puniſh the offences aforeſaid.

Eſcheators made in Cities or Boroughs, &c. having authority to make Eſcheators.

Statutes made at *Weſtminſter*, *Anno* 14 *Ed.* 4. and *Anno Dom.* 1474.

OUR Lord the King, *Edward* the fourth, at his Parliament ſummoned and begun at Weſtminſter, the ſixth day of October, in the xij year of his Reign, and continued by Prorogation till the three and twentieth of *January*, in the fourteenth year of his Reign, by the advice and aſſent of the Lords Spiritual and Temporal, and by the Commons in the ſaid Parliament the ſaid xxiij day aſſembled, by authority of the ſame Parliament will and granteth, and by the advice of the ſame hath Ordained and Enacted:

CAP. I.

They who holding their Lands of the King ſhall paſs with him in his ſervice into France, ſhall have Licence to paſs their Lands without Fine, (2) and to make a Feoffment to the uſe of their Wills, though it be done by Colluſion: (3) And if he that is the Kings Tenant die in this ſervice his Heir within age, his Feoffees and Executors ſhall have the Wardſhip of the Lands and Body of the Heir. Exp.

Wards, Raſt. 19.

CAP. II.

The ſame Law and the ſame protection that was granted by the Statute of Anno 9 H. 5. 3. to thoſe that were then in Normandy, or would then paſs with King *Henry* 5. into France, ſhall be obſerved, and avail for all ſuch as paſs over the Sea with the King. Exp.

War, Raſt. 6.

CAP. III.

An alteration of a part of the Statute of 12 *Ed.* 4. 5. touching the tranſporting of Woolls growing in Cumberland, &c. which hereafter ſhall be ſhipped at Newcaſtle, and from thence conveyed to Calice, or to any other place at the Kings pleaſure. Exp.

Wools, Raſt. 37.

CAP. IV.

A Confirmation of Statutes made againſt the breakers of Truce, &c.

ITem, Whereas divers and great offences and attempts have now of late been done and committed againſt the Amities and Leagues made betwixt our ſaid Soveraign Lord the King and ſtrange Princes, againſt the ſafe Conducts and Licences of our ſaid Soveraign Lord the King, and againſt the Laws and Statutes heretofore made for the puniſhment of ſuch offenders in that behalf, to the great ſlander of our ſaid Soveraign Lord the King, and the general hinderance of all this Realm of England: (2) The King therefore by advice and aſſent of the Lords Spiritual and Temporal, and the Commons in this Parliament aſſembled, and by authority of the ſame Parliament, hath ordained, eſtabliſhed and enacted, that all Statutes and Ordinances made before the fourth day of March, in the firſt year of his Reign, by authority of any Parliament not repealed, againſt the offenders and breakers of Amities, Truce, Leagues, and ſafe Conducts aforeſaid, be and ſhall be in their full force and effect. (3) And that every of the ſame Statutes and Ordinances be put in due execution in all things before the Judge or Judges, perſon or perſons ordained by the ſame Statutes or Ordinances, or any of them, according to the tenors and effects of every of the ſame Statutes and Ordinances: Any grant or confirmation by Act of Parliament or otherwiſe, uſe, or cuſtom, made, had, or uſed to the contrary notwithſtanding. (4) Provided always, that this Act extend not to any Act or Ordinance made for the puniſhment of any ſuch offenders in the ſecond year of King Henry the Fifth, late in deed, and not of right King of England.

Breakers of Truce, &c. Raſt. 4.

A confirmation of all Statutes not repealed, made againſt the breakers of Truces, Leagues, ſafe Conducts and Licences.

St. 15 H. 6. 3.
18 H. 6. 8.
20 H. 6. 1.
31 H. 6. 4.

This confirmation doth not extend to the Statute of 2 H. 5. 6.

Statutes made at *Weſtminſter*, *Anno* 17 *Edw.* 4. and *Anno Dom.* 1477.

OUR Lord King *Edward* the fourrh after the Conqueſt, at his Parliament holden at Weſtminſter the ſixteenth day of January, in the xvij year of his Reign, to the honour of God, and the wealth of him and his Realm, by the advice and aſſent of his Lords Spiritual and Temporal, and at the ſuit and requeſt of his Commons in this preſent Parliament aſſembled, and by authority of the ſame Parliament, hath made to be ordained and eſtabliſhed divers Ordinances and Statutes in form following.

CAP. I.

Merchants, 9.

No Iriſh mony ſhall run in payment in England or Wales, upon pain of forfeiture thereof. (2) It ſhall be felony to carry out of England or Wales any Coin of this Realm, or any Plate, Bullion, Jewels of gold or ſilver, without the Kings Licence (except priſoners ranſom, ſouldiers mony, &c.) (3) No perſon ſhall melt any mony of gold or ſilver ſufficient to run in payment, upon pain of forfeiture of the value thereof. (4) All things wrought of ſilver to be ſold ſhall be as fine as the ſterling, and ſhall be marked with the Leopards head, and the workmans mark. Exp. St. 7 Ed. 6. 6. (5) All Merchants aliens ſhall imploy the mony received for their Merchandiſes upon the commodities of this Realm. St. 3 H. 7. 8. made perpetual, St. 4 H. 4. 15. 27 H. 6. 3.

CAP. II.

In a Court of Pipowders the Planitiff ſhall be ſworn that the Contract was made in the time and juriſdiction of the ſame Fair.

Fairs, 3.

ITem, Whereas divers Fairs be holden and kept in this Realm, ſome by preſcription allowed before the Juſtices of Eyre, and ſome by the grant of our Lord the King that now is, and ſome by the grant of his Progenitors and Predeceſſors: (2) And to every of the ſame Fairs is of right pertaining a Court of Pipowders, to miniſter in the ſame due juſtice in this behalf; (3) in which Court it hath been all times accuſtomed, that every perſon coming to the ſaid Fairs ſhould have lawful remedy of all manner of contracts, treſpaſſes, covenants, debts, and other deeds made or done within any of the ſame Fairs during the time of the ſame Fair, and within the Juriſdiction of the ſame, and to be tried by Merchants being of the ſame Fair: (4) which Courts at this day be miſuſed by Stewards, Underſtewards, Bailiffs, Commiſſioners, and other Miniſters holding and governing the ſaid Courts of the ſaid Fairs, for their private profit holding Pleas by plaints as well of contracts, debts, treſpaſſes, and other feats done and committed out of the time of the ſaid Fairs, or the juriſdiction of the ſame, whereof of truth they have no juriſdiction, ſurmiſing the ſame debts, treſpaſſes, covenants, or other deeds, to be done within the time of the Fairs, or within the juriſdiction of the ſame Fairs, where of truth they were not ſo; (5) And ſometime by the deviſe of evil diſpoſed people ſeveral ſuits be feigned, and trouble them to whom they bear evil will, to the intent that they for lucre may have favourable inqueſts of thoſe that come to the ſaid Fairs, where they take their actions; (6) And whereby divers perſons coming to the ſame Fairs be grievouſly vexed and troubled by feigned actions, and alſo by actions of debts, treſpaſſes, deeds and contracts made and committed out of the time of the ſaid Fair, or the juriſdiction of the ſame, contrary to equity and good conſcience, (7) whereby the Lords of the ſame Fairs do loſe great profit by the not coming of divers Merchants to their Fairs, which by this occaſion do abſtain, and alſo the Commons be unſerved of ſuch ſtuff and merchandiſe which otherwiſe would come to the ſame Fairs: (8) Our ſaid Lord the King conſidering the Premiſſes, by the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt of the Commons in the ſaid Parliament aſſembled, and by the authority of the ſame, hath ordained and ſtabliſhed, That from the firſt day of May next enſuing, no Steward, Under-ſteward, Bailiff nor Commiſſary, nor other Miniſter of any ſuch Courts of Pipowders, ſhall hold plea upon any action at the ſuit of any perſon or perſons, unleſs the plaintiff or plaintiffs, or his or their Atturney, in the preſence of the defendant or defendants, do ſwear upon the holy Evangeliſt upon the declaration, that the contract or other deed contained in the ſaid declaration, was made or committed within the Fair, and within the time of the ſame Fair, where he taketh his action, and within the juriſdiction and bounds of the ſame Fair: (9) And although that the plaintiff or plaintiffs by their oath do affirm the ſame, yet nevertheleſs the ſaid defendant or defendants ſhall not be concluded by the ſame, but may anſwer and plead to the action, or in abatement of the plaints, and to profer an iſſue that the ſame contract, treſpaſs, or other deed contained in ſuch declaration, whereupon the plaintiff or plaintiffs do declare, was not committed nor done within the time of the Fair and juriſdiction of the ſame, but out of the time of the Fair, or at other places out of the juriſdiction of the ſame Fair, according to the truth in this behalf. (10) And if it be ſo tried, or that the plaintiff or plaintiffs or their Atturnies, do refuſe to take the oaths in the form aforeſaid, that then the defendant or defendants ſhall be quite diſmiſſed and diſcharged in that behalf out of the ſame Court, the party plaintiff to take his remedy at the Common Law, or other place convenient, as ſhall to him ſeem good notwithſtanding this Ordinance. (11) And that every Steward, Under-ſteward, Bailiff, and Commiſſary, or other Miniſter, holding, ruling or governing any of the ſaid Courts, that doth the contrary of this Ordinance, ſhall forfeit for every default in this behalf, C s. the one half to be to our Lord the King, and the other half to him that will in this behalf purſue his action upon this Ordinance, by action of debt in his own name. (12) And that Writs of Proclamation be in all good haſt directed to every Sheriff of every County of England, to cauſe this Ordinance to be proclaimed in every Fair within his County, as well within franchiſe as without. (13) This Act to endure from the ſaid firſt day of May until the firſt day of the next Parliament. (14) Provided always, That this Act, nor any thing compriſed in the ſame Act, be hurtful or prejudicial to William now Biſhop of Durham, or to his ſucceſſors within the Liberty and franchiſe of the Biſhoprick of Durham. St. 1 R. 3. 6. made perpetual.

The penalty of a Steward in a Court of Pipowders, if the plaintiff be not depoſed that the contract, &c. was made in the time and juriſdiction of the Fair.

CAP. III.

Plays, Raſt. 1.

No perſon ſhall uſe any of the games called Cloſſe, half Bowle, Kayles Hand in hand, or Queckbord, upon pain of two years impriſoment, and forfeiture of x li. (2) And whoſoever ſhall ſuffer any other perſon to play at any of the ſaid Games in his houſe, or other place, ſhall be three years impriſoned, and forfeit xx li. Rep. 33 H. 8. 9. 12 R. 2. 6. 11 H. 4. 4.

CAP. IV.

The preparation of Earth for making of Tile.

Item, Whereas in divers parts of this Realm great damage hath been and daily is, and by likelihood in time to come will much increaſe, for default of true, ſeaſonable and ſufficient making, whiting and anealing of Tile, called plain Tile, otherwiſe called Chalktile, Rooftile, or Creſtile, Cornertile, and Guttertile, made and to be made within this Realm: (2) Our Lord the King (the premiſſes conſidered) for the general profit of this Realm, by the advice of the Lords Spiritual and Temporal, and at the requeſt of the Commons in the ſaid Parliament aſſembled, and by the authority of the ſame, hath ordained and eſtabliſhed, That all and every perſon or perſons, which hereafter ſhall uſe the occupation of making of any ſuch Title, as before is ſaid, ſhall make it good, ſeaſonable, able and ſufficient, and well whited and anealed. (3) And that the earth whereof any ſuch Tile ſhall be made, ſhall be digged and caſt up before the firſt day of November next before that they ſhall be made, and that the ſame earth be ſtirred and turned before the firſt day of February then next following the ſame digging and caſting up, and not wrought before the firſt day of March next following; and that the ſame earth before it be put to making of Tile, be truly wrought and tried from ſtones. (4) And alſo that the veins called Malin or Marle, and Chalk lying commonly in the ground near to the land convenient to make Tile, after the digging of the ſaid earth whereof any ſuch Tile ſhall be made, ſhall be well, lawfully and truly ſevered and caſt from the earth whereof any ſuch Tile ſhall be made. (5) And that every ſuch plain Tile ſo to be made, ſhall contain in length ten inches and an half, and in breadth ſix inches and a quarter of an inch, and in thickneſs half an inch and half a quarter at the leaſt. (6) And that every ſuch Rooftile or Creſtile ſo to be made, ſhall contain in length thirteen inches, and the thickneſs of half an inch and half a quarter at the leaſt, with convenient deepneſs according. (7) And that every Guttertile and Covertile to be made, ſhall contain in length ten inches and an half, with convenient thickneſs, breadth and deepneſs according. (8) And if any perſon or perſons ſet to ſale to any perſon or perſons any ſuch Tile above ſpecified, made or to be made contrary to the ſaid Ordinance, then the ſeller thereof ſhall forfeit to the buyer of the ſame the double value of the ſame Tile, and beſides that, ſhall make fine and ranſom to the King at his will. (9) And that every perſon that feeleth himſelf grieved, and will ſue in this behalf, ſhall have an action of debt againſt the offenders, wherein ſhall be made and had like proceſs, recovery and execution, as is or may be at this day in any other actions of debt, purſued at the Common Law. (10) And that the Plaintiff in every ſuch action (if it be found with him) may recover againſt the defendant in the ſame action his reaſonable coſts and expences of his ſuit. (11) And that every defendant in any ſuch action ſhall not be admitted to wage his law, (12) or to have any eſſoin or protection allowed, nor any advantage by fourching of eſſoin or diſtreſs. (13) And alſo that the Juſtices of Peace for the time being, within any County of this Realm, and every of them, ſhall have full power to enquire, hear and determine by their diſcretions, as well by examination or otherwiſe, the defaults, offences, and treſpaſſes which ſhall happen to be committed contrary to this Ordinance, as well at the Kings ſuit, as at the parties which ſhall feel himſelf grieved in that behalf. (14) And if it be found, or may appear to the Juſtices of Peace, or any of them, by examination, or otherwiſe by their diſcretion, that any perſon or perſons hath offended contrary to this ordinance, that then the ſame Juſtices before whom it ſhall be found or appear, ſhall aſſeſs upon the offender in this behalf no leſs fine, then for every M. of plain title ſet to ſale contrary to this ordinance, v s. And for every C. roof-tile, vj s. viij d. And for every C. corner-tile or gutter-tile, ij s. ſold contrary to this ordinance. And that leſs fine be made after the rate of the ſame by the diſcretion of the ſaid Juſtices or any of them. (15) And that the ſame Juſtices ſhall have full power to call before them or any of them, at any time and place requiſite, ſuch and ſo many perſons as by their diſcretion have or ſhall have beſt experience or knowledge in the occupation of making of Tile, to ſearch and examine the digging, caſting, turning, parting, making, whiting and anealing aforeſaid. (16) And that the ſame perſon or perſons which ſo ſhall be aſſigned ſearchers, ſhall have full power to make ſearch. (17) And that no perſon put no ſuch tile to ſale, before that it be ſearched by the ſaid ſearchers, upon pain of forfeiture of the ſame tile. (18) And if the ſame ſearchers or any of them do find, that any perſon or perſons exerciſing the occupation of tile-making, doth offend contrary to this ordinance, that then the ſame ſearchers ſhall preſent ſuch defaults before the Juſtices of Peace at their next Seſſions: (19) And that every ſuch preſentment be as ſtrong and effectual in the law, as the preſentment of xij men. (20) And that ſuch ſearchers ſo to be ordained, aſſigned and deputed, ſhall have of every ſuch tile-maker for his labour of the ſaid ſearch for every M. plain tile ſearched one peny, for every C. roof-tile ob. and for every C. corner-tile and gutter-tile a q. (21) And that the ſame ſearchers ſhall do and execute their effectual induſtry and diligence in this behalf according to this ordinance, upon pain of forfeiture to our Lord the King for every default in this behalf x s. (22) And that the Juſtices of Peace ſhall have power to examine, enquire and determine the faults of ſuch ſearchers in premiſſes, in like form as above is ordained for the defaults of ſuch Tilemakers. This ordinance to begin to take effect at the Feaſt of S. Michael next coming, and not before.

The preparation of earth for the making of Tiles, and the ſeveral lengths breadth and thickneſs of them.

The forfeiture of the offender that ſelleth defective Tiles.

Juſtices of Peace may inquire of, hear and determine theſe offences.

Juſtices of Peace ſhall have authority to appoint Searchers of Tile.

The Searchers authority, and fee for their pains.

The Juſtices of Peace ſhall inquire of the defaults of Searchers.

CAP. V.

An alteration of part of the Statute of 4 Ed. 4. 1.

Item, Whereas by an Act made in the Parliament of our ſaid Lord the King, holden at Weſtminſter in the fourth year of his Reign, it was ordained, eſtabliſhed and enacted amongſt other things, that all Woollen Clothes, half Clothes, Streits and Kerſies, of a certain length and breadth ſpecified in the ſame Act, (2) and being of all perfectneſs of making, alſo compriſed in the ſame Act, ſhould be, from the Feaſt called S. Peter ad vincula, which was in the year of our Lord God 1465, ſealed with a double print in Lead, to be deviſed and ordained by the Treaſurer of England for the time being, teſtifying the true length and breadth, and

Drapery, Raſt. 33. St. 4 Ed. 4. 1.

lawful making. (3) Alſo by the ſame Act it was ordained, amongſt other things that the Treaſurer of England for the time being, ſhould have power and authority to make ſuch and as many keepers of the ſame Seals, as he ſhall think neceſſary; So that no ſtrangers born ſhould be made any of the ſame keepers: (4) And that every of the ſaid keepers ſo to be made, ſhall yearly accompt of the revenues of their ſaid offices in the Kings Eſchequer before the Treaſurer of England and the Barons there for the time being, ſhewing in the ſame accompts the number of all the Clothes, half Clothes, Streits and Kerſies ſealed by them, with the names of the owners thereof; (5) Every of the ſaid keepers to be rewarded yearly at his ſaid accompt for his labour and diligence had in this behalf, at the receipt of the ſaid Eſchequer, by the diſcretion of the ſaid Treaſurer and Barons, without payment of any thing in the ſaid Eſchequer for the making of his ſaid accompt, as in the ſaid Act thereof made is more largely contained: (6) The King certainly perceiving, that ſithence the making of the ſame Act, he hath had yearly greater loſs by the approvement of the Subſidy and aulnage of Clothes, then he had at any time before the ſaid Act of approvement made; (7) For the ſame and for divers other great cauſes moving him, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame Parliament hath ordained, eſtabliſhed, and enacted, that from the Feaſt of Eaſter next coming, all the Woollen Clothes, half Clothes, Streits, and Kerſies, being of good and perfect making, of length and breadth according to the form of the ſaid Act, made in the ſaid fourth year, ſhall be ſealed with Wax at both ends, taking no more for the ſame both ſeals, then before was taken for the ſealing of an whole Cloth, half Cloth, Streit, or Kerſie: (8) Except only, that in the City of London, and in the Town of Briſtol, all the Clothes that ought to be ſealed, ſhall be ſealed with Lead, as hath been there accuſtomed, (9) Moreover, it is ordained, enacted, and eſtabliſhed by the authority aforeſaid, That the ſaid Treaſurer of England for the time being, ſhall have power and authority to let to ferm, the ſubſidy and aulnage of Cloths which ought to be ſealed, unto perſons willing to have the ſame to ferm by ſufficient ſurety in the form as was uſed and done before the ſaid Statute made in the ſaid fourth year; (10) The fermors to have the one half of the forfeiture of all the Clothes and pieces of Clothes to be ſet to ſale, not ſealed with the ſaid Seals, to their own uſe, paying therefore and for the ſaid Subſidy and aulnage to our Lord the King at his Eſchequer, ſuch yearly ſums of money as ſhall be agreed betwixt the Treaſurer of England and them, and to be accomptants to the King of the other half of the ſaid forfeiture at the ſaid Eſchequer, the ſaid Statute made in the ſaid fourth year notwithſtanding.

Woollen clothes, half clothes, &c. ſhall be ſealed with Wax at both ends, notwithſtanding the St. of 4 Ed. 4. 1. Rep. 5 Ed. 6. 6.

The Treaſurer of England may let the Aulnage to ferm upon good ſurety. St. 17 R. 2. 5. 1 H. 4. 13. 4 H. 4. 24. 31 H. 6. 5.

CAP. VI.

How long the old Sheriff may execute his Office, if he have not before his Writ of Diſcharge.

Sheriffs 4. St. 12 Ed. 4. 1.

ITem, Whereas by a Statute in the laſt Parliament holden at Weſtminſter it was ordained, that the old Sheriff of every County might execute and return every Writ, Precept or Warrant, in any of the Kings Courts within the Term called Michael Term, after the vj day of November, and before any Writ of diſcharge to him delivered of his occupying of Sheriff, without hurt, loſs or penalty, by the ſame Statute remembred, as in the ſame doth more largely appear: (2) And becauſe that the words of the Authority given by the ſaid Act to the ſaid old Sheriff, be very eſpecial, and not general enough for the Common Wealth, purpoſed or intended by the ſame Act: (3) It is therefore ordained by authority of this Parliament, that every old Sheriff of every County, remembred in the ſaid laſt Act, from the ſixth day of November next to come, ſhall have full authority and power, as well lawfully to execute and return every Writ, Precept, or Warrant, from every of the ſaid Courts of the King, delivered to him, as to do and execute every other thing, which to the Office of Sheriff lawfully pertaineth, at all times during the Terms of S. Michael, and of S. Hillary, unleſs before the ſame time he be lawfully diſcharged of his occupation of Sheriff, without ſuſtaining any damage, forfeiture, or pain in reſpect thereof: Any Act, Ordinance, or Proviſion before made to the contrary in any wiſe notwithſtanding. Stat. 23 H. 6. 8. 12 Ed. 4. 1.

Every old Sheriff may execute his office during Michaelmas and Hillary Term, if he hath not before his Writ of diſcharge.

CAP. VII.

Repeal, Raſt. 7.

A repeal of a Parliament holden Anno 9 Ed. 4. and Anno 49 H. 6. and of all the Acts therein made, and of their exemplifications. Exp.

Statutes made at *Weſtminſter*, *Anno* 22 *Ed.* 4. and *Anno Dom.* 1482.

OUr Lord the King *Edward* the fourth, at his Parliament holden at *weſtminſter*, the twentieth of *January*, in the two and twentieth year of his Reign, to the honour of God, and for the Wealth of his People of this his Realm, by the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt of his Commons in the ſaid Parliament aſſembled, and by the authority of the ſaid Parliament, hath ordained and eſtabliſhed certain Statutes and Ordinances, in manner and form following.

CAP. I.

Apparel, Raſt. 3.

A repeal of all former Statutes made touching the exceſs of Apparel. What kind of Apparel Temporal men of every degree and eſtate are allowed, and what prohibited to wear. None under the eſtate of a Lord (except certain perſons particularly named) ſhall wear any gown or mantle, unleſs it be of ſuch length, that (he being upright) it ſhall cover his privy members and buttocks. The forfeitures of the Offenders, and who ſhall have them. Rep. 1 H. 8. 14. & 1 Jac. 25.

CAP. II.

The contents of veſſels of Salmons, Herrings, and Eels. And how Fiſh ſhall be packed.

Fiſh, 8. &c.

ITem, Whereas divers deceits have been uſed and done as well in the meaſures of veſſels called Butts, Barrels, and half Barrels, ordained for Salmon, and Barrels, half Barrels and Firkins, ordained for Herrings, Eels, and other barrelled Fiſh, as in the packing in the ſame veſſels of every of the ſaid Fiſhes before named, to the great damage of the King, the Lords Spiritual and Temporal, and other of the Kings faithful ſubjects; (2) For reformation whereof, our ſaid Sovereign Lord the King, by the advice, aſſent, and authority aforeſaid, hath ordained and enacted, That no Merchant ſtranger nor denizen, after the Feaſt of S. Michael next coming, ſhall ſell nor ſet to ſale any Salmon by Butt, Barrel, half Barrel, or any other veſſel, before it be ſeen, except the ſame Butt do hold and contain fourſcore and four gallons, the Barrel two and forty gallons, the half Barrel one and twenty gallons, well and truly packed, upon pain of forfeiture for every Butt, Barrel, and half Barrel, ſo failing their ſaid meaſure, ſix ſhillings and eight pence: (3) Alſo that no ſuch Merchant being under the Kings obeiſance, after the ſaid Feaſt of S. Michael, ſhall ſell or put to ſale any manner Salmon, by Butt or other veſſel, except it be well and faithfully packed, that is to ſay, the great Salmon by it ſelf, without mingling with them any Grills or broken bellied Salmon.

Packing of Salmons, and the content of the Veſſel thereof. St. 11 H. 7. 23.

II. And that all ſmall fiſh called Grills, ſhall be packed by themſelves only, without any mingling, upon pain of forfeiture and loſs of ſix ſhillings and eight pence for every Butt, Barrel and half Barrel mingled, packed and ſet to ſale contrary to this Act.

Packing of Grills.

III. Alſo that no Merchants nor other perſon ſet any Herring to ſale by Barrel, half Barrel or Firkin, except the ſame Barrel contain two and thirty gallons, the half Barrel and Firkin after the ſame rate; (2) And that the ſame Herring be well, truly and juſtly couched and packed; And that it be of one times taking and ſalting: (3) And that the ſame Herring be as good and as well packed in the midſt, and in every part of the ſame Barrel or other veſſel, as it ſhall be in the ends of the ſame Barrels and other veſſels, upon pain to forfeit three ſhillings and four pence for every Barrel, half Barrel and Firkin ſo failing their ſaid meaſure, (4) and alſo upon pain of forfeiture and loſs of three ſhillings and four pence for every Barrel, half Barrel and Firkin of Herring ſorted, laid or packed contrary to this Act. (5) Alſo that no ſuch merchant nor palingman ſell or ſet to ſale any Eels by barrel, half barrel or firkin, except the ſame barrel contain two and forty gallons, the half barrel and firkin after the ſame rate. (6) Nor that any ſuch merchant nor palingman do mingle any Gallebetten, ſtarved or pulled Eels with the good Eels, but that the good Eels be well and juſtly packed and ſold by themſelves: nor that they mingle with the good Eels, or put to ſale any red Eels, upon pain of forfeiture and loſs of ten ſhillings for every barrel, half barrel and firkin ſo failing their meaſure; and alſo upon pain of forfeiture and loſs of ten ſhillings for every barrel, half barrel and firkin ſo mixt, packed and ſet to ſale, as afore is ſaid, contrary to this Act. (7) Alſo that no ſuch merchant after the ſaid Feaſt, ſell or ſet to ſale any barrelled fiſh, except the ſame fiſh be well and faithfully packed, that is to ſay, any countable fiſh, commonly called tale-fiſh, by it ſelf, and the ſame fiſh called Grils by themſelves, without any mixture of the ſaid fiſhes with the great fiſh, and without mixture or packing of thokes, or fiſh with broken bellies with the ſaid tale-fiſh or ſmall fiſh; (8) And that the ſaid tale-fiſh or ſmall fiſh be not laid double in the packing: (9) And that every tale-fiſh contain in length, from the bone in the fin, to the third joynt in the tail, ſix and twenty inches at the leaſt, and that the napes of all ſuch barrelled fiſh ſhall be no longer then the little bone that reſteth upon the great fin; (10) And that the bone of every ſuch ſalt fiſh ſhall be taken away to the navel of the fiſh.

The content of a Barrel, &c. of Herring, and it ſhall be well packed.

The content of a Barrel of Eels, and they ſhall not be mingled.

How fiſh ſhall be packed.

IV. And that every ſuch fiſh be ſplatted or opened down to an handful of the tail, upon pain of forfeiting and loſing of three ſhillings and four pence for every barrel of fiſh which hereafter ſhall be found packed, ſorted, mixt, naped, laid double, or not boned, nor ſplatted or open, according to this Act.

V. Alſo in eſchewing the common loſſes and deceits aforeſaid, our ſaid Lord the King hath ordained and enacted by the authority aforeſaid, That all Mayors, Bailiffs and Governors of Cities, Boroughs, Market-towns, and all other places of this his Realm for the time being, where there be Mayors, Bailiffs or Governors, ſhall have power and authority to name and chooſe diſcreet and expert perſon or perſons daily to ſearch and gauge all ſuch Veſſels as above be rehearſed, that they be faithfully packed, and keep their lawful meaſure and aſſiſe according to the Ordinances aforeſaid: (2) The one half of all the ſaid fines, forfeitures and penalties, and every of them, to be to our Lord the King, and the other half to him or them of his Subjects that ſhall ſeiſe or purſue for the ſame by action of debt, by writ at the Common Law, by bill or plaint, according to the cuſtom of the City or Town where any ſuch fines, forfeitures and penalties ſhall hereafter happen to be or fall: (3) And that the defendant in any ſuch action be not admitted to wage nor do his Law, (4) nor that any protection or eſſoin of the Kings ſervices for any ſuch Defendants be allowed. (5) Provided always, that this Act be not prejudicial to any perſon or perſons having the forfeiture of the goods of felons, fugitives, and condemned perſons.

Chief Officers of Cities and Boroughs, &c. ſhall appoint Searchers to ſearch and gauge Veſſels of Fiſh.

VI. Moreover, it is ordained and enacted by the authority aforeſaid, That every ſuch perſon and perſons ſhall have and enjoy like forfeitures of and in every of the premiſſes within their Franchiſes, as the King now hath in other places without.

CAP. III.

No Ribands, Laces, Corſes, Girdles, Call iſilk, or Colleinſi.k twined, ſhall be brought into England to be ſold, upon pain of forfeiture of the ſame, or the value thereof. Exp. St. 33 H.6.5. 3 Ed.4.3. 19 H.7.21.

Silk, Raſt. 3.

CAP. IV.

Whoſoever ſhall ſell a long Bow of Yew above the price of three ſhillings and four pence, ſhall forfeit twenty ſhillings. Rep. 8 El. 10. St. 3 H.7.13. 33 H.8.9.

Bows, Raſt. 2.

CAP. V.

No perſon ſhall full or thick any Hats, Bonets, or Caps, at any fulling Mill, or ſet to ſale any ſo fulled, upon pain to forfeit forty ſhillings. Exp. Rep. 1 Jac. 25. St. 7 Ed. 6.8.

Hats, Raſt. 1.

CAP. VI.

How much Land he muſt have which ſhall have a mark or game of Swans.

Swans 1.

ITem, Where as well our ſaid Soveraign Lord the King, as other Lords, Knights, Eſquires, and other noble men of this noble Realm of England, have been heretofore greatly ſtored of marks and games of Swans in divers parts of this Realm of England, until of late that divers keepers of Swans have bought and made to them marks and games in the Fens and Marſhes, and other places, and under colour of the ſame, and of ſurveying and ſearch for Swans and Cygnets for their Lords and Maſters, have ſtollen Cygnets, and put upon them their own mark, by which unlawful means the ſubſtance of the Swans be in the hands and poſſeſſion of Yeomen and Husbandmen, and other perſons of little reputation: (2) Wherefore it is ordained, eſtabliſhed and enacted by our ſaid Sovereign Lord the King, with the aſſent of the Lords Spiritual and Temporal, and at the ſpecial Petition and Requeſt of the Commons in the ſaid Parliament aſſembled, and by authority of the ſaid Parliament, That no perſon, of what eſtate, degree or condition he be (other then the Son of our Sovereign Lord the King) from the Feaſt of Saint Michael next coming, ſhall have or poſſeſs any ſuch mark or game of his own, or any other to his uſe ſhall have or poſſeſs any ſuch mark or game, except he have Lands and Tenements of the eſtate of Freehold to the yearly value of five marks above all yearly charges. (3) And moreover, that every perſon or perſons now having any ſuch mark or game, ſhall ſell or give the ſame betwixt this and the Feaſt of S. Michael next coming, to the uſe of them to whom they ſhall be ſo ſold or given: (4) and if it happen any perſon or perſons not having any poſſeſſion of Lands or Tenements to the ſaid yearly value, or any other to have or poſſeſs Lands to his or their uſe, to have or poſſeſs any ſuch mark or game after the ſaid Feaſt, that then it ſhall be lawful to any of the Kings Subjects, having Lands or Tenements to the ſaid value, to ſeiſe the ſaid Swans as forfeit: Whereof the King ſhall have one half, and he that ſhall ſo ſeiſe, the other half.

No perſon ſhall have a mark or game of Swans unleſs he have five mark Lands.

Any perſon having five marks of Freehold, may ſeiſe the Swans forfeited.

CAP. VII.

How long any Woods felled in any Foreſt or Purlew may be incloſed and kept ſeveral.

Woods 25. 4 Inſt. 304. Godbolt 167. pl. 235.

Item, Our ſaid Lord the King conſidering that divers Subjects having Woods growing in their own ground within the Foreſt of Rockingham, and other Foreſts and Chaſes within his Realm of England, or Purlews of the ſame, which have cut their ſaid wood, becauſe the ſame Subjects might not before time cut nor incloſe their ſaid ground, to ſave the young ſpring of their wood ſo cut, any longer time then for three years, (2) the ſame young ſpring hath been in times paſt, and daily is deſtroyed with beaſts and cattel of the ſame Foreſt, Chaſes and Purlews, to the great hindrance, as well of his ſaid Subjects, as of his Deer, Vert and Veniſon in their covert, and otherwiſe likely to be the deſtruction of the ſame Foreſts, Chaſes and Purlews: (3) By the aſſent of the Lords Spiritual and Temporal, and the Commons in this ſaid Parliament aſſembled, and by the authority of the ſame, doth ordain, eſtabliſh and enact, That if any of his Subjects, having woods of his own growing in his own ground, within any Foreſt, Chaſe or Purlew of the ſame, within this Realm of England, from the firſt day of this Parliament, ſhall cut or cauſe to be cut the ſame wood, or part thereof, by licence of the King or of his Heirs, in his Foreſts, Chaſes or Purlews, or without licence in the Foreſt, Chaſe or Purlew of any other perſon, or make any ſale of the ſame wood: it ſhall be lawful to the ſame Subjects, Owners of the ſame ground whereupon the wood ſo cut did grow, and to other ſuch perſons to whom ſuch wood ſhall happen to be ſold, immediately after the wood ſo cut, to coppy and incloſe the ſame ground with ſufficient hedges, able to keep out all manner of beaſts and cattel forth of the ſame ground, for the preſerving of their young ſpring; (4) and the ſame hedges ſo made, the ſaid Subjects may keep them continually by the ſpace of ſeven years next after the ſame incloſing, and repair and ſuſtain the ſame as often as ſhall need within the ſame ſeven years, without ſuing of any other licence of him or of his Heirs, or other perſons, or any of their Officers of the ſame Foreſt, Chaſes and Purlews.

1 Roll. 92 194. Woods felled in any Foreſt or Purlew, may be incloſed and kept ſeveral ſeven years. St. 35 H. 8. 17. 13 El. 25.

CAP. VIII.

Merchandiſes carried into or fetched out of Scotland, ſhall be firſt brought to Berwick. The Freemen of Berwick ſhall have to farm the fiſhing there.

Berwick, 1. Merchandiſes carried into, or brought out of Scotland or the Iſles, ſhall be firſt brought to Berwick.

Item, Our ſaid Sovereign Lord the King, for the Surety of the Town of Berwick, and the Marches of the ſame, and to have the ſame Town to be inhabited with great number of his faithful liege people, which would there abound and increaſe by the repair of Merchants and merchandiſe, and exerciſe of the ſame, hath by the aſſent of the Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſame Parliament ordained, enacted and eſtabliſhed, That from the Feaſt of the Nativity of Saint John Baptiſt next coming, all Merchants which ſhall carry or bring any merchandiſe out of Scotland, or the Iſles of the ſame, into this Realm of England, or into Ireland, or Wales, firſt ſhall bring the ſame merchandiſe to the ſaid Town of Berwick: (2) and that none of the Kings liege people, nor any other perſon under the Kings obeyſance, ſhall buy any merchandiſe brought out of Scotland, and carry the ſame, or cauſe to be carried into this Realm of England, or any other place under the Kings obeyſance, but that the ſame merchandiſe be bought, ſold and cuſtomed at his ſaid Town of Berwick, except to the City of Carlile, and the Ports or Creeks pertaining to the Weſt Marches. (3) And that no manner Merchant, Denizen nor Stranger, under the Kings obeyſance, ſhall carry or convey to ſell any manner merchandiſe of England, Ireland, or Wales, into Scotland, or the Iſles of the ſame, which be not under the Kings obeyſance; (4) and that none under the Kings ligeance and obeyſance, ſell any manner merchandiſe of England, Ireland or Wales, to any of the Inhabitants of Scotland, or the Iſles of the ſame, in any place within England, Ireland or Wales, ſaving only at the ſaid Town of Berwick and Carlile aforeſaid. (5) And that no merchandiſe ſhall be ſhipped in any Creek or other place betwixt Tinmouth and the ſaid Town of Berwick, but only in the Port or Haven of the ſaid Town of Berwick: (6) and that no perſon or perſons ſaving the Burgeſſes and Freemen of the ſaid Town of Berwick, ſhall cauſe any Salmon to be ſold, which ſhall be taken in the water of Tweed. (7) And if any perſon or perſons offend, or do with any merchandiſe aforeſaid, contrary to any of the ſaid Ordinances, the ſame perſon or perſons ſhall forfeit all the ſaid merchandiſe; (8) and that it ſhall be lawful to any of the Kings liege Subjects to ſeiſe all ſuch merchandiſe ſo forfeit, or elſe to purſue in his own name an action of debt againſt the ſame perſon or perſons which ſo ſhall forfeit, containing the ſum of the value of the ſaid Goods: and in the ſame action to have like Proces, Judgment and Execution, as is uſed in other actions of debt by the courſe of the Kings Laws: (9) and that in none of the ſame ſuits and actions any protection or eſſoin of the Kings ſervice be allowed, nor any Defendant admitted to do his Law, (10) and our Lord the King to have as well the one half of all ſuch merchandiſe forfeited and ſeiſed, as the one half of all ſuch ſums of money which ſhall be recovered by action in the form aforeſaid, to purſue for the value of any ſuch goods ſo forfeit: and the perſon or perſons which ſhall ſeiſe and purſue in the form aforeſaid, to have the other half of the ſame.

II. And by the ſaid authority it is ordained and enacted, That the merchants and freemen of the ſaid Town, may of the grace of our ſaid Lord the King, have to ferm all the waters Royal, and fiſhing places within the ſaid Town of Berwick and Seigniory of the ſame paying for the ſame as much as any other perſon will do; (2) and that the ſame Merchants and Freemen, and every of them, may from henceforth have, occupy and enjoy to them, their Heirs and Succeſſors for ever all Liberties, Franchiſes and Cuſtoms, which at any time before pertained to the ſaid Town, (3) and that they may ſhip all manner goods and merchandiſes there, and carry them to what place or places, Port or Ports that they will, and there diſcharge, and the ſame recharge with corn or any other victual or merchandiſes, and bring the ſame to the ſaid Town of Berwick for victualling thereof.

The Merchants and Freemen of Berwick ſhall have to ferm the waters Royal, and fiſhings there. Stat. 1 Jac. 28.

III. Provided always, That this Act, nor any other Act, made or to be made in the ſaid Parliament, do not extend nor be prejudicial to William Biſhop of Durham, nor to his Succeſſors, in or for any manner thing pertaining, or in any wiſe belonging to him.

Thus endeth the Statutes made in the time of the noble King Edward the Fourth.

Anno primo RICHARDI *tertii.*

Statutes made at *Weſtminſter* in the firſt Year of the Reign of King *Richard* the Third, and in the Year of our Lord, 1483.

RICHARD by the Grace of God King of England and of France, and Lord of Ireland, the third after the Conqueſt: To the honour of God and of holy Church, and for the Common wealth of his Realm of England at his firſt Parliament holden at Weſtminſter, the three and twentieth day of January, in the firſt year of his Reign: by the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt of the Commons of the ſaid Realm of England ſummoned to the ſaid Parliament, by the authority of the ſame Parliament, hath ordained and eſtabliſhed for the quietneſs of his People, certain Statutes and Ordinances, in manner following.

CAP. I.

All Acts made by or againſt *Ceſtuy que uſe* ſhall be good againſt him, his Heirs and Feoffees in Truſt.

Foraſmuch as by privy and unknown Feoffments, great unſurety, trouble, coſts, and grievous vexations daily grow among the Kings Subjects, inſomuch that no man that buyeth any Lands, Tenements, Rents, Services, or other Hereditaments, nor Women that have Joyntures or Dowers in any Lands, Tenements, or other Hereditaments, nor Mens laſt Wills to be performed, nor Leaſes for term of life, or of years, nor Annuities granted to any perſon or perſons for their ſervices for term of their lives, or otherwiſe, be in perfect ſurety, nor without great trouble and doubt of the ſame, becauſe of the ſaid privy and unknown Feoffments: (2) For remedy whereof, be it ordained, eſtabliſhed, and enacted, by the advice of the Lords Spiritual and Temporal, and by the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that every Eſtate, Feoffment, Gift, Releaſe, Grant, Leaſes and Confirmations of Lands, Tenements, Rents, Services, or Hereditaments, made or had, or hereafter to be made or had by any perſon or perſons being of full age, of whole mind, at large, and not in dureſs, to any perſon or perſons; and all Recoveries and Executions had or made, ſhall be good and effectual to him to whom it is ſo made, had or given, and to all other to his uſe, (3) againſt the Seller, Feoffor, Donor, or Grantor thereof, (4) and againſt the Sellers, Feoffors, Donors or Grantors, his or their Heirs, claiming the ſame only as Heir or Heirs to the ſame Sellers, Feoffors, Donors or Grantors, and every of them, (5) and againſt all other having or claiming any title or intereſt in the ſame, only to the uſe of the ſame Seller, Feoffor, Donor or Grantor, Sellers, Feoffors, Donors or Grantors, or his or their ſaid Heirs at the time of the Bargain, Sale, Covenant, Gift or Grant made, (6) ſaving to every perſon or perſons ſuch Right, Title, Action or Intereſt, by reaſon of gift in tail thereof made, as they ought to have had, if this Act had not been made. Stat. 1 H.7.1. 4 H.7.17. 19 H.7.15. 27 H.8.10.

Uſes, Raſt. 4.
The ſeveral inconvenences of ſecret Feoffments.
Godbolt 306. pl. 417.
1 Anderſ. 333.
All Acts made by or againſt Ceſtuy que uſe ſhall be good againſt him his Heirs and Feoffees in truſt.

The eſtate of Tenant in tail ſaved.

CAP. II.

The Subjects of this Realm ſhall not be charged by any benevolence, &c.

THE King remembring how the Commons of this his Realm by new and unlawful inventions and inordinate covetiſe againſt the Law of his Realm, have been put to great thraldom and importable charges and exactions, and in eſpecial by a new impoſition called a Benevolence, whereby divers years the Subjects and Commons of this Land, againſt their wills and freedoms, have payed great ſums of mony to their almoſt utter deſtruction: (2) For divers and many worſhipful men of this Realm by occaſion thereof were compelled of neceſſity to break up their Houſholds, and to live in great penury and wretchedneſs, their Debts unpaid, and their Children unpreferred, and ſuch memorials as they had ordained to be done for the wealth of their Souls anentized and annulled, to the great diſpleaſure of God, and the deſtruction of his Realm: (3) Therefore the King will it be ordained by the advice and aſſent of the ſaid Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, That

Taxes. Raſt. 15.

The Subjects of this Realm ſhall not be charged with any benevolences, or, &c. 13 Car. 2. ca. 4.

That his Subjects and the Commonalty of this his Realm from henceforth in no wiſe be charged by any ſuch charge, exaction, or impoſition, called a Benevolence, nor by ſuch like charge. (4) And that ſuch exactions, called Benevolences, before this time taken, be taken for no example, to make ſuch, or any like charge of any of his ſaid Subjects of this Realm hereafter, but it ſhall be damned, and adnulled for ever.

CAP. III.

Every Juſtice of Peace may let a Priſoner to Mainpriſe. No Officer ſhall ſeize the Goods of a Priſoner until he be attainted.

Sheriffs 24. Every Juſtice of Peace ſhall have authority to let a priſoner to mainpriſe. Rep. 3 H. 7. 3. St. 1 & 2 P. & M. 13.

Eſcape of Felons inquirable by Juſtices of Peace. 2 Rol. 226, 246.

No officer ſhall ſeiſe the goods of a priſoner until he be attainted, or the goods forfeited.

FOraſmuch as divers perſons have been daily arreſted and impriſoned for ſuſpection of Felony, ſometime of malice, and ſometime of a light ſuſpection, and ſo kept in priſon without bail or mainpriſe, to their great vexation and trouble: (2) Be it ordained and eſtabliſhed by authority of this preſent Parliament, That every Juſtice of Peace in every Shire, City or Town, ſhall have authority and power, by his or their diſcretion, to let ſuch priſoners and perſons ſo arreſted to bail or mainpriſe, in like form as though the ſame priſoners or perſons were indicted thereof of Record before the ſame Juſtices in their Seſſions: (3) and that Juſtices of Peace have authority to enquire in their Seſſions of all manner eſcapes of every perſon arreſted and impriſoned for felony. (4) And that no Sheriff, Under-ſheriff nor Eſcheator, Bailiff of Franchiſe, nor any other perſon, take or ſeiſe the goods of any perſon arreſted or impriſoned for ſuſpition of felony, before that the ſame perſon ſo arreſted and impriſoned be convicted or attainted of ſuch felony according to the Law, or elſe the ſame goods otherwiſe lawfully forfeited, (5) upon pain to forfeit the double value of the goods ſo taken, to him that is ſo hurt in that behalf, by action of debt to be purſued by like Proceſs, Judgment and Execution, as is commonly uſed in other actions of debt ſued at the Common Law: (6) And that no eſſoin or protection be allowed in any ſuch action: Nor that the defendant in any ſuch action be admitted to wage or do his Law. Co. Inſt. 3. p. 48.

Cro. El. 96. 7 H. 4. f. 47. 44 Aſſ. pl. 14. 43 Ed. 3. f. 22. Co. L. 1. f. 17. 26 Aſſ. pl. 31. Stamf. Pl. Cor. 193. Prerog. 47.

CAP. IV.

Of what credit and eſtate thoſe Jurors muſt be which ſhall be impannelled in the Sheriffs Turn.

Jurors 14.

Of what credit and eſtate thoſe Jurors muſt be which ſhall be impanelled in the Sheriffs Court. St. 11 H. 7. 26.

FOraſmuch as divers great inconveniences and perjuries do daily happen in divers Shires of England by untrue verdicts given in inquiſitions and inquiries before Sheriffs in their Turns, by perſons of no ſubſtance nor behaviour, nor dreading God nor the worlds ſhame, by reaſon whereof divers and many of the Kings lieges of divers parts of England, by exciting and procuring of their evil willers, be wrongfully indicted, and other that ought of right to be indicted by ſuch excitation and procuring, oftentimes be ſpared, contrary to common right and good conſcience: (2) In eſchewing whereof, be it ordained by the King our Soveraign Lord, by the advice of the Lords Spiritual and Temporal, and at the requeſt of the Commons of this preſent Parliament aſſembled and by authority of the ſame, That no Bailiff nor other Officer from henceforth return or impannel any ſuch perſon in any Shire of England, to be taken or put in or upon any ſuch inquiry in any of the ſaid Turns, but ſuch as be of good name and fame, and having Lands and Tenements of Free-hold within the ſame Shires, to the yearly value of xx s. at the leaſt, or elſe Lands and Tenements holden by cuſtom of Mannor, commonly called Copyhold within the ſaid Shires, to the yearly value of xxvj s. viij d. over all charges at the leaſt: (3) And if any Bailiff or other Officer within the ſaid Counties hereafter return or impanel any perſon contrary hereunto, he to loſe for every perſon that he ſo impanelleth and returneth not being of the ſufficiency, as is aforeſaid, as often as he ſo offendeth, xl s.

II. And the ſaid Sheriff other xl s. the one half thereof to the King our Soveraign Lord, and the other half thereof to ſuch as will ſue in that behalf: (2) And every man that will ſue for the ſame, to have their ſeveral actions of debt therefore at the Common Law, as well againſt the Sheriff as the ſaid Bailiff: and that ſuch and like proceſs be had and uſed in every of the ſame action or actions, as be had and uſed in other actions of debt at the Common Law: (3) and that no protection, ne eſſoin be allowed in the ſame: (4) and that every ſuch Indictment before any Sheriff in his Turn otherwiſe taken, be void and of none effect. This Act to take effect from the firſt day of this Parliament, and not before.

The Indictment taken by other perſons ſhall be void.

CAP. V.

Uſes, Raſt. 3.

Thoſe Lands whereof the King was enfeoffed joyntly with others, to the uſe of the Feoffor, ſhall be in his Co-feoffors. Pr.

CAP. VI.

The Stat. of 17 Ed. 4. 2. rehearſed and made perpetual, viz. That in every Court of Pypowders, the Plaintiff or his Atturney ſhall be ſworn, &c.

Fairs, 3. 17 E. 4. 2.

PRayen the Commons in this preſent Parliament aſſembled, That where in a Statute made in the xvij year of the Reign of King Edward the Fourth, It was ordained amongſt other, That where divers Fairs have been holden and kept in divers places within this Realm, ſome by preſcription allowed afore Juſtices in Eyre, and ſome by the grant of your noble progenitors and predeceſſors, and to every of the ſame Fairs is of right pertaining a Court of Pypowders, to miniſter therein due Juſtice in that party: (2) in which Court it hath ever been accuſtomed, that every perſon coming to ſuch Fairs, ſhould have lawful remedy of all manner contracts, treſpaſſes, covenants, debts, and other deeds made or done within any of the ſaid Fairs during the time of the ſaid Fairs, within the Juriſdiction of the ſame, and to be tried by Merchants being at the ſame Fairs: (3) which Courts in theſe days have been miſuſed by Stewards, Bailiffs, Commiſſaries and other Miniſters, holding and ruling the ſaid Courts of the ſaid Fairs for their ſingular profit, holding plea by plaints, as well contracts, debts, treſpaſſes, as other deeds done and made out of the time of the ſaid Fairs or Fair, and Juriſdiction of the ſame, whereof in troth they have no juriſdiction, ſurmiſing the contracts, debts, treſpaſſes, covenants, or other deeds to be done within the time of the Fairs, and within the juriſdiction of the ſame Fairs, where in troth they were not ſo. (4) And ſometime upon fained plaints, by imagination by evil diſpoſed people, to trouble them to whom they owe evil will,ſome to the intent to make them loſe their Fair,and ſome to the intent that they ſhould have for lucre,favourable inqueſts of comers to the ſame Fairs where they take their actions, (5) whereby much people coming to the ſaid Fairs,be grievouſly vexed and troubled by fained actions,and alſo by actions of debts, treſpaſſes, deeds and contracts made and done out of the time of the ſaid Fairs or juriſdiction of the ſame,contrary to equity and good conſcience, whereby the Lords of the ſaid Fairs loſe great profits by the not coming of divers merchants to their Fairs,which for that caſe abſtain them, and alſo the Commons for that caſe be worſe ſerved of ſuch ſtuff and merchandiſes, as elſe ſhould come to the ſaid Fairs :(6) Pleaſe it therefore your Highneſs, the premiſſes conſidered, by the advice and aſſent of the Lords ſpiritual and temporal in this your preſent Parliament aſſembled, and by the authority of the ſame, to ordain and to eſtabliſh, That from the firſt day of May next coming,no Steward,Under-ſteward,Bailiff, Commiſſary,nor other miniſter of ſuch Courts of Pipowders,hold plea upon any action at the ſuit of any perſon or perſons,without the Plaintiff or Plaintiffs, or his or their Atturnies,in preſence of the Defendant or Defendants, (if he or they, or his or their Atturnies deſire it) make oath upon the holy Evangeliſts, upon the declaration, that the contract, treſpaſs, or other deed compriſed in the ſame declaration,were made or done within the Fair time of the ſaid Fair, where he taketh his Action, and within the bounds and juriſdiction of the ſame Fair. (7) And although the ſaid Plaintiff or Plaintiffs by their oath affirm the ſame, that the ſaid Defendant or Defendants be not concluded thereby, but that they may anſwer and plead to the Action, or in abatement of the plaints, and to tender an iſſue, that the ſame contract, treſpaſs or other deed compriſed within ſuch declaration, whereupon the Plaintiff or Plaintiffs do declare, was not done nor made within the Fair time and juriſdiction of the ſame Fair, but out of time of the Fair, or at other places out of the juriſdiction of the ſaid Fair, after the troth in that party.

II. And if it be ſo tryed, or that the Plaintiff or Plaintiffs or their Atturnies, refuſe to be ſworn in the form aforeſaid, That then the Defendant or Defendants be quite diſmiſſed and diſcharged in that behalf out of that Court ; The party Plaintiff to take his advantage at the Common Law, or other place convenient, as him ſeemeth good, This Ordinance notwithſtanding.

III. And that every Steward, Under-ſteward, Bailiff, Commiſſary, or other Miniſter, holding and ruling any of the ſaid Courts, that doth the contrary of this Ordinance, ſhall for every default in that behalf forfeit an C s. the one half thereof to your Highneſs, and the other half thereof to him that will ſue in that party his action upon this Ordinance, by action of debt in his own name. (2) And that writs of proclamation in all goodly haſt be directed to every Sheriff of every Shire of England, to make this Ordinance to be proclaimed in every part within his Shire, as well within Franchiſe as without.

IV. And that the Ordinance touching Fairs, as is aforeſaid, ſhould endure to the next Parliament, which Ordinance is now expired : (2) And for certain the ſaid Ordinance is full neceſſary, and requiſite to endure for ever, and full profitable to all the Commons of this Realm : (3) Be it therefore ordained and eſtabliſhed by the authority of this preſent Parliament, That the aforeſaid Ordinance be and ſtand in vertue and ſtrength : And to be executory from the Feaſt of the Annunciation of our Lady next coming, perpetually after to endure.

CAP. VII.

Who ſhall be bound by a Fine levied before the Juſtices of the Common Pleas : And Proclamations made thereof.

Fines 5. &c.
Anno 18 Ed. 1.
Modus levandi Fines.

ITem, Whereas it was ordained, eſtabliſhed and enacted in a Parliament holden in the time of the Reign of the noble King Edward the firſt, by the Statute De finibus,that notes and fines levied in the Kings Court before his Juſtices ſhould be openly and ſolemnly read, and that the pleas in the mean time ſhould ceaſe, and that to be done two days in the week after the diſcretion of the Juſtices, as in the ſame Statute more plainly appeareth : (2) Our ſaid Soveraign Lord the King conſidering that fines ought to be of the greateſt force and effect to avoid ſtrife and debate, and be a final end and concluſion, willeth, ordaineth and eſtabliſheth by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That after the engroſſing of every fine to be levied after the Feaſt of Eaſter next coming, in the Kings Court before the Juſtices of the Common place, of any lands, tenements, or other hereditaments, the ſame fine ſhall be openly and ſolemnly read and proclaimed in the ſame Court the ſame Term, and in three Terms of the year next enſuing, after the ſame engroſſing in the ſame Court at four ſeveral days in every Term, (3) and in the ſame time that it is ſo read and proclaimed, all Pleas ſhall ceaſe, (4) and moreover a Tranſcript of the ſame fine ſhall be ſent by the ſaid Juſtices of the Common place to the Juſtices of Aſſiſes of the County where the ſaid lands and tenements be : They to cauſe the ſaid fine to be read and proclaimed openly and ſolemnly in every their Seſſions of Aſſiſes to be holden the ſame year, if Aſſiſes do then hold, and all the Pleas in the mean time to ceaſe.

A fine ſhall be openly read and proclaimed the ſame Term, and three Terms after at four ſeveral days.
St. 31 El. 2.
A tranſcript of the fine ſhall be ſent to the Juſtices of Aſſiſe of the County where the land lieth, to be there proclaimed.

II. Alſo it is ordained and eſtabliſhed by the ſaid authority of Parliament, That a like Tranſcript of the ſame fine ſhall be ſent to the Juſtices of Peace of the County where the ſaid lands and tenements be, they to cauſe open and ſolemn Proclamation of the ſaid fine to be made at four general Seſſions of the Peace to be holden in the ſame year.

A tranſcript ſent to the Juſtices of Peace.

III. The ſaid Juſtices of Aſſiſes, and alſo Juſtices of Peace to certifie the ſame Proclamation to the Kings Juſtices of the Common place at the ſecond day of return of the Term then next following, (2) after which Proclamation had, made and certified, the ſaid fine to be a final end, and to conclude, as well privies as ſtrangers to the ſame, except women covert, other then be parties to the ſaid fine, and every perſon or perſons then being within age, in priſon, or out of this Realm of England, or not of whole memory at the time of ſuch fine levied.

Who ſhall be concluded by a fine, who not.

Every ſtrangers right ſaved which he preſently hath ſo he purſue it in time.

IV. Alſo ſaving to every perſon or perſons ſuch right, title, claim, and intereſt, which they have to or in the ſaid lands, tenements, and other hereditaments, at the time of ſuch fine ingroſſed, ſo that they do perſue their ſaid right, title, claim or intereſt, by way of Action or lawful entry, within five years next after the ſaid Proclamation made, had or certified.

The right of ſtrangers ſaved which ſhall come to them.

V. And alſo ſaving to all other perſons all ſuch Action, right, title claim and intereſt, in and to all the ſaid Lands, tenements, and other hereditaments, which ſhall grow, remain, deſcend, or come to them after the ſaid fine ingroſſed by force of any gift in tail, or by any other cauſe or matter had or made before the ſaid fine levied, ſo that thoſe perſons take their ſaid Actions, or perſue their ſaid right and title according to the Law within five years next after ſuch actions, title, claim or intereſt, grown, deſcended, remained, or come to them. (2) And alſo that the ſaid perſons and their heirs may have their ſaid action againſt the taker of the ſame profits of the ſaid lands, tenements, and other hereditaments at the time of ſuch action not to be taken.

Actions maintainable againſt the pernor. of the profits.

The right of infants, women covert, perſons impriſoned, out of this Land, or not of whole memory, ſaved.

VI. And if the ſame perſons at the time of ſuch action, right and title, grown, deſcended, remained or come to them, be covert baron, or within age, or in priſon, or out of this Land, or not of whole memory: It is ordained, eſtabliſhed, and Enacted by authority aforeſaid, That their actions, right and title ſhall be reſerved, and ſaved to them and their heirs till the time they come and be at their full age, out of priſon, within this land, unmarried, and of whole memory, ſo that they or their heirs take their ſaid actions or lawful entry according to their right and title within five years next after they come and be at their full age, out of priſon, within this land, unmarried, and of whole memory, and purſue the ſame actions, or take their lawful entry with effect according to the Law of England.

An entry muſt be made, or an action taken within five years after the defects removed.

VII. Alſo by authority of the ſaid Parliament it is ordained, eſtabliſhed and enacted, That all ſuch perſons which be covert, not parties to the fine, and every perſon being within age, in priſon, or out of this Realm, or not of whole memory at the time of the ſaid fines levied and ingroſſed, by this Act of Parliament before excepted, having any right or title, or cauſe of action to any of the ſaid lands, tenements, and other hereditaments, that they or their heirs take their ſaid actions or lawful entry according to their right and title, within five years next after that the ſaid perſons come to be of full age, out of priſon, unmarried, within this Land, and alſo become of whole memory. (2) And alſo ſue the ſame actions and take their lawful entry, and ſo perſue with effect, according to the Law of the Realm of England. (3) And moreover, if they do not take their ſaid actions, and alſo their ſaid lawful entry in the manner as is aforeſaid, that then they ſhall be concluded by the ſaid fines for ever, in like form as they that be parties and privies to the ſaid fines levied and ingroſſed.

Fines at the common Law be of the ſame force they were before. Any perſon may levy a fine according to this Stat. or the common Law.

VIII. Alſo by the ſaid authority it is ordained and eſtabliſhed, That every fine which ſhall be from henceforth levied in any of the Kings Courts, of any mannors, lands, tenements, or other poſſeſſions, after the manner, uſage, and forms that fines have been levied before the making of this Act before rehearſed, ſhall be of like ſtrength, effect and authority, as fines ſo levied be or were before the making of this Act, this Act or any other Act, in this Parliament made or to be made notwithſtanding. (2) And that every perſon ſhall be at his liberty to levy any fine hereafter, as he will himſelf at his pleaſure, after the manner contained and ordained in and by this Act, or after the manner and form before uſed. St. 4. H. 7. 24.

CAP. VIII.

The length and breadth of Clothes. Of what ability an Aulneger muſt be, and what Clothes he may ſeal.

Drapery 85. Broad cloth ſhall be fully watered before it be put to ſale.

ITem, In the ſaid Parliament were ſhewed divers inconveniencies and deceits, had, made, and uſed in the ſaid Realm of England, in making of Clothes: for the avoiding whereof our ſaid Soveraign Lord the King by the advice and aſſent of the ſaid Lords Spiritual and Temporal, and at the requeſt of the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed, and enacted, That no perſon whatſoever he be, Clothmaker, or other, ſhall ſell, nor put to ſale after the Feaſt of S. Michael the Archangel, next enſuing, any manner woollen Clothes, called broad Clothes, unleſs the ſame Cloth be before fully watered.

II. And that every whole Cloth, and alſo broad Cloth, which ſhall be made in this Realm of England, after the ſaid Feaſt of Saint Michael the Archangel next coming, after that it be fully watered ready to ſale, ſhall hold and contain in length xxiv yards, and to every yard an inch, containing the breadth of a mans inch, to be meaſured by the creſt of the ſame Cloth, and alſo it ſhall hold and contain in breadth two yards within the liſts, by the whole length of the ſame.

Of what length and breadth whole cloths and half cloths ſhall be made. Rep. 5 Ed. 6. 6. The penalty of the offendor.

III. And that every half Cloth of the ſaid whole Clothes to be made after the ſaid Feaſt, after his full watering ready to ſale, ſhall hold and contain xij yards in length at the leaſt, with the inches aforeſaid, to be meaſured by the creſt, and two yards in breadth within the liſts: (2) So that always the ſame half Cloth do not exceed the length of ſixteen yards, upon pain of cutting the whole Cloth in three pieces, and of cutting the half Cloth in two pieces. (3) And alſo to loſe for every whole Cloth vj s. viij pence, and for every half Cloth iij s. iv pence, made, ſold or put to ſale after the ſaid Feaſt, not full watered, or made after the ſaid Feaſt, not keeping their meaſure above ordained; (4) and if the whole Cloth be longer in meaſure then the ſaid xxiv yards, and the inches aforeſaid, and the half Cloth of the ſame be longer then xij yards with the ſaid inches, that then the buyer of the ſame whole Cloth ſhall pay for as much as it doth exceed in the meaſure of xxiv yards, and the buyer of the ſame half Cloth to pay for as much as it doth exceed xij yards: So that always the ſaid half Cloth do not paſs the length of ſixteen yards as above is ſaid.

The length and breadth of Streits.

IV. Alſo that all manner Clothes called Streits to be made after the ſaid Feaſt, after their full watering ready to ſale, ſhall hold and contain xij yards in length, and the inches after the meaſure aforeſaid, and in breadth one yard within the liſts, and throughout the length of the ſame, upon pain of cutting of the ſaid Streit in two pieces, and alſo to loſe for the ſame Streit xx pence.

The length and breadth of Kerſies.

V. Alſo that every Cloth called Kerſey, to be made or put to ſale after the ſaid Feaſt, after the full watering ready to ſale, ſhall hold and contain in length xviij yards and the inches as is aforeſaid, and in breadth one yard and a nail at the leaſt, within the liſts, upon pain of cutting of the ſaid Kerſey in two pieces, and to loſe for the ſame Kerſey iij s. iv d. (2) All the ſaid pains, forfeitures and loſſes to run upon the ſellers of the ſaid Clothes which ſhall be made contrary to this Act: (3) And that every of the ſaid whole Clothes, half Clothes, Streits and Kerſies be perfectly and duly made throughout from one end to the other.

Seals of lead to ſeal cloth for every City, Town and County where Cloth is made.

VI. Alſo before the ſaid Feaſt, ſeals ſhall be provided and ordained by the Treaſurer of England to be printed in Lead, having the Kings arms of England on the one ſide, and on the other ſide the arms, ſign or token of every City, Borough or Town within the Realm of England, where the Cloth is made, having ſuch arms, ſign or token for a mark, or an evident token and knowledge of the Cloth made within every ſuch City, Borough and Town of this Realm, and beſides that ſeals for every County of this Realm for the ſealing of all manner of Cloth made within every County, out of City, Borough or Town of the ſame County, ſhall have on the one ſide the Kings arms, and on the other ſide the name of the County printed in the ſame: (2) and that the Treaſurer of England for the time being, or his deputy, after the ſaid feaſt, ſhall make no perſon or perſons to be Aulneger, Sealer or Keeper of the Seal in any part of this Realm, but ſuch as be expert in making of Cloth, of the ſufficiency of an hundred pound at the leaſt, at the time of the ſaid deputation, (3) and that no Aulneger, Sealer, or Keeper of any Seal to be provided as is aforeſaid after the ſaid Feaſt, ſhall Seal any of the ſaid whole Clothes, half Clothes, Streits, or Kerſies, but ſuch as ſhall be only made after the ſame feaſt, within the County, City, Borough or Town where they ſhall be deputed Aulneger, Sealer or Keeper upon pain to forfeit to our Soveraign Lord the King for every ſuch whole Cloth contrary ſealed, five marks, for every half Cloth xxx s. iv d. for every Streit xx s. and for every Kerſey x s.

Of what ſkill and ſufficiency an Aulneger muſt be.

The Aulnegers penalty for ſealing ſuch Clothes as he ought not to do.

There ſhall be no tentoring nor drawing of Cloth.

VII. Alſo that no perſon whatſoever he be, after the ſaid feaſt, ſhall ſet, nor draw, nor cauſe to be ſet nor drawn in length nor breadth within this Realm of England, any manner woollen Clothes after that it be fully watered, by tentoring or otherwiſe, upon pain to forfeit the ſame Cloth.

No deceitful thing ſhall be caſt upon Cloth.

VIII. Alſo that no man of what condition ſoever he be, within the Realm, after the ſaid feaſt, ſhall ſet, caſt, or put upon any manner of Cloth any flocks or any other like deceitful thing, upon pain of forty ſhillings for every Cloth whereupon any ſuch perſon ſhall caſt any flocks or ſuch other thing.

No Chalk ſhall be caſt upon Cloth.

IX. Alſo that no Cloth-maker nor other perſon whatſoever he be, within the ſaid Realm, after the ſaid feaſt, ſhall ſet or caſt upon any white Cloth or Kerſey any Chalk upon like pain.

No ſhearing of Cloth not fully watered.

X. Alſo that no Shearman or other perſon, after the ſaid feaſt, ſhall ſhear nor cancel any Clothes within this Realm, except ſuch Cloth be before fully watered, upon pain to forfeit xl s. for every Cloth as often as he ſhall ſo do.

No Cloth ſhall be tranſported but which is watered.

XI. And that no perſon, ſtranger, nor other, ſhall ſend nor convey any woollen Cloth over the Sea, after the ſaid feaſt, unleſs the ſame Cloth be before fully watered, and after that the ſame Cloth be ſo fully watered, that then it ſhall in no wiſe be ſet nor drawn in length nor breadth, (2) upon pain of forty ſhillings for every Cloth conveyed or ſent over the Sea, contrary to this Act.

No Cloth ſhall be retailed but which is fully watered.

XII. Alſo that no manner perſon within this Realm, after the ſaid feaſt retail any woollen Cloth or Clothes, lining nor other, except it be fully watered before, and after that it be fully watered, it ſhall in no wiſe be ſet or drawn in length or breadth, upon pain to forfeit the ſame Cloth, or value thereof: The ſame pain to run upon the ſeller of all ſuch Clothes.

None ſhall keep a tentor in his houſe.

XIII. Alſo our ſaid Soveraign Lord the King, in eſchewing of great falſity and deceit, which hath grown, and daily doth grow by mean of Tentors: by the aſſent and authority aforeſaid hath ordained and enacted, That no perſon whatſoever he be, ſhall keep, have or occupy any Tentor, or any other thing in his own houſe or place of his inhabiting, whereby woollen Clothes may be in any wiſe drawn out in length or breadth, upon pain to forfeit twenty pound as often as he ſhall do contrary to this Act: (2) but that all Tentors hereafter ſhall be uſed or occupied for due ſtretching of Cloth, only after that it cometh from the Mill, and before it be rowen, and for none other cauſe, as well within the City of London, as other Cities, Boroughs and Towns of this Realm, ſhall be ſet in open places: (3) And that every Mayor of London for the time being, and all other Mayors and Bailiffs, and other Governours of Cities, Boroughs, Towns, and Villages of this ſaid Realm, ſhall diligently ſurvey and overſee that all Clothes which ſhall be put upon Tentors, ſhall not be drawn out in length and breadth otherwiſe then is before rehearſed.

Tentors ſhall be ſet in open places.

What ſort of wool ſtrangers may buy.

XIV. Alſo that after the ſaid feaſt, no ſtranger ſhall buy any Wool, which ſhall be ſent, or ſhall paſs through the Streits of Marrock by Gallies, Carracks or Ships, or other Veſſels ſorted, clacked or barked: nor no Wool whereof any locks or refuſe ſhall be made, but that the ſame Wool be as it is clipped and purely wound without deceit, and merchandiſable after the growing of the Country, without any ſorting, bearding, clacking of locks, or refuſe thereof to be made, as afore is ſaid, upon pain to forfeit the ſame Wool, and the double value thereof.

No Cloth ſhall be dyed with Cork.

XV. Moreover, our ſaid Soveraign Lord the King hath ordained and enacted by authority aforeſaid, That no Dyer, nor any other perſon, ſhall dye or cauſe to be dyed within this Realm after the ſaid feaſt, any woollen Cloth with Orchel, or Cork called Jarrock, upon pain to forfeit and loſe forty ſhillings for every Cloth that he or any other for him or to his uſe ſhall dye, or cauſe to be dyed. (2) Nor that any perſon after the ſaid feaſt, ſhall ſell or put to ſale within this ſaid Realm, any ſuch Cloth which after the ſaid feaſt ſhall be dyed with Orchel, or Cork called Jarrock, upon pain of forfeiture of ſuch Cloth ſo dyed or put to ſale contrary to this Act. (3) This pain and loſs always to run upon the Seller,

(4) except that Cork made within this Realm of England may be uſed in dying upon Woolwards, and alſo in dying all ſuch Cloth which is made only of Woolwards, ſo that the ſame Wool and Cloth be perfectly boiled and maddered.

The Cloth and the Liſt ſhall be dyed with one colour.

XVI. Alſo that Cork made in this Realm may be put upon Cloth that is perfectly boiled and maddered. (2) Alſo that no Dyer after the ſaid Feaſt ſhall dye any Cloth within this ſaid Realm, except the ſame Dyer do dye the ſaid Cloth and the liſt of the ſame with one colour without tacking or ſowing of any Bulruſhes, or ſuch like thing upon the liſts of the ſame upon pain to forfeit xl s. for every ſuch Cloth that he ſhall ſo dye contrary to this Act. (3) And that no perſon whatſoever he be, ſhall put to ſale within this ſaid Realm after the ſaid Feaſt, any manner of Cloth, which after the ſame Feaſt ſhall be deceitfully dyed, upon pain to forfeit the ſame Cloth, or the value thereof. (4) The ſame forfeitures and pains always to run upon the ſeller.

Faulty Cloth ſhall be brought to the chief Officer.

XVII. Alſo if any of the Kings ſubjects, or any other hereafter happen to ſeiſe any Woollen Cloth otherwiſe made or dyed then afore is ſaid, then the ſame ſubject or other ſhall bring all the ſame Cloth or Clothes ſo by him ſeiſed, before the Mayor, Bailiffs, or other Governour of the Cities, Boroughs, Towns or Villages where any ſuch ſeiſing ſhall happen to be made of the ſame Cloth or Clothes, there to judge by the diſcretion of the ſaid Mayor, Bailiffs or other Governour, calling to him or them ſuch perſons as by his or their diſcretions ſhall ſeem convenient, whether the ſame Cloth be otherwiſe made, wrought or died, then is according with the Acts before recited. (2) And if it be judged by the ſaid Mayor, Bailiff, or other Governour, or other perſons called to them or any of them, as afore is ſaid, that the ſame Cloth is made or dyed, and put to ſale contrary to the aforeſaid Acts, then the ſame Clothes ſo ſeiſed, and by them judged as is aforeſaid, ſhall be cut in three pieces in the preſence of the ſaid Mayor, Bailiff, or other Governour. (3) The one party thereof to be delivered in the Eſchequer by him or them that ſo ſhall ſeiſe the ſame Cloth or Clothes to the Kings uſe, and the ſecond part thereof to be delivered to the ſeiſor of the ſame Cloth or Clothes, and the third part thereof to be delivered to the Mayor, Bailiff or Governour, to the uſe of the Comminalty where they or any of them be Mayor, Bailiff or Governour: (4) The one half of all the other fines, forfeitures and penalties aforeſaid, and of every of them, to be to our Soveraign Lord the King, and the other half to him or them of the Kings Subjects that ſhall ſeiſe the ſame, or ſue for the ſame by action of debt, by writ at the Common Law, or by bill or plaint after the Cuſtom of the City Town or Port where ſuch fines, forfeitures and penalties ſhall happen to fall or be. (5) And that the Defendant in any ſuch action be not admitted to wage or do his Law. (6) Nor that any protection or eſſoin of the Kings ſervice be allowed for any ſuch Defendant.

The Offenders forfeitures, and who ſhall have them. St. 12 H. 7. 4.

Clothes whereunto this Statute extendeth not.

XVIII. Provided always, that this Act nor any thing therein contained, ſhall extend or be prejudicial to the making of any woollen Cloth called Ray, (2) nor to any Cloth made in Wincheſter or Salisbury, uſed to be put and joyned with Ray: (3) The Cloth thereof commonly uſed to be ſold at forty ſhillings, or within, (4) nor to the making of any Cloth called Vervise, otherwiſe called Plonkets, Turkins, or Celeſtrines with laiſed liſts; (5) nor any Clothes called Packing whites, (6) nor to the making of any Clothes called Veſſes, Cogware, or Worſteds, (7) nor to the making of any Clothes called Florences, with Cremil Liſts, (8) nor to the making of any woollen Clothes called Baſtards, (9) nor of any Clothes called Kendals, (10) nor to Clothes called Sailing ware with Cremil Liſts, laiſed Liſts, or ſmall Liſts, (11) nor to any Cloth called Friſe ware, nor to any of them, nor to the maker or ſeller of them.

XIX. So that the ſame Clothes, and every of them, for the Kings honour, and profit of this Realm, be truly, duly and perfectly made according to the nature and making of every of the ſaid Clothes. St. 12 H. 7. 4. 1 H. 8. 2. 3 H. 8. 6.

CAP. IX.

In what ſort Italian Merchants may ſell their Merchandiſes. Several reſtraints of Aliens.

Merchants, Raſt. 41.

ITem, Becauſe our ſaid Soveraign Lord the King, upon petition made to him in his ſaid Parliament, by the Commons of England, hath conceived and underſtood, that whereas Merchants ſtrangers of the Nation of Italy, as Venetians, Florentines, Apulians, Cicilians, Lucaners, Catelions, and other of the ſame Nation in great number do inhabit and keep houſes as well in the City of London, as in other Cities and Boroughs within this his Realm, (2) and do take Warehouſes and Cellars, and therein put their Wares and Merchandiſes which they bring into this ſaid Realm, (3) and in the ſaid Cellars and Warehouſes deceitfully do pack, mingle and keep the ſame, until ſuch time the price thereof be greatly enhanſed, for their great lucre, and the ſame Merchandiſes and Wares they then ſell to all manner people, as well within the Ports where they bring the ſaid Wares and Merchandiſes, as to other divers and many places within this Realm, as well by retail as otherwiſe: (4) And alſo do buy in the ſaid Ports and other places, at their own liberty, the Commodities of this Realm, and ſell the ſame again at their pleaſure within the ſame, as commonly and freely as many of the Kings liege people doth, (5) and do not employ a great part of the money coming thereof upon the Commodities of this Realm, but make it over the Sea by exchange to divers other Countries, to the Kings great damage and loſs of his Cuſtoms, and to the great impoveriſhing of his ſaid Subjects, of whom they ſhould buy the Commodities of this Realm.

The grievances done by Merchants ſtrangers to the King and the Realm.

II. And the ſame Merchants of Italy and other Merchants ſtrangers be hoſts, and take to them people of other Nations, and be with them daily, and do buy, ſell and make privy and ſecret contracts and bargains with the ſame people, to their great increaſe and profit, and to the importune damage of the Kings ſaid Subjects, and contrary to divers Statutes in this caſe provided and ordained:

III. Alſo the ſaid Merchants of Italy do buy in divers places within this Realm, a great quantity of wool and woollen cloth, and other merchandiſes of the Kings Subjects, and part thereof they ſell again to the ſame Subjects and other within this Realm, to their greater advantage, and much of the ſaid Woolls they do deliver to Clothmakers, thereof to make Cloth at their pleaſure.

IV. Moreover, a great number of Artificers and other ſtrangers not born under the Kings obeyſance, do daily reſort and repair to the City of London, and to other Cities, Boroughs and Towns of the ſaid Realm, and much more then they were wont to do in times paſt, (2) and inhabit by themſelves in the ſaid Realm with their wives, children and houſhold, and will not take upon them any laborious occupation, as going to Plough or Cart, and other like buſineſſes, but uſe the making of cloth, and other handicrafts and eaſie occupations, (3) and bring and convey from the parts beyond the ſea, great ſubſtance of wares and merchandiſes to Fairs and Markets, and all other places of this Realm at their pleaſure, and there ſell the ſame as well by retail, as otherwiſe, as freely as any of the Kings ſubjects uſe to do, to the great damage and impoveriſhment of the Kings ſaid ſubjects, (4) and will in no wiſe ſuffer nor take any of the Kings ſaid ſubjects to work with them, but they take only into their ſervice people born in their own Country, whereby the Kings ſaid ſubjects for lack of occupation fall into idleneſs, and be thieves, beggers, vagabonds, and people of vicious living, to the great perturbance both of the King and of all his Realm; (5) and when the Merchants, Artificers and Strangers before rehearſed, have gained within this Realm, by buying and ſelling, or by ſuch eaſie Occupations and Handicrafts, great ſubſtance of goods, with the ſame ſubſtance they go out of this ſaid Realm, to ſuch parts beyond the Sea as them liketh beſt, and there ſpend the ſame goods oftentimes amongſt the Kings adverſaries and enemies, to the great damage of our Soveraign Lord the King, and his ſubjects, and impoveriſhment of this Realm, and the Commons of the ſame: And ſo by the occaſion of the premiſſes, the ſubſtance of the inhabitants in the ſaid Cities, Boroughs and Towns, now late hath fallen, and daily doth fall into great poverty and decay, to their great undoing, unleſs the Kings gracious aid be to them in this behalf ſhewed.

V. Our ſaid Soveraign Lord the King, of his abundant grace, willing againſt the premiſſes to provide remedy in this behalf, by the advice and aſſent of his Lords Spiritual and Temporal, and at the prayer of the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed and enacted, That all Merchants of the Nation of Italy before recited, not made Denizens, which have now within this Realm wares and merchandiſes brought from beyond the Sea, and before the Feaſt of Eaſter next coming ſhall have, ſhall cauſe the ſame to be ſold or bartered in groſs, and not by retail to the Kings ſubjects before the firſt day of May, which ſhall be in the year of our Lord God, one thouſand four hundred fourſcore and five, (2) and ſhall imploy the mony coming of that ſale before the firſt day of May, within the ſame Port or Ports, where they do arrive, upon the commodities and merchandiſes of this Realm, their reaſonable coſts and expences always except and deducted, upon pain of forfeiture of the value as well of all the ſaid wares and merchandiſes kept and not ſold before the ſaid firſt day of May, or otherwiſe ſold then is above rehearſed, as of as much mony as ſhall be made over by exchange contrary to this Act. (3) And alſo that all the Merchants of Italy, which after the Feaſt of Eaſter next coming ſhall bring any merchandiſes or wares into this Realm, to be ſold, ſhall ſell or barter the ſaid wares and merchandiſes in groſs, and not by retail to the Kings Subjects, upon pain of forfeiture of the value of the ſame wares and merchandiſes, which they (as afore is ſaid) ſhall bring after the ſaid Feaſt of Eaſter. (4) And the ſaid Merchants which ſhall bring in ſuch wares and merchandiſes after the ſaid Feaſt of Eaſter to ſell or barter, ſhall ſell or elſe barter the ſame within eight months next after their firſt arrival in this Realm, in the form aforeſaid, and ſhall imploy the mony coming of or by the ſaid ſale or bartering, and every of them, and with the ſame buy the Commodities or Merchandiſes of this Realm, within the ſaid eight months, in the ſaid Port or Ports where they do firſt arrive, the reaſonable Coſts and Expences always excepted and deducted, and in no wiſe to make over ſuch mony by Exchange.

Italian Merchants ſhall ſell their merchandiſes in groſs, and imploy their mony in the commodities of this Realm.

Strangers ſhall ſell their wares within eight months after their arrival, and imploy their mony, &c.

VI. And that the ſaid Merchants do in no wiſe ſell nor barter within the ſaid Realm their ſaid wares and merchandiſes which remain unſold after the end of the ſaid eight months, but carry and convey the ſame out of this Realm within two months next enſuing after the ſaid eight months, if wind and time will that ſuffer, or otherwiſe, aſſoon as wind and time will ſuffer them after the ſaid two months, upon pain of forfeiture as well of as much mony as ſhall be made over by exchange, as of the ſaid wares and merchandiſes ſo ſold or bartered after the end of the ſaid eight months, not carried nor conveyed out of this ſaid Realm in the form aforeſaid, or the value thereof. (2) The penalties, forfeitures and loſſes of all the premiſſes always to run and be upon the ſaid Merchants of the Nation of Italy, doing contrary to this Act.

Strangers ſhall carry away ſo much as they cannot ſell within eight months.

VII. Provided always, That it be lawful to the ſaid Merchants of the Nation of Italy, all ſuch wares and merchandiſes, and every parcel thereof, which after the Feaſt of Eaſter, next coming ſhall be brought to any other Port or Ports of this Realm of England, to be ſold, to convey the ſame wares and merchandiſes at their liberties to any Port or Ports, or other place within this Realm, and there to ſell the ſame as afore is ſaid, ſo that they ſell or barter the ſame merchandiſes or wares in the Realm within eight months next after their firſt arrival in any of the ſaid Ports of this Realm. (2) And alſo that no Merchant ſtranger of what Country ſoever he be, ſhall be Hoſt, or take to ſojourn with him in the ſaid Realm, any Merchant ſtranger, not being of his Nation or Country, upon pain of forty pound.

Strangers may remove their goods from one port to another.

A ſtranger ſhall not be Hoſt to a ſtranger, unleſs he be of his own Country.

VIII. Alſo that none of the ſaid Merchants of Italy, not made Denizen, ſhall ſell or barter any woollen Clothes, Woolls, or other Merchandiſes in this ſaid Realm, which the ſame Merchants of Italy ſhall buy within this ſaid Realm. (2) Nor that the ſame Merchants nor any other for them ſhall deliver any Wool to any perſon, thereof to make Cloth in this Realm, but ſhall have and convey the ſame woollen Cloth, Woolls and other Merchandiſes, over the Sea by the Streights of Marrock, upon pain to forfeit the value of all the woollen

Aliens ſhall not buy and ſell wool or woollen cloth within this Realm.

Aliens ſhall make no woollen cloth, nor deliver wool to that end, cloth, woolls, and other merchandiſes which by them ſhall be ſold or delivered, in whoſe hands they ſhall be found: (3) The forfeiture of the ſame to run and be upon the Merchant-ſtranger.

An alien ſhall not be an handicraftſman.

IX. Moreover, That no perſon not born under the Kings obeyſance, as afore is ſaid, ſhall exerciſe or occupy any handicraft, or the occupation of any handicraftſman in this Realm of England, (2) but that all ſuch perſons which after the ſaid Feaſt of Eaſter ſhall come into this Realm, every of them ſhall depart into their own Country again, or elſe be ſervants to ſuch of the Kings ſubjects only as be expert and cunning in ſuch feits, arts and crafts, which the ſaid ſtrangers can occupy, (3) upon pain of forfeiture of all their goods which ſhall come and dwell in this Realm contrary to this Act, in whoſe hands ſoever they ſhall be found.

Aliens ſhall make no cloth within this Realm.

X. Alſo that no perſon not born under the Kings obeyſance, nor made denizens, being Artificer or Handicraftſman, after the ſaid Feaſt of Eaſter, nor yet any other for him or to his uſe ſhall make any Cloth, or put any wool to work to make cloth in this Realm, upon pain to forfeit the ſame cloth or clothes made contrary to this Act.

Aliens ſhall ſell their wares in groſs, and not by retail.

XI. Alſo that all perſons not born under the Kings obeyſance, being artificers or handycraftſmen at the day of the making of this Act, dwelling in this ſaid Realm, nor none other ſuch artificers or handicraftſmen which hereafter ſhall inhabit and dwell in the ſame, which after the Feaſt of the Annunciation of our Lady coming, ſhall uſe, exerciſe or occupy the feat of merchandiſe of any manner wares within this Realm, ſhall ſell or barter the ſame wares or merchandiſes in groſs, and not by retail, in the Port, Town or Place where the ſame Artificers be or ſhall be dwelling, and in none other place, upon pain of forfeiture of the value of all the wares and merchandiſes ſold contrary to this Act. (2) Alſo that no perſon not born under the Kings obeyſance, inhabiting, dwelling or holding any great houſe or chamber in this Realm, and occupying any handicraft, or being artificer or handicraftſman, after the ſaid Feaſt of the Annunciation of our Lady next coming, ſhall take any Apprentice, Servant or other perſon to work with him, or to his uſe, unleſs it be his ſon or his daughter, other then at the ſaid Feaſt ſhall be apprentices or ſervants with him, except that the ſame apprentice or ſervants ſo to be taken, be the Kings ſubjects born, upon pain to forfeit and to loſe for every apprentice or ſervant taken contrary xx l. (3) The one half of all the ſaid fines, forfeitures and penalties, and of every of them to be to the King, and the other half to be to him or them that will ſeiſe the ſame, or purſue for the ſame by action of debt, by bill at the Common Law, by bill or plaint after the cuſtom of the City or Town where ſuch fines, forfeitures or penalties hereafter ſhall fall and be. (4) And that the defendant in any ſuch action, ſhall not be admitted to wage or do his Law. (5) nor no protection nor eſſoin of the Kings ſervice ſhall be allowed for any ſuch defendant in the ſame.

Aliens ſhall take no ſervants but the Kings ſubject. St 5 Eliz. 4. Who ſhall have the forfeitures.

Aliens may bring in books to be ſold. Rep. 25 H. 8. 15.

XII. Provided always, That this Act, or any parcel thereof, or any other Act made or to be made in this ſaid Parliament, ſhall not extend or be in prejudice, diſturbance, damage or impediment to any artificer, or merchant ſtranger, of what Nation or Country he be, or ſhall be of, for bringing into this Realm, or ſelling by retail or otherwiſe, any books written or printed, or for inhabiting within this ſaid Realm for the ſame intent, or any Scrivener, Alluminor, Reader or Printer of ſuch Books, which he hath or ſhall have to ſell by way of merchandiſe, or for their dwelling within this ſaid Realm for the exerciſe of the ſaid occupations; This Act or any part thereof notwithſtanding. St. 1 H. 7. 10. 21 H. 8. 16. 22 H. 8. 13. 32 H. 8. 16.

C A P. X.

Silk, Raſt. 3.

The Statutes of 22 Ed. 4. 3. prohibiting wrought Laces of ſilk to be brought into this Realm, continued for ten years. Exp. St. 1 H. 7. 9.

C A P. XI.

Ten Bowſtaves ſhall be brought into this Realm for every Butt of Malmſey.

Bows 2. Co. Inſt. 4 p. 256.

ITem, It was ſhewed in the ſaid Parliament by the Bowyers inhabiting within the Cities Towns and Boroughs of this Realm occupying Artillery pertaining to the ſame for the defence of this Realm, that whereas in times paſt good and able ſtuff of Bowſtaves hath been brought into this Realm, as well by Engliſh Merchants as ſtrangers, whereby the inhabitants Bowyers might competently live upon ſuch ſtuff, which they bought at forty ſhillings the hundred, or forty ſix ſhillings eight pence at the moſt: (2) now it is ſo, that by the ſeditious confederacy of Lombards uſing to divers Ports of this Realm, the Bowſtaves be now at ſuch an outragious price, that is to ſay, at eight pound the hundred, where they were wont to be ſold at forty ſhillings; (3) and alſo they will not ſuffer any garbling to be made of them, but ſell good and evil at ſuch an exceſſive price together ungarbled, that by likelihood in ſhort time this Realm is like to fail as well of ſtuff of Artillery, as of workmen thereof, unleſs due remedy be in this behalf ſhortly found and had: (4) Wherefore our ſaid Soveraign Lord the King by the aſſent of the ſaid Lords Spiritual and Temporal, at the prayer of the ſaid Commons in the ſaid Parliament aſſembled, and by the authority of the ſame, hath ordained, eſtabliſhed and enacted, That no Merchant of Venice, nor other which uſeth to repair into this Realm with Merchandiſes of thoſe parts, ſhall bring nor convey into this Realm, any Merchandiſes, unleſs the ſame Merchants do bring with every Butt of Malmſey, and with every Butt of Tyre, ten Bowſtaves good and able ſtuff, (5) upon pain of forfeiture of xiij s. iv d. for every Butt of the ſaid Wines ſo brought and conveyed, and of the ſaid number of Bowſtaves with the ſame Butt: The one half of the ſame forfeiture to be to our Soveraign Lord the King, and the other half to the party which will therefore ſue. (6) And that no ſuch Bowſtaves be ſold ungarbled, and but only to ſuch perſon or perſons which is or ſhall be born under the Kings obeyſance. This Act to begin and take effect at the Feaſt of St. Michael next coming. St. 6 H. 8. 11.

Ten Bowſtaves ſhall be brought into this Realm for every Butt of Malmſey or Tyre.

Bowſtaves ſhall not be ſold ungarbled.

C A P. XII.

Certain Merchandiſes prohibited to be brought into this Realm ready wrought.

Merchants, Raſt. 42. St. 3 Ed 4. 4.

ITem, It was ſhewed in the ſame Parliament by the Artificers of the ſaid Realm of England, as well of the City of London as of other Cities, Towns, Boroughs and Villages of the ſame Realm, that is to ſay, Girdlers, Pointmakers, Pinners, Purſers, Glovers, Joyners, Painters, Cardmakers, Wyremongers, Weavers, Horners, Bottlemakers and Copperſmiths, that whereas they were wont in times paſt to be greatly ſet awork and occupied in the ſaid Crafts for the ſuſtenance of themſelves, their Wives, Children, Apprentices and Servants, and many other of the Kings Subjects: (2) Now ſo it is, That by Merchant-ſtrangers, Denizens and other, there is brought into theſe parts from beyond the Seas to be ſold within this Realm of England, as much Wares as may be wrought and made by the Artificers above rehearſed, that by reaſon thereof the people of ſtrange Countries where the ſaid Wares be made, be greatly occupied and increaſed, and the ſaid Artificers in this Realm greatly impoveriſhed, and without the Kings grace ſhewed to them in this behalf, are like to be undone for lack of Occupation:

Certain Merchandiſes prohibited to be brought ready wrought into this Realm to be ſold.

II. Our ſaid Soveraign Lord the King conſidering the premiſſes, by the advice and aſſent of the Lords Spiritual and Temporal, and at the prayer of his Commons in the ſaid Parliament aſſembled, and by authority of the ſame, hath ordained and provided, that no Merchant-ſtranger, after the Feaſt of Eaſter next coming, ſhall bring into his Realm of England to be ſold, any manner of girdles, nor harneys wrought for girdles, points, leather-laces, purſes, pouches, pins, gloves, knives, hangers, Tailors ſheers, ſyſors, andyrons, cobbards, tongs, fireforks, gredyrons, ſtocklocks, keys, hinges and garnets, ſpurrs, painted glaſſes, painted papers, painted forcers, painted images, painted clothes, beaten gold, or beaten ſilver wrought in papers for painters, ſaddles, ſaddle-trees, horſe-harneſs, boots, bits, ſtirrups, buckles, chains, latten-nails, with iron-ſhanks, turnets, hanging-candleſticks, holy-water ſtopps, chaffing-diſhes, hanging-lavers, curtain-rings, cards for wool, Roan cards, (except claſps for garnets) ſheers, buckles for ſhooes, broches or ſpits, bells, hawks-bells, tinn and leaden ſpoons, wyre of latten and iron, iron candleſticks, grates, horns for lanthorns, or any of the ſaid wares made and wrought pertaining to the crafts above ſpecified, or any of them, (2) upon pain to forfeit all the ſaid wares ſo brought into this Realm contrary to this Act, or the value of the ſame, in whoſe hands they or any of them ſhall be found: The one half of ſuch fines and forfeitures to be to the King, and the other half to him or them that ſhall ſeiſe or purſue for the ſame by Action of Debt, by Writ or Bill at the Common Law, or by Bill or Plaint after the cuſtom of the City or Town where any ſuch fines, forfeitures and penalties ſhall hereafter happen to be or fall. (3) And that the defendant in ſuch action be not admitted to wage his Law: (4) Nor that any protection or eſſoin of the Kings ſervice ſhall be allowed in the ſame for any ſuch defendant. St. 5 El. 7. 14 Car. 2. cap. 13.

CAP. XIII.

The Contents of every Veſſel of Wine or Oil: And they ſhall not be ſold until they be gauged.

Wines 13.

ITem, Upon grievous complaint made to our Soveraign Lord the King, in the ſaid Parliament, by the Commons of the ſame, of the defaults of meaſures of Butts of Malmſey, and other veſſels of Wines and Oil: (2) Our ſaid Soveraign Lord the King, by the advice and aſſent of the ſaid Lords Spiritual and Temporal, and at the ſupplication of the ſaid Commons in the ſaid Parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed and enacted, That no manner of Merchant or other perſon whatſoever he be, from the Feaſt of St. Michael the Archangel next coming, ſhall bring or cauſe to be brought into this Realm any Butt of Malmſey to be ſold, unleſs it do contain in meaſure at the leaſt C xxvj gallons, (3) nor no veſſels with any manner of Wines, whoſe ſoever they be, or of what Country they be, nor no manner of veſſels of Oil, unleſs the ſame veſſels of Wine or Oil do contain and hold the meaſure and aſſiſe following, that is to ſay, every Tun to contain xij ſcore and xij gallons, and every Pipe to contain vj ſcore and vj gallons, every Tertian to contain iv ſcore and iv gallons, and every Hogſhead to contain lxiij gallons, and every Barrel to contain xxxj gallons and an half, and every Rundlet to contain xviij gallons and an half, according to the old aſſiſe and meaſure of the ſame Veſſels uſed in this Realm. (4) And that all the veſſels of Wine and Oil brought into this Realm after the ſaid Feaſt to be ſold, ſhall not be put to ſale after the ſame Feaſt, till they be well and truly gauged by the Kings Gauger, or his ſufficient deputy, upon pain to forfeit to the King all the ſaid Wines and Oil ſold contrary to this preſent Ordinance, or elſe the value of the ſame. (5) And in caſe that any perſon, of what Country that he be, from henceforth do ſell to any of the Kings liege people for any certain price aſſigned, any butt, tun, pipe, tertian, hogſhead, barrel or rundlet, of any manner of wine or oil, lacking any thing of the ſaid aſſiſe or meaſure, that the ſeller ſhall allow or rebate of the ſame price to the buyer of ſuch wine or oil, as much mony as ſuch lacking after the rate ſhall amount to, upon pain to forfeit to our Soveraign Lord the King, the value of all the wine and oil ſo ſold contrary to this preſent Ordinance: (6) Any privy covenant or contract made or to be made betwixt the buyer and the ſeller contrary to this Ordinance in any manner notwithſtanding. St. 18 H. 6. 17. 11 H. 7. 4. 28 H. 8. 14.

The content of every veſſel of wine and oil brought into the Realm to be ſold.

The veſſels of wine ſhall be gauged. St. 27 Ed. 3. 8.

A recompence ſhall be made for the meaſure lacking.

CAP. XIV.

Accomptants for diſmes are not chargeable to anſwer other Mens Suits in the Eſchequer.

Accountants 49

ITem, Whereas the Clergy of the Provinces of Canterbury and York have before this time divers times granted to the Kings Progenitors, in their Convocations, diſmes to be levied of their goods and poſſeſſions, and after that they do appear before the Barons of the Kings Eſchequer, and the names of the Collectors for the ſame Grant be certified in the ſaid Eſchequer, when the ſaid Collectors do appear before the Barons of the Eſchequer, and enter into their account for the ſaid diſme, that then the ſaid Collectors be often charged, vexed and troubled with bills put by other perſons againſt them for other cauſes and matters then touching the ſaid account, and by occaſion thereof oftentimes they fall to great poverty, and cauſeth the ſaid account to be two or three years hanging, and the diſmes not contented, to the Kings great damage, and the ſaid Collectors alſo:

II. It is therefore ordained and eſtabliſhed by authority of this preſent Parliament, that from

Accomptants for diſmes are not bound to anſwer other mens ſuits in the Eſchequer.

henceforth if any diſme, or any part of a diſme be granted by the Province of either of the ſaid Clergies to the King our Soveraign Lord, or to his heirs, that after the ſaid Certificate in the Eſchequer for the diſme or part of the diſme, and of the names of the Collectors for the gathering of the ſame diſme, that if the ſaid Collectors come by proceſs before the ſaid Barons of the Eſchequer and enter in their account, that they ſhall not be bound to anſwer to the ſaid bill or bills there put againſt them, by reaſon of the ſaid entry in their account, for any manner cauſe but only for the matter touching the ſaid account.

III. Provided always, That if the ſaid accountant be ſued in any other Court by Writ, Bill or Plaint, that then he ſhall take no priviledge of the Eſchequer by reaſon of the ſaid account for any ſuit, as before is rehearſed.

CAP. XV.

Reſumption, Raſt. 4.

A reſumption of all Grants and Eſtates of Lands, &c. made to *Elizabeth Grey* Queen of England. Pr.

Thus endeth the Statutes made in the year of *Richard* the Third.

Anno primo HENRICI *Septimi.*

Statutes made at Weſtminſter in the firſt year of King *Henry* the Seventh, and in the Year of our Lord, 1485.

THE King our Soveraign Lord *Henry* the Seventh after the Conqueſt, By the Grace of God, King of England and of France, and Lord of Ireland, at his Parliament holden at Weſtminſter the ſeventh day of November, in the firſt year of his Reign, to the honour of God and holy Church, and for the common profit of this Realm, by the aſſent of the Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſaid Parliament, hath done to be made certain Statutes and Ordinances, in manner and form following.

CAP. I.

An Act to maintain a Formedon againſt the Pernor of the profits of Lands enfeoffed to uſe.

Uſes, Raſt. 5.

Raſt. pl. f. 80, 110, 258, 341.

A Formedon ſhall be maintainable againſt the Pernor of the profits.

St. 1 R. 2. 9.
4 H. 4. 7.
11 H. 6. 3.
4 H. 7. 24.
Fitz. N. B. f. 142.

The Tenant in the ſame action ſhall have aid prayer, voucher and other advantages.

The Tenant ſhall have his age and other advantages.

Recoveries againſt the Pernors of the profits, and their feoffees.

FIrſt, That where divers of the Kings Subjects having cauſe of action by Formedon in the deſcender, or elſe in the remainder, by force of any tail for Lands and Tenements, be defrauded and delayed of their ſaid Actions, and oftentimes without remedy, becauſe of Feoffments made of the ſame Lands and Tenements to perſons unknown, to the intent that the demandants ſhould not know againſt whom they ſhall take their actions: (2) It is ordained, eſtabliſhed and enacted by the advice of the Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, That the demandant in every ſuch caſe have his action againſt the Pernor or Pernors of the profits of the Lands or Tenements demanded, whereof any perſon or perſons been enfeoffed to his or their uſe, (3) and the ſame Pernor or Pernors named as Tenant or Tenants in the ſaid action, have the ſame Vouchers, and their lien thereupon, aid prayer, and all other advantages, as the ſame Pernor or Pernors ſhould have had, if they were Tenants indeed, or as their feoffees ſhould have had, if the ſame action had been conceived againſt them. (4) And if it fortune any perſon to deceaſe ſo having feoffees to the uſe of him or of his heirs, the ſaid heir being within age, againſt whom ſuch action is brought as Pernor; then the ſame heir ſhall have his age in the ſaid action conceived againſt him, and all other advantages, as if the anceſtor had died ſeiſed of the ſaid Lands and Tenements ſo in demand. (5) And alſo it is ordained by the ſaid authority, That all recoveries as ſhall be in any ſuch actions againſt ſuch Pernor or Pernors, and their heirs, and their ſaid feoffees and their heirs, and the co-feoffees of the ſaid Pernors and their heirs, ſhall be as good to the recoverers and their heirs, as though the ſaid Pernor or Pernors were Tenants indeed, or feoffees to their uſe, or their heirs, as is aboveſaid, of the freehold of the ſaid Lands and Tenements, at any time of the ſaid action uſed. St. 1 R. 3. 1. 27 H. 8. 10.

CAP. II.

Aliens made Denizens ſhall pay ſuch Cuſtoms as they did before.

Cuſtoms 13.

Aliens made denizens ſhall pay ſuch Cuſtoms and Subſidies as they did before.

ITem, Where in time paſt divers Grants have been made by King Edward, as well by his Letters Patents, as by Acts of Parliament, to divers Merchants ſtrangers, born out of this Realm, to be denizens, whereby they have and enjoy ſuch freedoms and liberties, as do denizens born within this Realm, as well in abatement of their Cuſtom, which they ſhould bear if they were no denizens, as in buying and ſelling of their Merchandiſe, to their great avail and lucre: (2) and oft times ſuffer other ſtrangers, not denizens, deceitfully to ſhip and carry great and notable ſubſtance, of Merchandiſe in their names, by the which the ſaid goods be free of cuſtom, in like wiſe as they were goods of a denizen, where of right they ought to pay cuſtom, as the goods of ſtrangers, by the which they be greatly advanced in riches and honour: (3) and after they be ſo inriched, for the moſt part they convey themſelves with their ſaid goods into their own Countries, wherein they be naturally born, to the great impoveriſhing of this Realm, and to the great hurt and defraud of the Kings Highneſs in payment of his cuſtoms: (4) Wherefore it is enacted, eſtabliſhed and ordained by the advice of the ſaid Lords Spiritual and Temporal, and Commons in the ſaid Parliament aſſembled, and by authority of the ſame, That any perſon made, or hereafter to be made denizen, ſhall pay for his Merchandiſe like Cuſtom and Subſidy, as he ought or ſhould pay afore that he were made denizen: any Letters Patents, or other Ordinances by Parliament, or otherwiſe, contrary to this made notwithſtanding. St. 11 H. 7. 14. 22 H. 8. 8. 21 H. 8. 16.

CAP. III.

Protection, Raſt. 8.

No Protection ſhall be allowed in any Court in Calice, or the Marches thereof. Exp.

CAP. IV.

An Act to puniſh Prieſts for incontinency by their Ordinaries.

Incontinency 1. Co.Inſt. 4 p. 322.

ITem, For the more ſure and likely reformation of Prieſts, Clerks and Religious men, culpable, or by their demerits openly reported of incontinent living in their bodies, contrary to their Order: (2) It is enacted, ordained and eſtabliſhed by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, that it be lawful to all Archbiſhops and Biſhops, and other Ordinaries having Epiſcopal juriſdiction, to puniſh and chaſtiſe Prieſts, Clerks and Religious men, being within the bounds of their juriſdiction, as ſhall be convicted afore them by examination and other lawful proof, requiſite by the Law of the Church, of Advoutry, Fornication, Inceſt, or any other fleſhly incontinency, by committing them to ward and priſon, there to abide for ſuch time as ſhall be thought to their diſcretions convenient for the quality and quantity of their treſpaſs: (3) and that none of the ſaid Archbiſhops, Biſhops, or other Ordinaries aforeſaid, be thereof chargeable of, to, or upon any action of falſe or wrongful impriſonment, but that they be utterly thereof diſcharged in any of the caſes aforeſaid, by vertue of this Act.

Prieſts and Clerks ſhall be puniſhed for incontinency by their Ordinaries.

CAP. V.

An Act ſhewing the Duties of a Cordwainer, Tanner and Currier. Rep. 5 Eliz. 8. and 1 Jac. 22. St. 2 H.6.7. 19 H.7.19.

Cordwayners, Raſt. 21.

CAP. VI.

A Pardon granted to all them who aſſiſted the King in his Wars againſt Richard Duke of Glouceſter. Exp.

Pardon, Raſt. 34.

CAP. VII.

An Act ſhewing the penalty for hunting in the night, or with diſguiſing.

Hunting 4. Inconveniences enſuing by hunting in Parks, &c. in the night, or diſguiſed. Juſt. of P. 16. 2 Roll. 120, 133.

ITem, Foraſmuch as before this time divers Ordinances and Statutes have been made in divers Parliaments holden in the ſame Realm, for the punition of inordinate and unlawful huntings in Foreſts, Parks, and in Warrens within the ſaid Realm: Which Statutes and Ordinances notwithſtanding, divers perſons in great number, ſome with painted faces, ſome with viſors, and otherwiſe diſguiſed, to the intent they ſhould not be known, riotouſly and in manner of war arrayed, have oftentimes of late hunted, as well by night as by day, in divers Foreſts, Parks and Warens in divers places of this Realm, and in ſpecial in the Counties of Kent, Surrey and Suſſex, (2) by colour whereof have enſued in times paſt great and heinous rebellions, inſurrections, riots, robberies, murders, and other inconveniences, to the prevarication and enſample of Rioters and evil diſpoſed perſons of this Realm in ſo offending, which offences could not be puniſhed afore this time, according to the ſaid Statutes, Ordinances and Laws of this ſaid Realm, becauſe that the ſaid miſdoers, by reaſon of their painted faces, viſors, and other diſguiſings could not be known: (3) The King our Soveraing Lord, of his noble and abundant grace, conſidering the premiſſes, by the advice and aſſent of the Lords Spiritual and Temporal, at the ſupplication of the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, ordaineth, That at every ſuch time as information ſhall be made of any ſuch unlawful huntings by night, or with painted faces, hereafter to be done, to any of the Kings Council, or to any of the Juſtices of the Kings Peace of the County where any ſuch hunting ſhall be had, of any perſon to be ſuſpected thereof, that then it ſhall be lawfull to any of the ſame Council, or Juſtices of Peace, to whom any ſuch information ſhall be made, to make a Warrant to the Sheriff of ſuch County, or to any Conſtable, Bailiff, or other Officer within the ſame County, to take and arreſt the ſame perſon or perſons of whom any ſuch information ſhall be made, and to have him or them afore the maker of any ſuch Warrant, or any other the Kings ſaid Council, or Juſtice of his Peace of the ſame County: (4) and that the ſaid Councellor or Juſtice of Peace, afore whom ſuch perſon or perſons ſhall be brought, by his diſcretion have power to examine him or them ſo brought afore the ſaid Council or Juſtice, of the ſaid hunting, and of the ſaid doers in that behalf: (5) And if the ſame perſon wilfully conceal the ſaid huntings, or any perſon with him defective therein, that then the ſame concealment be againſt every ſuch perſon ſo concealing felony, and the ſame felony to be inquired of and determined, as other felonies within this Realm have uſed to be: (6) and if he then confeſs the truth, and all that he ſhall be examined of, and knoweth in that behalf, that then the ſaid offences of huntings by him done be againſt the King our Soveraign Lord, but treſpaſs finable, by reaſon of the ſame confeſſion, at the next general Seſſions of the Peace, to be holden in the ſame County by the Kings Juſtices of the ſame Seſſions, there to be ſeiſed. (7) And if any reſcous or diſobeyſance be made to any perſon having authority to do execution or juſtice by any ſuch Warrant, by any perſon the which ſo ſhould be arreſted, ſo that the Execution of the ſame Warrant thereby be not had, that then the ſame reſcous and diſobeyſance be felony, enquirable and determinable, as is aforeſaid, (8) And over this it is enacted and eſtabliſhed by the ſaid authority, That if any perſon or perſons hereafter be convict of any ſuch huntings, with painted faces, viſors, or otherwiſe diſguiſed, to the intent they ſhould not be known, or of unlawful hunting in time of night, that then the ſame perſon or perſons ſo convict to have like punition, as he or they ſhould have, if he or they were convict of Felony. 9 H. 3. 10.

The penalties for hunting in the night or with diſguiſing, and to deny it being examined. St. 3 Ed. 1. 20.

The penalty of the offender concealing the truth.

Reſcous of an offender is felony.

Hunting diſguiſed, or in the night, is felony.

CAP. VIII.

No Gaſcoin or Guien Wines ſhall be brought in, but by Engliſh, Iriſh or Welſhmen, and by their ſhips. Exp.

Ships, Raſt 7.

CAP. IX.

A Reviver for twenty years of the Statute of 22 Ed.4.3. reſtraining the bringing in of wrought Laces, &c. Exp. St. 33 H.6.5. 3 Ed.4.3.

Silk, Raſt. 30

CAP. X.

The Statute of 1 R. 3. 9. touching Italian Merchants, and other ſtrangers whoſoever, and the penalties, forfeitures and ſeiſures there limited, be revoked from all others, and by this Statute be given to the King only.

Merchants, Raſt. 41.

The ſecond Parliament holden in the third Year of King *Henry* the Seventh.

THE King our Soveraign Lord *Henry* the Seventh, By the Grace of God King of England and of France, and Lord of Ireland, at his Parliament holden at Weſtminſter, the ninth day of November, in the third year of his noble Reign, to the Worſhip of God and holy Church, and for the Common-wealth of this his Realm, by the advice of his Lords Spiritual and Temporal, and the Commons in the preſent Parliament aſſembled, and by authority of the ſame Parliament, hath ordained and eſtabliſhed certain Statutes and Ordinances in manner and form as hereafter enſueth.

CAP. I.

The authority of the Court of Star-Chamber, Rep. 1. St. 17 Car. 1. cap. 10. Where one Enqueſt ſhall enquire of the concealment of another. A Coroners duty after a Murder committed. A Juſtice of Peace ſhall certifie his Recogniſance, Indicts, &c. of Murder.

Courts 4.

FIrſt, The King our ſaid Soveraign Lord remembreth, how by unlawful Maintenances, giving of Liveries, ſigns and tokens, and retainders by Indentures, Promiſes, Oaths, Writings, or otherwiſe, embraceries of his Subjects, untrue demeanings of Sheriffs in making of Panels, and other untrue returns, by taking of mony, by injuries, by great riots and unlawful aſſemblies, the policy and good rule of this Realm is almoſt ſubdued, (2) and for the not puniſhing of theſe inconveniences, and by occaſion of the premiſſes, little or nothing may be found by inquiry, whereby the Laws of this Land in execution may take little effect, to the increaſe of murders, robberies, perjuries and unſureties of all men living, and loſſes of their lands and goods, to the great diſpleaſure of Almighty God.

The authority of the Court of the Star-chamber. St. 21 H. 8. 20.

(3) Therefore it is ordained, for reformation of the premiſſes, by authority of the ſaid Parliament, that the Chancellor and Treaſurer of England for the time being, and Keeper of the Kings Privy Seal, or two of them, calling to them a Biſhop and a Temporal Lord of the Kings moſt honourable Council, and the two chief Juſtices of the Kings Bench and Common Place, for the time being, or other two Juſtices in their abſence, upon Bill or Information put to the ſaid Chancellor for the King, or any other, againſt any perſon for any miſbehaving afore rehearſed, have authority to call before them by Writ or by Privy Seal, the ſaid miſdoers, and they and other by their diſcretion by whom the truth may be known, to examine, and ſuch as they find therein defective, to puniſh them after their demerits, after the form and effect of Statutes thereof made, in like manner and form as they ſhould and ought to be puniſhed, if they were thereof convict after the due order of the Law.

Jurors 9. An Enqueſt charged to inquire of the concealment of another Enqueſt.

(4) And over that, it is ordained by the authority aforeſaid, That the Juſtices of the Peace of every Shire of this Realm for the time being, may take by their diſcretion an Enqueſt, whereof every man ſhall have lands and tenements to the yearly value of xl ſhillings at the leaſt, to enquire of the concealments of other Enqueſts taken afore them and afore other, of ſuch matters and offences as are to be inquired and preſented afore Juſtices of Peace, whereof complaint ſhall be made by Bill or by Bills, as well within Franchiſe as without. (5) And if any ſuch concealment be found of any Enqueſt, as is afore rehearſed, had or made within the year after the ſame concealment, every perſon of the ſame Enqueſt to be amerced for the ſame concealments, by diſcretion of the ſame Juſtices of the Peace, the ſaid amerciaments to be ſeſſed in plain Seſſions.

The cauſes why murders be committed. St. Winton An. 3 Ed. 1.

(6) Item, The King remembreth how murders and ſlaying of his Subjects daily do increaſe in this Land, the occaſions whereof be divers: One, That no men in Towns where ſuch murders hap to fall and be done, will attach the murderer, where the Law of the Land is, That if any man be ſlain in the day, and the Felon not taken, the Townſhip where the death or murder is done, ſhall be amerced; (7) and if any man be wounded in peril of death, the party that ſo wounded ſhould be arreſted, and put in ſurety, till perfect knowledge be had, whether he ſo hurt ſhould live or die. (8) And the Coroner upon the view of the body dead, ſhould inquire of him or them that had done that death or murder of their abetters and conſenters, and who were preſent when the death or murder was done, whether man or woman, (9) and the names of them that were preſent, and ſo found, to inrol and certifie: (10) which Law by negligence is diſuſed, and thereby great boldneſs is given to ſlayers and murderers: (11) And over this it is uſed, that within the year and a day after any death or murder had or done, the felony ſhould not be determined at the Kings ſuit, for ſaving of the parties ſuit, wherein the party is oftentimes ſlow, and alſo agreed with, and by the end of the year all is forgotten, which is another occaſion of murder. (12) And alſo he that will ſue any appeal muſt ſue in proper perſon, which ſuit is long and coſtly, that it maketh the party appellant weary to ſue.

Coroners 12. A Coroner ſhall execute his Office according to the Law.

(13) For reformation of the premiſſes, the King our Soveraign Lord, by the aſſent of the Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, will that every Coroner exerciſe and do his Office according to the Law, as is afore rehearſed; (14) and that if any man be ſlain or murdered, and therefore the ſlayers, murderers, abettors, maintainors and comforters of the ſame, be indicted, that the ſame ſlayers and murderers, and all other acceſſaries of the ſame, be arraigned and determined of the ſame felony and murder at any time at the Kings ſuit, within the year after the ſame felony and murder done, and not tarry the year and day for any appeal to be taken for the ſame felony and murder.

Murder 1. A murderer indicted ſhall be preſently arraigned at the Kings ſuit. Stiles 14. 3 Inſt. 131, 213. **A murderer indicted and acquitted, ſhall not be let at liberty. Appeal againſt him that was arraigned of murder.** Fitz. N.B. f. 115. b. c.

(15) And if it happen any perſon named as principal or acceſſary, to be acquitted of any ſuch murder at the Kings ſuit, within the year and day, that then the ſame Juſtices afore whom he is acquitted, ſhall not ſuffer him to go at large, but either to remit him again to the priſon, or elſe to let him to bail, after their diſcretion, till that year and day be paſſed. (16) And if it fortune the ſame felons or murderers, and acceſſaries ſo arraigned, or any of them to be acquit, or the principal of the ſaid felony, or any of them to be attainted, the Wife or next Heir to him ſo ſlain, as ſhall require, may take and have their appeal of the ſame death and murder within the year and day after the ſame felony and murder done againſt the ſaid perſons ſo arraigned and acquit, and all other their acceſſaries, againſt the acceſſaries of the ſaid principal, or any of them ſo attainted, or againſt the ſaid principals ſo attainted, if they be on life, and the benefit of his Clergy thereof before not had; (17) and that the appellant have ſuch and like advantage, as if the

ſaid acquital or attainder had not been, the ſaid acquital or attainder notwithſtanding. (18) And over that the Wife or Heir of the ſaid perſon ſo ſlain or murdered, as the caſe ſhall require, may commence their appeal in proper perſon, at any time within the year after the ſaid Felony done, before the Sheriff and Coroners of the County where the ſaid Felony or Murder was done, or before the King in his Bench, or Juſtices of Gaol-delivery: (19) and the Appellant in any appeals of murder or death of Man, where battail by the courſe of the Common Law lieth not, may make their Attornies, and appear in the ſame, in the ſaid appeals after they be commenced, to the end of the ſuit and execution of the ſame. (20) And if any perſon be ſlain or murdered in the day, and the Murderer eſcape untaken, that the Townſhip where the ſaid deed is ſo done, be amerced for the ſaid eſcape, and that the Coroner have authority to inquire thereof upon the view of the body dead. (21) And alſo Juſtices of Peace have power to inquire of ſuch eſcapes, and that to certifie afore the King in his Bench, (22) and that after the Felony found, the Coroners deliver their inquiſitions afore the Juſtices of the next Gaol-delivery in the Shire where the inquiſition is taken, the ſame Juſtices to proceed againſt ſuch Murderers, if they be in the Gaol, or elſe the ſame Juſtices to put the ſame inquiſitions afore the King in his Bench. (23) And foraſmuch as Coroners had not, nor ought to have any thing by the Law for their Office doing, which oft-times hath been the occaſion that Coroners have been remiſs in doing their Office: (24) It is ordained, that a Coroner have for his Fee, upon every inquiſition taken upon the view of the body ſlain xiij s. iv d. of the Goods and Chattels of him that is the Slayer and Murderer, if he have any Goods, and if he have no Goods, then the Coroner have for his ſaid Fee, of ſuch amerciaments as ſhall fortune any Townſhip to be amerced for eſcape of ſuch Murderer as is aforeſaid. (25) And if any Coroner be remiſs, and make not inquiſitions upon the view of the body dead, and certifie not according as is afore ordained, that the Coroner for every default forfeit to the King an hundred ſhillings. (26) And alſo it is ordained by the ſame authority, That every Juſtice of Peace within this Realm, that ſhall take any Recogniſance for the keeping of the Peace, that the ſame Juſtice do certifie, ſend or bring the ſame Recogniſance at the next Seſſions of Peace, where he is or hath been Juſtice, that the party ſo bound may be called: (27) and if the party make default, the ſame default then there to be recorded, and the ſame Recogniſance, with the Record of the default, be ſent and certified into the Chancery, or afore the King in his Bench, or into the Kings Eſchequer. So much of this Statute as concerneth the puniſhment of thoſe that give or take Liveries, is repealed. 3 Car. 4.

Juſt of P. 196.

Within what time, and before whom an appeal of murder ſhall be commenced.

The Appellant may make his Attorny

Fitz.N.B. f 26 b. Raſt. pl. f. 53.

Raſt. pl. f. 53.

The Coroners fee upon the view of body ſlain.

The penalty of a Coroner being remiſs.

A Juſtice of Peace ſhall certifie a recogniſance by him taken at the next Seſſions.

CAP. II.

The penalty for carrying a Woman away againſt her will that hath Lands or Goods.

Item, Where Women, as well Maids as Widows and Wives, having ſubſtances, ſome in Goods moveable, and ſome in Lands and Tenements, and ſome being Heirs apparent unto their Anceſtors, for the lucre of ſuch ſubſtances been oftentimes taken by miſdoers, contrary to their will, and after married to ſuch miſdoers, or to other by their aſſent or defoiled, to the great diſpleaſure of God, and contrary to the Kings Laws, and diſparagements of the ſaid Women, and utter heavineſs and diſcomfort of their Friends, and to the evil enſample of all other: (2) It is therefore ordained, eſtabliſhed and enacted by our Sovereign Lord the King, by the advice of the Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, That what perſon or perſons from henceforth that taketh any Woman (ſo) againſt her will unlawfully, that is to ſay, Maid, Widow or Wife, that ſuch taking, procuring and abetting to the ſame, and alſo receiving wittingly the ſame Woman ſo taken againſt her will, and knowing the ſame, be Felony: (3) And that ſuch miſdoers, takers and procurators to the ſame, and receitors, knowing the ſaid offence in form aforeſaid, be henceforth reputed and judged as principal Felons. (4) Provided alway, that this Act extend not to any perſon taking any woman, only claiming her as his ward or bond-woman.

Women 12. Co Inſt. 3 p 61. 3 Inſt. cap. 12.

1 Anderſ. 115. Co lib. 12 100.

Felony to carry away a woman againſt her will that hath lands or goods, or is heir apparent to her anceſtor. St. 39 El. 9.

CAP. III.

Juſtices of Peace may let Priſoners to Bail: The Sheriff ſhall certifie the Names of all his Priſoners at the Gaol-delivery.

Item, Where in the Parliament late holden at Weſtminſter, the firſt year of Richard, late in deed, and not of right, King of England the Third: It was ordained and enacted among divers other Acts, That every Juſtice of the Peace, in every Shire, City or Town, ſhould have authority and power, by his or their diſcretion, to let Priſoners and Perſons arreſted for light ſuſpition of Felony to Bail or Mainpriſe; (2) by colour whereof afterward divers perſons, ſuch as were not mainpernable, were oftentimes letten to Bail and Mainpriſe by Juſtices of Peace againſt the due form of the Law, whereby many Felons eſcaped, to the great diſpleaſure of the King, and annoyance of his liege people: (3) Wherefore the King our ſaid Soveraign Lord conſidering it, by the advice and aſſent of the Lords Spiritual and Temporal, and at the prayer of the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, hath ordained, eſtabliſhed and enacted, That the Juſtices of Peace in every Shire, City and Town, or two of them at the leaſt, whereof one to be of the Quorum, have authority and power to let any ſuch Priſoners or Perſons mainpernable by the Law, that have been impriſoned within their ſeveral Counties, City or Town, to Bail or Mainpriſe, unto their next general Seſſions, or unto the next Gaol-delivery of the ſame Gaols, in every Shire, City or Town, as well within Franchiſes as without, where any Gaols been or hereafter ſhall be: (4) And that the ſaid Juſtices of the Peace, or one of them, ſo taking any ſuch Bail or Mainpriſe, do certifie the ſame at the next general Seſſions of the Peace, or the next general Gaol-delivery of any ſuch Gaol within every ſuch County, City or Town, next following after any ſuch Bail or Mainpriſe ſo taken, upon pain to forfeit unto the King for every default thereupon recorded, x li. (5) And moreover, it is enacted by the ſame authority, That every Sheriff, Bailiff of Franchiſe, and every other perſon, having authority or power of keeping

Mainpriſe, Raſt. 6.

Poph. 96. St. 1 R. 3. 3.

The Juſtices of Peace may let a priſoner to mainpriſe which is mainpernable.

St. 1 & 2 P. & M. 13.

Fitz.N.B. f. 251. f.

The Sheriff ſhall certifie the names of all priſoners in his cuſtody to the Juſtices of Gaol delivery.

of

A Repeal of the Statute of 1 R. 3. 3. touching bailing of priſoners.

of Gaol, or of Priſoners for Felony, in like manner and form do certifie the names of every ſuch Priſoner in their keeping, and of every Priſoner to them committed for any ſuch cauſe, at the next general Gaol-delivery, in every County or Franchiſe where any ſuch Gaol or Gaols have been, or hereafter ſhall be, there to be Kalendred before the Juſtices of the deliverance of the ſame Gaol, whereby they may as well for the King as for the party proceed to make deliverance of ſuch Priſoners, according to the Law, (6) upon pain to forfeit unto the King for every default there recorded C s. (7) And that the foreſaid Act giving authority and power in the premiſſes to any Juſtice of the Peace by himſelf, be in that behalf utterly void and of none effect, by authority of this preſent Parliament.

CAP. IV.

All Deeds of Gift made to defraud Creditors, ſhall be void.

Priſons 3. Fraudulent Deeds 1. Deeds of gifts of goods to defraud creditors, ſhall be void.

ITem, That where oftentimes Deeds of Gifts of Goods and Chattels have been made to the intent to defraud their Creditors of their Duties, and that the perſon or perſons that make the ſaid Deed of Gift goeth to Sanctuary, or other places priviledged, and occupieth and liveth with the ſaid Goods and Chattels, their Creditors being unpaid: (2) It is ordained, enacted and eſtabliſhed, by the aſſent of the Lords Spiritual and Temporal, and at the requeſt of the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, That all Deeds of Gift of Goods and Chattels made or to be made of truſt, to the uſe of that perſon or perſons that made the ſame Deed of Gift, be void and of none effect. St. 50 Ed. 3. 6. 2 R. 2. 3. 13 Eliz. 5.

CAP. V.

Uſury, Raſt. 3.

All Bargains by the name of Dry exchange ſhall be void, whereby any certain Sum ſhall be loſt. Rep. 11 H. 7. 8. & 37 H. 8. 9.

CAP. VI.

Ibid.

None ſhall make any exchange without the Kings Licence, or make exchange, or rechange of Mony to be paid within the Land, but only ſuch as the King ſhall depute thereunto, to keep, and make anſwer for ſuch exchanges and rechanges, upon the pain contained in the 14 R. 2. 2. viz. upon forfeiture of the ſame. St. 25 Ed. 3. 12. 9 Ed. 3. 7. 18 Ed. 3. 6. 14 R. 2. 2. 11 H. 4. 1. All unlawful Cheviſance and Uſury ſhall be extirpate; all Brokers of ſuch Bargains ſhall be ſet on the Pillory, put to open ſhame, be half a year impriſoned, and pay twenty pounds. Rep. 37 H. 8. 9. Raſt. pl. f. 45.

CAP. VII.

A Certificate ſhall be made of Goods brought into one Port and removed to another.
One Man ſhall not enter Goods in the Name of another.

Cuſtoms 15. A certificate of goods brought into one Port, and cuſtomed, and then removed into another.

ITem, The King our Soveraign Lord, by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons aſſembled in the ſaid Parliament, and by authority of the ſame, hath ordained and enacted, That every Merchant, as well Denizen as Stranger, which ſhall bring from henceforth any manner of Goods into any Port within this Realm by way of Merchandiſe, and there do enter the ſaid Goods or Merchandiſes in the Books of the Cuſtomers of the ſaid Port where the Goods and Merchandiſes ſhall firſt come to, and the Kings duty thereof, the ſaid Cuſtomers contented, or therefore with him agreed, and afterward that done, will convey or carry the ſame Goods or Merchandiſes from thence in any other Port within the ſaid Realm: (2) that then the owner of the ſaid Goods and Merchandiſes, his Factor or Attorny, ſhall bring from the Cuſtomers of the Port where the ſaid Goods or Merchandiſes be ſo entred, a Certificate under the ſame Cuſtomers Seals, directed to the Cuſtomers of the Port whereto the ſaid Goods or Merchandiſes ſhall be conveyed or carried, making mention within the ſame Certificate, as well of the natural colour, length, and value of all Merchandiſes ſo entred, uſed to be meaſured with Eln or Yard, as of the natural weight, content or valure of all manner of other Merchandiſes, uſed to be weighed or valured: (3) And that the ſame Certificate ſo made be delivered to the ſaid Cuſtomers, before the ſaid Goods be diſcharged, ſo that they may ſee whether the nature, colour or length, valure, content or weight of the ſame, do agree within the ſaid Certificate, ſo that the King be not deceived of his Cuſtoms and Subſidies thereof due.

The penalty of a cuſtomer omitting his duty.

(4) And if any Certificate from henceforth be made by any Cuſtomer of any Port whereto any ſuch Merchandiſes or Goods ſhall be firſt brought, and there in their Books entred, not making mention according as is aforeſaid, that then the ſaid Cuſtomer or Cuſtomers, for their miſbehaving, ſhall loſe their Office, and make fine with the King for the ſame at his pleaſure.

The forfeiture if the goods be ſold before the certificate delivered.

(5) And furthermore, if any ſuch Goods or Merchandiſes, or any parcel thereof be diſcharged, unpacked, or put to ſale within any Port then within the ſame where they ſhall be firſt entred, before the ſaid Certificate ſhall be delivered, and the ſame Goods and Merchandiſes ſeen according as above is expreſſed: that then all the ſaid Goods or Merchandiſes be forfeited to the King our Soveraign Lord; the one half thereof to remain to his Highneſs, and the other half to him or them which ſhall prove any ſuch Goods or Merchandiſes ſo forfeited. (6) And that the Cuſtomer or Cuſtomers, nor no Deputy to any ſuch common Officer to whom ſuch Certificate ſhall come, take nothing for the ſight of the ſame Goods ſo certified:

No goods ſhall be entred in any other perſons name but in the owners. St. 1 H. 8. 5. 1 El. 11.

(7) Alſo it is ordained and eſtabliſhed by authority aforeſaid, That no manner of Merchant, Denizen ne Stranger, do take upon him to enter, or cauſe to be entred in the Books of any Cuſtomer of any Port within this Realm, any manner of Merchandiſes coming into this ſaid Realm, or going out of the ſame, in any other Merchants name, ſaving only the name of the true Merchant owner of the ſame, upon pain of forfeiture of all ſuch Goods and Merchandiſes ſo entred:

A common Officer in a City, Borough, &c. ſhall be no Cuſtomer, Comptroller or ſearcher there.

(8) And every of the ſaid Merchants, which ſo ſhall take upon him to cauſe ſuch untrue entry to be made, to have impriſonment, and make fine therefore at the Kings pleaſure: (9) And that no perſon take upon him to be Cuſtomer, Comptroller or Searcher in any Port, in any City, Borough or Town, where he is common Officer, nor no Deputy to any ſuch common Officer, upon pain of forfeiture for every half year that he occupieth the ſaid common Office, and Office of Cuſtomerſhip, Comptroller or Searcher, the ſum of xl li. the one half thereof to the King, and the other half to him that will ſue for the Writ, Bill or Information.

CAP. VIII.

Merchants Aliens, &c. and Victuallers, ſhall employ their Mony upon the Merchandiſe of this Realm.

Merchants 9. St. 17 Ed. 4. 1.

ITem, That where in the Parliament of King Edward the Fourth, holden at Weſtminſter, the ſeventeenth year of his Reign, It was ordained among other, That every Merchant alien, and every other Victualler, and other ſtranger, not being Denizen, that reſort to any place or port within this Realm, or Wales, after the Feaſt of Eaſter then next following, ſhould duly imploy all the mony by him to be received within any port within this Realm, or Wales, upon the Merchandiſes, or other Commodities of this Realm, (2) or elſe without fraud put the ſame mony in due payment within this Realm, the ſame imployment or payment duly to be proved by the Merchant, Victualler, or other ſtranger before his departing out of the ſame Port, by writing from the Merchant or Merchants to whom the ſaid Merchant alien, Victualler, or other ſtranger, hath imployed or paid his mony by him received for his merchandiſes brought into this Land, witneſſing that he hath ſo done, or elſe by ſuch proofs as ſhall be thought reaſonable to the Cuſtomer or Comptroller of the ſame Port, or to the Mayor, Bailiff, or other chief Governors of any City, Borough or Town, where any ſuch Port ſhall be, (3) upon pain of forfeiture of all his Goods being within this Realm, and to have impriſonment of a year: (4) ſaving to every ſuch Merchant, Victualler, and other ſtranger, his reaſonable Coſts, with certain proviſions in the ſame, as by the ſame Act more at large doth appear; (5) which Act was made to endure but only from the ſaid Feaſt of Eaſter, to the end of ſeven years then next enſuing, ſo that no Gold and Silver received by Merchants aliens, and other Victuallers and ſtrangers, not being Denizens, for merchandiſe brought into this Land, is not imployed upon the Commodities of this Land, but conveyed and carried out of this Realm, to the great loſs of the King in his Cuſtom and Subſidy, and the impoveriſhing of this Realm: (6) It is enacted, ordained and eſtabliſhed by the King our Soveraign Lord that now is, by the advice of the Lords Spiritual and Temporal, and at the prayer of the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, That the ſaid Act made in the ſaid ſeventeenth year of the Reign of King Edward the Fourth, with all things compriſed in the ſame touching the Premiſſes, and every proviſion made in the ſame, be good, effectual, and endure for ever. (7) Alſo it is enacted by the ſaid authority, That every Merchant of Ireland, Jernſey or Garnſey, that bringeth any merchandiſes into this Realm, ſhall imploy the mony received for the ſame merchandiſe (his reaſonable expences deducted) upon the Commodities of this Land, or elſe without fraud put the ſame mony in due payment within this Realm: (8) the ſaid imployment or payment to be proved, as is aforeſaid, upon pain of forfeiture of the value of the merchandiſe ſo brought into this Land, (9) and it is ordained by the ſaid authority, That every Cuſtomer or Comptroller ſhall take ſufficient Surety of every of the ſaid Merchant, Victualler, or other ſtranger, to imploy the value of the ſaid merchandiſes, or to put the ſame mony for the merchandiſe received in due payment, his reaſonable expences always deducted, upon pain of forfeiture of the value of the ſaid merchandiſes, the one half of the ſaid forfeiture to the King, the other half to the party that will ſue for the ſame. This to begin and take effect at the Feaſt of Chriſtmas next coming.

The Statute of 17 Ed. 4. 1. made perpetual touching Merchants aliens. Merchants aliens ſhall imploy the mony by them received, upon the merchandiſes of this Realm. St. 4 H. 4. 15. 27 H. 6. 3. 5 H. 4. 9.

CAP. IX.

Freemen of London may carry their Wares to any Fairs or Markets.

Fairs 11.

ITem, It was ſhewed unto the King our Soveraign Lord, by a Petition put unto him in his ſaid Parliament, That now of late time the Mayor and Aldermen and Citizens of the City of London have made an Ordinance within the ſame City, upon a great pain, that no man that is a Free-man or Citizen of the ſaid City, ſhall go or come to any Fair or Market out of the ſame City of London with any manner of Ware or Merchandiſe, to ſell or to barter, to this intent, that all Buyers and Merchants ſhould reſort to the ſaid City to buy their Ware and Merchandiſes of the ſaid Citizens and Free-men of London aforeſaid, becauſe of their ſingular lucre and avail: (2) The King our Soveraign Lord, in conſideration of the hurt likely to grow of and by the Premiſſes, hath by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, ordained, ſtabliſhed and enacted, That every Free-man and Citizen of the ſaid City of London, that now is, or hereafter ſhall be, may lead, carry, and go with his or their Victual, Ware or Merchandiſe, whatſoever it be, or his or their liberty, to any Fair or Market that ſhall pleaſe him or them, within this Realm of England; Any Statute, Act or Ordinance made or to be made within the ſaid City of London to the contrary of the Premiſſes notwithſtanding: (3) And the ſaid Ordinance and Act made in the ſaid City ſhall be void and of none effect: (4) And that no perſon of the ſaid City be hurt or prejudiced in loſing of his liberty and franchiſe within the ſaid City or otherwiſe, by reaſon or occaſion of adnulling of the ſaid Ordinance and Act, or for not obeying the effect of the ſame. (5) And if any perſon be prejudiced in any wiſe, by occaſion of the ſame, he that putteth or cauſeth any perſon to ſuch prejudice, ſhall loſe and forfeit unto the King xl l. as often as he ſo doth. (6) And he that will ſue for ſuch forfeiture, ſhall have therefore an Action of Debt againſt ſuch Offendor, the King to have execution of the one half, and he that ſueth the other half: (7) And in ſuch Action the Defendant be not admitted to wage his Law.

Citizens and Free-men of London may carry their wares to any Fairs or Markets.

CAP. X.

Coſts, &c. awarded to the Plaintiff, where the Defendant ſueth a Writ of Error.

Damages 5.

ITem, That where oftentimes Plaintiff or Demandant, Plaintiffs or Demandants, that have judgment to recover, be delayed of execution, for that the Defendant or Tenant, Defendants or Tenants, againſt whom judgment is given, or other that been bound by the ſaid judgment, ſueth a Writ or Writs of Error, to adnul and reverſe the ſaid judgment, to

The Plaintiff ſhall recover coſts and damages where the defendant ſueth a writ of Error. St. 19 H. 7. 20.

Dyer f. 77. Cro. El. 3 5, 659. Cro. Car. 14

the intent only to delay execution of the ſaid Judgment: (2) It is enacted, ordained and eſtabliſhed, by the advice of the Lords Spiritual and Temporal, and at the prayer of the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, That if any ſuch Defendant or Tenant, Defendants or Tenants, or any other that ſhall be bound by the ſaid Judgment, Sue afore Execution had, any Writ of Error to reverſe any ſuch Judgment, in delaying of Execution: (3) that then if the ſame Judgment be affirmed good in the ſaid writ of Error, and not erroneous, or that the ſaid Writ of Error be diſcontinued in the default of the party, or that perſon or perſons that ſueth Writ or Writs of Error, be non-ſued in the ſame, that then the ſaid perſon or perſons againſt whom the ſaid Writ of Error is ſued, ſhall recover his Coſts and Damage for his delay and wrongful vexation in the ſame, by diſcretion of the Juſtice afore whom the ſaid Writ of Error is ſued. Co. pl. f. 2,24,162,292.

CAP. XI.

No Cloth ſhall be tranſported until it be barbed, rowed and ſhorn.

Drapery 98. St. 7 Ed. 4. 3.

ITem, Where in the ſaid Parliament it was ſhewed by Sheermen, Fullers, and other Artificers that ſhould live and obtain their needy ſuſtentation by mean of Drapery made and draped within this Realm, as well throughout the ſame Realm, as within the City of London, that where in a Statute made the ſeventh year of the Reign of King Edward the Fourth, among other it is contained, That no perſon, denizen ne ſtranger, ſhould carry, or do to be carried to any parties beyond the ſea, any Woollen Yarn or Cloth unfulled, but the Woollen Yarn to be made in this Realm ſhould be woven in the ſame; (2) and alſo all Cloth in the ſame made ſhould be fulled and fully wrought within this Realm, before that any of the ſame ſhould be had or carried out of this Realm, upon pain of forfeiture of the very value of ſuch Yarn not weaved, and Cloth not fulled, had or carried out of this Realm: (3) The one half of the forfeiture to be levied to the uſe of the King, and the other half to him or them that ſhould eſpy or make proof of any ſuch Yarn not woven, or Cloth not fulled, carried to any place beyond the Sea.

II. And foraſmuch as in the ſaid Statute of King Edward there is no expreſs mention made that the ſaid Clothes ſhould be rowed and ſhorn afore that they be carried and conveyed out of this Realm, whereby the ſaid poor Commons of the Crafts aforeſaid might be ſet in labour and occupation: therefore the ſaid Clothes ever ſithence unto this day have been and yet daily are in great number carried out of this Realm, unrowed and unſhorn, into the parts beyond the Sea, as well by denizens as ſtrangers, whereby outlandiſh Nations, with the ſame Drapery, are ſet in labour and occupation, to their great enriching, and the poor Commons of the Crafts aboveſaid, through all this Realm, that of natural reaſon, as the Kings true liege men, ſhould have and obtain their needy ſuſtentation and living by means of the ſame Drapery, for lack of ſuch occupation daily fall in great number into idleneſs and poverty, to their uttermoſt deſtruction, if it ſhould any longer continue: (2) The King our Sovereign Lord, by the advice of the Lords Spiritual and Temporal, and at the prayer of the Commons in this ſaid Parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed and enacted, That no ſtranger nor denizen carry, or make to be carried out of this Realm, any Woollen Clothes, but that they before be barbed, rowed and ſhorn within the ſame Realm, for the relief and ſetting on work of the ſaid poor Commons, upon the pain and forfeiture limited in the ſaid Statute of King Edward, made upon Cloth carried out of this Land not fulled, to be divided in manner and form as in the ſame Statute it is contained. (3) Provided alway, that Clothes called Veſſes, Raies, Sailing Clothes, and other Clothes commonly ſold at forty ſhillings and under, be not compriſed in this preſent Act. St. 27 H.8.13. 33 H.8.19. 8 El.6.

No woollen Cloth ſhall be tranſported before it be barbed, rowed and ſhorn. Veſſes, Rays, ſailing-clothes, &c. except.

CAP. XII.

Officers, Raſt 9.

The Kings Officers or Tenants ſhall not be retained by Liveries with others. Rep. 3 Car. 4.

CAP. XIII.

Bows, Raſt. 4.

No long Bow ſhall be ſold over the price of iij s. iv d. Rep. 8 Eliz. 10. St. 33 H.8.9.

CAP. XIV.

Conſpiring to deſtroy the King, or any Lord Chancellor, or great Officer, ſhall be Felony.

Conſpiracy 4.

ITem, Foraſmuch as by quarrels, made to ſuch as have been in great Authority, Office and of Council with Kings of this Realm, hath enſued the deſtruction of the Kings, and the undoing of this Realm: (2) ſo as it hath appeared evidently, when compaſſing of the death of ſuch as were of the Kings true Subjects was had, the deſtruction of the Prince was imagined thereby, and for the moſt part it hath grown and been occaſioned by envy and malice of the Kings own houſhold ſervants, as now of late ſuch a thing was likely to have enſued: (3) and forſomuch as by the Law of this Land, if actual deeds be not had, there is no remedy for ſuch falſe compaſſings, imaginations and confederacies had againſt any Lord, or any of the Kings Council, or any of the Kings great Officers in his Houſhold, as Steward, Treaſurer and Comptroller, and ſo great inconveniences might inſue if ſuch ungodly demeaning ſhould not be ſtraightly puniſhed before that actual deed were done: (4) Therefore it is ordained by the King, the Lords Spiritual and Temporal, and the Commons of the ſaid Parliament aſſembled, and by authority of the ſame, that from henceforward the Steward, Treaſurer and Comptroller of the Kings houſe for the time being, or one of them, have full authority and power to enquire by twelve ſad men and diſcreet perſons of the Chequer-Roll of the Kings honourable Houſhold, if any Servant admitted to be his Servant ſworn, and his name put into the Chequer-roll of his Houſhold, whatſoever he be, ſerving in any manner, office or room reputed, had and taken under the ſtate of a Lord, make any Confederacies, compaſſing, conſpiracies or imaginations, with any perſon or perſons, to deſtroy or murder the King, or any Lord of this Realm, or any other perſon ſworn to the Kings Council, Steward, Treaſurer or Comptroller of the Kings houſe, (5) that if it be found afore the ſaid Steward for the time being, by the ſaid twelve ſad men, that any ſuch of the Kings Servants

Conſpiring by any of the Kings ſervants ſworn, to deſtroy the King, any Lord or Counſellor ſworn, ſhall be felony. Co. Inſt. 3 p. 37, 38, 39.

as is aboveſaid, hath confedered, compaſſed, conſpired or imagined, as is aboveſaid, that he ſo found by that inquiry, be put thereupon to anſwer. (6) And the Steward, Treaſurer and Comptroller, or two of them, have power to determine the ſame matter, according to the Law, (7) And if he put him in trial, that then it be tried by other twelve ſaid men of the ſame Houſhold, and that ſuch miſdoers have no challenge but for malice: (8) And if ſuch miſdoers be found guilty by confeſſion or otherwiſe, that the ſaid offence be judged Felony: and they to have judgment and execution as Felons attainted ought for to have by the Common Law. Co. l. pl. f. 432 & 174.

The third Parliament holden in the fourth Year of the Reign of King *Henry* the Seventh.

TO the worſhip of God and holy Church, and for the common-weal and profit of this Realm of England, our Soveraign Lord *Henry*, By the Grace of God King of England and France, and Lord of Ireland, the ſeventh after the Conqueſt, at his Parliament holden at Weſtminſter, the thirteenth day of January, in the fourth year of his Reign, by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, hath done to be made, ordained and eſtabliſhed divers Statutes and Ordinances in form as followeth.

CAP. I.

Commiſſions of Sewers ſhall be made into all the parts of this Realm, and to the Marches of Calice, Guynes and Hammes, during twenty five years. Exp. St. 6 H.6.5. 8 H.6.2. 18 H.6.10. 23 H.6.9. 12 Ed.4.6. 6 H.8.10.

Sewers, Raſt. 6.

CAP. II.

Allaying of Gold and Silver, melting, ſelling and marking the ſame.

ITem, Whereas it was of old time uſed and continued till now of late years, that there was for the avail of the King and the Realm, Finers and Parters of Gold and Silver by fire and water, under a rule and order belonging unto the Mints of London, Calice, Canterbury, York and Durham, and other places where Mints been holden, and at the Goldſmiths-hall in London, to fine and part all Gold and Silver belonging and needful for the ſaid Mints and Fellowſhip of Goldſmiths, for the amendment of Mony and Plate of the Realm, that every thing might be reformed to the right Standard, as well in Mony as Plate, to the leaſt coſt, for the weal of the Kings Noblemen of the Land, and Common people: (2) But ſo it is now, that ſuch Finors and Parters of Gold and Silver by fire and water, dwell abroad in every place of this Realm, out of the rules aforeſaid, and buy Gilt Silver from the Mints, Changes and Goldſmiths, and part and fine it as is aforeſaid, and for the moſt part the Silver ſo fined they do allay in divers manners, and ſell it at their pleaſures to every man of what eſtate or degree ſoever he be, that will buy of them to make ſuch works as pleaſeth the buyers: (3) therefore men can get no fine Silver when they need it for their Mony, for the amendment of Mony and Plate, as hath been in times paſt: wherefore it cauſeth Mony and Plate in divers places of the Realm to be made worſe in fineneſs then it ſhould be, as it appeareth evidently in divers places, to the great hurt of the Kings Noblemen of the Land, and common people: (4) Wherefore the King our Sovereign Lord, by the aſſent of the Lords Spiritual and Temporal, and at the requeſt of the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, hath ordained, enacted and eſtabliſhed, That no Finer of Gold and Silver, nor Parter of the ſame by fire or water, from henceforth allay any fine Silver or Gold, ne none ſell in any other wiſe, ne to any perſon or perſons, but only to the Officers of Mints, Changes and Goldſmiths within this Realm, for augmentation and amending of Coin and Plate as is aforeſaid: (5) And that the Maſters of Mints, Changes and Goldſmiths, for all ſuch fine Gold or Silver coming to them, to anſwer the value as it is worth according as it is now and hath been in ancient time accuſtomed after the rate of fineneſs: (6) Ne that no Finer nor Finers, Parter nor Parters ſell to no perſon, neither to one nor to other, any manner of Silver in Maſs, molten and allayed, upon pain of forfeiture of the ſame, the King thereof to have one half, and the finder that can prove and will Sue for it in the Kings Eſchequer the other half: (7) And if any Finer or Finers, Parter or Parters of Gold and Silver, either by fire or water, allay or ſell any manner fine Gold or Silver, otherwiſe then it is ordained in this laſt Act, he or they to loſe the value of the ſame Gold or Silver ſo allayed or ſold, the King to have the one half, and the finder that can prove it, and will ſue for it in the Kings Eſchequer, the other half: (8) And all ſuch fine Silver as ſhall be parted and fined as is aforeſaid, that it be made ſo fine, that it may bear twelve peny weight of allay in a pound weight, and yet it be as good as Sterling, and rather better then worſe: (9) And that every Finer put his ſeveral Mark upon ſuch fine Silver, to bear witneſs of the ſame to be true, as is aforeſaid, upon the pain of the value found contrary to be forfeit, the King thereof to have the one half, and the finder that can prove it, and will ſue for it in the Eſchequer, the other half. (10) And that no Goldſmith nor Goldſmiths within this Realm, melt or allay any fine Silver, to be for any works or other intent, but only for making of Amels, for divers works of Goldſmithry, and for amending of Plate to make it as good as Sterling or better, for common weal of this Realm.

Gold 1.

Allaying of gold and ſilver and ſelling of the ſame.

Of what fineneſs ſilver ought to be.

A finer of gold and ſilver muſt put his mark upon it. St. 37 Ed. 3. 7. 18 El. 15.

For what purpoſes ſilver may be melted.

II. Nor that they ſell no fine Silver nor other Silver allayed molten into Maſs, to any perſon or perſons whatſoever they be, nor one Goldſmith to another. (2) This Ordinance to be kept by the Goldſmiths in every point upon pain of forfeiture of the ſame Silver, or the value thereof: The King thereof to have the one half, and the finder that can prove it, and will ſue for it in the Kings Eſchequer, the other half.

Silver molten into maſs, ſhall not be ſold.

III. Alſo it is ordained by the ſame authority, That all Letters Patents and Grants of Offices belonging or pertaining to the Mint of our Soveraign Lord the King, exerciſed in the ſame with Fees and Wages thereto belonging, be from henceforth void, and of none effect.

A repeal of Patents of offices belonging to the Mint

CAP. III.

Butchers ſhall kill no Beaſts within any walled Town, or Cambridge.

Butchers 3.

ITem, It was ſhewed by a Petition put to the King our ſaid Soveraign Lord in the ſaid Parliament, by his Subjects and Pariſhioners of the Pariſh of St. Faiths, and St. Gregories in London, near adjoyning unto the Cathedral Church of St. Pauls, That whereas great concourſe of people, as well of his Royal Perſon, as of great Lords and States, with other his true Subjects, oftentimes was had unto the ſaid Cathedral Church, and that moſt part throughout the Pariſh aforeſaid, the which oftentimes been greatly annoyed and diſtempered by Corrupt Airs engendred in the ſaid Pariſhes, by occaſion of bloud and other fouler things, by reaſon of the ſlaughter of Beaſts, and ſcalding of Swine, had and done in the Butchery of St. Nicholas Fleſh-ſhambles, whoſe corruption and foul ordure, by violence of unclean, corrupt and putrified Waters, is born down through the ſaid Pariſhes, and compaſſeth two parts of the Palace, where the Kings moſt Royal perſon is wont to abide when he cometh to the Cathedral Church for any Act there to be done, to the jeopardous abiding of his moſt Noble Perſon, and to over-great annoyance of the Pariſhioners there, and of other the Kings Subjects and Strangers that paſs by the ſame: (2) Complaint whereof at many and divers ſeaſons, alſo by the ſpace of ſixteen years continually, as well by the Canons and pety Canons of the ſaid Cathedral Church, Landlords there, as alſo by many other of the Kings Subjects of right honeſt behaviour, hath been made unto divers Mayors and Aldermen of the City of London, and no remedy had ne found: (3) That it may pleaſe our ſaid Soveraign Lord of his abundant grace to provide for the converſation as well of his moſt Royal Perſon, as to ſuccour his poor Subjects and Suppliants in this behalf, conſidering that in few noble Cities and Towns, or none within Chriſtendom, whereas travelling men have laboured, the common Slaughter-houſe of Beaſts ſhould be kept in any ſpecial part within the Walls of the ſame, leſt it might ingender ſickneſs, unto the deſtruction of the people: (4) The King our Soveraign Lord, in conſideration of the Premiſſes, hath by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, ordained and enacted, That no Butcher nor his ſervant ſlay no manner Beaſt within the ſaid houſe called the Scalding-houſe, or within the Wall of London, upon pain to forfeit for every Ox twelve pence, and every Cow, and every other Beaſt eight pence: (5) The one half thereof to the King our Soveraign Lord, and the other half to every of the Kings Lieges that will ſue for the ſame by Action of Debt, and no Protection or Eſſoin be allowed to any of the Defendants, againſt whom any ſuch Action ſhall be conceived: and that in the ſame Action of Debt ſuch Proceſs be made, as in other Actions of Debt ſued at the Common Law. (6) And over this it is ordained and enacted by the ſaid authority, That the ſaid Ordinance, Act and Law, extend and be obſerved and kept in every City, Borough and Town, walled within his Realm of England, and in the Town of Cambridge, (the Towns of Barwick and Carlile, except and forepriſed.) Provided alway that this preſent Act begin and take effect at the Feaſt of the Annunciation of our Lady next enſuing, and not afore.

Butchers ſhall kill no beaſts in London, any walled Town, or in Cambridge.

CAP. IV.

Protection, Raſt. 9.

Protections granted to them which then were, or after ſhould be, in the Kings ſervice in Britain: And certain immunities granted to the Feoffees, Executors and Heirs of them which ſhall die in that Service. Exp. St. 7 H. 7. 2 & 3. 3 H. 4.

CAP. V.

Exemption, Raſt. 2.

A repeal of Letters Patents granted to any Spiritual Perſons to be diſcharged of the payment or collection of diſmes. Exp. 7 H. 7. 6.

CAP. VI.

Officer, Raſt. 10.

A repeal of all Letters Patents granted of any Offices within the Foreſt of Engle-wood, ſaving to the Lord Dacres, and Earl of Northumberland. Exp.

CAP. VII.

Ibid. 11.

Fees granted to certain of the Kings Officers ſhall be no longer of force than whileſt they do their duties. Exp.

CAP. VIII.

Drapery, Raſt. 36.

Whoſoever ſhall ſell by retail a broad yard of the fineſt Scarlet grained, or other grained Cloth of the fineſt making above xvi s. or a broad yard of any other coloured Cloth above xj s. &c. ſhall forfeit xl s. for every yard ſo ſold. Rep. 21 Jac. 28.

CAP. IX.

Hats, Raſt. 2.

No Hatter or Capper ſhall ſell any Hat above the price of xx d. the beſt, nor any Cap above ij s. viij d. the beſt, upon pain to forfeit xl s. for every Hat or Cap ſold above. Rep. 3 H. 8. 15. & 21 Jac. 28.

CAP. X.

Ships, Raſt. 10.

No Gaſcoin, or Guion Wine, or Tholouſt Woad, ſhall be brought into this Realm but by Engliſh Ships, and Engliſh Maſters and Mariners, nor any perſon ſhall fraight in a ſtrangers Ship, to be brought into this Realm or carried forth, if he may have ſufficient fraught in the ſame Port in a Denizens Ship. St. 1 El. 13. St. 5 R. 2. 3. 6 R. 2. 8. 5 & 6 Ed. 6. 18. 5 El. 5. 14 R. 2. 6. 3 Ed. 4. 1. 32 H. 8. 14. 23 H. 8. 7. 7 H. 8. 2.

CAP. XI.

Wools, Raſt. 4.

No perſon during ten years ſhall buy or take promiſe of bargain of any Wool that ſhall grow in Berk, &c. before the aſſumption of our Lady next after the ſhearing thereof, but ſuch as ſhall make yarn or cloth thereof, nor any Merchant ſtranger before the Purification of our Lady, &c. upon pain of forfeiture of the double value. Exp. St. 4 Ed. 4. 20 H. 8. 1. 37 H. 8. 15. 5 Ed. 6. 7.

CAP. XII.

All Juſtices of Peace ſhall execute their Commiſſion, redreſs Injuries, and maintain the Law.

Proclamation, Raſt. 3. Co. Inſt. 4 p. 170.

ITem, The King our Soveraign Lord conſidereth, that by the negligence, miſdemeaning, favour, and other inordinate cauſes of Juſtices of Peace in every Shire of this his Realm, the Laws and Ordinances made for the politique weal, peace and good rule of the ſame, and for the profit, ſurety, and reſtful living of his Subjects of the ſame, be not duly executed according to the tenor and effect that they were made and ordained for: (2) wherefore his Subjects been grievouſly hurt, and out of ſurety of their bodies and goods, to his great diſpleaſure; for to him is nothing more joyous then to know his Subjects to live peaceably under his Laws, and to increaſe in wealth and proſperity, (3) And to avoid ſuch enormities and injuries, ſo that his ſaid Subjects may live reſtfully under his Peace and Laws, to their increaſe; (4) He will that it be ordained and enacted by authority of this ſaid Parliament, That every Juſtice of Peace within every Shire of this Realm, within the Shire where he is Juſtice of Peace, do cauſe openly and ſolemnly to be proclaimed yearly, four times a year, in four principal Seſſions, the tenor of this Proclamation to this Bill annexed: (5) And that every

Every Juſtice of Peace ſhall cauſe this Proclamation to be made four times in the year.

Juſtice of Peace being preſent at any of the ſaid Seſſions, if they cauſe not the ſaid Proclamations for to be made in form aboveſaid, ſhall forfeit unto our Sovereign Lord at every time xx s.

II. Henricus Dei gratia, &c. The King our Sovereign Lord conſidereth how daily within this Realm his Coin is traiterouſly counterfeited, murders, robberies, felonies, been grievouſly committed and done, and alſo unlawful retainers, idleneſs, unlawful plays, extortions, miſdemeanings of Sheriffs, Eſcheators, & many other enormities and unlawful demeanings daily grown more and more within this Realm, to the great diſpleaſure of God, hurt and impoveriſhing of his ſubjects, and to the ſubverſion of the policy and good governance of this his Realm; for by theſe ſaid enormities and miſchiefs his peace is broken, his ſubjects troubled, inquieted and impoveriſhed, the husbandry of this land decayed, whereby the Church of England is upholden, the ſervice of God continued, every man thereby hath his ſuſtenance, every inheritor his rent for his land: (2) for repreſſing and avoiding of the ſaid miſchief, ſufficient Laws and Ordinances been made by authority of many and divers Parliaments holden within this Realm, to the great coſt of the King, his Lords and Commons of the ſame, and lacketh nothing, but that the ſaid Laws be not put in due execution, which Laws ought to be put in due execution by the Juſtices of Peace of every ſhire of this Realm, to whom his Grace hath put and given full authority ſo to do ſith the beginning of his Reign: (3) and now it is come to his knowledge, that his ſubjects be little eaſed of the ſaid miſchiefs by the ſaid Juſtices, but by many of them rather hurt then helped: and if his ſubjects complain to theſe Juſtices of Peace, of any wrongs done to them, they have thereby no remedy, and the ſaid miſchiefs do increaſe, and be not ſubdued. (4) And his Grace conſidereth, that a great part of the wealth and proſperity of this Land ſtandeth in that, that his ſubjects may live in ſurety under his peace in their bodies and goods, and that the husbandry of this Land may increaſe and be upholden, which muſt be had by due execution of the ſaid Laws and Ordinances: Chargeth and commandeth the Juſtices of the Peace of this his ſhire, to endeavour them to do and execute the tenor of their Commiſſion, and the ſaid Laws and Ordinances ordained for the ſubduing of the premiſſes, as they will ſtand in the love and favour of his Grace, and in avoiding of the pains that be ordained if they do the contrary. (5) And moreover, he chargeth and commandeth, that every man, what degree or condition that he be of, that let them in word or deed to execute their ſaid authority in any manner form aboveſaid, that they ſhew it to his Grace. And if they do it not, and it come to his knowledge by other then by them, they ſhall not be in his favour, but taken as men out of credence, and be put out of Commiſſion for ever. (6) And over this he chargeth and commandeth all manner of men, as well the poor as the rich (which be to him all one in due miniſtration of juſtice) that is hurt or grieved in any thing that the ſaid Juſtice of Peace may hear, determine or execute in any wiſe, that he ſo grieved make his complaint to the Juſtice of Peace that next dwelleth unto him, or to any of his fellows, and deſire a remedy: (7) and if then he hath no remedy, if it be nigh ſuch time as his Juſtices of Aſſiſes come into that ſhire, that then he ſo grieved ſhew his complaint to the ſame Juſtices: (8) And if then he have no remedy, or if the complaint be made long afore the coming of the Juſtices of Aſſiſe, then he ſo grieved come to the Kings Highneſs, or to his Chancellor for the time being, and ſhew his grief: (9) and his ſaid Highneſs then ſhall ſend for the ſaid Juſtice, to know the cauſe why his ſaid ſubjects be not eaſed, and his Laws executed: whereupon if he find any of them in default of executing of his Laws in the premiſſes, according to his Highneſs commandment, he ſhall do him ſo offending to be put out of Commiſſion, and farther, to be puniſhed according to his demerits. (10) And over, that his ſaid Highneſs ſhall not let for any favour, affection, coſt, charge, nor other cauſe, but that he ſhall ſee his Laws to have plain and true execution, and his ſubjects to live in ſurety of their lands, bodies and goods, according to his ſaid Laws, and the ſaid miſchiefs to be avoided, that his ſubjects may encreaſe in wealth and proſperity, to the pleaſure of God.

The benefit of husbandry.

The ſlackneſs of Juſtices of Peace in the due execution of the Laws.

The Juſtices of Peace muſt execute their Commiſſion, and the Laws.

Hinderers of Juſtices of Peace to execute their authority.

Each perſon grieved ſhall make his complaint to the Juſtices of Peace, and if he hath no remedy, to the Juſtice of Aſſiſe, and then to the King or his Chancellor.

The puniſhment of the Juſtice of Peace omitting his duty.

C A P. XIII.

Clergy ſhall be allowed but once. A convict Perſon ſhall be marked with the Letters M. or T. A proviſion for them which be within Orders.

ITem, Whereas upon truſt of the priviledge of the Church, divers perſons have been the more bold to commit murder, rape, robbery, theft, and all other miſchievous deeds, becauſe they have been continually admitted to the benefit of the Clergy as oft as they did offend in any of the premiſſes. (2) In avoiding of ſuch preſumptuous boldneſs, It is enacted, ordained and eſtabliſhed by the authority of this preſent Parliament, that every perſon, not being within Orders, which once hath been admitted to the benefit of his Clergy, eftſoons arraigned of any ſuch offence, be not admitted to have the benefit or priviledge of the Clergy: (3) And that every perſon ſo convicted for murder, to be marked with an M. upon the brawn of the left thumb. And if he be for any other felony, the ſame perſon to be marked with a T. in the ſame place of the thumb, and thoſe marks to be made by the Jaylor openly in the Court before the Judge, before that ſuch perſon be delivered to the Ordinary. (4) Provided alway, if any perſon at the ſecond time of asking his Clergy, becauſe he is within Orders, hath not there ready his Letters of his Orders, or a certificate of his Ordinary witneſſing the ſame, that then the Juſtices afore whom he is ſo arraigned, ſhall give him a day by their diſcretion to bring in his ſaid Letters or Certificate: (5) and if he fail, and bring not in at ſuch a day his ſaid Letters, nor Certificate, then the ſame perſon to loſe the benefit of his Clergy, as he ſhall do that is without Orders.

Clergy, Raſt. 10.
The benefit of Clergy ſhall be but once allowed.
A convict perſon ſhall be marked with the letters M. or T. Raſt. lib. pla. fo. 1. 56.
He that is within Orders, upon the asking of his Clergy, ſhall ſhew his Orders, or his Ordinaries Certificate.
St. 28 H. 8. 1.

C A P. XIV.

Sealing of Writings touching the Earldom of March.

ITem, Where afore in the time of King Edward the Fourth, all Feoffments, Gifts, Grants, Demiſes, Preſentments, Nominations, Releaſes, Warrants and Confirmations, made to any perſon or perſons, of any Caſtles, Honors, Mannors, Lands and Tenements, or other Hereditaments or Advantages, parcel, or pertaining to the Earldom of March, or pertaining to any Mannors, Lands, Tenements, or other Hereditaments in demeſn, or reverſion, parcel, or pertaining to the ſaid Earldom of March, were made and paſſed under a

Crown 12.
All Writings of any parcel of the Earldom of March, ſhall be under the Great Seal.

ſpecial Seal, named the Seal of the Marches, whereby is grown great vexation, trouble and deceit of the Subjects of the King our Soveraign Lord: (2) Wherefore it is enacted by the authority of this preſent Parliament, that all Feoffments, Gifts, Grants, Demiſes, Preſentments, Nominations, and all other writings whereto ſealing is requiſite to be made after the Feaſt of the Purification of our Lady, in the fifth year of the Reign of our Soveraign Lord that now is, of any parcel of the ſaid Earldom, be had, done and made by the King our ſaid Soveraing Lord, under the broad Seal of his Chancery, as it is uſed in all other things concerning the Crown by the courſe of the Common Law, and by none other Seal.

C A P. XV.

Havens, Raſt. 6. Co. Inſt. 4. p. 250.

The Mayor of London and his Succeſſors ſhall have the like converſation and authority in all the iſſues, breaches, and ground overflown, as far as the water ebbeth and floweth, grown out of the River of Thames, as touching the puniſhments for uſing unlawful Nets and Engines, as he hath within the ſaid River. Pr.

C A P. XVI.

The penalty of taking more Farms then one in the Iſle of Wight.

Farms 1. Co. Inſt. 4. p. 287. The neceſſity of the preſervation of the Iſle of Wight.

ITem. For as much as it is to the King our Soveraign Lord great ſurety, and alſo the ſurety of this Realm of England, that the Iſle of Wight in the County of South. be well inhabited with Engliſh people, for the defence as of his ancient enemies of the Realm of France, as of other parties, (2) the which Iſle is lately decayed of people, by reaſon that many Towns and Villages been beaten down, and the fields ditched and made paſtures for beaſts and cattel: (3) and alſo many dwelling places, Ferms and Fermholds, have of late time been uſed to be taken in one mans hold and hands, that of old time were wont to be in many ſeveral perſons holds and hands, and many ſeveral houſholds kept in them, and thereby much people multiplied, and the ſame Iſle thereby well inhabited, the which now by the occaſion aforeſaid is deſolate and not inhabited, but occupied with beaſts and cattel, ſo that if haſty remedy be not provided, that Iſle cannot be kept and defended, but will be open and ready to the hands of the Kings enemies, which God forbid: (4) For remedy whereof it is ordained, enacted and eſtabliſhed, by the aſſent of the Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, that from henceforth no manner of perſon, of what eſtate, degree or condition he is, or ſhall be, take any ſeveral Ferms, more then one, of any Mannors, Lands and Tenements, Parſonages or Tithes within the ſaid Iſle, whereof the ferm of them altogether ſhall not exceed the ſum of x mark yearly; (5) and if any ſeveral Leaſes afore this time have been made to any perſon or perſons of divers ſundry Fermholds, unto the yearly value of x mark: then the perſon or perſons that now hold the ſame, to chuſe one or more of the ſaid Fermholds at his pleaſure, ſo that the ferm of them alſo choſen be not above the yearly value of x mark, to hold after the form of his Leaſe; (6) and the remnant from the Feaſt of St. Michael the Archangel, which ſhall be in the year of our Lord M. CCCC. lxxxx. to ceaſe and be utterly void: and the occupier and fermer of them from thence be diſcharged againſt his leſſor of rent reſerved upon the ſame Leaſes: (7) And if any perſon do hereafter the contrary of this Act, that then the Leſſee in that behalf ſhall forfeit to the King for every ſuch taking x l. (8) Provided always, that they which have paid any fines, or made any building, or done great reparation upon any ſuch ferm, and be put from the ſaid ferm by reaſon of this Act, ſhall be recompenſed for ſuch building or reparation, as right and good conſcience require: that recompence be adjudged by the diſcretion of the Captain of the ſaid Iſle for the time being, or his Lieutenant of the ſame in his abſence. St. 25 H. 8. 13.

None ſhall take more Ferms then one in the Iſle of Wight exceeding ten mark rent.

A remedy for them which have been at charge with their Ferms, and then be put from them.

C A P. XVII.

The charges and benefit of the Heir of *Ceſti que uſe.*

Wards 5. Raſt. 20. St. 22 H. 3. 6.

[illegible]

ITem, Where by an Eſtatute made at Marlbridge, it was ordained, That when Tenants made feoffments in fraud to make the Lords of the Fee to loſe their Wards, the Lords ſhould have Writs to recover their Wards againſt ſuch Feoffees, as in the ſaid Statute among other things appeareth more plainly at large: (2) Sith the making of which Eſtatute many imaginations have been had and yet been uſed, as well by feoffments, fines and recoveries, as otherwiſe, to put Lords from their Wards of lands holden of them by Knights Service: (3) It is therefore ordained, eſtabliſhed and enacted by authority of this preſent Parliament, that the ſaid Statute of Marlbridge be obſerved and kept in all manner of things after the form and effect thereof. (4) And over, that it is ordained and enacted by the ſaid authority, that if any perſon or perſons, of what eſtate, degree or condition he or they be of, or hereafter ſhall be, ſeiſed in demean or reverſion of ſtate of inheritance, being Tenant immediate to the Lords of any Caſtles, Mannors, Lands and Tenements, or other Hereditaments holden by Knights ſervice in his or their Demean, as of fee, to the uſe of any other perſon or perſons, and of his Heirs only, he to whoſe uſe he or they be ſo ſeiſed dieth, his heir being within age, no Will by him declared, nor made in his life touching the premiſſes, or any of them: the Lord of whom ſuch Caſtles, Mannors, Lands, Tenements and Hereditaments been holden immediately, ſhall have a Writ of Right of Ward, as well for the Body as for the Land, as the Lord ſhould have had, if the ſame Anceſtor had been in poſſeſſion of that Eſtate ſo being in uſe at that time of his death, and no ſuch Eſtate to his uſe made. (5) And if any ſuch heir be of full age at the death of his Anceſtor, to pay relief, as his Anceſtor, whoſe heir he is, had been in poſſeſſion of that ſtate ſo being in uſe at time of his death, and no ſuch eſtate to his uſe made or had. (6) It is alſo ſtabliſhed and enacted by the ſaid authority, that ſuch heir or heirs ſo being in Ward, ſhall have like Action of Waſte againſt the ſaid Lords, or againſt them in whoſe Ward they ſo be, as they or any of them ſhould have had, and recover ſuch damages and ſuch penalties to be to the ſaid Lord and Guardians, as ſhould have been if their Anceſtor had died thereof ſeiſed. (7) And moreover, if any ſuch Lord bring any ſuch Writ of right of Ward againſt ſuch perſon or perſons, and be barred in the ſame: that then the ſame defendant or defendants ſhall recover damages againſt the ſaid Plaintiffs, for their wrongful vexation in the ſame. Provided always, that this Act begin to take effect of the heirs of them that ſhall die after the feaſt of Eaſter, that ſhall be in the year of our Lord M. CCCC, lxxxx. St. 1 R. 3. 1. 19 H. 7. 15. 27 H. 8. 10. 34 H. 8. 10. 34 H. 8. 5. Co. Inſt. 84. b.

[illegible]

The heir of Ceſti que uſe holding his Lands by Knights ſervice within age, ſhall be in ward; and of full age, ſhall pay relief. F.N.B. f. 142. K. V.N.B. f. 94.

The Heir ſhall have an action of waſte againſt his Guardian committing waſte. F.N.B. f. 59. A.

Damages for the defendant in a Writ of right of Ward.

C A P. XVIII.

For the forging of the Coin of other Realms allowed to be currant within this Realm, ſhall be Treaſon. Rep. 1 Ed. 6. 12. 1 M. 1.

Treaſon, Raſt. 5.

C A P. XIX.

The penalty for decaying of Houſes of Husbandry, or not laying of convenient Land for the maintenance for the ſame. Rep. 39 El. 1. & 21 Jac. 28.

Husbandry 1.

C A P. XX.

Actions popular proſecuted by colluſion, ſhall be no bar to thoſe which be purſued with good Faith.

Actions 2.

Item, That where Actions popular in divers Cauſes have been ordained by many good Acts and Statutes afore this time made, for the reformation of extortions, maintenance, oppreſſions, injuries, exactions, and wrongs uſed and committed within this Realm, (2) which Actions been very penal to all misdoers and offenders, in ſuch Actions condemned, and much profitable as well to the King, as to every of his Subjects that them will ſue and maintain, if the ſame Actions ſo ſued and commenced might be truly purſued without covin or colluſion. (3) But now it is ſo commonly uſed within this Realm, that if any ſuch offenders, offending in Cauſes where any of the ſaid Actions lie, then the ſaid misdoers or offenders, in eſchewing to leeſe the ſaid penalties, will cauſe an Action popular to be commenced againſt them by covin of the Plaintiff upon that caſe wherein they have ſo offended: (4) or elſe if any ſuch Action popular be commenced againſt any ſuch ſaid offender by good faith, then the ſame offender will delay the ſaid Action, either by non-appearance, or by traverſe, and hanging the ſame Action, the ſame offender will cauſe like Action popular to be brought againſt him by covin, for the ſame cauſe and offence that the firſt Action was ſued, and then by covin of the Plaintiff in that ſecond Action he will be condemned, either by confeſſion, feigned trial, or releaſe: (5) which condemnation or releaſe ſo had by colluſion and covin pleaded by the ſaid offender, ſhall bar the Plaintiff in the Action ſued in good faith; (6) and by theſe ſubtil means of colluſion and covin the ſaid good Acts and Statutes ſeldom been executed againſt ſuch offenders, which cauſeth them to be bolder to offend the King, as well in breaking of the ſaid Statutes, Laws, and Peace, as in robbing, murdering, exactions taking, quarrels maintaining, and the Kings poor ſubjects by extortion and many other unlawful means oppreſſing:

The enormities of colluſion practiſed in ſuing of Actions popular.

(7) Therefore the King our Soveraign Lord, in reforming of the premiſſes, by the advice of the Lords Spiritual and Temporal, and at the requeſt of the ſaid Commons in this ſaid preſent Parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed, and enacted, that if any perſon or perſons hereafter ſue with good faith any Action popular, and the Defendant or Defendants in the ſame Action plead any manner of recovery of Action popular, in bar of the ſaid Action, or elſe that the ſame defendant or defendants plead, that he or they before that time barred any ſuch plaintiff or plaintiffs in any ſuch Action popular, that then the plaintiff or plaintiffs in the Action taken with good faith, may aver, that the ſaid recovery in the ſaid Action popular was had by covin, or elſe to aver, that the ſaid plaintiff or plaintiffs was or were barred in the ſaid Action popular, by covin, that then if after the ſaid colluſion or covin ſo averred, be lawfully found, the plaintiff or plaintiffs in that Action ſued with good faith, ſhall have recovery according to the nature of the Action, and execution upon the ſame, in like wiſe and effect, as though no ſuch afore had been had.

Recovery in an Action popular by covin or a bar in the ſame, is no plea in an Action ſued with good faith

(8) And moreover, that it is enacted and ordained by the authority aforeſaid, that in every ſuch Action popular, wherein the defendant or defendants ſhall be lawfully condemned or attainted of covin or colluſion, as is aforeſaid, that every of the ſame defendants have impriſonment of two years by Proceſs of *Capias* and Outlagary, to be ſued within the year after ſuch judgment had, or at any time after till the ſaid defendant or defendants ſhall be had and impriſoned, as is aforeſaid, and that as well at the Kings ſuit, as of every other that will ſue in that behalf:

The puniſhment of the defendant attainted of colluſion.

(9) And that no releaſe of any common perſon hereafter to be made to any ſuch party, whether before or after any Action popular, or Indictment of the ſame had or commenced or made, hanging the ſame Action, be in any wiſe available or effectual to let or ſurceaſe the ſaid Action, Indictment, Proceſs, or Execution. (10) Provided alway, that no plaintiff or plaintiffs be in any wiſe received to aver any covin in any Action popular, where the point of the ſame Action, or elſe the covin or colluſion have been once tried or lawfully found with the plaintiff or plaintiffs, or againſt them, by trial of twelve men, and not otherwiſe.

No releaſe of a common perſon can diſcharge a popular Action.

No colluſion averrable where the point of the Action hath been tried by verdict.

C A P. XXI.

An Act that no Engines ſhall be uſed for the deſtroying of Frie of Fiſh in Orford Haven in Suffolk, upon pain of forfeiture of ten pounds for every offence. Exp.

Fiſh, Raſt. 15.

C A P. XXII.

If any Perſon before the next Parliament, bring or put to ſale any Gold of Venice, Florence, or Gean for a Pound weight, which doth not contain xii ounces, or that the Gold packed be not in greatneſs of thread or colour wrought according to the outward ſhew thereof, he ſhall forfeit the ſame or the value thereof. Exp.

Broderers, Raſt. 1.

C A P. XXIII.

The Statute provided 17 Ed. 4. 1. againſt the tranſporting of Mony, Plate or Jewels, revived for twenty years. St. 1 H. 8. 13.

Mony 2.

C A P. XXIV.

How often a Fine levied in the Common Pleas ſhall be read and proclaimed, and who then ſhall be bound thereby

Fines 3. &c.
St. 18 Ed 1. Modus levandi fines.
2 Bulſter. 247.
3 Bulſter. 152.
1 Roll. 35, 91, 153, 171, 157, 222
2 Roll. 245, 335, 342, 374, 402, 417 500, 501.

Item, Where it was ordained in the time of King Edward the Firſt, by the Statute *de finibus*, that Notes and Fines to be levied in the Kings Court afore his Juſtices ſhould be openly and ſolemnly read, and that Pleas in the mean time ſhould ceaſe, and this to be done by two days in the week, after the diſcretion of the Juſtices, as in the ſaid Statute more plainly appeareth: The King our Soveraign Lord conſidereth, that Fines ought to be of the greateſt ſtrength to avoid ſtrifes and debates, and to be a final end and concluſion: and of ſuch effect were taken afore a Statute made of non-claim, and now is uſed the contrary, to the univerſal trouble of the Kings Subjects, will therefore it be ordained, by the advice of the Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled, and by the authority of the ſame, that after the ingroſſing of every Fine to be levied after the Feaſt of Eaſter, that ſhall be in the year of our Lord M. CCCC. lxxxx. in the Kings Court, afore his Juſtices of the Common Place, of any Lands, Tenements, or any

34 Ed. 3. cap. 16.
Proclamations of a Fine.
Stat. 31 El. 2.
Co. pl. f. 16.
Who ſhall be concluded by the fine, who not.
Every ſtrangers right ſaved which he preſently hath, ſo that he purſueth it within five years.
Co. pl. f. 171, 222, 236.
The right of ſtrangers ſaved which ſhall come to them.
1 Anderſ. 171.
1 Leon. 100, 213.
2 Leon. 36. 157.
3 Leon. 10. 227.
Actions maintainable againſt the Pernors of the profits.
St. 1 R. 2. 9.
4 H. 4. 7. 11 H. 6. 3.
1 H. 7. 1.
1 Anderſ. 170.

other Hereditaments, the ſame Fine be openly and ſolemnly read and proclaimed in the ſame Court the ſame Term, and in three Terms then next following the ſame ingroſſing in the ſame Court, at four ſeveral days in every Term: and in the ſame time that it is ſo read and proclaimed, all pleas to ceaſe. (3) And the ſaid Proclamations ſo had and made, the Fine to be a final end, and conclude as well privies as ſtrangers to the ſame, except women covert, other then been parties to the ſaid fine, and every perſon then being within age of xxj years, in priſon, or out of this Realm, or not of whole mind, at the time of the ſaid fine levied not parties to ſuch fine. (4) And ſaving to every perſon or perſons, and to their Heirs, other then the parties in the ſaid fine, ſuch Right, Claim and Intereſt, as they have to, or in the ſaid Lands, Tenements, or other Hereditaments, the time of ſuch fine ingroſſed: ſo that they purſue their Title, Claim or Intereſt by way of Action, or lawful Entry, within five years next after the ſaid Proclamations had and made. (5) And alſo ſaving to all perſons ſuch Action, Right, Title, Claim and Intereſt, in or to the ſaid Lands, Tenements, or other Hereditaments, as firſt ſhall grow, remain, or deſcend, or come, to them after the ſaid fine ingroſſed, and Proclamation made, by force of any gift in the tail, or by any other cauſe or matter had and made before the ſaid fine levied: So that they take their Action, or purſue their ſaid Right and Title according to the Law within five years next after ſuch Action, Right, Claim, Title or Intereſt to them accrued, deſcended, fallen, or come: (6) And that the ſaid perſons and their Heirs may have their ſaid Action againſt the Pernor of the profits of the ſaid Lands and Tenements, and other Hereditaments at the time of the ſaid Action to be taken: (7) And if the ſame perſons at the time of ſuch Action, Right, and Title accrued, deſcended, remained, or come unto them, be covert de baron, or within age, in priſon, or out of this Land, or not of whole mind, then it is ordained by the ſaid authority, that their Action, Right, and Title, to be reſerved and ſaved to them and to their Heirs, unto the time they come and be at their full age of xxj years, out of priſon, within this Land, uncovert, and of whole mind, ſo that they or their Heirs take their ſaid actions, or their lawful entry according to their Right and Title, within five years next after that they come and be at their full age, out of priſon, within this Land, uncovert, and of whole mind, and the ſame Actions purſue, or other lawful entry take according to the Law. (8) And alſo it is ordained by the Authority aforeſaid, that all ſuch perſons as be covert de baron, not party to the fine, and every perſon being within age of xxj years in priſon, or out of this Land, or not of whole mind, at the time of the ſaid fines levied and engroſſed, and by this ſaid Act afore excepted, having any Right, or Title, or cauſe of Action to any of the ſaid Lands and other Hereditaments, that they or their Heirs inheritable to the ſame, take their ſaid Actions or lawful Entry according to their Right and Title, within five years next after they come and be of age of xxj years, out of priſon, uncovert, within this Land, and of whole mind, and the ſame actions ſue, or their lawful entry take and purſue according to the Law. (9) And if they do not take their Actions and Entries as is aforeſaid, that they and every of them, and their Heirs, and the Heirs of every of them be concluded by the ſaid Fines for ever, in like form as they be that be privies or parties to the ſaid Fines: (10) Saving to every perſon or perſons, not party nor privy to the ſaid Fine, their exception to void the ſame Fine, by that, that thoſe which were parties to the Fine, nor any of them, nor no perſon or perſons to their uſe, ne to the uſe of any of them, had nothing in the Lands and Tenements compriſed in the ſaid Fine at the time of the ſaid Fine levied. (11) And it is ordained by the ſaid authority, that every Fine that hereafter ſhall be levied in any of the Kings Courts, of any Mannors, Lands, Tenements, and other Poſſeſſions, after the manner, uſe, and form that Fines have been levied afore the making of this Act, be of like force, effect and authority, as Fines ſo levied, be or were afore the making of this Act; This Act or any other Act in this ſaid Parliament made or to be made notwithſtanding. (12) And every perſon ſhall be at liberty to levy any Fine hereafter at his pleaſure, whether he will after the form contained and ordained in and by this Act, or after the manner and form aforetime uſed. 32 H. 8. 36.

The right of Infants, Women covert, perſons impriſoned out of this Realm, or not of whole memory, ſaved.

An entry muſt be made of an Action taken within five years after the defects removed.
Co. lib. pl. f. 224.
1 Anderſ. 303.
Poph. 108, 113.
1 Roll. 167.
3 Inſt. 216.

An exception that the parties to the Fine had nothing in the Land.
Co. lib. pl. f 318.

Fines at the Common Law be of the ſame force they were before.

The Fourth Parliament holden at Weſtminſter, *the Seventh Year of the Reign of King* HENRY *the Seventh.*

CAP. I.

The penalty of a Captain or Souldier retained to ſerve the King in his intended War, not doing their Duties.

Captains,
Raſt. 5.
3 Inſt. 73. 86.
Hut. 134.

The penalty of a Captain which ſhall not have the whole number of his Souldiers, or not pay them their wages.
Stat. 3 H. 8 5.

FOR as much as it is notoriouſly known, that the King to his great coſts and charges hath ſent his Ambaſſadors to Charles his Adverſary of France, to have had convenient Peace with him, and to have his Right without effuſion of Chriſtian Bloud, which was refuſed: (2) Wherefore the King, by the grace of God, in whoſe hands and diſpoſition reſteth all Victory, hath determined himſelf to paſs over the Sea, into his Realm of France, and reduce poſſeſſion thereof by the ſaid grace to him and to his Heirs Kings of England, according to his rightful Title, whereby he truſteth not only to bring this his Realm to the ancient form and honour, but alſo to inrich, and ſet in perfect Peace and Tranquility his Subjects of the ſame, truſting that thereby the more part of all Chriſtian Realms ſhall be in more perfect Peace and Tranquility, and the better diſpoſe to ſerve God: which cannot be done by all likelihood without Battel, as well on the Sea, as in other places beyond the Sea, wherein Almighty God muſt be judge, in whoſe defence, mercy and goodneſs, the King putteth his full truſt above all other things: (3) Howbeit, many times by the inordinate covetiſe of Captains retained with Princes afore this time, great part of the number of Souldiers, for whom ſuch Captains have endented with Princes, at time of need have lacked of their number of Souldiers, whereby great jeopardies have enſued, and irrecuperable damages thereby may enſue, if remedy be not therefore foreſeen and had: (4) Be it therefore ordained by the authority of this preſent Parliament, that if any Captain be retained, or hereafter ſhall be, to ſerve the King on the Sea or beyond the Sea in feat of War, which hath not his or their whole and perfect number of men and ſouldiers, according as he ſhall be reteined with the King, or give not them their full wages without ſhorting, as he ſhall receive of the King for them, except for Jackets for them that receive land-wages, that is to ſay, vj s. viij d. for a Yeoman, and xiij s. iv d. for a Gentleman for a whole year, he ſhall for ſuch default forfeit to the King all his goods and chattels, and their bodies to priſon.

II. And that every Captain, pety Captain, and all other having under them retinue of any Souldier or Souldiers at the Kings wages, ſhall upon the pain aforeſaid, pay to their retinue of Souldier or Souldiers, and every of the ſame, the wages rateably as is allowed unto them by the King our Soveraign Lord, or the Treaſurer of his Wars, without leſſening or withdrawing any part thereof: (2) And for as long time as they ſhall receive wages for them, this payment unto the ſaid retinues, and every Souldier of the ſame, of their Captains and pety Captains, always ſhall be within ſix days next and immediately after that the ſaid Captain, pety Captain, or other ſhall have received their wages of the King, or of the Treaſurer of his Wars, or their Lords or Maſters. (3) And if any Souldier being no Captain, immediately retained with the King, which hereafter ſhall be in wages and retained, or take any preſt to ſerve the King upon the Sea, or upon the Land beyond the Sea, depart out of the Kings ſervice without licence of his Captain, that ſuch departing be taken, deemed and adjudged felony, and that he ſo offending ſuffer for the ſaid offence puniſhment and execution of felony. (4) And for as much as his offence ſtretcheth to the hurt and jeopardy of the King our Soveraign Lord, the Nobles of the Realm, and of all the Common weal thereof, that therefore he or they ſo offending enjoy not the benefit of his Clergy. (5) And that it be ordained by the ſaid authority, that all the Juſtices in every Shire of England, whereas any ſuch offendors be taken, have power to enquire of the ſaid offences, and the ſame to hear and determine as they do and may do of felony, treſpaſſes, and of other offences expreſſed in the Kings Commiſſion to them made, as though the ſaid offences were done in the ſame Shire. (6) And alſo that the ſaid departing of ſuch Souldiers, and alſo their reteinors, if it be traverſed, be tried in the ſame Shire where they be for ſuch cauſe arreſted and arraigned. (7) Provided alway, that no manner of Captain be charged by this Act for lack of his number retained, as is abovesaid, whoſe Souldiers ſhall hap to die, or otherwiſe depart, not in the default of the Captain; ſo that the ſaid Captain, if he be at land-wages, ſhew the departing or lacking of his Souldier within ten days after the lacking of the ſaid Souldier, unto the Treaſurer of the Wars: or if the Captain be at Sea-wages, he ſhew the departing or lacking of the ſaid Souldier ſo lacking, to the Admiral of the Navy where he is retained, at next meeting with the ſaid Admiral. Co. l. 6. f. 27.

The Captain ſhall pay to his Souldiers their wages within vj days after their receit thereof.

The penalty of a Souldier departing without licence ſhall be felony. St. 18 H. 6. 19. 2 Ed. 6. 2.

Juſtices of Peace may enquire of, hear and determine the offences of Souldiers departing without licence.

The Captain ſhall not be charged for the Souldiers offence.

CAP. II.

Every perſon that ſhall be in the Kings wages beyond the Sea, or on the Sea, ſhall have a Protection, and no deſcent ſhall prejudice him, and by his writing he may make his Atturney to enter into Lands deſcended unto him, to Attorn, &c. Exp. Stat. 3 H. 8. 4.

Attorney, Raſt. 14.

CAP. III.

They that do go with the King in his Wars, may make Feoffments of their Lands to the uſe of their Wills without licence, and they ſhall have their own liveries and authority to diſpoſe the Wardſhip of their heirs. Exp. St. 3 H. 8. 4.

Entries lawful Raſt. 1.

CAP. IV.

Weights and Meaſures ſhall be made of Braſs, and ſent to the chief Officers of every City, Borough, &c. Alt. 11 H. 7. 4 12 H. 7. 5.

Weights, Ibid. 32.

CAP. V.

Riens deins le gard, ſhall be no Challenge upon any Iſſue to be tried in London.

PRayen the Commons in this preſent Parliament aſſembled, that where of long time uſed in any iſſue to be tried within the City of London, a Challenge commonly called, Riens deins le gard hath been admitted for a good Challenge, ſo that no Iſſue could be tried in any Ward, without that there were four ſufficient perſons of livelihood to the yearly value of xl s. above all charges within the ſame City, and dwelling or having any livelihood within the ſame Ward: (2) and it is ſo now (the cauſe God knoweth why) that there is no Ward, or elſe but few, and in ſpecial in plea of Land, that any Plaintiff or Demandant can have ſufficient trial in this matter, as evidently is known, for cauſe of the Challenge aforeſaid; for in the moſt part of Wards, as now, there be none ſufficient; and if any be, there are no Officers that dare ſummon them, or elſe if they be ſummoned, they will not appear, their honour is ſo great, and their amerciaments ſo little: (3) That it pleaſe your moſt abundant grace, by the advice of the Lords Spiritual and Temporal, and by the authority of this preſent Parliament, to ordain, and for the Common weal of your true Subjects, eſtabliſh and enact, that from henceforth the Challenge commonly called Riens deins le gard, be no Challenge, but utterly void and of none effect: Saving to every perſon all manner of other Challenges, whatſoever they be, according to the Law.

Challenge, 4.

Riens deins le gard, ſhall be no Challenge upon any Iſſue to be tried in London.

CAP. VI.

Letters Patents made to ſeveral Spiritual perſons to be diſcharged of Diſmes and Quinzimes, ſhall extend no further than they did in the time of King Edw. 4. Exp. 4 H. 7. 5.

Exempt, Raſt. 3.

CAP. VII.

All Scots not made Denizens ſhall depart this Realm within 40 days after Proclamation, upon pain of forfeiture of all their goods. Rep. 4 Jac. 1.

Scotland, Raſt. 3.

CAP. VIII.

Every Butt of Malmſie ſhall contain Cxxvj gallons, and every Merchant-ſtranger ſhall pay for Cuſtom xviij s. a Butt, beſides the old Cuſtom, and no Butt ſhall be ſold for above iv l. which new Impoſition ſhall be until the Venetians abate their new Impoſition of iv Ducats at Candy. Exp.

Wines, Raſt. 16.

Anno undecimo HENRICI *Septimi.*

THE King our Sovereign Lord, *Henry* the Seventh, after the Conqueſt, by the grace of God King of England and France, and Lord of Ireland, at his Parliament holden at Weſtminſter, the thirteenth day of October, in the eleventh year of his Reign, to the honour of God and holy Church, and for the common profit of the Realm, by the aſſent of the Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſame Parliament, hath done to be made certain Statutes and Ordinances in manner and form following.

CAP. I.

None that ſhall attend upon the King and do him true ſervice, ſhall be attainted, or forfeit any thing.

Forfeitures, Raſt. 16.

THE King our Soveraign Lord calling to his remembrance the duty of Allegiance of his Subjects of this his Realm, and that they by reaſon of the ſame are bound to ſerve their Prince and Soveraign Lord for the time being, in his Wars, for the defence of him and the Land, againſt every Rebellion, Power, and might reared againſt him, and with him to enter and abide in ſervice in Battel, if caſe ſo require; (2) and that for the ſame ſervice what fortune ever fall by chance in the ſame Battel againſt the mind and will of the Prince (as in this Land ſometime paſſed hath been ſeen) that it is not reaſonable, but againſt all Laws, Reaſon, and good Conſcience, that the ſaid Subjects going with their Soveraign Lord in Wars, attending upon him in his perſon, or being in other places by his commandment within this Land or without, any thing ſhould loſe or forfeit for doing their true duty and ſervice of Allegiance: (3) It be therefore ordained, enacted, and eſtabliſhed by the King our Soveraign Lord, by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That from henceforth no manner of perſon or perſons whatſoever he or they be, that attend upon the King and Soveraign Lord of this Land for the time being, in his perſon, and do him true and faithful ſervice of Allegiance in the ſame, or be in other places by his commandment in his Wars, within this Land or without: that for the ſaid deed and true duty of Allegiance he or they be in no wiſe convict or attaint of high Treaſon, ne of other offences for that cauſe, by Act of Parliament, or otherwiſe by any proceſs of Law, whereby he or any of them ſhall loſe or forfeit Life, Lands, Tenements, Rents, Poſſeſſions, Hereditaments, Goods, Chattels, or any other things: but to be for that deed and ſervice utterly diſcharged of any vexation, trouble or loſs. (4) And if any Act or Acts, or other Proceſs of the Law hereafter thereupon for the ſame happen to be made contrary to this Ordinance, that then that Act or Acts, or other Proceſs of the Law, whatſoever they ſhall be, ſtand and be utterly void. (5) Provided alway, That no perſon or perſons ſhall take any benefit or advantage by this Act, which ſhall hereafter decline from his or their ſaid Allegiance.

No perſon that ſhall attend upon the King and do him true ſervice, ſhall be attainted therefore of Treaſon or any other Offence.

CAP. II.

Vagabonds, Raſt. 1.

Vagabonds, idle and ſuſpected perſons, ſhall be ſet in the Stocks three days and three nights, and have none other ſuſtenance but bread and water, and then ſhall be put out of the Town. (2) And whoſoever ſhall give ſuch idle perſons more, ſhall forfeit xij d. (3) Every Beggar not able to work, ſhall reſort to the Hundred where he laſt dwelled, is beſt known, or was born, and there remain, upon the pain aforeſaid. Exp. 39 El. 4. (4) No artificer, labourer or ſervant, ſhall play at any unlawful game, but in Chriſtmas. Exp. 33 H. 8. 9. (5) Two Juſtices of Peace may reject common ſelling of Ale, &c. Alt. 5 Ed. 6. 25. Rep. 21 Jac. 28. 1 Jac. cap. 9.

Plays, Raſt. 1.

CAP. III.

Juſt of Aſſiſe, Raſt. 10. Co. Inſt. 4. p. 42.

The Juſtices of Aſſiſe in their Seſſions, and the Juſtices of Peace in every County, upon information for the King, ſhall have authority to hear and determine all offences and contempts (ſaving Treaſon, Murder or Felony) committed by any perſon againſt the effect of any Statute made, and not repealed. Rep. 1 H. 8. 6.

CAP. IV.

The names of the Cities and Towns limited for the keeping of Weights and Meaſures.

Weights 7. Statutes concerning Weights and Meaſures.

St. 9 H. 3. 25.
51 H. 3. 31 E. 1.
14 Ed. 3. 12.
25 Ed. 3. 9, 10.
27 E. 3. 10.
34 Ed. 3. 6.
13 R. 2. 9.
15 R. 2. 4.
16 R. 2. 3.
8 H. 6. 5.
18 H. 6. 17.
1 R. 3. 13.

PRayen the Commons in this preſent Parliament aſſembled, where divers Acts, Statutes and Ordinances, in the times of the noble Progenitors and Predeceſſors of our now Soveraign Lord the King, have been made, That one Meaſure and Weight ſhould be uſed throughout this noble Realm: (2) and alſo, that in every City, Borough and Town within the ſame Realm, upon certain and ſeveral pains in the ſaid Statute and Ordinances limited, ſhould be a common Ballance with common Weights and common Meaſures, marked according to the Eſtandard of the Exchequer, by the which and other like Ballance, Weights and Meaſures marked according to the ſaid Eſtandard, all men ſhould buy and ſell, for the avoiding of all fraud and diſcord in that behalf to be uſed: (3) which Acts, Statutes and Ordinances have not been obſerved and kept, as now in this preſent Parliament it hath been openly, by divers perſons of divers parties of this Realm remembred, to the great hurt and vexation of divers and many of the Kings Subjects of this his Realm: (4) For remedy whereof, Be it of the abundant grace of our moſt gracious Soveraign Lord, by the aſſent of the Lords ſpiritual and temporal, and by the Commons in this preſent Parliament aſſembled, and by authority of the ſame, enacted and eſtabliſhed, That unto the Knights and Citizens of every Shire and City, aſſembled in this preſent Parliament, Barons of the Cinque Ports, and certain Burgeſſes of Burgh Towns, before they depart from this preſent Parliament, be delivered one of every Weight and Meaſure, which now our Soveraign Lord hath cauſed to be made of Braſs, for the common wealth of all his Subjects and Lieges within this his Realm of England. according to the King our Soveraign Lords Standard of his Exchequer of Weights and Meaſures, as they be in the Exchequer of our ſaid Soveraign Lord: (5) and that the ſaid Knights, Citizens and Burgeſſes, to whom the ſaid Weights and Meaſures ſhall be delivered, as is aforeſaid, ſurely convey, or cauſe the ſame to be conveyed on this ſide the Feaſt of Eaſter next coming, by the ſaid Citizens to their Cities, and by the ſaid Knights, unto ſuch Borough or Town Corporate, or Market Town within the Shire for which they be elected, as is ſpecified and contained in a Schedule unto this preſent Bill annexed, there to remain for ever in the keeping of the Mayor, Bailiff, or other head-Officer for the time being, of the ſame City, Borough or Town, as the Kings Standard of Weight and Meaſure. (6) And that the Inhabitants of all Cities, Boroughs and Market-Towns within every of the ſaid Shires, ſhall on this ſide the Feaſt of the Nativity of Saint John Baptiſt next coming, make or cauſe to be made common Meaſures and Weights, according to the Weights and Meaſures aboveſaid, to remain within the ſaid Cities, Boroughs and Market-Towns, and every of them: (7) and the ſame Weights and Meaſures to be viewed, examined, printed, ſigned and marked by the Mayor, Bailiff, or other head-Officer in whoſe poſſeſſion the aforeſaid Standard ſhall remain: (8) And that every of the aforeſaid Mayor, Bailiff, or head-Officer, having the ſaid Weights and Meaſures ſigned and printed under the

A Weight and Meaſure according to the Standard of the Exchequer, ſhall be ſent into every City, Borough, &c.

Every City and Borough ſhall make common Weights according to them received, and ſhall mark them.

ſign and print for the ſame, with a Letter H Crowned, have authority and power to make, ſign, and print like Weights and Meaſures unto every the Kings Lieges and Subjects, duly requiring the ſame, taking for marking of every Buſhel i d. (9) And from the ſaid Feaſt of the Nativity of St. John Baptiſt, no Merchant, ne other perſon or perſons within any City or Market-Town, buy ne ſell with any Weight or Meaſure, except it be marked, ſigned, or printed in manner and form aforeſaid, ne any other perſon or perſons out of the ſaid Cities, Boroughs, and Market-Towns, except it be like and equal with the ſaid Eſtandard: (10) and that every perſon, as well without Cities, Boroughs, and Market-Towns as within, buy and ſell with a Buſhel ſealed, ſigned, or marked after the form aforeſaid, and no otherwiſe. (11) And that all the Mayors, Bailiffs, and other head-Officers of every City, Borough, or Market-Town, ſhall cauſe twice in the year, or oftner, as they ſhall think neceſſary, all Weights and Meaſures within the ſaid Cities, Boroughs, and Market-Towns, to be brought afore them, and to be duly viewed and examined: (12) and ſuch as they ſhall upon the ſaid examination find defective, immediately to be broken and burnt, and the party or parties which in that behalf hath offended and be found defective, ſhall forfeit for the firſt time vj s. viij d. the forfeiture thereof to be unto the ſaid Mayor, Bailiff, or any other having Juriſdiction and Correction in that behalf: and at the ſecond time the ſaid Offendor likewiſe to forfeit xiij s. iv d. and at the third time likewiſe to forfeit xx s. and for further puniſhment to be ſet upon the Pillory, to the enſample of other: (13) And two Juſtices of Peace, whereof one ſhall be of the Quorum, have authority, as well by examination as by enquiry, to hear and determine the defaults of the ſaid Mayors, Bailiffs, or other head-Officers in that behalf, and alſo of all buyers and ſellers doing contrary to this preſent Act and Ordinance, and to ſet fine and amerciament upon the Offendors by their diſcretion: (14) and the ſaid Weights and Meaſures ſo found defective, to be forfeited and burnt. (15) Be it alſo enacted, That there be but only viij Buſhels raiſed and ſtricken to the Quarter of Corn, and xiv li. to the Stone of Wool, and xxvj Stone to the Sack. (16) Be it alſo ordained by authority aboveſaid, That the Juſtices of Peace aboveſaid have authority to make like Proceſs againſt all perſons found as is aboveſaid defective, and for ſuch Fines and Amerciaments as upon them ſhall be aſſeſſed, as if they were indicted afore them for breaking of the Kings Peace: (17) And where by other Statutes and Ordinances afore limited, it is ordained, That every City, Borough, and Town that hath a Conſtable, ſhould have common Weights and Meaſures ſealed, upon Penalties in the ſame limited: that thoſe Penalties in that behalf extend not to any Town which is no City, Burgh, or Market-Town. (18) Provided alway, That this Act ſhall not extend nor be prejudicial to any perſon ſelling or buying by Water-meaſure within the Ship-board: (19) And that it be by the authority aboveſaid enacted, the Premiſſes or any other Ordinance afore made notwithſtanding, that the ſaid Water-meaſure within the Ship-board ſhall only contain five Pecks, after the ſaid Standard raſed and ſtricken. (20) Provided alſo, That the examination of defaults aboveſaid, and puniſhment to the offendors of every offence committed hereafter within any of the ſaid five Ports, ſhall be had, done, and adminiſtred by the Lord Warden of the ſaid five Ports, or by his Lieutenant of the ſame for the time being, and none other, the Premiſſes notwithſtanding. (21) Provided alſo, That this Act of Weights and Meaſures extend not, nor be in no wiſe hurtful or prejudicial to the Prince, within the Dutchy of Cornwal, or any Weights appertaining to the Coynage of Tin within the Counties of Cornwal and Devonſhire, but that all ſuch Weights be uſed, ordered, demeanded and corrected, as it hath been uſed and accuſtomed before this time, the ſame Act and Ordinance notwithſtanding. St. 7 H.7.4. 12 H.7.5.

None ſhall buy or ſell but with weights and meaſures ſigned and printed.

Weights and meaſures ſhall be viewed and examined twice in the year at the leaſt.

The penalty of offenders.

Juſt. of Peace may hear and determine the offences.

The meaſure of a quarter of Corn, and the weight of a ſtone and ſack of wool.

St. 14 Ed. 3. 12

Selling and buying by water meaſure within the ſhip-board.

The Lord Warden of the five Ports ſhall puniſh offences done there.

Weights for Coinage of Tin in Cornwal and Devon.

The Names of Towns limited for the ſafe cuſtody of Weights and Meaſures according to the Kings Eſtandard for the Shires following, as particularly appeareth.

(22)

Weſteml.	The town of Appleby.	Surr.	The town of Guildford.
Northumb.	The town of Newcaſtle.	Suſſex.	The town of Lewes.
Cumbr.	The city of Carleyl.	Oxon.	The town of Oxenford.
Lanc.	The town of Lancaſter.	Berk.	The town of Reading.
Ebor.	The city of York.	Salop.	The town of Shrewsbury.
Lincoln.	The city of Lincoln.	Staff.	The town of Stafford.
Derb.	The town of Derby.	Hereford.	The town of Hereford.
Nottingh.	The town of Nottingham.	Glouc.	The town of Gloceſter.
Leic.	The town of Leiceſter.	Wigorn.	The city of Worceſter.
Warw.	The city of Coventry.	Wilts.	The city of new Salisbury.
Rotyl.	The town of Uppingham.	South.	The city of Wincheſter.
North.	The town of Northampton.	Somerſ.	The town of Ilcheſter.
Bedf.	The town of Bedford.	Dorſ.	The town of Dorcheſter.
Buck.	The town of Buckingham.	Devon.	The city of Exceſter.
Cantebr.	The town of Cambridge.	Cornub.	The town of Luſtudiel.
Hunt.	The town of Huntingdon.	London.	The ſame city.
Norf.	The city of Norwich.	Briſtol.	The ſame town.
Suff.	The town of St. Edmonds-bury.	Quinque Portus.	The Caſtle of Dover.
Eſſex.	The town of Chelmsford.	Civitas Covent.	The ſame city.
Hertf.	The town of Hertford.	Southampton.	The ſame town.
Mid.	In Weſtminſter.	Civitas Ceſtr.	The ſame town.
Kent.	The town of Maidſtone.		

CAP. V.

Every man may pull down the Wears and Engines in the Haven of Southampton, between Calſhord and Redbridge; and whoſoever levieth any other there, ſhall pay one hundred pounds to the King. Pr. St. 14 H. 8. 13. made perpetual.

Southampton, Rast. 1.

CAP.

CAP. VI.

Where Cuſtom ſhall be payed when Clothes be packed in one Port and ſhipped in another.

Cuſtoms 16. 2 Ed. 4. 2.

Whereas in the Parliament holden at Weſtminſter, the twelfth year of the Reign of King Edward the Fourth late King of England, among other things it was ordained, eſtabliſhed and enacted, that where any woollen Clothes were or ſhould be packed, in any Port within the Realm of England, and then to be carried from thence to any Port within this Realm to be carried over the Sea, that then the ſame Clothes ſo to be packed and carried, ſhould be packed in the preſence of the Cuſtomers and Controllers of the Port where the ſame Clothes ſhould be packed, (2) and that the Cuſtoms and Subſidies of the ſaid Clothes due to the King, ſhould be paid and contented unto the Collectors of the Cuſtom within the ſame Port, as in the ſaid Act more plainly appeareth: (3) Which Act for divers and many cauſes and conſiderations is thought hurtful and prejudicial, as well unto the King our Soveraign Lord, as to the Merchants: (4) In conſideration whereof be it ordained, eſtabliſhed and enacted by the King our Soveraign Lord, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that from henceforth the Cuſtom and Subſidy of all woollen Clothes to be ſhipped and carried over the Sea, whereſoever they been packed, ſhall be paid to the Cuſtomers of the Port or Ports where any ſuch Clothes ſhall be laden or ſhipped, or to their Deputies: The ſaid Act or any other Act heretofore made to the contrary notwithſtanding.

Where the Cuſtom ſhall be paid, when woollen Cloths be packed in one Port and ſhipped in another.

CAP. VII.

Riots, Raſt. 11. The principal Leaders of any perſons to commit a Riot or unlawful aſſembly, ſhall be committed to priſon ſo long time, and pay ſuch Fine, and be bound to the Peace with ſureties in ſuch a Sum of Mony as ſhall ſeem meet to the Juſtices of Peace before whom the complaint is made, or the Indictment found. And if the Riot be with forty perſons, or thought hainous, then the Juſtices of Peace ſhall certifie the ſame, and ſend up the Record of Conviction to the King and his Council. Exp. St. 1 M. 12.

CAP. VIII.

Uſury, Raſt. 3. A Repeal of the Statute of 3 H. 7. 5. touching uſury. He that lendeth his Mony upon uſury, or maketh any bargain of lands or goods grounded upon uſury, ſhall forfeit the one half thereof. Rep. 37 H. 8. 9. 3 Inſt. 132.

CAP. IX.

Tindal, Raſt. 3. North and South Tindal, and all the lands within the ſame ſhall be gildable, and parcel of the County of Northumberland, and no Franchiſe ſhall be there, but all the Kings Writs and Officers ſhall be obeyed. (2) And no man ſhall demiſe any lands for years, life, or at will there, but the leſſee ſhall before find two ſureties having at the leaſt xl s. of freehold within the County of Northumberland, to be bound by Recogniſance in xx li. to the King, to make anſwer within eight days warning, to all murders, treaſons, felonies, &c. And the leſſor ſhall forfeit xl s. for every acre otherwiſe let, to the King and Juſtices, and the leaſe ſhall be void. (3) And the Juſtices of Peace ſhall enquire of the Recognizances forfeited. Pr.

CAP. X.

Taxes, Raſt. 19. Co. l. 12. 120.

A remedy or means to levy a ſubſidy or benevolence before granted to the King, Exp.

CAP. XI.

Worſteds, Raſt. 5. No man ſhall be a Worſted-ſhearer in Norwich, unleſs he hath been ſeven years an Apprentice, or be allowed by the Mayor and Maſters of the Company. (2) The Worſted-ſhearers in Norwich ſhall make no Ordinance but ſuch as the Mayor and Aldermen ſhall think neceſſary. (3) No Inhabitant in Norwich being not a ſhear-man, ſhall keep a ſhear-man in his houſe. Rep. 19 H. 7. 17. The Citizens of Norwich may take to Apprentice the ſon or daughter of any perſon, notwithſtanding the Statute of 7 H. 4. 17. St. 12 H. 7. 1. 19 H. 7. 17. 5 El. 4.

CAP. XII.

A mean to help and ſpeed poor perſons in their Suits.

Poor people 1.

Prayen the Commons in this preſent Parliament aſſembled, That where the King our Soveraign Lord, of his moſt gracious diſpoſition willeth and intendeth indifferent Juſtice to be had and miniſtred according to his Common Laws, to all his true Subjects, as well to the poor as rich, which poor Subjects be not of ability ne power to ſue according to the Laws of this land for the redreſs of injuries and wrongs to them daily done, as well concerning their perſons and their inheritance, as other cauſes. (2) For remedy whereof, in the behalf of the poor perſons of this Land not able to Sue for their remedy after the courſe of the Common Law: be it ordained and enacted by your Highneſs, and by the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That every poor perſon or perſons, which have or hereafter ſhall have cauſe of action or actions againſt any perſon or perſons within this Realm, ſhall have by the diſcretion of the Chancellor of this Realm for the time being, Writ or Writs original, and Writs of Subpœna, according to the nature of their Cauſes, therefore nothing paying to your Highneſs for the Seals of the ſame, nor to any perſon for the writing of the ſame writs to be hereafter ſued: (3) And that the ſaid Chancellor for the time being ſhall aſſign ſuch of the Clerks which ſhall do and uſe the making and writing of the ſame writs, to write the ſame ready to be ſealed, and alſo learned Council and Atturnies for the ſame, without any reward taking therefore: (4) and after the ſaid Writ or Writs be returned, if it be afore the King in his Bench, the Juſtices there ſhall aſſign to the ſame poor perſon or perſons, Council learned by their diſcretions, which ſhall give their counſels, nothing taking for the ſame: (5) And likewiſe the Juſtices ſhall appoint Atturney and Atturnies for the ſame poor perſon or perſons, all other Officers requiſite and neceſſary to be had for the ſpeed of the ſaid Suits to be had and made, which ſhall do their duties without any reward for their counſels, help and buſineſs in the ſame: (6) And the ſame Law and Order ſhall be obſerved and kept of all ſuch Suits to be made afore the Kings Juſtices of his Common place, and Barons of his Exchequer, and all other Juſtices in the Court of Record where any ſuch Suit ſhall be.

A mean to help and ſpeed poor perſons in their ſuits in every Court of Record.

CAP. XIII.

Who only may carry a Horſe out of this Land without the Kings Licence. The cuſtom and price of a Mare to be tranſported.

Horſes, Raſt. 2.

Foraſmuch as many Horſes and Mares of the breed of this Land now of late have been carried and conveyed out of the ſame into the parts beyond the Sea, which cauſeth not only the ſmaller number of good Horſes to be within this Realm for the defence thereof, but alſo the great and good plenty of the ſame to be in the ſaid parts beyond the Sea, that in times paſt were wont to be within this Land, and over that the price of every of them to be greatly enhanced here to the loſs and noyance of all the Kings Subjects within the ſame: (2) For remedy whereof, be it ordained, enacted and eſtabliſhed by the King our Soveraign Lord, by the advice of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That from henceforth no manner perſon ne perſons carry or convey any Horſe out of this Land, without the Kings ſpecial Licence, upon pain of forfeiture of the ſame, or any Mare above the value of vi s. viij d. without the Kings ſpecial Licence upon the ſaid pain of forfeiture of the ſame Mare, the Owner thereof or his deputy receiving for the ſame Mare vi s. viij d. at the time of the ſeiſure upon the ſaid forfeiture, or elſe it be not forfeit: (3) and at the time of ſeiſure of the ſaid Mare or Mares they ſhall be priſed by the head Officers of the Town where any ſuch Mare is taken, and there openly to be ſold to the beſt price, and the half deal of the over-price of her, being above vi s. viij d. to be to the King, and the other half to him that ſeiſeth: and the Kings part thereof to be delivered to the Cuſtomer of the ſaid Port: (4) And that no manner perſon ne perſons hereafter carry or convey any Mare or Mares out of this Land, except every of the ſaid Mares ſo carried be of the age of three years at the leaſt, and not over the price of vi s. viij d. paying to the King for every of them being not above the value of vi s. viij d. ſo to be carried or conveyed in the ſame Port, ſuch Cuſtoms as hath been for Mares before uſed: (5) And that for every Mare of more value hereafter by the Kings Licence, after the form aforeſaid, conveyed or carried beyond the Sea, the Owner thereof or his Deputy aſſigned, or ſervant, ſhall pay vi s. viij d. for the Cuſtom of the ſame, before it be ſhipped, under the pain of forfeiture of every Mare ſo ſhipped ere they be Cuſtomed. (6) And over, that it be enacted, That if any perſon at the Port will give for any of the Mares ſo to be carried vij s. that it be lawful to him ſo giving and paying the ſaid vij s. to take the ſaid Mare, if ſhe be not afore taken by the Kings Officer, nor the Kings Licence be not in that behalf aforeſaid, for the ſame Mare to be carried, obtained. (7) Provided alway, That it ſhall be lawful to every perſon or perſons being Denizens, hereafter to carry a Horſe beyond the Sea, the Kings Licence in that behalf not obtained, for their own uſe, not intending at the time of the ſhipping of the ſame, nor then fully purpoſed to ſell him, and that intent to be known by the Oath of them that ſhall ſo ſhip the ſame Horſe, taken before the Cuſtomer or Searcher of the ſame Port, this Act notwithſtanding.

No horſe ſhall be carried out of this Realm without the Kings Licence, 22 H 8. 7.

No mare above the value of vi s viij d ſhall be tranſported without licence

No mare ſhall be tranſported except ſhe be of the age of three years, and not above the price of vi s. viij d.

The cuſtom of a mare tranſported vi s. viij d. and her price vij s.

Any perſon may carry a horſe beyond the ſea for his own uſe. St. 1 E. 6. 5. Rep. 5 Eliz. 19.

CAP. XIV.

What Cuſtoms Aliens made Denizens ſhall pay for their Merchandiſes

Cuſtoms 13.

Where the King our Soveraign Lord is greatly deceived in his Cuſtoms and Subſidies by Merchants and ſtrangers, ſuch as the King our Soveraign Lord hath granted by his Letters Patents to be Denizens, and to pay no other Cuſtoms ne Subſidies for their Merchandiſe Inward and Outward but as a Denizen, under colour whereof they Cuſtom not only their own Merchandiſe under the form aforeſaid, but alſo they colourably enter into the Cuſtomers Books the Merchandiſe of other Strangers, calling and ſaying the ſaid Goods of other Merchants to be the Goods of them ſo made Denizens, to the great loſs and defraud of the King our Soveraign Lord: (2) Wherefore be it enacted by the King our Soveraign Lord, the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by authority of the ſame, That all Merchants Strangers, and other that be made Denizens by the Kings Letters Patents or otherwiſe, pay from henceforth ſuch Cuſtoms and Subſidies for their Goods and Merchandiſe, Inward and Outward, as they ſhould have paid, if ſuch Letters Patents and Grants had never to them been made.

Aliens made Denizens ſhall pay ſuch cuſtoms and ſubſidies as they did before. St. 1 H. 7. 2. 22 H. 8. 8.

CAP. XV.

Entring of Plaints in County Courts: Examining of Sheriffs: Execution of Precepts: Viewing of Eſtreats, and gathering of them.

Sheriffs 16. Several miſdemeanors practiſed by Sheriffs, &c. by entring of plaints

Whereas great extortion is yearly uſed and had within divers Counties of this Realm of England, by the ſubtilty and untrue demeanour of Sheriffs, Under-ſheriffs, Shire-Clerks, or any other Officers, holding and keeping the Counties in the name of the Sheriff, that is to ſay, If any Man affirm a plaint before the Sheriffs in the Counties, or before any other of the ſaid Officers, the ſaid Sheriff, Under-ſheriff, or his Shire-clerk will enter or cauſe to be entred in their Books in the ſame Plaintiffs name divers and many plaints both of Debt, Treſpaſs and Covenant, at their pleaſure, and unknowing to the ſame Plaintiff in whoſe name the ſaid plaints been affirmed, to the intent, that if the Defendant appear not at every Shire-day or Court, hanging the ſaid plaint, he ſhall leeſe for his default made at every plaint, four pence, (2) where divers times by covin between the ſaid Sheriffs, Under-ſheriffs, and Shire-clerks, and the other aforeſaid Officers, the ſaid Defendants being never attached, ſummoned nor warned according to the due form of the Common Law, wherefore the ſame parties ſo put in Suit, have no knowledge of any ſuch Suit had againſt them; (3) and over that the ſame Sheriffs, Under-ſheriffs and Shire-clerks, will cauſe divers plaints to be taken in the names of ſuch perſons that are not in plain life, where the ſaid Defendant ſhall have like loſs as is before rehearſed: (4) ſo that the unlawful demeanour of the ſaid Sheriffs, Under-ſheriffs, Shire-clerks for the time being, and the Bailiffs of the Hundreds, for their default and negligence in their Offices, and covin between the ſaid Sheriffs, Under-ſheriffs, Shire-clerks, and other of the foreſaid Officers, cauſeth the amerciaments that be in the one year after the Books be ingroſſed, to amount to great and importable ſums of Mony, (5) which ſums of Mony been yearly levied of the poor Commons in the ſaid Counties by the Sheriffs, Under-ſheriffs and Shire-clerks, and other Deputies being of no ſubſtance, neither of havour, which Deputies take and levy more by extortion then is contained in their eſtreats, to the expreſs pillage and impoveriſhing of the ſaid Com-

No plaint ſhall be entred in the County Court, but where the Plaintiff or his Atturney is preſent.

There ſhall be but one plaint entred for one cauſe.

A Juſtice of Peace may examine the offence, and certifie it into the Exchequer.

The penalty of Bailiffs of Hundreds that do not execute their offices.

Two Juſtices of Peace ſhall view the Sheriffs Eſtreats. 1 Ed. 4. 2.

Bailiffs ſhall be ſworn to gather but what is due.

By whom and when the ſaid Juſt. of Peace ſhall be named.

Proceſs awarded by the Juſtices of Peace againſt an offender.

mons. (6) Be it therefore enacted, ordained, and eſtabliſhed by the King our Soveraign Lord, and by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no Sheriffs, Under-ſheriffs, or Shire-clerks hereafter, neither any perſon in their names, nor by their commandment, ſhall take and enter any plaints into their Books in no mans name, unleſs the party Plaintiff be in his proper perſon preſent in the Court, or elſe by ſufficient Atturney or Deputy that is known to be of good name and diſpoſition: (7) and that the ſame party Plaintiff ſhall find pledges to purſue his ſaid plaint, ſuch perſons as are known there in the County: (8) and that the party Plaintiff ſhall have but one plaint for one Treſpaſs or Contract. (9) And if the ſaid Sheriffs, Under-ſheriffs, Shire-clerks, take and enter or cauſe to be entred any mo plaints then the Plaintiff ſuppoſeth that he hath cauſe or Action againſt the Defendant, that then the ſaid Sheriffs, Under-ſheriffs, Shire-clerks, that do enter or cauſe to be entred any ſuch plaints, contrary to the ſaid proviſion and Ordinance, ſhall forfeit for every default xl s. the one half thereof to be had to the uſe of our Soveraign Lord the King, and the other part to him or them that will ſue and prove the ſame matter by Action of Debt or Information in the Eſchequer. (10) And over, that the Juſtices of Peace in the ſame Counties, and every of them, ſhall have authority upon complaint made by the party ſo unlawfully grieved, to examine the ſaid Sheriffs, Under-ſheriffs, or Shire-clerks and Plaintiffs: (11) and if the ſaid Juſtices of Peace or one of them, find by their examination, default in the ſaid Sheriffs, Under-ſheriffs, or Shire-clerks, in entring of the ſaid plaints deceitfully for his or their advantage, as is before rehearſed, contrary to this preſent Act, that then the ſaid Sheriffs, Under-ſheriffs, and Shire-clerks, ſhall be convict and attaint of the ſame offence without further enquiry or examination, (12) and that he ſhall forfeit upon the ſame examination xl s. to the uſe of our Soveraign Lord the King for every default: (13) And the ſaid Juſtices of Peace that ſo ſhall take the examination, ſhall certifie the ſame examination within a quarter of a year into the Kings Eſchequer, upon pain of xl s. (14) And furthermore, That the ſaid Sheriffs, Under-ſheriffs and Shire-clerks, make or cauſe to be made a ſufficient precept to the Bailiffs of the ſaid Hundreds, to attach, ſummon, or warn the Defendants that are ſo in Suit, to appear and anſwer to the ſaid plaints: (15) and if there be any default in the ſaid Bailiffs of the Hundreds, in warning of the Defendants to appear and anſwer to the ſaid plaints commenced againſt them in their Counties, or in executing their ſaid Office, that then the ſame Bailiffs ſhall forfeit for every default unto our Soveraign Lord the King xl s. (16) and to be attaint and convict thereof by the examination of the Juſtices of Peace, or any of them, as before is rehearſed. (17) And that the ſame Sheriffs, Under-ſheriffs, Shire-clerks, and their Deputies for the time being, ſhall make no Eſtreats to levy the ſaid Sheriffs amerciaments, until ſuch time that two Juſtices of Peace, whereof one ſhall be of the Quorum, have had the view and overſight of their Books: (18) and that the Eſtreats be indented betwixt the ſaid Juſtices of Peace and the ſaid Sheriffs and Under-ſheriffs, and ſealed with their Seals, the one part to remain with the ſaid Juſtices, and the other part with the ſaid Sheriffs or Under-ſheriffs, to the intent they may underſtand if any deceit be, or untrue demeaning in them, in making of their Books: (19) and that thoſe perſons which ſhall be Gatherers of the ſame Amerciaments, as Bailiffs, or other Officers, be ſworn by the ſaid Juſtices, that they take no more Money then is forfeited and contained in the Eſtreats, ſealed with the Seals of the ſaid Juſtices of Peace upon the ſame pain of forfeiture as before is rehearſed: therefore the ſame Gatherers to be convict by examination of the ſaid Juſtices of Peace, or one of them, as before is rehearſed. (20) Provided alway, that the ſaid Juſtices of Peace ſhall be appointed and named at the general Seſſions after the Feaſt of Saint Michael the Archangel, by him that is Cuſtos Rotulorum of the ſaid Counties, or elſe by the eldeſt of the Quorum in his abſence, to have the overſight and controlment of the ſaid Sheriffs, Under-ſheriffs, and Shire-clerks, and other of the ſaid Officers, and of the ſaid Sheriffs Amerciaments: (21) And the ſaid Juſtices of Peace, upon ſuggeſtion or information of the party ſo grieved, ſhall make like Proceſs as in an Action of Treſpaſs againſt the ſaid Sheriffs, Under-ſheriffs, or Shire clerks, and other the foreſaid Officers miſdealing, as before is rehearſed, for to appear before them, to anſwer to the ſaid ſuggeſtion or information.

CAP. XVI.

Calice, Raſt. 5.

He that hath a Freehold in Calice, out of the which any due is iſſuing for the keeping of the ſame, ſhall pay within one year and a day, or elſe ſhall forfeit the Freehold to the King. Exp.

CAP. XVII.

The forfeiture for taking of Feaſants or Patridges, or the Eggs of Hawks or Swans.

Hawks 3, &c.

Raſt. pl. 599. The penalty for taking of Feſants or partridges in anothers ground by nets, &c. St. 23 El. 10. 1 Jac. 27. 7 Jac. 11.

ITem, Foraſmuch as divers perſons having little ſubſtance to live upon, uſe many times as well by Nets, Snares, or other Engines, to take and deſtroy Feſants and Partridges upon the Lordſhips, Manors, Lands, and Tenements of divers Owners and Poſſeſſioners of the ſame, without licence, conſent, or agreement of the ſame Owners or Poſſeſſioners, by the which the ſame Owners and Poſſeſſioners leeſe not only their Pleaſure and Diſport that they, their friends and ſervants ſhould have about Hawking, Hunting, and taking of the ſame, but alſo they leeſe the profit and avail that by that occaſion ſhould grow to their houſhold, to the great hurt of all Lords and Gentlemen, and other having any great livelihood within this Realm: (2) Wherefore it is ordained and enacted, by the authority of this preſent Parliament, That it ſhall not be lawful to any perſon, of what condition he be, to take or cauſe to be taken any Feſants or Partridges by Net, Snares, or other Engines, out of his own Warren, upon the Freehold of any other perſon, without the aſſent, agreement, and ſpecial licence of the Owner or Poſſeſſioner of the ſame, upon pain of forfeiture of x li. the one half thereof to the party that will Sue for the ſame by Action of Debt, or by Bill, or otherwiſe, and the other half thereof to the Owner or Poſſeſſioner of the ſaid ground, upon the which the ſaid Feſants and Partridges be ſo taken. (3) Alſo it is ordained by the ſaid authority, That no manner of perſon, of what condition or degree he be, take or cauſe to be taken be it upon his own ground, or any other mans, the Eggs of any Falcon, Goſhawks, Laners or Swans out of the Neſt, upon pain of Impriſonment of a year and a day, and fine at the Kings will, the one half thereof to the King, and the other half to the Owner of the ground where the Eggs were ſo taken: (4) And that the Juſtices of the Peace have authority by this preſent Act, to hear and determine ſuch matter, as well by Inquiſition as Information and Proofs. (5) Alſo it is ordained by the ſaid authority, That no man from the Feaſt of Paſche next coming, bear any Hawk of the breed of England called a Nyeſſe, Goſhawk, Taſſel, Laner, Laneret or Faulcon, upon pain of forfeiture of his Hawk to the King, and the ſaid Hawk to be at the Kings pleaſure: (6) And that all ſuch perſons that bring any Nyeſſe, Hawk or Hawks, from any the parties beyond the Sea, bring a Certificate under the Cuſtomers Seal of the Port where he firſt landed with the ſaid Hawk or Hawks: (7) or if he come out of Scotland, then under the Seal of the Warden or Lieutenant of that March that he cometh through, teſtifying that the ſame Hawk or Hawks be of the parties beyond the ſea, or of Scotland, upon the ſame pain: (8) And that the perſon that bringeth any ſuch Hawk or Hawks to the King, ſhall have a reaſonable reward of the King, or elſe the ſame Hawk or Hawks for their labour. (9) Alſo it is ordained by the ſame authority, That no man take any Ayrer, Faulcon, Goſhawk, Taſſel, or Laner or Lanerets, in their Warren or Woods, or in other place, nor purpoſely drive them out of their Coverts accuſtomed to breed in, to cauſe them to go to other Coverts to breed, nor ſlay them for any hurt by them done, but ſuffer them to paſs at their liberties, (10) upon pain of ten pound, the one half thereof to the party that will ſue for the ſame by Action of Debt, by examination before the Juſtices of the Peace, Information or otherwiſe, and the other half to the King. (11) Provided alway, That the moyety of the forfeiture aboveſaid given to the Owner of the ground for taking of Swans Eggs, be unto the Owner of the ſaid Swans, and not to the Owner of the ground.

The penalty for taking of Hawks or Swans Eggs out of their neſts.

St. 31 H. 8. 12.

Certain Engliſh Hawks prohibited to be born. He that bringeth a Nyeſſe-Hawk from foreign parts ſhall bring a Certificate.

The penalty for taking, killing or fearing of Hawks.

CAP. XVIII.

The forfeiture of him which goeth not in Perſon with the King in his Wars, when he is in Perſon.

War, Raſt. 8.

Where every Subject, by the duty of his Allegiance, is bounden to ſerve and aſſiſt his Prince and Soveraign Lord at all ſeaſons when need ſhall require, and moſt ſpecially ſuch perſons as have by him promotion or advancement, as Grants and Gifts of Offices, Fees and Annuities, which owe and verily be bound of reaſon to give their attendance upon his Royal Perſon, to defend the ſame, when he ſhall fortune to go in his perſon in Wars for defence of the Realm, or againſt his Rebels and Enemies, for the ſubduing and repreſſing of them and their malicious purpoſe: (2) Wherefore be it enacted and eſtabliſhed by the King our Soveraign Lord, by the advice of his Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That if any perſon or perſons, being within this Realm of England or Wales, having ſuch Offices, Fees or Annuities, by any of his rehearſed Gifts and Grants, do not give their attendance upon him when he ſhall fortune to go in Wars in his perſon, in their ſaid perſons, as their duty bindeth them: that then they and every of them making thereof default, (the Kings ſpecial licenſe not had, or elſe he have ſuch unfeigned ſickneſs, letting or diſeaſe, that he may not in his perſon come to do his perſonal attendance and ſervice after the form aforeſaid, and that duly provided) that then every ſuch perſon or perſons forfeit, and loſe their ſaid Offices, Fees and Annuities, and to ſtand void at the Kings pleaſure, Any Act, Ordinance or Statute to the contrary afore this time had or made any wiſe notwithſtanding. (3) Provided, that this Act extend not to any Spiritual perſon, Maſter of the Rolls, ne to any other Officer and Clerks of the Chancery, Juſtices of either Bench, Barons of the Kings Eſchequer, and other Officers and Clerks of the ſaid places, the Kings Attornies and Sollicitor, and the Serjeants of the Law. (4) Provided alway, that this Act ſhall not extend to any perſon having ſuch Offices of the Kings Highneſs, and being in his Service within his Towns and Fortilities of Berwick and Carlile, ne to the Clerk of the Kings Council for the time being. Stat. 19 H.7.1. Dyer 4 El. f. 211.

He that will not go in perſon with the King in his wars where he is in perſon, ſhall loſe his offices, &c. granted by the King.

Certain perſons whereunto this Statute doth not extend.

CAP. XIX.

What Stuff Upholſters ſhall put in Bolſters, Feather-beds and Pillows.

Upholſters 13. 2 Bulſtr. 188.

To the Right Worſhipful Commons in this preſent Parliament aſſembled, ſheweth unto your diſcreet Wiſdoms, the Wardens of the Fellowſhip of the Craft of Upholſters within the City of London. (2) That whereas divers perſons within the Realm of England, out of the ſaid City, make and do to be made unlawful and falſe Wares and Merchandiſes, to the great rebuke and ſlander of the ſaid Craft, and alſo great jeopardy, loſs and deceit to the Kings Subjects, wherefore there is no ſufficient remedy purveyed, for ſo much as the ſame Wardens have no power nor authority to make due ſearch of ſuch falſe deceivable Wares and Merchandiſes put to ſale out of the ſaid City, as they have power and authority within the ſame City, as in Fether-beds, Bolſters and Pillows made of two manner of corrupt Stuffs, that is to ſay, of ſcalded Fethers and dry pulled Fethers together, and of Flocks and Fethers together, which is contagious for Mans body to lie on, and alſo in Quilts, Mattreſſes and Cuſhions ſtuffed with Horſe-hair, Fenn-down, Neats-hair and Goat-hair, which is wrought in Lime-fats, and by the heat of mans body, the ſavour and taſte is ſo abominable and contagious, that many of the Kings Subjects thereby been deſtroyed: (3) which deceitful making of the foreſaid corrupt and unlawful ſtuff, is to the great loſs and impoveriſhing of the Kings liege people, and alſo to the great rebuke and ſlander to the ſaid Craft of Upholſters: (4) Therefore may it pleaſe the Kings Highneſs, by the advice of the Lords Spiritual and Temporal, and his Commons in this preſent Parliament aſſembled, and by authority of the ſame, to eſtabliſh and enact, That from henceforth no perſon ne perſons ſhall make, ordain, utter, ne put to ſale in Fairs ne in Markets within this his ſaid Realm, any Fether-beds, Bolſters or Pillows, except they be ſtuffed with one manner of ſtuff, that is to

ſay,

What Stuff ſhall be put into Bolſters, Pillows and Fether-beds.

What Stuff ſhall be put into Quilts, Matreſſes and Cuſhions.

ſay, with dry pulled Fethers, or elſe with clean Down alone, and with no ſcaled Fethers, nor Fenn-down, nor none other unlawful corrupt Stuffs, as is afore rehearſed, but utterly to be damned for ever; (5) Except if any perſon or perſons for their own proper uſe in their houſes, make or do to be made any of the foreſaid corrupt and unlawful Stuffs and Wares, ſo they been not offered to be ſold in Fairs and Markets, upon pain of forfeiture. (6) And alſo in likewiſe Quilts, Matreſſes and Cuſhions be ſtuffed with one manner of Stuff, that is to ſay, with clean Wool, or clean Flocks alone, and with no ſuch unlawful afore rehearſed upon pain of loſs and forfeiture of all ſuch unlawful Wares and Merchandiſes. St. 5 Ed. 6. 23.

CAP. XX.

Certain alienations made by the Wife of the Lands of her deceaſed Husband, ſhall be void.

Women 1.
Hob. 293.
1 Leon. 261.
2 Leon. 168.
2 And. 44, 57.
Golsb. 27. pl. 8.
2 Roll. 417, 591.

Alienation by the wife of the inheritance of her deceaſed Husband ſhall be void.

Upon the recovery or alienation of the woman, he in the reverſion may enter.
2 And. 31.

A woman covert bound but during her Husbands life.
2 Cro. 688.
2 Bolſtr. 42.
Bridgm. 27.

A woman ſole aliening, or ſuffering a recovery.

A proviſo for a recovery had before the time of the Statute.

A woman doth diſcontinue, or ſuffer recovery with the heirs conſent.

A woman may alien her land for the term of her life only.

FOR certain reaſonable conſiderations, be it ordained, enacted and eſtabliſhed by the King our Soveraign Lord, and by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That if any Woman which hath had, or hereafter ſhall have any Eſtate in Dower, or for term of Life, or in Tail, jointly with her Husband, or only to her ſelf, or to her uſe, in any Manors, Lands, Tenements, or other Hereditaments, of the Inheritance or Purchaſe of her Husband, or given to the Husband and Wife in tail, or for term of life, by any of the Anceſtors of the ſaid Husband, or by any other perſon ſeiſed, to the uſe of the ſaid Husband, or of his Anceſtors, and have or ſhall hereafter, being ſole, or with any other after taken Husband, diſcontinued, or diſcontinue, aliened, releaſed or confirmed, alien, releaſe or confirm, with warranty, or by covin ſuffered, or ſuffer any recovery of the ſame againſt them, or any of them, or any other ſeiſed to their uſe, or to the uſe of either of them, after the form aforeſaid, that all ſuch recoveries, diſcontinuances, alienations, releaſes, confirmations and warranties ſo had and made, and from henceforth to be had and made, be utterly void and of none effect: (2) And that it ſhall be lawful to every perſon and perſons to whom the Intereſt, Title or Inheritance, after the deceaſe of the ſaid Women, of the ſaid Manors, Lands and Tenements, or other Hereditaments, being diſcontinued, aliened, and ſuffered to be recovered, after the firſt day of December next coming, in the form aforeſaid, ſhould appertain to enter into all and every of the Premiſſes, and peaceably to poſſeſs and enjoy the ſame, in ſuch manner and form as he or they ſhould have done, if no ſuch diſcontinuance, warranty, nor recovery had been had nor made. (3) And over this be it ordained and enacted by the ſaid authority, That if any of the ſaid Husbands and Women, or any other ſeiſed, or that ſhall be ſeiſed to the uſe of them of the Eſtate afore ſpecified, after the ſaid firſt day of December, do make or cauſe to be made, or ſuffer any ſuch diſcontinuance, alienations, warranties, or recoveries in form aforeſaid, that then it ſhall be lawful to the perſon or perſons to whom the ſaid Manors, Lands, or Tenements ſhould or ought to belong after the deceaſe of the ſaid Women, to enter into the ſame, and them to poſſeſs and enjoy, according to ſuch Title and Intereſt as they ſhould have had in the ſame, if the ſame Woman had been dead, no diſcontinuance, warranty, nor recovery had, as againſt the ſaid Husband during his life, if the ſaid diſcontinuance, alienation, warranties, and recoveries be hereafter had, by or againſt the ſame Husbands and Women during the coverture and eſpouſal betwixt them. (4) Provided alway, that the ſaid Women, after the deceaſe of the ſaid Husbands, may re-enter into the ſame Manors, Lands and Tenements, and them to enjoy according to their firſt eſtate in the ſame. (5) And over this be it ordained and enacted by the ſaid authority, That if the ſaid Woman, at the time of ſuch diſcontinuance, alienations, recoveries, warranties, after the ſaid firſt day of December, in form aforeſaid, to be had and made of any of the Premiſſes, be ſole, that then ſhe ſhall be barred and excluded of her Title and Intereſt in the ſame from thenceforth: (6) and that the perſon and perſons to whom the Title, Intereſt, and Poſſeſſion of the ſame ſhould belong after the deceaſe of the ſaid Woman, ſhall immediately after the ſaid diſcontinuances, alienations, warranties and recoveries, enter into the ſame Manors, Lands, Tenements, and other Hereditaments, and them to poſſeſs and enjoy, according to his or their Title in the ſame. (7) Provided alſo, that this Act extend not to avoid any recovery, diſcontinuance or warranty, after the form aforeſaid, afore this time had, made and ſuffered, but only where the ſaid Husband and Woman, or either of them now being alive, or any other to their uſe, now have Intereſt and Title to the ſaid Manors, Lands, Tenements, or other Hereditaments, aliened, diſcontinued, or ſuffered to be recovered after the form aforeſaid, and thereof now taking the Iſſues and Profits, or any other perſon or perſons to their uſe. (8) Provided alſo, That this Act extend not to any ſuch recovery or diſcontinuance to be had with the heirs next inheritable to the ſaid Woman, (9) or where he or they that next after the death of the ſame Woman ſhould have Eſtate of Inheritance in the ſame Manors, Lands or Tenements, be aſſenting or agreeable to the ſaid recoveries, where the ſame aſſent and agreement is of Record or Enrolled. (10) Provided alſo, That it ſhall be lawful to every ſuch Woman being ſole, or Married after the death of her firſt Husband, to give, ſell, or make diſcontinuance of any ſuch Lands for term of her life only, after the courſe and uſe of the Common Law, before the making of the preſent Act. St. 6 Ed. 1. 7. 32 H. 8. 36.

CAP. XXI.

The ability of every Man that ſhall be impanelled in any Enqueſt or Attaint in London.

Attaint 13.
Jurors 16.

WHereas Perjury is much, and cuſtomably uſed within the City of London, among ſuch perſons as paſſen and been impanelled upon Iſſues joined between party and party in the Courts of the ſame City, to the great diſpleaſure of Almighty God, and alſo to the diſheritance and manifold wrongs of the Kings Subjects, for as much as there is impanelled in the ſame Enqueſts perſons of little ſubſtance, diſcretion and reputation: (2) and alſo no Attaint, ne other ſufficient puniſhment is for ſuch perjured perſons before this time purveyed and ordained within the ſame City: (3) Therefore it may pleaſe the Kings Highneſs by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent

Parliament aſſembled, and by authority of the ſame, to eſtabliſh, ordain, and enact, That no perſon ne perſons hereafter be impanelled, ſummoned, or ſworn in any Jury or Enqueſt, in Courts within the ſame City, except he be of lands, tenements, or goods and chattels, to the value of xl marks: (4) and that no perſon or perſons hereafter be impanelled, ſummoned, nor ſworn in any Jury or Enqueſt in any Court within the ſaid City, for lands or tenements, or action perſonal, wherein the debt or damages amounteth to the ſum of xl marks or above, except he be in lands, tenements, goods or chattels to the value of C marks: (5) and the ſame matter and cauſe alledged by any of the ſaid parties by way of challenge, and ſo founden, ſhall be admitted and taken in every of the ſame Courts as a principal challenge. (6) And that every ſuch perſon hereafter to be impanelled or ſummoned to appear in any Jury or Enqueſt, before any of the ſaid Juſtices in the ſame City, making default, at the firſt ſummons loſe and forfeit in Iſſues xij d. and at the ſecond default ij s. and ſo at every ſuch default after that, the iſſues and penalties to be double: (7) and all ſuch iſſues loſt in the Mayors Court, ſhall be forfeited, levied and perceived to the uſe and behoof of the Mayor and Commonalty of the ſaid City, and all ſuch iſſues loſt in the Sheriffs Court or Courts ſhall be forfeited, levied, and perceived to the uſe of the Sheriffs of the ſame City for the time being, towards their feeferm. (8) And alſo be it enacted by like authority, that the party grieved by any untrue or falſe verdict hereafter to be given in any of the Courts of the ſaid City, ſhall and may have and ſue attaint by bill in the Huſtings of London, holden for common pleas before the Mayor and Aldermen of the ſame City, for the time being: (9) and thereupon a precept to be awarded and made by the ſame Mayor to every Alderman of the ſaid City, or his deputy in his abſence, to preſent or certifie the names of iv indifferent and diſcreet perſons of good fame, and every of them of ſubſtance of C li. or more, Citizens of the ſame City, dwelling in his ward, to the Mayor and Aldermen of the ſaid City, for the time being, at the Huſtings of Common Pleas within the ſame City then next enſuing to be holden: (10) of which perſons ſo preſented and certified, the ſaid Mayor and ſix Aldermen or more, holding the ſame Court of Huſtings, ſhall take, name and impanel xlviij by their diſcretion thought moſt able, ſufficient and indifferent: and the Mayor and his Succeſſors, Mayors of the ſaid City, ſhall do to be ſummoned the ſaid xlviij perſons ſo by the ſaid Mayor and Aldermen named and impanelled, (11) and alſo the Jurors of the pety Jury, and the party or parties named as Tenants or Defendants in the ſaid bill of attaint to appear before the Mayor and Aldermen of the ſame City at the Huſtings of Common Pleas then next to be holden in the ſame City: (12) and if the ſame attaint then, or any other time hap to remain untaken for or by default of Jurors, by challenge, or otherwiſe, that upon every tales granted, the ſaid Mayor and Aldermen ſhall impanel the ſaid perſons which were certified by the ſaid Aldermen or their Deputies, and omitted out of the ſaid panel, or put therein other perſon or perſons being Citizens of the ſaid City, of the ſubſtance of C li. or more. (13) And alſo, that all the plea and pleas to be alledged or pleaded by, or for the Tenant or Defendant, Tenants or Defendants, or by any of the Jurors of the pety Jury in the ſame attaint, and triable by any Jury or Enqueſt, ſhall be tried within the ſame City, and by the Enqueſts of the ſame, and in none other place ne County. (14) And that none of the ſaid pety Jury, ne other parties named in any ſuch Bill of attaint, ſhall or may have any challenge to the array, or to any perſon or poll therein being impanelled for lack of ſufficiency of goods or of lands. (15) Over that be it provided and enacted, that the judgment in any ſuch attaint ſhall not extend to any lands or tenements, ne to other puniſhment of the pety Jury, ne other proceſs to be in the ſame attaint than is limited and appointed in this preſent Act. (16) And if the xxiv perſons of the ſaid xlviij perſons ſworn in the ſame attaint, find that the Jurors named in the pety Jury have made and given an untrue verdict, that then the Judgment ſhall be againſt the party defendant in the ſame attaint, as is uſed in attaint ſued by writ at Common Law: (17) And furthermore, the judgment in the ſame attaint ſhall be againſt the pety Jury, that every of the Jurors of the ſame pety Jury ſhall forfeit and loſe xx li. or more, by the diſcretion of the Mayor and Aldermen of the ſaid City, keeping the ſame Huſtings, or any other Huſtings of Common Pleas, to ſuch uſe and behoof as other iſſues and penalties been forfeited and loſt in any action or plaint commenced before the Mayor and Aldermen of the ſame City, and his body to be impriſoned, there to remain without bail or mainpriſe vj months or leſs, by the diſcretion of the Mayor and Aldermen of the ſame City for the time being, and to be diſabled for ever to be ſworn in any Jury before any temporal Judge. (18) And over that be it enacted by the ſame authority, that if it be found by the grand Jury in the ſame attaint, that the pety Jury have given a true Verdict, that then the grand Jury ſhall have authority and power to enquire if any of the pety Jury took or perceived any ſum of mony, or other reward, or promiſe of mony, or other reward of them named Defendants, or Tenants in the ſame attaint: or if any other perſon or perſons by the commandment, covin, or aſſent of any of them, to or for the intent of their verdict given, whereupon the ſame attaint is grounded, (19) and after any ſuch corruption by the ſaid grand Jury is founden, that then the Juror or Jurors of the ſaid pety Jury, that is found ſo defective in taking and perceiving any ſums of mony, or other reward, or promiſe of reward, ſhall loſe, forfeit and pay to the Plaintiff or Plaintiffs named in the ſame attaint, ten times the value of that ſum, or other reward ſo taken, perceived or promiſed, in form aboveſaid, and ſhall ſuffer impriſonment without bail or mainpriſe vj months or leſs, by the diſcretion of the ſaid Mayor and Aldermen, and ſhall be diſabled for ever to be ſworn in any Jury before any Temporal Judge. (20) And over that be it enacted, that ſuch Defendant or Tenant, Defendants or Tenants in the ſame attaint, ſhall loſe, forfeit and pay to ſuch uſe and behoof as other penalties been forfeited within the ſame City, ten times the value of that ſum of mony, or other reward by him or them ſo given to any of the ſaid pety Jury: and the ſame Defendant or Tenant, Defendants or Tenants, ſhall be impriſoned, there to remain without bail or mainpriſe, during vj months or leſs, by the diſcretion of the ſaid Mayor and Aldermen. (21) And if any debts, damages or coſts be recovered in any action whereupon ſuch attaint is grounded, and by the ſame attaint it be found, that the pety Jury have given a falſe ſere-

Of what ability every man ought to be which ſhall be impanelled in any enqueſt in London.

What a man making default of appearance in London ſhall forfeit, and to whom.

An attaint may be ſued by Bill in the Huſtings in London.

A precept by the Mayor to the Aldermen to ſummon a Jury.

48 perſons impanelled and ſummoned to appear upon an attaint.
Raſt. pla f. 90.

A Tales for default of appearance of the Jurors.

Pleas of attaint commenced in London, ſhall be tried there.

No challenge for lack of ſufficiency.

The judgment where the pety Jury in London is attainted, againſt the defendant and the pety Jury.

The judgment where the firſt verdict is affirmed.

Inquire if any of the pety Jury have taken rewards.

Remedies for the debts, coſts and damages, recovered in the firſt action.

ment, that then for the recovery, and reſtitution of the ſame debt, damages and coſts, the Plaintiff or Plaintiffs in every attaint ſhall and may ſue an action of debt againſt the ſame Defendant or Tenant, by Writ, Bill or Plaint in every of the Kings Courts, wherein the ſame Defendant or Tenant, and every of them ſhall not be received to do his Law.

The penalties if the Plaintiff be nonſuit, or the firſt verdict be affirmed.

(22) And over that, be it enacted, That if any Plaintiff or Plaintiffs, in any ſuch attaint commenced before the ſaid Mayor and Aldermen upon any record remaining within the ſame City, therein be non-ſuit, or if the firſt ſerement therein be affirmed, that then he or they ſhall have impriſonment, and make fine by the diſcretion of the Mayor and Aldermen of the ſaid City for the time being: and that fine to be and go to the Mayor and Commonalty of the ſaid City.

The attaint ſhall not abate, though one of the Plaintiffs die, or be nonſuit, or any of the pety Jury.

(23) And if there be two or more Plaintiffs in any ſuch attaint ordained by this ſtatute, and if any of them die or be non-ſuit, the other by this Act ſhall be enabled to ſue for the proceeding in the ſame attaint, and notwithſtanding the death of the Defendant or Tenant, Defendants or Tenants, or any of the pety Jury named in the ſame attaint, ſo that there be two of the ſame pety Jury on live, the ſame attaint ſhall not abate.

The penalty of the grand Jurors making default.

(24) And alſo be it ordained by the ſame authority, That if any of the Jurors of the ſaid grand Jury impanelled and ſummoned in form aforeſaid, at the ſummons make default, ſo that the attaint remaineth to be taken for default of Jurors, that then every of the ſaid Jurors ſo making default, loſe and forfeit for the firſt default, xl s. and at the ſecond default, v li. and at every default after that, x li.

The proceſs in Attaint.

(25) And like proceſs to be made and ſued there, againſt the grand Jury and the pety Jury, and the party and parties as is to be made and ſued in attaint ſued at the Common Law: and that the ſame Proceſs be returnable at every Huſtings of Common Pleas:

Defaults ſhall not ſtay the taking of the Attaint.

(26) and that the attaint remain not to be taken after the firſt ſummons returned for or by the default of the Defendant or Tenant, Defendants or Tenants, or of any of the pety Jury named in the ſame attaint by this Act ordained:

Who ſhall have the Iſſues and penalties forfeited.

(27) and that the ſaid iſſues or penalties forfeited by any of the ſaid grand Jury, be forfeit, levied and perceived to the uſe of the Mayor and Commonalty of the ſaid City: (28) and that no protection nor eſſoin be allowed in this attaint by this Act purveyed.

Where the Attaint ſhall be taken per medietatem linguæ.

(29) Provided alway, that upon all attaints hereafter to be commenced within the ſaid City upon any Record wherein the trial and enqueſt was by half tongue, that the ſaid Mayor and Aldermen ſhall impanel the grand Jury in the ſame attaint, the one half of Strangers of good fame, and of the ſubſtance of goods to the value of C li. and more, inhabiting within the ſame City at large, and the reſidue of the ſame grand Jury to be of like value and ſubſtance of goods impanelled of the Citizens as aforeſaid. (30) And over this, be it enacted by the ſaid authority, That no Act of attaint of the pety Jury made in this preſent Parliament, nor nothing therein contained, other than this preſent Act, nor other penalty or puniſhment in any other Act than is afore contained in this preſent Act, be hurtful nor extend to any Jury or Enqueſt hereafter to be taken before any Judge of and within the ſame City.
St. 4 H. 3. 23 H. 8. 3. 37 H. 8. 5.

CAP. XXII.

Labourers, Raſt. 33.

The ſeveral years wages of Servants in Husbandry, viz. of the Bailiff of Husbandry, chief Hind, Carter, Shepherd, common Servant, Woman Servant, and Child within xlv years of age. And the ſeveral wages of Artificers, and Day-labourers, with meat and drink or without: And ſeveral times limited for their work, meals and ſleep. Rep. 5 El. 4. St. 12 H. 7. 3.

CAP. XXIII.

The ſelling of Salmons and Eels, their veſſels, packing and gauging of them.

Corporations, 14.
St. 22 Ed. 4. 2.

Where at a Parliament holden at Weſtminſter in the xxij year of the Reign of King Edward the Fourth, among other things it was enacted, ordained and eſtabliſhed, that no Merchant-ſtranger, nor denizen, after the Feaſt of S. Michael the Archangel then next coming, ſhould ſell or put to ſale any Salmon by Butt, Barrel, half-Barrel, or any other Veſſel afore it ſhould be ſeen, except the ſame Butt ſhould hold and contain lxxxiv gallons, the Barrel xlij gallons, the half-barrel xxj gallons, well and truly packed, upon pain of forfeiture for every Butt, Barrel, and half-barrel, ſo lacking their ſaid meaſure, vj s. viij d.

The contents of veſſels of Salmon, and how they ſhall be packed.

(2) And that no ſuch Merchant being under the ſaid Kings obeyſance, after the Feaſt of S. Michael, ſhould ſell or put to ſale any manner of Salmon by Butt, Barrel, or other Veſſel, except it ſhould be well and truly packed, that is to ſay, the great Salmon by it ſelf, without medling of any Grills, or broken-bellied Salmon with the ſame: (3) and that all ſmall fiſh, called Grills, ſhould be packed by themſelves only without any medling, upon pain of forfeiture and loſing vj s. viij d. for every Butt, Barrel, or half-barrel, contrary to the ſaid Act, medled, packed, and put to ſale:

The contents of veſſels of Herring, and how they ſhall be packed.

(4) And that no ſuch Merchant nor other perſon ſhould put any Herring to ſale by Barrel, demy-barrel, or Firkin, except the ſame Barrel contain xxxij gallons, the half-barrel, and Firkin after the ſame rate: (5) And that the ſame Herring ſhould be well, truly, and juſtly layed and packed, and ſhould be of one time taking and ſalting, and that the ſame Herring ſhould be as good and as well packed in the middeſt and every part of the ſame Barrel and other Veſſels, as it ſhould be at any of the ends of the ſame Barrel and Veſſel, upon pain of forfeiting and loſing of iij s. iv d. for every Barrel, half-Barrel, and Firkin ſo lacking their ſaid meaſure, and alſo upon pain of forfeiting and loſing of iij s. iv d. for every Barrel, half-barrel and Firkin of Herring, contrary to the ſaid Act ſorted, layed or packed.

The contents of veſſels of Eels, and how they ſhalle be packed.

(6) Alſo that no ſuch Merchant or pailingman ſhould ſell or put to ſale any Eels by Barrel, half-barrel, or Firkin, except the Barrel contain xlij gallons, the half-barrel and Firkin after the ſame rate: (7) nor that any ſuch Merchant nor pailing man ſhould meddle any galbytten, ſtorven or pyled Eels with good Eels, but that the ſame good Eels ſhould be well and juſtly packed, and ſo ſold by themſelves, nor ſhould meddle with the ſaid good Eels, nor put to ſale any red Eels, upon pain of forfeiture and loſing of x s. for every Barrel, half-barrel and Firkin ſo lacking their ſaid meaſure, and upon pain of loſing of x s. for every Barrel, half-barrel and Firkin ſo as is aforeſaid meddled, and contrary to the ſaid Act packed or put to ſale:

How fiſh ſhall be packed.

(8) And that no Merchant after the ſaid Feaſt ſhould ſell nor put to ſale any barrelled fiſh, except the ſame fiſh ſhould well and truly be packed, that is to ſay, the tail fiſh by themſelves, and the ſmall fiſh called Gulls by themſelves, without any medling of the ſaid ſmall fiſh with the great fiſh, and without medling and

packing of Thokes and broken bellied fiſh, with the ſaid tail fiſh or ſmall fiſh: and that neither the tail fiſh nor ſmall fiſh ſhould be laid double in packing, and that every tail fiſh ſhould contain in length from the bone of the fin to the third joint of the tail xxvj inches at the leaſt, and that the napes of all ſuch barrelled fiſh ſhould be no longer than the little bone that ſitteth upon the great fin, and that the bone of every ſuch ſalt fiſh ſhould be taken away unto the navel of the ſame fiſh, and that every ſuch fiſh ſhould be platted down to an handful of the tail, upon pain of forfeiture of loſing iij s. iv d. for every barrel of fiſh which from henceforth ſhould be found packed, ſorted and medled, naped, layed double, or not boned nor ſpletted according to the ſaid Act. (9) And alſo in eſchewing of the common hurts and deceits above rehearſed, the ſaid late King ordained and enacted by the ſaid authority, that all Mayors, Bailiffs, Governors of Cities, Towns, Boroughs, Markets, and all other places of this Realm for the time being where they ſhould be Mayors, Bailiffs, and Governors, ſhould have power and authority to name, and chooſe a diſcreet and expert perſon or perſons, duely to ſearch and gauge all ſuch veſſels as been above rehearſed, that they ſhould be truly packed, and keep their true meaſure and aſſiſe, according to the Ordinances abovesaid, as in the foreſaid Act thereof made more plainly appeareth. (10) And for as much as in the ſaid Act no certainty is appointed how much every ſuch Gauger, Packer and Searcher ſhould take for his labour in executing of their ſaid Office, they been their own Judges, and at their pleaſures take for the ſame gauging, packing and ſearching, by way of extortion, ſuch great ſums of mony as them liketh, whereby the Kings true Subjects are greatly impoveriſhed and wronged; (11) That it might therefore pleaſe the Kings Highneſs, by advice of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, to confirm, ratifie and eſtabliſh the ſaid Act, and every thing therein compriſed: (12) and over that by the ſame authority to ordain and eſtabliſh, That every ſuch Gauger, Packer and Searcher, take no more for gauging of a barrel-Salmon, barrel-Herring, barrel-Fiſh, barrel-Eels, half-barrel and firkin, for every piece ſo gauged, but a farthing, (13) and for his labour for ſearching and packing, if it be need, of a barrel-Salmon from head to head, i d. (14) and for his labour for boning, naping and packing of a barrel fiſh, if it be need, i d. (15) and for his labour in ſearching and packing of a barrel-Herring from head to head, if it be needful, ii d. (16) and for ſearching and packing of every barrel of Eels, ii d. and for ſearching and packing of every half barrel of Herring from head to head, i d. and for every half-barrel Eels ſearching and packing i d. and for ſearching and packing of every firkin of Herring, if it be needful, ob (17) And over that, that all and every ſuch Gauger, Searcher, and Packer that miſbehaven or offend in any thing concerning the ſaid Offices of Gauger, Searcher and Packer, contrary to this Act, and ſo proved before any of the ſaid Mayors, Bayliffs or Governors of any City, Town, Borough, Market, or any other place within this Realm where he or they be ſo Gaugers, Packers or Searchers, Gauger, Packer or Searcher, ſhall loſe and forfeit his ſaid Office, and the ſame from thenceforth no longer to enjoy; Any leaſe, grant or grants thereof made notwithſtanding. (18) And for further puniſhment, to have and ſuffer impriſonment by the ſpace of lx days without bail or mainpriſe. (19) Provided always, that the ſaid Searcher and Packer, or any of them, ſhall nothing receive of the ſaid fees by colour of their Office, but only for ſuch Buts, Barrels, half-Barrels and Firkins, as by them ſhall hereafter be ſufficiently ſearched and packed, and be not afore ſufficiently packed. This preſent Act to begin and take effect at the Feaſt of Eaſter next coming, and not afore.

Chief Officers ſhall appoint Gaugers of Fiſh

Gaugers, Packer and Searcher.

That the Gauger, Packer and Searcher ſhall take for gauging, &c of ſeveral ſorts of fiſh.

The penalty of a Gauger, Searcher, or Packer offending.

Searchers and Packers ſhall not be allowed but where they take pains.

CAP. XXIV.

An Attaint ſhall be maintainable againſt the party, and petit Jury: The Proceſs therein, the ability of the Jurors, the Pleas of the Defendant and petit Jury, and their puniſhment being attainted. Panels returned by the Sheriff to enquire for the King, may be reformed by the Juſtices. Exp. St. 1 H.8.11. 3 H 8.12. 23 H.8.3.

Attaint, Raſt. 14.

CAP. XXV.

Perjury committed by unlawful maintenance, imbracing, or corruption of Officers, or in the Chancery, or before the Kings Council, ſhall be puniſhed by the diſcretion of the Lord Chancellor, Treaſurer, both the Chief Juſtices, and the Clerk of the Rolls: And if the Complainant prove not, or purſue not his Bill, he ſhall yield to the party wronged his coſts and damages. Exp. St. 12 H.7.2. 5 El. 9.

Panel, Raſt. 3.

CAP. XXVI.

It ſhall be lawful to every Sheriff of the Counties of Southampton, Surrey and Suſſex, to empanel and ſummon xxiv. lawful Men of ſuch Inhabitants within the precinct of his or their Turns, as owe ſuit to the ſame Turn, whereof every one hath Lands or Free-hold to the yearly value of x s. or Copyhold Lands to the yearly value of xiii s. iv d. above all charges within any of the ſaid Counties, or Men of leſs Livelihood, if there be not ſo many there, notwithſtanding the Statute of 1 R. 3. 4. Exp. 19 H. 7. 16.

Jurors, Raſt. 3 Inſt 164.

CAP. XXVII.

A remedy to avoid deceitful ſleights uſed upon Fuſtians.

PRayen the Commons in this preſent Parliament aſſembled, That whereas Fuſtians brought from the parts beyond the Sea unſhorn into this Realm, have been and ſhould be the moſt profitable Cloth for doublets and other wearing Clothes, greatly uſed among the common people of this Realm, and longeſt have endured of any thing that have come into the ſame Realm from the ſaid parts to that intent, for that the cauſe hath been that ſuch Fuſtians afore this time have been truly wrought and ſhorn with the broad ſhere, and with no other inſtruments, or other deceitful mean occupied upon the ſame; (2) Now ſo it is, that divers perſons, by ſubtilty and undue ſleights and means, have deceivably imagined and contrived inſtruments of iron, with the which irons, in the moſt higheſt and ſecret places of their houſes, they ſtrike and draw the ſaid irons on the ſaid Fuſtians unſhorn: by means whereof they pluck off both the nap and cotton of the ſame Fuſtians, and break commonly both the ground and threeds in ſunder, and after by crafty ſleeking they make the ſame Fuſtians to appear to the common people fine, whole and ſound: and alſo they raiſe up the cotton of ſuch Fuſtians, and then take a light candle and ſet it in the Fuſtian burning, which ſengeth and burneth away the cotton of the ſame Fuſtian from the one end to the other, down to the hard threeds, in ſtead of ſhering, and after that put them in colour; and

Fuſtians, 1.

Unlawful deviſes practiſed upon Fuſtians.

ſo ſubtilly dreſs them, that their falſe work cannot be eſpied, without it be by workmen-ſherers of ſuch Fuſtians, or by the wearers of the ſame: (3) and ſo by ſuch ſubtilties, whereas Fuſtians made in doublets, or put to any other uſe, were wont and might endure the ſpace of two years and more, will not endure now whole by the ſpace of four months ſcarcely, to the great hurt of the poor commons and ſervingmen of this Realm, to the great damage, loſs and deceit of the Kings true Subjects, buyers and wearers of ſuch Fuſtian: (4) For remedy whereof, be it Enacted, ordained and eſtabliſhed, by the King our Soveraign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no ſuch iron or inſtruments, nor any other untrue, ſubtile mean or ſleight be from henceforth uſed upon any Fuſtian within this Realm, but only by the broad ſheres, (5) upon forfeiture of xx s. to be levied for every default of every ſuch perſon or perſons hereafter offending and uſing any ſuch deceivable inſtruments or ſleights as is aforeſaid: The one half of the forfeitures to be to the King our Soveraign Lord, and the other half to him or them that will ſue for the ſame forfeitures by action of debt, bill, plaint, or information, in any of the Kings Courts of Record, where the ſame may be determined after the courſe of the Common Law: (6) and that the Defendant in ſuch behalf in no wiſe be admitted to wage his Law, nor that any protection or eſſoin be in the ſame allowable.

A remedy to avoid deceitful ſleights uſed upon Fuſtians.

The Mayor and Sheremen of London may enter & ſearch the occupiers of Fuſtian and Cloth.
St. 39 El. 13.

(7) And over this, be it ordained by the ſaid authority, That the Mayor and Wardens of Sheremen of the City of London for the time being, have authority to enter and ſearch the workmanſhip of all manner perſons occupying the broad Shere, as well Fuſtian as Cloth, and the execution of this preſent Act to be as well of Denizens as of Foreigners and Strangers.

Anno duodecimo HENRICI *ſeptimi.*

THE King our Soveraign Lord *Henry* the Seventh after the Conqueſt, by the Grace of God King of England and of France, and Lord of Ireland, at his Parliament holden at Weſtminſter the ſixteenth day of January, in the twelfth year of his Reign, to the honour of God, and holy Church, and for the common profit of the Realm, and by the aſſent of the Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſame Parliament, hath done to be made certain Statutes and Ordinances in manner and form following.

CAP. I.

For Worſteds, Says, and Stamins. Norf.

Labourers 27. The makers of Worſted, &c. in Norfolk, may take any to be apprentice.

St. 7 H. 4. 17.

11 H. 7. 11.

TO the King our Soveraign Lord, Prayen your Commons in this preſent Parliament aſſembled, That where the common weal and profit of your Inhabitants within your County of Norfolk, have in time paſſed been by the due occupation of making of Worſteds, Says and Stamins, which occupation now is like to decay, for as much as the occupiers of the ſame may not have any Apprentice, but if his father may diſpend lands or rents to the value of xx s. by year, of which ability can few or none be had to be apprentice: (2) ſo that for lack of apprentices the ſaid occupation is like to be ſet apart, and in time to come to be utterly deſtroyed, which ſhould be the loſs of the common weal of your ſaid County, and the impoveriſhing of the Inhabitants of the ſame: (3) That it may like your Highneſs of your benign Grace, in conſideration of the Premiſſes, by the aſſent of your Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by authority of the ſame, be enacted, ordained and eſtabliſhed, That every perſon of the aforeſaid occupation within your County of Norfolk, the which the four Wardens of the ſaid occupation within your foreſaid County yearly choſen ſhall enable to keep an apprentice, ſhall by this preſent Act be at liberty to take and keep at all times one or two apprentices, any perſon or perſons hereafter put to the foreſaid occupation, ſo that he paſs not two at once at the moſt: (4) And in like wiſe hereafter every perſon ſhall be at liberty to put any apprentice to the aforeſaid occupation; Any Act or Ordinance afore made to the contrary notwithſtanding.

Apprentice. The makers of Worſteds, Says and Stamins in Norfolk, may be enabled to take any perſon to be an apprentice.
St. 5 El. 4.

CAP. II.

Attaint, Raſt. 14

The Statutes ordained 11 H. 7. 24 & 25. to reſtrain Riots and Perjury, continued untill the next Parliament. Exp.

CAP. III.

Labourers, Raſt. 33.

A Repeal of ſo much of the Statute of 11 H. 7. 22. as toucheth only the Wages of Artificers, &c.

CAP. IV.

Drapery, Raſt. 37.

No forfeiture given by the Statute of 1 R. 3. 8. touching the length and breadth of Clothes, ſhall be taken before the next Parliament. Exp.

CAP. V.

For Weights and Meaſures.

Weights, 7, &c.

The weight of an Engliſh peny of an ounce, a pound, a gallon, and a buſhel.

St. 11 H. 7. 4.

WHereas afore this time the King our Soveraign Lord intending the common weal of his people, and to avoid the great deceit of weights and meaſures long time uſed within this his Realm, contrary to the Statute of Magna Charta, and of other Statutes thereof made by divers of his noble Progenitors, at his great charge and coſt did make weights and meaſures of braſs according to old Standards thereof remaining within his Treaſury: (2) And for that one weight and one meaſure ſhould be uſed throughout this his Realm, in avoiding of all fraud and diſcord in that behalf, it was at the laſt Parliament, holden the xiv day of October, in the xi year of our ſaid Soveraign Lords Reign, ordained, That the ſaid meaſures and weights ſhould be delivered to the Knights and Citizens of every Shire and City aſſembled in the ſame Parliament, Barons of the five Ports, and certain Burgeſſes of Borough Towns, ſurely by them to be conveyed to certain Cities, Boroughs and Towns ſpecified in a ſchedule unto the ſame Act annexed, there to remain for ever, to the intent in the ſame Act more largely declared: (3) which weights and meaſures, upon more diligent examination had ſith the making of the ſaid Statute been approved defective, and not made according to the old Laws and Statutes thereof ordained within the ſaid Realm: (4) Wherefore the King our Soveraign Lord, by the aſſent of his Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, ordaineth, eſtabliſheth, and enacteth, that the meaſure of a buſhel contain viij gallons of wheat, and that every gallon contain viij li. of wheat of Troy weight, and every li. contain xij ounces of Troy weight, and every ounce contain xx ſterlings, and every ſterling be of the weight of xxxij corns of wheat, that grew in the midſt of the ear of wheat, according to the old Law of this Land. (5) And that it pleaſeth the Kings Highneſs to make a Standard of a buſhel and a gallon after the ſaid aſſiſe, to remain in his ſaid Treaſury for ever: (6) and from henceforth the ſaid new buſhels and gallons lately ſent forth, be not uſed nor occupied for no meaſures, but that they be ſent again to the Kings receit by the Feaſt of Whitſontide next coming, at the coſts and charges of the ſaid Cities, Boroughs and Towns having the ſaid buſhels and gallons in keeping upon pain of x li. to be forfeited to the King, (7) the ſame buſhels and gallons ſo ſent again into the Kings receit, to be broken, and with the ſtuff and metal of the ſame buſhels and gallons other new buſhels and gallons, by the advice of the Treaſurer and Under-treaſurer of England for the time being, before the Feaſt of All-Saints next coming, to be made and ſiſed according to the ſaid buſhel and gallon, which by this preſent Act is ordained to be new made, and to remain in the ſaid Treaſury, at the coſts and charges of the ſame Cities, Boroughs and Towns. (8) And that every City, Borough and Town within this Realm, which now have or ſhould have had, by reaſon of the ſaid Act made in the ſaid xj year, any of the ſaid new buſhels or gallons, do convey and carry, before the Feaſt of St. Andrew next coming, into every of the ſame City, Borough and Town, a buſhel and a gallon newly to be made, as is aforeſaid, at the coſts and charges of the ſame City, Borough and Town, there to remain: (9) and all other buſhels, gallons and meaſures, which be to be made after the form by this Act ordained, be marked and ordered after the form and effect of the ſaid Act, made the ſaid xj year: (10) and in the mean ſeaſon to uſe ſuch buſhels and gallons, as have been laſt uſed afore the coming down of the ſaid new buſhels and gallons, and before the making of the ſaid Statute in the ſaid xj year: (11) and that all penalties in the firſt Act expreſſed be of none effect until the Feaſt of Candlemas, which ſhall be in the year of our Lord God M. cccc. lxxxxvii. and after the ſame Feaſt the ſame Act made in the ſame xj year to ſtand in full ſtrength, with his penalties, upon the buſhels and gallons new to be made, as it ſhould have done upon the ſaid new buſhels and gallons made afore the making of this preſent Act, if this Act had not been made. (12) And that it be ordained by the ſaid authority, That after the ſaid new buſhels and gallons be made according to this preſent Act, that all other buſhels and gallons of braſs, remaining as well in the ſaid Treaſury, as in all other places of England, be before the Feaſt of Chriſtmas next coming dampned and broken, upon pain of xx li. to be levied upon every City, Borough and Town, or any other place having the keeping of the common meaſures, that keep ſtill any other buſhel or gallon unbroken and not dampned, of braſs, than is ordained to be made by this preſent Act. St. 11 H. 7. 4.

The meaſure of a buſhel, a gallon, a pound, an ounce, and a ſterling.

St. 31 Ed. 1. The weights and meaſures ſent to ſeveral Cities, &c. by the Statute of 11 H. 7. 4. being defective ſhall be broken and new ſent.

All other buſhels and gallons ſhall be broken.

CAP. VI.

Merchants Adventurers.

TO the diſcreet Commons in this preſent Parliament aſſembled, ſheweth unto your great wiſdoms, the Merchant-adventurers inhabiting and dwelling in divers parts of this Realm of England out of the City of London, That where they have their free paſſage, reſort, courſe and recourſe, with their goods, wares and merchandiſes in divers coaſts and parts beyond the Sea, as well into Spain, Portugal, Britain, Ireland, Normandy, France, Sivile, Venice, Danske, Eaſtland, Friſeland, and other divers and many places, Regions, and Countries, being in league and amity with the King our Soveraign Lord, there to buy and ſell, and make their Exchanges with their ſaid goods, wares and merchandiſes, according to the law and cuſtom uſed in every of the ſaid Regions and places: and there every perſon freely to uſe themſelves to his moſt advantage, without exaction, fine, impoſition, or contribution to be had or taken of them, or of any of them, to, for, or by any Engliſh perſon or perſons: (2) and in ſemblable wiſe they before this time have had, uſed, and of right owen to have and uſe their free paſſage, reſort, and recourſe into the Coaſts of Flanders, Holland, Zealand, Brabant, and other places thereto nigh adjoyning, under the obeyſance of the Archduke of Burgoin: In which places the univerſal Marts be commonly kept and holden four times in the year, (3) to which Marts all Engliſhmen, and divers other Nations in time paſt, have uſed to reſort, there to ſell and utter the Commodities of their Countries, and freely to buy again ſuch things as ſeemed them moſt neceſſary and expedient for their profit, and the weal of the Countrey and parts that they be come from, till now of late, that by the Fellowſhip of the Mercers and other Merchants and Adventurers dwelling and being free within the City of London, by Confederacy made among themſelves, of their incharitable and inordinate covetiſe, for their ſingular profit and lucre, contrary to every Engliſhmans Liberty, and to the Liberty of the ſaid Mart there (which is, That every perſon of what Nation that he be of, ſhould have their free Liberty there to buy, ſell, and make their Commutations, with the wares, goods, and merchandiſes at their pleaſure) have contrary to all Law, reaſon, charity, right and conſcience, among themſelves, to the prejudice of all Engliſhmen, made an ordinance and conſtitution, that is to ſay, That no Engliſhman, reſorting to the ſaid Mart, ſhall neither buy ne ſell any goods, wares, or merchandiſes there, except he firſt compound and make fine with the ſaid Fellowſhip, Merchants of London, and their ſaid Confederates, at their pleaſure, upon pain of forfeiture to the ſaid Fellowſhip of Merchants of London, and to their Confederates, of ſuch merchandiſes, goods or wares, ſo by him bought or ſold there: (4) which fine, impoſition and exaction at the beginning, when it was firſt taken, was demanded by colour of a Fraternity of Saint Thomas of Canterbury, at which time the ſaid fine was but the value of an old noble ſterling: and ſo by colour of ſuch fained holineſs it hath been ſuffered to be taken a few years paſſed: and after it was increaſed to

Every Engliſhman ſhall have free recourſe to certain foreign Marts without exaction to be taken by any Engliſh Fraternity.

A petition made by certain Merchants-adventurers dwelling out of the City of London

A Fellowſhip in London made an Order that none ſhould buy, or ſell at a Mart without their conſents.

The firſt colour of taking the fine.

The enormities of the Order made by the Merchants of London.

Merchants may reſort into foreign Countries without exactions of the Fraternity of Londoners.

No Engliſhman ſhall take of another any exaction, &c. for his liberty to buy and ſell.

The remedy of the party grieved, to recover the forfeiture.

an C s. Flemiſh: and now it is ſo, that the ſaid Fellowſhip and Merchants of London, take of every Engliſhman or young Merchant being there, at his firſt coming, xl li. ſterling for a fine, to ſuffer him to buy and ſell his own proper goods, wares and merchandiſes that he hath there: (5) by occaſion whereof all Merchants not being of the ſaid Fellowſhip and confederacy, withdraw themſelves from the ſaid Marts, whereby the woollen cloth of this Realm, which is one of the great commodities of the ſame, by making whereof the Kings true Subjects be put in occupation, and the poor people have moſt univerſally their living, and alſo other divers commodities of divers and ſeveral parts of this ſame Realm, is not ſold ne uttered as it hath been in times paſt; but for lack of utterance of the ſame in divers parts where ſuch Clothes be made, they be conveyed to London, where they be ſold far under the price that they be worth, and that they coſt to the makers of the ſame, and at ſome times they be ſent to long days, and the money thereof at divers times never paid: (6) and over that, the commodities and merchandiſes of thoſe parts, which the ſaid Fellowſhip, Merchants of London and other their confederates bring into this land, is ſold to your ſaid complainants, and other the Kings true Subjects, at ſo dear and high exceeding price, that the buyer of the ſame cannot live thereupon; by reaſon whereof all the Cities, Towns and Boroughs of this Realm in effect be fallen into great poverty, ruine and decay, and as now in manner they be without hope of comfort or relief, and the Kings cuſtoms and ſubſidies, and the Navy of the Land greatly decreaſed and miniſhed, and daily they be like more to decay, if due reformation be not had in this behalf; (7) Be it therefore enacted by the King our Sovereign Lord, by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that every Engliſhman being the Kings true liege man, from henceforth have free paſſage, reſort, courſe and recourſe into the ſaid coaſts of Flanders, Holland, Zealand, Brabant, and other places thereto nigh adjoyning, under the obeiſance of the ſaid Archduke, to the Marts there, hereafter to be holden, with his or their merchandiſes, goods and wares, there to buy and ſell, and make their exchanges freely at his or their pleaſure, without exaction, fine, impoſition, extortion or contribution to be had, levied, taken or perceived of them or any of them therefore, or by any Engliſh perſon or perſons, to his or their own uſe, or to the uſe of the ſaid Fraternity or Fellowſhip, or of any other like (except only x mark ſterling,) (8) and that no perſon Engliſh, as is afore rehearſed, hereafter take to his own uſe, or to the uſe of the ſaid Fraternity or Fellowſhip there, of any other Engliſh perſon, of what eſtate, degree or condition that he be of, ſo alway that he be the King our Sovereign Lords true liege man, any fine, exaction, impoſition, or contribution for his liberty of freedom to buy and ſell goods, wares or merchandiſes, in or at any of the ſaid Marts, more or above the ſum of x mark ſterling only, upon pain of forfeiture to our ſaid Sovereign Lord for every time that he doth contrary of this Act, xx li. and alſo to forfeit to the parties grieved in this behalf, ten times ſo much as he contrary to this preſent Act taketh of him: (9) and that the parties ſo grieved ſhall have in this behalf an action of debt for the ſaid forfeiture of ten times, in any of the Kings Courts within this Realm, by writ, bill, plaint or information, and ſuch proceſs to be made in the ſame, as is or ought to be made in or upon an action of debt at the Common Law: (10) and the trial thereof to be had in ſuch Shire, City, Town or place where the ſaid action is commenced or ſued, (11) and that the defendant in any action be not admitted to wage his Law, (12) nor none eſſoin nor protection be for ſuch defendant admitted or allowed in that behalf.

CAP. VII.

For Murther.

Clergy 13.

James Grame murthered Richard Tracy his Maſter.

No lay-perſon which doth purpoſely murther his Maſter, or, &c. ſhall have his Clergy.

WHere abominable and wilful prepenſed murthers be by the Laws of God and of natural reaſon forbidden, and are to be eſchewed; yet not the leſs, many and divers unreaſonable and deteſtable perſons, lacking grace, wilfully commit murther, to the high diſpleaſure of God, and contrary to all the Laws aboveſaid, (2) and moreover, againſt their natural and obliged duty, wilfully commit prepenſed murther, in ſlaying their Maſter, or their immediate Sovereign, under whom he or they be, or own obedience, in truſt to eſchew the peril and execution of the Law by the benefit of their Clergy: (3) In hope whereof, of late one James Grame, late of London Yeoman, wilfully aſſented and prepenſed the murther of one Richard Tracy Gentleman, then his Maſter, by him and his prepenſed aſſent, the ix. day of Frebruary laſt paſt, at Brentwood in the County of Eſſex, murthered and ſlain, to the right perilous enſample of other evil diſpoſed: (4) Wherefore, and in avoiding of like miſchiefs to enſue, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, be it Enacted, That the ſaid James Grame, for the murther of the ſaid Richard Tracy his late Maſter, be attained of the ſaid murther as a Felon that hath offended in pety Treaſon, and that the ſame James for the ſame murther, ſhall be drawn and hanged in ſuch manner and form, as by the Law of this Land hath been uſed in ſuch caſes, as perſons being no Clerks, doing like murther, have, or ought to be puniſhed, any priviledge of his Clergy, or his demand of the ſame, notwithſtanding. (5) Alſo be it ordained by the ſaid authority, That if any lay perſon hereafter prepenſedly murther their Lord, Maſter or Sovereign immediate, that they hereafter be not admitted to their Clergy; (6) and after conviction or attainder of any ſuch perſon ſo hereafter offending, had after the courſe of the Law, that the ſame perſon be put in execution as though he were no Clerk. St. 23 H. 8. 1. 1 Ed. 6. 12.

Anno decimo nono HENRICI *ſeptimi.*

HENRICUS Dei gratia Rex Angliæ & Franciæ, & Dominus Hiberniæ, Vicecomiti Eſſex ſalutem. Præcipimus tibi firmiter injungentes, quod in ſingulis locis infra Ballivam tuam, tam intra libertates, quam extra, ubi magis expediens videris, publicas Proclamationes quorundam Statutorum & Ordinationum in ultimo Parliamento noſtro, auctoritate ejuſdem Parliamenti editorum, fieri facias in forma ſequenti.

THE King our Soveraign Lord *Henry* the Seventh after the Conqueſt, By the Grace of God, King of England and of France, and Lord of Ireland, at his Parliament holden at Weſtminſter the ſixteenth day of January, in the nineteenth year of his Reign, to the honour of God and holy Church, and for the common weal and profit of this his Realm, by the aſſent of the Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſame Parliament, hath done to be made certain Statutes and Ordinances, in manner and form following.

CAP. I.

For attendance upon the King in his Wars.

WHere in the Parliament holden at Weſtminſter the xi year of the King our Soveraign Lords Reign, for good and reaſonable conſiderations in an Act of the ſaid Parliament contained, it was ordained by the ſame, That all perſon and perſons being within this Realm of England or Wales, having offices, fees or annuities of the Kings gifts and grants, and did not give their attendance upon the Kings Highneſs when he ſhould fortune to go in Wars in his perſon, in their perſons, as their duty bindeth them in that behalf, that then they and every of them, making thereof default (the Kings ſpecial Licence not had, or elſe the ſaid perſon or perſons having ſuch unfeigned ſickneſs, letting or diſeaſe) that he or they after due proof of the ſame, ſhould forfeit and leeſe their ſaid offices, fees and annuities, and the ſame to ſtand void at the Kings pleaſure, as in the ſame Act more at large it is contained: (2) And foraſmuch as divers and many perſons, having of the Kings gifts and grants many Honours, Lordſhips, Caſtles, Manours, Lands, Tenements, and other Poſſeſſions and Hereditaments, by reaſon whereof they are more bound to give their attendance upon the Kings moſt Royal perſon in his ſaid Wars, than other rehearſed perſons having but fees, offices and annuities for term of life, as well for the defence of his moſt Royal perſon, as for the defence of this his Realm, which was at that time by overſight omitted and left out of the ſaid Act: (3) Be it therefore enacted, ordained and eſtabliſhed, by the advice of the Lords Spiritual and Temporal in this preſent Parliament aſſembled, and by authority of the ſame, that every perſon or perſons having or occupying, or that hereafter ſhall have or occupy any Honours, Caſtles, Lordſhips, Manours, Lands, Tenements, and other Poſſeſſions and Hereditaments, by reaſon and virtue of the Letters Patents of the King our Soveraign Lord that now is, now given, granted and made, or hereafter to be given, granted and made by our ſaid Soveraign Lord, and give not their daily attendance in their perſons upon his Highneſs when he ſhall fortune to go in Wars, within this his Realm or elſewhere, for any urgent, or any other reaſonable cauſes, in his perſon, for the honour or ſurety of the ſame his perſon, and the defence of this his Realm, and againſt his enemies or rebels within the ſame Realm or without, for the repreſſing and ſubduing of them and their malicious purpoſe, and well and truly according to the duty of their allegiance to ſerve the King in his ſaid journy and voiage, and to give their attendance upon his Grace in the ſame, and not for to depart without his ſpecial Licence in writing under the Kings Sign Manual or Signet, or under his great Seal or Privy Seal, or elſe till after general Proclamation be made, that they ſhall depart, or elſe the ſaid perſon or perſons having ſuch unfeigned ſickneſſes, letting or diſeaſe, that he or they may not in their perſons come to do their perſonal attendance and ſervice, and that duly proved, that then all ſuch Letters Patents, Gifts and Grants, and all things in them contained, be utterly from henceforth adnulled, void and of none effect, and at the Kings pleaſure. (4) Provided, that all ſuch perſons ſo giving attendance, ſhall have the Kings wages from the time of coming from his houſe toward the King, when they come to the King, and from the King home again at the time of their departing, after the rate of xx miles for a day, and while they be with the Kings Grace, to have alſo the Kings wages. (5) Provided alſo, that this Act extend to no ſpiritual perſon, nor to the Maſter of the Rolls, nor to none other Officer, and Clerks of the Chancery, Juſtice of either Benches, Barons of the Kings Exchequer, and other Officers and Clerks of the ſaid places, the Kings Atturnies and Solicitours, and the Serjeants at Law, nor to the Clerk of the Kings Council for the time being, nor to any perſon being above the age of ſixty years, nor to any perſon being within the age of xxj years, nor to any Grant or Patent of any Ward or Idiot, or cuſtody of the ſame, nor to any Heirs Females inherited by reaſon of any ſuch Grants. (6) Provided alſo, that it extend not to any Patents, nor Lands or Tenements compriſed in the ſame, the which Patents make mention, that any Grant is made by the King of ſuch Lands for certain ſum or ſums of mony contained in the ſame Letters Patents. 4 El. Dyer f. 211.

War, Raſt. 8. St. 11 H. 7. 18. That he ſhall forfeit which doth not attend upon the King in his own perſon, when he is in perſon in Wars. 6 Co. 27.

Whoſoever doth not attend upon the King being in perſon in Wars, ſhall loſe ſuch Lands as he hath of the Kings gift.

From what time, and until what time every ſuch attendant in Wars ſhall be paid wages.

To what perſons this Statute ſhall not extend.

CAP. II.

No Cuſtom ſhall be paid for good Bowſtaves brought into this Realm, until the next Parliament. Exp.

Bows, Raſt. 5.

CAP. III.

The Statute of 11 H.7.24. which giveth an attaint in certain caſes, continued untill the next Parliament. Exp.

Attaint, Raſt. 14.

CAP. IV.

No man ſhall ſhoot in a Croſs bow without the Kings Licence, except he be a Lord, or have two hundred mark Land. 3 H.8.13. 6 H.8.13. 25 H.8.17. & 33 H.8.6.

Croſsbows. Raſt. 1.

CAP. V.

Coin.

THE King our Soveraign Lord ſeeing evidently that his Coin, and ſpecially of Silver, is ſore impaired, as well by clipping thereof, as counterfeiting of the ſame, and by bringing into this his Realm of the Coin of Ireland, by occaſion whereof great rumour and variance daily encreaſeth among his Subjects for taking and refuſing of the ſame: (2) for ceaſing and pacifying whereof, and for the univerſal weal of this his Realm, by the advice and aſſent of his Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed and enacted, that all manner of Gold of the Coins of a Soveraign, half Soveraign, Ryal, half Ryal, and the fourth part of a Ryal, the Angel, and half Angel, and every of them, being Gold, whole and weight, ſhall go and be current in payment through all this his Realm for the ſum that they were

Money, 4. Gold or Silver ſhall not be carried into Ireland nor any Iriſh money brought into England.

The Coins of Gold & Silver current within this Realm, ſhall ſo continue for the ſums that they were coined for.

What pence ſhall be current within this Realm, what not.

The penalty of thoſe that refuſe to receive the coins in payment.

The penalty if a chief Officer refuſe to take any of the ſaid coins in payment.

Money clipped or diminiſhed ſhall not be current in payment.

How any perſon may uſe mony that is clipped or diminiſhed. St. 9 Ed. 3. 3. 17 R. 2. 1.

The whole ſcripture ſhall be coined about the gold coined.

No money, plate or bullion ſhall be carried into Ireland above vj s. viij d. St. 9 Ed. 3. 1. 5 R. 2. 2. 2 H. 4. 5.

No Iriſh coin of gold or ſilver ſhall be brought into England.

were coined for. (3) And alſo that as well all manner groats of Engliſh coin, and of the coin of other Lands now current in this Realm for groats, or for iv d. being ſilver, and not clipped, miniſhed, or otherwiſe impaired, except reaſonable wearing (albeit they be cracked) all manner of half groats, or pence of ij d. of Engliſh coin, or of the coin of other Lands, now current in this Realm for half groats, or for ij d. not clipped, miniſhed or otherwiſe impaired being ſilver (howbeit they be cracked) ſhall in like wiſe go and be current through all the ſame Realm, for the ſum as they were coined for. (4) And over that, that all manner of pence being ſilver, and having the print of the Kings coin, ſhall have courſe and be current for payment, as well to him in all his Receits, as to all our Receivers, and to all other Lords Spiritual and Temporal, and all their Receivers, and to all other within this our Realm, without any manner refuſal or contradiction, except only pence bearing divers ſpurs, or the mullet betwixt the bars of the croſs, and thoſe pence ſo bearing the print of the ſpur or the mullet, to have courſe for half d. and not above. (5) And if any perſon hereafter refuſe any coin afore rehearſed, to take it in payment after the effect and the tenor of this Act, he that ſo refuſeth it, ſhall be compelled by the Mayor, Sheriff, Bailiff, Conſtable, or chief Officer or Governour of the Town or place where any ſuch payment ſhall be refuſed, to accept and take the ſame payment, (6) and farthermore to be impriſoned, or otherwiſe puniſhed by the diſcretion of the ſaid Mayor, Sheriff, Conſtable, or other chief Officer or Governour afore rehearſed. (6) And if the ſaid Mayor, Sheriff, Bailiff, Conſtable or other chief Officer or Governour, refuſe to take any ſuch coin in payment as it is above rehearſed, that then he ſo refuſing the ſaid payment, to be compelled by the Juſtice of the Peace of the ſame County where ſuch payment ſhall be ſo refuſed, to accept and take the ſaid payment: and he ſo refuſing the ſame, to be farther puniſhed for the ſaid refuſing, by the diſcretion of the ſame Juſtice. (7) And alſo it is ordained by the ſaid authority, that all manner of groats, and half groats, or pence of ij d. as well Engliſh coin, as coin of other Lands, clipped, miniſhed, or otherwiſe impaired, except reaſonable wearing, ſhall not go nor be in any wiſe current for payment within this Realm, but utterly to be refuſed and forſaken in payment from henceforth: (8) and that notwithſtanding it ſhall be lawful to any perſon having any ſuch groats or pence of two pence clipped or miniſhed, to bring the ſame to the Kings Mint, there to be changed after the cuſtome of the ſame Mint, or convert the ſame into plate, bullion, or otherwiſe ſell or imploy it to his moſt profit and advantage within this Realm, any other Act or Acts to the contrary in any wiſe notwithſtanding. (9) And in eſchewing and avoiding of ſuch clipping in time to come, the King our Soveraign Lord, by the advice of his Council, hath cauſed to be made new coins of groats, and pence of two pence, and that every piece of the ſame coins ſhall have a circle about the utter part thereof. (10) And alſo that all manner of gold hereafter to be coined within this his Realm, ſhall have the whole ſcripture about every piece of the ſame gold, without lacking of any part thereof, to the intent that his Subjects hereafter may have perfect knowledge by the circle or ſcripture, when the ſame coins be clipped or impaired. (11) And alſo it is enacted by the ſaid authority, that if the Warden and Controller of the Kings Mint, hereafter duly execute not their offices in ſearching the ſame coins, and ſee that it be made perfect in form aforeſaid before that it paſs from the Mint: that then the ſame Warden and Controller ſhall forfeit their ſaid Office, and make fine for the ſame at the Kings pleaſure. (12) Moreover, it is Enacted by the ſaid authority, That no manner perſon ſhall carry nor convey, nor cauſe to be carried out of this Realm, any bullion, plate, or coin of gold and ſilver into Ireland, over and above the ſum of vj s. viij d. nor convey any ſuch bullion, plate or coin into any ſhip, boat or other veſſels to the ſaid intent, upon pain to forfeit the ſaid bullion, plate or coin, and to have impriſonment, and make fine and ranſome at the Kings will, (13) and in like wiſe that no manner perſon bring nor convey, nor cauſe to be brought nor conveyed any manner of coin of gold or ſilver above the ſum of iij s. iv d. of the coin of Ireland into this Realm, upon pain of forfeiture of all the ſame coin above the ſaid ſum of iij s. iv d. ſo brought into this Realm, and to have impriſonment, and make fine and ranſome at the Kings pleaſure: (14) and that it ſhall be lawful for every of the Kings Subjects to take and ſeiſe all ſuch money of the coin of Ireland, hereafter to be brought or conveyed into this Realm, over and above the ſaid ſum of iij s. iv d. and to bring it to the Kings Mint, there to leave the ſame to the Kings uſe; (15) and every perſon that ſo ſhall bring any ſuch Iriſh mony to the ſaid Mint, ſhall have the value of the one half of all ſuch Iriſh money by him ſo brought to the ſaid Mint, at the ſame time deliverd to him to his own uſe, by the Maſter of the Mint for the time being.

CAP. VI.

Pewterers walking.

To the King our Soveraign Lord, and to the Noble Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled.

Pewter 1. Where Pewter and Braſs ſhall be ſold: The marking, weighing and ſearching of them.

Several evil practices put in ure by Pewterers and Braſiers. Uſing of deceitful beams and ſcales.

HUmbly and lamentably ſhewn and complain unto your moſt abundant Grace, your humble Subjects the Pewterers and Braſiers of your City of London and York, and of all other places of this your Realm: That where many ſimple and evil diſpoſed perſons of this your Realm of England, uſing the ſaid Crafts, daily go about this your Realm from Village, from Town, and from Houſe to Houſe, as well in Woods and Foreſts, as other places to buy Pewter and Braſs; (2) and that knowing Thieves and other Pickers that ſteal as well Pewter and Braſs belonging to your Highneſs, and under your mark, and to the Lords Spiritual and Temporal, as to other your Subjects of this your Realm, bring ſuch ſtollen veſſels unto them in ſuch hid places to ſell, and ſell it for little or nought, and about they bring it into privy places, or into corners of Cities or Towns, and there ſell much part of it to ſtrangers which carry it over the Sea by ſtealth: (3) Alſo the ſaid perſons ſo going about, and divers other uſing the ſaid crafts, uſe to make new veſſels, and mix good metal and bad together, and make it nought, and ſell them for good ſtuff, where indeed the ſtuff and metal thereof is not worth the fourth part that it is ſold for, to the great hurt, deceit and loſs of your Subjects. (4) Alſo divers perſons uſing the ſaid crafts, have deceivable and untrue beams and ſcales, that one of them will ſtand even with twelve pound weight at one end, againſt a quarter of a pound at the other end, to the ſingular advantage of themſelves, and to the great deceit and loſs of your Subjects, buyers and ſellers with them; (5) for reformation of the Premiſſes, it would pleaſe your Highneſs of your moſt abundant grace, with the advice of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, to enact and eſtabliſh, That no perſon or perſons uſing the ſaid crafts of Pewterers and Braſiers, from henceforth ſhall ſell or change any Pewter or Braſs, new or old, at any place within your Realm, but only in open Fairs or Markets, or in their dwelling houſes, but if they be deſired by the ſaid buyers of ſuch ware, upon pain of forfeiture to our Soveraign Lord the King for every ſuch default x li. (6) Alſo that by the ſame authority it may be enacted and eſtabliſhed, that no perſon ne perſons of what condition or degree ſoever he or they be of, from henceforth within the ſaid City of London and York, or without, either caſt or work any Pewter veſſel or Braſs at any place or places within this your Realm, but that it be as good fine metal as the Pewter and Braſs caſt and wrought after the perfect goodneſs of the ſame within the City of London, and by the Statutes of the ſame ought to be, upon pain of forfeiture of all ſuch Pewter and Braſs ſo caſt and wrought of worſe Pewter or Braſs than ought to be wrought in the ſame Cities: that one half of every ſuch forfeiture to be to the uſe of your Highneſs, and that other half to the uſe of the finders thereof. (7) Provided alway, that this forfeiture in no wiſe ſtretch ne extend to Braſs or Pewter being in the poſſeſſion of any perſon other than the workers of the ſame, or ſuch as have the ſame to ſell, and being of the crafts or myſteries. (8) Alſo that it may by the ſame authority be enacted and eſtabliſhed, that no manner perſon or perſons, of what degree or condition ſoever he or they be of, from henceforth make no hollow wares of Pewter, that is to ſay, ſalts and pots that are made of Pewter called ley metal, but that it may be after the aſſiſe of Pewter ley metal wrought within the City of London: (9) And that the makers of ſuch wares ſhall mark the ſame wares with ſeveral marks of their own, to the intent that the makers of ſuch wares ſhall avow the ſame wares by them (as abovesaid) to be wrought: (10) and that all and every ſuch wares not ſufficiently made and wrought, and not marked in form abovesaid, found in the poſſeſſion of the ſame maker or ſeller, to be forfeited: (11) and if the ſame ware be ſold, the ſaid maker to forfeit the value of the ſame ware ſo unlawfully wrought and ſold: the one half of the ſaid wares, or the moiety of the value thereof, to be to the uſe of your Highneſs, and the other half to be to the uſe of the finder or finders, or ſearchers thereof. Alſo that it may be by the ſame authority enacted and eſtabliſhed, that if any perſon or perſons hereafter uſing, buying and ſelling of Pewter or Braſs, that hereafter occupy any deceivable or falſe beams or weights of the ſaid wares, and every ſuch perſon or perſons uſing or occupying ſuch deceivable and untrue beams or weights, to forfeit xx s. the one half to the King, and the other half to the party that therefore ſhall ſue by action of debt: (12) And that in the ſaid action, no protection nor eſſoin ſhall be allowed, and alſo the ſaid party ſo offending, ſhall forfeit his beams to him that ſhall ſeiſe it; (13) and if the ſaid offender or offenders be not ſufficient to pay the ſaid ſum or ſums by them ſo forfeited, that then it ſhall be lawful to the Mayors, Bailiffs or other head Officers of ſuch place or places where any ſuch offender or offenders ſhall be found, to put them in the Stocks, and them ſo to keep till the next market day next adjoyning, and in the market place to put them in the Pillory all the market time. (14) And furthermore, that it be lawful by the ſaid authority, that the Maſter and Wardens of the ſaid Craft of Pewterers within every City and Borough of this Realm where ſuch Wardens are, and where no ſuch Wardens are, the Head and Governors of the ſame City or Borough, to appoint certain perſons moſt expert in the knowledge of the ſame, to make ſearch within the ſaid Cities or Boroughs where they dwell. (15) And over this the Juſtices of Peace within every Shire, at their general Seſſion holden at Michaelmas, ſhall aſſign and appoint two certain perſons having experience therein, to make ſearch in the premiſſes in every part of that Shire, as well within the Franchiſe as without, ſaving in Cities or Boroughs where ſearchers be appointed by the heads and Governors of the ſame: (16) and that of all ſuch unlawful pewter or braſs as the ſaid ſearchers ſhall find, that one half be to the uſe of your Grace, and the other half to the ſaid ſearchers: (17) and that in the default of the ſaid Maſters and Wardens of the ſaid occupations, not ſearching in form as is aforeſaid, and whereby that any ſuch unlawful metal is caſt or made, or unlawful weights uſed, it ſhall be lawful to any perſon or perſons having ſufficient cunning and knowledge in the ſaid occupations, by overſight of the Mayors, Bailiffs, and Head-Officers of the ſaid Cities and Boroughs, to ſearch all the ſaid places, and to put the ſaid authority and Act in execution in form aforeſaid. (18) Provided alway, that this preſent Act continue and endure to the next Parliament, and no longer. 4 H.8.7. made perpetual. Stat. 25 H.8.9. 33 H.8.4.

Pewter and Braſs ſhall be ſold in Fairs and Markets, and in the owners houſe only.

Of what goodneſs Pewter and Braſs ought to be.

Of what aſſiſe hollow ware of Pewter made of ley metal ſhall be.

The makers ſhall ſet on their marks.

The forfeiture for defaults.

The penalty for occupying of falſe beams and weights about the ſelling and buying of pewter and braſs.

The puniſhment of the offender if he be not able to pay the mony forfeited.

A ſearcher of pewter & braſs within City or Borough.

Searchers of pewter & braſs appointed by the Juſtices of Peace.

CAP. VII.

For making of Statutes by Bodies incorporate.

PRayen the Commons in this preſent Parliament aſſembled, that where in a Parliament holden at Weſtminſter the xv year of the Reign of the bleſſed King Henry the ſixth, for that, that Maſters, Wardens and people of Guilds, Fraternities, and other Companies Corporate, dwelling in divers parts of the Realm, oftentimes by colour of rule and governance to them granted and confirmed by Charters and Letters Patents of divers Kings, made among themſelves many unlawful and unreaſonable Ordinances, as well in priſes of wares as other things, for their own ſingular profit, and to the common hurt and damage of the people: (2) It was Enacted, That there ſhould from henceforth no ſuch Maſters, Wardens nor Companies, make nor uſe no Ordinance in diſheritance or diminution of the Prerogative of the King, nor of other, nor againſt the common profit of the people, nor none other Ordinance of charge make and uſe, but if it were firſt diſcuſſed and proved by good

Corporation 1. St. 15 H. 6. 6.

By whoſe conſent Ordinance ſhall be made by Fellowſhips of Crafts.

No Order ſhall be made to reſtrain ſuit in the Kings Cou.t.

and

No Maſters or Wardens of Fellowſhips ſhall make any new Ordinances without the conſent of the Chancellor, Treaſurer or Juſtices.
St. 12 H. 8. 42.
28 H. 8. 5.
No Ordinance ſhall be made by a Corporation to reſtrain ſuit in the Kings Courts.

and reaſonable advice by the Juſtices of the Peace, or the chief Governours of Cities, and before them entred of Record, (3) and that upon pain to loſe and forfeit the force and the effect of the Articles in their ſaid Letters Patents and Charters contained concerning the ſame, and over that to loſe and pay x li. to the King for every Ordinance that any of them made or uſed to the contrary, (4) and this Ordinance to endure at the Kings pleaſure, as in the ſame Act it appeareth: (5) which Act is now expired, and ſith the expiring of the ſame, divers and many Ordinances have been made by many and divers private bodies corporate within Cities, Towns and Boroughs, contrary to the Kings Prerogative, his Laws, and the common weal of his Subjects: (6) Be it therefore ordained, eſtabliſhed and enacted by the King our Soveraign Lord, by aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no Maſters, Wardens, and Fellowſhips of Crafts or Myſteries, nor any of them, nor any Rulers of Guilds or Fraternities, take upon them to make any Acts or Ordinances, ne to execute any Acts or Ordinances by them heretofore made in diſheritance or diminution of the Prerogative of the King, nor of other, nor againſt the common profit of the people, but that the ſame Acts or Ordinances be examined and approved by the Chancellour, Treaſurer of England, or chief Juſtices of either Benches, or three of them, or before both the Juſtices of Aſſiſe in their circuit or progreſs in that Shire where ſuch Acts and Ordinances be made, upon pain of forfeiture of xl li. for every time that they do contrary. (7) And over that it is enacted, that none of the ſame bodies corporate take upon them to make any Acts or Ordinances, to reſtrain any perſon or perſons to ſue to the Kings Highneſs, or to any of his Courts for due remedy to be had in their cauſe, ne put, ne execute any penalty or puniſhment upon any of them for any ſuch ſuit to be made, upon pain of forfeiture of xl li. for every time that they do the contrary. And this Act to begin and take effect at the Feaſt of Pentecoſt next coming, and from thenceforth. St. 22 H. 8. 4.

CAP. VIII.

Shewage, Scavage.

To the King our Soveraign Lord.

Merchants 2.
No Scavage or Shewage ſhall be paid for merchandiſe cuſtomed.

PRayen the Commons in this your preſent Parliament aſſembled, that where the Merchants and Inhabitants of divers Cities, Boroughs, and Towns within this Realm, and as well divers Tenants of our ſaid Soveraign Lord the King, as of other, that have by grants made by the noble progenitors and predeceſſors of our ſaid Soveraign Lord, as well to them by ſuch name or names, as they or any of them be corporate, as by grants made unto divers Lords both Spiritual and Temporal, and by the preſcription that they, their Tenants, Reſiants, and Inhabitants within their ſeveral Lordſhips, Boroughs, and Towns, ſhould be quit and diſcharged of divers and many cuſtoms, as of Tolls, and of other exactions, demanded and asked by divers Mayors, Sheriffs, Bailiffs, and other Officers of divers Cities, Boroughs, and Towns within this Realm, for their ſingular lucre, of Merchants Denizens, and of the Kings true Subjects born, dwelling and inhabiting within this Realm, contrary to their ſaid priviledge, and lately more and otherwiſe than in times paſſed, have diſtrained, levied and taken of them a certain cuſtom called Scavage, otherwiſe called Shewage, to their great charge and trouble, which Scavage was never uſed to be taken nor levied but only of Merchant ſtrangers: (2) Be it therefore ordained, eſtabliſhed, and enacted by the King our Soveraign Lord, and by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that if any Mayor, Sheriff, Bailiff, or other Officer, in any City, Borough, or Town within this Realm, diſtrain, take or levy any cuſtom called Scavage, otherwiſe called Shewage, of any Merchant Denizen, or of any other the Kings Subjects, Denizens, of or for any manner of merchandiſe to our Soveraign Lord the King before truly cuſtomed, that is brought or conveyed by land or by water, to be uttered and ſold in any City, Borough or Town in this Land: Or if that any Mayor, Sheriff, Bailiff, or other Officer, in any City, Borough, or Town, for non-payment of the ſaid Scavage, let or diſturb any Merchant, or any other perſon or perſons being Denizens, to ſell and utter their merchandiſe by them brought into any City, Borough, or Town, that then every Mayor, Sheriff, Bailiff, or other Officer diſtraining, levying or taking any ſuch Scavage, or otherwiſe offending in any thing contrary to this preſent Act, ſhall forfeit for every time he ſo offendeth xx li. the one moiety thereof to our Soveraign Lord the King, and the other moiety thereof to the party in that behalf grieved, or to any other that firſt ſheweth in that party by due action of debt in any Shire within this Realm to be ſued, (3) and that the defendants in any ſuch action be not admitted to wage or do their Law, nor any protection, ne eſſoin for any ſuch defendants be allowed in the ſame. (4) Provided alway, That the Mayor, Sheriffs, and Commonalty of the City of London, and every of them, ſhall have and take all ſuch ſums of mony for the ſaid Scavage, and of every perſon Denizen, as by our Soveraign Lord the King and his honourable Council ſhall be determined to be the right and title of the Mayor, Sheriffs and Commonalty of the ſaid City of London, or any of them, this Act in any wiſe notwithſtanding.

The penalty for diſturbing any perſon to ſell his merchandiſe for non-payment of Scavage.

Scavage to be taken by the Mayor and Sheriffs of London.

CAP. IX.

Proceſs in Actions upon the caſe, ſued in the Kings Bench and Common Pleas.

Proceſs 2.
What proceſs ſhall be awarded in actions upon the caſe ſued in the Kings Bench or Common Place.
2 Roll. 272.

FOraſmuch as before this time there hath been great delays in actions of the caſe that have been ſued as well before the King in his Bench, as in his Court of his Common Bench, becauſe of which delays many perſons have been put from their remedy: (2) Be it therefore ordained, enacted, and eſtabliſhed by the King our Soveraign Lord, by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that like proceſs be had hereafter in actions upon the caſe, as well ſued and hanging, as to be ſued in any of the ſaid Courts, as in actions of treſpaſs or debts. Raſt. lib. pla. f. 175.

Cro. Jac. [illegible]

CAP. X.

Sheriffs.

Be it ordained, eſtabliſhed and enacted by the King our Soveraign Lord, by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that every Sheriff within every County within this Realm of England, have the cuſtody, rule, keeping, and charge, from the quindecim Paſchæ next coming, of every of the Kings Common Gaols, Priſons, and Priſoners in the ſame, in every of the ſaid Counties where he is Sheriff, during the time of his Office, except all Gaols whereof any perſon or perſons ſpiritual or temporal, or body corporate, have the keeping of eſtate of inheritance, or by ſucceſſion: (2) And from the ſame quindecim of Paſchæ next coming, that all Letters Patents made to any perſon or perſons for term of life or lives, or for term of years, of the keeping of the ſaid Gaols, and of any Conſtableſhips of any Caſtle wherein any ſuch Common Gaol is, by the King our Soveraign Lord, or any other Kings of this Land, and every thing in the ſaid Letters Patents contained, be from henceforth repealed, adnulled, void, and of no force ne effect in the Law: (3) And that every ſuch Sheriff, from the ſaid quindecim of Paſchæ be charged and chargeable with the ſaid Gaols, Priſons, and the Priſoners remaining in the ſame. (4) And over that where divers and many perſons, for Treaſon, Murther, Robberies, and other Felonies before this time have been taken, ſome for ſuſpection of the ſame deeds, and ſome upon indictments, and thereupon brought unto the ſame Gaols and Priſons, and ſometime remained in the keeping of the perſons that ſo arreſted them for the ſaid cauſes, and by colour of negligence, ſubtilly and craftily, and oftentimes for favour, mede, affection or corruption, ſuffered the ſaid offenders to eſcape, as if it had been by negligence, to the overt and expreſs impediment of Juſtice, and execution of the Kings Law ordered for the puniſhment of ſuch offenders: (5) And when ſuch eſcapes have been found before Juſtices having authority to enquire thereof, and thereupon the parties convicted, or yielded themſelves to make fine for the ſame, ſmall fines have been uſed to be ſet in thoſe cauſes, to the little dread and fear, and great imboldning of the ſaid offenders and miſdoers: by mean whereof great and errant Felons, and hainous Murtherers, oftentimes have by negligence eſcaped, ſo that neither they nor the keepers of them from whom they eſcaped, hitherto have not been puniſhed according to their demerits. (6) Be it therefore enacted, ordained, and eſtabliſhed by the ſaid authority of this preſent Parliament, that for every negligent eſcape hereafter from any Sheriff, having the keeping of any Gaol, or from any Conſtable of Caſtle, or other being keeper of any Gaols where ſuch priſoners accuſtomably have been and ſhall be kept, of perſons indicted of High-treaſon, being in their keeping, that no leſs fine be ſet or made for every ſuch eſcape, than C mark, and more by the diſcretion of the Juſtices that ſhall aſſeſs ſuch fines: (7) and for every eſcape of perſons eſcaping being in their keeping for ſuſpection of High-treaſon, no leſs fine to be ſet ne made than xl li. (8) and for every eſcape of perſons indicted of Murther or Petit-treaſon, xx li. at the leaſt, and more by the diſcretion of the Juſtices that ſhall aſſeſs ſuch fines: (9) and for every eſcape of perſons ſuſpected of Murther or Petit-treaſon, x li. or more, by the diſcretion of the Juſtices that ſhall aſſeſs ſuch fines: (10) and for every perſon eſcaping, being in their keeping, indicted of Felony, other than Murther or Treaſon, x li. and for every perſon ſuſpected of Felony, other than Murther or Treaſon, as is aforeſaid, to forfeit for every ſuch eſcape C s. or more, by the diſcretion of the Juſtices, after the manner and quantity of their demerits, (11) ſaving to every perſon or perſons, their heirs and their ſucceſſors, ſuch ſufficient and lawful right and title to any ſuch eſcapes and fines for the ſame, or to be quit of ſuch eſcapes, or of any other eſcapes, as they have or ought to have at the time of making this Act; this Act or any clauſe contained in the ſame in any thing notwithſtanding. (12) And if any perſon hereafter have any priſoner in his keeping, arreſted for ſuſpection of Felony, Treaſon, or Murther, and that perſon that ſo is arreſted, eſcape by negligent keeping before that he be brought to the Gaol, that that perſon from whom he ſo eſcaped, ſhall forfeit for every perſon that ſo doth eſcape, ſuch fines as ſhall be ſet by diſcretion of the Juſtices that ſhall have authority to aſſeſs ſuch fines as the caſe ſhall require, and the ſame forfeiture to go to them that be intituled to have ſuch forfeiture at the time of making this Act. (13) And moreover, be it enacted and ordained by the ſaid authority, that all Offices of Conſtables of Caſtles, Fortreſſes, or other places, and all other Offices within this Realm of England or Wales, not requiring actual exerciſe in any of the ſame Offices by them to whom ſuch grant of Offices is made or granted, or by their deputy or deputies, granted by the King our Soveraign Lord that now is, to any perſon or perſons for term of life or lives, any Letters Patents of the ſame, ſhall be from the Feaſt of Paſchæ next coming, utterly repealed, adnulled, void, and of no force ne effect in the Law. (14) And this Act as concerning the penalties aforeſaid, and every of them, to endure to the next Parliament, and no longer. (15) Provided alway, that neither the Sheriff of the County of Surrey for the time being, nor any other Sheriff, have any rule, cuſtody or governance of the Gaols of the Kings Bench and Marſhalſey, or of either of them, by reaſon or by authority of the ſaid Act: but that Sir Thomas Brandon Knight, and Sir John Digby Knight, and every of them, have and enjoy the cuſtody and keeping of the ſame Gaols, according unto their ſeveral grants to them made, this Act notwithſtanding. (16) Provided alway, that the ſaid Act of reſumption, or any Articles therein contained, extend not, ne be in any wiſe hurtful or prejudicial to Edward Courtney Earl of Devonſhire, for the avoiding and repealing of any Letters Patents or Grant to him made by the King our Soveraign Lord, of and for the Conſtableſhip of the Caſtle of Reſtermel, otherwiſe called Reſtormin, in the County of Cornwall; but that ſuch Letters Patents or Grant of the ſame Office, be of as great force, ſtrength and effect, and to the ſaid Earl as available, as they ſhould or might have been, if the ſaid Act of reſumption had never been had ne made. (17) Provided alway, that this preſent Act of reſumption, or any other Act made or to be made in this preſent Parliament, extend not,

Priſons 1.
The Sheriff ſhall have the keeping of the Common Gaol and the Priſoners therein.
St. 14 Ed. 3. 10.

All Letters Patents made of the keeping of any Gaols, ſhall be reſumed and void.

Several penalties for the negligent eſcape of ſeveral ſorts of offenders. Exp.

A ſaving of other mens rights for eſcapes and fines for the ſame.

The penalty for negligent eſcape before the priſoner be brought to the Gaol. Exp.

Letters Patents of Offices not requiring actual exerciſe, ſhall be void.

The continuance of this Act concerning penalties.

The Sheriff of Surrey ſhall not have the keeping of the Kings Bench and Marſhalſey

Edward Courtney Earl of Devonſhires Patent except.

John Morgan's Patent except.

not, ne in any wiſe be hurtful or prejudicial unto any manner of grant, made by the King our Sovereign Lord by his Letters Patents to John Morgan, of or for the Parkerſhip of the Park of Carlion, with the profits of the ſame within the Lordſhip of Uske in Southwales: but that the ſaid Letters Patents, and every thing in them contained, be from henceforth good and effectual to the ſaid John, according to the tenour and purport of the ſame, the foreſaid Act or Acts in any wiſe notwithſtanding.

CAP. XI.

For Deer-hays and Buckſtalls.

Herons 1.
The penalties for keeping of Buckſtals, ſtalking and taking of Herons.

The penalty for keeping of Deer-hays or Buckſtals.

The penalty for ſtalking or cauſing another to ſtalk at a Deer without licence.

The penalty for taking of young Herons out of the neſt.

Two Juſtices of Peace may examine any perſons ſuſpected, and puniſh them.

Foraſmuch as it is well underſtood and known, that the greateſt deſtruction of Red Deer and Fallow within this Realm in time paſt, hath been and yet is with Nets called Deer-hays, and Buckſtalls, and ſtalking with beaſts, to the great diſpleaſure of our Sovereign Lord the King, and of all the Lords and other Noblemen within this his Realm, having Foreſts, Chaſes or Parks in their poſſeſſions, rule or keeping, ſo that if the ſaid Nets or ſtalking ſhould unlawfully be uſed and occupied in time coming, as they have been in time paſt, the moſt part of the Foreſts, Chaſes, and Parks of this Realm ſhould be therewith deſtroyed: (2) Be it therefore eſtabliſhed and enacted by the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that any perſon ſpiritual and temporal, having no Park, Chaſe nor Foreſt of their own, keep nor cauſe to be kept any Nets called Deer-hays or Buckſtalls, by the ſpace of a month next after the Proclamation of this Act made: (3) upon pain of forfeiture for every month that he or they ſo keep or cauſe to be kept the ſame Nets, Hays or Buckſtalls, x li. (4) And that no perſon from henceforth ſtalk, nor cauſe any other perſon to ſtalk with any buſh or beaſts to any Deer, being in any Park, Chaſe, Foreſt or without, but if it be within his own Ground, Chaſe, Foreſt or Park, without Licence of the Owner, Maſter of the Game, or Keeper of the ſame Ground, Chaſe, Foreſt or Park, upon pain of forfeiture for every time that he or they ſo ſtalketh, x li. (5) And farthermore, that no perſon ne perſons without his own Ground, ſlay, take, or cauſe to be taken by mean of craft or engine, any Herons, without it be with hawking, or with long bow, upon pain of forfeiture for every Heron taken or ſlain vi s. viij d. (6) and that no perſon or perſons without his or their own Ground, take any young Herons out of the neſt without licence of the owner of the Ground where the ſaid neſt is, upon pain of forfeiture for every Heron ſo taken out of the neſt x s. (7) and that every man that will, may and ſhall be admitted to ſue for any of the ſaid forfeitures by action of debt, and like proceſs to be had and made therein, as in other actions of debt at the making of this Act, (8) and that the Defendant be not admitted to tend nor to do his Law in any ſuch action, nor any eſſoin nor protection to be allowed for the defendant in the ſame: (9) and that the Juſtices of Peace in their Seſſions ſhall have authority to call before them any perſon ſuſpected of the premiſſes, and by their diſcretion to examine them in the premiſſes. (10) And if by their examination the party ſo examined be found in default contrary to the premiſſes, then that perſon ſo found in default to be committed to priſon, till he have found ſurety for payment for the ſame forfeitures to the King; (11) And that thoſe Juſtices that ſo examine them, ſhall have the tenth part of every ſuch forfeiture for their labour in that behalf.

CAP. XII.

Vagabonds, Raſt. 1.
Plays, Raſt. 1.
Alehouſes, Raſt. 1.

An Act touching the puniſhment of Vagabonds for their firſt offence, and for their ſecond offence, and of them that do relieve them. A remedy to provide for Beggars not able to work. Which Officers and perſons may puniſh Vagabonds, and their penalty if they do not. Exp. 39 El. 4. (2) Certain perſons prohibited to play at unlawful Games. Exp. 33 H. 8. 9. (3) Two Juſtices of Peace may reject common ſelling of Ale or Beer. ALT. 5 Ed. 6. 25. Rep. 21 Jac. 28.

CAP. XIII.

Riot.

Riots 14.
St. 13 H. 4. 7.
Jurors impanelled to enquire of Riots, and the Iſſues returned upon them.
The puniſhment of Maintainers, whereby a Riot is not found.

St. 2 H. 5. 8.

Whereas in the Parliament holden at Weſtminſter, the Tueſday the morrow next after All-Souls, the xiij year of the Reign of King Henry the Fourth, among other things it was enacted, ordained and eſtabliſhed, that if any Riot, aſſembly or rout of people againſt the Law, were made in any part of the Realm, that the Juſtices of the Peace, three or two of them at the leaſt, and the Sheriff or under-Sheriff of the County where ſuch Riot, aſſembly, or rout ſhould be done, after the ſame Statute, ſhould come with the power of the Shire (if need ſhould be) to arreſt them, and them ſhould arreſt, (2) and the ſame Juſtices and Sheriff or Under-ſheriff, ſhould have power to record that that they ſhould find ſo done in their preſence againſt the Law, (3) and that by the Record of the ſame Juſtices and Sheriff, or Under-ſheriff, the ſame treſpaſſers and miſdoers ſhould be convicted in manner and form as it is contained in the Statute of forcible entries: with divers and many other articles touching and concerning the premiſſes, as in the ſame Statute made the ſaid xiij year more plainly at large it appeareth, (4) which Statute is thought good and neceſſary: wherefore by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, Be it therefore ordained, eſtabliſhed and enacted, that the ſaid Act made in the ſaid xiij year of King Henry the Fourth, concerning riots, aſſemblies, and routs of people, and all and every article and articles compriſed in the ſame, and alſo all other Statutes before this time made concerning the puniſhment of Riotours, at the time of the making of this Act being in force, from henceforth ſtand in their force, and be duly put in execution, after the tenours and purports of the ſame. (5) And foraſmuch as in the ſaid Statute made in the ſaid xiij year, it is not expreſſed of what ſufficiency the Jurours impanelled ſhould be, or what iſſues they ſhould loſe if they appear not, nor no mention therein made of any puniſhment of the maintainers and embracers of the Jurours that ſo ſhall be impanelled, ſhould have for their miſdemeanours, if any be: (6) It is therefore farthermore enacted by the authority in this preſent Parliament, that if any riot, rout, or unlawful aſſembly be committed and done at any time after the firſt day of May next coming, within this Realm of England, that the Sheriff having a Precept directed to him, ſhall return xxiv perſons dwelling within the Shire where ſuch Riot, Rout, or unlawful Aſſembly ſhall be ſo committed and done, whereof every of them ſhall have lands and tenements within the ſame Shire to the yearly value of xx s. of Charter Land or Freehold, or xxvj s. viij d. of Copyhold, or of both, over and above all charges, for to enquire of the ſaid Riot, Rout, or unlawful Aſſembly. (7) And he ſhall return upon every perſon ſo by him impanelled, in Iſſues at the firſt day xx s. and at the ſecond day xl s. if they appear not, and be ſworn to inquire of the premiſſes at the firſt day. (8) And if default be in the Sheriff or Under-ſheriff, for returning of other perſons, not being of the ſaid ſufficiency, or return not Iſſues in the form aforeſaid, that then the ſaid Sheriff ſhall forfeit to our Soveraign Lord the King for either default therein xx li. (9) And if the ſaid Riot, Rout, or unlawful Aſſembly be not found by the ſaid Jury, by reaſon of any maintenance or embracery of the ſaid Jurors, then the ſame Juſtices and the Sheriff or Under-ſheriff over and above all ſuch Certificate that they muſt, and be bound to make, according to the ſaid Statute made the ſaid xiij year, ſhall in the ſame Certificate certify the Names of the maintainers and embracers in that behalf, if any be, with their miſdemeanors that they know, upon pain of every of the ſaid Juſtices and Sheriff or Under-ſheriff to forfeit xx li. if the ſame Juſtices and Sheriff or Under-ſheriff have no reaſonable excuſe for non-certifying of the ſame: (10) Certificate ſo made, ſhall be of like force and effect in the Law, as if the matter contained in the ſame were duly found by the verdict of xij men: (11) And every perſon duly proved to be a maintainer or embracer of the ſame, ſhall forfeit to our ſaid Soveraign Lord xx li. and as well the ſame maintainers as the embracers ſhall be committed to ward, there to remain by the diſcretion of the Juſtices.

How many Jurors ſhall be returned to enquire of a riot, and of what ſufficiency they ſhall be.

What Iſſue ſhall be returned upon the Jurors.

The Sheriffs forfeiture for omitting his duty.

Certificate of the maintainers and embracers.

The forfeitures of maintainers and embracers whereby a riot is not found.

CAP. XIV.

The penalty for giving or taking any Livery, *&c.* or for retaining or being retained with another during the Kings Life. St. 1 R.2.7. 1 H.4.7. 2 H.4.21. 8 Ed.4.2. 7 H 4.14.

Liveries, Raſt. 12

CAP. XV.

Several Charges impoſed upon the Lands and Perſons of Ceſtuy que uſe.

PRayen the Commons in this preſent Parliament aſſembled, that where divers and many perſons be defrauded of their execution, as well of and upon Recogniſances, Statutes of the Staple, Statutes-merchants to them made, as of their debts and damages recovered in Actions of Debt, Treſpaſſes, or other Actions: and ſo in like wiſe the Lords of whom any lands and tenements be holden in ſocage, of their reliefs, and ſometime of their heriots, by reaſon that he ſo being bound or condemned, and alſo he that of right ought to be very tenant to the Lord of whom ſuch lands and tenements be holden, cauſeth by fine, feoffment, recovery, or otherwiſe, divers perſons to be ſeiſed of the ſaid lands, tenements, and other hereditaments only to his uſe, he taketh the profits of the ſame, to the great hurt, deceit, and defraud of the Kings true liege people within this his Realm, if that remedy be not therefore purveyed. (2) In conſideration whereof, be it ordained, eſtabliſhed and enacted by the King our Soveraign Lord, by the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That from henceforth it ſhall be lawful for every Sheriff, or other Officer, to whom any Writ or Precept is or ſhall be directed at the ſuit of any perſon or perſons, to have any execution of any lands, tenements or other hereditaments, againſt any perſon or perſons of, for and upon any condemnation, Eſtatute-Merchant, Eſtatute of the Staple, Recogniſance hereafter to be made or had, to do, make and deliver execution unto the party in that behalf ſuing, of all ſuch lands and tenements, as any other perſon or perſons be in any manner of wiſe ſeiſed, or hereafter ſhall be ſeiſed in any wiſe, to the only uſe of him againſt whom Execution is ſo ſued, like as the ſaid Sheriff or other Officer might or ought to have done if the ſaid party againſt whom Execution hereafter ſhall ſo be ſued, had been ſolely ſeiſed of the ſaid lands and tenements of ſuch Eſtate as they be ſeiſed of to his uſe at the time of the ſaid Execution ſued. (3) And over that, be it ordained by the ſaid authority that the Lords of whom any ſuch lands and tenements be holden in ſocage, ſhall from henceforth after the death of him to whoſe uſe any perſon or perſons as is aforeſaid be ſeiſed (and no Will thereof declared) have his relief, heriot, and all other duties, like as the ſaid Lord ought or might have had if he had died ſeiſed of the ſame. (4) Provided alway, that every ſuch perſon againſt whom execution is or ſhall be had of lands and tenements, ſo being in poſſeſſion of other perſons to his uſe, may have all ſuch advantage in the Law againſt him or them that ſo have execution of the lands or tenements afore rehearſed, as he might or ſhould have had if he had been ſolely ſeiſed of the ſaid lands and tenements at time of the ſaid execution ſued. (5) And over that, be it ordained by the ſaid authority, that if any Bondman purchaſe any lands or tenements in fee ſimple, fee tail, or for term of life, or for term of years, and cauſeth Eſtate to be made to divers perſons to his uſe, or taketh Eſtate to himſelf and to divers other jointly with him and to his uſe and behoof, that it ſhall be lawful to the Lord of any ſuch Bondman to enter during the ſame uſe, into the lands and tenements and every parcel thereof ſo purchaſed by his Bondman, in like manner and form as he might have done, if the ſaid Bondman had only been ſeiſed of the ſaid lands and tenements in fee or otherwiſe. St. 1 R.3.1. 4 H.7.17. 27 H.8.10. Coke Inſt.91.a. 117.a. Dr. & St. f.140.

Sheriffs, Raſt. 31. The ſeveral inconveniences that many did receive by Ceſtuy que uſe.

The Laws of Ceſtuy que uſe ſhall be put in execution for his debt due by Judgment, &c. Raſt.pl f.166,245

The lands of Ceſtuy que uſe ſhall ſatisfy the chief Lord of the relief, heriot and other duties. V.N.B.f.94.

Ceſtuy que uſe ſhall have ſuch advantages as he might have had, if he had been tenant of the land.

Ceſtuy que uſe being a Bondman, the land may be ſeiſed by his Lord.

CAP. XVI.

The Stat. of 11 H. 7.26. touching the ability of Jurors impanelled in the Sheriffs Torns in Surrey, Suſſex and Hampſhire, continued until the next Parliament. Exp.

Jurors, Raſt. 12

CAP. XVII.

Shearing Worſted.

PRayen the Commons in this preſent Parliament aſſembled, That whereas the City of Norwich is an ancient City, and in the ſame City without time of mind among other Crafts hath been uſed a certain Craft called Shearmans-craft, and the Artificers of the ſame have alway uſed by the ſame time, to ſhear as well Worſteds, Stamins, Fuſtians, as all

Worſteds, Raſt. 5. A confirmation of part of the Statute of 11 H. 7. f. 11. and a repeal of the reſidue.

other woollen Cloth: and all Apprentices of the ſame Craft have been taken and bound to Shearmans-craft only, and by reaſon thereof they have had and enjoyed their liberties and freedom in their Occupation by the name of Shearmans-craft generally and none otherwiſe, (2) and there have every year uſed within the ſaid City to be choſen and ſworn two Wardens of the ſame Craft, and all defaults by the ſaid Wardens in their Craft found, to be preſented before the Mayor of the ſaid City for the time being, and the Offendors in that behalf to be puniſhed according to the cuſtom of the ſame City: till now of late time divers perſons for their own ſingular profit, contrary to the common weal of the ſaid City, feigning to have a Craft of Worſted ſhearing, ſeparate from the ſaid Craft of Shearmans-craft, ſurmitted a Bill into the Parliament holden at Weſtminſter, the xiv day of October, the xi year of the Reign of our Soveraign Lord the King that now is, by force of which pretended Bill, it was in the ſaid Parliament enacted and ordained, That from thenceforth no man ſhould take upon him to ſhear Worſteds within the ſaid City, but if he had been Apprentice to the ſaid Occupation of Worſted-ſhearing by the ſpace of ſeven year, or ſuch other as the Maſters of the ſaid Occupation within the ſaid City, for the time being, approving their Cunning, with the advice of the Mayor for the time being in the ſaid City, will admit. (3) And farthermore in the end of the ſaid Act it was provided, That the ſaid Occupation of Worſted-ſhearing ſhall not make, nor do to be made, any Ordinance concerning the ſaid Occupation among themſelves, but ſuch as the Mayor of the ſaid City for the time being, with his Brethren Aldermen, ſhall think neceſſary and profitable for the weal of the Kings ſubjects, as more plainly in the ſaid Act amongſt other things doth appear. (4) It is ſo, that ſith the making of this Act, by colour of the ſame, the Worſted-ſhearmen within the ſaid City within themſelves, without advice or conſent of the Mayor of the ſaid City, have choſen Wardens of Worſted-ſhearing, and ſeparated the ſame pretended Craft from the foreſaid Craft called Shearmans-craft, contrary to the Liberties and good Cuſtoms of the ſaid City in time paſſed, uſed and approved: (5) And over that the ſaid pretended Wardens, with their Company to them confedered, divers and many times aſſembled and made Ordinances among themſelves, contrary to the common weal of the ſaid City, without any advice of the Mayor of the ſaid City, intending to bring the ſhearing of Worſteds into few mens hands, and to inhance the price of ſhearing of Worſted at their pleaſure, inſomuch that they will not admit to ſhearing of Worſteds but certain perſons, where many other within the ſaid City be as perfect, and have as great cunning in the ſaid ſhearing of Worſteds, as they that the ſaid pretended Wardens daily do ſuffer to ſhear, have; and will not admit any man to the ſhearing of Worſteds, though he have ſufficient cunning therein, without he will compound with them, and make great and importable Fines: By force whereof, divers and many of the Shearmen, lately Inhabitants of the ſaid City, be departed out of the ſame City into the Country, and ſo divers and many Houſes within the ſaid City now be unoccupied and decayed, and daily more are like to be, to the great deſolation of the ſaid City, and alſo to the impoveriſhing of the Merchants buyers of the ſaid Worſteds within the ſaid City, whereby the great weal and proſperity of the ſaid City ſtandeth, and the Inhabitants of the ſame ſupported. (6) In conſideration of all which Premiſſes, it may pleaſe the King our Soveraign Lord, of his moſt abundant Grace, and for the great Zeal his Grace hath to the univerſal weal of his ſubjects in this his Realm, by the advice and aſſent of the Lords ſpiritual and temporal, and of the Commons in this Parliament aſſembled, and by authority of the ſame, to ordain, eſtabliſh and enact, that the aforeſaid Act made the xiv. day of October, the xi year aforeſaid, in every thing touching and concerning the ſaid Worſted-ſhearing, or the ſaid pretended Craft of Worſted-ſhearing only, be utterly void, repealed, adnulled, and of no force ne effect. (7) Provided alway, that the reſidue of the foreſaid Act concerning the ſetting or putting, taking or receiving of Apprentices for all the Citizens and Inhabitants within the ſaid City of Norwich, may ſtand in his full ſtrength and effect, in ſuch form as in the ſaid Act is expreſſed and contained, this preſent Act notwithſtanding.

The inconveniences which have enſued to the Shearmen of Norwich by the Statute of 11 H. 7. 11.

The ſeveral practiſes of the Wardens of Worſted-ſhearers in Norwich.

So much of the Statute of 11 H. 7. 11. as concerneth the taking of Apprentices confirmed, and the reſidue touching Worſted-ſhearers repealed.

CAP. XVIII.

Severn.

To the King our Soveraign Lord.

Boats 10. The penalty of thoſe which take impoſition of Boats upon Severn.

The effect of the St of 9 H. 6 5. provided for free paſſage upon the River of Severn.

PRayen the Commons in this preſent Parliament aſſembled, that where time out of mind, Merchants, Victuallers, and all other your liege people of this your Realm, at their pleaſure have had and uſed free courſe and paſſage through and upon your River and Water of Severn, within this your Realm, with Ships, Trows, Boats, and all other their Veſſels, to carry and convey their merchandiſes, victuals, and other goods, from Town to Town, and from place to place, without interruption, trouble, vexation, let or diſturbance, and without any thing therefore paying or giving, until late time divers Merchants and others of this your Realm of England, were by divers and certain miſruled perſons inhabited in the Foreſt of Dean, and other places to the ſaid River adjoyning, wrongfully let, vexed and interrupted: (2) whereupon for the ſure and peaceable paſſage and courſe upon the ſame Water and River of all the Kings liege people to be had and continued, divers Acts and Laws were made and provided, and in eſpecial one in the ix year of the Reign of the moſt bleſſed, and of famous in memory, your Uncle King Henry the vj. by the which Act it was eſtabliſhed, ordained and provided, that all your liege people, and every of them, ſhould have their common and free paſſage upon your ſaid River and Water, with their Trows, Boats, and other Veſſels, from Briſtol, Glouceſter, Worceſter, and other places, without let, interruption or denier: (3) And if any of your liege people or ſubjects were of their ſaid courſe and paſſage letted or diſturbed, that they ſhould have Actions of Treſpaſs againſt the Offendors in that behalf: (4) And the premiſſes notwithſtanding, divers perſons late and now being your Officers of and in your City of Worceſter, and Town of Glouceſter, and other places adjoyning to your ſaid River and Water, will not ſuffer any

Boat, Trow, or any other Veſſel to paſs through and upon your ſaid River and Water without divers impoſitions by them thereupon ſet, and by them levied, gathered and reared upon the Merchants and Owners of the ſaid goods and merchandiſes, by the ſaid River and Water paſſing; in manifeſt contempt of your ſaid Laws, and breach of the laudable Cuſtom aforetime remembred. (5) Pleaſe it therefore your Highneſs, the premiſes conſidered, by the advice and aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, to ordain, eſtabliſh and enact, That whatſoever perſon or perſons, of what eſtate, degree or condition he or they be of, hereafter take any impoſition of any of the Kings liege people, for Trow, Boat, or any other Veſſel for any goods or merchandiſes carried or conveyed in and upon the ſaid River and Water of Severn, or let, vex or interrupt any Boats, Trows or Veſſels ſo paſſing by the ſaid River and Water, for any ſuch impoſition or otherwiſe againſt your Laws, that every ſuch perſon or perſons ſo doing and offending, ſhall forfeit to the King our Soveraign Lord for every ſuch offence xx l. (6) and for every ſuch ſum or ſums ſo forfeit, the party grieved and other perſons that will ſue for the ſame forfeiture, ſhall have and ſue an Action popular of Debt, as well to and for the uſe of our Soveraign Lord the King, as to the uſe of him that ſhall ſo ſue for it in his own Name; and that our Soveraign Lord the King have two parts of the ſaid ſum ſo forfeited, and the party that ſo ſhall ſue for the ſame, have the third part thereof: (7) and the party Defendant in every ſuch Action ſhall not be received to wage his Law, and alſo be outed of all delatories in the ſame Action, as Protections, Eſſoin, and other. (8) And if it fortune the parties in any ſuch Action to defend or plead to an Iſſue for any offences done or committed contrary to the premiſſes triable in the City of Worceſter, or the Liberties of the ſame, then the ſame Iſſue to be tried by xij men within the County of Worceſter, not dwelling nor having any Lands within the ſame City, ne the Suburbs of the ſame. (9) And if the party aforeſaid in any ſuch Action defend and plead to an Iſſue for any ſuch offence done or committed contrary to the premiſſes, triable in the Shire of the Town of Glouceſter, or in the County of Glouceſter, the ſame Iſſue to be tried by xij men of or in the County of Glouceſter, thereto adjoining, not having any Lands, ne dwelling within the ſame Shire of the Town of Glouceſter. (10) Provided alway, that this Act, nor any thing in the ſame contained or ſpecified, in any wiſe extend not, nor be prejudicial or hurtful to any perſon or perſons having any Lands or Meads adjoining to the ſaid ſtream or water of Severn, to take of every perſon or perſons going upon his or their ſaid Lands or Meads, or hailing or drawing any ſuch Trow, Boat or Veſſel, reaſonable recompence and ſatisfaction for ſuch hurts and offences as he or they having ſuch Lands or Meads adjoining to the ſaid ſtream or water, ſhall ſuſtain by reaſon of any ſuch going or drawing of any ſuch Trow, Boat or Veſſel. (11) Provided alway, that if any perſon or perſons, ſpiritual or temporal, or any Body Corporate, come before the Lords of the Kings honourable Council in the Star-chamber at Weſtminſter, at any time hereafter before the Feaſt of the Aſcenſion of our Lord, that ſhall be in the year of our Lord God, M. D. and v. and there make any ſufficient proof and lawful title of their own offer, or by other means, before the ſame Feaſt, to have any manner of duty and impoſition of and for any manner of Boat, Trow, or other Veſſel aforeſaid, or for any merchandiſes or goods in any of the ſame carried and conveyed in and upon the ſaid River and Water of Severn, and the ſame proof and title by the ſaid Council admitted, and decreed before the ſame Feaſt to be good and available to the party or parties that ſue for the ſame: that then from thenceforth after ſuch proof and title ſhewed, and ſo by the ſaid Council admitted, and by them before the ſame Feaſt decreed to be good, thoſe perſons having ſuch lawful Title, may and ſhall have from the time of that decree made, all manner of ſuch duties of every of the Kings liege people ſo carrying or conveying any Boat, Trow, or other Veſſel, in and upon the ſaid Water of Severn, according to their Title and Right, ſo proved and decreed after the manner and form of the ſaid Title and Decree: this preſent Act, or any thing therein contained in any wiſe notwithſtanding. St. 23 H. 8. 12.

The forfeiture of thoſe that interrupt any with their Boats paſſing upon the River of Severn.

Where and by whom Iſſues triable in any of the ſaid Actions ſhall be tried.

The owners of lands ſhall be ſatisfied for the hurts which they receive.

A duty or impoſition allowed and decreed in the Star-chamber.

CAP. XIX.

No Shoomaker ſhall occupy the Myſtery of a Currier, nor Currier ſhall occupy the Myſtery of a Shoomaker. (2) No Tanner ſhall put a Hyde to ſale before it be ſufficiently dried. Rep. 5 Eliz. 8. 1 Jac. 22.

Cordwainers, Raſt. 21.

CAP. XX.

Writs of Error.

PRayen the Commons in this preſent Parliament aſſembled, That where at a Parliament holden at Weſtminſter, in the third year of the Reign of our Soveraign Lord the King that now is, by the advice of the Lords Spiritual and Temporal, and the Commons in the ſame Parliament aſſembled, and by authority of the ſame, it was enacted, ordained and eſtabliſhed among other things, that if any Defendant or Tenant, Defendants or Tenants, or any other that ſhall be bound by any Judgment, ſue afore Execution had, any Writ of Error to reverſe any ſuch Judgment in delaying of execution of the party, (2) that then if the ſame Judgment be affirmed good in the ſaid Writ of Error, and not erroneous, or that the ſaid Writ of Error be diſcontinued in the default of the party, or the perſon or perſons that ſueth the Writ or Writs of Error be non-ſuited in the ſame, that then the ſaid perſon or perſons againſt whom the ſaid Writ of Error is ſo ſued, ſhall recover his Coſts and Damages for his delay and wrongful Vexation in the ſame, by diſcretion of the Juſtices afore whom the ſaid Writ of Error is ſued: (3) which Act or Ordinance hath not been as yet duly put in execution, by reaſon whereof, as well Plaintiffs as Defendants in divers Actions by them ſued ſith the making of the ſaid Statute, have been oftentimes delayed of their execution, to their great and importable Hurt, Loſs and Charges; (4) wherefore the King our Soveraign Lord, by the advice of the Lords ſpiritual and temporal,

Damages 5. St. 3 H. 7. 10. A confirmation of the Stat. of 3 H. 7. 10 touching coſts awarded to the Plaintiff.

Coſts and Damages to the Plaintiff where the Defendant ſueth a Writ of Error.

and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, ordaineth, eſtabliſheth and enacteth, That the ſaid Act made the third year of his Reign concerning the premiſſes, be good and effectual, and that from henceforth it be duly put in execution. Coke pl. f. 2. 24.

C A P. XXI.

Silk Works.

Silk 1. Certain things wrought of ſilk not lawful to be brought into this Realm. Savil 7. 10.

BE it eſtabliſhed, ordained and enacted by the authority of this preſent Parliament, That no manner of perſon from henceforth bring or cauſe to be brought into this Realm of England to be ſold, any manner Silk wrought by it ſelf, or with any other ſtuff, in any place out of this Realm, in Ribands, Laces, Girdles, Corſes, Calles, Corſes of Tiſſues, or Points: (2) upon pain of forfeiture of all the ſaid Ribands, Laces, Girdles, Corſes, Calles, Corſes of Tiſſues, and Points, and every of them, in whoſe hands ſoever they be found, or the value of the ſame: the one moiety of the ſaid forfeiture to our Soveraign Lord the King, and the other moiety thereof unto any of the Kings ſubjects that will ſeiſe the ſame, the which to do, it ſhall be lawful to every of the Kings ſubjects at all times. (3) And that it ſhall be lawful to every perſon, as well ſtranger as other, to bring into this Realm from henceforth all manner of Silks, as well wrought as raw and unwrought, to ſell at his pleaſure, any Act or Acts of Parliament heretofore to the contrary made, in any-wiſe notwithſtanding. (4) And that it ſhall be lawful to all perſons, that have any ſuch Ribands, Laces, Girdles, Calles, Corſes of Tiſſues or Points, wrought beyond the Sea, bought and brought into this Land by the Kings Licence, and be to be ſold, to make ſale of the ſame, and ever party thereof, to have licence and liberty thereto until the Feaſt of Pentecoſt, that ſhall be in the year of our Lord M. D v. St. 33 H. 6. 5. 22 Ed. 4. 3. 3 E. 4. 3. 1 R. 3. 10. 1 H. 7. 9. 14 Car. 2. cap. 13.

C A P. XXII.

Staples, Raſt. 38.

A repeal of a former Statute prohibiting Men of Calice to be Factors for Merchant Strangers in England. Exp. 4 H. 7.

C A P. XXIII.

For the Merchants of the Hanſes.

Stilyard, Raſt. 1 All Statutes, &c. made in derogation of the Merchants of the Stilyard, ſhall be repealed.

BE it ordained, eſtabliſhed, enacted and provided, by the King our Soveraign Lord, by the advice of the Lords ſpiritual and temporal, and the Commons of the ſame in this preſent Parliament aſſembled, for Merchants of the Hanſe in Almain, having the Houſe in the City of London, commonly called Guillhall da Teutonicorum, that by the authority of this ſaid Parliament every Act, Statute or Ordinance, Acts, Statutes or Ordinances heretofore made, concerning Merchants, Merchandiſes, or other Wares, extend not to the prejudice, hurt or charge of the ſaid Merchants of the Hanſe, contrary to their ancient liberties, privileges, free uſages and cuſtoms of old time granted to the ſaid Merchants of the Hanſe, as well by the Kings noble Progenitors, and ratified and confirmed by the Kings Grace, as by authority of divers Parliaments: (2) But that all ſuch Act, Statute and Ordinance, Acts, Statutes and Ordinances ſo made, or to be made in derogation of their ſaid Liberties, Privileges, free Uſages and Cuſtoms, ſtand and be, as againſt their ſaid Merchants and their Succeſſors, and every of them void, repealed, adnulled, and of none effect: any Act, Statute or Ordinance, Acts, Statutes or Ordinances to the contrary, made or to be made, notwithſtanding. (3) Provided alway, that this Act or any thing therein contained, extend not, or be in any-wiſe prejudicial or hurtful to the Mayor, Sheriffs, Citizens or Commonalty of the City of London, or any of them, or the Succeſſors of any of them, of or for any Entries, Liberties, Privileges, Franchiſes, or other thing to them or any of them given or granted by the Kings moſt noble Progenitors or Predeceſſors Kings of this Realm, or by authority of this Parliament, or otherwiſe: this preſent Act or any thing therein contained notwithſtanding.

This Statute ſhall not prejudice the liberties of London.

C A P. XXIV.

For holding the Shire-court at Chicheſter and Lewes.

County 2. Where the Shire-Court for the County of Suſſex ſhall be holden.

IN conſideration that the Shire-court, of and for the Shire of Suſſex, is held and kept in the City of Chicheſter, which is in the extream part of the ſame Shire, the ſame Shire being lxx miles in length; by reaſon whereof divers and many of the Kings ſubjects, inhabiting that Shire, are ſometimes outlawed, and ſometimes loſe great ſums of mony in that Court, ere they have knowledge thereof, to their utter undoing: (2) Be it therefore enacted by the authority of this preſent Parliament, that from the Feaſt of Eaſter next coming, the Shire-court for that Shire ſhall be holden and kept one time at Chicheſter aforeſaid, and the next time at the Borough of Lewes, which Borough is in the midſt of that Shire, and ſo to be kept alternis vicibus for ever. (3) And every Shire-court holden to the contrary hereof, and all things therein done, to be void.

Here end the Statutes of King *HENRY* the Seventh.

Anno primo HENRICI Octavi.

Statutes at made *Weſtminſter* in the firſt Year of the Reign of King *Henry* the Eighth, and in the Year of our Lord, 1509.

THE King our Soveraign Lord *Henry* the Eighth after the Conqueſt, by the Grace of God, King of England and of France, and Lord of Ireland, at his Parliament holden at Weſtminſter, the one and twentieth day of January, in the firſt year of his moſt noble Reign, after the Prorogation, to the honour of God and holy Church, and for the common weal and profit of this Realm, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, hath done to be ordained, made and enacted, certain Statutes and Ordinances, in manner and form following.

CAP. I.

A repeal of an Act made Anno 8 H. 6. 2. Prohibiting the Kings Subjects to repair into Denmark and Iſeland, ſaving to the Town of Northbarm. Exp. Raſt. 1.

CAP. II.

The King nor any other ſhall take advantage of the penalties limited by the Statute of Anno 1 R. 3. 8. touching the making ſeveral ſorts of Clothes before the next Parliament. Exp. St. 27 H. 8. 12. Drapery, Raſt. 37.

CAP. III.

All Acquittances made by John Heron General Receiver of the Kings Revenues, ſhall be diſcharged againſt the King; and John Heron ſhall ſtand chargeable to others having intereſt in Receits. Revenue, Raſt. 1.

CAP. IV.

All Actions, &c. for the King upon any penal Statute, ſhall be taken within three years after the offence committed, and for any other perſon within one year. Exp. 18 El. 5. 31 El. 5. Act. populat, Raſt. 2.

CAP. V.

The Act that no Man enter no Goods but in the Owners Name, into the Cuſtomers Books.

Whereas at a Parliament holden at Weſtminſter, in the third year of the Reign of the moſt Noble King Henry the ſeventh, it was ordained and eſtabliſhed, by the authority of the ſame, That no manner of Merchant, Denizen or ſtranger, ſhould take upon him to enter, or cauſe to be entred in the Books of any Cuſtomer of any Port within this Realm, any manner of Merchandiſe coming into this ſaid Realm, or going out of the ſame, in any other Merchants Name, ſaving only the Name of the Merchant owing the ſame, upon pain of forfeiture of all ſuch Goods and Merchandiſes ſo entred; (2) and every of the ſaid Merchants which ſo ſhall take upon him to cauſe ſuch untrue entry to be made, to have impriſonment, and to make fine thereof at the Kings pleaſure: (3) It is now by our Soveraign Lord the King, and his Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, well conſidering that the intent and cauſe of the making of the ſaid Statute was only for as much as by the ſubtile dealing of ſome Engliſhmen, colourably entring in their own Names the goods of Merchant ſtrangers, the Kings Highneſs was deceived in his Cuſtoms, and that the ſaid Statute was made for none other cauſe: yet foraſmuch as the words of the ſaid Statute were general, it was extended as well unto the goods of an Engliſhman entred in the Name of one other Engliſhman, as to the goods of a ſtranger entred in the Name of an Engliſhman, to the great hurt, loſs and damage of many and divers of the Kings ſubjects, and contrary to the very intent and meaning of the ſaid Statute.

Cuſtoms 28. The penalty for cuſtoming of goods whereby the King loſeth his duty.

3 Bulſtr. 22. The intent and cauſe of the making of this Stat. of 3 H. 7. 7.

II. It is therefore ordained, eſtabliſhed and enacted by the authority of this preſent Parliament, That the Act afore rehearſed, made the ſaid third year, and all things contained in the ſame, be from henceforth repealed, adnulled and utterly void and of none effect.

A repeal of part of the Statute of 3 H. 7. 7. touching Engliſhmen entring into Cuſtomers books the goods of Aliens.

III. And farther, be it enacted by our Soveraign Lord the King, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament, and by authority of the ſame, That it be lawful from henceforth, that every Engliſhman, and all other the Kings ſubjects, may in every Port or Haven within this Realm of England, Ireland and Wales, and the Marches of the ſame, and in the Town of Berwick, where it ſhall happen any Merchandiſe to arrive, or to be charged and carried out, to cuſtom in his Name all manner of goods and merchandiſe of another Engliſhman, or the Kings ſubject.

One Engliſhman may cuſtom goods in another Engliſhmans name.

IV. And in like form, Every Merchant ſtranger to cuſtom in his Name any goods or merchandiſe of any other Merchant ſtranger, ſo that the ſaid Merchant ſtranger that cuſtoms the goods of another Merchant ſtranger, and the very Owner or Proprietary of the goods ſo cuſtomed, be charged with like cuſtom, ſubſidy, and other things, ſo that the Kings Grace be not defrauded of his right.

One Merchant ſtranger may cuſtom goods in anothers name.

V. And if any Merchant ſtranger, or Denizen, or any other the Kings ſubject, cuſtom any goods or merchandiſes of another ſtranger or denizen, or of any other the Kings ſubject, whereby the Kings Grace ſhould loſe his cuſtom, ſubſidy, or other his right or duty, that then the ſaid Merchant ſtranger, or Denizen, or any other the Kings ſubjects that ſo taketh upon him or them, to forfeit to our ſaid Soveraign Lord the King, the goods or merchandiſes ſo cuſtomed: and over that, to forfeit to the party or parties in this behalf grieved, as much mony as the goods or merchandiſes of the Merchant ſtranger, Denizen, or other the Kings ſubject (ſo cautelouſly cuſtomed) amounted unto.

The penalty of him which cuſtometh goods whereby the King loſeth his cuſtom.

VI. And that no Citizen of London, or other the Kings ſubjects, inhabiting in the Cinque-Ports, or any other being free of Priſage, or Butlarage of Wines, by grant, cuſtom or otherwiſe, cuſtom no Wines of any perſon or perſons, not being free of any Priſage, or Butlarage.

The penalty for wrongful cuſtoming of Wines by him that is free of priſage, &c.

VII. And if any perſon free of the ſaid Priſage, or Butlarage, ſo do, that then the ſaid perſon or perſons (that ſo do) forfeit to our ſaid Soveraign Lord the double value of the Priſage of the ſaid Wines ſo cuſtomed.

St. 2 & 3 Ed. 6. 27.

VIII. And farther, That it be lawful to any perſon or perſons grieved contrary to this Act, to have an Action of Debt againſt any perſon or perſons that ſo cuſtom the goods or merchandiſes in his Name, and not in the Owners Name, of the ſum of the value of the ſaid merchandiſes ſo cuſtomed and forfeited: in the which Action none eſſoin nor protection ſhall lie, nor the Defendant to wage his Law. St. 1 El. 11.

CAP. VI.

A repeal of a Statute made Anno 11 H. 7. 3. giving authority to Juſtices of Aſſiſe, and Juſtices of Peace in their Seſſions, to hear and determine all offences and contempts committed againſt any Statute in force, ſaving Treaſon, Murder or Felony. Juſt. of Aſſiſe, Raſt. 10. Co. Inſt. 4 p. 41.

CAP. VII.

For Coroners.

Coroners 15.
No fee due to a Coroner where any perſon is ſlain by miſadventure.
A rehearſal of the Statute of 3 H.7.1. touching the fees of Coroners.

Whereas by a Statute made at Weſtminſter, the third year of King Henry the Seventh, it was enacted, That a Coroner ſhall have for his Fee upon every Inquiſition taken upon view of the body ſlain and murthered, thirteen ſhillings four pence, of the Goods and Chattels of him that is the Slayer or Murtherer; (2) where by the Common Law a Coroner had not, nor ought not to have any thing for their Office doing, as by the ſame Statute more plainly doth appear: (3) Sith which Statute ſo made, the Coroners have uſed, that if any perſon hath happened to be ſlain by miſadventure, and not by no mans hand, that they will not inquire upon the view of the body ſo by miſadventure ſlain, except they have for their labour thirteen ſhillings four pence, which is contrary to the Common Law, and alſo to the Statute afore rehearſed; whereby great inconvenience doth daily grow to the Kings Subjects, foraſmuch as oftentimes the perſon that is ſo by miſadventure ſlain, lieth long above the ground unburied, to the great noyance of the Kings liege people: (4) Wherefore the King our Soveraign Lord, by the aſſents of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, ordaineth, That upon a requeſt made to a Coroner to come and inquire upon the view of any perſon ſlain, drowned, or otherwiſe dead by miſadventure, the ſaid Coroner diligently ſhall do his Office upon the view of the body of every ſuch perſon or perſons, without taking any thing therefore, (5) upon pain to every Coroner that will not endeavour himſelf to do his Office, (as afore is ſaid) or that he taketh any thing for doing of his Office upon any perſon dead by miſadventure, for every time, forty ſhillings.

St. 3 Ed. 1.10.

The Juſtices of Aſſiſe & Peace may inquire of and determine the faults of Coroners.

II. And that the Juſtices of Aſſiſes, and Juſtices of Peace within the County where any ſuch default of the Coroners be, have authority and power to enquire thereof, and determine the ſame as well by examination, as by preſentment.

CAP. VIII.

The Act of Eſcheators and Commiſſioners.

Officers 2.
The ſeveral duties of an Eſcheator and Commiſſioners.
Eſcheators former offences the cauſe of making of this Act.
No Office ſhall be returned into any of the Kings Courts but which is found by a Jury.
What land an Eſcheator or Commiſſioner muſt have.

Foraſmuch as divers of the Kings Subjects now of late time have been ſore hurt, troubled and wronged, and ſome diſherited by Eſcheators and Commiſſioners, cauſing untrue Offices to be found, and ſometime returning into the Courts of Record Offices and Inquiſitions that were never found: And ſometime changing the matter of the Offices that were truly found, to the great hurt, trouble and diſheriſon of the Kings true Subjects, that like before time hath not been ſeen in this Realm: (2) Wherefore be it ordained, eſtabliſhed and enacted in this preſent Parliament, and by authority of the ſame, That if any Eſcheator or Commiſſioner hereafter return or put into any of the Kings Courts, any Inquiſitions or Offices concerning Lands, Tenements, or other Hereditaments, not found nor preſented by the Oaths of twelve men, and indented, and by them ſealed, that then the ſame Eſcheator or Commiſſioner forfeit for every ſuch Office or Inquiſition ſo returned and put into any of the ſaid Courts, an C li. to the party or parties grieved for any ſuch Inquiſition or Office: (3) And that from henceforth no Eſcheator, ne no man ſit by virtue of any Commiſſion to inquire of Lands, Tenements or other Hereditaments, except he or other to his uſe have Lands, Tenements or Hereditaments of the yearly value of xl marks, above all charges and repriſes, upon pain of xx li. (4) And that it ſhall be lawful for all perſons that be not ſufficient of Freehold in poſſeſſion or uſe, at the time of any ſuch Commiſſion to them delivered, to refuſe to ſit and inquire by virtue of the ſame Commiſſion.

II. And that they upon proceſs made againſt them out of the Kings Eſchequer, by virtue of the ſame Commiſſion, be charged upon their Oaths for their ſaid non-ſufficiency, without Fine or Fee.

The Eſcheator ſhall ſit in an open place, and ſuffer every perſon to give evidence.

III. And that every Eſcheator and Commiſſioner ſhall ſit in convenient and open places, according to the Statutes heretofore made: (2) And that the ſaid Eſcheators and Commiſſioners ſhall ſuffer every perſon to give evidence openly in their preſence, to ſuch Enqueſt as ſhall be taken before any of them, upon pain of xl li.

St. 34 Ed. 3. 13.
36 Ed. 3. 13.
23 H. 6. 17.
What lands in value thoſe Jurors muſt have which be returned to find any Office.
The Jury muſt receive the Counterpane of an Office found, and leave it with the firſt men.
An Eſcheator muſt receive an Office found by the Jury.
An Officer of the Chancery muſt receive an Inquiſition found offered unto him, and put it on the files.

IV. And that no Sheriff, nor other perſon, which ſhall or ought to return Writs or Precepts return before Eſcheators, or ſuch Commiſſioners, any perſon or perſons to inquire of any Lands or Tenements, except every of the ſame Jury ſo returned, or other to their uſe, have Lands or Tenements of the yearly value of xl s. within the ſame Shire where the ſame inquiry ſhall be made, without fraud or colluſion, above all charges and repriſes, upon pain of forfeiture for every perſon ſo returned, one C s. (2) And that the Jury that ſhall be ſworn before any Eſcheator or ſuch Commiſſioner to enquire of Lands, Tenements, or other Hereditaments, ſhall receive the Counterpane of the Office or Inquiſition that by them ſhall be preſented, indented and ſealed by the Eſcheator, or by ſuch Commiſſioner, and the ſame deliver and ſuffer to reſt in the poſſeſſion of the firſt perſon that ſhall be ſworn in the ſaid Jury, with him to remain, to the intent that the ſaid Commiſſioner or Eſcheator may not change nor imbeſil the ſaid Offices or Inquiſitions: (3) And this to be done upon pain of every of the ſaid perſons that ſhall be ſworn, xx s. (4) And that every Eſcheator and Commiſſioner (after a Jury or Enqueſt before any of them ſworn, be ready to give their Verdict or Preſentment, and offer to preſent the ſame) that the ſaid Eſcheator or Commiſſioners, or part of them, ſhall receive the ſame Verdict without farther delay, upon pain of C li. (5) And deliver the Counterpane of the Indenture to the Jury, in form above rehearſed, upon like pain: (6) And that if the Clerk of the Petit Bag of the Kings Chancery for the time being, or his Deputy or Deputies, or any other Officer there, having authority to receive any ſuch Office or Inquiſition, to whoſe hands any ſuch Office or Inquiſition ſhall come, which ought to be returned into the ſaid Chancery, will not receive the ſame Office or Inquiſition, and put it on the Files to remain of Record, within three days after it be returned or offered to him to be received, he to forfeit for every ſuch default xl li. (7) And the Commiſſioners or Eſcheator before whom the ſame Office or Inquiſition is found, and (as is beforeſaid) offered to be delivered to the Chancery, to be diſcharged of the penalty of xl li. limited by Statute for non-returning of the ſame Office or Inquiſition within the month: (8) And that like Law and Penalty be to charge the Officer or Officers of the Kings Exchequer for the time being, which ought to receive Inquiſitions or Offices returnable into the ſame Exchequer, for refuſing ſo to receive them: (9) And that the Commiſſioners or Eſcheator before whom the ſaid Inquiſitions or Offices be found, be diſcharged of the Penalty of the Statute for non-returning of the ſame Inquiſitions or Offices, ſo that then the ſaid Eſcheators or Commiſſioners at any time after the month of any ſuch Offices before them or any of them taken, within another month then next enſuing, return the ſaid Office into the Chancery or Exchequer, as the cauſe ſhall require: (10) And that the ſaid Clerk of the Petit Bag (for the time being) certifie or cauſe to be certified the tranſcript of every ſuch Office or Inquiſition (taken before any Commiſſioners or Eſcheator) to the Kings Exchequer the next Term following the receit thereof, upon pain of forfeiture for every ſuch default C s. (11) And that no man be compelled after the Feaſt of All-Saints next coming, to occupy nor exerciſe the Office of any Eſcheator by any one Patent over one whole year: (12) And that he that is once Eſcheator, ſhall not be made Eſcheator again within three years after the foreſaid whole year ended. (13) And if any Eſcheator after the Feaſt of All-Saints be made Eſcheator, or exerciſe his Office by reaſon of one Patent over the time of an whole year ended, or be made Eſcheator within three years after, (as is aforeſaid) that then after the ſaid whole year (in form aforeſaid) ended, his Patent ſo made, to be void and of none effect: (14) And that the party or parties ſo grieved, ſhall have his or their recovery of every of the ſaid forfeitures of one C li. by Action of Debt, (15) in which Action the Defendant ſhall not wage his Law, nor be by Protection nor Eſſoin, &c. (16) And the reſidue of the other Forfeitures expreſſed in this preſent Act, the King ſhall have the one Moiety thereof, and the party that will ſue therefore by Action of Debt, the other Moiety: And the Defendant ſhall have no other delay, but as is aforeſaid.

St. 8 H. 6. 16. 18 H. 6. 7. Officers of the Excheqer muſt receive Offices found and tendred unto them. A tranſcript of an Office ſhall be certified into the Excheqer.

None ſhall be Eſcheator above a year.

The penalties of the offendors and who ſhall have the benefit of them and by what means.

V. Provided alway, That this Act concerning Eſcheators for exerciſing of their Office over an whole year together, and Letters Patents, or Grants made or to be made to any Eſcheator for term of life, or for years, or otherwiſe, extend not, ne be prejudicial to any Eſcheator that now is, and that hereafter ſhall be made and ordained in any City or Town Corporate, or in the Dutchies of Lancaſter, Cornwal: and the Counties Palatines of Lancaſter, Cheſter, Durham or Ely, or to any other County Palatine within this Realm of England, Wales, or Marches of the ſame: Or to any Eſcheator made, or hereafter to be made by any perſon or perſons, Spiritual or Temporal having authority by reaſon of any Franchiſes, Liberties, Privileges, Preſcriptions or Grant, to depute or make any ſuch Eſcheator in the ſame.

Who may be Eſcheators above one year; and by what means.

IV. Provided alſo, That this Act, as to any penalty in the ſame concerning the ſufficiency of Eſcheators and Jurors aforeſaid, extend not, nor be prejudicial to any Eſcheator in City, or Towns Corporate, ne to any other Eſcheator made or hereafter to be made by any perſon or perſons having privilege to make Eſcheators, for Inquiſition of Lands, Tenements or Hereditaments, (2) ne to any Sheriff or Bailiff, or returning in any panel any perſon or perſons before any of the ſaid Eſcheators, of leſs value than is contained in the ſaid Act. The Eſcheator of the County Palatine of Lancaſter and Cheſter in this Proviſo only foreprized and excepted.

In what places the foreſaid ſufficiency of freehold in Eſcheators or Jurors is not neceſſary.

VII. Provided alſo, That this Act extend not, nor be prejudicial to any Juſtices of the Peace, for any thing done concerning the Commiſſion of the Peace.

Juſtices of Peace ſhall not be prejudiced by this Act.

VIII. Provided alſo, That nothing penal contained in this preſent Act, take effect before the Feaſt of Eaſter next coming: And this Act to endure to the next Parliament. Anno 3 H. 8. 2. confirmed and made perpetual.

CAP. IX.

The Lord Chancellor or Lord Keeper may appoint two, three or four perſons to receive Toll or Cuſtom, and to imploy the ſame upon the repair of the Bridge of Stanes in the County of Middleſex, and to yield accompt thereof. Pr.

Stanes, Raſt. 1.

CAP. X.

An Act to enlarge a Statute for the Traverſe of Lands ſeiſed into the Kings Hands before Eſcheators.

Whereas by a Statute made the eighth year of the Reign of King Henry the Sixth, it is ordained among other things, That no Lands and Tenements ſeiſed into the Kings hands upon Enqueſts taken afore the Eſcheator or Commiſſioners, ſhall in no wiſe be let or granted to ferm by the Chancellor of England, or any other Officer of the Kings, whatſoever he be, till the ſame Enqueſts and Verdicts be returned plainly into the Chancery, or into the Excheqer: (2) but that all ſuch Lands and Tenements ſhall abide wholly and continually in the Kings hands, until the ſame Enqueſts and Verdicts be returned. (3) But it be ſo, that he or they that be grieved by the ſame Enqueſts, or put out of their Lands and Tenements, come into the Chancery, and offer to Traverſe the ſame Enqueſts, and offer to take the ſame Lands and Tenements to Ferm: (4) and if they do ſo, then the ſame Lands and Tenements be committed unto them, if they ſhew good evidence, proving their Traverſe to be true, and find ſurety after the form of the ſaid Statute, as in the ſame Statute more at large appeareth.

Patents 26. Lands let to ferm to him that offereth to traverſe an office. A rehearſal of the Statute of 8 H. 6. 16. touching letting to ferm lands ſeiſed into the Kings hands upon an enqueſt of Office.

II. And notwithſtanding the ſaid Statute, divers Eſcheators and Commiſſioners which have taken ſuch Enqueſts after the death of the Kings Subjects, of their Covin, to the intent to put them that had cauſe of Traverſe to the Verdicts of the ſaid Enqueſts, from the Ferm of the Premiſſes, would in the time of Vacation put into the Chancery, or into the Excheqer, their ſaid Office by them taken, becauſe the month ſhould paſs before the beginning of the Term next enſuing, by reaſon whereof they that ſhould of right have the Ferm upon their Traverſe according to the true intent of the ſaid Statute, were put from the ſame Ferms, contrary to right and good conſcience.

III. For

Lands ſeiſed into the Kings hands upon an enqueſt of Office, ſhall be let to ferm to him that tendereth a traverſe to the ſame within three months.

III. For remedy whereof be it ordained, enacted and eſtabliſhed by authority of this preſent Parliament, That from henceforth, after ſuch Office found afore any Eſcheator or Commiſſioner, put into the Chancery or the Exchequer, if any perſon or perſons, which will tender a Traverſe to the ſaid Office, and deſireth to have the Lands contained in the ſame Office to Ferm, and findeth ſurety, and ſheweth evidence to the Chancellor of England, (for the time being) according to the Statute afore rehearſed, come into the Chancery within three months next after the ſame Office ſo put into the Chancery or Exchequer, that he be then by the ſaid Chancellor thereto admitted; (2) and that then all other Patents or Grants hereafter to be made thereof within the ſaid three months ended, be void and of none effect, the ſaid Statute made the eighth year of the Reign of King Henry the Sixth, or any other Statute made to the contrary notwithſtanding, St. 36 E. 3. 13. 8 H. 6. 16. 18 H. 6. 6.

CAP. XI.

Attaint, Raſt. 14.

The Statute made Anno 11 H. 7. 24. which giveth attaint in certain caſes againſt the Party and petit Jury, continued until the next Parliament. Exp. St. 23 H. 8. 3.

CAP. XII.

Eſcheators, Raſt. 13. Co. In. 4 p. 197.

Untrue inquiſitions found in the Reign of King Henry the Seventh, by the procurement of Richard Empſon and Edmund Dudley, intituling the King to Tenures in Capite, may be traverſed by the Parties though they have ſued Liveries, and their Livery ſhall be no concluſion. Exp.

CAP. XIII.

Mony, Raſt. 45.

The Statutes of 17 Ed. 4. 1. & 4 H. 7. 23. inhibiting the tranſporting of Mony, Plate or Jewels, (ſaving for the penalty of Felony) ſhall be continued until the next Parliament. Exp.

CAP. XIV.

Apparel, Raſt. 4.

A repeal of all former Statutes made againſt the exceſs of Apparel: And what kind of Apparel Men of all degrees and callings are allowed, and what prohibited to wear. Rep. 1 Jac. 25.

CAP. XV.

Uſes, Raſt. 8.

All aſſurances made to Richard Empſon and Edmund Dudley attainted of High Treaſon, of land to the uſe of others, ſhall be void, and their joint Feoffees ſhall ſtand ſeiſed of the whole. But this Statute ſhall not extend to the lands of Robert Ratcliff, Lord Fitz-water. Pr.

Anno tertio HENRICI *octavi.*

THE King our Soveraign Lord *Henry* the Eighth after the Conqueſt, by the Grace of God King of England and of France, and Lord of Ireland, at his Parliament holden at Weſtminſter, the iv day of February, in the third year of his moſt noble Reign, to the honour of God and holy Church, and for the common weal and profit of this Realm, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath done to be ordained, made and enacted, certain Statutes and Ordinances in manner and form following.

CAP. I.

Mony, Raſt. 45.

Every Perſon that ſhall carry over the Sea any Mony, Plate and Jewels, &c. ſhall forfeit the double value. Exp.

CAP. II.

Eſcheators, Raſt. 11.

The Statute made Anno 1 H. 8. 8. concerning Eſcheators, Commiſſioners, finding and returning of Offices, rehearſed, confirmed and made perpetual.

CAP. III.

Archery, Raſt. 2.

All ſorts of Men under the age of forty years ſhall have bows and arrows, and uſe ſhooting, certain perſons excepted, &c. *(2)* Unlawful Games ſhall not be uſed. Rep. 33 H. 8. 9. St. 6 H. 8. 2.

CAP. IV.

Protection, Raſt. 11. Com. 293 b. 294. a.

Every perſon that is or ſhall be in the Kings Wars beyond the Sea, or upon the Sea, ſhall have a protection of Profecturus, or Moraturus cum Clauſula Volumus: *(2)* and he may alien his Lands holden in Capite without Licence: and if he die in that ſervice, his Heir within age and in ward, *(3)* his Executors, Feoffees or Aſſigns, ſhall have the Wardſhip and Marriage toward the performance of his Will. Exp. Raſt. pl. fo. 453. St. 4 H. 7. 4. 7 H. 7. 2 & 3.

CAP. V.

An Act for payment of Wages to Souldiers.

3 Inſt. 86, 87. Hutt. 134. Captains 3. The penalties of a Captain for abridging the number of Souldiers, or detaining their wages: and of a Souldier departing, &c. The peril enſuing of Captains lacking their prefixed number of Souldiers.

FOraſmuch that the King our Soveraign Lord intendeth, by the grace of God, to ſend over the Sea a great Army, truſting thereby, not only to preſerve this his Realm in its ancient Fame and Honour, but alſo to ſet in perfect Peace and Tranquility his Subjects of the ſame, and the better to be diſpoſed to ſerve God: (2) Howbeit, many times by the inordinate covetouſneſs of Captains retained with Princes afore this time, great part of the number of Souldiers, for whom ſuch Captains have indented with Princes at time of need, have lacked of the number of Souldiers, whereby great jeopardy hath inſued, and irrecuperable damages may enſue, if remedy therefore be not ſeen and had: (3) Be it therefore ordained by authority of this preſent Parliament, That if any Captain be retained, or hereafter ſhall be, to ſerve the King on the Sea, or beyond the Sea in feat of War, which have not his or their whole and perfect number of Men and Souldiers, according as he ſhall be retained with the King, or give not them their full Wages, without abridgement, as he ſhall receive of the King for them: he ſhall for ſuch default forfeit to the King all his Goods and Chattels, and their body to Priſon. (4) And that every Captain, petit Captain, and all other having under them retinue of Souldier or Souldiers at the Kings Wages, ſhall (upon the pain aforeſaid) pay to the retinue of Souldier or Souldiers, and every of the ſame, the Wages rateably as is allowed unto them by the King our Soveraign Lord, or the Treaſurer of his Wars, without leſſening or withdrawing of any part thereof: (5) And for as long time as they ſhall receive Wages for them, this payment to be made unto the ſaid retinues, every Souldier of the ſame, of their Captains, and petit Captains, always within ſix days next and immediately after that the ſaid Captain, petit Captain, or other, ſhall have received their Wages of the King, or of the Treaſurer of his Wars, or of their Lords or Maſters.

A Captain ſhall have all his Souldiers, and pay them all their wages

It is felony for a Souldier to depart from his Captain without licence. St. H. 6. 19. 5 El. 5.

II. And if any Souldier, being no Captain, immediately retained with the King, which hereafter ſhall be in Wages, and retained, or take any Preſt to ſerve the King upon the Sea, or upon the Land, or beyond the Sea, depart out of the Kings ſervice, without licence of the Kings Lieutenant there, that ſuch departing be taken, deemed and adjudged Felony: And that he ſo offending ſuffer for the ſaid offence, puniſhment and execution of Felony.

III. And foraſmuch as his offence ſtretcheth to the hurt and jeopardy of the King our Soveraign Lord, the Nobles of the Realm, and of all the Common weal thereof, that therefore he or they ſo offending (not being within Orders of holy Church) enjoy not the benefit of his Clergy. (2) And that it be ordained by the ſaid authority, That the Juſtices of the Peace to every Shire of England where any ſuch offendors be taken, have power to inquire of the ſaid offences, and the ſame hear and determine, as they do and may do of Felonies, Treſpaſſes, and other offences expreſſed in the Kings Commiſſion to them made, as though the ſaid offences were done in the ſame Shire: (3) And alſo that the ſaid departing of ſuch Souldiers, and alſo their retainers, if it be traverſed, be tried in the ſame Shire where they be for ſuch cauſes arreſted and arraigned.

Juſtices of Peace may enquire of, hear and determine theſe offences.

IV. Provided alway, That no Captain be charged by this Act for lack of his number retained, as is aboveſaid, whoſe Souldiers ſhall happen to die, or otherwiſe depart, not in the default of the Captain; ſo that the ſaid Captain, if he be at Land Wages, ſhew the departing or lacking of his Souldier within ten days after the lacking of the ſaid Souldier, unto the Kings Lieutenant there, and to the Treaſurer of the Wars: (2) Or if the Captain be at the Sea-wages, if he ſhew the departing or lacking of the Souldier ſo lacking, to the Admiral of the Navy where he is retained, at the next meeting with the ſaid Admiral. (3) Provided alway, That this Act extend not to any Captains or Souldiers, that now be, or hereafter ſhall be retained within the Towns of Calice, Hammes and Guiſnes, Riſebank, Berwick and Wales, or any of them, and the Marches of the ſame.

The Captain ſhall be diſcharged if his Souldiers die or depart from him

V. Provided alway, That this Act be not prejudicial nor hurtful to the ſaid Captains, petit Captains, nor any other, having under them retinue of Souldiers, nor any of them, for non-payment of the Kings Wages to their houſhold Servants and other, to whom they ſhall daily find and give meat and drink during the ſaid Service of War. St. 2 Ed. 6. 2. 4 & 5 P. & M. 3. 7 H. 7. 1.

This doth not extend to the houſhold ſervants of a Captain.

CAP. VI.

The ſeveral duties of a Breaker, Kember, Carder, Spinner, Weaver, Fuller, Clothier and Aulneger, concerning true making, drawing and ſealing of Woollen Clothes. Exp. St. 5 Ed. 6. 6. 39 El. 20. 43 Eliz. 10.

Drapery, Raſt. 42.

CAP. VII.

An Act for perfect working of Cloths before they ſhall be carried out of the Realm.

Where at the Parliament holden at Weſtminſter the ninth day of November, the third year of the Reign of our late Soveraign Lord the King, Henry the Seventh, (whoſe ſoul God pardon) it was ſhewed by Shearmen, Fullers, and other Artificers, that ſhould live and obtain their needy ſuſtentation by mean of Drapery, made and draped within this Realm, as well throughout the ſame Realm as within the City of London, (2) That whereas in a Statute made the ſeventh year of the Reign of King Edward the Fourth, amongſt other it was contained, That no perſon (Denizen nor Stranger) ſhould carry, or do to be carried to any parts beyond the Sea, any Woollen Yarn nor Cloth unfulled, but the Woollen Yarn to be made in this Realm ſhould be Woven in the ſame: (3) and alſo all Cloth within the ſame made ſhould be fulled and fully wrought within the ſame, before that any of the ſame ſhould be had or carried out of this Realm, upon pain of forfeiture of the very value of ſuch Yarn not woven, and Cloth not fulled, had or carried out of this Realm, (4) The one half of the ſame forfeiture to be levied to the uſe of the King, and the other half of that to him or them that ſhould eſpy or make proof of any ſuch Yarn not woven, or Cloth not fulled, carried to any place beyond the Sea. (5) And foraſmuch as in the ſaid Statute of King Edward, there is no expreſs mention made, that the ſaid Clothes ſhould be Rowed and Shorn before that they be carried and conveyed out of this Realm, whereby the ſaid poor Commons of the Crafts aforeſaid might be ſet in labour and occupation: therefore the ſaid Clothes then were, and yet been in great number and plenty carried and conveyed out of this Realm unrowed and unſhorn, into the parts of the beyond the Seas, as well by Denizens as by Strangers, whereby outlandiſh Nations with the ſame Drapery been ſet to labour and occupation, to their great inriching, and the poor Commons of the Crafts aforeſaid through all this Realm which of natural reaſon (as the Kings true liege Men) ſhould have and obtain their needy ſuſtentation and living by means of the ſame Drapery, for lack of ſuch occupation, daily fall in great number into idleneſs and poverty, to their uttermoſt deſtruction, if it ſhould then any longer continue: (6) Whereupon our ſaid Soveraign Lord King Henry the Seventh, by the advice of his Lords Spiritual and Temporal, and at the prayers of the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, ordained, eſtabliſhed and enacted, That no ſtranger nor denizen ſhould carry, or make to be carried out of this Realm any woollen Clothes, but that they before be barbed, rowed and ſhorn within the ſame Realm, for the relief and ſetting awork of the ſaid poor Commons of the Crafts aforeſaid, upon pain of the forfeiture limitted in the ſaid Statute of King Edward, made upon Cloth carried out of this Realm not fulled, to be divided in manner and form as in the ſame Statutes contained. (7) So that Clothes called Veſſes, Raies, Sailing Clothes, and all other Clothes commonly ſold at xl s. or under, be not compriſed in the ſaid Act, made the ſaid year of the Reign of our ſaid late Soveraign Lord King Henry the Seventh, as by the ſame Acts more plainly appeareth. (8) And for lack of due execution of the ſaid Acts, little effect or profit hath followed or grown of the ſame to the ſaid poor Crafts-men, being natural Subjects, which for lack of work and occupation daily fall into idleneſs and poverty.

Drapery, Raſt. 38

A reſtraint of the tranſporting of woollen cloth before it be fulled, rowed, ſhorn, &c.

The inconveniences enſuing by tranſporting of cloth unrowed and unſhorn.

II. Be it therefore ordained, eſtabliſhed and enacted by the King our Soveraign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the ſaid Acts and Ordinances may ſtand and continue in their full ſtrength and virtue: And that they from henceforth be duly put in execution, according to the tenor, purport, and effect of the ſame, and of either of them. (2) And that every perſon that will ſue for the ſame Forfeitures, be admitted to his Action of Debt, by Bill or Information in any of the Kings Courts of Record, where the ſame may be determined after the courſe of the Common Law, and that the Defendant in ſuch behalf in no wiſe be admitted

A confirmation of the Stat. of 7 Ed. 7. 3. and 3 H. 7. 11. made to reſtrain the tranſporting of cloth, &c. before it be fulled, &c.

to

What Clothes be not compriſed in this Act, but may be carried over. St. 5 H. 8. 7.

to wage his Law, nor that any Protection or Eſſoin be in the ſame allowable: (3) Nevertheleſs for that the Draping and making of ſuch Clothes called Veſſes, Raies, Sailing-clothes, and other Clothes, which at the time of making of the Statute of King Henry the Seventh, were commonly ſold at xl s. or under, the maker thereof and Clothier of times paſſed, and now is, and hereafter is like to be at greater charge about the draping and making of the ſame, and alſo of all other Clothes; for that Wool is of far greater price, and alſo the coſts and charges for the workmanſhip of ſuch Clothes is far more chargeable than it were at the time of making of the ſaid Statute: (4) Be it therefore provided by the authority aforeſaid, That Clothes called Veſſes, Raies, Sailing-clothes, and other Clothes now commonly ſold at four Marks or under, be not compriſed in this, or any of the ſaid Acts, but may be carried and conveyed out of this Realm into the parts beyond the Sea, not barbed, rowed nor ſhorn, this or any the ſaid Acts notwithſtanding. Alt. 27 H.8.13. & 33 H. 8. 19.

CAP. VIII.

An Act repealing an Act made at York, for ſelling of Victual by head Officers during their Office.

Victuals 9. Aſſeſſing of the prices of Victuals, when a Victualler is chief Officer.

The decays of Cities and Boroughs, &c. the cauſe of alteration of the Statute of 12 Ed. 2 6

Where in the Parliament of King Edward, Son of King Edward, holden at York, in the twelfth year of his Reign, amongſt other things, it was accorded and enacted, That no Miniſter in City or Borough, which by reaſon of his Office ought to keep Aſſiſes of Wines and Victuals, as long as he ſhould be attendant to that Office, ſhould Merchant Wines and Victuals in groſs, or at retail, upon a certain pain limited and expreſſed in the ſaid Statute, as in the ſame more plainly doth appear; (2) Sithen the making of which Statute and Ordinance, many and the moſt part of all the Cities, Boroughs and Towns Corporate within this Realm of England, be fallen in ruine and decay, and not inhabited with Merchants, and Men of ſuch ſubſtance as they were at the time of making of the foreſaid Statute and Ordinance: for at this day the dwellers and inhabitants of the ſame Cities and Boroughs, be moſt commonly Bakers, Brewers, Vintners, Fiſhmongers, and other Victuallers, and few or no other perſons of ſubſtance be within many of the ſaid Cities, Boroughs and Towns Corporate, other than the foreſaid Victuallers, at this day, able and ſufficient to bear Office within the ſame, and to content, anſwer, and pay unto the Kings Grace his Fee-ferm wherewith they be charged: (3) In conſideration whereof, and for the eaſe, comfort and relief of the foreſaid poor Cities, Boroughs and Towns Corporate, and of the Inhabitants of the ſame: Be it ordained, eſtabliſhed and enacted by the King our Soveraign Lord, by the advice of his Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by authority of the ſame, That whenſoever, and as often as any Victualler choſen to bear any Office within any City, Borough or Town Corporate, which for the time that he ſhall ſtand and be in ſuch Office, ſhould have the aſſeſſing and correction for ſelling of Victuals, that then two diſcreet and honeſt perſons of the ſame City, Borough or Town Corporate, not being Victuallers, ne any of them being a Victualler, ſhall be choſen by the Commonalty of the ſame City, Borough or Town Corporate, in like form as the ſaid Officer ſhall be choſen: which two perſons, with the ſaid Officer, ſhall be ſworn truly to Seſs and ſet the Priſes and Aſſiſes of Victual there, for the time that any ſuch Victualler ſhall abide in the ſame Office: (4) And that then it ſhall be lawful to all and every of the ſaid Officers, after the ſame Victuals be ſet and ſeſſed by the ſame Officer and the ſaid two perſons, or one of the ſame two perſons, the other being abſent, to Merchant and ſell Wines, and all other Victuals in groſs, and at retail, during the time that he ſhall be in any ſuch Office, without any thing therefore to forfeit: The ſaid Statute, Act and Ordinance, or any other Act or Acts, Ordinance or Statute to the contrary made in any wiſe notwithſtanding.

The officers of London, York and Coventry excepted.

II. Provided alway, That this Act or any thing therein contained, extend not to diſcharge any Miniſter of the Cities of London, York and Coventry, nor none of them, for any Wine or Victual to be ſold by any retail within any the ſaid Cities of London, York and Coventry. 6 R. 2. 9.

CAP. IX.

Mummers, Raſt. 1.

Mummers ſhall be impriſoned three months, and fined at the Juſtices diſcretion. The penalty for ſelling of Viſors, or keeping them in a Houſe, is to forfeit xx s. for every Viſor, and to be impriſoned at the diſcretion of the Juſtices. Exp.

CAP. X.

Cordwainers, Raſt. 21.

No Alien ſhall buy any Leather but in open Market. The Wardens of Curriers in London may make ſearch for Leather inſufficiently tanned, ſeiſe the Leather, and commit the Offender to priſon. Rep. 5 El. 8. & 1 Jac. 22. St. 2 H. 6. 7. 1 H. 7. 5. 19 H. 7. 19.

CAP. XI.

An Act for the appointing of Phyſitians and Surgeons.

Phyſicians 6. Surgeons 1. By whom every Phyſician and Surgeon ſhall be allowed. Inconveniencies enſuing by ignorant perſons practiſing Phyſick or Surgery.

To the King our Soveraign Lord, and to all the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled: Foraſmuch as the Science and Cunning of Phyſick and Surgery (to the perfect knowledge whereof be requiſite both great learning and ripe experience) is daily within this Realm exerciſed by a great multitude of ignorant perſons, of whom the greater part have no manner of inſight in the ſame, nor in any other kind of Learning: (2) ſome alſo can no Letters on the Book, ſo far forth that common Artificers, as Smiths, Weavers and Women boldly and accuſtomably take upon them great Cures, and things of great difficulty: in the which they partly uſe Sorcery and Witchcraft, partly apply ſuch Medicines unto the Diſeaſe, as be very noxious, and nothing meet therefore, to the high diſpleaſure of God, great infamy to the Faculty, and the grievous hurt, damage and deſtruction of many of the Kings liege people; moſt eſpecially of them that cannot diſcern the uncunning from the cunning: (3) Be it therefore (to the ſurety and comfort of all manner people) by the authority of this preſent Parliament enacted, That no perſon within the City of London, nor within ſeven miles of the ſame, take upon him to exerciſe and occupy as a Phyſician or Surgeon, except he be firſt examined, approved and admitted by the Biſhop of London, or by the Dean of Pauls, for the time being, calling to him or them four

St. 14 H. 8. 5. 34 H. 8. 8.

four Doctors of Phyſick, and for Surgery, other expert perſons in that Faculty, and for the firſt examination ſuch as they ſhall think convenient, and afterward alway four of them that have been ſo approved, (4) upon the pain of forfeiture for every month that they do occupy as Phyſicians or Surgeons not admitted nor examined after the Tenor of this Act, of v li. to be imployed the one half thereof to the uſe of our Soveraign Lord the King, and the other half thereof to any perſon that will ſue for it by Action of Debt, in which no Wager of Law nor Protection ſhall be allowed.

II. And over this, That no perſon out of the ſaid City and Precinct of ſeven miles of the ſame, except he have been (as is aforeſaid) approved in the ſame, take upon him to exerciſe and occupy as a Phyſician or Surgeon, in any Dioceſs within this Realm, but if he be firſt examined and approved by the Biſhop of the ſame Dioceſs, or he being out of the Dioceſs, by his Vicar-general: either of them calling to them ſuch expert perſons in the ſaid Faculties, as their diſcretion ſhall think convenient, and giving their Letters Teſtimonials under their Seal to him that they ſhall ſo approve, upon like pain to them that occupy contrary to this Act (as is abovesaid) to be levied and employed after the form before expreſſed.

A Phyſician or Surgeon allowed by the Biſhop of the Dioceſs.

III. Provided alway, That this Act nor any thing therein contained, be prejudicial to the Univerſities of Oxford or Cambridge, or either of them, or to any Privileges granted to them. (2) Memorand. That Surgeons be compriſed in this Act as Phyſicians, for like miſchief of ignorant perſons preſuming to exerciſe Surgery. Raſt. pl. fol. 426.

The privileges of Oxford and Cambridge.

CAP. XII.

The Act that Juſtices may return Impanels for the King by their diſcretions.

Whereas great extortions and oppreſſions be, and have been within the more party of all the Counties and Shires within this Realm of England, by the ſubtilty and untrue demeanor of Sheriffs, and their Miniſters, committed and done unto many perſons in great number of the Kings Subjects, by mean and making and returning at every Seſſions holden within the ſaid Counties and Shires, for the body of the Shire, in taking and putting in, and returning of names of ſuch perſons, as for the ſingular advantage, benefit and gain of the ſaid Sheriffs and their Miniſters, will be wilfully forſworn and perjured, by the ſiniſter labour of the ſaid Sheriffs and their Miniſters; (2) by reaſon whereof many and divers ſubſtantial perſons (the Kings true Subjects) contrary to good equity and right wiſeneſs, have divers times and many wrongfully been indicted of divers Murthers, Felonies, and other Miſbehaviour, by their covin and falſhood, to the utter undoing of their Lives, loſs of their Goods and their Lands: by reaſon whereof they and every of them, in avoiding the untrue trouble and vexation which to them might come and enſue by reaſon and occaſion of the ſame falſe Indictments; (3) and alſo ſometime by labour of the ſaid Sheriffs, divers great Felonies and Murthers concealed, and by the ſaid perſons alſo by the ſaid Sheriffs and their Miniſters partially returned, not preſented, be and have been compelled to make Fines and give Rewards to the ſaid Sheriffs and their Miniſters: (4) Wherefore be it enacted, ordained and eſtabliſhed by the King our Soveraign Lord, and by the aſſent of the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by authority of the ſame, That all Pannels to be returned, which be not at the ſuit of any party, that ſhall be made, and put in by every Sheriff and their Miniſters afore any Juſtice of Gaol-delivery, or Juſtice of Peace, whereof one to be of the Quorum, in their open Seſſions to enquire for the King, ſhall be reformed by putting to, and taking out of the names of the perſons which ſo be empanelled by every Sheriff and their Miniſters, by diſcretion of the ſame Juſtice before whom ſuch Panels ſhall be returned: (5) And that the ſame Juſtice and Juſtices ſhall command every Sheriff and their Miniſters in his abſence, to put other perſons in the ſame Panel by their diſcretions: and that the ſame Panels ſo reformed by the ſaid Juſtices, be good and lawful: (6) And that if any Sheriff, or any their Miniſter, at any time do not return the ſame Panel ſo reformed, that then every ſuch Sheriff or Miniſter ſo offending, for every ſuch offence ſhall forfeit xx li. Sterling Mony of England: the one half thereof to our Soveraign Lord the King or his Heirs, and the other half to him or them of his Subjects that will ſue for the ſame by Action of Debt at the Common Law, or Bill, or Complaint, where it ſhall fortune any ſuch to fall and be: (7) and that none Eſſoin ne Protection be allowed for the Defendant or Defendants in that Action or Plaint, (8) nor that the ſaid Defendant nor Defendants therein be admitted to wage their Law: (9) And that the Kings Pardon ſhall be no bar againſt the party and parties in the ſame, that any ſuch action ſhall ſue.

Jurors 8. Which panels returned by the Sheriffs may be reformed by the Juſtices.

Co. lib. 12, 99, 68.

The inconveniences enſuing by the Sheriffs returning of panels for the King without controulment of any.

St. 11 H. 7. 25.

CAP. XIII.

A confirmation of the Statute of 19 H. 7. 4. ordained againſt ſhooting in Crosbows: And all placards granted for ſhooting in Crosbows ſhall be void. Rep. 6 H. 8. 13.

Crosbows.

CAP. XIV.

An Act for ſearching of unlawful Oyls.

PRayen your Highneſs, the Commons in this preſent Parliament aſſembled, That whereas divers manner of Oyls been brought into this Realm, as well into the City of London, as to divers other places within the ſame Realm, which be daily uſed and miniſtred as well for mans ſuſtenance and comfort, as for neceſſaries for draping of Woollen Clothes, and for other divers neceſſaries, uſed for the Weal of your Subjects: and for lack of good overſight, ſearch and correction of ſuch Oyls, many ſimple perſons (buyers of the ſaid Oyls to ſell after) falſly and deceivably by crafty means do mix and alter the ſame Oyls from their former nature and goodneſs, to the great loſs, jeopardy, danger, and deceit of your Subjects: Wherefore be it by your Highneſs, by the advice and aſſent of your Lords Spiritual and Temporal, and of your Commons in this preſent Parliament aſſembled, and by authority of the ſame, ordained, enacted and eſtabliſhed, That the Mayor of the City of London for the time being, with the Maſter and Wardens of the Myſtery or Craft of Tallow-Chandlers of the ſame City for the time being, ſhall from henceforth have full power and authority to ſearch all manner of Oyls brought into the ſaid City of London to be ſold, in whoſe hands

Oyl 1. Searching for and puniſhing ſuch as ſell falſe and mixt Oyls.

ſoever they be, or ſhall be found, and that as often as the caſe ſhall require: (4) And that the ſaid Mayor, with the ſaid Maſter and Wardens of the ſaid Myſtery or Craft of Tallow-Chandlers, for the time being, ſhall truly ſearch and overſee, that the ſame Oyls to be put to ſale be not mixt nor altered from their right kinds, but that they be good and lawful as they ought to be. (5) And that it ſhall be lawful to the ſaid Mayor, with the ſaid Maſter and Wardens for the time being, to damne, avoid, and utterly to caſt away all ſuch Oyls as they ſhall find defective, or falſly or deceivably mixed, and altered from their right kinds, as is aforeſaid, without any let or perturbance of any perſon or perſons, whatſoever they are, or ſhall be. (6) And alſo the ſaid Mayor, Maſter and Wardens, to commit ſuch perſon or perſons, as ſhall be found defective for uſing of ſuch deceit or craft, to ward, and to puniſh him or them therefore by their diſcretions, according to the Laws and Cuſtoms within the ſaid City or Liberty of London uſed, had and made, of and for other miſdoers and offendors in the ſaid City. (7) And be it farther enacted by the ſaid authority, That the Mayor in every City, Borough and Town within this Realm, where a Mayor is (for the time being) or the Governor or Governors, or Rulers of every other City, Borough, and Town Corporate within this Realm alſo for the time being, ſhall have within their Juriſdiction, Liberty and Franchiſe, every of them like authority and power to make, and do like ſearch, order, direction, correction, puniſhment and execution of the ſame, of, for or upon all Oyls being defective, or deceivably or falſly mixed and altered, by any perſon or perſons within their Liberties and Franchiſe, in manner and form as is afore rehearſed, as the ſaid Mayor, Maſter and Wardens of the ſaid City of London, by this preſent Act, have, or might have, of, for, or upon any Oyl ſold, or to be ſold within the ſaid City of London.

CAP. XV.

Hats, Raſt. 2. 3 Inſt. 201, 204.

All Statutes made for Hats and Caps repealed. Who only may buy Hats and Caps wrought beyond the Sea. The prices of ſeveral ſorts of Hats and Caps. Rep. 1 Jac. 25. St. 22 Ed. 4. 5. 4 H. 7. 9. 21 H. 8. 9. 7 Ed. 6. 8. Vet. Mag. Chart. 2 part 166.

Anno quarto HENRICI *octavi.*

THE King our Soveraign Lord *Henry* the Eighth after the Conqueſt, By the Grace of God, King of England and of France, and Lord of Ireland, at his Parliament holden at Weſtminſter the iv day of November, in the fourth year of his moſt noble Reign, to the honour of God and holy Church, and for the common weal and profit of this Realm, and by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath done to be ordained, made and enacted, certain Statutes and Ordinances, in manner and form following.

CAP. I.

Caſtles, R. ſt. 3.

Bulwarks, Brales, Walls, and other Fortifications ſhall be made by the Sea-ſide in Cornwal by the Juſtices of Peace aſſignment. Exp.

CAP. II.

Puniſhment of Murthers.

Clergy 13. The benefit of Clergy taken from ſuch as do commit certain offences. Cauſes of imboldening men to commit murthers and felonies.

WHereas Robberies, Murthers and Felonies daily increaſe more and more, and been committed and done in more heinous, open, and deteſtable wiſe, then hath been oft ſeen in time paſt: And the perſons ſo offending little regard the puniſhment thereof, by the courſe of the Common Law, ne by reaſon of any Statute heretofore made, but bear them bold of their Clergy, and imagining and pleading of feigned and untrue foreign Pleas, triable in foreign Counties, to the intent to be removed from place to place, by colourable and untrue ſuggeſtions, and for to be untruly acquit by favour, might and corruption; ſo that they live in manner without fear or dread: (2) For reformation whereof, and for the common wealth of this Realm, and for to put the ſaid Murthers, Felons and Offendors in more fear and dread ſo to offend: Be it ordained, eſtabliſhed and enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all perſon or perſons, hereafter committing Murther or Felony, in any Church, Chappel, or Hallowed place, or of and upon malice prepenſed, rob or murther any perſon or perſons in the Kings High-way, or elſe rob or murther any perſon in his houſe, the owner or dweller of the houſe, his wife, child or ſervant then being therein, and put in fear or dread by the ſame, That ſuch perſon or perſons ſo offending, be not from henceforth admitted to his or their Clergy, (ſuch as been within holy Orders only except.)

St. 23 H. 8. 1. 32 H. 8. 1. 1 Ed. 6. 12. 5 Ed. 6. 9. Alt. 28 H. 8. 1.

Trial of a felon pleading, that he was taken out of a privileged place in a foreign County. St. 22 H. 8. 2. made perpetual. St. 1 Jac. 25. St. 21 Jac. 28.

II. And over that, be it enacted by the ſaid Authority, That if any Murtherer or Felon, upon his Arraignment hereafter do alledge, that he had taken any Church or Church-yard for Murther, Felony or other place Privileged for the ſame, in a foreign County, and againſt his will taken out thereof: that then the Kings Attorny, or any other perſon that will ſue or alledge for the King, that the ſaid Murtherer or Felon ſo arraigned, was taken at large in the ſame Shire where he is ſo arraigned; that then the ſame Allegiance and Iſſue to be tried by the Enqueſt that ſhall try the ſaid Murther or Felony within the ſame Shire, and before the ſame Juſtice, where the ſaid Murtherer or Felon is arraigned, as though the ſaid foreign Plea had not been pleaded by the ſaid Felon: (2) And if it be found by the ſame Enqueſt, that the ſaid Murtherer or Felon was taken within the ſame Shire (as is aforeſaid) that then he to have none advantage or benefit of the matter alledged by him for taking out of the Church or Church-yard, or other place privileged, in any ſuch foreign Shire: And this Act to endure to the next Parliament.

CAP. III.

The Act concerning Juries in London.

Jurors 16. A remedy to recover Iſſues forfeited by Jurors in London. St. 11 H. 7. 21.

WHere at a Parliament holden at Weſtminſter the eleventh year of the Reign of King Henry the Seventh, for the good and due adminiſtration and expedition of Juſtice, it was ordained, and among other things enacted, That every perſon hereafter to be

empanelled

empannelled or ſummoned to appear in any Jury or Enqueſt, in any Court within this City of London, before any Judges of the ſame City, making default at the firſt ſummons, ſhould loſe and forfeit xij d. and at the ſecond default ij s. and ſo at every ſuch default after that, the iſſues and penalties to be doubled: (2) And alſo ſuch iſſues loſt in the Mayors Court ſhould be forfeited, levied and perceived to the uſe and behoof of the Mayor and the Commonalty of the ſaid City. (3) And that all ſuch iſſues loſt in the Sheriffs Court or Courts ſhould be forfeited, levied and perceived to the uſe of the Sheriffs of the ſame City for the time being, toward their fee-farm, as by the ſame Act more plainly doth appear: (4) in the which Act it is not expreſſed, how or by what means the foreſaid iſſues ſo loſt and forfeited for non-appearance of the perſons ſo empannelled and ſummoned, ſhould be levied. The lack whereof is the cauſe that ſuch perſons as have been empannelled and ſummoned, as well for the King, as between party and party (being ſubſtantial and indifferent) have made many times default, and would not appear. And ſo it remaineth in like miſchief as it was before the making of the foreſaid Act, to the great let of Juſtice, and the delay as well in the Kings cauſes, as in other cauſes between parties: (5) Wherefore for the good execution of the ſaid Statute, and perfect remedy in this behalf to be had,

II. Be it eſtabliſhed, ordained and enacted by the King our Soveraign Lord, by the aſſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That for all ſuch iſſues (in form aforeſaid) hereafter to be loſt or forfeited in the Mayors Court, it ſhall be lawful to the ſaid Mayor, and to his ſucceſſors, to diſtrain, and the ſame diſtreſs to retain till he or they be ſatisfied of the ſaid iſſues. (2) And in like manner, that it ſhall be lawful to the foreſaid Sheriffs and their ſucceſſors to diſtrain for ſuch iſſues loſt in their Court or Courts, and the ſaid diſtreſs to retain till they be ſatisfied of the ſaid iſſues.

A remedy for the Mayor and Sheriffs of London to recover iſſues forfeited by Jurors. St. 21 H. 7. 21

III. Item, Foraſmuch as after iſſues joined in Actions and Suits commenced, taken or depending in the Kings Court before himſelf in his Bench, and before his Juſtices of the Common Bench, and alſo in his Exchequer at the Kings ſuit, or at the ſuit of parties triable in the ſaid City of London, as well the King as the parties have ſuffered great delay many times for default of appearance of the Jurors empannelled to try the ſaid iſſues, and many times for lack of Jurors not having lands and tenements of the yearly value of xl s.

The ability of the Jurors of London empannelled to try an iſſue in any of the Courts at Weſtminſter.

IV. Be it ordained and enacted by the ſaid authority of this preſent Parliament, That the Sheriffs of London (for the time being) have full authority and power to return empannels, or arraies of all Actions and Suits now depending, or that ſhall depend in any of the ſaid Courts or Exchequer, perſons being Citizens, having goods to the value of an C mark, or above, to try the iſſues joined or to be joined in every ſuch Action or Suit. (2) And that the perſon ſo returned (having goods to the value of C mark, or above) ſhall be ſworn and do, in all ſuch Juries in like wiſe in every thing, as other perſons ſhould do having lands and tenements of the yearly value of xl s. over all charges.

V. And over that, be it ordained by the ſaid authority, that the Sheriffs of the ſaid City (for the time being) ſhall return upon the firſt diſtreſs in every ſuch action or ſuit upon every of the Jurors empannelled to try the iſſues thereof, xx d. And upon the ſecond diſtreſs upon every of the ſame Jurors xl d. And upon every diſtreſs after that, upon every of the ſame Jurors the double, till a full Jury in every ſuch action and ſuit ſhall appear and be ſworn to try the iſſues joined in the ſame. (2) And that the Sheriffs that ſhall make any return upon ſuch diſtreſs contrary to the form aforeſaid, ſhall forfeit for every ſuch default xl. the one half thereof to be to the King, and the other half to the party that will ſue therefore. (3) And that the Defendant in any ſuch action be not admitted to wage his Law, nor protection therein for him allowed. (4) This Act to indure only to the next Parliament, and this Act to take effect after the laſt day of December, the fourth year of the Reign of King Henry the eighth.

What Iſſues ſhall be returned upon the Jurors in London. St. 5 H. 8. 5.

CAP. IV.

Proclamations to give warning to him that dwelling in one County is ſued to an Exigent in another. Ex. St. 6 H. 8. 4.

Exigent, Raſt.

CAP. V.

No Penalties for giving of Wages aſſured by any Statute, ſhall be impoſed upon the Maſter or a Giver of Wages. Exp. St. 12 R. 2. 4.

Labourers, Riots 34.

CAP. VI.

An Act for Sealing of Cloths of Gold and Silver.

Where at a Parliament holden in the twelfth year of the Reign of King Edward the Fourth, amongſt other it was ordained, eſtabliſhed and enacted, That the Collectors of the Subſidy, and the Comptrollers ſhould at all times be ready when they ſhould be required, to ſeal any manner of Cloth of Gold, Silver, Baudekin, Velvet, Damask, Saten, Sarſenet, Tariron, Chamblet, and every other Cloth of Silk, and every Corſe of Silk and Gold, and every Corſe of Silk of the making beyond the Sea, and the ſame merchandiſes ſhould ſeal in every time when they ſhould be required, without delay, tarrying, or any thing for their ſealing to take by any mean, upon the pain of forfeiture to the owner of ſuch merchandiſes xx s. by every of the ſaid Collectors and Comptrollers at every time when they refuſe to ſeal any ſuch merchandiſes after ſuch requeſt made, or take any thing for ſealing of any ſuch merchandiſes, as by the ſame Act amongſt other things more plainly appeareth. (2) Sithen the making of which Act the ſaid Collectors and Comptrollers, and their Clerks, not fearing the penalty limited in the ſame Act, have uſed, and daily uſe to take for ſealing of every piece of the ſame merchandiſes above rehearſed, ij d. to the great loſs, hurt and damage of the Merchants owners of the ſame: (3) For the ſame Merchants at many times bring and convey in one Ship iij or iv M. pieces of the ſame merchandiſes, which amounteth to xxx or xl l. after the rates of ij d. a-piece. And foraſmuch as the foreſaid penalty expreſſed in the ſaid Statute is but xx s. therefore the ſaid Collectors, Comptrollers, nor their Clerks fear not to run in the jeopardy of the ſame: (4) Wherefore be it ordained and enacted by the King our Soveraign Lord, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame,

Cuſtomers 12. None ſhall take any thing for the ſealing of Cloth of Gold, Silver, Velvet, &c.

The cauſe why the Statute of 12 Ed. 3. 4. is not put in execution.

That from henceforth the Collectors and Comptrollers of the ſaid Subſidy, nor their Clerks, nor any of them, take for the ſealing of any piece of the ſaid Merchandiſes (above rehearſed) any thing, upon pain of foreiture at every time xx l.

No Collector or Comptroller of the Subſidy ſhall take any thing for ſealing of Cloth of Gold, &c. The Collector or, &c. ſhall not delay the Merchant to ſeal his Cloth of Gold.

II. And alſo be it enacted by the ſame authority, that if, and as often as the ſame Collectors and Comptrollers, or any of them unreaſonably delay, or tarry the ſaid Merchants, or any of them, for and about the ſealing of the ſame Merchandiſes; that then and ſo often the ſame Collectors and Comptrollers, and every of them ſo unreaſonably delaying and tarrying the ſame Merchants, or any of them, to forfeit for the ſame xl s. (2) the one moiety of every of the ſaid Penalties (ſo forfeited) to be to the King our Soveraign Lord, and the other moiety thereof to the Merchant ſo grieved, that will ſue for the ſame by way of information in the Kings Eſchequer, or by Action or Bill of Debt, after the order of the Common Law, as in other Actions of debt is uſed: (3) in which Action the Defendant ſhall not be admitted to wage his Law, nor protection, nor eſſoin to be to him allowed in the ſame ſuit for the ſaid forfeiture.

CAP. VII.

An Act made for Pewterers, and true Weights and Beams.

To the King our Soveraign Lord, and the Honourable the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled.

Pewter. 1. The goodneſs of Pewter and Braſs, and in what places it ſhall be ſold or changed.

FOraſmuch as a certain Act was made and eſtabliſhed in the Parliament holden at Weſtminſter the nineteenth year of the Reign of the late moſt famous King your father, Henry the ſeventh (whom God pardon) concerning Pewterers and Braſiers hawking and walking about the Countries, and alſo concerning falſe beams, ſcales and weights, with a proviſion for caſting of fine metal and of perfect goodneſs: which Act was made to endure to the next Parliament, the tenor whereof hereafter enſueth:

The tenor of the Statute of 19 H.7 6. concerning Pewterers.

II. That where many ſimple and evil diſpoſed perſons of this your Realm of England (uſing the ſaid Crafts) daily go about this your Realm from Village, from Town, and from houſe to houſe, as well in Woods and Foreſts, as other places to buy Pewter and Braſs, (2) and that knowing Thieves and other Pickers, that ſteal as well Pewter and Braſs belonging to your Highneſs, and under your mark, and to the Lords ſpiritual and temporal, as to other your ſubjects of this your Realm, bring ſuch ſtollen veſſels unto them in ſuch hid places to ſell, and ſell it for little or nought, and about they bring it to privy places, or into corners of Cities or Towns, and there ſell much part of it to Strangers, the which carry it over the Sea by ſtealth: (3) Alſo the ſaid perſons (ſo going about) and divers other uſing the ſaid crafts, uſe to make new veſſels, and to mix good metal and bad together, and make it nought, and ſell it for good ſtuff, where indeed the ſtuff and metal thereof is not worth the fourth part that it is ſold for, to the great hurt, deceit and loſs of your ſubjects: Alſo divers perſons uſing the ſaid crafts, have deceivable and untrue beams and ſcales, that one of them will ſtand even with twelve pound weight at the one end, againſt a quarter of a pound at the other end, to the ſingular advantage of themſelves, and to the great deceit and loſs of your ſubjects, buyers and ſellers with them: (4) For reformation of the premiſſes, it would pleaſe your Highneſs of your moſt abundant grace, with the advice of your Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, to enact and eſtabliſh, That no perſon or perſons uſing the ſaid crafts of Pewterers and Braſiers, from henceforth ſhall ſell, or change any Pewter or Braſs, new or old, at any place or places within this your Realm, but only in open Fairs or Markets, or in their own dwelling houſes, but if they be deſired by the ſaid buyers of ſuch wares, upon pain of forfeiture to our Soveraign Lord the King for every ſuch default x l.

In what only places Pewter and Braſs ſhall be ſold or changed.

Of what goodneſs Pewter and Braſs ought to be.

III. Alſo by the ſame authority it may be enacted and eſtabliſhed, that no perſon nor perſons, of what condition or degree ſoever he or they be from henceforth within the Cities of London and York, or without, either caſt or work any Pewter veſſels or Braſs at any place or places within this your Realm, but that it be as good fine metal as is the Pewter and Braſs caſt and wrought after the perfect goodneſs of the ſame within the City of London, and by the Statutes of the ſame ought to be, upon pain of forfeiture of all ſuch Pewter and Braſs ſo caſt and wrought of worſe Pewter or Braſs than ought to be wrought in the ſame Cities; the one half of every ſuch forfeiture to be to the uſe of your Highneſs, and the other half to the uſe of the finders thereof.

Hollow wares made of Pewter ley metal.

IV. Provided alway, that this forfeiture in no wiſe ſtretch, ne extend to Braſs or Pewter being in the poſſeſſion of any perſon, other than the workers of the ſame, or ſuch as have the ſame to ſell, and being of the craft or myſtery. (2) Alſo that it may by the ſame authority be enacted and eſtabliſhed, that no manner of perſon or perſons, of what degree or condition ſoever he or they be, from henceforth make no hollow wares of Pewter, that is to ſay, ſalts and pots that is made of Pewter called ley metal, but that it may be after the aſſiſe of Pewter ley metal wrought within the City of London. (3) And that the makers of ſuch wares ſhall mark the ſame with ſeveral marks of their own, to the intent that the makers of ſuch wares ſhall avow the ſame wares by them (as is aboveſaid) to be wrought. (4) And that all and every ſuch wares not ſufficiently made and wrought, and not marked in form aboveſaid, found in the poſſeſſion of the ſame maker or ſeller, to be forfeited: and if the ſame ware be ſold, the ſaid maker to forfeit the value of the ſame ſo unlawfully wrought and ſold, the one half of the ſaid wares, or the value thereof to be to the uſe of your Highneſs, and the other half to be to the uſe of the finder or ſearchers of the ſame.

The Makers of Pewter veſſels ſhall mark the ſame.

The penalty for uſing falſe beams and weights about Pewter or Braſs.

V. Alſo that it may by the ſame authority be enacted and eſtabliſhed, That if any perſon or perſons hereafter uſing, buying and ſelling of Pewter and Braſs, that hereafter occupy any deceivable or falſe beams or weights of the ſaid wares, that every ſuch perſon or perſons uſing or occupying ſuch deceivable and untrue beams or weights, to forfeit xx s. the one half to the King, and the other half to the party that therefore ſhall ſue by Action of debt. (2) And that in the ſaid Action no protection nor eſſoin ſhall be allowed. And alſo the ſaid party ſo offending ſhall forfeit his Beam to him that ſhall ſeiſe it. (3) And if the ſaid Offender or Offenders be not ſufficient to pay the ſaid ſum or ſums by them ſo forfeited, that then it ſhall be lawful to the Mayors, Bailiffs, or other head Officers of ſuch place or places where any ſuch Offenders ſhall be found, to put them in the Stocks, and them ſo to keep till the next market-day next adjoining, and in the market-place to put them on the Pillory all the market-time.

Searchers ſhall be appointed of Pewter and Braſs.

VI. And farthermore, That it be lawful by the ſaid authority, that the Maſter and Wardens of the ſaid Craft of Pewterers within every City and Borough of this Realm where ſuch Wardens are, and where no ſuch Wardens are, the head Officers or Governors of the ſame City or Borough, to appoint certain perſons moſt expert in knowledge of the ſame, to make ſearch within the ſaid Cities or Boroughs where they dwell. (2) And over this, the Juſtices of Peace within every Shire, at the general Seſſions holden at Michaelmas, ſhall aſſign and appoint two certain perſons having experience therein, to make ſearch in the Premiſſes in every part of that Shire, as well within the Franchiſes as without, ſaving in Cities or Boroughs where Searchers be appointed by the Heads or Governors of the ſame. (3) And that of all ſuch unlawful Pewter or Braſs as the ſaid Searchers ſhall find, the one half ſhall be to the uſe of your Grace, and the other half to the ſaid Searchers. (4) And that in the default of the ſaid Maſters and Wardens of the ſaid Occupations not ſearching in form as is aforeſaid, and whereby that any ſuch unlawful Metals is caſt or made, or unlawful Weights uſed: that then it ſhall be lawful to any perſon or perſons, having ſufficient cunning and knowledge in the ſaid Occupations, by overſight of the Mayor, Bailiffs, or head Officers of the ſaid Cities, Boroughs and Towns, to ſearch all the ſaid places, and to put the ſaid Authority and Act in execution in form aforeſaid. (5) Pleaſeth it therefore your Grace and Wiſdoms, inaſmuch as the ſaid Act is thought good and profitable, that it be ordained, enacted and eſtabliſhed by the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that the ſaid Act may endure for ever.

The Stat. of 19 H. 7. 6. rehearſed, confirmed and made perpetual.

VII. And over, that it be enacted by the ſaid Authority, That if any untrue or deceivable Metal or Workmanſhip, of Tin or Pewter, be found either in Platters, Chargers, Diſhes, Saucers, Pottingers, Trenchers, Baſons, Flaggons, Pottles, Pots, Saltſels, Goblets, Spoons, Cruets or Candleſticks, or any other ſuch Wares of Tin or Pewter, whereſoever it be caſt, made or wrought within this Realm or without, and brought to be ſold within this ſame Realm: that then it ſhall be lawful to the Mayor of the City of London, and the Maſter and Wardens of the Craft of Pewterers (of the ſaid City for the time being) and their Deputies, to have ſearch of the ſame within the City of London and the Suburbs of the ſame: (2) And that in all other Cities, Boroughs and Towns, where any Wardens be or ſhall be, the Mayors, Bailiffs, or head Officers and Wardens, to have like authority. (3) And where no Wardens be, then the head Officers or Governors of the ſame Cities, Boroughs and Towns, to appoint certain perſons moſt expert and cunning in knowledge of the ſame, to make ſearch within the ſaid Cities, Boroughs and Towns where they dwell. (4) And if any ſuch new Wares wrought of Tin and Pewter, as is aforeſaid, be found defective, and being in the poſſeſſion of the Seller, that then the ſame perſon or perſons that putteth any ſuch new Wares of Pewter to ſale, ſhall forfeit the ſame Wares, the one half to the uſe of our Soveraign Lord the King, and the other half to the Searchers or Finders of the ſame.

Searchers ſhall be appointed of Tin or Pewter veſſels.

VII. Provided alway, That this Act concerning the Forfeiture, be not prejudicial nor hurtful to any perſon or perſons having Grant of our Soveraign Lord the King, or of any of his noble Progenitors by his Letters Patents of ſuch Forfeiture, but that they and every of them ſhall and may enjoy the ſame according to their former Grants and Liberties. Stat. 25 H. 8. 9. 33 H. 8. 4.

This Act ſhall not be prejudicial to the Kings Grants of Liberties.

CAP. VIII.

All Suits, Condemnations, Executions, Charges and Impoſitions, put or hereafter to be put upon Richard Strode, and every of his Complices that be of this Parliament, or any other hereafter, for any Bill, ſpeaking or reaſoning of any thing concerning the Parliament to be communed and treated of, ſhall be void. An Endictment of Richard Strode. Pr. Co. Inſt. 4 p. 9.

Strode, Raſt. 1.

Anno quinto HENRICI *Octavi.*

THE King our Soveraign Lord *Henry* the Eighth after the Conqueſt, by the Grace of God, King of England, and of France, and Lord of Ireland, at his Parliament holden at Weſtminſter, the xxiij day of January, in the fifth year of his moſt noble Reign, after the Prorogation, to the honour of God and holy Church, and for the common weal and profit of this his Realm, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath done to be ordained, made and enacted, certain Statutes and Ordinances in manner and form following.

CAP. I.

How the Kings Subjects of Tourney and Tyrwin in France may have aſſurance and recovery of their Debts due to them by Engliſhmen and how Engliſhmen of them. Exp.

Tourney, Raſt. 1.

CAP. II.

An Act for the true making of Cloths in Devon called White-ſtraits.

Drapery 52. Raſt. 39. The true making of White-ſtraits in Devonſhire.

PRayen the Commons and Inhabitants (Cloth-makers and Buyers of the ſame) within the County of Devonſhire, that where divers and many Cloths, called White-ſtraits, be, and have been continually made within the ſaid County, to the great profit of the Kings ſubjects there, the which Cloths were wont to be well and ſufficiently made, and bear their breadth yard broad and halfquarter raw, and xv yards of length, and that no man in times paſt hath uſed to make them, but that the Maker thereof hath ſet his ſpecial Mark upon every of the ſaid Cloths ſo by him or them made, whereby every man may know their own Cloths from other mens by reaſon of their ſaid ſeveral Marks: (2) ſo it is, that now-a-days the ſaid

Cloths be not ſufficiently made, ne bear their length and breadth according as they ſhould do, ne marked with every mans own mark, whereof great inconvenience doth daily enſue and increaſe, to the impoveriſhing and hurting as well of the Kings ſubjects, Buyers and Sellers of the ſame, as of Merchant-ſtrangers: (3) Wherefore, the Premiſſes conſidered, that it may be therefore enacted by the King our Soveraign Lord, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that from the Feaſt of Pentecoſt next coming, no perſon make no ſuch Cloths (called White-ſtraits) to ſell, without that he be when he is raw, ready to be toked, of the breadth of a yard and half a quarter, and of length xv yards. (4) And that no perſon make no ſuch Cloths, but if he ſet his ſpecial mark upon every of the ſaid Cloths, ſo by him or them made. (5) And that no perſon uſe no mark on his Cloths, ſuch as any other perſon doth and hath uſed before him, upon pain of forfeiture of every of the ſaid Cloths, the one half to the King, and the other half to him that ſo ſeiſeth the ſaid Cloths ſo made or marked contrary to the form and effect afore expreſſed. (6) And this Act to endure unto the next Parliament. St. 6 H. 8. 8. made perpetual. St. 5 Ed. 6. 6. 7 Ed. 6. 9. 27 El. 18.

The length and breadth of White-ſtraits made in Devonſhire, and they ſhall be marked by the Maker.

CAP. III.

An Act concerning white Wool and Cloths of 5 Marks and under, may be carried over the Seas unſhorn.

Drapery, Raſt 40 St. 3 H. 8. 7. What Cloths may be tranſported unſhorn.

Where in this preſent Parliament (before the firſt prorogation thereof) it was ordained and enacted, That no woollen Cloth above the price of iv marks ſhould be conveyed over the Sea unrowed, unbarbed and unſhorn, upon certain penalties in the ſame Act expreſſed more at large; (2) which Act put in execution, ſhall not only turn to the abatements of the Kings Cuſtoms, but alſo grow to the utter undoing of his ſubjects (Cloth-makers and Merchants) Conveyers of the ſaid Cloths, foraſmuch as Wool is riſen of a far greater price than it was at the making of the ſaid Act: for where a Cloth was then commonly ſold at iv marks, is now ſold for v marks: (3) and alſo by force of the ſaid Act the Merchants ſhould be bound to dreſs every white Cloth above the value of iv marks on this ſide the Sea after they have bought them, which white Cloths (ſo dreſſed) when they be brought into the parts beyond the Sea, and there by the Buyers of them dyed and put in colours, then they muſt be newly dreſſed, barbed, ſhorn and rowed, and ſo they ſhall be thereby the leſs in ſubſtance of themſelves, and the worſe to the ſale, and ſold for leſs price by x or xij s. a piece beyond the Sea then they ſhould be if they were undreſſed: (4) Wherefore be it ordained and enacted by like authority, that every white woollen Cloth ſold at v marks and under, may be carried and conveyed into the parts beyond the Sea, there to be ſold at the pleaſure of the Buyers of the ſaid Cloth, unbarbed, unſhorn and unrowed, any Act or Acts to the contrary made notwithſtanding. (5) And over this, Be it ordained and enacted by the ſaid authority, that if any perſon or perſons convey or cauſe to be conveyed into the parts beyond the Sea, any white woollen Cloth unrowed, unbarbed and unſhorn above the value of v marks in other form than is aforeſaid, that then the perſon or perſons ſo offending ſhall forfeit the value of the ſaid Cloth or Cloths ſo carried or conveyed into the parts beyond the Sea, the one moiety of the ſame forfeiture to be to our ſaid Soveraign Lord the King, and the other moiety to any perſon which will or ſhall ſue by Bill, Writ or Information, or otherwiſe, againſt any perſon for the ſame; (6) and that the Defendant in any Plea upon any ſuch Action be not admitted to wage his Law, nor any Protection or Eſſoin for any ſuch Defendant be allowed in the ſame. St. 27 H. 8. 13. 33 H. 8. 19. 7 Ed. 4. 3. 3 H. 7. 11.

None ſhall carry over the Sea white woollen Clothes above the price of five marks unſhorn, unrowed and unbarbed.

CAP. IV.

An Act for avoiding Deceits in Worſteds.

Worſteds 4: Deceit in Worſteds avoided.

Prayen the Commons in this preſent Parliament aſſembled, That whereas Worſteds which been truly made, ſhorn, dyed and calandred, as of old time have been accuſtomed to be made, ſhorn, dyed and calandred, have been one of the goodlieſt Merchandiſe and greateſt Commodities of this Realm, and not only worn within this Realm, but alſo much worn and uſed in other Realms: (2) And ſo it is, that now of late divers ſtrangers beyond the Sea have taken upon them to dry calander Worſteds with gums, oils and preſſes, ſo that a courſe piece of Worſted, not being paſt the value of xxvj s. viij d. is and ſhall be made by their ſaid gums, oils and preſſes, to ſhew like to the value of xl s. or better: (3) And if the ſame Worſted ſo dry calandred taketh any wet, incontinent it will ſhew ſpotty and foul, and ever after continue ſtill foul, and will not endure, to the great deceit and hurt of the wearers thereof, and loſs of the ſaid commodity: and for the ſaid deceit and falſeneſs, the ſaid dry calandring is ſcorned and abhorred in the parts beyond the Sea, ſo that no perſon do ne ſhall uſe in thoſe parts any ſuch Worſteds to dry calander: (4) And alſo now of late the ſaid ſtrangers (called dry Calanders) are come into this Realm, and here within the ſame uſe the ſaid dry calandring of Worſted, and of the great hurt of the ſaid common weal, and commodity of this Realm aforeſaid.

The deceit and loſs coming by dry calandring of Worſted.

II. Wherefore be it enacted, ordained and eſtabliſhed by the aſſent of the Lords ſpiritual and temporal, the Commons in this Parliament aſſembled, and by Authority of the ſame, that no perſon ne perſons within this ſaid Realm, hereafter do take upon him or them to dry calander any Worſted within this ſaid Realm, upon pain to forfeit for every Worſted that is ſo dry calandred, one C s. (2) And over that, whereas the ſaid old calandring of Worſteds, called wet calandring, hath been uſed well and ſubſtantially in times paſt in the City of Norwich, and yet is by perſons having cunning in the ſame: Be it therefore furthermore enacted, ordained and eſtabliſhed by the authority aforeſaid, that no perſon ne perſons hereafter do take upon him or them, to wet calander any Worſted, but only ſuch perſons as have been bound Apprentices to other perſons of the ſame craft and occupation of wet calandring of Worſteds by the ſpace of vij years, or be cunning in the ſame, and their cunning approved and admitted by the Mayor of the ſaid City of Norwich (for the time being) and

No perſon ſhall dry calander Worſteds.

What perſons only ſhall wet calander Worſteds.

and the two Maſters of the ſaid craft and occupation yearly to be choſen within the ſaid City of Norwich, or in the County of Norfolk, of the craft of Wet-calandring, upon pain of every ſuch perſon or perſons which hereafter ſhall do the contrary, to forfeit for every piece ſo calandred againſt the ordinances and purveyances aforeſaid, C s. the one moiety of which penalties or forfeitures (above ſpecified) and every of them, to be to the King our Soveraign Lord, and the other moiety thereof to be to the Maſters of the ſaid occupation of Wet-calandring (for the time being.) (3) And that it ſhall be lawful to the Maſters of the ſaid occupation (for the time being) and their ſucceſſors, to ſue for the one moiety of all ſuch penalties hereafter to be forfeited, againſt every ſuch perſon or perſons as hereafter ſhall do contrary to the form and effect of this Statute, by Action of Debt, by Writ at the Common Law, or by Bill or Plaint, after the cuſtom of ſuch City, Port or Town where ſhall happen any ſuch forfeiture to be or fall, or by Information in the Kings Exchequer. (4) And that no protection or eſſoin, ne no wager of law for the defendant in any ſuch Action, Plaint or Information, be allowable before any manner of Juſtices, where any ſuch Suit or Information ſhall be uſed for the ſaid forfeiture. And this Act to endure to the next Parliament. St. 25 H.8.5. made perpetual.

No perſon ſhall dry-calander Worſteds.
What perſons only ſhall wet-calander Worſteds.
The forfeitures of the offenders, who ſhall have them, and by what means.

CAP. V.

An Act concerning Jurors in London.

Where in this preſent Parliament holden at Weſtminſter the fourth day of February, in the third year of the Reign of our Soveraign Lord the King, and prorogued unto the iv. day of November, in the iv. year of the Reign of our ſaid Soveraign Lord the King, and adjourned unto Weſtminſter aforeſaid; foraſmuch as after Iſſues joined in Actions and Suits commenced, taken or depending in the Kings Courts before himſelf in his Bench, and before his Juſtices of the Common Bench, and alſo in his Exchequer at the Kings Suit, or at the ſuit of the party, triable in the City of London, as well the King as the parties, ſuffered great delay many times for default of appearance of the Juries impanelled to try the ſaid Iſſues, and many times for lack of Jurors, not having lands or tenements of the yearly value of xl s. (2) It was the ſaid fourth day of November ordained and enacted by the authority of this preſent Parliament, That the Sheriffs of London for the time being, ſhould have full authority and power to return in panels or araies of all Actions and Suits then depending, or that ſhould depend in any of the ſaid Courts, or Exchequer, perſons being Citizens, having goods to the value of C. mark or above, to try the iſſue joyned in every ſuch Action or Suit. (3) And that the perſons ſo returned, having goods to the value of C. mark or above, ſhould be ſworn, and do in all ſuch Juries in like wiſe in every thing as other perſons ſhould do, having lands and tenements of the yearly value of xl s. over all charges. (4) And that the Sheriffs of the ſaid City (for the time being) ſhould return upon the firſt diſtreſs in every ſuch Action or Suit upon every of the Jurors impanelled to try the Iſſues thereof, xx d. and upon the ſecond diſtreſs upon every of the ſame Jurors xl d. and upon every diſtreſs after that upon every of the ſame Jurors the double, till a full Jury in every ſuch Action and Suit ſhould appear, and be ſworn to try the Iſſue joined in the ſame. (5) And that the Sheriffs that ſhould make any return upon ſuch diſtreſſes, contrary to the form aforeſaid, ſhould forfeit for every ſuch default x l. the one half thereof to the King, and the other half to the party that will ſue therefore.

Jurors 16.
Jurors in London.
A rehearſal of the Statute of 4 H 8 2 touching Juries in London.

II. And that the Defendant in any ſuch Action ſhould not be admitted to wage his law, nor protection therein for him allowed; (2) Which Statute was only made for the good expedition of Juſtice, for to have quick appearance of Jurors Citizens of London at Saint Martins le Grand, within the ſaid City, where all Juries were and been bounden only to appear and try the Iſſues joined of all things triable in London, by proceſs of Niſi prius out of the ſaid Courts, and in none other place, according to their ancient liberty, privilege and cuſtom.

III. Wherefore, for more plain declaration of the ſame good Statute, be it ordained and eſtabliſhed by the authority of this preſent Parliament, That the ſaid Act be expounded, interpreted and taken, that the Sheriffs for the time being be bounden to return at every firſt diſtreſs of Niſi prius, to be had at the ſaid St. Martins in every ſuch Action or Suit, upon every of the Jurors impanelled to try the Iſſues thereof, xx d. and upon the ſecond diſtreſs of Niſi prius, upon every of the ſame Jurors, xl d. And upon every diſtreſs of Niſi prius after that, upon every of the ſame Jurors, the double, till a full Jury in every ſuch Action and Suit ſhall appear and be ſworn to try the Iſſue joined in the ſame. (2) And that no Sheriff of the ſaid City, or other, any thing forfeit by force or colour of the ſaid Statute, for any return to be made, except only upon returns to be made contrary to the form, declaration, interpretation and expoſition of this Statute, that is to ſay, upon Writs of Diſtreſſes before Juſtices or Juſtice of Niſi prius within the ſaid City, (3) and that upon all other Writs and Proceſſes, that be and ſhall be awarded out of the ſaid Courts or Exchequer, it ſhall be lawful to the Sheriffs for the time being, to make their returns according to the order of the Law, as the Sheriffs of London were wont to do before the making of the ſaid Statute, without any loſs or forfeiture.

The explanation of the Stat. of 4 H. 8, 3.
What Iſſues the Sheriffs of London ſhall return upon Jurors.

CAP. VI.

An Act concerning Surgeons to be diſcharged of Queſts and other things.

Sheweth unto your diſcreet wiſdoms, your humble Orators the Wardens and Fellowſhip of the craft and myſtery of Surgeons enfranchiſed in the City of London, not paſſing in number xij. perſons, that whereas they and their Predeceſſors, from the time that no mind is to the contrary, as well in this noble City of London, as in all other Cities and Boroughs within this Realm, or elſewhere, for the continual ſervice and attendance that they daily and nightly at all hours and times give to the Kings liege people, for the relief of the ſame according to their ſcience, have been exempt and diſcharged from all offices and buſineſs, wherein they ſhould uſe or bear any manner of armor or weapon, and with like pri-

Phyſicians, Raſt. 2.
Surgeons diſcharged of Enqueſts, &c.
The cauſes why Surgeons have been exempt from bearing of armes or other ſervices.

vilege have been intreated as Heralds of Arms, as well in battels and fields, as other places, there for to ſtand unharneſſed and unweaponed according to the Law of Arms, becauſe they be perſons that never uſed feats of war, nor ought to uſe, but only the buſineſs and exerciſe of their ſcience, to the help and comfort of the Kings liege people in the time of their need. (2) And in the aforeſaid City of London, from the time of their firſt incorporation, when they have been many mo in number than they be now, were never called nor charged to be on Queſt, Watch, nor other Office, whereby they ſhould uſe or occupy any armor, or defenſible geer of War, where-through they ſhould be unready, and letted to practiſe their cure of men being in peril: (3) Therefore for that there be ſo ſmall number of the ſaid fellowſhip of the craft and myſtery of Surgeons, in regard of the great multitude of Patients that be, and daily chance and infortune hapneth and increaſeth in the foreſaid City of London, and that many of the Kings liege people ſuddenly wounded and hurt, for default of help in time to them to be ſhewed, periſh, and ſo divers have done, as evidently is known, by occaſion that your ſaid ſuppliants have been compelled to attend upon ſuch Conſtableſhip, Watches and Juries, as is aforeſaid: (4) Be it enacted and eſtabliſhed by the King our Soveraign Lord, and the Lords Spiritual and Temporal, and by the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that from henceforth your ſaid ſuppliants be diſcharged, and not chargeable of Conſtableſhip, Watch and all manner of Office bearing any armor; and alſo of all Enqueſts and Juries within the City of London. (5) And alſo that this Act in all things do extend to all Barber-Surgeons admitted and approved to exerciſe the ſaid miſtery of Surgeons, according to the form of the Statute lately made in that behalf, ſo that they exceed not, ne be at one time above the number of xij perſons. St. 3 H. 8. 11 32 H. 8. 42.

The Surgeons of London ſhall be exempt from being Conſtables, bearing of armor, or to be put in Watches or Enqueſts.

CAP. VII.

Cordwainers, Raſt. 21.

All ſtrangers being of the Fellowſhip of the Trinity, &c. may buy Leather curried in open Markets, &c. ſufficiently wrought and ſealed, &c. Rep. 5 El. 8. & 1 Jac. 22.

CAP. VIII.

Pardon, Raſt. 35

Every perſon that will ſue for the Kings Pardon granted upon certain Articles, ſhall have it. Exp.

Anno ſexto HENRICI *Octavi.*

THE King our Soveraign Lord *Henry* the Eighth after the Conqueſt, By the Grace of God, King of England and of France, and Lord of Ireland, at his Parliament holden at Weſtminſter the fifth day of February, in the ſixth year of his moſt noble Reign, after the Prorogation, to the honour of God and holy Church, and for the common weal and profit of this his Realm, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath done to be ordained, made and enacted, certain Statutes and Ordinances, in manner and form following.

CAP. I.

Apparel, Raſt. 4.

What Apparel temporal men of every degree and eſtate may wear, and what not; the forſeitures of the offenders, and who ſhall have thoſe forſeitures, and how they ſhall recover them. Rep. 7 H. 8. 6. 1 Jac. 25.

CAP. II.

Archery, Raſt. 2.

The Statute made Anno 3 H. 8. 3. concerning maintenaince of Archery, ſhooting in long-bows, and bringing of bow-ſtaves into this Realm whereſoever, confirmed and made perpetual. Rep. 33 H. 8. 9.

CAP. III.

Labourers, Raſt. 36.

The ſeveral Wages of ſeveral ſorts of Servants in Husbandry, Artificers and Labourers, and the Penalty of thoſe that take more. At what hours an Artificer and Labourer ſhall begin and end his work, and what time he ſhall have for his meals and ſleep. Rep. 5 El. 4. St. 7 H. 8. 5.

CAP. IV.

An Act for Proclamations to be made before the Exigents be awarded in foreign Shires.

Exigent 5. St. 4 H. 8. 4.

WHere at the Parliament holden at Weſtminſter the iv day of February, in the third year of the Reign of our Soveraign Lord King Henry the Eighth that now is, and from thence (for divers urgent cauſes) unto the fourth day of November, the fourth year of the Reign of our ſaid Soveraign Lord, prorogued, one good and reaſonable Act was made and ordained touching Writs of Proclamation to be made upon Exigents ſued againſt perſons in foreign or other Shire, than where ſuch Defendant be called of, only to endure from thence unto the next Parliament: (2) which Act is not determined, the effect and true intent of which ſaid Act is thought right available and commodious, and in avoiding of outlawries hereafter to be pronounced againſt any perſon by reaſon of ſuch foreign Suits, to have continuance, and perpetually to endure: (3) Be it therefore by the King our Soveraign Lord, by the aſſent of his Lords Spiritual and Temporal, and the Commons in this Parliament aſſembled, and by authority of the ſame Parliament, enacted, ordained and eſtabliſhed, That if, and where any Writ of Exigent at any time from the fifteenth day of Eaſter next coming, or after, ſhall be awarded at the ſuit of our Soveraign Lord the King, or any other perſon or perſons, plaintiff or plaintiffs in any Action perſonal, againſt any perſon or perſons called of any Shire or City, being a Shire corporate of it ſelf, or elſe late of any ſuch Shire or City other than to ſuch Shire or City whereinto ſuch Exigent ſhall be awarded, to be called according to the Law. (4) And alſo in every Writ of Exigent in any Action perſonal, whereof the Proceſs or Exigent at the ſaid xv. day of Eaſter, or after, ſhall be directed into London or Middleſex, the Defendant being called late of London, or late of Middleſex, and at the time of the Exigent awarded not dwelling in London nor in Middleſex, or elſe that the ſaid Defendant or Defendants in the ſame Exigent dwell in any other Shire or place than where the Kings Writ runneth: (5) then the Juſtices before whom any ſuch Exigent is to be awarded in all Actions where the Exigent ſhall not be directed into London nor Middleſex, toward a Writ of Proclamation to be directed to the Sheriff of the ſame County where it doth appear by the uſing of ſuch Action, that the party Defendant is, or lately was dwelling, if the Kings Writ there be currant, and elſe to the next Shire adjoining to the County or Counties, or other places, whereof the party is called, or lately

Proclamation awarded in a foreign County than where the defendant is ſued.

Co. Inſt. 4 p 73.

Proclamations where the party is dwelling in a County Palatine.

ſuppoſed by the ſaid Exigent to have his being of, where the Kings Writ ſo runneth not. (6) And in every Action as aforeſaid, whereof the Exigent ſhall be directed into London or Middleſex, and the Defendant or Defendants in the ſame called late of London or of Middleſex, and at time of the Exigent awarded not having his or their dwelling in London or Middleſex, then the Writ of Proclamation to be awarded, made and directed unto the Sheriff of the Shire where the Defendant at the time of the Exigent ſo againſt him or them awarded, ſhall have his dwelling: Or in caſe where the Kings Writ runneth not, unto the next Shire thereunto adjoining, (7) the which ſaid Writ of Proclamation ſhall contain the effect of the ſame Action, and that the Sheriff of the County, to whom any ſuch Writ of Proclamation ſhall be directed, ſhall make three Proclamations within his County at three ſeveral days, that is to ſay, two of the ſame Proclamations in the full and plain Shire-Court of the ſame County; and the third of the ſaid Proclamations to be made at the general Seſſions in thoſe parts where the party defendant is ſuppoſed to be dwelling, or in the parts of the County next adjoining to the County or Counties where the Kings Writ runneth not, that the party defendant yield himſelf to the Sheriff of the foreign County, to whom any ſuch Exigent in any Action perſonal is awarded: ſo that the Sheriff of ſuch foreign County may upon his yielding have the body of the ſaid Defendant before the Juſtices before whom any ſuch Exigent is awarded, at the day of the ſame Exigent compriſed, there to anſwer to the Plaintiff in the ſame according to the Law.

Three Proclamations.

II. And that every ſuch Writ of Proclamation ſhall have the ſame day of return, as the Writ of Exigent upon ſuch foreign Actions ſo awarded ſhall have: (2) And that every ſuch Writ of Proclamation be delivered of Record to the Sheriff or Deputy of the County into the which any ſuch Writ of Proclamation is to be awarded: (3) And that the Sheriff of the ſame County duly do execute the ſame, and thereof make true return at the day of the ſame Writ appointed, upon pain to forfeit ſuch amerciament unto the King our Sovereign Lord, and to his heirs, as by the diſcretion of the Juſtices before whom ſuch Exigent ſhall be returnable, ſhall be ſet.

The Proclamation ſhall be delivered to the Sheriff of Record.

III. And that the Officer in whoſe office ſuch Exigent is taken, make out the ſaid Writ and Writs of Proclamation, as hereafter ſhall be awarded in any of the ſaid Courts.

IV. And that the ſame Officer take no more for the making of any ſuch Writ of Proclamation, and the entring of the ſame of Record, but only vj d.

The Officers fee for making of Proclamation

V. And if any Outlawry hereafter be had or promulged againſt any perſon or perſons, in any Action perſonal, in any foreign County, and no Writ of Proclamation (as is aforeſaid) awarded and returned, that then every ſuch Outlawry to be utterly void and of no effect ne force in the Law. And that all Outlawries had contrary to this Act, be avoided by averment, without ſhewing of any Writ of Error. Raſt. pl. f. 287. St. 5 & 6 Ed. 6. 26. 31 El. 3. 9.

An Outlawry avoided without Writ of Error.

CAP. V.

Whoſoever decayeth any Town or Houſe of Husbandry, and doth convert Tillage into Paſture, ſhall forfeit to the Lord of the Fee, half of the profits thereof. Exp. St. 4 H. 7. 19. 7 H. 8. 1. 27 H. 8. 22. 5 Ed. 6. 5. 5 El. 2. 39 El. 1.

Husbandry, Raſt. 3.

CAP. VI.

An Act for the remitting Priſoners with their Indictments to the places where the Crimes were committed.

Removing 2.

Where divers Felons and Murtherers, upon feigned and untrue ſurmiſes, have oftentimes removed as well their Bodies as their Indictments by Writ, and otherwiſe, before the King in his Bench, and cannot by the order of the Law be remitted, and ſent down to the Juſtices of Gaol-delivery, or of the Peace, ne other Juſtices, ne Commiſſioners, to proceed upon them after the courſe of the Common Law: (2) Be it therefore ordained and enacted by the authority of this preſent Parliament, That the Juſtices of the Kings Bench (for the time being) have full authority and power, by their diſcretions, to remand and ſend down as well the bodies of all Felons and Murtherers, brought or removed, or that ſhall be removed or brought before the King in his Bench, as their Indictments into the Counties, whereas the ſame Murthers or Felonies have been committed and done: (3) And to command all Juſtices of Gaol-delivery, Juſtices of Peace, and all other Juſtices and Commiſſioners, and every of them, to proceed and determine upon all the aforeſaid Bodies and Indictments ſo removed, after the courſe of the Common Law, in ſuch manner as the ſame Juſtices of Gaol-delivery, Juſtices of Peace, and other Commiſſioners, or any of them, might or ſhould have done, if the ſaid Priſoners or Indictments had never been brought into the ſaid Kings Bench.

The Juſtices of the Kings Bench may remit Priſoners out of that Court into the Country to be tried.

CAP. VII.

The ſeveral ſums that Watermen ſhall take for their Fare from one place to another near to the City of London: and the Watermen refuſing to accept the ſaid Fares or Wages limitted, ſhall forfeit the treble value thereof. A L T. 2 & 3 P. & M. 16.

Paſſage, Raſt. 8.

CAP. VIII.

An Act concerning the making of certain Woollen Cloths in the County of Devon.

Diapery, Raſt. 41

The making of woollen Cloths in Devonſhire.

Whereas at the Parliament holden at Weſtminſter the 23 day of January, after the laſt prorogation thereof, in the fifth year of the Kings moſt noble Reign, the Commons and Inhabitants (Clothmakers and Diers of the ſame) within the County of Devonſhire, prayed and deſired, that where divers and many Cloths, called White-ſtraits, be and have been continually made within the ſaid County, to the great profit of the Kings ſubjects there, the which Cloths were wont to be well and ſufficiently made, and to bear their breadth, yard broad and half quarter raw, and xv yards of length; (2) And that no man in times paſt hath uſed to make them, but that the maker thereof hath ſet his ſpecial mark upon every of the ſaid Cloths ſo by him or them made, whereby every man may know their own

A rehearſal of the Stat. made 5 H. 8. 2. touching White-ſtraits made in Devonſhire.

Cloths from other mens, by reaſon of their ſaid ſeveral marks: (3) So at the ſaid Parliament it was ſhewed by the inhabitants (Cloth-makers and Buyers of the ſame) in the County aforeſaid, that now-a-days the ſaid Cloths be not ſufficiently made, ne bear their length and breadth according as they ſhould do, ne marked with every mans own mark, whereof great inconvenience doth daily enſue and increaſe, to the impoveriſhing and hurting as well of the Kings ſubjects, buyers and ſellers of the ſame, as Merchant-ſtrangers. (4) Wherefore the Premiſſes conſidered, it was therefore enacted by the King our Soveraign Lord, by the aſſent of the Lords ſpiritual and temporal, and the Commons in the ſame Parliament then aſſembled, and by the authority of the ſame, That from the Feaſt of Pentecoſt next after the making of the ſaid Act, no perſon ſhall make any ſuch Cloth, called White-ſtraits, to ſell, without that it or they be, when they be raw, ready to be toked, of the breadth of a yard and half a quarter, and of length xv. yards. (5) And that no perſon make any ſuch Cloths, but if he ſhew his ſpecial mark upon every of the ſaid Cloths ſo by him or them made. (6) And that no perſon uſe no mark on his Cloths, ſuch as any other perſon doth and hath uſed before him, upon pain of forfeiture of every of the ſaid Cloths, the one half thereof to be to the King, and the other half thereof to him that ſo ſeiſeth the ſaid Cloths ſo made or marked contrary to the form and effect afore expreſſed: (7) And this Act to endure unto the firſt day of this preſent Parliament. (8) And foraſmuch as the ſaid Act is thought to be very neceſſary and behoveable: Be it therefore ordained, eſtabliſhed and enacted by the King our Soveraign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the ſaid Act concerning making of Cloths (called White-ſtraits) and every thing therein contained, ſtand and be in his full ſtrength, virtue and effect. (9) And over that it is ordained by the ſaid authority, that no perſon or perſons from the Feaſt of Saint John Baptiſt next coming, ſhall make any ſuch Cloths (called White-ſtraits) ne any Cloth of that making of ruſſet colour (called Ruſſet-ſtraits) without that they and every of them (being raw) be of the breadth and length before rehearſed, and to be marked in manner and form before expreſſed, and ſo being raw, to weigh xiv. pound by true weight at leaſt, upon pain of forfeiture of every of the ſaid Cloths made, and being leſs in length or elſe in breadth, or marked contrary to the form and effect before rehearſed, or elſe being of weight contrary to the form before expreſſed: (10) the one half of the ſaid forfeiture to be to the King, and the other half to him that ſo ſeiſeth the ſaid Cloths ſo made, and being of weight contrary to the form and effect aforeſaid. (11) And this Act to endure for ever.

A confirmation of the Stat. of 5 H. 8. 2. touching White-ſtraits made in Devonſhire.

Ruſſet-ſtraits ſhall be of the like length and breadth, and ſhall weigh fourteen pound being raw.

St. 7 Ed. 6. 9. 27 El. 18.

CAP. IX.

An Act avoiding Deceits in making of Woollen Cloths.

Drapery 45. &c. Deceits in making woollen Cloths avoided.

FOR the deceitful draping, and making of woollen Cloths, made and draped within this Realm, and alſo for meaſuring in the ſale of the ſame, our Soveraign Lord the King, by the advice of the Lords ſpiritual and temporal, and of the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed and enacted divers Ordinances and Statutes for the true making and draping of ſuch woollen Cloths, and for meaſuring in ſale the true content of the ſame in manner and form following. (2) Firſt, That the wool which ſhall be delivered for or by the Clothier to any perſon or perſons for breaking, kembing, carding or ſpinning of the ſame, the delivery thereof therefore ſhall be by even, juſt and true poiſe and weight of Haverdepois, ſealed by authority, not exceeding in weight after the rate of xij. pound ſeimed wool, above one quarter of a pound for the waſte of the ſame wool, and in none other manner. (3) And that the Breaker or Kember to deliver again to the ſame Clothier the ſame wool ſo broken and kembed, and the Carder and Spinner to deliver again to the ſaid Clothier yarn of the ſame wool, by the ſame even, juſt and true poiſe and weight (the waſte thereof excepted) without any part thereof concealing, or any more oil, water, or other thing put thereunto deceivably, (4) upon the pain to forfeit to the Lord of the Leet within the precinct whereof ſuch default is done, for every ſuch default xij d. upon due proof of ſuch deceit afore, and by the diſcretion of the Mayor, Bailiff, or other head Officer of the City, Borough or Town where the deceit ſhall appear, the ſame Mayor, Bailiff or head Officer calling to him ſuch perſons as ſhall ſeem to him convenient for the proof of ſuch deceit.

The weight of wool delivered to break, kemb, card or ſpin.

The weight of wool and yarn re-delivered to the Clothier.

A weaver ſhall put all the yarn into the web, or reſtore it.

II. Item, That the Weaver which ſhall have the weaving of any woollen yarn to be webbed into Cloth, ſhall weave, work and put into the web for Cloth to be made thereof, as much and all the ſame yarn as the Clothier or any perſon for him ſhall deliver to the ſame Weaver, with his uſed mark put to the ſame, without changing, or any parcel thereof leaving out of the ſame web, or that to reſtore to the ſame Clothier the ſurplus of the ſame yarn, if any ſhall be left not put into the ſame web, and without any more oil, brenne, moiſture, duſt, ſand or other thing deceivably putting, or caſting to the ſame web, upon pain to forfeit for every default, three ſhillings and four pence.

Buying of coloured wool in the market only.

III. Item, That no manner of perſon buy any coloured wool, or coloured woollen yarn of any Carder, Spinner or Weaver, but only in open Market, upon pain of forfeiture of ſuch wool and yarn ſo bought.

The Walker and Fullers duty.

IV. Item, That the Walker and Fuller ſhall truly walk, full, thick and work every web of woollen yarn which he ſhall have to walk, full, thick or work, without any flocks, or any other manner of deceit to be uſed on the ſame, and ſhall not row nor work any cloth or web with any Cards on the right ſide, nor on the wrong ſide, upon pain to forfeit for every ſuch default, ſix ſhillings eight pence.

Shrinking of Cloth. St. 14 H. 8. 11.

V. Item, That the Clothier, nor other perſon whatſoever, ſhall not put any Cloth to ſale, which when it ſhall be full wet, ſhall ſhrink more than one yard in all the length, and one quarter of a yard in the breadth, for the more part thereof: (2) and Cloths called narrows or ſtraits after the rate, upon pain to forfeit for every Cloth otherwiſe put to ſale, vj s. viij d.

and beſide that, to deduct of his price for the ſame, to be rebated to the Buyer thereof, as much after the rate as the ſame Cloth, ſo otherwiſe put to ſale, being full wet, ſhall be ſhrink more than one yard of that it was in length at time of the ſame ſale; and as it ſhall (being wet) want of the breadth of one yard and three quarters of a yard.

VI. Item, That the Buyer of woollen Cloths, Denizen or Alien, after the buying thereof, ſhall not draw, nor cauſe to be drawn in length, nor ſtrain, nor do to be ſtrained in breadth the ſame Cloths or any of them, by teinter or wrinch, or by any other mean, upon pain of forfeiture for every of the ſame Cloths ſo to be drawn or ſtrained, C s.

No ſtraining of Cloth, &c. by Teinter or Wrinch. St. 3 Ed 6. 6. 39 El. 20.

VII. Provided alway, That if ſuch Buyer of woollen Cloths, for proof, cauſe the ſame to be wet, he may draw and ſtrain them for evening of them only, ſo that he exceed not one yard in length more than it ſhall be when it ſhall be full wet.

VIII. Item, That no manner perſon work, or put upon any woollen Cloths any Flocks, or other deceivable thing, upon pain to forfeit for any Cloth ſo wrought deceivably with Flocks or other deceivable thing, xx s.

No Flocks ſhall be put in Cloth.

IX. Item, That no manner perſon buy or ſell any woollen Cloths by other meaſure, more or leſs, than after the true content thereof to be meaten and meaſured by the yard, adding to every yard one inch of the rule, upon pain to forfeit for every Cloth to the contrary meaſured, C s. (2) The one moiety of all the ſaid forfeitures to be to our Soveraign Lord the King: and to every perſon which ſhall ſue by Writ, Bill or other Plaint of debt in that behalf againſt the perſon doing to the contrary of any of the ſaid Ordinances, the other moiety: And that the Defendant in any Plea, upon any ſuch Action, be not admitted to wage his Law, nor any Protection nor Eſſoin for any ſuch Defendant be allowed in the ſame.

The meaſure of Cloth by yard and inch. St. 3 Ed. 6. 2.

X. Provided alway, That this Act extend not to woollen Cloths called Kendals, nor Cloths (called Carpenel-whites) commonly made for lining for hoſen, nor to any Cloths called Toſtokes made in the County of Devonſhire, (2) nor to any woollen Cloths made in the County of Cornwal, nor for any Cottons or plain lining, or Frieſe made or to be made in Wales, Lancaſhire and Cheſhire, or any of them.

Kendals, Carpenel-whites. Toſtokes.

C A P. X.

A Commiſſion of Sewers may be granted through this Realm, and the Marches of Calice, Guines and Hammes, during ten years, according to the Statutes of An. 6 H. 6. 5. & 4 H. 7. 1. Exp.

Sewers, Raſt. 7.

C A P. XI.

The Statute of 1 R. 3. 11. touching bringing of Bowſtaves, ſhall be extended to Strangers only, and not to the Kings ſubjects. Exp.

Bows, Raſt. 6.

C A P. XII.

None ſhall carry beyond the Sea any Norfolk wool meet for the making of Worſteds or Stammins, upon pain of forfeiture of xl s. for every ſtone. Exp.

Wools, Raſt. 38

C A P. XIII.

Whoſoever ſhall ſhoot in, or keep in his houſe any Handgun or Croſsbow without the Kings licence, ſhall forfeit the ſame, and x l. for every ſhoot, unleſs he hath to the yearly value of CCC marks. Rep. 33 H. 8. 6. All former Statutes touching ſhooting in Croſbows and Handguns repealed. St. 14 H. 8. 7. 25 H. 8. 17.

Croſsbows, Raſt. 1.

C A P. XIV.

The Stat. of 12 Ed. 4. 3. for the payment of Tunnage and Poundage, ſhall ſtand good during the Kings life. Exp.

Taxes, Raſt. 18.

C A P. XV.

An Act adnulling ſecond Letters Patents during the Kings pleaſure, making no mention of the firſt Letters Patents.

THE Kings Highneſs of his goodneſs calling to his remembrance, that where his Grace hath granted to divers of his ſervants (for their ſervice to his Grace done) lands, tenements, fees, offices and other things, to have to them during his pleaſure; (2) and after other perſons by their ſundry ſuits have obtained of his Highneſs other Letters Patents of the ſame, not advertiſing his Grace of his former Grants, whereby the ſaid former Patentees have been avoided, and put from the advantage of their ſaid former Grants and Patents, contrary to the intent and grant of our ſaid Soveraign Lord: (3) Wherefore be it ordained, eſtabliſhed and enacted by our ſaid Soveraign Lord, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that if any perſon or perſons from henceforth do make ſuit to the Kings Highneſs for any lands, tenements, offices, or any other things ſo by his Grace granted, or hereafter to be granted to any perſon or perſons during his pleaſure, the ſaid firſt Patent then being in life, that he do expreſs in his ſaid Bill of Petition or Patent, the tenor of the ſaid former Patent: And that the King then hath determined his pleaſure againſt the ſaid firſt Patentee, (4) or elſe the ſecond Letters Patents of any of the Premiſſes to any perſon hereafter to be granted, to be void and of none effect.

Patents 2. Second Letters Patents making no mention of the firſt, adnulled. What ſhall be expreſſed in the Kings Letters Patents of lands, offices, &c before granted to ſome other.

II. This Act to commence and take effect from the fourth day of April next coming, and not before.

C A P. XVI.

An Act that no Knights of Shires nor Burgeſſes depart before the end of the Parliament.

FOraſmuch as commonly in the end of every Parliament divers and many great and weighty matters, as well touching the pleaſure, weal and ſurety of our Soveraign Lord the King, as the common weal of this his Realm and Subjects, are to be treated, communed of, and by authority of Parliament to be concluded; (2) So it is, that divers Knights of Shires, Citizens for Cities, Burgeſſes for Boroughs, and Barons of the Cinque Ports, long time before the end of the ſaid Parliament, of their own authorities, depart and go home into their Countries, whereby the ſaid great and weighty matters are many times greatly delayed. (3) In conſideration whereof, be it enacted by the King our Soveraign Lord, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That from henceforth none of the ſaid Knights, Citizens, Burgeſſes and Barons, nor any of them that hereafter ſhall be elected to come or be in any Parliament, do not depart from the ſame Parliament, nor abſent himſelf from the ſame, till the

Parliament 2. Knights nor Burgeſſes of the Parliament may not depart before the end thereof.

the ſaid Parliament be fully finiſhed, ended or prorogued, except he or they ſo departing, have licence of the Speaker and Commons in the ſaid Parliament aſſembled, and the ſame licence be entred of Record in the Book of the Clerk of the Parliament, appointed, or to be appointed for the Commons houſe, upon pain to every of them ſo departing or abſenting themſelves in any other manner, to loſe all thoſe ſums of mony which he or they ſhould or ought to have had for his or their wages. (4) And that all the Counties, Cities and Boroughs whereof any ſuch perſon ſhall be elected, and the inhabitants of the ſame, ſhall be clearly diſcharged of the ſaid wages againſt the ſaid perſon and perſons, and their Executors for evermore.

CAP. XVII.

Havens, Raſt. 7.

The River of Canterbury ſhall be deepned and enhanſed, ſo that Lighters, &c. may paſs upon it. Pr.

CAP. XVIII.

Sheriffs, Raſt. 32.

The Under-ſheriff, and all other Officers of Sheriffs, may continue and occupy their Offices within the County of the Town of Briſtol, from year to year, in ſuch ſort as the like do in London, without any forfeiture, notwithſtanding the Statutes of Anno 42 E. 3. 9. & 23 H. 6. 8. Pr.

Anno ſeptimo HENRICI *octavi.*

THE King our Soveraign Lord *Henry* the Eighth after the Conqueſt, by the Grace of God King of England and of France, and Lord of Ireland, at his Parliament holden at Weſtminſter the twelfth day of November, in the ſeventeenth year of his moſt noble Reign, to the honour of God, and holy Church, and for the common weal and profit of this his Realm, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath done to be ordained, made and enacted certain Statutes and Ordinances in manner and form following.

CAP. I.

Husbandry, Raſt. 2.

If any perſon ſhall decay a Town, a Hamlet or Houſe of Husbandry, or convert Tillage into Paſture, the immediate Lord of the Fee ſhall have the moiety of the Offenders Land, until the offence be reformed. Rep. 39 El. 1. & 21 Jac. 28. St. 5 El. 2. St. 25 H. 8. 13.

CAP. II.

Ship, Raſt. 9.

A Repeal of all Licences granted contrary to the Statute of 4 H. 7. 10. to bring into this Realm Gaſcoine Wines, or Thoulouſe Wood, but in Engliſh Ships. St. 1 El. 13.

CAP. III.

Act. popular, Raſt. 3.

Within what time all Actions, Suits, Bills, Indictments or Informations popular, ſhall be ſued either for the King, or for the party. Rep. 31 El. 5. Bro. Action popular 6.

CAP. IV.

An Act concerning Avowries for Rents and Services.

How Rents and Services may be recovered by Avowry. Recoverers have no remedy by the Common Law to recover their Rents or Preſentations.

WHereas divers, as well Noblemen as other the Kings Subjects, have ſuffered recoveries againſt them of divers their Manors, Lordſhips, Lands and Tenements, for the performance of their Wills, or for the ſurety of their Wives Jointures, or for the jointure of their Sons and Heirs apparent, and their Wives, or of any other perſon or perſons according to their covenants and agreements, (2) and thoſe perſons that ſo have recovered the ſaid Manors by the courſe of the Common Law, had no remedy, nor may have, to compel the Fermors, Freeholders and Tenants, which held of the ſame Manors by the Rents, Services or Cuſtoms, to atturn to them; (3) nor could by the order of the Law attain to the Rents, Services or Cuſtoms, (if they were denied) by Diſtreſs or Action, without they could once attain to the poſſeſſion of the ſame Rents, Services and Cuſtoms, by paying or doing the ſaid Rents, Services or Cuſtoms, by the ſame Freeholders, Fermors and Tenants; (4) which to do, divers and many of them have oftentimes refuſed, and yet do, to the great offence and charge of their conſcience, not only to the diſheritance of the ſaid Recoveries, but alſo in breaking of the laſt Wills of them againſt whom ſuch Recovery is had, and alſo to the diſheritance of the ſaid Husband, Wives, and other, to whoſe uſe the ſame Recovery was ſo had. (5) Alſo if there were any Advowſon appendant to any of the ſaid Manors, the ſame Advowſon had fallen void, and a ſtranger had preſented, the ſaid Recoverers, nor they to whoſe uſe the ſame Recoveries were had, had no remedy for the ſame diſturbance, and ſometime thereby they have been diſinherited.

The Recoverer may diſtrain for the Rents and Services of the Tenant, Farmor, &c. and ſhall have a Quare impedit. Raſt 1. pl. f. 521.

II. Be it therefore enacted by this preſent Parliament, and by the authority of the ſame, that the Recoverers in all ſuch Recoveries, their Heirs and Aſſigns, may from henceforth diſtrain for the foreſaid Rents, Services and Cuſtoms ſo being due and unpaid, and make Avowry, or juſtifie the ſame, as thoſe perſons againſt whom the ſaid Recovery is, ſhould have done if the ſaid Recovery had not been had; (2) and alſo have like remedy for the recovering of the ſaid Rents, Services and Cuſtoms by Avowry: (3) And alſo Quare impedit for the ſaid Advowſon, if any diſturbance be made, as thoſe perſons againſt whom the ſaid Recoveries were had, might or ſhould have had by the courſe of the Common Law, afore the ſaid Recovery, if any ſuch Rents, Services or Cuſtoms had been denied them, or any ſuch diſturbance had been had in their times.

The Avowant in Replegiari **ſhall recover his damages and coſts of Suit.** 2 Cr. 520.

III. And alſo that every Avowant, and every other perſon or perſons that make Avowry, coniſance or knowledge, or juſtifie as Baily to any other perſon or perſons, in any Replegiari, or ſecond deliverance, for any Rent, Cuſtom or Service, if their avowry, coniſance or juſtification be found for them, or the Plaintiffs in the ſaid Actions otherwiſe barred, ſhall recover their damages and coſts that they have ſuſtained, as the Plaintiff ſhould have done, if they had recovered in the ſaid Replevins. 21 H. 8. 19.

CAP. V.

Labourers, Raſt. 35.

Certain Labourers working in London may take ſuch Wages as they did take before the Statute of 6 H. 8. 3. Repl. 5 El. 4.

CAP. VI.

Ibid. 36.

A Repeal of the Statute made Anno 6 H. 8. 1. and of all other Statutes made for Apparel before it. What kind of Apparel Temporal men of all degrees and eſtates are allowable, and what prohibited to wear, and upon what penalties, and who ſhall have the forfeitures, and by what means they ſhall be recovered. Rep. 24 H. 8. 13. & 1 Jac. 25.

Anno xiv & xv HENRICI *octavi.*

THE King our Soveraign Lord *Henry* the Eighth after the Conqueſt, by the Grace of God King of England and of France, and Lord of Ireland, at his Parliament holden at London the fifteenth day of April, in the fourteenth year of his moſt noble Reign, and from thence adjourned to Weſtminſter the laſt day of July, the fifteenth year of his ſaid Reign, and there holden to the honour of Almighty God, and holy Church, and for the weal and profit of this his Realm, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath done to be ordained, made and enacted certain Statutes and Ordinances in manner and form following.

CAP. I.

No perſon ſhall ſell a Merchant-ſtranger any broad white woollen Cloth made in England, unleſs he cannot ſell it to ſome Engliſh-merchant within eight days after he brought it to Blackwell-hall, except the ſale be in Fairs, Ports or Creeks. Exp.

Drapery, Raſt. 45.

CAP. II.

What Apprentices ſtrange Artificers ſhall take, &c.

BE it enacted by the King our Soveraign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that no manner of ſtranger, born out of the Kings obeiſance, be he denizen or not denizen, uſing any manner of handicraft within this Realm, ſhall take from henceforth any Apprentice, except the ſame Apprentice be born under the Kings obeiſance, (2) upon pain to forfeit for every Apprentice that he ſhall take contrary to this Act, x li. the one half thereof to be to our Soveraign Lord the King, the other half to him or them that ſhall ſue for it, be it by Action of debt, bill, plaint, information or otherwiſe: (3) in what ſuit the Defendant ſhall not be admitted to wage his Law, ne any eſſoin, licence or protection to be allowed.

Aliens 3. &c. No ſtranger ſhall take an Apprentice, but one which was born under the Kings obeiſance, 5 El. 4.

II. Be it alſo enacted by the authority aforeſaid, and under like pain to be forfeited and recovered (as is aforeſaid) that no ſtranger, being alien born, and uſing any manner of handicraft within this Realm, from the Feaſt of All-ſaints next enſuing, ſhall in any manner of wiſe uſe, take, retain or keep into his or their ſervices any manner of Journy-man, or covenant-ſervant, above the number of two at one time, except the ſame Journy-man, or covenant-ſervant be born under the Kings obeiſance.

No alien ſhall keep above two Journeymen, except they be born under the Kings obeiſance, 5 El. 4.

III. And over this, be it enacted by authority aforeſaid, That all manner of perſons being aliens born, uſing any manner of handicraft, be they denizens or not denizens, and inhabited within the City of London or Suburbs of the ſame, within the Town of Weſtminſter, the Pariſh of St. Martins in the fields, the Pariſh of our Lady of the Strand, St. Clement of Danes without Temple-bar, St. Giles in the fields, St. Andrews in Holborn, the Town and Borough of Southwark, Shorditch, White-chappel Pariſh, St. John-ſtreet, the Pariſh of Clarkenwell, St. Botolphs Pariſh without Aldgate, St. Katherines, Bermonſey-ſtreet, or within two miles compaſs of the ſaid City of London, or the Pariſhes aforeſaid, ſhall be under the ſearch and reformation of the Wardens and Fellowſhips of Handicrafts within the ſaid City of London, with one ſubſtantial Stranger, being an Houſholder of the ſame Craft, by the ſame Wardens to be choſen, that is to ſay, every ſuch ſtranger occupying any myſtery or handicraft (as is aforeſaid) ſhall be under the ſearch and reformation of the Wardens, and one ſubſtantial Stranger, being an Houſholder, of that craft that they ſhall ſo occupy.

All ſtrangers dwelling within two miles of London ſhall be under the reformation of the Wardens of handicrafts within the City

IV. And that the Wardens of the ſaid City of every ſuch handicraft, with one ſtranger or houſholder (as is aforeſaid) of the ſame craft, have full power and authority by this preſent Act, to limit and appoint to every ſtranger of the myſtery and handicraft that they be of, inhabiting within the ſaid City, Suburbs, Places or Precinct above remembred, a proper mark, without taking any thing therefore: by the which their wares, veſſels and workmanſhips that they make, may be known.

The Wardens, &c ſhall aſſign a proper mark for ſtrangers wares.

V. And that the Wardens of every ſuch handicraft and myſtery aforeſaid, calling to them one ſtranger of the myſtery and occupation that they be of, being an houſholder, ſhall have full power and authority to ſearch, view and reform, as well within the ſaid City of London, as in all other places and limits beforeſaid, all manner of wares of workmanſhips, made by any manner of ſuch handicraftmen, being aliens born, as is aforeſaid.

Reformation of ſtrangers wares and workmanſhip.

VI. And that no ſtranger born out of the Kings obeiſance, uſing any of the myſteries or occupations of Smiths, Joiners or Coopers, ſhall make any manner of wares or veſſels concerning the ſame myſteries or occupations, except that they and every of them put ſuch marks to every of the ſame wares and veſſels, before they ſhall be put to ſale or uſe, as the Wardens of their occupations, crafts or myſteries ſhall limit and appoint, without taking any thing therefore, (2) upon pain of forfeiture of the double value of the ſame wares and veſſels: The one half of which forfeiture to be to the King our Soveraign Lord, the other half to the party that firſt will ſue for the ſame by Action of debt, bill, plaint or information, in which the Defendant ſhall not wage his Law, nor any eſſoin ſhall be caſt, or protection allowed.

Smiths, Joiners, Coopers, which be ſtrangers muſt mark their wares.

VII. And farther, it is enacted by the authority aforeſaid, That if upon any ſuch ſearch or view to be made, by the Wardens and one Stranger, of any craft or myſtery beforeſaid, after the form of this eſtatute, in veſſels or wares to be found in the poſſeſſion of the workers or owners thereof, putting the ſame veſſels or wares to workmanſhip of any ſtranger falſly and deceitfully made, to the hurt of the Kings liege people, and ſo adjudged by the ſaid Wardens and one Stranger, that then ſuch worker or owner, in whoſe poſſeſſion the ſame falſe and deceitful wares ſhall be found, ſhall forfeit the ſame wares: (2) the one half thereof to the King our Soveraign Lord, and the other half thereof to the firſt finder thereof ſuing for the ſame in any of the Kings Courts by Action of Detinue, in which Action the Defendant nor Defendants ſhall not be admitted to wage their Law, nor protection, ne eſſoin be to them herein allowable.

The forfeiture of wares deceitfully made by an alien.

VIII. Be it alſo enacted by the authority aforeſaid, That all Wardens and Maſters of Fellowſhips of all and every ſuch handicrafts within any ſuch City, Borough or Town-corporate within this Realm, where any ſuch Wardens happen to be, and in ſuch Bo-

roughs

Wardens, Bailiffs, &c. Towns corporate may ſearch and reform ſtrangers.

roughs and Towns corporate where no Wardens of handicrafts are, the Bailiffs or the Governor or Governors of the ſame Boroughs or Towns ſo lacking Wardens, ſhall have like power and authority with the Bailiff or Bailiffs of the Liberties with them, where any ſuch Liberty ſhall be, being content ſo to do, to view, ſearch and reform ſtrangers born out of the Kings obeiſance, inhabiting and uſing within any ſuch City, Borough, or Town corporate, any manner of handicraft, in as large and ample manner as the ſaid Wardens and Fellowſhips of the ſaid City of London may do, by virtue of this preſent Act. (2) And that all ſtrangers uſing any of the ſaid handicrafts in any of the ſaid Cities, Boroughs or Towns corporate, be bounden to do and obey in every thing, according to the tenor of this preſent Act, upon like pains and forfeitures as is above remembred, to be had and recovered in form above rehearſed.

IX. Provided alway, That if the Wardens of any Fellowſhip or Myſtery beforeſaid, Bailiffs, Governor or Governors beforeſaid, wrongfully will intreat any ſtranger in executing of this Act, or any thing therein contained, that then the ſtranger ſo grieved may by authority of this Act, by bill or information, complain to the Lord Chancellor and Treaſurer of England, or the Juſtices of Aſſiſe in the County for the time being, which by their examinations ſhall have full power and authority to hear and determine the ſame complaint, and to award to the party complainant ſuch amends as by their diſcretions ſhall be thought reaſonable.

Remedy for ſtrangers which be injured by Wardens, &c.

X. Provided alſo, That it ſhall be lawful for and to every the ſaid ſtrangers born out of the Kings obeiſance, being a houſholder, to have and receive as well all and every ſuch ſtrangers born out of the Kings obeiſance, being the time of this Parliament with him retained as a Journyman, as to have and retain every ſuch ſtranger being born out of the Kings obeiſance, being Apprentice with him the time of this Parliament, this Act notwithſtanding. (2) This to endure to the laſt day of the next Parliament.

Strangers dwelling in Oxford, Cambridge, Saint Martins.

XI. Provided alſo, That this Act extend not to the inhabitants, ſtrangers that now be, or hereafter ſhall be, in the Univerſities of Oxford or Cambridge, or within the Sanctuary of St. Martins le Grand within the ſaid City of London.

The Wardens refuſing to mark the wares.

XII. Provided alſo, That if the ſaid Wardens of the ſaid City of London, with a ſtranger, or Governor or Governors of any City or Borough corporate within this Realm, refuſe to mark the wares of any ſtranger, after that they be required ſo to mark: that then it ſhall be lawful to the ſame eſtranger or eſtrangers to whom ſuch refuſal ſhall be made, to ſell and put to ſale his ſaid wares ſo required to be marked and refuſed, this Act notwithſtanding.

To which only handicrafts this Statute doth extend.

XIII. Provided alſo, That this Act extend not to any other handicrafts, than to the crafts of Joiners, Pouchmakers, Coopers and Blackſmiths, for or concerning the foreſaid Articles of marking of wares of the ſame eſtrangers.

Who may retain Aliens.

XIV. Alſo that it ſhall be lawful to any Lord of the Parliament, and every other of the Kings ſubjects, having Lands and Tenements to the yearly value of one C l. to take and retain Eſtrangers, Joiners and Glaſiers, in their ſervice, from time to time, to and for the exerciſing with them their crafts, this Act notwithſtanding. Stat. 21 H. 8. 16. 32 H. 3. 16. 22 H. 8. 13.

CAP. III.

Touching Worſted-weavers of Yarmouth and Lynn.

Worſteds 1.

BEcauſe it is diſcreetly conſidered in this preſent Parliament, that the true making and draping of Worſteds, Saies and Stamins, is one of the moſt profitable occupations of this Realm, and that the ſame Worſteds, Saies and Stamins, truly and ſubſtantially made and wrought, been right acceptable and commodious merchandiſes, as well in this Realm of England, as in foreign Regions and Countries: (2) For eſtabliſhment and good order whereof, divers good and laudable Statutes, Acts and Ordinances heretofore have been made and enacted: and namely in a Parliament holden at Weſtminſter the third day of June, in the ſeventh year of the Reign of the late King of famous memory, Edward the fourth. (3) Sithen which Parliament the making of the ſaid Worſteds, Saies and Stamins, hath much increaſed and been multiplied in the City of Norwich, and in divers Towns and places in the County of Norfolk: (4) And becauſe the Towns of great Yarmouth and Lynn in the ſaid County, been Towns corporated, and the inhabitants of the ſame Towns now daily practiſe and uſe the making and draping of the ſaid Cloth of Worſteds, Saies and Stamins, more buſily and diligently than they have done in times paſt, to whom it is painful and coſtly to tranſport and convey their ſaid Cloths to the ſaid City of Norwich, or to places within the ſaid County of Norfolk, which been far diſtant from either of the ſaid Towns, to be ſearched and ſealed by the Wardens of the Worſted-weavers of the ſame City of Norwich, or County, according to the ſaid Act of Parliament made the ſaid ſeventh year of King Edward the fourth: (5) It is therefore ordained, eſtabliſhed and enacted by the King our Soveraign Lord, and by the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the craftſmen (called Worſted-weavers) inhabited in the ſaid Town of great Yarmouth, ſhall have power and authority by this preſent Act, from henceforth to elect and chuſe yearly for ever, in the Monday next after the Feaſt of Pentecoſt, one honeſt man of the ſame myſtery and occupation, being an houſholder within the ſaid Town of great Yarmouth, and having of his proper goods and chattels to the value of x l. at the leaſt, or lands and tenements to his own uſe of the eſtate of freehold, at leaſt to the clear yearly value of xx s. to be Warden of the ſame craft and myſtery for the year next enſuing, (6) which man ſo elected and choſen, ſhall perſonally appear before the Mayor of the ſaid City of Norwich for the time being, the Monday next after the Feaſt of Corpus Chriſti then next enſuing, then nd there to be ſworn and charged by like oath, concerning the true and ſubſtantial making he ſaid Cloths within the ſaid Town of great Yarmouth, as the four Wardens of the ſaid

7 Ed. 4. 1.

Election of a Warden of Worſted weavers in great Yarmouth in Norfolk.

City of Norwich, by virtue of the ſaid Act of Parliament made in the ſaid ſeventh year of King Edward the Fourth, been charged and ſworn for the ſame City of Norwich. (7) And if the ſaid Mayor happen to be abſent the Monday after Corpus Chriſti, or elſe then refuſeth to receive or take the ſaid Oath: then the ſaid Warden ſo elect, within four days next after the ſame Monday, ſhall come before the Bailiffs of the ſaid Town of great Yarmouth for the time being, or before one of them, the other being abſent: and then and there receive a corporal Oath for the true exerciſing of the ſame Office of Wardenſhip, after the tenour of the Oath accuſtomably uſed to be given to the ſaid Wardens of the ſaid City of Norwich.

The Warden of Yarmouths Oath.

II. And then the ſaid Warden of the ſaid Town of great Yarmouth for that time being ſo elect and ſworn, may ordain and appoint a Seal with this Letter Y. to be engraven in the ſame Seal, and may have full power and authority to view, ſearch, ſeiſe and ſeal in Lead with the ſame Seal ſo to be appointed and engraven, and none other, all Worſteds, Saies and Stamins within the ſaid Town of Yarmouth, and Suburbs of the ſame, made or to be made, and not elſewhere, in as large and ample manner as the ſaid Wardens of the ſaid City of Norwich, and Wardens of the ſaid County of Norfolk, or any of them, hath or have within the ſaid City or County, or in any wiſe may do in that behalf, by authority or virtue of the before remembred Act made in the ſaid ſeventh year of King Edward the Fourth; any thing in the ſame Act contained to the contrary notwithſtanding.

The Warden of Yarmouths authority.

III. And that no perſon inhabited within the ſaid Town of great Yarmouth, or Suburbs thereof, weave any Worſteds, Saies or Stamins within the ſame Town, except he be an Engliſhman born, and have been Apprentice to the ſaid occupation, and without he weave there ſuch proper mark as ſhall be limited and appointed by the ſaid Warden of the ſaid Town for the time being, elect and ſworn as is aforeſaid, upon pain of forfeiture thereof to the King our Soveraign Lord: (2) And that every Warden of the ſaid Town ſhall limit diſtinct and ſeveral marks to every of the ſaid Worſted-weavers of the ſame Town of great Yarmouth, and the ſame marks by the ſaid Warden to be regiſtred in a book.

Every perſon ſhall mark his Worſteds, Saies, &c. with his ſeveral mark.

IV. And alſo be it enacted by the authority aforeſaid, That if, and whenſoever hereafter the ſaid Town of Lynn ſhall be inhabited with ten ſundry houſholders, or more number of houſholders exerciſing and uſing the ſaid Craft or Myſtery of Worſted-weavers, then and from thenceforth, that is to ſay, as long as the ſame Town of Lynn ſhall be inhabited with the number of ten ſuch houſholders at the leaſt, it ſhall be lawful to the ſame Inhabitants of the ſaid Town of Lynn yearly, on the Monday next after the Feaſt of Pentecoſt, to elect and chooſe of themſelves one Warden of the ſaid Craft and Myſtery of Worſted-weavers, to be of the value in lands and goods, as is beforeſaid of the Warden of Yarmouth: (2) which Warden ſo elect ſhall yearly be ſworn and charged at the ſaid City of Norwich, in like manner, and at like day, as is before limited to the Wardens of Yarmouth: or in default of the ſaid Mayor of Norwich, then the ſaid Warden ſo to be elect for the ſaid Town of Lynn, to take a corporal Oath before the Mayor of the ſaid Town of Lynn, within ſuch time, and after ſuch form as is before limited unto the Warden of Yarmouth. (3) And that the ſaid Warden of the ſaid Town of Lynn for the time being ſo elect and ſworn, by himſelf may ordain and appoint, and ſeal with this Letter L. to be graven in the ſame Seal, and may have full power and authority to view, ſearch, ſeiſe and ſeal in Lead with the ſame Seal ſo to be engraven, and with none other, all Worſteds, Saies and Stamins within the ſaid Town of Lynn, and Suburbs of the ſame, made or to be made, and not elſewhere, in as large and ample manner as the ſaid Warden of the ſaid City of Norwich, and Wardens of the ſaid County of Norfolk, or any of them, hath or have within the ſaid City or County, or otherwiſe may do by authority or virtue of the before remembred Act made in the ſaid ſeventh year of King Edward the Fourth; any thing contained in the ſame Act to the contrary notwithſtanding.

Election of a Warden of Worſted Weavers in Lynn in Norfolk.

The Warden of Lynns Seal and Authority.

V. And that no perſon inhabited within the ſaid Town of Lynn, or Suburbs thereof, make any Worſteds, Saies and Stamins, within the ſame Town, except he be an Engliſhman born, and have been Apprentice to the ſame occupation, and without he weave therein ſuch proper mark as ſhall be limited and appointed by the ſaid Warden of the ſame Town of Lynn for the time being, upon pain and forfeiture thereof to the King our Soveraign Lord: (2) And that every Warden of the ſaid Town ſhall limit diſtinct and ſeveral marks to every of the ſaid Worſted-weavers of the ſame Town, and the ſame marks by the ſaid Warden to be regiſtred in a book.

Every Worſted maker an Engliſhman born and ſhall have his own mark.

VI. And be it farther enacted by the authority aforeſaid, That from the Feaſt of St. Michael the Archangel next coming, unto ſuch time as the ſaid Town of Lynn ſhall be inhabited with the ſaid number of ten houſholders of the ſaid craft of Worſted-weavers, and always after, when that number of ten houſholders ſhall happen to fail, and not be inhabited in the ſaid Town of Lynn, the ſaid Wardens of the ſaid City of Norwich, and their Succeſſors, ſhall procure and cauſe one of themſelves, or one of the Wardens of the ſaid craft of the ſaid County of Norfolk, perſonally to come and be every xxviij day from and after the ſaid Feaſt of St. Michael the Archangel, in and to the ſaid Town of Lynn, or within ſix days next after every ſuch xxviij day, and there to continue and abide by ſo long time as he may ſearch and ſeal all ſuch Worſteds, Saies and Stamins, made in the ſame Town of Lynn, as then ſhall be brought to him to be ſealed within the ſpace of one whole day. (2) And the ſaid Inhabitants of Worſted-weavers of the ſame Town of Lynn being, ſhall content and pay the ſaid Warden of Norwich or Norfolk which ſhall ſo come to Lynn in the ſaid xxviij day, or within ſix days next after the ſaid xxviij day, for his coſts and expences, for every time that he ſhall ſo come to Lynn, between the Feaſt of St. Michael the Archangel, and the Annunciation of our Lady St. Mary, iij s. and for every time that he ſhall ſo come to the ſaid Town of Lynn, between the Feaſt of the Annunciation of our Lady, and the Feaſt of St. Michael the Archangel ij s. (3) And if the ſaid Inhabitants of Worſted-weavers of the ſaid Town of Lynn do not content and pay the ſaid Warden coming to Lynn in form aforeſaid, for the ſaid coſts and charges, the ſaid iij s. or ij s. as is above limited, then

A Warden of Norwich or Norfolk, ſhall come to Lynn when there is no Warden there.

The Wardens allowance by the day for his charges in coming to Lynn.

By what names the parties grieved ſhall uſe their actions.

The particular bodies or goods of the Wardens or inhabitants put in execution.

the ſaid inhabitants ſhall forfeit and pay to the ſaid Warden, or to his Executors, for every ſuch default of payment, xl. s. (4) And if one of the ſaid Wardens of Norwich and Norfolk, come not to the ſaid Town of Lynn, for the cauſe aforeſaid, in manner and form above remembred; then the ſaid Wardens of the ſaid City of Norwich ſhall forfeit and pay to the ſaid inhabitants of Lynn, of the ſaid myſtery of Worſted-weavers for every ſuch default, xl s. (5) For recompence of which penalty and forfeits, the ſaid Wardens of Norwich or Norfolk, being thereunto intitled by this preſent Act, by his proper name, with this addition, that is to ſay, Unus Gardianorum, or nuper unus Gardianorum, artis ſive myſterii Textorum panni lanei, vocati Worſtedes in civitate Norwich, vel comitat. Norfolk, as the troth requireth, ſhall and may have action of debt by writ, bill or plaint, in any competent or lawful Court of this Realm, againſt the ſaid inhabitants of Lynn of the ſaid myſtery for the time being, by their ſundry proper names. (6) And the ſaid inhabitants by their ſaid names, with this addition, Textorum panni lanei voc. Worſtedes, inhabitantes villa de Lynn, ſhall and may have like actions of debt againſt the ſaid Wardens of Norwich, by the name of Gardiani artis ſive myſterii textorum pannorum laneorum voc. Worſtedes infra civitatem Norwic. com. Norfol. to be uſed in good congruities of Latine, and form of the Laws of this Realm. (7) In which actions, or any of them, none eſſoin, protection, or wager of Law ſhall be ſuffered or allowed. (8) And that the particuar bodies or goods of any of the ſaid Wardens or inhabitants being condemned in any of the ſaid actions, ſhall and may be put in execution, after ſuch manner and form as is uſed in actions of debt by courſe of the common Law of this Realm.

Cloths marked by the Wardens of Lynn and Yarmouth.

VII. And moreover, be it enacted by the authority aforeſaid, That all Cloths of Worſteds, Saies and Stamins, made or to be made within any of the ſaid Towns of Lynn and great Yarmouth, or Suburbs of the ſame, or any of them, and marked with ſuch marks as ſhall be limited to the makers by any of the Wardens of the ſaid Town in manner and form abovesaid, and viewed and ſealed by any of the Wardens of the ſaid Town of Lynn and Yarmouth, in form above remembred: by force and virtue of this preſent Act, may be lawfully put to ſale by the Owners and makers of the ſame, without any other marking or ſealing upon the ſaid Cloths, or upon any of them to be had or made by any other Wardens, dwelling or abiding without the ſaid Town, and without any arreſt, ſeiſure or forfeiture to be had or made of or upon any of the ſaid Cloths, for lack of any other ſeals or marks; any thing contained in the ſaid former Act made in the ſaid vij year of King Edward the Fourth to the contrary notwithſtanding.

What Apprentices Worſted-weavers in Lynn and great Yarmouth may take.
St. 5 El. 4.
26 H. 8. 16.

VIII. And over this, be it enacted by the authority aforeſaid, That every Crafts-man of the ſaid myſtery and occupation of Worſted making, dwelling within any of the ſaid Towns of Lynn and great Yarmouth, and Suburbs of the ſame, at their own free wills and liberties from henceforth for ever, may have or take Apprentice or Apprentices (being male) of the age of xiv years and upward, and being the Kings natural Subjects, for the term of ſeven years, and not under, ſo that none of them exceed the number of two at once, to learn, uſe and exerciſe the ſaid Craft within either of the ſaid Towns of Lynn and great Yarmouth, or Suburbs of the ſame, albeit the Father of the ſame Apprentices or Apprentice, may not expend in Lands and Tenements to the yearly value of xx s. any Act or Ordinance to the contrary notwithſtanding.

This Statute ſhall not be prejudicial to the Mayor of Norwich or the Wardens there.

IX. Provided alway, That this preſent Act, nor any thing therein contained, be not in any wiſe hurtful or prejudicial to the Mayor of Norwich, or to his Succeſſors, or to the Wardens of the ſaid City and County, or to their Succeſſors, in any point, article, power or authority, other than for weaving, ſearching and ſealing of Worſteds, Saies and Stamins, made or to be made only within the ſaid Towns of Lynn and Yarmouth, or Suburbs of the ſame, or to any of them: And for limiting of marks to the makers of Worſteds, Saies and Stamins, only inhabited in either of the ſaid Towns or Suburbs thereof, and taking of Apprentices in form above remembred. (2) But that the ſaid Mayor of the ſaid City of Norwich, and Wardens of the ſaid City and County, and every of them, may have and uſe all other points, articles, powers and authorities contained and ſpecified in the above remembred Act, made in the ſeventh year of King Edward the fourth, as well for the ſearch, ſealing, correction and reformation of the ſaid Wardens newly to be elect by virtue of this preſent Act and every of them, according, and after ſuch form as they may do or uſe, any of the ſaid Wardens, of the ſaid City or County, by force of the ſaid Act made in the ſaid ſeventh year of King Edward the Fourth, as all and every other inquiries, corrections, ſearches, ſealings and reformations to be had for the true making of Worſteds, Saies and Stamins, in and upon any perſon or perſons, as well within the ſaid Towns of Lynn and Yarmouth, as without, without trouble, lett or vexation of any of the inhabitants of the ſaid Towns, in as large and ample wiſe as they might have done before the making of this preſent Act, any thing contained in the ſame preſent Act to the contrary notwithſtanding.

None in Lynn or Yarmouth ſhall ſheer, die, or calander, but in Norwich.

X. And alſo provided, and be it enacted by the authority aforeſaid, that the ſaid Crafts-men of Worſted-weavers inhabited, or hereafter to be inhabited within either of the ſaid Towns of Lynn and Yarmouth, or Suburbs of the ſame, and the Merchants, or any other perſon or perſons which ſhall happen to buy of the ſaid Crafts-men, or of any of them, or of any other perſon, any of the ſaid Cloths of Worſteds, Stamins or Saies, made or to be made within either of the ſaid Towns of Lynn and Yarmouth, and ſealed by the ſaid Wardens of the ſame Town to be elect and ſworn as is aforeſaid, and any of them ſhall not ſheer, die or put in colour, or calander any Worſteds, Stamins or Saies, made or to be made within either of the ſaid Towns of Lynn and Yarmouth, or Suburbs of the ſame, in any other place or places, but only within the ſaid City of Norwich, or Suburbs of the ſame, upon pain of forfeiture of every piece of Worſted, Saies or Stamins, to be made within any of the ſaid Towns of Lynn and Yarmouth, or Suburbs of the ſame, or the value thereof, ſhorn, died, coloured or calandred by any of the ſaid Crafts-men, Buyers or Merchants, in any other place or places than in the ſaid City of Norwich, or Suburbs of the ſame: the one half thereof to the King our Soveraign Lord, and the other half thereof to ſuch perſon or perſons as ſhall ſeiſe the ſame, (3) ſo that the ſaid Worſteds brought to the ſaid City of Norwich to be ſhorn, died, coloured and calandred, without covin or craft of any of the ſaid inhabitants and merchants, may be ſhorn, died, coloured and calandred, at and by as convenient price or prices, and in as ready wiſe, as the ſaid inhabitants of either of the ſaid Towns of Lynn and Yarmouth, and merchants buyers of the ſame Worſteds, or other of the ſaid City or County hath had in times paſt, or hereafter ſhall have.

No Worſteds ſhall be carried beyond the Sea before they be ſhorn, &c.

XI. And alſo that the ſame inhabitants and merchants, and every of them, ſo bringing their ſaid Worſteds to the ſame City for to be ſhorn, died, coloured and calandred, be reaſonably and lawfully intreated, according to the ſaid Act made in the ſaid ſeventh year of King Edward the Fourth, and the Ordinances made and affirmed, or hereafter to be made and affirmed for the ſaid myſtery, without let or diſturbance, contrary to the ſame Act or Ordinances in that behalf.

XII. And be it enacted by the authority aforeſaid, that no perſon or perſons any time after, convey or tranſport into any of the parts beyond the Sea, any manner of Cloths or Worſteds, before the ſame Cloths be ſhorn, died, coloured and calandred, upon pain of forfeiture the value thereof: the one half to the King our Soveraign Lord, and the other half thereof to the party that will ſue therefore, by action or plaint of debt in any of the Kings Courts: (2) In which action or ſuit, no protection or eſſoin ſhall be allowed, nor the offender admitted to wage his Law. (3) This Act to endure to the next Parliament. 26 H. 8. 16. made perpetual. Stat. 21 H. 8. 21.

C A P. IV.

What Cuſtoms and Impoſitions Engliſhmen ſworn to foreign Princes ſhall pay.

Cuſtoms 14.

PRayen the Commons in this preſent Parliament, that where many and divers perſons being the Kings Subjects naturally, born within this his Realm, have withdrawn themſelves out of the ſame Realm, and tranſported themſelves with their Wives, Children and Goods, into Holland, Zealand, Brabant, Flanders, and into other Countries of Foreign Princes; and there be ſworn to the obeiſance of the Princes and Lords of the Countries where they be now inhabited, making there great buildings, and be contributaries to all manner of charges, as the Subjects of thoſe Countries be: and thus they maintain, as much as in them is, the Cities, Boroughs and Towns of thoſe Countries, and many more of the Kings Subjects intend to do the ſame, if remedy therein be not provided: (2) Which Subjects born in England, notwithſtanding that they thus eſtrange themſelves from the Kings obeiſance, yet they occupy here in all the Ports, Havens and Creeks, Cities, Boroughs and Towns of England, as freely, and as free in Cuſtom and Subſidy, as the Kings Subjects do occupy, and not only for themſelves, but alſo colourably for other Strangers, their Friends and Partners, and alſo make themſelves quit and exempt from all charges within this Realm, in prejudice and decay of the Cities, Towns and Boroughs of England: (3) And as for beyond the Sea, they will obey to none authority granted to the Engliſh Nation by the Kings Highneſs and his noble Progenitors under the great Seal of England, and by authority of Parliament, but they give themſelves over to the protection and defence of thoſe outward Princes, to whom they be ſworn Subjects: And by theſe manner of perſons much coin is conveyed out of the Land.

An Engliſhman ſworn ſubject to a foreign Prince, ſhall pay ſuch impoſitions as Aliens do.

II. Wherefore be it ordained and enacted by the King our Soveraign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every ſuch Subjects born in England, and ſworn to be Subjects to foreign Princes and Lords of outward parts, from henceforth, (as long as they ſhall ſo abide, and be as Subjects to foreign Princes and Lords) that from henceforth, ſo long as they and every of them ſhall pay ſuch Cuſtoms, Subſidy, Tolls and other Impoſitions within this Realm of England, as other Strangers of thoſe parts where the ſaid Engliſhmen make their inhabitations, pay or uſe to pay within the ſaid Realm: (2) And that the knowledge of all and every ſuch perſon or perſons, inhabitants and ſworn in manner and form as is before rehearſed within the Archdukes Countries, that is to ſay, Holland, Zeland, Brabant and Flanders only, ſhall be had by certificate thereof made by the Governour of the Merchant Adventurers, and the Aſſiſtants there for the time being: (3) And alſo for all other Realms and Countries of foreign Princes to be certified by the Kings moſt noble Embaſſadors, being at ſuch time there as they ſhall happen to be in the ſaid Countries upon the Kings affairs, ſhall likewiſe certifie, as is aforeſaid, under their Seal, into the Chancery of our Soveraign Lord the King: (4) and thereupon out of the ſaid Chancery Writs to be made and directed unto the Cuſtomers, Comptrollers, or other Officers of the Kings Cuſtom, in every Port, Haven or Creek within this ſaid Realm, to perceive, levy and take all manner of ſuch Cuſtoms, Subſidies, Tolls and other Impoſitions, as is before ſpecified, of all ſuch Goods and Merchandiſes as ſhall belong unto any ſuch perſon or perſons inhabited and ſworn, in manner and form above written, as well inward as outward.

An Engliſhman returning and dwelling again in the Realm.

III. Provided alway, That if hereafter it ſhall happen any ſuch perſon or perſons to return into the Realm, and here to tarry, and inhabit, that then he or they ſhall be reſtored to all ſuch Liberties and Freedoms in paying of Cuſtoms or Subſidies and other charges, as all other Engliſhmen do uſe to pay, and to have a Writ out of the Chancery for the ſame: this Act or any thing therein made to the contrary notwithſtanding.

C A P. V.

The Privileges and Authority of Phyſicians in London.

Phyſicians.

IN their moſt humble wiſe ſhew unto your Highneſs, your true and faithful Subjects and liege men, John Chambre, Thomas Linacre, Ferdinandus de Victoria, your Phyſicians, and Nicholas Halſewel, John Frances and Robert Yaxley, and all other men of the ſame faculty within the City of London and ſeven miles about, that where your Highneſs (by your moſt gracious Letters Patents, bearing date at Weſtminſter the xxiij day of September, the tenth year

A body corporate of the faculty of Phyſick within London, and ſeven miles compaſs.
Anno 10 H. 8.
2 Bulſtr. 185.

year of your moſt noble Reign) for the common wealth of this your Realm, in due exerciſing and practiſing of the faculty of Phyſick, and good miniſtration of medicines to be had, hath incorporate and made of us, and of our Company aforeſaid, one Body and perpetual Commonalty or Fellowſhip of the faculty of Phyſick, and to have perpetual ſucceſſion and common Seal, and to chuſe yearly a Preſident of the ſame Fellowſhip and Commonalty, to overſee, rule and govern the ſaid Fellowſhip and Commonalty, and all men of the ſaid faculty, with divers other liberties and privileges by your Highneſs to us granted, for the common wealth of this your Realm, as in your ſaid moſt gracious Letters Patents more at large is ſpecified and contained, the tenour whereof followeth in theſe words.

(2) *Henricus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ, Omnibus ad quos præſentes literæ pervenerint, Salutem. Cum Regii officii noſtri munus arbitremur ditionis noſtræ hominum fœlicitati omni ratione conſulere:* (3) *Id autem vel inprimis fore, ſi improborum conatibus tempeſtive occurramus, apprime neceſſarium duximus, improborum quoque hominum qui medicinam magis avaritiæ ſuæ cauſa quam ullius bonæ conſcientiæ fiducia profitebuntur, unde rudi & credulæ plebi plurima incommoda oriantur, audaciam compeſcere.* (4) *Itaque partim bene inſtitutarum civitatum in Italia, & aliis multis nationibus exemplum imitati, partim gravium virorum Doctorum Joannis Chambre, Thomæ Linacre, Ferdinandi de Victoria, medicorum noſtrorum, Nicholai Halſewel, Joannis Franciſci, & Rob. Yaxley, medicorum, ac præcipue reverendiſſimi in Chriſto patris, ac Domini, dom. Thomæ Tituli ſanctæ Ciciliæ, trans Tiberim ſacroſanctæ Romanæ Eccleſiæ Presbyteri Cardinalis, Eboracenſis Archiepiſcopi, & Regni noſtri Angliæ Cancellarii chariſſimi, precibus inclinati, Collegium perpetuum doctorum & gravium virorum, qui medicinam in urbe noſtra Londino & ſuburbibus, intraque ſeptem millia paſſuum ab ea urbe quaqua verſus publice exerceant, inſtituti volumus atque imperamus.* (5) *Quibus tum ſui honoris tum publicæ utilitatis nomine, curæ, ut ſperamus, erit, malitioſorum, quorum meminimus, inſcientiam temeritatemque, tam exemplo gravitateque ſua deterrere quam per leges noſtras nuper editas, ac per conſtitutiones per idem collegium condendas punire.* (6) *Quæ quo facilius rite peragi poſſint, memoratis doctoribus Joan. Chambre, Thomæ Linacre, Ferdinando de Victoria, medicis noſtris, Nicholao Halſewel, Joanni Franciſco & Rob. Yaxley, medicis, conceſſimus, quod ipſi omneſque homines ejuſdem facultatis de & in civitate prædicta, ſint in re & nomine unum corpus & communitas perpetua, ſive Collegium perpetuum.* (7) *Et quod eadem Communitas ſive Collegium ſingulis annis in perpetuum eligere poſſint, & facere de Communitate illa aliquem providum virum & in facultate medicinæ expertum in Preſidentem ejuſdem Collegii ſive Communitatis, ad ſupervidend', & recognoſcend' & gubernand' pro illo anno Collegium ſive Communitatem præd. & omnes homines ejuſdem facultatis & negotia eorundem.* (8) *Et quod idem Præſidens & Collegium ſive Communitas habeant ſucceſſionem perpetuam, & commune ſigillum negotiis dict. Communitatis & Præſidentis in perpetnum ſerviturum.* (9) *Et quod ipſi & ſucceſſores ſui in perpetuum ſint perſonæ habiles & capaces ad perquirendum & poſſidendum in feodo & perpetuitate terras & tenementa, redditus, & alias poſſeſſiones quaſcunque.*

A perpetual College of Phyſicians erected and granted in London and the Suburbs.
A Preſident of the College, and his Office and Duty.

The College ſhall have perpetual ſucceſſion and a common Seal.
They ſhall be of ability to purchaſe land.

(10) *Conceſſimus etiam eis & ſucceſſoribus ſuis pro nobis & hæred' noſtris, quod ipſi & ſucceſſores ſui poſſint perquirere ſibi & ſucceſſoribus ſuis, tam in dicta urbe quam extra, terras & tenementa quæcunque annuum valorem duodecim librarum non excedent', Statuto de alienatione ad manum mortuam non obſtante.* (11) *Et quod ipſi per nomina Præſidentis Collegii, ſeu Communitatis facultat' medicinæ Lond. placitari & implacitari poſſint coram quibuſcunque Judicibus in curiis & actionibus quibuſcunque.* (12) *Et quod præd. Præſidens ſeu Collegium ſive Communitas, & eorum ſucceſſores congregationes licitas & honeſtas de ſeipſis ac Stat. & Ordinationes pro ſalubri gubernatione ſuperviſu & correctione Collegii, ſeu Communitat. præd', & omnium hominum eandem facultat. in dict. civitat. ſeu per ſeptem milliaria in circuitu ejuſdem civitat. exercen. ſecundum neceſſitatis exigentiam quoties & quando opus fuerit, facere valeant licite & impune, ſine impedimento noſtri, hæred. vel ſucceſſorum noſtrorum juſticiariorum, eſcaetorum, vicecomitum, & alior' ballivor' vel miniſtror' noſtror', hæred' vel ſucceſſor' noſtror' quorumcunque.* (13) *Conceſſimus etiam eiſdem Præſidenti & Collegio ſeu Communitat. & ſucceſſoribus ſuis, quod nemo in dicta civitate, aut per 7 milliaria in circuitu ejuſdem, exerceat dictam facultatem, niſi ad hoc per dict. Præſidentem & Communitat', ſeu ſucceſſores eorum, qui pro tempore fuerint, admiſſus ſit per ejuſdem Præſidentis & Collegii literas ſigillo ſuo communi ſigillatas, ſub pœna 100 ſolidorum pro quolibet menſe, quo non admiſſus eandem facultat. exercuit, dimidium inde nobis & hæred. noſtris, & dimidium dicto Præſidenti & Coll. applicandum.*

They may ſue and be ſued.
They may make lawful aſſemblies, and Ordinances for Government.

No man ſhall practiſe Phyſick in London, or within ſeven miles thereof, unleſs he be allowed.

Four Phyſicians of London ſhall be yearly choſen to have the overſight of the others.

(14) *Præterea volumus & concedimus pro nobis & ſucceſſoribus noſtris (quantum in nobis eſt) quod per Præſidentem & Collegium præd. Communitatis pro tempore exiſten. & eorum ſucceſſores in perpetuum quatuor ſingulis annis per ipſos eligantur, qui habeant ſuperviſum & ſcrutinium, correctionem & gubernat. omnium & ſingulor' dictæ civitat. medicorum utentium facultate medicinæ in eadem civitate, ac aliorum medicorum forinſecorum quorumcunque facultatem illam medicinæ aliquo modo frequentantium & utentium infra eandem civitat. & ſuburbia ejuſdem, ſive intra ſeptem milliaria in circuitu ejuſd. civitatis, ac punitionem eorund. pro delictis ſuis in non bene exequendo, faciendo & utendo illa:* (15) *Necnon ſuperviſum & ſcrutinium omni modo medicinarum & earum reception. per dict. medicos, ſeu aliquem eorum hujuſmodi ligeis noſtris pro eorum infirmitatibus curandis, & ſanandis, dandis imponendis & utendis, quoties & quando opus fuerit pro commodo & utilitate eorundem legiorum noſtrorum;* (16) *Ita quod punitio hujuſmodi medicorum utentium dicta facultate medicinæ, ſic in præmiſſis delinquent. per fines, amerciamenta & impriſonamenta corpor' ſuor', & per alias vias rationab. & congruas exequatur.*

Phyſicians ſhall not be ſummoned in Juries in London.
St. 32 H. 8. 40.

(17) *Volumus etiam & concedimus pro nobis, hæredibus & ſucceſſoribu noſtris (quantum in nobis eſt) quod nec Præſidens, nec aliquis de Collegio præd. medicorum, nec ſucceſſores ſui, nec eorum aliquis exercens facultatem illam, quoquo modo in futur. infra civitatem noſtram præd. & ſuburbia ejuſdem ſeu alibi ſummoneantur, aut ponantur, neque eorum aliquis ſummoneatur, aut ponatur in aliquibus aſſiſis, juratis, inqueſtis, inquiſitionibus, attinctis, & aliis recognitionibus infra dictam civitatem & ſuburbia ejuſdem impoſterum coram Majore & Vicecom' ſeu Coronatoribus dictæ civitatis noſtræ pro tempore exiſten. capiendum aut per aliquem officiarium, ſeu miniſtrum ſuum, vel officiarios ſeu miniſtros ſuos ſummonend. licet iidem jurati inquiſitiones ſeu recognitiones ſummon. fuerint ſuper brevi, vel brevibus noſtris, vel hæredum noſtrorum de recto: ſed quod dicti magiſtri, ſive gubernatores, ac communitas facultatis antedictæ, & ſucceſſores ſui & eorum quilibet dictam facultatem exercentes, verſus nos, hæredes & ſucceſſores noſtros, ac verſus Majorem & Vicecomites civitatis noſtræ præd. (pro tempore exiſt.) & quouſcunque officiarios & miniſtros ſuos ſint inde quieti, & penitus exonerati in perpetuum per præſentes.*

(18) *Proviſo quod litteræ noſtræ, ſeu aliquid in eis content. non cedent in præjudicium civitatis noſtræ Lond. ſeu libert' ejuſd. Et hoc abſque fine ſeu feodo pro præmiſſis, ſeu ſigillat. præſentium nobis facienda, ſolvenda vel aliqualiter reddenda, aliquo Statuto, ordinatione, vel actu in contrarium, ante hæc tempora facto, edito, ordinato ſeu proviſo in aliquo non obſtante. In cujus rei teſtimonium has litteras noſtras fieri fecimus patentes. Teſte meipſo apud Weſtmonaſterium, xxiij. die Sep. An. reg. noſtri x. Per ipſum Regem, & de data præd. authoritate Parl. Tunſtal.*

(19) AND foraſmuch that the making of the ſaid Corporation is meritorious, and very good for the common wealth of this your Realm, it is therefore expedient and neceſſary to provide, that no perſon of the ſaid politick Body and Commonalty aforeſaid, be ſuffered to exerciſe and practiſe Phyſick, but only thoſe perſons that be profound, ſad and diſcreet, groundedly learned, and deeply ſtudied in Phyſick.

The Kings Letters Patents and every Article therein confirmed.

II. In conſideration whereof, and for the farther authoriſing of the ſame Letters Patents, and alſo enlarging of farther Articles for the ſaid common wealth to be had and made: Pleaſeth it your Highneſs, with the aſſent of your Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, to enact, ordain and ſtabliſh, that the ſaid Corporation of the ſaid Commonalty and Fellowſhip of the faculty of Phyſick aforeſaid, and all and every Grant, Article, and other thing contained and ſpecified in the ſaid Letters Patents, be approved, granted, ratified and confirmed in this preſent Parliament, and clearly authoriſed and admitted by the ſame, good, lawful, and available to your ſaid Body Corporate, and their Succeſſors for ever, in as ample and large manner as may be taken, thought and conſtrued by the ſame: (2) And that it pleaſe your Highneſs, with the aſſent of your ſaid Lords Spiritual and Temporal, and the Commons in this your preſent Parliament aſſembled, farther to enact, ordain and eſtabliſh, That the ſix perſons beforeſaid in your ſaid moſt gracious Letters Patents named as Principals, and firſt named of the ſaid Commonalty and Fellowſhip, chuſing to them two more of the Commonalty, from henceforward be called and cleaped Elects: (3) And that the ſame Elects yearly chuſe one of them to be Preſident of the ſaid Commonalty, and as oft as any of the rooms and places of the ſame Elects ſhall fortune to be void, by death or otherwiſe, then the ſupervivors of the ſame Elects (within thirty or forty days next after the death of them or any of them) ſhall chuſe, name and admit one or mo, as need ſhall require, of the moſt cunning and expert men, of and in the ſaid faculty in London, to ſupply the ſaid room and number of eight perſons: (4) So that he or they that ſhall be ſo choſen, be firſt by the ſaid ſupervivors ſtrictly examined, after a form deviſed by the ſaid Elects, and alſo by the ſame ſupervivors approved.

There ſhall be eight Elects of the Phyſicians of London.

III. And where that in Dioceſes of England out of London, it is not light to find alway men able ſufficiently to examine (after the Statute) ſuch as ſhall be admitted to exerciſe Phyſick in them, that it may be enacted in this preſent Parliament, That no perſon from henceforth be ſuffered to exerciſe or practiſe in Phyſick through England, until ſuch time that he be examined at London by the ſaid Preſident and three of the ſaid Elects: and to have from the ſaid Preſident or Elects Letters Teſtimonials of their approving and examination, except he be a Graduate of Oxford or Cambridge, which hath accompliſhed all things for his form, without any grace. St. 32 H.8.40. 1 M.9. Co. l. 8. f. 114. Cro.Jac.121,159. Cro.Car.256.

Phyſicians in other places muſt be examined by the Preſident and three of the Elects.
3 H. 8. 11.

CAP. VI.

Altering of High-ways in the Weld of Kent.

High-ways, Raſt. 1.

IN humble wiſe beſeecheth your Highneſs, your true and faithful Subject, George Gilford Eſquire for your body, That where there is, and of time whereof mind of man is not to the contrary, hath been an old common way, or ſtreet for carriages, and all other paſſages and buſineſs for you and your Progenitors, and your and their people in the Hundred of Cranebrook, in the Weld of your County of Kent, leading and extending between and among the Lands of the Manor of Hempſted of the ſaid George in the ſaid Hundred of Cranebrook, from the Bridge called Hempſted Bridge, dividing the ſaid Hundred of Cranebrook and the Hundred of Rolvinden in the ſaid Weld of your ſaid County, to a Croſs called Totenden Croſs, ſtanding nigh to a great Oak, named Hempſted Oak, which is in length upon an hundred fourſcore and ten perches: which common way ſo uſed is in divers places thereof right deep, and noyous for the paſſage of your people, and alſo is not ſo directly leading between the ſaid Bridge and Croſs, neither ſo commodious for your people, as another way of like breadth in other places within and over the Lands of the ſaid Manor might be made.

Gilford may lay out a new way in the Manor of Hempſted, and then keep in ſeveral the old.

II. In conſideration whereof, it may pleaſe your Highneſs of your bleſſed diſpoſition, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, to enact and ordain, That it ſhall be lawful to your ſaid Beſeecher, his Heirs and Aſſigns, Owners of the ſaid Manor of Hempſted, at his and their proper coſts and charges, at any time before the xxvj day of May, which ſhall be in the year of our Lord God M. D. xxvij. by the overſight and aſſent of two Juſtices of Peace of the ſaid County of Kent, and xij other diſcreet men, inhabitants within the ſaid Hundreds of Cranebrook and Rolvinden, to aſſign, limit and lay out, over and through the Lands of the ſaid Manor, one other way for carriages and paſſages of your Grace, and of your people, and of your and their Heirs and Succeſſors, of as great largeneſs in breadth, or larger than the ſaid old way now being is, and as commodious for the ſaid carriages and paſſages, as the ſame way now being is, or better, extending and leading directly between the ſaid Bridge and Croſs; ſo that your Grace and your people by the ſaid new way ſo to be aſſigned and laid out, ſhall have the more eaſie carriage and paſſage than is, or of late time hath been by the ſaid old way. (2) And that after the ſaid new way ſo laid out and aſſigned, the ſaid carriages, paſſages and other buſineſs there, may be as liberally, commonly and freely from henceforth there uſed and had for ever, and every other thing there exerciſed and kept, as before this time hath been had, uſed, exerciſed and kept in the ſaid old way, without let or interruption of the ſaid George, his Heirs or Aſſigns, or any other perſon, which hereafter ſhall have, hold or poſſeſs the ſaid Manor. (3) And that immediately after that the ſaid new way (as is aforeſaid) to be aſſigned and limited, ſhall be (as is aboveſaid) laid out and fully made, it ſhall be lawful to your ſaid Beſeecher, his Heirs and Aſſigns, Owners of the ſaid Manor, to incloſe the ſaid old way, and every part thereof, and that from henceforth to hold in ſeveralty to them and to their Heirs and Aſſigns, to their own uſe and profit for ever, as parcel of the ſaid Manor, without any common way, or paſſage there from thenceforth to be had or claimed, any preſcription or uſe to the contrary heretofore had notwithſtanding.

Any perſon may lay out a more commodious way in the Weld of Kent by the aſſent of two Juſtices of Peace and xii diſcreet men of that Hundred, and keep ſeveral the old.

III. And in conſideration that many other common ways in the ſaid Weld of Kent, be ſo deep and noious, by wearing and courſe of water and other occaſions, that people cannot have their carriages or paſſages by horſes upon or by the ſame, but to their great pains, peril and jeopardy: it may be by the ſaid authority enacted and eſtabliſhed, That if any other perſon or perſons, any time hereafter, in any place within the ſaid Weld of your ſaid County, of his good mind and diſpoſition, without any value of good by him or them to be received for the ſame, will for the common weal of your people, aſſign and lay out a more commodious way, in and over the lands thereunto adjoyning, whereof the perſon or other to his uſe ſhall be ſeiſed of fee in eſtate of inheritance, that the ſame new way ſo to be aſſigned and laid out, by overſight and aſſent of two Juſtices of Peace of the ſaid County, and xij other diſcreet men inhabiting within the Hundred where any ſuch new way ſhall be limited and laid out, or inhabiting within the ſame Hundred, and other Hundreds to that Hundred next adjoyning, ſhall be from thenceforth holden, occupied and uſed in like manner as the old way there now is, or before hath been.

IV. And that alſo the ſame perſon or perſons ſo diſpoſed, willing and accompliſhing the ſame, ſhall and may for the ſaid new way ſo aſſigned and uſed, retain and hold in way of recompence for the ſame new way ſo to be given, the ſoil and ground of the old way in ſeveralty, as is aboveſaid, to him or them, and to their heirs for ever, in like manner as is aboveſaid, of the ſaid new way to be aſſigned at Hempſted. (2) And that the ſaid two Juſtices of Peace, and xij other diſcreet perſons, by whoſe overſight and aſſent the ſaid new way at Hempſted, or any other way by virtue of this Act ſhall be hereafter aſſigned, limited and laid out, ſhall within three months next after the aſſignment, limitation and laying out of the ſame, make certificate into the Kings moſt honourable Court of Chancery under their ſeals, of the length and breadth of the ſame new way or ſtreet, and of other things adjoining or concerning the ſame, as by their diſcretions ſhall be thought moſt expedient or requiſite for the common wealth of that County to be certified: (3) and that certificate to be made from time to time as oft as any ſuch new way or ſtreet ſhall be aſſigned, limited and laid out in form above written.

The Juſtices and xii men ſhall make certificate of the new way into the Chancery.

V. Provided alway, That if any perſon or perſons, or body politick, have or ought to have, or hereafter ſhall have any Church-way, or other whatſoever way or paſſage, over or through any manner lands adjoyning to any of the ſaid old ways or ſtreets, which ſhall be taken and uſed by force of this Act, as ſeveral ſoil and freehold, in recompence for any new way to be made and laid out in form aforſaid, or have, or ought to have, or hereafter ſhall have any lands or tenements adjoyning to the ſaid old way: that they and every of them, their heirs and ſucceſſors, ſhall and may have and uſe their ſaid way or ways, out of, and into the ſaid new way, over and through the land of the ſaid old way or ſtreet, into or over the ſaid land or tenement adjoyning to the ſame, and ſo to paſs and repaſs, as ſhall appertain over the ſame old way, at ſuch convenient place or places thereof, as therefore ſhall be limited and aſſigned by the ſaid two Juſtices of Peace, and other xij men, and by them to be certified into the Chancery among other things by them to be certified in form aforeſaid, any thing in this Act above written notwithſtanding. St. 26 H. 8. 7.

They which have any way through the old way may uſe it.

CAP. VII.

Croſs-bows, Raſt. 1.

Any perſon that hath Lands to the yearly value of C li. may ſhoot in Croſs-bows and Hand-guns, notwithſtanding the Statute of 6 H.8.13. All former Placards granted by the King for ſhooting in either of them ſhall be void. Rep. 33 H.8. 6. St. 25 H.8.17.

CAP. VIII.

The Marriage of the Six Clerks allowed, &c.

Clerk of the Chancery 1.

By old cuſtom no Clerk of the Chancery might marry, but only the Clerk of the Crown.

IN moſt humble wiſe beſeecheth your moſt true and faithful Subjects, and daily Servants, the Six Clerks of your high Court of Chancery, that whereas of old time accuſtomed hath been uſed in the ſaid Court, that all manner of Clerks and Miniſters of the ſame Court, writing to the Great Seal, ſhould be unmarried (except only the Clerk of the Crown) ſo that as well the Courſitours and other Clerks, as the Six Clerks of the ſaid Chancery, were by the ſame cuſtom reſtrained from marriage, whereby all thoſe that contrary to the ſame did marry, were no longer ſuffered to write in the ſaid Chancery, not only to their great hindrance, loſing thereby the benefit of their long ſtudy, and tedious labours and pains in youth, taken in the ſaid Court, but alſo to the great decay of the true courſe of the ſaid Court.

II. And foraſmuch as the ſaid cuſtom taketh no place nor uſage, but only in the office of the ſaid Six Clerks, but that it is permitted and ſuffered for maintenance of the ſaid courſe, that as well the ſaid Courſitours as the other Clerks aforeſaid, may and do take Wives, and marry at their liberty, after the Laws of holy Church, and of long time have ſo done, without interruption or let of any perſon: (2) It may therefore pleaſe your Highneſs of your moſt abundant grace, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, in conſideration of the Premiſſes, and alſo for that the ſaid cuſtom is not grounded upon any Law, to ordain, enact and eſtabliſh, That John Trevethen, Richard Welles, Oliver Leader, John Croke, William Jeſſon and John Lemſey, now being in the Office of the Six Clerks of the Chancery, and every of them, and all other which in time to come ſhall be in the ſame Office, and every of them, may and do take Wives and marry at their liberty, after the Laws of holy Church. (3) And that they and every of them ſo married, may have, hold and enjoy their ſaid Office of Six Clerks, in as ample, large and like manner, as they did or ſhould do before the ſaid eſpouſals, or as if they had never been married, the ſaid cuſtom, or any other cuſtom or ordinance heretofore had or made to the contrary notwithſtanding.

The ſix Clerks of the Chancery may marry Wives, and enjoy their Offices.

III. Provided alway, That by any thing in this Act contained, the Maſter of the Rolls

(fo

(for the time being) be not prejudiced either in the giving and diſpoſition of the ſaid Offices from time to time, as hath been heretofore accuſtomed, the forfeiture of that Office by reaſon of marriage only except. And that the ſaid Officers which now be and hereafter ſhall be, do give ſuch attendance unto the ſaid Maſter of the Rolls for the time being, as heretofore in the ſaid Offices hath been accuſtomed.

CAP. IX.

A Repeal of the Statute of 4 Ed. 4. 6. inhibiting Cordwainers in London to pull on Shoes upon certain days, Rep. 5 El. 8. & 1 Jac. 22.

Cordwainers, Raſt. 2.

CAP. X.

The Penalty for unlawful hunting the Hare.

Hunters, Raſt. 3.

The penalty for killing of a Hare in the Snow.

FOraſmuch as our Soveraign Lord the King, and other Noblemen of this Realm of England, before this time have uſed and exerciſed the game of hunting of the Hare, for their diſport and pleaſure, which game is now decayed, and almoſt utterly deſtroyed, for that divers perſons in divers parts of this Realm, by reaſon of the tracing in ſnow have killed and deſtroyed, and daily do kill and deſtroy the ſame Hares, by x. xij or xvj. upon a day, to the diſpleaſure of our ſaid Soveraign Lord the King, and other Noblemen of this his Realm. (2) Wherefore be it enacted by our ſaid Soveraign Lord, by the Lords Spiritual and Temporal, and by the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that no perſon or perſons of what eſtate, degree or condition they be, from henceforth trace, deſtroy and kill any Hare in the ſnow with any Dog, Bitch, nor otherwiſe. (3) And that the Juſtices of the Peace within every Shire, at every Seſſions of the Peace and Stewards of Leets, ſhall have full authority and power to enquire of ſuch offenders. (4) And after ſuch Inquiſitions found, the ſaid Juſtices of the Peace and Stewards of Leets, for every Hare ſo killed, ſhall ceſs upon every ſuch offender vj s. viij d. to be forfeited to our ſaid Soveraign Lord, that ſhall be ſo founden by the Juſtices of Peace in their Seſſions, (5) and the forfeiture found in every Leet to be to the Lord of the Leet. St. 1 Jac. 27.

Juſtices of Peace and Stewards in Leets may enquire of and puniſh the Offenders.

CAP. XI.

Cloths made in Suffolk called Veſſes or Set-cloths, ſhall not be forfeited for lack of length or breadth, being wet.

Drapery, Raſt. 44. St. 6 H. 8. 9.

HUmbly ſhewn unto your Highneſs your true Subjects, and Clothiers of your County of Suffolk, that where in the ſixth year of your moſt noble Reign, it was and is enacted among other things, concerning making of Cloth, that any perſon or perſons, ſhall not put any Cloth to ſale, which when it is full wet, ſhall ſhrink more than one yard in length, and one quarter of a yard in breadth, for the more part thereof: (2) And Cloths called Narrows or Streits after the rate, upon pain to forfeit for every Cloth otherwiſe put to ſale, vi s. viij d. and beſide to deduct of his price for the ſame, to be rebated to the buyer thereof as much after the rate, as the ſame Cloth ſo otherwiſe put to ſale (being full wet) ſhall be ſhrunk more than one yard of that it was in length at the time of the ſame ſale, and as it ſhall (being wet) lack of the breadth of one yard and three quarters of a yard: (3) And in the ſame Act was and is a Proviſo made after the form following.

II. Provided alway, That this Act extend not to woollen Clothes, called Kendals, nor Cloths called Carpenel-whites, commonly made for lining of Hoſen, nor to any Cloths called Toſtocks, made in the County of Devonſhire, nor to any woollen Cloths made in the County of Cornwal, nor for any Cottons or Plain-lining, or Friſe made or to be made in Wales, Lancaſhire and Cheſhire, or any of them.

III. So it is, moſt gracious Soveraign Lord, that Veſſes, otherwiſe called Set-cloths, of divers colours, be made in your ſaid County of Suffolk, which be made to be worn, and be worn in far Countries, and not in England, and be of ſmall prices, not above xl s. a Cloth, that do not hold the length and breadth when they be wet, which the Buyers do know well when they buy them, ſo that therein is no deceit; which Cloths in the third year of the Reign of your moſt noble Father King Henry the Seventh, were provided for; ſo that they might lawfully be ſold without any penalty or forfeiture, though they lacked in length or breadth when they were full wet, and ſo they have uſed to do time out of mind.

St. 3 H. 7. 11.

IV. And in the Proviſo made in the ſaid Act of the ſixth year of your moſt noble Reign, they were forgotten and not provided for, which ſhould be to the utter impoveriſhing of the Clothiers of your ſaid County, and all other that be wrought, by reaſon of Cloth-making within the ſaid County of Suffolk, if no remedy ſhould be therefore provided.

V. Wherefore your humble Subjects humbly beſeech your Highneſs, That it be enacted by all the Lords Spiritual and Temporal, and all the Commons in this preſent Parliament aſſembled, with your moſt Royal aſſent to the ſame, that all Cloths called Veſſes, otherwiſe called Set-cloths, what colour ſoever they be of, not being above the value of xl s. a Cloth, ſhall not be forfeit, for that they lack in length and breadth when they be full wet after the ſale of them afore this time made or hereafter to be made; (2) The ſaid Act made in the ſixth year of your moſt noble Reign, or any other Act heretofore made to the contrary notwithſtanding.

The Statute of 6 H. 8. 9. touching the ſhrinking of Cloths ſhall not extend to Veſſes or Set-clothes.

CAP. XII.

What Coiners ſhall do that make Mony at any Mint within England.

Mony, Raſt. 46. Coiners that ſhall make Mony at any Mint ſhall coin part thereof half-angels, groats and ſmall-mony.

BE it enacted by the King our Soveraign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all ſuch Coiners as ſhall coin and make any Mony at any Mint within this Realm of England, ſhall make and coin of every hundred pounds worth of gold that they ſhall ſtrike into coin, xx l. in the coin of half-angels, commonly called pieces of gold of xl d. (2) And of every hundred pounds worth of bullion, plate or ſilver that they ſhall ſtrike into coin, as many groats as ſhall amount to the ſum of fifty pounds ſterling, as many half-groats, called

led pence of two pence, as ſhall amount to the ſum of xx li. ſterling; as many pence as ſhall amount to the ſum of xx li. as many half-pence as ſhall amount to the ſum of ten marks ſterling; and as many farthings as amount to the ſum of five marks ſterling. (3) And that at any time that any Coiners in any Mint within this Realm ſhall do contrary to this Act, the Maſter and Keeper of that Mint for the time being, ſhall forfeit and loſe x li. The one moiety thereof to be to the King our Soveraign Lord, the other moiety to the party that ſhall ſue for the ſame by bill, information, action of debt, or otherwiſe: wherein the ſaid Maſter ſhall not be admitted to do his Law, and no Protection ne Eſſoin to be allowed for the Defendant.

The print of the farthing.

II. And foraſmuch as at this preſent time farthings and half-pence be ſtricken all with one coin, ſo that the common people of the Realm many times take thoſe that be farthings for half-pence: Be it therefore enacted by the authority aforeſaid, That all ſuch farthings (that from henceforth ſhall be made within this Realm) ſhall have upon the one ſide the print of the Portculice, and upon the other ſide thereof the print of the Roſe with a Croſs, upon like pain.

The tenth part of mony coined for any perſon ſhall be paid in ob. and farthings.

III. And farthermore, be it enacted by the authority aforeſaid, That all manner perſons reſorting to the ſaid Mint with any Plate or Bullion, under the value aboveſaid, to be coined, ſhall have and receive at the ſaid Mint the tenth part of all ſuch Plate and Bullion in half-pence and farthings.

The Coiners in York, Dureſm and Canterbury.

IV. Provided alway, That this Act, or any thing contained in the ſame, be not in any wiſe prejudicial to the Coiners and Mint-maſters of York, Dureſm and Canterbury, ne to any of them, for any Mony to be coined there, other than heretofore hath been accuſtomed. This Act to begin to take effect at the Feaſt of St. Michael the Archangel next coming, and not before.

CAP. XIII.

Southampton, Raſt. 2.

A Confirmation of the Statute of 11 H. 7. 5. touching the pulling down of Engines in the Haven of Southampton, and the ſame made perpetual. PR.

CAP. XIV.

Wards, Raſt. 23.

They which be in the Kings Service in Wars, may alien their Lands for the performance of their Wills, without any fine for alienation; and if any of them die in the Kings Service in War, his Feoffees or Executors ſhall have the Wardſhip of his Heir and Land. Exp. St. 4 H. 7. 4. 7 H. 7. 2, 3. 3 H. 8. 4.

Anno viceſimo primo HENRICI *octavi.*

* Cro. El. 853.

STatuta ad rempublicam ſpectantia, edita in prima Seſſione Parliamenti primo inchoati in Civitate * Londin. tertio die Novembris, anno regni invictiſſimi Principis HENRICI octavi, Angliæ & Franciæ Regis, Fidei Defenſoris, & Domini Hiberniæ viceſimo primo, & ex ea civitate tam adjurnati quam prorogati ad Palatium Weſtmon. & ibidem continuati per quadraginta & quatuor dies, videlicet, uſque ad decimum ſeptimum diem Decembris, & ab eiſdem loco & die prorogati uſque ad viceſimum ſeptimum diem Aprilis tunc proxime inſtantis.

CAP. I.

Pardon, Raſt. 37.

The Kings pardon to all perſons, of all offences, forſeitures, pains of death and body, except Treaſons, Murthers, &c. Exp.

CAP. II.

An abjured perſon ſhall be marked by the Coroner on his thumb with a hot Iron; and if he refuſe to take his paſſage at the time appointed by the Coroner, he ſhall loſe the benefit of Sanctuary. Rep. 1 Jac. 25. & 21 Jac. 28.

CAP. III.

Plaintiffs in Aſſiſe may abridge their Plaints.

Abridgment 1. The Plaintiff in Aſſiſe may abridge his plaint of any part whereunto a bar is pleaded.

FOraſmuch as Aſſiſes which have been thought the moſt ſpeedy remedy, be now by occaſion of pleading of many bars to moieties and parts of the Lands put in view and plaint, greatly delayed for difficulties and diviſion of pleading; and one cauſe thereof is, becauſe the Plaintiffs in the Aſſiſe in ſuch Pleas, to moieties and parties, cannot by the Law abridge their Plaints. (2) For remedy whereof be it enacted, That the Plaintiff in every Aſſiſe from henceforth may at his pleaſure ſever and abridge his Plaint of any part or parts, whereunto any bar is pleaded, in ſuch like manner as he or they might do in caſe the Pleas in bar had been made and divided to any certainty or number of Acres in the Plaint; and that the Plaint for the reſidue of the part or parts of the Lands not abridged, ſhall be and ſtand good and effectual in the Law.

CAP. IV.

The Sale of Lands by part of the Executors, lawful.

Executors, Raſt. 3.

Lands deviſed to be ſold by divers Executors, cannot by Common Law be ſold by part of them.

WHere divers ſundry perſons before this time, having other perſons ſeiſed to their uſes of and in Lands and other Hereditaments, to and for the declaration of their Wills, have by their laſt Wills and Teſtaments willed and declared ſuch their Lands, Tenements or other Hereditaments, to be ſold by their Executors, as well to and for the payments of their Debts, performance of their Legacies, neceſſary and convenient finding of their Wives, vertuous bringing up, and advancement of their Children to marriage, as alſo for other charitable deeds to be done and executed by their Executors for the health of their Souls. (2) And notwithſtanding ſuch truſt and confidence ſo by them put in their ſaid Executors, it hath oftentimes been ſeen, where ſuch laſt Wills and Teſtaments of ſuch Lands, Tenements and other Hereditaments have been declared, and in the ſame divers Executors named and made, that after the deceaſe of ſuch Teſtators, ſome of the ſame Executors, willing to accompliſh the truſt and confidence that they were put in by the ſaid Teſtator, have accepted and taken upon them the charge of the ſaid Teſtament, and have been ready to fulfil and perform all things contained in the ſame, and the reſidue of the ſame Executors, uncharitably, contrary to the truſt that they were put in, have refuſed to intermeddle in any wiſe with the Execution of the ſaid Will and Teſtament, or with the Sale of ſuch Lands ſo willed to be ſold by the Teſtator. (3) And foraſmuch as a Bargain and Sale of ſuch Lands, Tenements or other Hereditaments, ſo willed by any perſon to be ſold by his Executors after his deceaſe, after the opinion of divers perſons, can in no wiſe be good or effectual in the Law, unleſs the ſame bargain and ſale be made by the whole number of the Executors, named to and for the ſame: (4) By reaſon whereof, as well the debts of ſuch Teſtators have reſted unpaid and unſatisfied, to the great danger and peril of the Souls of ſuch Teſtators, and to the great hindrance, and many times to the utter undoing of their Creditors: (5) As alſo the Legacies, and bequeſt made by the Teſtator to his wife, children, and for other charitable deeds to be done for the wealth of the Soul of the ſame Teſtator that made the ſame Teſtament, have been alſo unperformed, as well to the extreme miſery of the wife and Children of the ſaid Teſtator, as alſo to the let of performance of other charitable deeds for the wealth of the Soul of the ſaid Teſtator, to the diſpleaſure of Almighty God: (6) For remedy whereof, Be it enacted, ordained and eſtabliſhed by the authority of this preſent Parliament, that where part of the Executors named in any ſuch Teſtament of any ſuch perſon ſo making or declaring any ſuch Will of any Lands, Tenements, or other Hereditaments to be ſold by his Executors, after the death of any ſuch Teſtator, do refuſe to take upon him or them the adminiſtration and charge of the ſame Teſtament and laſt Will wherein they be ſo named to be Executors, and the reſidue of the ſame Executors do accept and take upon them the cure and charge of the ſame Teſtament and laſt Will: That then all Bargains and Sales of ſuch Lands, Tenements, or other Hereditaments, ſo willed to be ſold by the Executors of any ſuch Teſtator, as well heretofore made, as hereafter to be made by him or them, only of the ſaid Executors that ſo doth accept, or that heretofore hath accepted and taken upon him or them any ſuch cure or charge of adminiſtration of any ſuch Will or Teſtament, ſhall be as good and as effectual in the Law, as if all the reſidue of the ſame Executors named in the ſaid Teſtament, ſo refuſing the adminiſtration of the ſame Teſtament, had joyned with him or them in the making of the Bargain and Sale of ſuch Lands, Tenements or other Hereditaments ſo willed to be ſold by the Executors of any ſuch Teſtators, which heretofore hath made or declared, or that hereafter ſhall make or declare any ſuch Will, of any ſuch Lands, Tenements or other Hereditaments after his deceaſe to be ſold by his Executors.

Part of the Executors which take upon them the charge of a Will, may ſell any land deviſed by the Teſtator to be ſold.

3 Cr. 80. pl. 43. Godb. 77. pl. 92. 2. pl. 4. Deviſe Br. 10.

II. Provided alway, That this Act ſhall not extend to give power or authority to any Executor or Executors at any time hereafter to bargain and put to ſale any Lands, Tenements, or Hereditaments, by virtue and authority of any Will or Teſtament heretofore made, otherwiſe than they might do by the courſe of the Common Law afore the making this Act.

Wills made before this Statute.

CAP. V.

What Fees ought to be taken for Probate of Teſtaments.

St. 31 Ed. 3. 5. Probat. 1.

WHere in the Parliament holden at Weſtminſter, in the xxxj year of the Reign of the noble King of famous memory, Edward the Third, upon the complaint of his people for the outragious and grievous fines and ſums of mony taken by the Miniſters of Biſhops, and of other Ordinaries of holy Church, for the probate of Teſtaments, and for the acquittances by the ſaid Ordinaries to be made concerning the ſame, the ſaid noble King in the ſame Parliament openly charged and commanded the Archbiſhop of Canterbury, and the other Biſhops for that time being, that amendment thereof ſhould be had. (2) And if none amendment were thereof had, it was by the authority of the ſame Parliament accorded, that the King ſhould thereof make inquiry by his Juſtices of ſuch oppreſſion and extortions: And that the ſame Juſtices ſhould hear and determine them as well at the ſuit of the King as of the party, as of old time hath been uſed, as by the ſame Statute plainly appeareth. (3) And where at the Parliament holden at Weſtminſter, in the third year of the Reign of King Henry the Fifth, it was recited, That the Commons of the Realm had oftentimes complained them in divers Parliaments, for that divers Ordinaries do take for the probation of Teſtaments, and other things thereunto belonging, ſometime xl s. ſometimes lx s. and ſometimes more, againſt right and juſtice, where in the time of King Edward the Third, men were wont to pay for ſuch cauſes but ij s. vj d. or v s. at moſt, by which unlawful exactions, the Teſtaments of the Teſtators might not be executed according to their laſt Wills: (4) It was then enacted for the avoiding of ſuch oppreſſions, that no Ordinary from thenceforth ſhould take for the probation of any Teſtament and Inventory, or for any other thing to the ſame belonging, any more than was accuſtomed and uſed in the time of the ſaid noble King Edward the Third, (5) upon pain to yield to the party ſo grieved, three times as much as the ſaid Ordinaries did ſo receive; (6) which Act did endure but to the Parliament following, by reaſon that the Ordinaries did then promiſe to reform and amend the ſaid Oppreſſions and Exactions: (7) And for that the ſaid unlawful Exactions of the ſaid Ordinaries and their Miniſters be nothing reformed nor amended, but greatly augmented and increaſed, againſt right and juſtice, and to the great impoveriſhing of the Kings Subjects.

St. 3 H. 5. 8.

The Ordinaries duties for probate of Teſtaments in the time of King Ed. 3.

The unlawful exaction of Ordinaries the cauſe of this Statute.

II. The King our Soveraign Lord, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed and enacted, That from the firſt day of April in the year of our Lord, M. D. XXX. that nothing ſhall be demanded, received nor taken by any Biſhop, Ordinary, Archdeacon, Chancellor, Commiſſary, Official, or any other manner of perſon or perſons, whatſoever they be, which now have, or which at any time hereafter ſhall have authority or power to take or receive probation, inſinuation or approbation of Teſtament or Teſtaments, by himſelf or themſelves, nor by his or their Regiſters, Scribes, Praiſers, Summoners, Apparators, or by any other of their Miniſters, for the probation, inſinuation, and approbation of any Teſtament or Teſtaments, or for writing, ſealing, praiſing, regiſtring Fines, making of Inventories, and giving of Acquittances, or for any other manner of cauſe concerning the ſame, where the goods of the Teſtator of the ſaid Teſtament, or perſon ſo dying, do not amount clearly over and above the value of C s. ſterling, (2) except only to the Scribe to have for writing of the probate of the Teſtament of him deceaſed, whoſe goods ſhall not be above the ſame clear value of C s. vj d. (3) and for the Commiſſion of Adminiſtra-

Co. Inſt. 4. 335.

The fees for probate of a Teſtament where the goods exceed not the value of C s.

tion

Commiſſion of Adminiſtration where the goods exceed not the value of C s.

tion of the goods of any man deceaſing inteſtate, not being above like value of C s. vj d. clear. (4) And that nevertheleſs, the Biſhop, Ordinary or other perſon or perſons having power or authority to take or receive the probation or approbation of Teſtaments, refuſe not to approve any ſuch Teſtament, being lawfully tendered or offered to them to be proved or approved, whereof the goods of the Teſtator, or perſon ſo dying, amount not above the value of C s. ſterling, ſo that the ſaid Teſtament be exhibited to him or them in writing, with wax thereunto affixed ready to be ſealed, and that the ſame Teſtament be lawfully proved before the ſame Ordinary (before the ſealing) to be true, whole and the laſt Teſtament of the Teſtator, in ſuch form as hath been commonly accuſtomed in that behalf.

The Fees of the probate of a Teſtament, where the goods do exceed C s. and not xl li.

The Fees of the probate of a Teſtament, where the goods do exceed xl li.

Teſtaments ſhall be ſealed and delivered without delay.

Adminiſtration granted of the goods of the Inteſtate.

To whom Adminiſtration ſhall be granted when divers do requeſt it.

III. And when the goods of the Teſtator do amount over and above the clear value of C s. and do not exceed the ſum of xl li. ſterling: that then no Biſhop, Ordinary, nor other manner of perſon or perſons, whatſoever he or they be, now having, or which hereafter ſhall have, authority to take probation, or approbation of any Teſtameut or Teſtaments, as is aforeſaid, by themſelves, nor any of their ſaid Regiſters, Scribes, Praiſers, Summoners, Apparators, nor any other their Miniſters, for the probation, inſinuation and approbation of any Teſtament or Teſtaments, or for the regiſtring, ſealing, writing, praiſing, making of Inventories, giving of Acquittances, Fines, or any other thing concerning the ſame, ſhall take or cauſe to be taken of any perſon or perſons, but only iij s. vj d. and not above, (2) whereof to be to the ſaid Biſhop or Ordinary, or to other perſon or perſons having power and authority to take the probation or approbation of any Teſtament or Teſtaments, for him and his Miniſters, ij s vj d. and not above, and xij d. reſidue of the ſaid iij s. vj d. to be to the Scribe for the Regiſtring of the ſame. (3) And where the goods of the Teſtator, or perſon or perſons ſo dying, do amount over and above the clear value of xl li. ſterling, that then the Biſhop nor Ordinary, nor other perſon or perſons, now having, or which hereafter ſhall have authority or power to take probate of Teſtaments, as is aforeſaid, by him or themſelves, nor any of his or their ſaid Regiſters, Scribes, Praiſers, Summoners, Apparators, or any other their Miniſters, for the probation, inſinuation and approbation of any Teſtament or Teſtaments, or for the regiſtring, ſealing, writing, praiſing, making of Inventories, Fines, giving of Acquittances, or any thing concerning the ſame probate of a Teſtament, ſhall from the firſt day of April, take or cauſe to be taken of any perſon or perſons, but only v s. and not above, whereof to be to the ſaid Biſhop, Ordinary, or other perſon having power to take the probation of ſuch Teſtament or Teſtaments, for him and his Miniſters, ij s. vj d. and not above, and ij s. vj d. reſidue of the ſaid v s. to be to the Scribe for regiſtring of the ſame, (4) or elſe the ſame Scribe to be at his liberty to refuſe thoſe ij s. vj d. and to demand and have for writing of every ten lines of the ſame Teſtament, whereof every line to contain in length ten inches, i d. (5) And that every ſuch Biſhop or Ordinary, and other perſon or perſons ſo having, or which hereafter ſhall have authority or power to take or receive the probation or approbation of any Teſtament or Teſtaments, as is aboveſaid, their Regiſters, Scribes and Miniſters ſhall approve, inſinuate, ſeal and regiſter from time to time, the ſaid Teſtament, and deliver the ſame ſealed with the Seal of their Office, to the Executor or Executors named in any ſuch Teſtaments, for the ſaid ſum or ſums aboveſaid, and in manner and form as is above rehearſed, with convenient ſpeed, without any fruſtratory delay. (6) And in caſe any perſon die inteſtate, or that the Executors named in any ſuch Teſtament refuſe to prove the ſaid Teſtament: then the ſaid Ordinary, or other perſon or perſons ſo having authority to take probate of Teſtaments, as is aboveſaid, ſhall grant the adminiſtration of the goods of the Teſtator or perſon deceaſed to the Widow of the ſame perſon deceaſed, or to the next of his kin, or to both, as by the diſcretion of the ſame Ordinary ſhall be thought good, taking Surety of him or them to whom ſhall be made ſuch Commiſſion, for the true adminiſtration of the goods, chattels and debts, which he or they ſhall be ſo authoriſed to miniſter. (7) And in caſe where divers perſons claim the adminiſtration as next of kin, which be equal in degree of Kindred to the Teſtator or perſon deceaſed, and where any perſon only deſireth the adminiſtration as next of kin, where indeed divers perſons be in equality of kindred, as is aforeſaid, That in every ſuch caſe the Ordinary to be at his election and liberty, to accept any one or moe making requeſt, where divers do require the adminiſtration.

How much the Ordinary ſhall take for granting of Adminiſtration.

The Teſtators Inventory by whom it ſhall be made, and to whom delivered.

IV. Or where but one or more of them, and not all being in equality of degree, do make requeſt, then the Ordinary to admit the Widow, and him or them only making requeſt, or any one of them at his pleaſure, taking nothing for the ſame, unleſs the goods of the perſon ſo deceaſed amount above the value or ſum of C s. (2) And in caſe the goods of the perſon ſo deceaſed amount above the value of C s. and not above the value or ſum of xl li. then the ſaid Biſhop, Ordinary, or other perſon or perſons ſo having authority to take probate of Teſtaments, as is aforeſaid, their Miniſters and Officers ſhall take only ij s. vj d. ſterling, and not above. (3) And that the Executor and Executors named by the Teſtator, or perſon ſo deceaſed, or ſuch other perſon or perſons to whom ſuch adminiſtration ſhall be committed, where any perſon dieth inteſtate or by way of inteſtate, calling or taking to him or them ſuch perſon or perſons, two at the leaſt, to whom the ſaid perſon ſo dying was indebted, or made any Legacy, and upon their refuſal or abſence two other honeſt perſons being next of kin to the perſon ſo dying, and in their default or abſence, two other honeſt perſons, and in their preſence, and by their diſcretions, ſhall make or cauſe to be made a true and perfect Inventory of all the goods, chattels, wares, merchandiſes, as well moveable as not moveable, whatſoever that were of the ſaid perſon ſo deceaſed, (4) and the ſame ſhall cauſe to be indented, whereof the one part ſhall be by the ſaid Executor or Executors, Adminiſtrator or Adminiſtrators, upon his or their Oath or Oaths to be taken before the ſaid Biſhops, Ordinaries, their Officials, or Commiſſaries, or other perſons having power to take probate of Teſtaments, upon the holy Evangeliſt, to be good and true, and the ſame one part indented ſhall preſent and deliver into the keeping of the ſaid Biſhop, Ordinary or Ordinaries, or other perſon having power to take probate of Teſtaments, and the other part thereof to remain with the ſaid Executor or Executors, Adminiſtrator or Adminiſtrators; (5) and that no Biſhop, Ordinary, or other whatſoever perſon, having authority to take probate of Teſtament or Teſtaments, as is aboveſaid, upon the pain in this Eſtatute hereafter contained, refuſe to take any ſuch Inventory or Inventories to him or them preſented or tendered to be delivered as is aforeſaid.

fol. 151, 310. Exec. 1.

V. Provided always, That if the perſon ſo deceaſed will by his Teſtament or laſt Will any lands, tenements or hereditaments, to be ſold, that the mony thereof coming, nor the profits of the ſaid lands, for any time to be taken, ſhall not be accounted as any of the goods or chattels of the ſaid perſon ſo deceaſed, (2) and that the ſame Biſhop, Ordinary, or other perſon or perſons, having authority to take probate of Teſtament or Teſtaments, as is aforeſaid, upon the delivery of the ſeal and ſign of the Teſtator, do cauſe the ſame ſeal to be defaced, and thereupon incontinent deliver the ſame ſeal unto the ſaid Executor or Executors, without claim or challenge thereunto to be made. (3) And in caſe any perſon or perſons at any time hereafter require a copy or copies of the ſaid Teſtament ſo proved, or of the ſaid Inventories ſo made, that then the ſaid Ordinary or Ordinaries, and the other perſons having authority to take probate of Teſtaments, or their Miniſters, ſhall from time to time with convenient ſpeed, without any fruſtratory delay, deliver or cauſe to be delivered a true copy or copies of the ſame, to the ſaid perſon or perſons ſo demanding them, or any of them, (4) taking for the ſearch and for the making of the Copy of either of the ſaid Teſtament or Inventory, but only ſuch fee as is before rehearſed for the regiſtring of the ſaid Teſtament; or elſe the Scribe or Regiſter to be at his election and liberty to demand, have and take for every ten lines thereof, being of the proportion before rehearſed, j d.

The profits of the Lands to be ſold ſhall not be accompted the Teſtators goods.

The Teſtators Seal ſhall be defaced.

The fee for ſearch and copies of Teſtaments or Inventories.

VI. Provided alway, that where any perſon or perſons having power or authority to take probate of Teſtaments, have uſed to take leſs ſums of mony than is aboveſaid for the probate of Teſtaments, or Commiſſions of Adminiſtrations, or other cauſe concerning the ſame, ſhall take and receive ſuch ſum or ſums of mony for the probate of Teſtaments and Commiſſions of the Adminiſtrations, and other cauſes concerning the ſame, as they before the making of this Act have uſed to take, and not above.

Cuſtom to take leſs mony for probate than is aforeſaid.

VII. And it is enacted, That every Biſhop, Ordinary, Archdeacon, Chancellor, Commiſſary, Official, and other perſon or perſons, having, or which hereafter ſhall have authority to take probate of Teſtaments, their Regiſters, Scribes, Praiſers, Summoners, Apparators, and all other their Miniſters, whatſoever they be, that ſhall do or attempt, or cauſe to be done or attempted againſt this Act or Ordinance in any thing, ſhall forfeit and loſe for every time ſo offending to the party grieved in that behalf, ſo much mony as any ſuch perſon aboveſaid ſhall take contrary to this preſent Act. (2) And over that ſhall loſe and forfeit x li. ſterling, whereof the one moiety ſhall be to the King our Soveraign Lord, and the other moiety to the party grieved in that behalf, that will ſue by action of debt, bill, information or otherwiſe, in any of the Kings Courts, for the recovery of the ſame, in which action no eſſoin, protection nor wager of Law ſhall be admitted or allowed. (3) And that every of the ſame Biſhops, and other perſons, which ſhall hereafter incur or fall into the danger of ſuch penalty or forfeiture, ſhall be charged only for himſelf. And none of them to be chargeable to that penalty for others offence.

The forfeiture of the Ordinary and his Officers which ſhall do any thing contrary to this Stat. Co. p. fol. 166. Raſt. pl. fo. 603.

VIII. Provided alway, That this preſent Act be not prejudicial to any Ordinary, or other perſon, which now have, or hereafter ſhall have authority for probate of Teſtaments, but that every of them ſhall and may convent before them all and every perſon or perſons made and named Executor or Executors of any Teſtament, to the intent to prove or refuſe the Teſtament or Teſtaments of their Teſtator or Teſtators, and to bring in Inventories, and to do every other thing concerning the ſame, as they might do before the making of this Act, (2) ſo that always any ſuch Ordinary, or other perſon or perſons having ſuch authority by themſelves, their Commiſſioners, Scribes, Regiſters or other Miniſters aforeſaid, ſhall not in any wiſe take for the ſame above the Fees limited by this Act, ne in any wiſe attempt any thing contrary to any part of the ſame Act. St. 26 H. 8. 15.

An Ordinary may convent Executors to prove the Teſtators Will, and to bring in his Inventory.

CAP. VI.

Where Mortuaries ought to be paid, for what perſons, and how much; And in what caſe none is due.

Foraſmuch as queſtion, ambiguity and doubt is chanced and riſen upon the order, manner and form of demanding, receiving and claiming of Mortuaries, otherwiſe called Corſe-preſents, as well for the greatneſs and value of the ſame, which as hath lately been taken, is thought over-exceſſive to the poor people and other perſons of this Realm, (2) as alſo for that ſuch Mortuaries or Corſe-preſents have been demanded and levied for ſuch as at the time of their death have had no property in any goods or chattels, and many times for travelling and way-faring men, in the places where they have fortuned to die; (3) To the intent that all doubt, contention and incertainty herein may be removed, and as well the generality of the Kings people therein remedied, as alſo of the Parſons, Vicars, Pariſh-Prieſts, and other having intereſt in ſuch Mortuaries and Corſe-preſents indifferently provided for.

Mortuaries 1. The cauſes of limiting in certainty what ſhall be paid for Mortuaries.

II. Be it therefore enacted, ordained and eſtabliſhed by the King our Soveraign Lord, and the Lords Spiritual and Temporal, and the Commons of this Parliament aſſembled, and by authority of the ſame, that from the firſt day of April, in the year of our Lord God M.D.XXX. no Parſon, Vicar, Curate nor Pariſh-Prieſt, ne any other ſpiritual perſon, nor their Fermors, Bailiffs nor Leſſees, ſhall take, receive or demand of any perſon or perſons within this Realm, for any perſon or perſons dying within the ſame, any manner Mortuary or Corſe-preſent, ne any ſum or ſums of mony, ne any other thing for the ſame, more than is hereafter mentioned: (2) Ne alſo ſhall convent or call any perſon or perſons before any Judge ſpiritual for the Recovery of any ſuch Mortuaries or Corſe-preſents, or any other thing for the ſame, more than is hereafter mentioned, (3) upon pain to forfeit for every time ſo

demand-

The penalty of him that conventeth any perſon to pay for a Mortuary more than is due.

demanding, receiving, taking, or conventing, or calling any ſuch perſon or perſons before any ſpiritual Judge, ſo much in value as they ſhall take above the ſum limited by this Act: And over that xl s. to the party grieved contrary to this Act: (4) for the which forfeiture the party ſo grieved contrary to this Act ſhall have an action of debt, by writ, bill, plaint or information in any of the Kings Courts, wherein no wager of Law, eſſoin, nor protection ſhall be allowed.

No Mortuary where the goods be under ten marks. Co.pla. fol. 164. No Mortuary but where Mortuaries have been. But one Mortuary for one perſon. The duty of the Parſon, &c. for all Mortuaries.

III. Firſt, It is ordained, eſtabliſhed and enacted, That no manner of Mortuary ſhall be taken or demanded of any perſon whatſoever he be, which at the time of his death hath in moveable goods under the value of x marks. (2) Alſo that no Mortuary ſhall be given or demanded from henceforth of any manner perſon, but only in ſuch place where heretofore Mortuaries have been uſed to be paid and given, and in thoſe places none otherwiſe but after the rate and form hereafter mentioned. (3) Ne that any perſon pay Mortuaries in more places than one, that is to ſay, in the places of their moſt dwelling and habitation, and there but one Mortuary. (4) Nor no Parſon, Vicar, Curate, Pariſh-Prieſt, or other, ſhall for any perſon dying or dead, and being at the time of his death, of the value in moveable goods of x marks or more, clearly above his debts paid, and under the ſum of xxx li. take for a Mortuary above iij s. iv d. in the whole: (5) and for any perſon dying or dead, being at the time of his death of the value of xxx li. or above clearly, above his debts paid, in moveable goods, and under the value of xl li. there ſhall no more be taken or demanded for a Mortuary than vj s. viij d. in the whole: (6) and for any perſon dying or dead, having at the time of his death of the value in moveable goods of xl li. or above, to any ſum, whatſoever it be, clearly above his debts paid, there ſhall be no more taken, paid or demanded for a Mortuary than x s. in the whole.

A woman covert, a child, or perſon keeping no houſe, ſhall pay no Mortuary. Way-faring man, or that maketh no reſidence where he dieth.

IV. Provided alway, That for no woman being covert baron, nor child, ne for any perſon not keeping houſe, any manner Mortuary be paid, ne that any Parſon, Vicar, Curate, Pariſh-Prieſt or other, ask, demand or take for any ſuch woman, child, or for any perſon not keeping houſe, dying or dead, any manner thing or mony, by way of Mortuary, (2) ne alſo for any way-faring man, or other that dwelleth not, ne maketh reſidence in the place where they ſhall happen to die, but that the Mortuary of ſuch way-faring perſons be anſwerable in places where Mortuaries be accuſtomed to be paid, and in manner and form, and after the rate before mentioned, and none otherwiſe, in the place or places where ſuch way-faring perſons at the time of their death had their moſt habitation, houſe and dwelling places, and no where elſe.

A Legacy bequeathed to a Parſon, &c. or to the Altar. Deviſe 27.

V. Provided alway, That it ſhall be lawful to all manner Parſons, Vicars, Curates, Pariſh-Prieſts, and other ſpiritual perſons, to take and receive any manner ſum of mony, or other thing, which by any perſon dying ſhall fortune to be diſpoſed, given or bequeathed unto them, or any of them, or to the high Altar of the Church, This Act or any thing mentioned notwithſtanding.

No Mortuaries in Wales, Calice, or Berwick.

VI. And be it alſo enacted by the authority aforeſaid, That no Mortuaries nor Corſe-preſents, ne any ſum or ſums of mony, or other thing, for any Mortuary or Corſe-preſent, ſhall be demanded, taken, received or had in the parts of Wales, nor in the Marches of the ſame, nor in the Towns of Calice or Berwick, nor in the Marches of the ſame, but only in ſuch parts and places of Wales, Marches and Towns aforeſaid, where Mortuaries have been accuſtomed to be taken and paid. (2) And in thoſe parts and places no Mortuaries nor Corſe-preſents, ne any other thing for Mortuary or Corſe-preſent from henceforth ſhall be demanded, taken, received or had, but only after the form, order and manner above ſpecified in this preſent Act, and none otherwiſe, ne of any other perſon or perſons than is limited by this preſent Act, upon the pain contained in this preſent Act.

Mortuaries to be taken by the Biſhops of Bangor, St. David, St. Aſaph, &c. Places where Mortuaries have been taken of leſs value.

VII. Provided alſo, That it ſhall be lawful to the Biſhops of Bangor, Landaff, St. Davids and St. Aſaph, and likewiſe to the Archdeacon of Cheſter, to take ſuch Mortuaries of the Prieſt within their Dioceſs and Juriſdictions, as heretofore have been accuſtomed. (2) Provided alſo, That in ſuch places where Mortuaries have been accuſtomed to be taken of leſs value than is aforeſaid, that no perſon ſhall be compelled to pay in any ſuch place any other Mortuary, or more for any Mortuary than hath been accuſtomed, ne that any Mortuary in ſuch place ſhall be demanded, taken, received or had of any perſon or perſons exempt by this Act, nor in any wiſe contrary to this Act, upon the pain afore limited. St. 26 H. 8. 15.

CAP. VII.

Servants imbezilling their Maſters Goods to the value of forty ſhillings, or above, ſhall be puniſhed as Felony.

Felony 10. If a Servant ſhall go away with any mony, &c. of his Maſters to the value of xl s. or above, it ſhall be Felony.

WHere before this time divers, as well Noblemen as other the Kings Subjects have upon confidence and truſt delivered unto their Servants their Caskets and other Jewels, Mony, Goods and Chattels, ſafely to be kept to the uſe of their ſaid Maſters or Miſtreſſes, and after ſuch delivery the ſaid Servants have withdrawn themſelves, and gone away from their ſaid Maſters and Miſtreſſes, with the ſaid Caskets, Jewels, Mony, Goods and Chattels, or part thereof, to the intent to ſteal the ſame, and defraud their ſaid Maſters or Miſtreſſes thereof, and ſometime being with their ſaid Maſters and Miſtreſſes, have converted the ſaid Jewels, Mony and other Chattels, or part thereof, to their own uſe, which misbehaviour ſo done was doubtful in the Common Law, whether it were Felony or not; And by reaſon thereof the foreſaid Servants have been in great boldneſs to commit ſuch or like offences: (2) Be it therefore enacted, ordained and eſtabliſhed by the King our Soveraign Lord, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all and ſingular ſuch Servants, to whom any ſuch Caskets, Jewels, Mony, Goods or Chattels, by his or their Maſters or Miſtreſſes, ſhall from henceforth ſo be delivered to keep, that if any ſuch Servant or Servants withdraw him or them from their ſaid Maſters and Miſtreſſes, and go away with the ſaid Caskets, Jewels, Mony, Goods or Chattels, or any part thereof, to the intent to ſteal the ſame, and defraud his or their ſaid Maſters or Miſtreſſes thereof contrary to the truſt and confidence to him or them put by his or their ſaid Maſters or Miſtreſſes, or elſe being in the ſervice of his ſaid Maſter or Miſtreſs, without aſſent or commandment of his Maſter or Miſtreſs, he imbezil the ſame Caskets, Jewels, Mony, Goods or Chattels, or any part thereof, or otherwiſe convert the ſame to his own uſe, with like purpoſe to ſteal it, that if the ſaid Caskets, Jewels, Mony, Goods or Chattels that any ſuch Servant ſhall ſo go away with, or which he ſhall imbezil with purpoſe to ſteal it, as is aforeſaid, be of the value of xl s. or above, That then the ſame falſe, fraudulent, and untrue act or demeanour from henceforth ſhall be deemed and adjudged Felony; And he or they ſo offending, to be puniſhed, as other Felons be puniſhed for Felonies committed, by the courſe of the Common Law.

II. Provided alway, That this Act, or any thing therein contained, ſhall not in any wiſe extend, or be prejudicial to any Apprentice or Apprentices, or any perſon within the age of xviij years, going away with his or their Maſters Goods or Jewels, or otherwiſe converting the ſame to his or their own uſes, during the time of their Apprentiſhip, or being within the age of xviij years, but that every Apprentice or Apprentices, ſuch perſon or perſons, being within the ſaid age, doing or offending contrary to this preſent Act, ſhall be and ſtand in like caſe as they and every of them were before the making of this Act. (2) The ſame Act to continue and indure unto the next Parliament. St. 5 El. 10. made perpetual. St. 27 H 8. 17. 28 H. 8. 2.

This Statute ſhall not extend to an Apprentice, or one within xviij years of age.

CAP. VIII.

No Butcher ſhall kill any Calf calved between the firſt day of January and the firſt of May, upon pain of forfeiture of vj s. viij d. Exp. 24 H. 8. 9.

Calves, Raſt. 1.

CAP. IX.

Whoſoever ſhall ſell any Hats or Caps made beyond the Sea above the prices herein limited, ſhall forfeit xl s. Rep. 1 Jac. 25.

Hats, Raſt. 3.

CAP. X.

Whoſoever doth carry any Braſs, &c. to any Port to be conveyed beyond the Sea, ſhall forfeit the ſame, or the value thereof. Exp. St. 31 H. 8. 7. 33 H. 8. 7. 2 Ed. 6. 37.

Braſs, Raſt. 1.

CAP. XI.

At what time Reſtitution ſhall be made of Goods ſtoln.

BE it enacted by this preſent Parliament, That if any Felon or Felons hereafter do rob or take away any Mony, Goods or Chattels, from any of the Kings Subjects, from their perſon or otherwiſe, within this Realm; and thereof the ſaid Felon or Felons be indicted, and after arraigned of the ſame Felony, and found guilty thereof, or otherwiſe attainted by reaſon of evidence given by the party ſo robbed, or owner of the ſaid Mony, Goods or Chattels, or by any other by their procurement, that then the party ſo robbed, or owner, ſhall be reſtored to his ſaid Mony, Goods and Chattels; (2) and that as well the Juſtices of Gaol-delivery, as other Juſtices afore whom any ſuch Felon or Felons ſhall be found guilty or otherwiſe attainted by reaſon of evidence given by the party ſo robbed, or owner, or by any other by their procurement, have power by this preſent Act to award from time to time, Writs of Reſtitution for the ſaid Mony, Goods and Chattels, in like manner as though any ſuch Felon or Felons were attainted at the ſuit of the party in appeal. Co. lib. 5. fo. 110.

Reſtitution 1. There ſhall be reſtitution to the owner of ſtollen goods after the Attainder of the Felon. 2 Bulſtr. 310.

CAP. XII.

Touching making of Cables, &c. in Burport.

MOſt humbly beſeeching your Highneſs, the Bailiffs, Burgeſſes, and other the Inhabitants of your Town and Borough of Burport, within your County of Dorſet, that where they out of time that no mans mind is to the contrary, have uſed and exerciſed to make within the ſame, the moſt part of all the great cables, halſers, ropes, and all other tackling, as well for your Royal Ships and Navy, as for the moſt part of all other Ships within this Realm, by reaſon whereof your ſaid Town was right well maintained, and inhabited, your Highneſs and your Subjects right well ſerved, until now of late, many divers and evil diſpoſed perſons intending the deſtruction of your ſaid Town, for their private lucre and advantage, have withdrawn themſelves into the Country in divers places, there taking ferms, and uſing husbandry out of the ſaid Town, and alſo daily reſort to your ſaid Town to buy and provide hemp, and thereof make cables, ropes, halſers, traces, halters, and other tackle; which cables, ropes, halſers, traces, halters and other tackle, been by the ſaid perſons ſlightly and deceivably made, by reaſon whereof not only the buyers of the ſame been continually thereby deceived, but alſo the prices of the ſaid cables, halſers, traces, halters and other tackle thereby greatly inhaunſed, and your ſaid Town or Borough by means thereof is like utterly to be decayed, ruined and deſolated, if ſpeedy remedy be not by your Highneſs in that caſe provided.

Cables 1. The cauſe of the former maintenance of the Town of Burport, and of the late decay thereof.

II. Be it therefore enacted by your Highneſs, by the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no manner perſon or perſons dwelling or inhabiting within the diſtance of five miles from the ſaid Town or Borough of Burport, ſhall from henceforth ſell or cauſe to be ſold out of the Market, holden and to be holden within the ſame Town or Borough of Burport, to any perſon or perſons, any hemp, which ſhall happen to grow within the ſaid five miles in diſtance from the ſaid Town or Borough, upon pain of forfeiture of the ſaid hemp ſo ſold, or to be ſold, in any place or places within the diſtance of the ſaid five miles out of the ſaid Town, Borough or Market, contrary to the form and effect of this Statute.

Hemp growing within v miles of Burport ſhall be ſold there.

III. And further be it enacted by the authority aforeſaid, That no perſon or perſons, other than ſuch as ſhall dwell and be inhabitants within the ſaid Town, ſhall make, after the Feaſt of Eaſter next coming, out of the ſaid Town, any cables, halſers, ropes, traces, halters or any other tackle made of hemp, in any other place or places within the ſaid diſtance of five miles from the ſaid Town, upon pain of forfeiture of the ſaid cables, halſers, ropes, traces, halters, and other tackle, made and to be made contrary to the form and effect of this Statute; (2) the one half of every ſuch forfeitures, as well of the hemp ſo ſold or to be ſold out of the ſaid Town,

Cables, halſers and tackles of hemp ſhall be made at Burport.

Town,

Town, Borough and Market, contrary to the form aforeſaid, as alſo the ſaid cables, halſers, ropes, traces, halters, or other tackle made out of the ſaid Town contrary to this Statute, to be to the uſe of our Soveraign Lord the King, and the other half to him that will ſue for the ſame, by action of debt, bill or information, wherein neither wager of Law, eſſoin, nor protection ſhall be allowed.

Twenty pound weight a ſtone of hemp.

IV. Provided always, That twenty pounds weight ſhall be accounted to the Stone.

The worker making of it to his own uſe.

V. Provided alſo, That every perſon dwelling within the ſaid diſtance, may make cables, halſers, ropes, traces, halters, and other tackle, for their own uſe and occupations, but in no wiſe againſt this Act. (2) This Act to endure to the next Parliament. 3 Car. 4. continued until the end of the firſt Seſſion of the next Parliament.

C A P. XIII.

Spiritual perſons abridged from having Pluralities of Livings, and from taking of Ferms, &c.

Eccleſiaſtical perſons 14.
The ſeveral benefits enſuing the performance of this Statute.
No ſpiritual perſon ſhall take any lands to ferm.
2 Bulſtr. 18.

FOR the more quiet and vertuous increaſe and maintenance of divine ſervice, the preaching and teaching the word of God, with godly and good example giving, the better diſcharge of Curates, the maintenance of hoſpitality, the relief of poor people, the increaſe of devotion, and good opinion of the lay fee toward the ſpiritual perſons: (2) Be it enacted, ordained and eſtabliſhed by the King our Soveraign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no ſpiritual perſons, ſecular or regular, of what degree ſoever he or they be, ſhall from thenceforth take to ferm to himſelf, or to any perſon or perſons to his uſe of the Leaſe or Grant of the King our Soveraign Lord, nor of any other perſon or perſons, by Letters Patents, Indentures, Writings, by word or otherwiſe, by any manner of means, any Manors, Lands, Tenements, or other Hereditaments for term of life, for term of years, or at will, (3) upon pain to forfeit ten pound for every month that he, or any other to his uſe, ſhall occupy any Ferm, by reaſon of any ſuch Leaſe or Grant hereafter to be made: The one half of which forfeiture to be to the King our Soveraign Lord, and the other half thereof to every ſuch perſon that will ſue for the ſame by original writ, bill, or plaint of debt, or by any information in any of the Kings Courts: (4) in which action and ſuit no wager of Law ſhall be admitted for the defendant, nor any eſſoin, or protection allowed.

The ſpiritual perſon which hath any ferm or profit out of ferm, ſhall alien it forthwith.

II. And be it alſo enacted by the authority aforeſaid, That all and every ſuch ſpiritual perſon or perſons which now have, or occupy in ferm by themſelves, or by any other to their uſe, any manors, lands, tenements or hereditaments of the leaſe or grant of the King our Soveraign Lord, or any other perſon or perſons, for term of life, or for years, or at will, by any writing or otherwiſe, or that now have any annual rents, or other annual advantage or profit, by occaſion or colour of any ſuch leaſe or ferm, ſhall clearly bargain, ſell, give or grant away on this ſide the Feaſt of St. Michael the Archangel next coming, to any ſuch lay perſon or perſons, as they will at their own nominations and appointment, all ſuch leaſe, term, intereſt, and profit as any ſuch ſpiritual perſon, or any other to his uſe now hath or have, in or by reaſon of any ſuch ferm: (2) ſo that in no wiſe any ſuch ſpiritual perſon or perſons at any time after the ſame Feaſt, by themſelves, or any other to their uſe, by any manner of means, fraud or male engine, ſhall have, uſe or occupy in ferm any manors, lands, tenements, or hereditaments of the demiſe, leaſe or grant of any perſon or perſons heretofore made, or hereafter to be made, to themſelves, or to any other to their uſes: (3) Nor from the ſaid Feaſt ſhall take any annual rent, or other annual advantage or profit, by occaſion or colour of any ſuch leaſe or ferm by any manner of means, (4) upon pain to forfeit for every month ſo occupying any ſuch ferm, at any time after the ſaid Feaſt contrary to this preſent Act, ten pound, and upon pain to forfeit ten times as much as any ſuch ſpiritual perſon, or any to his uſe, ſhall take in any annual rent, advantage or profit, by occaſion or colour of any ſuch leaſe, at any time after the ſaid Feaſt: The one half of which forfeitures to be to the King our Soveraign Lord, and the other half to him that will ſue for the ſame, by original writ, bill, or plaint of debt, or by information, in any of the Kings Courts; (5) in which action or ſuit no wager of Law ſhall be admitted for the defendant, nor any eſſoin or protection allowed.

Leaſes made to ſpiritual perſons or to others to their uſe, ſhall be void.

III. And be it alſo enacted, That all ſuch Leaſes made, or hereafter to be made unto any ſuch ſpiritual perſon or perſons, or to any other to their uſe, for term of life, term of years, or at will, of any manors, lands, tenements, or hereditaments, whereof they or any of them ſhall take any profit or medling by themſelves, or by any to their uſe, after the ſaid Feaſt of Saint Michael, by colour of any ſuch leaſe or grant, and not by them bargained, granted and ſold away before the ſaid Feaſt, as is before limited, ſhall from henceforth be utterly void and of none effect, as well againſt the leaſor or leaſors, grantor or grantors, their heirs and aſſigns, and againſt every of them, as againſt the leaſee or leaſees, and their executors and aſſigns, and every of them.

In ſome caſes a ſpiritual perſon may take to ferm the temporalities of a Biſhop, &c.

IV. Provided alway, That this preſent Act ſhall not extend to any ſpiritual perſon or perſons in and for taking to ferm any temporalities, during the time of vacations of any the Archbiſhopricks, Biſhopricks, Abbeys, Priories, or other Collegiate, Cathedral or Conventual Churches, (2) nor to any ſpiritual perſon or perſons, that ſhall tender or make any traverſe upon any offices or office, concerning his or their freehold.

No ſpiritual perſon ſhall buy to ſell again any merchandiſe, corn, cattel, &c.

V. And be it alſo enacted by the authority aforeſaid, That no ſpiritual perſon or perſons, ſecular or regular, of what eſtate or degree ſoever they be, ſhall from henceforth by himſelf, nor by any other for him, nor to his uſe bargain, and buy to ſell again for any lucre, gain or profit, in any markets, fairs, and other places, any manner of cattel, corn, lead, tin, hides, leather, tallow, fiſh, wool, wood, or any manner of victual or merchandiſe, what kind ſoever they be of, upon pain to forfeit treble the value of every thing, by them or by any to their uſe, bargained and bought to ſell again, contrary to this Act. (2) And that every ſuch bargain and contract hereafter to be made by them, or by any to their uſe, contrary to this Act, ſhall be utterly void and of none effect. (3) And the one half of every ſuch forfeiture to be to the King our Sovereign Lord, and the other half to him that will ſue for the ſame by original writ of debt, bill, plaint or information, in any of the Kings Courts: In which action or ſuit no wager of Law for the defendant ſhall be admitted, nor any eſſoin nor protection allowed.

VI. Provided alway, That if any ſuch ſpiritual perſon or perſons ſhall happen hereafter without fraud or covin to buy any horſes, mares or mules, to the only intent to occupy for himſelf or his ſervants, to ride to and fro upon his neceſſary buſineſs, or any other cattels or goods to the only intent and purpoſe at the buying thereof to be imployed and put in and about his neceſſary apparel of his own houſe, or of his perſon and ſervants, or in, for and about the only occupying, manuring, or tillage of his own glebe or demean lands annexed to his Church, or for the neceſſary expences of his own houſhold-keeping: and after the buying of any ſuch horſes, cattels or goods, or exerciſe of them, or any of them, happeneth to miſlike any of them, that they ſhould not be good, profitable, nor convenient for any of the purpoſes aboveſaid, for the which they were bought; that then every ſuch ſpiritual perſon or perſons may lawfully bargain and put away ſuch things ſo by him bought, without fraud or covin, for any of the purpoſes aboveſaid, at his pleaſure and advantage; this Act or any thing therein contained notwithſtanding.

In what caſes a ſpiritual perſon may ſell again the things which he hath bought.

VII. Provided alway, That all Abbots, Priors, Abbeſſes, Prioreſſes, Provoſts, Preſidents, Maſters of Colleges and Hoſpitals, and all other ſpiritual Governors and Governeſſes of any ſpiritual Monaſteries, or Houſes of Religion, by what name or names ſoever they be called, having Manors, Lands, Tenements and Hereditaments, and other yearly Profits in the right of their Monaſteries, or Houſes of the yearly value of viij C marks, or under, and not above, may uſe and occupy as much and as many of their demean Lands, Fee-ferms, Ferms to their moſt advantage, commodity and profit, to and for the only maintenance of their Houſes and Hoſpitalities, in as ample and large manner as they or any of them or their predeceſſors, or the predeceſſors of any of them, at any time by the ſpace of one hundred years laſt paſt, before the making of this Act, have done, uſed and occupied; Any thing in this preſent Act to the contrary notwithſtanding.

Certain houſes of religion may keep Demeſn Lands in their hands for the maintenance of their houſes.

VIII. Provided alſo, That every other ſpiritual perſon or perſons, not having ſufficient Glebe, or demean Lands in their own hands, in the right of their Churches, Monaſteries, and houſes for paſturage of Cattels, or for increaſe of Corn, to and for the only expences of their houſholds, or for their carriages or journeys, may take in ferm other Lands, and buy and ſell Corn and Cattel for the only manurance, tillage and paſturage of ſuch ferms, (2) ſo that the increaſe thereof be alway employed and put to, and for the only expences in their houſholds and hoſpitalities, and not in any wiſe to buy and ſell again, for any other commodity, lucre or advantage, any corn or cattel, renewing, coming or growing in and upon any ſuch ferm, or otherwiſe, but only the remain and overplus above their expences of their houſholds, if any ſuch ſhall happen to the breed and increaſe thereof, without fraud or covin; Any thing in the Law to this preſent Act to the contrary hereof notwithſtanding.

Spiritual perſons may take in ferm for the maintenance of their houſes.
2 Bulſtr. 18.
Savil 32.
Godbolt 145.
pl. 180.

IX. And be it enacted by the authority aforeſaid, That if any perſon or perſons having one Benefice with Cure of Soul, being of the yearly value of viij li. or above, accept and take any other with Cure of Soul, and be inſtituted and inducted in poſſeſſion of the ſame, That then and immediately after ſuch poſſeſſion had thereof, the firſt Benefice ſhall be adjudged to be void. 2 Roll. 451. F.N.B. 44. H. 51. L. Golsb. 162. pl. 97.

The penalty of Pluralities.
Cro.El. 601, 853.
1 Leonard 316.
March. 84.

X. And that it ſhall be lawful to every Patron, having the Advowſon thereof, to preſent another, and the Preſentee to have the benefit of the ſame, in ſuch like manner and form as though the Incumbent had died, or reſigned, any Licence, Union or other diſpenſation to the contrary hereof obtained notwithſtanding.

And that every ſuch Licence, Union or Diſpenſation had, or hereafter to be obtained contrary to this preſent Act, of what name or names, quality or qualities ſoever they be, ſhall be utterly void and of none effect.

Any diſpenſation contrary to this Statute ſhall be void.
St. 1 & 2 Ph. & Mar. 8.
St. 1 El. 5.
25 H. 8. 21.
p. 25. N. 1.

XI. And if any perſon or perſons, at any time after the firſt day of April, in the year of our Lord God, M. D. and xxx. contrary to this preſent Act, procure and obtain at the Court of Rome, or elſwhere, any Licence or Licences, Union, Toleration or Diſpenſation, to receive and take any mo Benefices with Cure than is above limited, or elſe at any time after the ſaid day put in execution any ſuch Licence, Toleration or Diſpenſation, before that obtained contrary to this Act, that then every ſuch perſon or perſons, ſo after the ſaid day ſuing for himſelf, or receiving and taking ſuch Benefice by force of ſuch Licence or Licences, Union, Toleration or Diſpenſation, that is to ſay, the ſame perſon or perſons only, and none other, ſhall for every ſuch default incur the danger, pain, and penalty of xx li. ſterling, and alſo loſe the whole profits of every ſuch Benefice or Benefices as he receiveth or taketh by force of any ſuch Licence or Licences, Union, Toleration or Diſpenſation: (2) The one half of which forfeiture to be to the King our Soveraign Lord, and the other half thereof to him that will ſue for the ſame by original writ, bill, plaint of debt, or information in any of the Kings Courts; (3) in which action and ſuit, no wager of Law, eſſoin or protection for the defendant, ſhall be admitted or allowed.

XII. Provided always, That this Act concerning the not keeping of mo benefices with cure of ſouls than one, extend, ne be prejudicial to any perſon or perſons, which at any time before the ſaid firſt day of April, in the year of our Lord God M. D. and xxx. ſhall be really intituled or poſſeſſed of any ſuch benefices with cure of ſoul, as concerning or touching any of the ſame benefices, whereof they ſhall then be already really intituled or poſſeſſed before the ſaid day, to or under the number of four, and not above. (2) And if any ſuch ſpiritual perſon or perſons ſo being intituled or poſſeſſed of mo benefices with cure of ſoul than four, do not by the ſaid firſt day of April clearly, and without yearly penſion, reſign, or otherwiſe give up all and every ſuch benefices and benefice as he ſhall be ſo intituled and poſſeſſed of, above the ſaid number, that then it ſhall be lawful for every Patron, having the advowſon of any ſuch benefice, over the number aforeſaid, to preſent another, and the Preſentee to have the benefit of the ſame in like manner and form as though it had been void by death, or re-

They may keep their Benefices which were thereof poſſeſſed An. 1530. except they have above four.

ſignation of the Incumbent, any licence, union or other diſpenſation to the contrary hereof obtained, notwithſtanding. (3) And this clauſe of preſentation to be taken and underſtood of ſuch Benefices with Cure of Soul, as were given to any ſuch ſpiritual perſon, after the ſaid number of four Benefices with Cure furniſhed and fulfilled.

1 Roll. 456, 460; 464, 469, 472. Hetley, 126. Godbolt, 41. pl. 47, 112. pl. 201. Theſe perſons may purchaſe Licences, and have mo Benefices with Cure of Soul than one.

XIII. Provided alſo, That all ſpiritual men now being, or which hereafter ſhall be of the Kings Council, may purchaſe licence or diſpenſation, and take, receive and keep three Parſonages or Benefices with Cure of Soul, (2) and that all other being the Kings Chaplains, and not ſworn of his Council, the Chaplains of the Queen, Prince or Princeſs, or any of the Kings Children, Brethren, Siſters, Uncles or Aunts, may ſemblably purchaſe licence or diſpenſation, and receive and keep two Parſonages and Benefices with Cure of Soul. 13 Co. 5. Savil 134.

XIV. And in like wiſe that every Archbiſhop and Duke may have ſix Chaplains, whereof every one may purchaſe licence or diſpenſation, and take, receive and keep two Parſonages or Benefices with Cure of Soul.

XV. And that every Marqueſs and Earl may have five Chaplains, whereof every one may purchaſe licence or diſpenſation, and take, receive and keep two Parſonages or Benefices with Cure of Soul.

XVI. And that every Viſcount and other Biſhop may have four Chaplains, whereof every one may purchaſe licence, and receive, have and keep two Parſonages or Benefices, with Cure of Soul, as is aforeſaid.

XVII. And that the Chancellor of England for the time being, and every Baron and Knight of the Garter may have three Chaplains, whereof every one ſhall now purchaſe licence or diſpenſation, and receive, have and keep two Parſonages or Benefices with Cure of Soul.

Co. pl. 203, 513.

XVIII. And that every Dutcheſs, Marchioneſs, Counteſs and Baroneſs, being Widows, may have two Chaplains, whereof every one of them may purchaſe licence or diſpenſation, to receive, have and keep two Benefices with Cure of Soul.

XIX. And that the Treaſurer and Controller of the Kings Houſe, the Kings Secretary, and Dean of his Chapel, the Kings Amner, and Maſter of the Rolls, may have every of them two Chaplains; (2) and the chief Juſtice of the Kings Bench one Chaplain; (3) and the Warden of the five Ports for the time being, one Chaplain, whereof every one may purchaſe licence, and receive, have and keep two Parſonages or Benefices with Cure of Soul.

1 Anderſ. 200.

XX. And that the Brethren and Sons of all Temporal Lords, which are born in Wedlock, may every of them purchaſe licence or diſpenſation, to receive, have and keep as many Parſonages or Benefices with Cure, as the Chaplains of a Duke or an Archbiſhop.

XXI. And likewiſe the Brethren and Sons born in Wedlock of every Knight, may every of them purchaſe licence or diſpenſation, and receive, take and keep two Parſonages or Benefices with Cure of Soul.

The Chaplains ſhall ſhew the Letters of their Lords or Maſters.

XXII. Provided always, That the ſaid Chaplains ſo purchaſing, taking, receiving and keeping Benefices with Cure of Soul, as is aforeſaid, ſhall be bound to have and exhibit, where need ſhall be, Letters under the Sign and Seal of the King, or other their Lord and Maſter, teſtifying whoſe Chaplains they be, and elſe not to enjoy any ſuch plurality of Benefices by being ſuch Chaplain, any thing in this Act notwithſtanding.

Doctors and Batchelers of Divinity and Law, may by diſpenſation have two Benefices with Cure. No diſpenſation can licence any to have above two Benefices.

XXIII. Be it alſo provided, That all Doctors and Batchelers of Divinity, Doctors of Law and Batchelers of Law Canon, and every of them which ſhall be admitted to any the ſaid degrees by any of the Univerſities of this Realm, and not by grace only, may purchaſe licence, and take, have and keep two Parſonages or Benefices with Cure of Soul; (2) ſo that always the ſaid liberty by any of the proviſions aforeſaid given to any of the ſaid Counſellors, Chaplains, and other perſons before ſpecified, to purchaſe licence or diſpenſation, and take, receive and keep mo Benefices than one, after the manner and form aforeſaid, be taken and underſtood to extend in number to no mo Benefices with Cure of Soul, than is above limited, accompting in the ſame, and as parcel thereof, ſuch Benefices with Cure of Soul, as any the ſaid perſons ſhall have in real title, or in their poſſeſſion, at the ſaid firſt day of April, in the year of our Lord M. D. and xxx.

Every Archbiſhop may have viii Chaplains, and every Biſhop vi.

XXIV. Provided alſo, That every Archbiſhop, becauſe he muſt occupy eight Chaplains at Conſecrations of Biſhops, and every Biſhop, becauſe he muſt occupy ſix Chaplains at giving of Orders, and Conſecration of Churches, may every of them have two Chaplains over and above the number limited unto them, whereof every one may purchaſe licence or diſpenſation, and take, receive and keep as many Parſonages and Benefices with Cure of Soul, as is before aſſigned to ſuch Chaplains.

Advancement to more Benefices then be appointed by this Act. Savil, 79, 101. Co. pl. f. 515.

XXV. Provided alſo, and be it enacted by authority aforeſaid, That no perſon or perſons, to whom any number of Chaplains, or any Chaplain by any of the proviſions aforeſaid is limited, ſhall in any wiſe by colour of any of the ſame proviſions, advance any ſpiritual perſon or perſons, above the number of them appointed, to receive or keep any mo Benefices with Cure of Soul, than is above limited by this Act, any thing ſpecified in the ſaid proviſions notwithſtanding: (2) And if they do, then every ſuch ſpiritual perſon and perſons, ſo advanced above the ſaid number, to incur the pain and penalty contained in this Act.

Moor, 540. pl. 712. Raſt. pl. f. 599. 12 Co. 98. Savil, 12, 134. 2 Roll. 90. What ſhall be adjudged non-reſidence, and the penalty thereof.

XXVI. Be it alſo farther enacted by the authority aforeſaid, That as well every ſpiritual perſon now being promoted to any Archdeaconry, Deanry, or Dignity in any Monaſtery or Cathedral Church, or other Church conventual or collegiat, or being beneficed with any Parſonage or Vicarage, as all and every ſpiritual perſon and perſons, which hereafter ſhall be promoted to any of the ſaid Dignities or Benefices, with any Parſonage or Vicarage, from the Feaſt of St. Michael the Archangel next coming, ſhall be perſonally reſident, and abiding in, at and upon his ſaid Dignity, Prebend or Benefice, or at any one of them at the leaſt. (2) And in caſe that any ſuch ſpiritual perſon at any time after the ſaid Feaſt, keep not reſidence at one of his ſaid Dignities, Prebends or Benefices, as is aforeſaid, but abſent himſelf wilfully by the ſpace of one month together, or by the ſpace of two months, to be accompted at ſeveral times in any one year, and make his reſidence and abiding in any other places, by ſuch time, that then he ſhall forfeit for every ſuch default x li. ſterling; the one half thereof to the King our Soveraign Lord, and the other half to the party that will ſue for the ſame in any of the Kings Courts by original Writ of Debt, Bill, Plaint or Information: In which Action and Suit, the Defendant ſhall not wage his Law, nor have any Eſſoin or Protection allowed.

St. 1 & 2 Ph. & Mar. 8. St. 1 El. 2

The penalty for procuring of diſpenſations to be non-reſident.

XXVII. And if any perſon or perſons procure or obtain at the Court of Rome, or elſewhere, any manner of licence or diſpenſation, to be non reſident at their ſaid Dignities, Prebend or Benefices, contrary to this Act, that then every ſuch perſon or perſons putting in execution any ſuch diſpenſation or licence for himſelf, from the ſaid firſt day of April, in the year of our Lord God, M. D. and xxx. ſhall run and incur in the penalty, damage and pain of xx li. ſterling, for every time ſo doing, to be forfeited and recovered, as is aboveſaid, and ſuch licence or diſpenſation ſo procured, or to be put in execution, to be void and of none effect.

St. 28 H. 8, 13.

Which ſpiritual perſons may be diſcharged of Reſidence, and by what means.

St. 25 H. 8. 10. 26 H. 8. 14. 33 H. 8. 28.

XXVIII. Provided always, that this Act of non-reſidence ſhall not in any wiſe extend, ne be prejudicial to any ſuch ſpiritual perſon as ſhall chance to be in the Kings ſervice beyond the Sea, nor to any perſon or perſons going to any pilgrimage or holy place beyond the Sea, during the time that they ſhall ſo be in the Kings ſervice, or in the pilgrimages going and returning home; (2) Nor to any Scholar or Scholars being converſant and abiding for ſtudy, without fraud or covin, at any Univerſity within this Realm or without, (3) nor to any of the Chaplains of the Kings or Queens, daily or quarterly attending and abiding in the Kings or Queens moſt honourable houſholds; (4) nor to any of the Chaplains of the Prince or Princeſs, or any of the Kings or Queens Children, Brethren or Siſters, attending daily in their honourable houſholds, during ſo long as they ſhall attend in any of their houſholds; (5) nor to any Chaplain of any Archbiſhop or Biſhop, or of any ſpiritual or temporal Lords of the Parliament, daily attending, abiding and remaining in any of their honourable houſholds; (6) Nor to any Chaplain of any Dutcheſs, Marqueſs, Counteſs, Viconteſs or Baroneſs attending daily and abiding in any of their honourable houſholds; (7) Nor to any Chaplain of the Lord Chancellor or Treaſurer of England, the Kings Chamberlain, or Steward of his houſhold for the time being, the Treaſurer and Controller of the Kings moſt honourable houſhold for the time being, attending daily in any of their honourable houſholds; (8) Nor to any Chaplain of any of the Knights of the honourable Order of the Garter, or of the chief Juſtice of the Kings Bench, Warden of the Ports, or alſo of the Maſter of the Rolls; Nor to any Chaplain of the Kings Secretary and Dean of the Chapel, or Amner for the time being, daily attending and dwelling in any their houſholds, during the time that any ſuch Chaplain or Chaplains ſhall abide and dwell, without fraud or covin, in any of the ſaid honourable houſholds; (9) Nor to the Maſter of the Rolls, or Dean of the Arches, nor any Chancellor or Commiſſary of any Archbiſhop or Biſhop; Nor to as many of the twelve Maſters of the Chancery, and twelve Advocates of the Arches, as be or hereafter ſhall be ſpiritual men, during ſo long time as they ſhall occupy their ſaid rooms and offices; (10) Nor to any ſuch ſpiritual perſons as ſhall happen by injunction of the Lord Chancellor, or the Kings Council, to be bound to any daily appearance and attendance to anſwer to the Law, during the time of ſuch Injunction.

The Kings licence of non-ſidence.

XXIX. Provided alſo, that it ſhall be lawful to every ſpiritual perſon or perſons, being Chaplains to the King our Soveraign Lord, to whom it ſhall pleaſe his Highneſs to give any Benefices or Promotions ſpiritual, to what number ſoever it be, to accept and take the ſame, without incurring the danger, penalty, and forfeiture in this Eſtatute compriſed, (2) and that alſo it ſhall be lawful to the Kings Highneſs to give licence to every of his own Chaplains for non-reſidence upon their Benefices; Any thing in this preſent Act contained to the contrary notwithſtanding.

No ſpiritual perſon beneficed with cure ſhall take in ferm any Parſonage or Vicarage.

XXX. And be it farther enacted by the authority aforeſaid, That no ſpiritual perſon, ſecular or regular, beneficed with cure, as is afore rehearſed, from the Feaſt of St. Michael the Archangel next coming, by authority of any manner licence, diſpenſation, or otherwiſe, ſhall take any particular ſtipend or ſalary to ſing for any Soul, nor have, nor occupy by himſelf, or by any other to his uſe, any Parſonage or Vicarage in ferm, of the Leaſe or Grant of any perſon or perſons, nor take any profit or Rent out of any ſuch ferm, (2) upon pain to forfeit xl s. for every ſuch week that he, or any to his uſe ſhall occupy, or have any ſuch ſtipend or ferm contrary to this preſent Act, and upon pain to loſe ten times the value of ſuch profit or rent as he ſhall take out of any ſuch ferm after the ſaid Feaſt. (3) The one half of which forfeitures to be to the King our Soveraign Lord, and the other moiety to him that will ſue for the ſame by original writ, bill, plaint of debt, or by information in any of the Kings Courts, in which ſuit and action no wager of Law ſhall be admitted for the Defendant, nor any eſſoin or protection allowed.

Theſe promotions be not accompted Benefices with cure.

XXXI. Provided alway, That no Deanry, Archdeaconry, Chancellorſhip, Treaſurerſhip, Chanterſhip or Prebend in any Cathedral or Collegiate Church, nor Parſonage that hath a Vicar indued, nor any Benefice perpetually appropriate, be taken or comprehended under the name of Benefice, having cure of Soul in any article afore ſpecified.

No ſpiritual perſon ſhall keep a Tan-houſe or Brew-houſe.

XXXII. Provided alſo, and be it enacted by the authority aforeſaid, That no ſpiritual perſon or perſons, regular or ſecular, of what eſtate, degree or condition ſoever he or they be, from the firſt day of April next coming, have, uſe or keep by him or themſelves, or by any perſon or perſons, to his or their uſe or commodity, any manner of Tan-houſe or Tan-houſes to be uſed or occupied to his or their own uſe, commodity or behoof. (2) nor from the ſaid firſt day of April next coming, ſhall have, uſe or keep any manner of Brew-houſe or Brew-houſes, to any other uſe, intent or behoof, than only to be ſpent and occupied in his or their own houſes, (3) upon pain to forfeit for every month ſo uſing and occupying any of the ſaid myſteries or occupations, x l. (4) The one moiety thereof to the King our Soveraign Lord, and the other moiety to him that will ſue for the ſame by original writ, bill, plaint of debt, or information, in any of the Kings Courts, in which action and ſuit, no wager of Law ſhall be admitted for the Defendant, ne any eſſoin or protection allowed.

The Chaplains of a Dutcheſs, &c. which have taken Huſbands.

XXXIII. Provided always, That every Dutcheſs, Marqueſs, Counteſs, Baroneſs, Widows, which have taken, or that hereafter ſhall take any Huſbands under the degree of a Baron, may take ſuch number of Chaplains, as is above limited to them being Widows; and that every ſuch Chaplain may purchaſe Licence, to have and take ſuch number of Benefices with Cure of Soul, and have like liberty of non-reſidence, in manner and form as they might have done if their ſaid Ladies and Miſtreſſes had kept themſelves Widows: Any thing in this preſent Act contained to the contrary notwithſtanding.

Spiritual perſons may keep ſufficient of their own land to maintain their houſes.

XXXIV. Provided always, That every ſpiritual perſon or perſons, having Lands, Tenements, or other poſſeſſions in the right of their houſes, above the yearly value of eight hundred marks, may keep and retain in their occupation and manurance, as much of their ſaid Lands and Tenements, and other poſſeſſions, as ſhall be neceſſary and ſufficient for paſturage of their cattel, and for tillage of corn to be imployed and ſpent for the only maintenance, ſuſtentation and keeping of his or their houſholds and hoſpitalities, without fraud or covin: Any thing in this preſent Act to the contrary thereof notwithſtanding.

A ſpiritual perſon may take a dwelling houſe with an orchard or garden for his dwelling.

XXXV. Provided alway, That it may be lawful to every ſpiritual perſon or perſons to take in Ferm any Meſſes, Manſions or Dwelling-houſes, having but only Orchards or Gardens in any City, Borough and Town, for their own habitation or dwelling: Any thing in this Act to the contrary notwithſtanding. (2) So that no perſon ſpiritual, other than be above provided for, for their non-reſidence, have any liberty of non-reſidence by colour of this Proviſo. St. 25 H. 8. 21.

CAP. XIV.

Linnen-cloth. Raſt. 1.

Of what length and breadth every whole piece and half piece of Dowlas and Lockeram, brought into this Realm, ſhall be. Rep. 28 H. 8. 4.

CAP. XV.

Fermors ſhall enjoy their Leaſes againſt Recoveries by feigned Titles, &c.

Recoveries, 3.

3 Bulſt. 245, 248.

WHere afore this time, divers perſons have made Leaſes of their Manors, Lands, Tenements, and other Hereditaments, ſometime by their Indentures, and ſometime without Writings to other perſons for term of years, taking of them great Fines for the Incomes of the ſame Leaſes, and after the ſame Leaſors, their Heirs or Aſſigns have cauſed and ſuffered Recoveries to be had againſt them in the Court of our Soveraign Lord the King, and in other Lords Courts upon feigned and untrue Titles, by craft and covin to put the ſame Fermors from their ſaid Terms. (2) And after ſuch Recoveries had, the ſaid Recoverers, by reaſon of ſuch Recoveries and Judgments have entred into the ſame Manors, Lands, Tenements or other Hereditaments ſo to ferm letten, and thereof have repulſed the ſaid Fermors, contrary to the ſaid Leaſes, Covenants and Agreements. (3) And becauſe it was doubted to ſome perſons, whether the ſaid Termers might falſifie ſuch Recoveries or not:

Tenant for term of years may falſifie a feigned recovery had againſt him in the reverſion St. 6 Ed. 1. 11. Coke pl. f. 163.

II. Be it therefore enacted by the King our Sovereign Lord, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that all ſuch Termers ſhall and may falſifie for his Term only, ſuch Recoveries, as well heretofore had, as hereafter to be had, in ſuch wiſe and form as a Tenant of a Freehold, ſhall and may do by the courſe of the Common Law, where ſuch Tenant of Freehold was neither privy nor party to the ſame Recovery.

III. And that the ſame Termers, their Executors and Aſſigns, notwithſtanding ſuch Recoveries ſo had, ſhall retain, hold and enjoy their ſaid Terms, according to their ſaid Leaſes, againſt all ſuch Recoverers, their Heirs and Aſſigns, after ſuch Recovery ſo had; (2) and

The remedy of the recoverers againſt tenant for years for rent or waſte.

the ſaid Recoverers ſhall have like remedy againſt the ſaid Termers, their Executors or Aſſigns by Avowry or Action of Debt for the Rents and Services reſerved upon the ſame Leaſes, being due after the ſame Recoveries, (3) and alſo like Actions againſt them for Waſte done, after the ſame Recoveries ſo had, in like manner and form as the ſaid Leaſors ſhould or might have had if the ſame Recoveries had never been had.

No Statute or Execution by Elegit ſhall be avowed by a feigned Recovery.

IV. And alſo be it farther enacted by the authority aforeſaid, that no manner of Statute of the Staple, Statute Merchant, nor Execution by Elegit, be hereafter avoided, or in any wiſe made fruſtrate, by means of any ſuch feigned Recovery, (2) but that all perſons having any Lands, Tenements or other Hereditaments in execution, or being intituled to have execution of any Manors, Lands or Tenements, by any ſuch means, ſhall have by force of this Statute like remedy to avoid and falſifie the ſame Recoveries, as before is ordained and provided for the Leaſe for term of years. Fitz.N.B.198. & Raſt. l. pla. f. 81. Co.Inſt.104.b.

CAP. XVI.

Touching Artificers Strangers, what they may do as concerning retaining Apprentices, Journeymen, &c.

Aliens, 4. &c. No ſtranger Artificer inhabiting within any City or other place, ſhall keep in his houſe but two ſtrangers born. Rep. 5 El. 4.

PRayen the Commons in this preſent Parliament aſſembled, that where in the xv day of February, in the xx year of the Reign of our now moſt gracious Soveraign Lord the King, Henry the Eighth, by our ſaid Soveraign Lord the King, his moſt honourable Council in his Star-chamber at Weſtminſter, for the common wealth of his natural Subjects born within this his Realm, by great and deliberate advice it was deemed, adjudged and decreed, that no ſtranger Artificer, born out of our ſaid Soveraign Lord his obeyſance, inhabiting within any City, Borough or any other place within this his Realm of England, from henceforth ſhould keep in his or their houſe or houſes, any manner ſtranger ſervants, born out of his obeiſance, but only two ſervants ſtrangers, and no mo at one time.

Aliens houſekeepers ſhall bear ſuch charges as the Kings Subjects do.

II. And alſo all and ſingular ſtrangers, that then were, or after the making of the ſaid Decree ſhould be made Denizens, that at the time, or after the making hereof, would inhabit within the City of London, Suburbs, or within ij miles compaſs of the ſame, and keep or would keep houſes, or occupy their Craft, ſhould be contributories to and with our ſaid Soveraign Lord his ſubject Artificers within the ſaid City of London, paying, bearing and ſuſtaining ſuch Charges as hereafter ſhall be expreſſed, that is to ſay, that all other Strangers, Artificers,

cers, Denizens, or no Denizens, of every Handicraft or Myſtery, inhabiting as well within the City of London, as in any other City, Town, Borough or Village within this his Realm, ſhould pay, bear and ſuſtain, all ſuch and like charges, as our ſaid Soveraign Lord his Subjects of like Craft and Myſtery do always uſe to pay.

III. And if any of them refuſed or denied the ſame or any part thereof, then he, or they ſo denying or refuſing ſo to do, ſhould not any longer occupy any Handicraft, upon the pains, damages and perils ſpecified, as well in the Acts or Statutes made in the xiv and xv years of the Reign of our now Soveraign Lord, as in one Statute made in the firſt year of the Reign of King Richard the Third.

St. 14 H. 8. 2.
1 Rich. 3. 9.

IV. And that the ſame Strangers, Denizens or no Denizens, houſholders which would remain and abide within our ſaid Soveraign Lord his Realm, ſhould upon lawful warning to them, given, by the Maſter and Wardens of divers and ſundry Myſteries, mentioned and ſpecified in the ſaid Decree, within the ſaid Cities and Towns, preſent themſelves in the Common-hall or Meeting-place of the ſaid Crafts, and there to receive and take their Oath, and be ſworn upon the holy Evangeliſts before the Maſter and Wardens of their ſaid Craft, to be faithful and true to the King our Soveraign Lord, and his Heirs, Kings of England, and to be obedient to him or them, and his and their Laws.

Aliens ſhall be ſworn to be true to the King, to obey him and his Laws.
St. 32 H. 8. 10.

V. Alſo that no ſtranger artificer or handicraftſman, born out of our ſaid Soveraign Lord his obeiſance, not being denizen, which was not a houſholder, the xv day of February abovesaid, ſhould not ſet up, ne keep any houſe, ſhop or ſhops, or chamber wherein they ſhould exerciſe or occupy any handicraft or myſtery within this our ſaid Soveraign Lord his Realm, upon pain to incur and run into ſuch penalties as be contained in the Statutes before this time made and enacted, as is aforeſaid.

VI. And that none of the ſtrangers artificers, or handicraftſmen, born out of our Soveraign Lord his obeiſance, as well denizens as no denizens, ſhould aſſemble in any company, fellowſhip, congregation, or conventicle, but only in the Common-hall of their Crafts, with our ſaid Soveraign Lord his Subjects which be of the Companies of their ſaid Craft or Crafts, at ſuch time as they ſhould be commanded and warned by the ſaid Maſter and Wardens of their ſaid Craft or Crafts, and at none other place and time, or in any other manner, upon the pain afore expreſſed, as by the ſaid Decree ſhewed and exemplified, and hereunto annexed, under our ſaid Soveraign Lord the King his Great Seal, more plainly and at large may and doth appear.

Aliens ſhall not aſſemble in Conventicles, but in their Halls.
Stat. 1 R. 3. 9.

VII. That for the common wealth aboveſaid, it may be enacted by the King our Soveraign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid Order and Decree, had, given and made by our ſaid Soveraign Lord the King, his moſt honourable Council, and all and every thing therein contained, ſpecified and declared, be holden and obſerved firm and ſtable, and duly to be put in execution in every point and article, in manner and form as is above rehearſed, according to the purport, effect and true meaning of the ſame.

The foreſaid Decree made by the Lords in the Star-Chamber confirmed.

VIII. Be it farthermore enacted by the authority aboveſaid, That the Act made in the Parliament begun at London the xv day of April, in the xiv year of the Reign of our ſaid Soveraign Lord the King that now is, and from London adjourned to Weſtminſter the laſt day of July, in the xv year of the Reign of our ſaid Soveraign Lord, concerning ſtrangers Artificers, for taking of Apprentices, Journey-men and Covenant Servants, and every Article and Proviſion contained in the ſame Act, ſhall be from henceforth put in due execution, according to the true intent, meaning and purport of the ſame, as well within the City of London, as in all other Boroughs and Towns corporate within this Realm, and the ſame to endure perpetually, any thing contained in the ſaid Act or Decree to the contrary notwithſtanding.

The Statute made 14 H. 8 2. touching ſtrangers Artificers taking of Apprentices made perpetual.

IX. Provided always, That no Artificer, alien or ſtranger, born out of the Kings obeiſance, being an houſholder, or inhabiting within any of the Univerſities of Oxford and Cambridge, or within the Sanctuary of St. Martin le grand, within the City of London, ſhall from henceforth have or retain in their ſervice Journeymen or Apprentices, being aliens or ſtrangers born, above the number of ten perſons at one time, upon the pain of the penalty contained in the ſaid Act, made in the ſaid xiv and xv year of our ſaid Soveraign Lord: the proviſion contained or ſpecified in the ſame Act notwithſtanding. St. 22 H. 8. 13.

No Alien dwelling in Oxford, Cambridge, or great St. Martins, ſhall have above x perſons Aliens in his houſe.

The Decree made in the Star-Chamber for Artificers Stangers, by the Kings moſt honourable Council, the xx day of *February*, in the xx year of the Reign of our Soveraign Lord, King *Henry* the Eighth.

X. Henricus octavus Dei gratia Angliæ, Franciæ & Hiberniæ Rex, fidei Defenſor, & in terra Eccleſiæ Anglicanæ & Hiberniæ ſupremum caput: omnibus ad quos præſentes literæ pervenerint, ſalutem. Inſpeximus quoddam breve noſtrum, de certiorand' Thomæ Eliot Clerico conſilii noſtri direct', & in Filaciis cancellar. noſtræ reſiden', in hæc verba: Dilecto ſibi Thomæ Eliot armigero, clerico conſilii noſtri, ſalutem. Volentes certis de cauſis certiorari ſuper tenore cujuſdam finalis decreti coram nobis & conſilio noſtro habit', de & ſuper executione quorundam ſtatutorum & ordinationum contra alienigen' exercentes artes & artificia manualia, inhabitantes infra regnum noſtrum Angliæ edit' & proviſ. tibi præcipimus, quod tenorem finalis decreti prædict', cum omnibus eum tangentibus nobis in cancellar' noſtra ſub ſigillo tuo diſtincte & aperte, ſine dilatione mittas, & hoc breve. Teſte meipſo apud Weſtmonaſt. xiv. die Aprilis, Anno Regni noſtri xx. (2) Inſpeximus etiam quoddam decretum per nos & conſilium noſtrum apud Weſtmonaſt. in Camera ſtellata redditum, & in Filaciis ejuſdem Cancellar' noſtræ ſimiliter reſiden' in hæc verba.

XI. Where of late our true and faithful Subjects, Artificers and Handy-craftſmen, born under our obeiſance, inhabiting within our City of London, and the Suburbs of the ſame, exhibited unto us a lamentable bill of complaint, containing, That notwithſtanding many good and neceſſary Statutes and Acts of Parliament have been publiſhed, ordained and made, and eſpecially one in the firſt year of King Richard the Third, and the other being made in the firſt year of the Reign of our deareſt Father of noble memory Henry the Seventh, late King of this Realm, and in the xiv and xv year of our Reign, concerning ſtrangers Artificers and

The ſupplication and complaint made by Artificers of London to the King of ſeveral wrongs and oppreſſions done to them by ſtrangers born.
St. 1 R. 3. 9.
St. 1 H. 7. 2.
St. 14 H. 8. 2.

The manifold and ſeveral wrongs which ſtrangers do to this whole Realm, and to many members thereof.

and Handicraftſmen, born out of our obeiſance, uſing and exerciſing Handicrafts within this our Realm of England, as well for the reſtraining of the exceſſive number and unreaſonable behaviour of the ſame ſtrangers Artificers born out of our obeiſance, which by continual reſort and repair into this our ſaid Realm, daily increaſed, to the great detriment of our own natural Subjects, Artificers of the ſame Handicrafts and Myſteries, and of other ſundry inconveniencies, by occaſion that divers of the ſaid Subjects for lack of occupation fall into idleneſs, as alſo for the reformation of ſundry deceits and falſhoods practiſed by the ſaid ſtrangers Artificers in their ſaid Handicrafts, to the great damage and loſs of us, and of all our ſaid natural Subjects; (2) The ſaid ſtrangers Artificers nothing pondering or dreading the ſaid Statutes,ne the penalties in the ſame contained and expreſſed,ceaſe not contemptuouſly, as well to abuſe the ſaid Statutes, and moſt part intirely to infringe and break the ſame; and to accumulate from time to time more offences and enormities, as well againſt our Prerogative, as to the detriment of the common wealth of this our Realm, and our loving Subjects of the ſame. (3) For when any ſearch ſhall be made in every Handicraft within any City, Town or Borough corporate within our ſaid Realm, by our Subjects the ſaid Wardens and others ordained by the ſaid laſt Act of Handicraftſmen within any City, Town or Borough-corporate, and one houſholder ſtranger born out of our obeiſance, inhabiting within our ſaid City, Town or Borough-corporate, uſing any Handicraft, be he denizen or not denizen; the ſaid ſtranger being a houſholder, as before is ſaid, being lawfully warned and required thereunto, according to the ſaid Act, either will refuſe to do his duty therein, or elſe he will give ſecret warning thereof to his brethren of the ſaid Crafts, whereby they have not only conveyed and hid all their unlawful, untrue, ſubtile and deceitful Wares, which they untruly, ſubtilly, unſubſtantially and deceitfully have made and daily make and utter to our Subjects at exceſſive and unreaſonable prices,to the great detriment and damages of our ſaid Subjects,but alſo their Servants and Apprentices they have hid from the knowledge of the ſaid Warden, when any ſuch ſearch hath happened to be made, and ſo they defraud the ſame good and honourable Statute and Act: So that thereof no lawful puniſhment could, can, might or may enſue, according to the tenour, purport and effect of the ſaid Statute; (4) but they contemn, deſpiſe and ſet at nought the ſame, whereby and by the other unlawful means aforeſaid, and others, as ſubtilly ſending and conveying over the Sea, Bacon, Cheeſe, Powdered Beefs, Muttons and other Commodities within this our Realm, not only within and out of the ſaid Cities, Towns and Boroughs-corporate, but alſo within and out of other places throughout our Realm, by them the ſaid ſtrangers practiſed and executed, whereby they daily increaſe in great riches: and in great multitude in numbers,of ſtrangers Handicraftſmen,born out of our obeiſance: (5) And when they have gathered much riches and mony, they againſt our Laws convey the ſame mony over the Sea: And then they alſo go over the Sea into their Countries,and there purchaſe them Lands and Tenements with part thereof, and with the reſidue of the ſame they live thereby, and ſometime they convert part thereof to the uſe of our enemies in thoſe parts: (6) And ſo as well our poor Subjects,Cordwainers,and all our Subjects Handicraftſmen, born within our obeiſance, by the means aforeſaid, be ſore impoveriſhed,miniſhed, and almoſt utterly decayed and deſtroyed, and many of them, for lack of occupation in the ſaid Handicrafts, be conſtrained to live in idleneſs, by occaſion whereof they do continually fall to Theft, Murther and other great offences, and conſequently in great numbers be put to death by our Laws, as we be informed: (7) And alſo the great ſcarcity of Grain and Victual at this preſent time throughout our Realm, to be the more enforced and cauſed by reaſon of the great multitude and continual recourſe of the ſaid ſtrangers Handicraftſmen, which conſume a great portion of Corn and Victual, grown and bred within this our Realm: (8) The Premiſſes conſidered, to the intent to be thereof more perfectly and truly inſtructed, for the charitable Zeal that we have to the common weal of our Realm, and our ſaid Subjects of the ſame, and for the quietneſs of the ſaid ſtrangers, we have aſſigned and given in commandment to our Lords and other of our Council, indifferently to examine the Premiſſes, and as well to hear the ſaid Complainants as the ſaid Defendants, and their allegations and ſayings, of, in and to, the Premiſſes, and to every part thereof, and the ſame by them heard, examined, and by good deliberate advice underſtood, to ordain and adjudge and decree the ſame, after their wiſdoms and learning: Whereupon as well the ſaid Bill of complaint, the anſwer of the ſaid Defendants thereunto made, the replication of the ſaid Complainants to the ſaid anſwer alſo made, and all other allegations and ſayings of both the ſaid parties, by mature and deliberate advice, by our ſaid Council ripely examined, heard and underſtood.

The Decree made by the Lords of the Kings Council in the Star-Chamber, touching ſtrangers Artificers.

A ſtranger Artificer ſhall keep but two ſtrangers born, in his houſe.
5 Eliz. 4.

XII. It is ordained, adjudged and decreed, the xx day of February, in this preſent Term of Saint Hillary, the xx year of our Reign, in our Star-Chamber, by the moſt Reverend Father in God, Thomas Lord Cardinal, Legat de latere of the Apoſtolick See, Archbiſhop of York, Primate and Chancellor of England, and by our Nobles, and other of our ſaid Council, and by the mutual aſſents of the Complainants and Defendants then there being, in manner and form following, that is to ſay, That according to the Act of Parliament made the ſaid xiv and xv year of our Reign, That no ſtranger Artificer born out of our obeiſance, inhabiting within any City, Town or Borough, or any other place within this our Realm of England, from thenceforth ſhall keep in his or their houſe or houſes, any manner of ſervants ſtrangers, born out of our obeiſance, but only two ſtrangers ſervants, and no more at one time. (2) And that as many of the ſtrangers Artificers now inhabiting within any City,Town or Borough-corporate, or in any other place within our ſaid Realm,that will be apprentices or ſervants to or with any of our Subjects Artificers born within our obeiſance, exerciſing new or old ſtuff, inhabiting within our ſaid Realm, ſhall be ſuffered ſo to abide and dwell with them, without interruption, as long as they will continue and abide with them, and can agree together.

XIII. And farthermore it is directed, That it ſhall be lawful to all and every of the ſaid ſtrangers Artificers, now being houſholders within our ſaid Realm, to take as many of our Subjects born within our obeiſance, to be their Servants and Apprentices, in the Craft that they do exerciſe, as they can lawfully get. And that all the ſtrangers Artificers, now being houſholders within our ſaid City of London, Suburbs, Pariſhes, or compaſs thereof expreſſed in the ſaid Statutes, or within two miles compaſs of the ſaid Pariſhes.

XIV. And alſo all and ſingular ſtrangers that now be, or hereafter ſhall be made denizens, that do or hereafter will inhabit within our ſaid City of London, Suburbs or Pariſhes aforeſaid, or within two miles compaſs of the ſame, and keep houſes, and occupy their Craft, ſhall be contributory to and with our Subjects Artificers within our City of London; paying, bearing and ſuſtaining ſuch Charges as hereafter ſhall be expreſſed, that is to ſay, as well of every of the ſaid ſtrangers, being of the Craft and Myſtery of Cordwainers, houſholders, as denizens that now be, or hereafter ſhall be made denizens, and ſhall inhabit within our ſaid City, Suburbs, Pariſhes, or two miles compaſs of the ſame, ſhall quarterly pay to the ſaid Maſter, Wardens and Commonalty of the ſaid Craft of Cordwainers within our ſaid City of London for the time being, vi d. (2) And every ſervant ſtranger of the ſaid Occupation of the ſaid Cordwainers within the ſaid City, Suburbs and Precinct, not being denizen, ſhall quarterly pay to the ſaid Maſters, Wardens and Commonalty, iij d. (3) And that all other ſtrangers Artificers and Denizens of every Handicraft and Myſtery, inhabiting as well within our ſaid City of London as in any other City or Town within this our Realm, ſhall pay, bear and ſuſtain all ſuch and like charges, as our Subjects of like Craft and Myſtery born out of our obeyſance, inhabiting within the City, Borough or Town of their habitation at this time, do now bear and ſuſtain.

Strangers artificers may take Engliſhmen to be their Apprentices. 5 El. 4.

What charges ſtrangers ſhall be contributory unto with the Engliſh artificers.

XV. And alſo all ſtrangers Artificers and Denizens, exerciſing the Craft and Myſtery of Cordwainers, dwelling out of our City of London, in any other City or Town within this our Realm, ſhall pay, bear and ſuſtain, ſcot, taxes, tallages, ſubſidies, preſts and all other reaſonable exactions from time to time, according as the ſaid Maſters, Wardens and Companies of the ſaid Crafts for the time being, ſhall be bounden to pay, bear and ſuſtain, when any ſubſidy, tax, tallage, or preſt, or other reaſonable charges, ſhall be by the Mayor and Aldermen of our ſaid City of London, and the Mayors and Aldermen of our ſaid other Cities and Towns, or by the Common-council of the ſaid City, Cities and Towns, of and for any charges or payments of Mony, to be paid by the Companies of the ſaid Crafts, Citizens of any City, for any payment to be made unto the Kings Highneſs, or his Heirs, or elſe to be paid for any cauſe concerning the common wealth of any our Cities or Towns, or common wealth of the ſaid Artificers, the ſaid ſtrangers ſhall pay all the ſame that they ſhall be aſſeſſed or taxed to pay, as Contributories with the ſaid Companies, being our Subjects, as our ſaid Subjects ſhall be aſſeſſed and taxed to pay: (2) And if any of them deny or refuſe the ſame, or any part thereof, then he or they denying and refuſing ſo to do, ſhall not only loſe the benefit of this Decree, but alſo ſhall not any longer occupy any Handicraft, upon the pains, dangers and perils ſpecified in the above remembred Acts and Statutes.

The penalty of a ſtranger refuſing to be contributory to lawful charges with his company.

XVI. And that as well all and every of the ſaid houſhold ſtrangers aforeſaid, as all other ſtrangers Artificers, made or to be made denizens, that ſhall be houſholders, and inhabit and occupy any Craft within our ſaid City, Suburbs, or two miles compaſs of the ſame; as long as they ſhall remain and abide within the ſaid City, Suburbs, and two miles compaſs of the ſame, being reaſonably required and warned by the Wardens and other perſons, Governours in any City, Town or Borough corporate of the ſaid Crafts, within any of our ſaid Cities or Towns corporate, or by any of them for the time being, or by their lawful Deputies or Deputy, ſhall go with the ſaid Wardens or other Governours, there as no Wardens be, to make ſearch according to the above remembred Acts of Parliament made in the xiv and xv year of our Reign: (2) which if they refuſe to do, and that proved before the Chancellor of England, or before the Mayor of London, and in other Cities, before the chief perſons of the ſaid Cities and Towns for the time being; That then the ſame houſholders or houſholder ſo offending, denying or refuſing the ſame, ſhall no longer the ſame his occupation exerciſe or uſe within this our Realm, upon pain, peril and danger expreſſed in the afore remembred Acts and Statutes.

Strangers artificers ſhall go with the Wardens of the ſame Company to make ſearch

XVII. And that the ſame ſtrangers Artificers, denizens or not denizens houſholders, which will remain and abide within our ſaid Realm, ſhall, upon lawful notice to them given by the Maſter or Wardens of their Craft, or one of them, perſonally preſent themſelves in the Common Hall, or meeting place of the ſaid Crafts within our ſaid Cities and Towns, there as they be inhabiting, and then or there every of them to receive and take their Oaths, and be ſworn upon the holy Evangeliſt, before the ſaid Maſter and Wardens of their ſaid Craft and Myſtery, within our ſaid Cities and Towns corporate, to be faithful and true to us and to our Heirs Kings of England, and to be obedient to us and them, and to our and their Laws, and to all Acts, Ordinances and Decrees made and confirmed by us and our Council, or by our Council, and duly and truly at all times, when they ſhall be appointed by the Wardens of their Fellowſhip, Craft or Myſtery, for the time being, or by Deputies, to make ſearch with them, according to the purport, tenor or effect of an Eſtatute and Act of Parliament made in the xiv and xv year of our Reign, and have warning and monition thereof by the Wardens, or any of them, or any other their ſufficient Deputy or Deputies, in that behalf to them given or made, and that they ſhall be ready to go with the ſaid Wardens to make the ſame ſearch, and that they ſhall not give notice to any ſtranger of the ſaid ſearch, until they with the ſaid Wardens come together to make the ſaid ſearch, and that they ſhall well, indifferently and truly behave them in the ſame, ſetting all affection, favour, malice and dread of any creature, and all fraud and deceit apart, ſo help them God and all Saints, and by the holy Evangeliſt. (2) And their Oath ſo received in form aforeſaid, the ſaid ſtrangers ſhall pay for their Commiſſion, according as our ſaid Subjects have always uſed to pay.

The Oath of all ſtrangers to be true to the King and obedient to his Laws, and to make ſearches, &c.

XVIII. It

No ſtrangers but denizens ſhall keep houſe or ſhop.

XVIII. It is alſo further decreed, That no ſtranger artificer or handicraftſman, born out of our obeiſance, not being denizen, which at the day of the making of this Decree, is not a houſholder within this our Realm, or keepeth any Shop or Shops within the ſaid City and Suburbs, or any other City, Town or Borough within this our Realm, ſhall from that day forward ſet up or keep any houſe, ſhop or chamber within our City of London, Suburbs or Pariſhes before rehearſed, or within any other City, Town, Borough or Village within this our Realm, wherein he ſhall exerciſe and practiſe any Handicraft or Myſtery, upon pain to incur and run in ſuch penalties as be contained in the Statutes before this time made and enacted. (2) And that none of the ſaid ſtrangers Artificers, or Handicraftſmen, born out of our obeiſance, as well denizens as other, ſhall aſſemble in any company, fellowſhip, congregation or conventicle, but only in the common Hall of their Crafts, with our Subjects which be of the Company of their ſaid Craft or Crafts, at ſuch time as they ſhall be commanded and warned by the Maſter and Wardens of their Craft or Crafts, and at none other place or time, and in any other manner, upon pain afore expreſſed.

Strangers ſhall not aſſemble, but in the common Halls of their Myſteries.

XIX. Provided alway, That this Decree, and every part thereof concerning the Craft and Myſtery of Cordwainers, ſhall extend as well to them that work old ſtuff, as new, within our City of London, the Suburbs of the ſame, or in any other City, Town, Borough or Village within this our Realm of England.

XX. Provided alſo, That notwithſtanding any words compriſed in this Decree, the ſtrangers Artificers, denizens or not denizens, inhabiting in the Univerſities of Oxford and Cambridge, and within the Sanctuary of Saint Martins le grand, within the City of London, ſhall enjoy all the benefits and advantages reſerved unto them by reaſon of any proviſion made by Act of Parliament expreſſed in the Statute made in the xiv and xv year of our Reign: So that the ſaid Strangers, Denizens or not Denizens, inhabiting within the ſaid Sanctuary of Saint Martins le grand, be conformable to ſuch direction and order as ſhall be taken by the reverend Father in God, Cuthbert, Biſhop of London; Sir Richard Brook, Knight, chief Baron of our Exchequer; John Moor, Knight, one of the Juſtices of our Bench; Sir John Dauncy and Sir John Alein, Knights, to whom we have of late directed our Letters Patents, and by the ſame given them power and authority, and commanding them, and every of them, to cauſe the houſe of every Stranger and Denizen, Artificer, inhabiting and dwelling within the ſaid Sanctuary, to be ſearched and viewed, how many ſervants he or they keep born out of our obeiſance; and they being all viewed and ſeen, then to appoint to every of the ſaid Strangers Houſholders, inhabiting within the ſaid Sanctuary, by them in form aforeſaid ſo tried, to be within the bounds and limits of the ſaid Sanctuary, ſuch number of Servants Strangers born out of our obeiſance, as they by their diſcretions ſhall think convenient and ſufficient, and not to be any detriment unto our Subjects Inhabitants within our ſaid City.

A Commiſſion granted to certain perſons to aſſign how many ſervants a Stranger ſhall keep within great St. Martins, 5 El. 4.

XXI. Alſo commanding in our Name, all and every of the ſaid Strangers, Denizens, Houſholders, that they from henceforth do not keep within their houſes, nor any other houſe, ſhop or chamber within our ſaid City of London, or the ſuburbs of the ſame, any mo ſervants, being born out of our obeiſance, then ſhall be to them at that time appointed, as they will avoid the danger and penalty of our Laws; and what they have done in the premiſſes, that they do certifie to us and our Council, in our Star-chamber at Weſtminſter, at the xv day of Eaſter next coming. In witneſs whereof we will as well the ſaid Decree, as all other the premiſſes, ſhall be exemplified under our Seal.

Nos autem tenorem Brevis & Decreti prædict' ad requiſitionem Magiſtri & Gardianorum artis ſive myſterii Aulutariorum ſive Cordwainers London: duximus exemplificand' per præſentes. In cujus rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte meipſo apud Weſtmonaſt. viceſimo die Aprilis, Anno regni noſtri viceſimo.

CAP. XVII.

York, Raſt. 2.

An Act for the adnulling of Letters Patents made to the City of York, concerning ſhipping of Wools. Pr.

CAP. XVIII.

Newcaſtle, Raſt. 2.

No perſon ſhall ſhip, load or unload any goods to be ſold into, or from any ſhip, at any place within the River of Tine; between the places called Sparhawk and Hedwinſtremes, but only at the Town of Newcaſtle. The Mayor, Burgeſſes and Commonalty of Newcaſtle, and their Succeſſors, may pluck down all Wears, Gores, Engines, that ſhall be made in the Haven between the places aforeſaid. Pr.

CAP. XIX.

Avowries ſhall be made by the Lord upon the Land without naming his Tenant.

Avowry 1. The reaſon and cauſe of making of this Statute. Hob. 109.

Where as well the Noblemen of this Realm, and divers other perſons, by Fines, Recoveries, Grants, and ſecret Feoffments and Leaſes made by their Tenants to perſons unknown, of the Lands and Tenements holden of them, have been put from the knowledge of their Tenants, upon whom they ſhould by order of the Law make their Avowries for their Rents, Cuſtoms and Services, to their great loſſes and hindrances:

An Avowry may be made by the Lord upon the Land holden of him without naming his Tenant.

II. Be it therefore enacted, eſtabliſhed and ordained by authority of this preſent Parliament, that wheresoever any manner lands, tenements and other hereditaments, be holden by any manner perſon or perſons, by rents, cuſtoms or ſervices, that if the Lord of whom any ſuch manner lands, tenements or hereditaments be ſo holden, diſtrain upon the ſame manors, lands or tenements, for any ſuch rents, cuſtoms or ſervices, and Replevin thereof be ſued, that the Lord of whom the ſame lands, tenements or hereditaments be ſo holden, may avow, or his Bailiff, or ſervant may coniſance or juſtifie for taking of the ſaid diſtreſſes upon the ſame lands, tenements or hereditaments ſo holden as in lands, or tenements within his fee or ſeigniory, (2) alledging in the ſaid avowry, coniſance and juſtification, the ſame manors, lands and tenements to be holden of him without naming of any perſon certain to be tenant of the ſame, and without making any avowry, juſtification or coniſance, upon any perſon certain. (3) And likewiſe the Lord, Baily, or ſervant to make avowry, juſtification or coniſance, in like manner and form upon every writ ſued of ſecond deliverance.

Avowry in ſecond deliverance.

The avowant ſhall recover damages and coſts of ſuit. 3 Co. 96. pl. 11. 2 Roll. 37, 140, 212, March. 28.

III. And alſo be it enacted by the ſaid authority, That every avowant, and every other perſon and perſons that make any ſuch avowry, juſtification or coniſance, as baily or ſervant to any perſon or perſons in any Replegiare, or ſecond deliverance, for rents, cuſtoms, ſervices, or for damage feaſant, or other rent or rents, upon any diſtreſs taken in any lands or tenements, if the ſame avowry, coniſance or juſtification be found for them, or the Plaintiffs in the ſame be nonſuit, or otherwiſe barred, that then they ſhall recover their damages and coſts againſt the ſaid Plaintiff, as the ſame Plaintiffs ſhould have done or had, if they had recovered in the Replegiare or ſecond deliverance found againſt the ſaid Defendants.

IV. And be it alſo ordained, That the ſaid Plaintiffs and Defendants in the ſaid Writs of Replegiare or Writs of ſecond deliverance, and in every of them, ſhall have like pleas and like aid prayers in all ſuch avowries, coniſances and juſtifications (pleas of diſclaim only except) as they might have had before the making of this Act, and as though the ſaid avowry, coniſance or juſtification had been made after the due order of the Common-Law.

Like pleas and aid prayers as at the Common-Law.

V. And it is farther enacted by the ſaid authority, That all ſuch perſons as by order of the Common-Law may lawfully join to the Plaintiffs or Defendants in the ſaid Writs of Replegiare or ſecond deliverance, as well without proceſs as by proceſs, ſhall from henceforth join unto the ſaid Plaintiffs or Defendants, as well without proceſs as by proceſs, and to have like pleas and like advantages in all things (diſclaim only except) as they might have done by the order of the Common-Law before the making of this Act.

Like joynder in aid as at the Common Law.

CAP. XX.

The Preſident ſhall be aſſociate with the Chancellor, &c. in examination and puniſhing of Riots, &c.

Courts 4.

CAP. XXI.

The Statute made anno 14 H. 8. 3. concerning Worſted-weavers in Yarmouth and Lynn, rehearſed and continued until the next Parliament. Exp. 26 H. 8. 16.

Worſted, Raſt. 6.

Anno viceſimo ſecundo HENRICI *octavi.*

STatuta bonum publicum concernantia, edita in Parliamento tento apud Weſtmonaſterium decimo ſexto die Januarii, Anno regni præpotentiſſimi & metuendiſſimi Angliæ & Franciæ Regis, Fidei Defenſoris, & Domini Hiberniæ, Henrici octavi, viceſimo ſecundo, poſt diverſas prorogationes ejuſdem Parliamenti primo incohati apud Londinum tertio die Novembris, Anno viceſimo primo ejuſdem Regis: Et inde adjurnati & prorogati uſque ad Weſtmonaſterium, & ibidem continuati per quadraginta quatuor dies, videlicet, uſque ad decimum ſeptimum diem Decembris: Et ab eodem die & loco uſque ad viceſimum ſextum diem Aprilis proxime ſequentis, & ab eo die uſque ad viceſimum ſecundum diem Junii, & ab illo die ad primum diem Octobris, & à primo die Octobris uſque ad viceſimum ſecundum diem ejuſdem menſis, & ab illo die uſque ad decimum ſextum diem Januarii ſecundum leges terræ rite prorogati, & ibidem continuati per ſeptuaginta quinque dies, videlicet, ad ultimum diem Martii eodem Anno viceſimo primo, & inde ulterius prorogati uſque ad decimum tertium diem Octobris proxime ſequentis.

CAP. I.

No perſon during ten years next enſuing ſhall buy any Wool growing in the Counties of Berkſhire, &c. viz. twenty eight Counties, before the Aſſumption of our Lady next after the ſhearing of the ſame, but ſuch as will make Cloth or Yarn thereof, upon pain of forfeiture of the double value thereof. No ſtranger ſhall buy any Wool before the Purification of our Lady next after the ſhearing thereof, upon the pain aforeſaid. Exp. St. 4 Ed. 4. 4. 4 H. 7. 11. 37 H. 8. 15.

Wools, Raſt. 46.

CAP. II.

An Act for Trial of Foreign Pleas pleaded by Felons.

Trials, Raſt. 7. The inconveniences enſuing the allowance of a Felon to plead a Plea triable in a foreign County. 4 H. 8. cap. 2.

WHere among other things it was conſidered by the whole Court of Parliament of our moſt excellent Soveraign Lord the King, holden in the fourth year of his noble Reign, That Murtherers and Felons, lawfully arraigned of their deteſtable offences, bare them bold upon imagining and pleading of feigned and untrue foreign Pleas triable in foreign Counties, to the intent to be removed from place to place by colourable and untrue ſuggeſtions, and for to be untruly acquit by favour, might or corruption, ſo that they lived in manner without fear or dread: (2) For reformation whereof, and for the common wealth of this Realm, it was enacted by authority of the ſame Parliament, That if any Murtherer or Felon, upon his Arraignment from thence did alledge, that he had taken any Church or Church-yard, for Murther or Felon, or other place privileged for the ſame in a foreign County, and againſt his will was taken out thereof: That then the Kings Atturney, or any other perſon that will ſhew or alledge for the King, that the ſaid Murtherer or Felon ſo arraigned, was taken at large in the ſame Shire where he is ſo arraigned, then that the ſame allegiance and iſſue ſhould be tried by the Inqueſt that ſhould try the ſame Murther or Felony within the ſame Shire, and before the ſame Juſtices where the ſaid Murtherer or Felon is arraigned, as though the ſaid foreign Plea had not been pleaded by the ſaid Felon. (3) And that if it were found by the ſame Inqueſt, that the ſaid Murtherer or Felon was taken within the ſame Shire, as is aforeſaid, that then he to have no advantage or benefit of the matter alledged by him for taking out of the Church or Church-yard, or other place privileged in any ſuch foreign Shire, (4) and that the ſaid Act ſhould endure to the next Parliament from then enſuing, as by the ſame Act made in the ſaid fourth year manifeſtly appeareth. (5) And foraſmuch as ſith the time of expiration of the ſaid Act made in the ſaid fourth year, many abominable Murthers, as well of Prieſts as of other perſons, Robberies of Church, and Robberies of perſons in their houſes, as well by day as by night, and other moſt deteſtable Murthers and Felonies, have been committed and done within this Realm, and the moe, and more often, becauſe that the ſaid Statute hath been expired and ended, from and ſince the beginning of the Parliament of our ſaid Soveraign Lord holden in the ſixth year of his moſt noble Reign:

II. It is ordained and enacted by authority of this preſent Parliament, That the ſaid Act made in the ſaid fourth year, and every thing therein contained concerning the ſaid foreign Pleas, and replications thereunto to be made, and trials thereof, ſhall now be revived, and ſhall ſtand in full force and effect, and ſhall continue and endure from henceforth for ever, as if the ſame Act had been originally made perpetual and not determinable.

So much of the Stat. of 4 H. 8. 2. as toucheth the Plea pleaded by a Felon that he was taken in a foreign County out of Sanctuary, made perpetual.

CAP. III.

For Plumſted Marſh, 2 & 3 Ph. & Mar. 19.

Plumſted Marſh, Raſt. 1.

CAP.

CAP. IV.

For Exactions not to be levied on Apprentices.

Corporation 4. What Exactions ſhall be levied on Apprentices by Maſters, Wardens, &c.

A rehearſal of the Statute of 19 H. 7. 7. and how it is abuſed.

The Fees of Wardens of Companies, for the entry of an Apprentice or Freeman into their Company.

PRayen the Commons in this preſent Parliament aſſembled, That where it was eſtabliſhed and enacted in the ninteenth year of our late Soveraign Lord King Henry the Seventh, that no Maſter, Wardens and Fellowſhip of Crafts, or any of them, nor any Rulers of Guilds or Fraternities, take upon them to make any Acts or Ordinances, ne to execute any Acts or Ordinances by them heretofore made, or hereafter to be made in diſinheritance or diminution of the prerogative of the King, nor of other, nor againſt the common profit of the people, but if the ſame Act or Ordinances be examined or approved by the Chancellor, Treaſurer of England, or chief Juſtice of either Bench, or three of them, or before the Juſtices of Aſſiſe in their Circuit or Progreſs, in the Shire where ſuch Acts or Ordinances be made, upon pain of forfeiture of xl. li. for every time that they do the contrary, as more plainly in the ſaid Act doth appear: (2) Sith which time divers Wardens and Fellowſhips have made Acts and Ordinances, That every Apprentice ſhall pay at his firſt entry in their common Hall to the Wardens of the ſame Fellowſhip, ſome of them xl s. ſome xxx s. ſome xx s. ſome xiij s. iv d. ſome vj s. viij d. ſome iij s. iv d. after their own ſiniſter mind and pleaſure, contrary to the meaning of the Act aforeſaid, and to the great hurt of the Kings true Subjects putting their Child to be Apprentice: (3) Be it therefore ordained, eſtabliſhed and enacted by the King our Soveraign Lord, by the advice of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that no Maſter, Wardens, or Fellowſhip of Crafts, or Maſters, or any of them, nor any Rulers of Fraternities, take from henceforth of any Apprentice, or any other perſon or perſons, for the entry of any Apprentice into their ſaid Fellowſhip, above the ſum of ij s. vi d. nor for his entry when his years and term is expired and ended, above iij s. iv d. (4) upon pain of forfeiture of xl li. for every time that they do to the contrary: the one half to the King our Soveraign Lord, the other half to the party that therefore ſhall ſue by Action of Debt, Information or otherwiſe; and that in the Action aforeſaid no Protection or Eſſoin ſhall be allowed. St. 28 H. 8. 5.

CAP. V.

For Bridges and High-ways.

Juſt. of P. 70. A remedy to repair decayed Bridges in High ways, and by whom. Co. Inſt. 2. 20, 700 Juſtices of Peace may award proceſs againſt them who ought to repair Bridges.

BE it enacted by the King our Soveraiyn Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the Juſtices of peace in every Shire of this Realm, Franchiſe, City or Borough, or four of them at the leaſt, whereof one to be of the Quorum, ſhall have power and authority to enquire, hear and termine in the Kings general Seſſions of Peace, of all manner of annoiances of Bridges broken in the High-ways to the damage of the Kings liege people, and to make ſuch proceſs and pains upon every preſentment afore them for the reformation of the ſame, againſt ſuch as own to be charged for the making or amending of ſuch Bridges, as the Kings Juſtices of his Bench uſe commonly to do, or as it ſhall ſeem by their diſcretions to be neceſſary and convenient for the ſpeedy amendment of ſuch Bridges.

II. And where in many parts of this Realm it cannot be known and proved what Hundred, Riding, Wapentake, City, Borough, Town or Pariſh, nor what perſon certain, or body politick, ought of right to make ſuch Bridges decayed, by reaſon whereof ſuch decayed Bridges for lack of knowledge of ſuch as own to make them, for the moſt part lie long without any amendment, to the great annoiance of the Kings Subjects:

III. For the remedy thereof, be it enacted by authority aforeſaid, That in every ſuch caſe the ſaid Bridges, if they be without City or Town corporate, ſhall be made by the Inhabitants of the Shire or Riding within the which the ſaid Bridge decaied ſhall happen to be: (2) And if it be within any City or Town corporate, then by the inhabitants of every ſuch City or Town corporate wherein ſuch Bridges ſhall happen to be. (3) And if part of any ſuch Bridges ſo decayed happen to be in one Shire, Riding, City or Town corporate, and the other part thereof in another Shire, Riding, City or Town corporate, or if part be within the limits of any City or Town corporate, and part without, or part within one Riding, and part within another: that then in every ſuch caſe the inhabitants of the Shires, Ridings, Cities or Towns corporate ſhall be charged and chargeable to amend, make and repair ſuch part and portion of ſuch Bridges ſo decayed as ſhall lie and be within the limits of the Shire, Riding, City or Town corporate, wherein they be inhabited at the time of the ſame decays.

The Juſtices may tax the Inhabitants with the aſſent of the Conſtables.

IV. And be it further enacted, That in every ſuch caſe where it cannot be known and proved, what perſons, lands, tenements and bodies politick own to make and repair ſuch Bridges, that for ſpeedy reformation and amending of ſuch Bridges, the Juſtices of Peace within the Shires or Ridings wherein ſuch decayed Bridges been out of Cities and Towns corporate, and if it be within Cities or Towns corporate, Then the Juſtices of Peace within every ſuch City or Town corporate, or four of the ſaid Juſtices at the leaſt, whereof one to be of the Quorum, ſhall have power and authority within the limits of their ſeveral Commiſſions and Authorities, to call before them the Conſtables of every Town and Pariſh, being within the Shire, Riding, City or Town corporate, as well within liberty as without, wherein ſuch Bridges or any parcel thereof ſhall happen to be, or elſe two of the moſt honeſt Inhabitants within every ſuch Town or Pariſh in the ſaid Shire, Riding, City or Town corporate, by the diſcretion of the ſaid Juſtices of Peace, or four of them at the leaſt, whereof one to be of the Quorum. (2) And at and upon the appearances of ſuch Conſtables or Inhabitants, the ſaid Juſtices of Peace, or four of them, whereof one to be of the Quorum, with the aſſent of the ſaid Conſtables or Inhabitants, ſhall have power and authority to tax and ſet every Inhabitant in any ſuch City, Town or Pariſh within the limits of their Commiſſions and Authorities, to ſuch reaſonable aid and ſum of Mony, as they ſhall think by their diſcretions convenient and ſufficent for the repairing, re-edifying and amendment of ſuch Bridges: (3) and after ſuch taxation made, the ſaid Juſtices ſhall cauſe the names and ſums of every particular perſon ſo by them taxed, to be written in a roll indented. (4) And ſhall alſo have power and authority to make two Collectors of every Hundred, for collection of all ſuch ſums of mony by them ſet and taxed; which Collectors receiving the one part of the ſaid roll indented under the ſeals of the ſaid Juſtices, ſhall have power and authority to collect and receive all the particular ſums of mony therein contained, and to diſtrain every ſuch inhabitant as ſhall be taxed and refuſe payment thereof, in his lands, goods and chattels, and to ſell ſuch diſtreſs, and of the ſale thereof retain and perceive all the mony taxed, and the reſidue (if the diſtreſs be better) to deliver to the owner thereof. (5) And that the ſame Juſtices, or four of them, within the limits of their commiſſions and authorities, ſhall alſo have power and authority to name and appoint two Surveyors, which ſhall ſee every ſuch decayed Bridge repaired and amended from time to time, as often as need ſhall require, to whoſe hands the ſaid Collectors ſhall pay the ſaid ſums of mony taxed, and by them received. (6) And that the Collectors and Surveyors, and every of them, and their executors and adminiſtrators, and the executors and adminiſtrators of them, and every of them, from time to time ſhall make a true declaration and accompt to the Juſtices of peace of the Shire, Riding, City or Town corporate wherein they ſhall be appointed Collectors or Surveyors, or to four of the ſame Juſtices, whereof one to be of the Quorum, of the receipts, payments and expences of the ſaid ſums of mony: (7) And if they or any of them refuſe that to do, that then the ſame Juſtices of peace, or four of them, from time to time by their diſcretions, ſhall have power and authority to make proceſs againſt the ſaid Collectors and Surveyors, and every of them, their executors and adminiſtrators, and the executors and adminiſtrators of every of them, by attachments under their ſeals, returnable at the general Seſſions of peace. (8) And if they appear, then to compel them to accompt as is aforeſaid; or elſe if they or any of them refuſe that to do, then to commit ſuch of them as ſhall refuſe to ward, there to remain without bail or mainpriſe till the ſaid declaration and accompt be truly made.

Two Collectors of every Hundred.

The Juſtices ſhall appoint two who ſhall repair the Bridge.

The Collectors and Surveyors ſhall accompt to the Juſtices.

V. And where any Bridge or Bridges lien in one Shire or Riding, and ſuch perſons inhabitants, bodies politick, lands or tenements, which owen to be charged to the making and amending of ſuch Bridges, lien and abiden in another Shire or Riding, or where ſuch Bridges been within any City or Town corporate, and the perſons inhabitants, bodies politick, lands or tenements, that owen to make or repair any ſuch Bridges, lien and been out of the ſaid Cities and Towns corporate: Be it enacted, That in every ſuch caſe, the Juſtices of peace of the Shire, City or Town corporate, within the which ſuch decayed Bridges, or any part thereof, ſhall happen to be, ſhall have power to enquire, hear and determine all ſuch annoyances, being within the limits of their commiſſions or authorities. (2) And if the annoyance be preſented, then to make proceſs into every Shire within this Realm, againſt ſuch as owen to make or amend any ſuch Bridges ſo preſented before them to be decayed, to the annoyance and let of the paſſage of the Kings ſubjects, and to do farther in every behalf in every ſuch caſe, as they might do by authority of this Act, in caſe that the perſons or bodies politick, lands or tenements, which owen to be charged to the amending or making of ſuch Bridges, or any part thereof, were in the ſame Shire, Riding, City or Town corporate, where ſuch annoyance ſhall happen to be; (3) And that all Sheriffs and Bailiffs of liberties and franchiſes, ſhall truly ſerve and execute ſuch proceſs as ſhall come to their hands from the ſaid Juſtices of peace afore whom any preſentment ſhall be had for any ſuch annoyance, according to the tenor and effect of the ſaid proceſs to them directed, without favour, affection or corruption, upon pain to make ſuch fine as ſhall be put upon them, or any of them, by the diſcretion of the ſaid Juſtices.

The Juſtices may make proceſs into every Shire againſt offenders.

Sheriffs, &c. ſhall ſerve proceſs upon the offenders.

VI. Provided alway, That this Act nor any thing therein contained, be not prejudicial to the liberties of the five Ports, or members of the ſame: And for reformation of annoyance of Bridges within the ſaid Ports and members.

The five Ports excepted.

VII. Be it enacted by authority of this preſent Parliament, That the Warden, Mayors and Bailiffs elected, and Jurates of the ſame Ports, and every of them, have power and authority to enquire, hear and determine all manner of common annoyances of Bridges within the ſame Ports and members, and to make ſuch proceſs, pains, taxations and all other things within the ſame Ports and members, as the Juſtices of peace may do in other Shires or places out of the ſame Ports, by virtue and authority of this preſent Act in every behalf.

VIII. And be it farther enacted by the authority aforeſaid, That the Juſtices of peace, or four of them, ſhall have full power and authority to allow ſuch reaſonable coſts and charges to the ſaid Surveyors and Collectors, as by their diſcretions ſhall be thought convenient.

Allowance made to the Surveyors and Collectors.

IX. For as much that albeit Bridges decayed were amended and repaired, according to the tenor of this Act, yet nevertheleſs if ſpeedy remedy for the amendment of the ways next adjoining to every of the ends of ſuch Bridges ſhould not be had and made, the Kings ſubjects ſhould take little or none avail or commodity in many parts of this Realm by the making of the Bridges: (2) In conſideration whereof, be it enacted by the King our Sovereign Lord, and the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that ſuch part and portion of the high-ways in every part of this Realm, as well within Franchiſe as without, as lie next adjoyning to any ends of any Bridges within this Realm, diſtant from any of the ſaid ends by the ſpace of three hundred foot, be made, repaired and amended as often as need ſhall require. (3) And that the Juſtices of the peace in every Shire of this Realm, Franchiſes, City or Borough, or four of them at the leaſt, whereof one to be of the Quorum, within the limits of their commiſſions and authorities, ſhall have power and authority to enquire, hear and determine in the Kings general Seſſions of peace, all manner of annoyances of and in ſuch high-ways, ſo being and lying next adjoining to any ends of Bridges within this Realm, diſtant from any one of the ends of ſuch Bridges three hundred foot, and to do in every thing

An order for the mending of the ways at the ends of Bridges.

any things concerning the making, repairing and amending of ſuch high-ways and every of them, in as large and ample manner, as they might and may do, to and for the making, repairing and amending of Bridges, by virtue and authority of this preſent Act.

CAP. VI.

Cordwainers, Raſt. 21.

If any Butcher keep a Tan-houſe, he ſhall forfeit vj s. viij d. a day. Rep. 5 El. 8. & 1 Jac. 22.

CAP. VII.

Horſes, Raſt. 3.

Whoſoever ſhall convey any Horſes, Geldings, Mares or Sheep, to any parts beyond the Sea, without the Kings licence, (ſaving for the victualling of Calice) ſhall forfeit xl s. for every Poll. Exp. St. 1 El. 18. 11 H. 7. 13. 1 Ed. 6. 5. 5 El. 19.

CAP. VIII.

1 For Denizens Strangers to pay Strangers Cuſtoms.

Aliens 2. Corporation 6. Denizens ſhall pay like Cuſtoms, as they did before they were denizens. 1 H. 7. 2.

PRayen the Commons in this preſent Parliament aſſembled, That where in a Parliament holden at Weſtminſter the ſeventh day of November, in the firſt year of the Reign of our late ſoveraign Lord of famous memory, King Henry the ſeventh (whoſe ſoul God pardon) it was ordained, eſtabliſhed and enacted by authority of the ſaid Parliament, That every perſon made, or after the making of the ſaid Act, to be made denizen, ſhould pay of his merchandiſes like Cuſtom and Subſidy as he ought or ſhould pay afore that he were made denizen, any Letters Patents, or other Ordinances by Parliament, or otherwiſe to the contrary notwithſtanding; (2) which Statute and Ordinance was only made for Cuſtom and Subſidy to be paid to the ſaid late King, and to our now ſoveraign Lord: (3) Sithen which time divers grants have been made to divers, as well Merchant-ſtrangers, as other Aliens born out of this Realm, to be denizens, whereby they have and enjoy ſuch freedoms and liberties as do denizens born within this Realm, being our ſaid ſoveraign Lord the Kings natural born ſubjects, whereof there is no ſmall number, and every day increaſe more and more, by the which the ſaid Aliens to their lucre and avail been increaſed to great and notable ſubſtance and riches, and the natural ſubjects of our ſaid ſoveraign Lord, and his Realm greatly impoveriſhed: And after they be ſo inriched, for the moſt part convey themſelves with their ſaid goods to their own Country wherein they be naturally born, to the great detriment of the common weal of this Realm of England and the ſubjects of the ſame: (4) It may therefore pleaſe your Highneſs of your moſt good and loving diſpoſition that ye bear and owe to the common wealth of this your Realm, by the advice of your Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, to ordain, enact and eſtabliſh, That every perſon or perſons whatſoever they be, born out of this Realm of England out of the Kings obeiſance, made or hereafter to be made denizen, do pay to your Grace, and to your Heirs, and to all and every other perſon and perſons, of what eſtate, degree or condition he or they be, and to all and ſingular Officers and Miniſters of Cities, Boroughs and Towns within this Realm of England, and to every of them, all ſuch Subſidies, Cuſtoms, Tolls, Duties, and other ſums of mony, for their wares, merchandiſes, and other whatſoever goods by whatſoever name or names the ſaid Subſidies, Cuſtoms, Tolls, Duties, and other ſums of mony, or any of them be named or called, as they ſhould or ought to have paid before they were denizens, any grant or grants to them made or hereafter to be made, or any Act or Acts, Statute or Ordinance to the contrary made or had notwithſtanding.

Aliens born made denizens ſhall pay all ſuch cuſtoms and other duties as they did before. St. 1 H. 7. 2. 11 H. 7. 14.

A table of Cuſtoms, Tolls and Duties, ſhall be ſet up in every City, Borough or Town.

II. Provided alway, That all and ſingular Officers and Miniſters of every City, Borough or Town, wherein any ſuch Cuſtom, Tolls, Duties or ſums of mony ſhall be demanded, as is abovesaid, on this ſide the Feaſt of Pentecoſt next coming, ſhall ſet up or cauſe to be ſet up in open place and places of every ſuch City, Borough or Town, a table or tables, by which the certainty and very duty of every ſuch Cuſtom, Toll and Duty, or ſum of mony, of ſuch wares and merchandiſes, to be demanded or required, as is above rehearſed, ſhall and may plainly appear, and be declared, to the intent that nothing be exacted otherwiſe than in old time hath been uſed and accuſtomed, (2) upon pain of every City not doing the ſame, to loſe v l. and every Town corporate to loſe xl s. for every month that the ſame table ſhall fail to be ſet up after the ſame Feaſt; the moiety of which forfeiture to be to the King our ſoveraign Lord, and the other moiety to the party that will ſue for the ſame, by writ, bill, plaint or information: (3) In which action the defendant ſhall have no eſſoin, wager of Law ne protection allowed.

The Merchants of the Stilyard.

III. Provided alway, and be it enacted by the authority aforeſaid, That this Act, ne any other Act or Acts made or to be made in this preſent Parliament concerning the Premiſſes, be not in any wiſe prejudicial or hurtful unto the Merchants of the Hans of Almaign, nor to any of them; having the houſe within the City of London commonly called Guild hall Theutonicorum, otherwiſe called the Merchants of the Stilyard in London, nor to their goods or merchandiſes, by whatſoever name or names they or any of them be called, but that they and every of them ſhall have and enjoy all ſuch liberties, franchiſes, cuſtoms and privileges, as they had the firſt day of this preſent Parliament; any thing or things ſpecified in this Act, or in any other Act or Acts made or to be made in this preſent Parliament notwithſtanding.

Stilyard. The table of Scavage to be ſet up in London ſhall be examined, &c.

IV. Provided alway, That the tables ſo to be ſet up in the City of London, touching Scavage within the ſame, ſhall firſt be viewed, examined and approved by the Chancellor and Treaſurer of England, the Preſident of the Kings Council, the Lord Privy-ſeal, the Lord Steward of the Kings moſt honourable houſhold, and the two chief Juſtices of the Kings Bench and Common-place for the time being, or by four of them at the leaſt, and by them ſubſcribed.

CAP. XI.

Treaſon, Raſt. 10. 3 Inſt. 48.

Willful Poiſoning ſhall be adjudged high Treaſon, and the Offender therein ſhall be boiled to Death. Rep. 1 Ed. 6. 12. 1 Mariæ 1.

CAP. X.

If any, calling themſelves Ægyptians, do come into this Realm, they ſhall forfeit all their goods: And, being commanded, ſhall depart the Realm within fifteen days, upon pain of impriſonment. Alt. 1 & 2 Ph. & Mar. 4 & 5 El. 20.

Egyptians, Raſt. 1.

CAP. XI.

For Powdike and Marſhland. St. 2 & 3 P. & M. 19.

Felony 26.

CAP. XII.

The Juſtices of every County, dividing themſelves into ſeveral limits, ſhall give licence under their ſeals to ſuch poor, aged and impotent perſons to beg within a certain Precinct, as they ſhall think to have moſt need: And if any do beg without ſuch licence, or without this precinct, he ſhall be whipped, or elſe be ſet in the Stocks three days and three nights with bread and water only. And a Vagabond taken begging ſhall be whipped, and then ſworn to return to the place where he was born, or laſt dwelt by the ſpace of three years, and there to put himſelf to labour. Rep. 21 Jac. 28. St. 27 H. 8. 25. 14 El. 5. 1 Ed. 6. 3. 35 El. 7. 39 El. 4.

Vagabonds, Raſt. 2.

CAP. XIII.

For Bakers, Brewers, Surgeons and Scriveners, not to be accounted for Handicrafts.

Aliens 12.
What perſons ſhall not be accounted handicraftſmen.
St. 1 R. 3. 9.
14 H. 8. 2.
21 H. 8. 16.

WHere divers Statutes penal heretofore have been made againſt ſtrangers artificers for exerciſing of Handicrafts within this Realm, and for keeping of houſes, apprentices and ſervants eſtrangers, as by the ſaid ſeveral Statutes more plainly is rehearſed: Sithen the making whereof, Beer-brewers and Bakers, which been common Victuallers, and alſo Chirurgeons and Scriveners being ſtrangers, inhabiting and dwelling within this Realm, have been put to trouble and great vexation, by occaſion of Informations brought againſt them upon the ſaid Statutes, ſuppoſing that ſtrangers uſing Baking, Brewing, Surgery or Writing, ſhould be handicraftſmen: upon the which Information great doubts and ambiguities have riſen, whether ſtrangers uſing any of the ſaid Myſteries or Sciences, ſhould be underſtood ſuch handicraftſmen as were intended by any of the ſaid Statutes: (2) For plain declaration whereof, be it enacted by the King our ſoveraign Lord, and the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no perſon or perſons ſtrangers, being a common Baker, Brewer, Chirurgeon or Scrivener, ſhall be interpreted or expounded handicraftſmen, in, for, or by reaſon of uſing any of the ſaid Myſteries or Sciences of Baking, Brewing, Surgery or Writing: (3) And that all informations, ſuits, actions and proceſs had, taken or hereafter to be taken upon any of the ſaid Statutes, againſt any ſuch ſtranger or ſtrangers, being Bakers, Brewers, Chirurgeons or Scriveners, ſhall be by authority of this preſent Act void and of none effect.

No ſtranger being a common Baker, Brewer, Chirurgeon, or Scrivener ſhall be accounted an handicraftſman

CAP. XIV.

For Abjurations and Sanctuaries.

Challenge 11.
In what manner perſons committing petty Treaſon ſhall abjure.

By how many means abjurations of offenders out of this Realm hath been prejudicial to the Realm.

THE King our ſoveraign Lord conſidering, that many of his ſubjects heretofore for their offences and merits, have been put to execution of death by the Laws of this Realm, and many other committing like offences, for tuition of their lives, have fled and reſorted to Churches, and other hallowed places within this Realm, and there being, have abjured the Realm before the Kings Coroners of the ſame; (2) divers of which men (ſo abjuring) have been known to be very expert Mariners, and many other have been ſeen to be very able and apt men for the wars, and defence of this Realm, ſo that by the one mean, and the other, the ſtrength and power of this Realm is greatly miniſhed. (3) And divers of the ſaid perſons which heretofore have abjured this Realm, being by reaſon of their abjurations in outward Realms and Countries, have not only procured many men of the ſame to the exerciſe and practice of Archery, and have inſtructed them in the feat and knowledge thereof, to the great increaſe and fortifications of the ſame outward Realms and Countries, but alſo the ſame abjured perſons have diſcloſed their knowledges of the commodities and ſecrets of this Realm, to no little damage and prejudice of the ſame: (4) The Kings Highneſs therefore daily ſtudying and deviſing to provide for the ſafeguard of this his Realm, and of his ſubjects, albeit they be tranſgreſſors of his Laws, ſo that the incommodities inſuing upon ſuch abjurations to be preſerved to the beſt effect as far as ſhall pleaſe God to give them grace; Hath ordained and enacted by authority of this preſent Parliament, That if any perſon hereafter flie or reſort to any Pariſh Church, Cemetery or other like hallowed place, for tuition of his life, by occaſion of any murther, robbery or other felony by the ſame perſon committed, and thereupon confeſs any murther, felony or other offence before the Coroner, wherefore the ſame perſon by the Laws of this Realm heretofore uſed ſhould abjure and paſs out of the ſame: The ſame perſon thereupon ſhall abjure from all his liberty of this Realm, and from his liberal and free habitations, reſorts and paſſages to and fro the univerſal places of this Realm, which appertain to the liberty of the Kings Subjects undefamed, and ſhall forthwith be directed by the Coroner, taking and recording ſuch abjuration, to any one Sanctuary being within this Realm, which the ſame perſon will elect and chooſe, there to remain as a ſanctuary perſon abjured, during his natural life, and to be ſworn afore the Coroner upon his abjuration ſo to do, and to be burned in the hand, according to the Statute in that caſe provided. (5) And every ſuch perſon ſo abjured ſhall be directed and conveyed to the ſame Sanctuary by him choſen, by the Conſtables and other Officers, and in every behalf ordained after the like manner and form as he ſhould have been in caſe he ſhould have abjured this Realm for any murther or felony after the Laws of the Land. (6) And if after ſuch abjuration any perſon ſo abjured come out of the ſame Sanctuary to the which he was aſſigned, and be taken without the ſame Sanctuary, not having the Kings ſpecial pardon or licence ſo to do: then every ſuch perſon abjured, and after abjuration taken without Sanctuary whereunto he was aſſigned, ſhall ſuffer ſuch like pain of death, and after like manner be ordered, as he ſhould have done and been in caſe he had abjured this Realm for murther or felony, and after ſuch abjuration had returned again into this Realm, contrary to the Laws of this Land.

The oath of him which abjureth.

St. 21 H. 8. 2.

Every abjured perſon ſhall be conveyed to the Sanctuary that he doth chooſe.

Rep. 1 Jac. 25. & 21 Jac. 28. P. 7. N. 1

II. And furthermore it is enacted, That if any ſuch Sanctuary perſon ſo abjured, or any

If a ſanctuary-perſon do commit any felony, he loſeth the priviledge of Sanctuary.

In what caſe an offender may be taken out of Sanctuary, and committed to the Gaol.

other perſon or perſons, which now be, or is, or hereafter ſhall happen to be in any Sanctuary of this Realm, for doing any petty treaſon, murther or felony, or for being acceſſary to any ſuch offences: or if any perſon or perſons, which at any time hereafter ſhall take any Sanctuary of this Realm, for doing any petty treaſon, murther or felony, or for being acceſſary to any ſuch offences, or upon abjuration, and ſo being in Sanctuary for, or upon any ſuch cauſe, matter or offence, afterward commit or do any petit treaſon, murther or felony within the ſame Sanctuary, or be acceſſary to any ſuch offences, or go out of the ſame Sanctuary, and commit any petty treaſon, murther or felony, or be acceſſary to any ſuch offences, and after come again to the ſame Sanctuary, or take any other Sanctuary for the ſame, every ſuch perſon and perſons being indicted for any of the ſaid cauſes or offences, ſhall loſe the priviledge of the ſame Sanctuary by him taken, and of every other Sanctuary within this Realm for any ſuch cauſe of petty treaſon, murther, felony or abjuration, and for any acceſſary to any ſuch offences: (2) And that it ſhall be lawful to all and ſingular Juſtices of the Peace, and the High Sheriff of the County, or other place where the Sanctuary is, and to all and ſingular Mayors, Sheriffs and Bailiffs of Cities and Towns corporate, where ſuch Sanctuary is, and to every of them, and to the ſervants, miniſters and officers, or any, or every of the ſame Juſtices of Peace, Sheriffs, Mayors and Bailiffs, in their preſence to take out of the ſame Sanctuary or Sanctuaries all and every ſuch Sanctuary-perſon or perſons ſo offending as is aforeſaid, and being indicted of the ſame; (3) and to commit or put him or them into the Kings Gaol within the Shire or Liberty where any ſuch Indictment is found againſt any ſuch perſon, ſafely to be kept till they ſhall be of the ſame petty treaſon, murther or felony, or of the acceſſary to any ſuch offences whereof they ſhall happen to be indicted, convicted, attainted or diſcharged by the Law. (4) And if any perſon or perſons which ſhall be indicted of any petit treaſon, murther or felony, or of any acceſſary to any ſuch offence, happen hereafter to be taken out of any Sanctuary for the ſame, by authority of this Statute, and upon his or their arraignment plead Sanctuary, according to the order of the Law: then it is enacted by the authority aforeſaid, That as well the Kings Attorny, as every other perſon for the King, ſhall be admitted to object and alledge, that the perſon ſo arraigned, afore the doing of the offence or offences whereof he then is arraigned, did take priviledge of Sanctuary in the ſame Sanctuary whereof he alledgeth him to be taken out, or in any other place priviledged within this Realm, upon any abjuration, or for any other petty treaſon, murther or felony, then whereof he is arraigned, and that he there had and enjoyed priviledge of Sanctuary for the ſame, and that he ſo having once priviledge of Sanctuary in the ſame, did commit the offence of petit treaſon, murther or felony whereof he then is arraigned: or that he went out of the ſaid Sanctuary, and committed the ſame offence whereof he is indicted and arraigned, and pray that ſuch perſons ſo arraigned may be excluded of reſtitution to the Sanctuary by him demanded. (5) And in caſe the ſaid plea and objection ſo alledged, be denied by the perſon ſo arraigned, then it is farther enacted by the authority aforeſaid, that it ſhall be forthwith tried afore the ſame Juſtices, where ſuch perſon is ſo arraigned, and by the ſame Jurors of the ſame County that ſhall try the petty treaſon, murther or felony whereof he is arraigned, without farther delay, in whatſoever County or Counties, place or places of this Realm the ſame other taking of Sanctuary ſhall be alledged or objected to be done or had. (6) And if the plea ſo objected againſt the ſaid perſon arraigned, be tried againſt him by verdict of twelve men, or by his own confeſſion, and alſo it be found by verdict of twelve men, or by his own confeſſion, according to the order of the Law, that he is guilty of the petty treaſon, murther, felony, or of any acceſſary to any ſuch offence whereof he is ſo arraigned; that then like judgment and execution ſhall be given and done upon every ſuch perſon as though he had been no ſanctuary-perſon, nor had claimed or required the privilege of the ſame. (7) And if any ſuch perſon be lawfully acquitted of the petty treaſon, murther or felony whereof he ſhall be ſo indicted and arraigned, then he ſhall be reſtored to the ſame ſanctuary out of the which he was taken there to have the priviledge of the ſame, in like manner as he had before.

Trials 3.

Trial in one County of a foreign plea pleaded in another.
3 Inſt. 27.

In what caſe a ſanctuary-perſon indicted of felony ſuppoſed to be committed whilſt he was in ſanctuary, ſhall be taken out.

III. Provided alway, That if any perſon being or abiding in any ſanctuary as a ſanctuary-perſon hereafter, ſhall happen to be indicted for any manner of felony ſuppoſed to be committed by him or her going out of the ſame, or any other ſanctuary, any committing the ſame felony whiles that he or ſhe was ſo a ſanctuary-perſon, he or ſhe being indicted of ſuch felony ſuppoſed to be done without the ſanctuary, ſhall not be taken out of the ſanctuary wherein the ſame perſon ſhall then be reſident, before that he or ſhe be examined thereof by two of the Kings moſt honourable Council, or by four Juſtices of Peace of the Shire where the ſanctuary is, wherein the perſon ſo indicted is reſident. (2) And if the ſame perſon ſo indicted within four days after the firſt examination do make ſuch proof as the ſaid Examiners by their diſcretion ſhall think ſufficient, that the ſame perſon was in the ſanctuary at the time of the ſaid felony committed: then he or ſhe making ſuch proof ſhall be ſuffered to remain and be in the ſame ſanctuary, without any extraction from the ſame, the ſaid indictment or any thing in this Act above written notwithſtanding.

In what caſe one may have the priviledge of ſanctuary twice.

IV. Provided alſo, That if any perſon, which was at any time a ſanctuary-perſon for any petit treaſon, murther or felony, obtain and have the Kings pardon, and thereby, or otherwiſe, be at large and out of ſanctuary diſcharged, or purged of that offence or cauſe, wherefore the ſame perſon took ſanctuary, and afterward do commit other petit treaſon, felony or manſlaughter by chance-medly, and not murther of malice prepenſed, and thereupon again take ſanctuary for any ſuch petit treaſon, felony or manſlaughter by chance medly: the ſame perſon ſhall have and enjoy the priviledge of ſanctuary for that his or her other offence of petit treaſon, felony or manſlaughter by chance-medly, as the ſame perſon might have had before the making of this Act; any thing in the ſame Act contained notwithſtanding.

Trial of foreign pleas.
St. 34 H. 8. 3.

V. And over this, for more ſpeedy trials of murthers and felonies, be it enacted by authority aforeſaid, That all manner of foreign pleas triable by the Country, hereafter to be pleaded ed by any perſon or perſons arraigned upon any indictment for any petit treaſon, murther or felony, ſhall be forthwith tried before the ſame Juſtices afore whom ſuch perſons ſhall be arraigned, and by the ſame Jurors of the ſame County that ſhall try the petit treaſon, murther or felony whereof he ſhall be ſo arraigned without any farther reſpit or delay, in whatſoever County or Counties, place or places of this Realm, the matter of the ſame pleas be ſuppoſed or alledged.

VI. And that no perſon arraigned for any petit treaſon, murther or felony, be from henceforth admitted to any peremptory challenge above the number of xx. (2) This Act to endure to the end of the next Parliament.

No perſon arraigned may challenge above xx.

VII. Provided always, That no perſon or perſons be hereafter excluded, or in any wiſe hurted, to have and enjoy any priviledge of Sanctuary for any offence or offences, being of any higher nature in the Law than the offences and cauſes ſpecified in this Act be: but that every perſon and perſons for ſuch offences of higher nature, may have and enjoy priviledge of Sanctuary, in as free and liberal manner, and after ſuch form as they might have done by the Laws and Cuſtoms of the Realm afore the making of this Act, any thing in this Act to the contrary hereof notwithſtanding, 28 H.8.1. continued, and 32 H.8.3. made perpetual: But ſo much of this Statute as concerneth abjured Perſons and Sanctuaries, or ordering or governing of Perſons abjured, and in Sanctuary, is repealed, 1 Jac. 25. & 21 Jac. 28.

St. 32 H. 8. made perpetual.

CAP. XV.

The Kings general Pardon to his Spiritual Subjects, of all offences committed againſt the Statutes or Proviſors, Proviſions and Premunire, and all other penalties, forſeitures, pains, except Treaſon, Murther, Robbery, &c. Exp.

Pardon, Raſt. 38.

CAP. XVI.

The Kings Pardon to his Temporal Subjects, of all offences committed againſt the Statute of Proviſors, Proviſions and Premunire. Exp.

Ibidem 39.

Anno viceſimo tertio HENRICI *octavi.*

THE King our Soveraign Lord *Henry* the Eighth, by the Grace of God King of England and of France, Defender of the Faith, and Lord of Ireland, at the Seſſion of his high Court of Parliament, after divers Prorogations, holden at Weſtminſter the fifteenth day of January, in the xxiii year of his moſt noble Reign, to the honour of Almighty God, and holy Church, and for the common weal and profit of this his Realm, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed and enacted certain good Statutes, Laws and Ordinances in manner and form following.

CAP. I.

An Act concerning Convicts in Petit Treaſon, Murther, &c.

WHere at a Parliament holden at Weſtminſter in the third year of King Edward the firſt, the ſame King moved the Prelates of the Realm, and them enjoined upon their faith that they owed to him, that in no wiſe they ſhould deliver thoſe Clerks which were indicted for felony, without due purgation, ſo that the ſaid King ſhould have no need to put other remedy in that behalf. (2) And that notwithſtanding, after that monition, divers and many Clerks convict were accuſtomably delivered and ſuffered to make their purgation, to the great courage of evil doers.

Clergy, Raſt. 14. Clergy not allowed to any perſon under a Sub deacon committing petit Treaſon. St. 3 Ed. 1. 28.

II. By occaſion whereof, afterward at another Parliament holden at Weſtminſter in the fourth year of King Henry the fourth, upon the complaint of the Commons, the ſame King Henry the fourth then advertiſed the Prelates of the Realm of the Premiſſes, intending then to have provided remedy by authority of the ſaid Parliament, as appertained to his Prerogative Royal, for the conſervation of the peace of the Crown: (2) At which time the Archbiſhop of Canterbury, for himſelf and all other Biſhops of his Province, then openly promiſed to the ſame King Henry the fourth, that if any perſon from thenceforth were convict of any treaſon, which touched not the King nor his Royal Majeſty, and ſuch as were notoriouſly known and reputed for Thieves, and for ſuch cauſe delivered to any Ordinary as a Clerk convict, that the Ordinary to whom ſuch perſon or perſons were delivered, ſhould ſafely keep them after the effect of a conſtitution provincial to be made by the ſaid Archbiſhop and Biſhops after the effect of the Letters of Simon, then afore that time Archbiſhop of Canterbury, bearing date the xij Calends of March, the year of our Lord God, M. CCC. L. (3) and that no ſuch traitor nor felon ſhould make his purgation againſt the ſaid conſtitution; (4) which conſtitution the ſaid Archbiſhop then promiſed to deliver to the ſame King before his next Parliament, to the intent that if it ſhould ſeem to the ſame King that the ſame conſtitution were not ſufficient remedy for the Premiſſes, that then the ſaid King might provide ſuch remedy as ſhould appertain in that behalf. (5) Sithen which time the ſame conſtitution was never notified ne ſhewed by the Prelates of this Realm, but continually ſithen that time, manifeſt Thieves and Murtherers indicted, and found guilty of their miſdeeds by good and ſubſtantial Inqueſts, upon plain and proveable evidence before the Kings Juſtices, and afterwards by the uſages of the common Laws of the Land delivered to the Ordinaries as Clerks convict, be ſpeedily and haſtily delivered and ſet at large by the miniſters of the ſaid Ordinaries for corruption and lucre; (6) or elſe becauſe the Ordinaries enclaiming ſuch offenders by the liberties of the Church, will in no wiſe take the charges in ſafe keeping of them, but little regarding the trial and conviction of the ſaid offenders by the due and plain courſe of the common Laws of the Land, do ſuffer them to make their purgations by ſuch as nothing know of their miſdeeds: (7) and by ſuch fraud, adnul and make void all the good and proveable trial that is uſed againſt ſuch offenders by the Kings Laws, to the great ſlander of ſuch as purſue ſuch miſdoers, and to the pernicious example, increaſe and courage of ſuch offenders, if the Kings Highneſs by his Authority Royal put not ſpeedy remedy to the Premiſſes, as appertaineth.

St. 4 H. 4. 3.

The promiſe of the Clergy to the King for the ſafe keeping of notorious offenders convict without purgation.]

The Ordinaries abuſe in ſuffering notorious felons to make purgation

III. Be it therefore enacted by the King our ſoveraign Lord, and the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that no perſon nor perſons which hereafter ſhall happen to be found guilty

Co. pl. fo. 352. Clergy taken from ſeveral perſons which do commit divers offences.

3 Inſt. 64, 67, 115
St. 32 H. 8, 3.
St. 1 Ed. 6. 12.
St. 5 Ed. 6. 9, 10.
Such as be within holy Orders except.
AL. St. 28 H. 8. 1.
St. 32 H. 8. 2.
1 Bulſtr. 112.
Coron. 180, (179)

after the Laws of this Land for any manner of petit treaſon, or for any wilful murther of malice prepenſed, or for robbing of any Churches, Chapels, or other holy places, or for robbing of any perſon or perſons, in their dwelling houſes or dwelling place, the owner or dweller in the ſame houſe, his wife, his children or ſervants then being within, and put in fear and dread by the ſame, or for robbing of any perſon or perſons in or about the high-ways, or for wilful burning of any dwelling houſes or barns, wherein any grain of corns ſhall happen to be, nor any perſon or perſons being found guilty of any abetment, procurement, helping, maintaining or counſelling of or to any ſuch petit treaſons, murthers or felonies, ſhall from henceforth be admitted to the benefit of his or their Clergy, but utterly to be excluded thereof, and ſuffer death in ſuch manner and form as they ſhould have done for any the cauſes or offences aboveſaid, if they were no Clerks; ſuch as be within holy Orders, that is to ſay, of the Orders of Subdeacon, or above, only except.

None within holy Orders convict of murther, &c. ſhall make purgation, unleſs he become bound with ſureties for his good abearing.
St. 26 H. 8. 10.

Of what eſtate the ſureties ſhall be.

IV. And be it farther enacted by authority aforeſaid, That every ſuch perſon and perſons, within ſuch Orders of Subdeacon or above, which at any time hereafter be found guilty of any petit treaſon, or of any murther of malice prepenſed, or of any of the felonies above rehearſed, or of any acceſſary to petit treaſon, wilful murther, or to any other the felonies above ſpecified, and admitted to his or their Clergy, and delivered to the Ordinary for the ſame, ſhall not in any wiſe from henceforth be ſuffered to any purgation, nor be ſet at liberty, but remain and abide in perpetual priſon under the keeping of the Ordinary, to whom he ſhall be committed, and his ſucceſſors, without any manner purgation during the natural life of every ſuch Convict, (2) except only ſuch perſon or perſons ſo being within ſuch holy Orders, and convict of or for any of the offences aforeſaid, and delivered to the Ordinary for the ſame, do find two ſufficient ſureties to recogniſance before two of the Kings Juſtices of his Peace within the ſame Shire where the petit treaſon, murther or felony whereof he was convicted, was committed and done, whereof one of them to be of the Quorum, that ſuch Convict ſhall be of good abearing againſt the King our ſoveraign Lord, his Laws and ſubjects, every ſuch Convict to be bound in the ſum of xl li. and every his ſureties in xx li. (3) And that no ſurety be taken, unleſs ſuch as may diſpend in lands, tenements or hereditaments yearly above all charges of eſtate of inheritance of charterhold, xxvj s. viij d. or elſe be worth xx li. in moveable ſubſtance at the time of the taking of ſuch recogniſance. (4) And that two Juſtices of Peace, whereof one to be of the Quorum, by authority aforeſaid, have power and authority to take ſuch recogniſance. (5) And that the ſaid Juſtices afore whom any ſuch recogniſance ſhall be taken, ſhall certifie the ſame into the Kings Bench within four months next after the taking thereof, upon pain to loſe and forfeit C s. for every default thereof.

He that is attainted of felony ſhall not make his purgation.

V. Provided alway, That this Act extend not to give any benefit to any ſuch perſon or perſons, which after their confeſſion or judgment given againſt them, of or for felony or murther, or after they be outlawed for any ſuch cauſe, be admitted to their Clergy, and delivered to the Ordinary for the ſame, but that they and every of them ſhall remain in the cuſtody of the Ordinaries without making purgation, upon ſuch peril, and in ſuch manner and form as it was uſed by the common Law before the making of this preſent Act; This Act or any thing therein contained notwithſtanding.

An Ordinary may diſgrade a convict perſon, and ſend him to the Kings Bench.
St. 23 H. 8, 11.

VI. Provided always, and it is farther enacted, That every Ordinary to whoſe cuſtody any ſuch Convict for any of the offences above rehearſed ſhall be committed, may at his liberty diſgrade every ſuch Convict after the Laws of the Church, if he ſee cauſe ſo to do, and ſend the Convict ſo diſgraded in ſure and ſafe keeping into the Kings Bench, with a certificate under his Seal, teſtifying the ſaid diſgrading; (2) upon the which the Juſtices of the Kings Bench, having afore them the Record upon the which the ſaid perſon ſo diſgraded was firſt convict, ſhall give ſuch like judgment of death upon the ſame Record againſt every ſuch perſon ſo convict and diſgraded, as the Juſtices afore whom he was convict might have done, if the ſaid perſon ſo diſgraded at the time of his conviction afore them had been no Clerk, his admiſſion to his Clergy, and committing to the Ordinary, ne any other thing, uſe or cuſtom to the contrary hereof notwithſtanding. (3) And that every ſuch judgment ſhall be executed accordingly. (4) And that every Ordinary ſo ſending any ſuch Convict diſgraded into the Kings Bench, ſhall be diſcharged againſt the King our ſoveraign Lord, his heirs and ſucceſſors, of or for any farther cuſtody or keeping of the ſame Convict. (5) This Act to continue unto the laſt day of the next Parliamene. 32 H. 3. made perpetual. St. 25 H. 8 3. 28 H. 8. 1.

CAP. II.

For the making of Gaols within the Realm where none be, or where they be weak or feeble.

Gaols, Raſt. 8. Where and after what manner Gaols ſhall be made.
Vide 5 El. 24.
Exp. 13 El. 25.
Co. Inſt. 2 p. 705.

FOR as much as it is neceſſary and commendable, that common Gaols and Priſons whereunto evil doers ſhall be committed for their offences, ſhould be ſurely and ſubſtantially edified in ſuch Towns in every Shire within this Realm, as ſhall be moſt indifferent for conveyance of priſoners from every part of the Shire wherein ſuch Gaols ſhall be, and in eſpecial in thoſe Towns where moſt commonly the Aſſiſes and Seſſions been uſually kept, and where there is moſt reſort and repair of people, to the intent that by the means thereof fewer ſhall eſcape, and alſo the rather and oftner relief and charity of the people ſhall be to the priſoners miniſtred: (2) It may therefore pleaſe the Kings Highneſs, with the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, to enact, that the Juſtices of Peace of every of the Shires of Eſſex, Suffolk, Dorſet, Suſſex, Surrey, Nottingham, Glouceſter, Bedford, Buckingham, Huntingdon, Wiltſhire, Kent, Warwick, Stafford, Oxen. Berkſhire, Leiceſter, Rutland, Lincoln, Hereford, Northampton, Salop, Norfolk and Cornwall, or the moſt part of the ſaid Juſtices of Peace in every of the ſaid Shires within the limits of their Commiſſion, ſhall have full power and authority to limit and appoint at any time within the term of one year from the end of this preſent Parliament, the Towns and Places wherein they ſhall think moſt neceſſary

ceſſary to have a common Gaol newly edified and made. (3) And that alſo the ſaid Juſtices of Peace in every of the ſaid Shires, or the moſt part of the ſaid Juſtices of Peace within the limits of their Commiſſion, ſhall have full power and authority to call before them at times and places by them to be appointed, all the High Conſtables, Tithingmen or Borough-holders of every Hundred, Lath or Wapentake in the Shire whereof they be Juſtices, and in their preſence, and by their aſſents and agreements, or in the preſence, and by the aſſent of the moſt part of them, ſhall conclude and agree upon ſuch convenient and certain ſums of mony as ſhall be thought by their diſcretions, and by examination of workmen to ſuffice, for the making and perfect finiſhing of a new Gaol in the Shire whereof they be Juſtices of Peace, (4) and thereupon ſhall forthwith by their aſſents, agreements and diſcretions, tax and ſet every ſuch perſon and perſons as then ſhall be reſiant in the ſame Shire, as well within liberties as without, having lands, tenements, rents or annuities of eſtate of inheritance, or for term of life, to the clear yearly value of xl s. or above, or being worth in moveable ſubſtance the clear value of xx li. or above, to ſuch reaſonable aid and ſums of mony as ſhall be thought convenient, by their diſcretions, to and for the full building, making and furniſhing of the ſaid common Gaol of the Shire where ſuch Aſſeſment ſhall be made; (5) and after ſuch taxations, to name and appoint ſuch number of Collectors for the levying thereof as ſhall ſeem beſt by their diſcretions. (6) And that the ſaid Collectors, and every of them, ſhall have power and authority to diſtrain every ſuch perſon as ſhall be ſet or taxed by the ſaid Juſtices of Peace, as is aforeſaid, in their lands or goods, as well within liberties as without, and to ſell the diſtreſſes by them taken, by the appraiſment of four honeſt perſons, for the payment of the ſaid ſums to be taxed, if the perſon or perſons taxed refuſe to pay the ſame within ten days next after ſuch diſtreſs taken, taking upon every ſuch ſale but only the mony taxed, with reaſonable coſts for taking of the diſtreſs, and the overplus of ſuch ſales to be delivered to the owner of the ſaid diſtreſs.

The Juſtices ſhall tax the inhabitants of the County for and towards the building of the Gaol.

Collectors for the gathering of the mony taxed, and their authority.

II. And that alſo the ſaid Juſtices of Peace in every of the ſaid Shires, or the moſt part of them, within the limits of their Commiſſion, ſhall have power and authority to name and appoint two honeſt perſons inhabited in the ſaid Shire wherein they be Juſtices; which two perſons ſhall ſurvey, ſee and provide, that the ſaid Gaols ſhall be ſurely and ſubſtantially made and finiſhed: (2) to whoſe hands the ſaid Collectors ſhall pay and deliver the mony by them collected of the Kings Subjects, by the appointment and aſſignment of the ſaid Juſtices of Peace, or ſix of them at the leaſt. (3) And that as well every of the ſaid Collectors, as every of the ſaid two perſons to be named, their heirs, executors and adminiſtrators, ſhall declare a true and a juſt accompt to the ſaid Juſtices of Peace in every of the ſaid Shires, or to ſix of them at the leaſt, from time to time when they ſhall be required. (4) And in caſe any of them refuſe to make accompt, or refuſe to pay and imploy ſuch ſums of mony as ſhall come to their hands, in ſuch wiſe as ſhall be limited and appointed by the ſaid Juſtices of Peace, or ſix of them, (as is aforeſaid) that then the ſame Juſtices of Peace, or ſix of them in every Shire where ſuch Gaols ſhall be new made, ſhall have full power and authority, if the ſaid offenders be preſent, to commit them to ward; (5) and if they be abſent, to make attachments under their ſeals by their diſcretions againſt every ſuch Collector and perſon to whoſe hands any of the ſaid ſums of mony taxed ſhall happen to come, their heirs, executors and adminiſtrators, and every of them, into every Shire and part of this Realm, as well within liberty as without, to be returnable afore the ſaid Juſtices of Peace at ſuch day and place as by them ſhall be appointed, and to be directed to the Sheriff or Sheriffs of the Shire wherein the party or parties againſt whom ſuch attachment ſhall be directed, ſhall be reſident and abiding, if it be within the Bailiwick of the Sheriff, and if it be without, then to be directed to the Bailiff of the liberty wherein ſuch parties ſhall abide. (6) And that every Sheriff and Bailiff of Liberty to whoſe hands ſuch attachments ſhall come, without favour or corruption ſhall attach the ſaid offenders, and perſonally bring them before the ſaid Juſtices, according to the tenor of the attachment to them directed, or elſe declare by his return of the ſaid attachment ſome reaſonable cauſe why he cannot ſo do, upon pain for every default by them or any of them committed contrary to this Act, to loſe and forfeit C s. to the King our Soveraign Lord: (7) and upon the appearance of every ſuch perſon ſo attached, the ſaid Juſtices or ſix of them ſhall have full power and authority to commit them to priſon, there to remain without bail or mainpriſe, till they have truly accompted, and paid all ſuch ſums of mony as came to their hands by the aſſignment of the ſaid Juſtices by authority of this Act. (8) And in caſe there happen to remain any overplus of mony after the Gaols fully and wholly finiſhed, then it is ordered, that the ſame overplus ſhall be imployed and beſtowed in alms to the priſoners to be committed to the ſaid Gaol by the diſcretions of the ſaid Juſtices of Peace, or the more part of them, as long as it will laſt.

The Juſtices ſhall appoint two Surveyors to ſee the Gaol builded.

The Collectors and Surveyors accompt, and their puniſhment if they do not.

How the overplus ſhall be beſtowed, the Gaol being finiſhed.

III. Provided alway, That this Act extend not to charge any perſons inhabited within any Cities, Towns or Boroughs corporate, which have common Gaols for Felons taken in the ſame, and have Juſtices of Peace for deliverance of ſuch Felons; for any taxes or lots to the making of the ſaid common Gaols of any the Shires above named, but that every ſuch Inhabitant in any ſuch City, Town or Borough corporate, ſhall be utterly diſcharged thereof.

Corporate Towns which have Gaols within themſelves.

IV. And be it farther enacted, That ſeveral Commiſſioners under the Kings great Seal, with this preſent Act thereto affiled, ſhall be directed to the Juſtices of Peace of the Shires afore named, authoriſing them to accompliſh and execute this preſent Act according to the tenor thereof in every behalf. (2) And that the ſaid Juſtices of Peace in every of the Shires afore named, have power and authority to limit to every of the ſaid Collectors, and perſons by them to be named, that ſhall take pains for levying of the mony taxed, or for the ſurveying of the making of the ſaid Gaols, ſuch reaſonable ſums for their pains and labours for the collection of the ſaid mony, and ſurveying the making of the ſaid Gaols.

The Collectors and Surveyors allowance for their pains.

Felons ſhall be impriſoned in the ſaid common Gaols. Sheriffs ſhall have the keeping of the Gaols, and allowance for the repair of them.

V. And be it farther enacted by the authority aforeſaid, That all Murtherers and Felons ſhall be impriſoned in the ſaid common Gaols, and not elſewhere. (2) And that the Sheriffs ſhall have the keeping and charge of the ſame new Gaols: (3) And that every Sheriff be allowed upon his accompt in the Exchequer, for all and every ſuch ſums of mony as he ſhall hereafter happen to expend in and about the neceſſary reparations and amendments of the ſaid Gaols after they be once made, from time to time, as often as need ſhall require: (4) and that the Barons of the Kings Exchequer have power to allow every Sheriff in every ſuch caſe by their diſcretions, without any bill or warrant to be ſhewed from the Kings Highneſs in that behalf.

A Proviſo for them which have any Eſtate in Gaols.

VI. Provided always, That this Act be not in any wiſe hurtful or prejudicial to any perſon or perſons having any common Gaol by inheritance, for term of life, or for years, but that they ſhall have and enjoy their ſaid Gaols, and the profits, fees and commodities of the ſame, as they had or might lawfully have had before the making of this Act, and as if this Act had never been had ne made.

Derby.

VII. Be it farther enacted by authority aforeſaid, That like proviſion in every behalf be had for a new Gaol to be made within the County of Derby, in like form as is provided for other Shires aforeſaid. Exp. St. 1 M. 14. 5 El. 24. 13 El. 25.

CAP. III.

An Act againſt Perjury and untrue Verdicts.

Attaint 1. St. 11 H 7. 24.

3 Inſt. 16

THE King our ſoveraign Lord, of his moſt godly and gracious diſpoſition, calling to his remembrance, how that Perjury in this Land is in manifold cauſes by unreaſonable means deteſtably uſed, to the diſheritance and great damage of many and great number of his ſubjects well diſpoſed, and to the moſt high diſpleaſure of Almighty God: The good Statutes againſt all Officers having return of writs, and their deputies making panels partially for rewards to them given, againſt unlawful Maintainers, Embracers and Jurors, and againſt Jurors untruly giving their Verdict notwithſtanding: For reformation whereof, and foraſmuch as the late noble King Henry the ſeventh provided remedy for the ſame, by a Statute made in the eleventh year of his Reign, which Statute is now expired.

Attaint where the thing in demand extendeth to xl li. and concerneth not mans life. The proceſs in Attaint. Every of the grand Jury in Attaint muſt have Lands to the value of xx marks. St. 15 H. 6. 5. 18 H. 6. 2. 37 H. 8. 5.

Dyer f. 291. Dyer f. 81. Co. Inſt. 154. Cro. 332. Moor 17.

II. Be it therefore now enacted by the King our ſoveraign Lord, and the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That upon every untrue Verdict hereafter given betwixt party and party in any ſuit, plaint or demand, before any Juſtices or Judges of Record, where the thing in demand, and Verdict thereupon given, extendeth to the value of xl li. and concerneth not the jeopardy of mans life, the party grieved by the ſame Verdict ſhall have a writ of Attaint againſt every perſon hereafter ſo giving an untrue Verdict, and every of them, and againſt the party which ſhall have Judgment upon the ſame Verdict. (2) And that in the ſame Attaint there ſhall be awarded againſt the petit Jury, the party, and the grand Jury, Somons, Reſom, and diſtreſs infinite, which grand Jury ſhall be of like number as the grand Jury is now in Attaint, and every of them that ſhall paſs in the ſame, ſhall have lands and tenements to the value of twenty marks by the year of freehold, out of the ancient demean. (3) And upon the diſtreſs which ſhall be delivered of Record upon the ſame, open Proclamation to be made in the Court there; (4) The diſtreſs ſhall be awarded more than fifteen days afore the return of the ſame diſtreſs, and every ſuch diſtreſs ſhall be made upon the land of every of the ſaid grand Jury, as in other diſtreſſes is and hath been uſed. (5) And if the ſaid party defendant, or the petit Jurors, or any of them, appear not upon the diſtreſs, then the grand Jury to be taken againſt them and every of them that ſhall ſo make default. (6) And if any of the ſaid petit Jury appear, then the party complainant in that behalf, ſhall aſſign the falſe ſerement of the firſt Verdict untruly given, whereunto they of the petit Jury ſhall have no anſwer, if they be the ſame perſons, and the writ, proceſs, return and aſſignment good and lawful, except that the demandant or plaintiff in the ſame Attaint hath afore been non-ſuit, or diſcontinued his ſuit of Attaint taken for the ſame, or hath for the ſame Verdict in a writ of Attaint had judgment againſt the ſaid petit Jury, but only that they made true ſerement, which iſſue ſhall be tried by xxiv of the ſaid grand Jury. (7) And the party ſhall plead that they gave true Verdict, or any other matter, which ſhall be a ſufficient bar of the ſaid Attaint. (8) And that plea notwithſtanding, the grand Jury to be taken without delay, to enquire whether the firſt Jury gave true Verdict or no.

The diſtreſs awarded xv days before the return thereof. The grand Jury awarded by default.

What pleas the petit Jury may plead in Attaint. Raſt. pl. f. 92. What pleas the defendant may plead in attaint. The forfeiture of the petit Jury which is attainted.

18 E. 4. f. 6. 26 H. 8. f. 3. Ke. f. 55. Dyer f. 173. 14 H. 7. f. 6.

III. And if they find that the ſaid petit Jury gave an untrue Verdict, then every of the ſaid petit Jury to forfeit xx li. whereof the one half ſhall be to the King our Soveraign Lord, and the other half to the party that ſueth.

Dyer f. 122. 11 H. 6.

IV. And over that, That every of the ſaid petit Jury ſhall ſeverally make fine and ranſom by the diſcretion of the Juſtices before whom the ſaid falſe ſerement ſhall be found, after their ſeveral offences, defaults and ſufficiency of every of the ſaid petit Jury. (2) And after that, thoſe of the ſaid petit Jury ſo attainted, ſhall never after be in any credence, nor their oath accepted in any Court. (3) And if ſuch plea as the party pleadeth, which is a bar of the ſaid Attaint, be found or deemed againſt him that ſo pleadeth, then the party that ſo ſueth, ſhall have Judgment to be reſtored to that he loſt, with his reaſonable coſt and damages.

If the plea of the party defendant in attaint be found againſt him. Raſt. pl. f. 86.

Outlawry or Excommunication no plea againſt the Plaintiff in attaint. The forfeiture of the grand Jury making default of appearance.

V. Foreſeen alway, that any Utlare in action or cauſe perſonal, or excommengement pleaded or alledged in the party plaintiff or demandant, ſhall be taken but as a void plea, and to that he ſhall not be put to anſwer. (2) And that in all the aforeſaid proceſs ſuch day ſhall be given as in a writ of Dower, and none eſſoin or protection to lie, nor to be allowed in the ſame. (3) And if the ſaid grand Jury appear not upon the firſt diſtreſs had againſt them, ſo that the Jury for their default do remain, he that maketh default ſhall forfeit to the King xx s. and upon the ſecond diſtreſs xl s. and after making default, for every ſuch default v li. And like penalties and forfeitures to be againſt them and every of them that ſhall be named in the Tales, as is before expreſſed againſt every of the ſaid grand Jury aforeſaid. (5) And that, for and by the death of the party, or any of the ſaid petit Jury, the ſaid attaint ſhall not abate nor be deferred againſt the remnant, as long as two of the ſaid petit Jury be alive.

The attaint maintainable as long as two of the petit Jury do live. 1 Roll. 139.

VI. And if hereafter any falſe verdict be given in any action, ſuit or demand afore any Juſtice or Judge of Record, of any thing perſonal, as debt, treſpaſs, and other like, which ſhall be under the value of xl li. that then the party grieved ſhall have attaint, with ſuch proceſs and pleas as is afore rehearſed, and delays to be taken away, as is afore remembred: (2) except that in this caſe of attaint every perſon of the grand Jury that may diſpend v marks by the year of freehold out of ancient demean, or is worth an hundred marks of goods and cattels, ſhall be able to paſs in the ſame attaint. (3) And if the petit Jury be attainted, that then they ſhall be in this caſe of attaint every of them to forfeit v l. whereof one half ſhall be to the King, and the other half to the party, after the form afore rehearſed, and over that to make fine and ranſom by the diſcretion of the Juſtices, as is aforeſaid.

Attaint of a thing under the value of xl li.

VII. And if there be not perſons of ſuch ſufficiency within the Shire, or place where any of the ſaid attaints ſhall be taken, as may paſs into the ſame: be it ordained by the authority aboveſaid, that then one Tales ſhall be awarded into the Shire next adjoyning, by the diſcretion of the Juſtices afore whom the ſame attaints ſhall be taken, which ſhall be warned to appear upon like pains as is aforeſaid, and enabled to paſs in the ſaid attaints, as if they were dwelling in the Shire where the ſame attaint ſhall be taken. (2) And that the ſame laws, action and remedy ordained by this preſent Act, be kept for and to all them that ſhall be grieved by ſuch untrue verdicts of any inheritance, in deſcent, reverſion, remainder, or of any freehold in reverſion or remainder. (3) And if the party in attaint given by this Act be non-ſuit, or the ſame diſcontinue, that then the ſame party ſo non-ſuit, or ſo diſcontinuing the ſaid attaint, make fine and ranſom by the diſcretion of the Juſtices afore whom the ſaid attaint ſhall be taken and depending.

Tales in another County if there be not ſufficient in the ſame County of freehold.

An attaint for him in reverſion or remainder St. 9 R. 2. 3.

If the plaintiff be nonſuit, or diſcontinue his ſuit.

VIII. And that all attaints hereafter to be taken, ſhall be taken before the King in his Bench, or afore the Juſtices of the common place, and in none other Courts. (2) And that Niſi prius ſhall be granted by diſcretion of the Juſtices upon the diſtreſs. (3) And every of the ſaid petit Jury may appear, and anſwer by Attorny in the ſaid attaint. (4) And that the moiety of the ſaid forfeiture of the petit Jury, ſhall be levied to the uſe of our Soveraign Lord the King by Capias ad ſatisfaciendum, or Fieri fac. or Elegit, or by action of debt againſt every perſon of the petit Jury ſo forfeiting, and againſt his executors and adminiſtrators, having then ſufficient goods of their ſaid Teſtator not adminiſtred, and the other moiety ſhall by like proceſs be levied to the uſe of the party that ſueth any attaint given by this Act againſt every of the ſaid petit Jury and his executors or adminiſtrators, having then ſufficiency of goods, as is aforeſaid, not adminiſtred: (5) and the judgment of reſtitution to the party grieved ſuing this Act, and execution of the ſame to be had, and like judgment for the party defendant, or tenant to be diſcharged of reſtitution, as afore this preſent Act in caſe of a grand attaint hath been uſed. (6) And if there be divers plaintiffs or demandants in attaint, that the non-ſuit or releaſe of them ſhall not be in any wiſe hurtful or prejudicial to the reſidue, but that they and every of them in ſuch caſes may be ſummoned, and ſevered like as it is uſed when there be divers demandants in actions real.

Attaints muſt be ſued in the Kings Bench or Common place. 1 Roll. 91. ALT. 37 H. 8. 5.

Niſi prius in attaint.

Attorny in attaint.

Judgment and execution in attaint. Raſt. pl. f. 92.

The nonſuit or releaſe of one plaintiff ſhall not prejudice his companions

IX. Be it alſo ordained and enacted by the authority aboveſaid, That in every writ of attaint hereafter to be taken by or upon this Act, the which ſhall be ſuch as other writs of attaint be, and after the Teſte of the ſame writ, ſhall be written in theſe words in Latin: Per ſtat. continuat. uſque annum viceſimum tertium Domini Henr. octavi, Dei gratia Angliæ & Franciæ regis, fidei defenſ. & Domini Hiberniæ.

X. And it is alſo enacted, That this Act ſhall take effect for verdicts hereafter to be given, and to continue to the laſt day of the next Parliament.

XI. Provided alway, That this Act be not prejudicial to a Statute made in the eleventh year of the late King of famous memory, Henry the ſeventh, for puniſhment of perjury in untrue verdicts, given in plaints ſued in the Courts of the City of London, but that it ſhall be at the liberty of all perſons, for and upon any untrue verdict given in any Courts of the ſame City, to ſue their attaint upon this eſtatute, or elſe upon the ſaid eſtatute made in the ſaid eleventh year, at their own pleaſures and wills. 13 El. 25. made perpetual. Raſt. pl. f. 84. Dyer f. 201.

Any perſon may ſue an attaint upon this Stat. or upon the Act of 11 H. 7. 21.

CAP. IV.

An Act concerning new making of Barrels, Kilderkins and other Veſſels.

Where the Ale-brewers and Beer-brewers of this Realm of England have uſed, and daily do uſe for their own ſingular lucre, profit and gain, to make in their own houſes their barrels, kilderkins and firkins, of much leſs quantity, content, rate and aſſize than they ought to be, to the great hurt, prejudice and damage of the Kings liege people, and contrary to divers Acts, Statutes, ancient laws and cuſtoms heretofore made, had and uſed, and to the deſtruction of the poor craft or myſtery of Coopers: (2) For reformation whereof, be it enacted by the King our Soveraign Lord, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no Beer-brewer, nor Ale-brewer that ſhall brew to ſale beer or ale, ſhall from henceforth occupy by himſelf, nor by any other to his uſe, in his houſe, nor elſewhere, the myſtery or craft of Coopers, nor make any barrels, kilderkins, firkins or other veſſels by himſelf, nor by his or their own ſervants, whereby they ſhall put their beer or ale to ſale: (3) but that all ſuch barrels, kilderkins, and other veſſels of wood, wherewith they ſhall put their beer or ale to ſale, ſhall from henceforth be made and marked according as hereafter ſhall be expreſſed by the common artificers of Coopers, exerciſed and practiſed in the ſaid occupation, upon pain to forfeit and pay for every ſuch barrel, kilderkin, firkin, or other veſſel, hereafter to be made, contrary to the tenor of this Act, three ſhillings four pence.

Brewers 1. Coopers 2. No Brewer ſhall be a Cooper, &c.

No brewer of ale or beer to ſell, ſhall uſe the myſtery of a cooper, nor make any barrels, &c.

II. And be it alſo enacted, That every artificer of the craft or myſtery of Coopers, that

will

Veſſels for ale and beer ſhall be made of ſeaſonable wood, and marked. The contents of barrels, kilderkins, &c.

will exerciſe or practiſe to make any of the ſaid veſſels for beer or ale to be put to ſale, ſhall make the ſame veſſels, and every of them, of good and ſeaſonable wood, and put his proper mark upon every of them: (2) And that every barrel for beer ſhall contain xxxvi gallons, every kilderkin for beer xviii gallons, and every firkin for beer nine gallons of the Kings ſtandard gallon. (3) And that every barrel for ale ſhall contain xxxii gallons, every kilderkin for ale xvi gallons, and every firkin for ale viii gallons of the Kings ſtandard gallon. So that they ſhall be of good and juſt meaſure, or elſe above, and not under. (4) And that no Cooper ſhall make any other veſſel for beer or ale, to be ſold within this Realm, of any greater or leſſer number of gallons than is abovesaid, unleſs he ſhall cauſe to be marked upon every ſuch veſſel that he ſhall ſo make of greater or leſſer number of gallons, the true and certain number of as many gallons as every ſuch other veſſel ſhall contain, to the intent that every perſon may know the content thereof.

Prices of barrels, kilderkins, firkins, Rep. 8 El. 9. 35 H. 8. 8.

III. And that no ſuch artificer of Coopers ſhall inhance the prices of any ſuch barrels, kilderkins, firkins, or other veſſels, in the ſale of them to any ale-brewer or beer-brewer, or other perſon, but keep the rates of ſuch prices as hereafter enſueth, and not above, upon pain to forfeit for every barrel, kilderkin and firkin defective, or inhanced in price, in any point contrary to this Act, iij s. iv d. That is to ſay, for every beer-barrel nine pence, for every beer-kilderkin v d. and for every beer-firkin iij d. and the ale-barrel xvi d. and the ale-kilderkin ix d. and the ale-firkin v d.

Veſſels of ale and beer to be marked by a Cooper.

IV. Alſo be it farther enacted by the ſaid authority, That no beer-brewer, nor ale-brewer, at any time after the Feaſt of Lammas now next coming, ſhall put their beer or ale to ſale to any perſon or perſons to be ſpent, and occupied within this Realm, in any other barrels, kilderkins, firkins, or other veſſels of wood, other than ſhall be made and marked by an artificer of Coopers abovesaid, whereof every barrel for beer ſhall contain and hold thirty ſix gallons, every half barrel or kilderkin xviij gallons, and every firkin ix gallons: and every barrel for ale ſhall contain thirty two gallons, every kilderkin xvi gallons, and every firkin viij gallons of full and juſt meaſure or above, and not under that meaſure.

Prices of ale and beer aſſeſſed by Juſtices of Peace and other officers, Hetley 103.

V. And that every Beer-brewer and Ale-brewer ſhall not take over and above for every ſuch barrel, kilderkin or firkin of Ale and Beer, but after ſuch prices and rates as ſhall be thought convenient and ſufficient by diſcretions of the Juſtices of Peace within every Shire where ſuch Beer-brewer and Ale-brewer ſhall dwell, without any City, Borough or Town-corporate, where no Head-officers, as Mayors, Bailiffs, Sheriffs, and other Head-officers have none authority or rule: (2) And in every City, Borough and Town, where there be Mayors, Sheriffs or other Head-officers, the ſame rates and prices to be named and ceſſed by them, and every of them, by their diſcretions. (3) And that the ſaid Ale-brewers or Beer-brewers at any time hereafter ſhall not ſell their Beer nor Ale at any higher rates or prices, than ſhall be to them aſſigned after the form above rehearſed, upon pain to loſe and forfeit for every barrel ſo put to ſale contrary to this eſtatute, vi s. for every half barrel or kilderkin, iij s. iv d. and for every firkin ij s. (4) and for every veſſel containing greater number of gallons, x s. and for every other veſſel containing leſſer number of gallons, xij d. The one half of all the which penalties and forfeitures to be to the King our Soveraign Lord, and the other half to him that will ſue for the ſame, by action of debt, bill, plaint or information in any of the Kings Courts, in which action and ſuit the defendant ſhall not wage his Law, nor any eſſoin, protection or priviledge to be admitted.

Sopemakers.

VI. Be it alſo farther enacted by the ſaid authority, that all manner of Sopemakers within this Realm of England, which ſhall put to ſale any Sope by barrel, half barrel, firkin, or other veſſel, ſhall from Lammas now next coming, make, or cauſe to be made their barrels, half barrels, firkins, and other veſſels, according to the rates, contents, weights and aſſiſes of old time uſed and accuſtomed, that is to ſay, every empty barrel to hold and contain xxxij gallons or above, and to be in weight xxvj pounds and not above, of full and juſt meaſure, and every half barrel empty to be in weight xiij pound and not above, and to hold and contain xvj gallons or above: and every firkin empty to weigh vj pounds and an half, and not above, and to hold and contain viij gallons or above, upon pain of forfeiture for every ſuch barrel, half barrel, firkin, or other veſſel hereafter to be made, had or uſed contrary to this Act, iij s. iv d.

The content and weight of Sope barrels.

Wardens of Coopers ſhall ſearch in London.

VII. And alſo be it enacted by the authority aforeſaid, that the Wardens of the occupation or myſtery of Coopers within the City of London, from henceforth at all times hereafter, when they ſhall think convenient and expedient, taking with them an officer of the Mayors ſhall have full power and authority, by virtue of this Act, to ſearch, view and gage all manner of ſuch barrels, kilderkins, firkins, and other veſſels to be made or occupied for Ale, Beer or Sope, to be put to ſale within the City of London, and ſuburbs of the ſame, and within two miles compaſs without the ſame ſuburbs, to view and ſee that the ſame barrels, kilderkins, firkins and other veſſels, as well within Liberties as without, be made and marked well and ſufficiently, and bear and contain their true contents, rates and meaſures, according to the effect of this Eſtatute: (2) And alſo to mark every ſuch barrel, kilderkin, firkin, and other veſſel by them ſo viewed and gaged, bearing and containing their true contents, with the ſign and token of Saint Anthonie's Croſs. (3) The ſame Wardens to have for the ſearch and gaging of every ſuch barrel, kilderkin, firkin, and other veſſel by them ſo ſearched, viewed, gaged and marked, one farthing, and not above of the owners, or makers of the ſaid veſſels: and ſhall and may have authority by virtue of this Act, to retain every ſuch veſſel as they ſhall ſo gage, ſearch and mark, until ſuch time as they ſhall be ſatisfied thereof: (4) And in caſe they ſhall find any of the ſaid veſſels defective, not bearing their true contents, that then by authority of this Act they may ſeiſe, take and retain every ſuch veſſel, and cauſe the ſame to be marked or amended according to the true content, or elſe cauſe the ſame to be burned.

VIII. And alſo the party, owner of ſuch veſſel, to loſe and forfeit for every ſuch veſſel not being of the full contents after the rate above expreſſed, xij d. to be recovered and imployed as is abovesaid.

IX. And be it farther enacted by the ſaid authority, That in all other Cities, Boroughs and Towns wherein no ſuch Wardens of Coopers be, that the Mayors, Sheriffs, Bailiffs, Conſtables, or other Head officers in ſuch Cities, Boroughs and Towns, ſhall have power and authority to ſearch, view and gage all ſuch barrels, kilderkins, firkins, and other veſſels to be made hereafter in any ſuch City, Borough or Town, and to have and take all ſuch advantage thereby, and in like manner and form, as the Wardens of Coopers within the City of London, or other perſons, by this Act ſhould or may have or take on every behalf.

Search of Coopers in other Cities, Boroughs or Towns.

X. Provided always, That every Beer-brewer may keep in his houſe one or two ſervants of the myſtery or craft of Coopers, to hoop and amend his barrels, kilderkins, firkins and other veſſels wherein they ſhall put their Beer to ſale from time to time, this Act, or any thing therein contained to the contrary in any wiſe notwithſtanding.

A Beer-brewer may keep a Cooper to hoop and amend his barrels.

XI. And be it farther enacted by the ſaid authority, That if any perſon at any time after the ſaid Feaſt of Lammas next coming, do miniſh or cauſe to be miniſhed, any manner of barrel, kilderkin or firkin, to the deceit of any of the Kings ſubjects, by reaſon of taking out the head of any ſuch veſſel, or taking out of any ſtaff, out or from any ſuch veſſel, that then every ſuch veſſel to be burnt, and the offender to forfeit for every ſuch offence iij s. iv d. the one moiety thereof to be to the King our ſovereign Lord, and the other moiety thereof to him or them of the Kings ſubjects that will ſue for the ſame, to be recovered in manner and form above rehearſed. (2) And the party ſo offending to be farther puniſhed by the diſcretion of the Head-officer or officers before whom ſuch default ſhall be preſented.

The penalty for veſſels diminiſhed.

XII. It is enacted by the authority of this preſent Parliament, That notwithſtanding any thing contained in this Act of Brewers and Coopers, whereunto this ſchedule is annexed, it ſhall be lawful to every Ale-brewer, mentioned in the ſame Act, to have and retain in his ſervice one perſon of the myſtery or craft of Coopers, to exerciſe in his ſervice the craft of a Cooper only in binding, hooping and pinning his Maſters Ale-veſſels, recited by the ſaid Act, and in none otherwiſe to uſe or exerciſe any making of veſſels concerning the craft or myſtery of a Cooper, whiles that he is in the ſervice of any Ale-brewer.

An Ale-brewer may keep a Cooper.

XIII. Alſo it is enacted, That every Cooper which hereafter ſhall make any ale-veſſel ſpecified in the ſaid Act, ſhall from the Feaſt of Pentecoſt next coming, make every ſuch veſſel according to the aſſiſe ſpecified in the Treatiſe called Compoſitio menſurarum, that is to ſay, every barrel for Ale ſhall contain xxxij gallons of the ſaid aſſiſe or above: of the which viij gallons make the common buſhel to be uſed in this Realm of England, every kilderkin for Ale xvi gallons of the ſaid aſſiſe or above, and every firkin viij gallons of aſſiſe or above, (2) upon pain of forfeiture of iij s. iv d. for every of the ſame veſſels by him untruly made contrary to this Act: the one half of the ſame forfeiture to be to the King, and the other to him that will ſue for the ſame by action of debt, bill, plaint, writ, or otherwiſe; In which action no eſſoin, protection or wager of Law ſhall be allowed.

Every Cooper ſhall mark his veſſel with his own mark.
St. 51 E 3.

XIV. And be it alſo enacted, That every Cooper mark his veſſel with his own mark, upon pain of iij s. iv d. to be levied and recovered after like manner and form as is abovesaid: (2) And that no manner of perſon, in the ſearch-making for the true gaging of any veſſels, ſhall put out the Ale of any ſuch veſſel, whereby the ſame Ale ſhall be the worſe. (3) And that it ſhall be lawful to every Ale-brewer to bring, carry, and cauſe to be brought and carried, their Ale to the houſholds of our ſovereign Lord the King, the Queen, the Princes, and to every Arch-biſhops, Biſhops, Dukes, Marquiſſes, Earls, Barons, or other honourable mens houſes, in Tuns, Buts, Pipes, Hogſheads, or other veſſels of greater or larger quantity than is expreſſed in this preſent Act, as beforetime hath been uſed in that behalf: (4) And alſo it ſhall be lawful to the ſaid Ale-brewers to bring, carry, or cauſe to be brought, conveyed or carried their Ale to every mans houſe in barrels, kilderkins and firkins, bearing and holding their true contents according to the purport and effect of this preſent Act, any thing contained in the ſame Act to the contrary hereof notwithſtanding.
St. 31 El. 8.

CAP. V.

The Bill of Sewers with a new Proviſo, &c.

Sewers 1.
How far the Commiſſion of Sewers ſhall extend.
Co. Inſt. 4 p. 275.

OUR Sovereign Lord the King, like a vertuous and moſt gracious Prince, nothing earthly ſo highly weighing, as the advancing of the common profit, wealth and commodity of this his Realm, conſidering the daily great damages and loſſes which have hapned in many and divers parts of this his ſaid Realm, as well by the reaſon of the outrageous flowing, ſurges and courſe of the Sea in and upon Marſh-grounds, and other Low-places heretofore through politick wiſdom won and made profitable for the great common-wealth of this Realm, as alſo by occaſion of land-waters, and other outragious ſprings, in and upon meadows, paſtures, and other low grounds adjoyning to rivers, floods, and other water-courſes: (2) And over that by and through mills, mill-dams, wears, fiſhgarths, kedels, gores, gotes, fludgates, locks and other impediments, in and upon the ſame rivers and other water-courſes, to the ineſtimable damages of the common wealth of this Realm, which daily is likely more and more to increaſe, unleſs ſpeedy redreſs and remedy be in this behalf ſhortly provided: (3) wherein albeit that divers and many proviſions have been before this time made and ordained, yet none of them are ſufficient remedy for reformation of the premiſſes, hath therefore by deliberate advice, aſſent of his Lords ſpiritual and temporal, and alſo his loving Commons in this preſent Parliament aſſembled, ordained, eſtabliſhed and enacted, That Commiſſions of Sewers, and other premiſſes, ſhall be directed in all parts within this Realm from time to time, where and when need ſhall require, according to the manner, form, tenor and effect hereafter enſuing, to ſuch ſubſtantial and indifferent perſons as ſhall be named by the Lord Chancellor and Lord Treaſurer of England, and the two Chief Juſtices for the time being, or by three of them, whereof the Chancellor to be one.

The form of the Commiſſion of Sewers.

The ſeveral cauſes of awarding the Commiſſion of Sewers.

II. Henry the eighth, &c. Know ye, That foraſmuch as the walls, ditches, banks, gutters, ſewers, gotes, calcies, bridges, ſtreams, and other defences by the coaſts of the ſea, and mariſh ground, being and lying within the limits of A. B. or C. in the County or Counties of or in the borders or confines of the ſame, by rage of the ſea, flowing and reflowing, and by mean of the trenches of freſh waters, deſcending and having courſe by divers ways to the ſea, be ſo dirupt, lacerate and broken: (2) And alſo the common paſſages of ſhips, balengers and boats, in the rivers, ſtreams, and other flouds within the limits of A. B. or C. in the County or Counties of or in the borders or confines of the ſame, by mean of ſetting up, erecting and making of ſtreams, mills, bridges, ponds, fiſhgarths, mill-dams, locks, hebbing-wears, hecks, floud-gates, or other like lets, impediments or annoyances, be letted and interrupted, ſo that great and ineſtimable damage for default of reparation of the ſaid walls, ditches, banks, fences, ſewers, gotes, gutters, calcies, bridges and ſtreams; (3) and alſo by mean of ſetting up, erecting, making and enlarging of the ſaid fiſhgarths, mill-dams, locks, hebbing-wears, hecks, floud-gates, and other like annoyances in times paſt hath hapned, and yet is to be feared, that far greater hurt, loſs and damage is like to enſue, unleſs that ſpeedy remedy be provided in that behalf.

What things the Commiſſioners of Sewers are authorized to do.
13 Co. 36.

Inquiry by whoſe defaults the annoyances come.

2 Bulſtr. 100.
Aſſeſſing the perſon to be contributory to the charge.

Appointing of Bailiffs, Collectors, Surveyors, and other inferior officers.

Diſtraining of the arrerages of the mony aſſeſſed.

Taking of Labourers, workmen and carriages, timber and other neceſſaries.

To make Statutes and Ordinances.

Awarding of writs and precepts of Sheriffs, Bailiffs, and others.

III. We therefore, for that by reaſon of our dignity and prerogative royal, we be bound to provide for the ſafety and preſervation of our Realm of England, willing that ſpeedy remedy be had in the premiſſes, have aſſigned you, and ſix of you, of the which we will that A. B. and C. ſhall be three, to be our Juſtices, to ſurvey the ſaid walls, ſtreams, ditches, banks, gutters, ſewers, gotes, calcies, bridges, trenches, mills, mill-dams, floud-gates, ponds, locks, hebbing-wears, and other impediments, lets and annoyances aforeſaid, and the ſame cauſe to be made, corrected, repaired, amended, put down or reformed, as caſe ſhall require, after your wiſdoms and diſcretions; (2) And therein as well to ordain and do after the form, tenor and effect of all and ſingular the Statutes and Ordinances made before the firſt day of March, in the three and twentieth year of our reign, touching the premiſſes, or any of them, as alſo to enquire by the Oaths of the honeſt and lawful Men of the ſaid Shire or Shires, place or places where ſuch defaults or annoyances be, as well within the liberties as without, (by whom the truth may the rather be known) through whoſe default the ſaid hurts and damages have hapned, and who hath or holdeth any lands or tenements, or common of paſture, or profit of fiſhing, or hath or may have any hurt, loſs or diſadvantage by any manner of means in the ſaid places, as well near to the ſaid dangers, lets and impediments, as inhabiting or dwelling thereabouts, by the ſaid walls, ditches, banks, gutters, gotes, ſewers, trenches, and other the ſaid impediments and annoyances: (3) And all thoſe perſons, and every of them, to tax, aſſeſs, charge, diſtrain and puniſh as well within the metes, limits and bounds of old time accuſtomed, or otherwiſe, or elſewhere within our Realm of England, after the quantity of their lands, tenements and rents, by the number of acres and perches, after the rate of every perſons portion, tenure or profit, or after the quantity of their common of paſture, or profit of fiſhing, or other commodities there, by ſuch ways and means, and in ſuch manner and form as to you, or ſix of you, whereof A. B. and C. to be three, ſhall ſeem moſt convenient to be ordained and done for redreſs and reformation to be had in the premiſſes. (4) And alſo to reform, repair and amend the ſaid walls, ditches, banks, gutters, ſewers, gotes, calcies, bridges, ſtreams, and other the premiſſes, in all places needful: and the ſame as often and where need ſhall be, to make new; And to cleanſe and purge the trenches, ſewers and ditches, in all places neceſſary: (5) And farther, to reform, amend, proſtrate and overthrow all ſuch mills, ſtreams, ponds, locks, fiſhgarths, hebbing-wears, and other impediments and annoyances aforeſaid, as ſhall be found by inquiſition, or by your ſurveying and diſcretions to be exceſſive or hurtful; (6) And alſo to depute and deſign diligent, faithful and true keepers, bailiffs, ſurveyors, collectors, expenditors, and other miniſters and officers, for the ſafety, conſervation, reparation, reformation and making of the premiſſes, and every of them, and to hear the accompt of the collectors and other miniſters of and for the receipt and laying out of the mony that ſhall be levied and paid in and about the making, repairing, reforming and amending of the ſaid walls, ditches, banks, gutters, gotes, ſewers, calcies, bridges, ſtreams, trenches, mills, ponds, locks, fiſhgarths, floud-gates, and other impediments and annoyances aforeſaid: (7) And to diſtrain for the arrerages of every ſuch collection, tax and aſſeſs, as often as ſhall be expedient, or otherwiſe to puniſh the debtors and deteiners of the ſame by fines, amerciaments, pains, or other like means after your good diſcretions: (8) And alſo to arreſt and take as many carts, horſes, oxen, beaſts, and other inſtruments neceſſary, and as many workmen and labourers as for the ſaid works and reparation ſhall ſuffice, paying for the ſame competent wages, ſalary and ſtipend in that behalf: (9) And alſo take ſuch, and as many trees, woods, underwoods and timber, and other neceſſaries, as for the ſame works and reparations ſhall be ſufficient, at a reaſonable price for you, or ſix of you, of the which we will that A. B. and C. ſhall be three, to be aſſeſſed or limited, as well within the limits and bounds aforeſaid, as in any other place within the ſaid County or Counties near unto the ſaid places: (10) And to make and ordain Statutes, Ordinances and Proviſions, from time to time, as the caſe ſhall require, for the ſafeguard, conſervation, redreſs, correction and reformation of the premiſſes, and every of them, and the parts lying to the ſame neceſſary and behooveful, after the laws and cuſtoms of Rumney-marſh, in the County of Kent, or otherwiſe, by any ways or means, after your own wiſdoms and diſcretions. (11) And to hear and determine all and ſingular the premiſſes, as well at our ſuit, as at the ſuit of any other whatſoever, complaining before you, or ſix of you, whereof A. B. and C. ſhall be three, after the laws and cuſtoms aforeſaid, or otherwiſe, by any other ways and means after your diſcretions. (12) And alſo to make and direct all writs, precepts, warrants, or other commandments by virtue of theſe preſents, to all Sheriffs, Bailiffs, and all other miniſters, officers, and other perſons, as well within liberties as without, before you, or ſix of you, whereof the ſaid A. B. and C. to be three, at certain days, terms and places to be prefixed, to be returned and received; (13) and further to continue the proceſs of the ſame, and finally, to do all and every thing and things as ſhall be requiſite for the due execution of the premiſſes, by all ways and means after your diſcretions: (14) And therefore we command you, that at certain days and places, when and where ye, or ſix of you, whereof the ſaid A. B. and C. to be three, ſhall think expedient, ye do ſurvey the ſaid Walls, Fences, Ditches, Banks, Gutters, Gotes, Sewers, Calcies, Ponds, Bridges, Rivers, Streams, Watercourſes, Mills, Locks, Trenches, Fiſhgarths, Floodgates, and other lets, impediments and annoyances aforeſaid, and accompliſh, fulfil, hear and determine all and ſingular the premiſſes in due form, and to the effect aforeſaid, after your good diſcretions: (15) And all ſuch as ye ſhall find negligent, gainſaying, or rebelling, in the ſaid works, reparations, or reformations of the premiſſes, or negligent in the due execution of this our Commiſſion, that ye do compel them by diſtreſs, fines and amerciaments, or by other puniſhments, ways or means, which to you, or ſix of you, whereof the ſaid A. B. and C. ſhall be three, ſhall ſeem moſt expedient for the ſpeedy remedy, redreſs and reformation of the premiſſes, and due execution of the ſame: (16) And all ſuch things as by you ſhall be made and ordained in this behalf, as well within Liberties as without, that ye do cauſe the ſame firmly to be obſerved, doing therein as to your Juſtices appertaineth, after the Laws and Statutes of this our Realm, and according to your wiſdoms and diſcretions.

To compel others to obey their Orders. 2 Bulſtr. 190.

IV. Saved always to us ſuch Fines and Amerciaments as to us thereof ſhall belong. (2) And we alſo command our Sheriff or Sheriffs of our ſaid County or Counties of that they ſhall cauſe to come before you, or ſix of you, of the which A. B. and C. ſhall be three, at ſuch days and places as ye ſhall appoint to them, ſuch and as many honeſt men of his or their Bailiwick, as well within the Liberties as without, by whom the truth may beſt be known, to enquire of the Premiſſes; (3) commanding alſo all other Miniſters and Officers, as well within Liberties as without, that they and every of them ſhall be attendant to you in and about the due execution of this our Commiſſion. In witneſs whereof we have cauſed theſe our Letters Patents to be made. Witneſs our ſelf at Weſtminſter, the day of in the year of our Reign.

A commandment to all Sheriffs to return before the Commiſſioners ſuch Jurors as ſhall be expedient for inquiry. All other officers ſhall be attendant unto the Commiſſioners.

V. And it is alſo enacted, That every ſuch perſon as ſhall be named Commiſſioner in the ſaid Commiſſion, after he hath knowledge thereof, ſhall effectually put his diligence and attendance in and about the execution of the ſaid Commiſſion. (2) And before he ſhall take upon him the execution of the ſaid Commiſſion, he ſhall take a corporal Oath before the Lord Chancellor, or before ſuch to whom the ſaid Lord Chancellor ſhall direct the Kings Writ of Dedimus poteſtatem to take the ſame, or before the Juſtices of the Peace in the Quarter Seſſions holden in the Shire where ſuch Commiſſions ſhall be directed: the tenor of which Oath hereafter enſueth:

The Commiſſioners ſhall take an Oath. 25 H. 8. 10.

(3) **Ye ſhall ſwear,** That you to your cunning, wit and power, ſhall truly and indifferently execute the authority to you given by this Commiſſion of Sewers, without any favour, affection, corruption, dread or malice to be born to any manner of perſon or perſons: And as the Caſe ſhall require, ye ſhall conſent, and endeavour your ſelf for your part to the beſt of your knowledge and power, to the making of ſuch wholſome, juſt, equal and indifferent Laws and Ordinances, as ſhall be made and deviſed by the moſt diſcreet and indifferent number of your Fellows being in Commiſſion with you, for the due redreſs, reformation and amendment of all and every ſuch things as are contained and ſpecified in the ſaid Commiſſion, and the ſame Laws and Ordinances to your cunning, wit and power, cauſe to be put in due execution, without favour, meed, dread, malice or affection: as God you help, and all Saints.

The form of the Oath.

VI. And it is alſo enacted by the Authority aforeſaid, That all and every Statute, Act and Ordinance heretofore made concerning the Premiſſes, or any of them, as well in the time of our Soveraign Lord the King that now is, as in the time of any of his Progenitors Kings of this Realm of England, not being contrary to this preſent Act, nor heretofore repelled, from henceforth ſhall ſtand and be good and effectual for ever, and to be put in due Execution, according to the true meaning and purport of the ſame.

A confirmation of other Statutes.

VII. And over that be it enacted, That the Commiſſioners hereafter to be named in any of the ſaid Commiſſions, according to the purport and effect of the ſame Commiſſions, have full power and authority to make, conſtitute and ordain Laws, Ordinances and Decrees, and further to do all and every thing mentioned in the ſaid Commiſſion, according to the purport, effect, words and true meaning of the ſame. (2) And the ſame Laws and Ordinances ſo made, to reform, repel and amend, and make new from time to time, as the Caſes neceſſary ſhall require in that behalf.

The authority of the Commiſſioners.

St. 1 Mar. 11. 13 Eliz. 5.

VIII. Provided alway, and it is enacted, that if any perſon or perſons being aſſeſſed or taxed to any lot or charge for any lands, tenements or hereditaments within the limits of any commiſſion hereafter to be directed, do not pay the ſaid lot and charge according to the ordinance and aſſignment of the Commiſſioners having power of the execution of the ſaid Commiſſion: by reaſon whereof it ſhall happen, the ſaid Commiſſioners having power of the execution of ſuch Commiſſion, for lack of payment of ſuch lot and charge, to decree and ordain the ſame lands, tenements and hereditaments from the owner or owners thereof, and their heirs, and the heirs of every of them, to any perſon or perſons for term of years, term of life, in fee ſimple, or in tail, for payment of the ſame lot and charge; That then every ſuch decree and ordinance ſo by them made and engroſſed in parchment, and certified under their ſeals into the Kings Court of Chancery, with the Kings royal aſſent had to the ſame, ſhall bind all and every perſon and perſons that at the making of the ſame decree had any intereſt in ſuch lands, tenements or hereditaments, in uſe, poſſeſſion, reverſion, or remainder, their heirs and feoffees, and every of them, and not to be in any wiſe reformed,

The Ordinances of Commiſſioners upon thoſe which refuſe.

St. 13 El. 9.

unleſs it be by authority of Parliament hereafter to be ſummoned and holden within this Realm.

The Commiſſioners decree ſhall bind the Kings and all mens lands.
St. 3 Ed. 6. 8.

IX. And alſo it is provided by authority aforeſaid, that the ſame Laws, Ordinances and Decrees to be made and ordained by the ſaid Commiſſioners, or ſix of them, by authority of the ſaid Commiſſion, ſhall bind as well the Lands, Tenements and Hereditaments of the King our Soveraign Lord, as all and every other perſon and perſons, and their Heirs, for ſuch their intereſt as they ſhall fortune to have, or may have in any Lands, Tenements or Hereditaments, or other caſual profit, advantage or commodity whatſoever they be, whereunto the ſaid Laws, Ordinances and Decrees ſhall in any wiſe extend, according to the true purport, meaning and intent of the ſame Laws.

No man may ſit being unſworn.

What Land each Commiſſioner ſhall have.
St. 13 El. 9.
St. 25 H. 8. 9, 10.

X. And it is furthermore by the authority aforeſaid eſtabliſhed and enacted, that if any manner of perſon or perſons, of what eſtate or degree ſoever he or they be of, that from henceforth do take upon him or them to ſit by virtue of any of the ſaid Commiſſions, not being before ſworn in form as is aforeſaid, and according to the tenor of the Oath before ſpecified: Or if any perſon ſo named and ſworn, do ſit as is aforeſaid, not having Lands, Tenements, or other Hereditaments in fee ſimple, fee tail, or for term of life, to the clear yearly value of xl marks above all charges to his own uſe, except he be reſiant and free of any City, Borough or Town-corporate, and have moveable ſubſtance of the clear value of one hundred pounds, or elſe be learned in the Laws of this Realm, in, and concerning the ſame, that is to ſay, admitted in one of the four principal Inns of Court for an utter Barreſter, ſhall forfeit xl li. for every time that he ſhall attempt ſo to do; (2) the one half thereof to be to our Soveraign Lord the King, and the other half thereof to the uſe of him or them that will ſue therefore by action of debt, bill, plaint or information in any of the Kings Courts; in which action or ſuit, no wager of Law ſhall be admitted, nor any eſſoin or protection ſhall be allowed.

Avowry or Juſtification of a diſtreſs taken by reaſon of the Commiſſion of Sewers.
Co. pl. f. 293.

XI. And if any action of treſpaſs, or other ſuit ſhall happen to be attempted againſt any perſon or perſons for taking any diſtreſs, or any other act doing, by authority of the ſaid Commiſſion, or by authority of any Laws or Ordinances made by virtue of the ſaid Commiſſion, the defendant or defendants in any ſuch action ſhall and may make avowry, conuſance or juſtification for the taking of the ſame diſtreſs, or other act doing touching the premiſſes, or of any of them, alledging in ſuch avowry, conuſance or juſtification, that the ſaid diſtreſs, treſpaſs, or other act whereof the Plaintiff complaineth, was done by the authority of the Commiſſion of Sewers for lot or tax aſſeſſed by the ſaid Commiſſion, or for ſuch other act or cauſe as the ſaid Defendant did by authority of the ſame Commiſſion, and according to the tenor, purport and effect of this preſent Act, made the three and twentieth year of the reign of our Sovereign Lord King Henry the eighth, without any expreſſing or rehearſal of any other matter or circumſtance contained in this preſent Act, or any Commiſſion, Laws, Statutes or Ordinances thereupon to be made; (2) Whereupon the plaintiff ſhall be admitted to reply, that the defendant did take the ſaid diſtreſs, or did any other act or treſpaſs ſuppoſed in his declaration of his own wrong, without any ſuch cauſe alledged by the ſaid defendant, whereupon the iſſue in every ſuch action ſhall be joyned, to be tried by verdict of twelve men, and not otherwiſe, as is accuſtomed in other perſonal actions: (3) And upon the trial of that iſſue, the whole matter to be given on both parties in evidence according to the very truth of the ſame.

Where the defendant ſhall repay damages with his coſts of ſuit.

XII. And after ſuch iſſue tried for the defendant, or non-ſuit of the plaintiff after appearance, the ſame defendant to recover treble damages, by reaſon of his wrongful vexation in that behalf, with his coſts alſo in that part ſuſtained, and that to be aſſeſſed by the ſame Jury, or writ to enquire of damages as the cauſe ſhall require.

The wages and fees of Commiſſioners, Clerks, Collectors, &c.

XIII. And it is alſo enacted, that every of the ſaid Commiſſioners ſhall have and perceive four ſhillings for every day that they ſhall take pain in the execution of this Commiſſion of Sewers, and one Clerk by them to be aſſigned, two ſhillings for every day, of the rates, taxes, lots, and wains, that ſhall be aſſeſſed or loſt by the authority of the ſaid Commiſſion, and to be levied and paid by their diſcretions. (2) And that the ſaid Commiſſioners, or ſix of them, ſhall have power and authority to limit, and aſſign of the ſame rates, taxes, lots, and wains, by their diſcretions, ſuch reaſonable ſums of mony to the ſaid Clerk, for writing of books and proceſs concerning the premiſes, and to the Collectors, Expenditors, and ſuch other as ſhall take pain in due execution of the ſaid Commiſſion, as by the diſcretions of the ſaid Commiſſioners, or ſix of them, ſhall be thought reaſonable.

Commiſſions within the liberty of the Dutchy.

XIV. Provided alway, that whenſoever, and as often as ſuch Commiſſion, as is afore limited, ſhall be made and directed to any perſon or perſons for the reformation and amendment of, or in any of the premiſes ſpecified in the ſaid Commiſſion within the fees, liberties, or poſſeſſion of the Dutchy of Lancaſter, that then ſuch Commiſſioners as ſhall execute any ſuch Commiſſion, ſhall be always named and appointed by the diſcretion of the Lord Chancellor, and Lord Treaſurer of England, and the ſaid two chief Juſtices of either Bench, and the Chancellor of the ſaid Dutchy for the time being, or three of them, whereof the ſaid Lord Chancellor and the Chancellor of the Dutchy to be two: (2) and that in every ſuch caſe two Commiſſions ſhall be awarded and made according to the tenor of the Commiſſion above expreſſed, one thereof under the great ſeal of England, and the other under the ſeal of the ſame Dutchy, as beforetime hath been accuſtomed, any thing afore rehearſed in this preſent Act to the contrary hereof notwithſtanding.

The Charge of the Commiſſions.
3 Ed. 6. 8.

XV. And it is further enacted, That the ſaid Comiſſions from time to time, as the caſe ſhall require, ſhall be had and obtained without any mony, or other charge to be paid for the ſeals, or writing of the ſame, unleſs it be to the King, two ſhillings ſix pence, for the ſeal of every Commiſſion, as hath been accuſtomed: and for the writing and enrolling of any one Commiſſion, five ſhillings, and not above.

XVI. And it is farther enacted, That every Commiſſion to be made by authority of this Act ſhall endure and continue for the term of three years next after the Teſte of the Commiſſion. (2) Nevertheleſs, after any Commiſſion made and delivered out of the Kings Court of Chancery, the Kings Highneſs ſhall always at his pleaſure, by his Writ of Superſedeas out of his ſaid Court of Chancery, at any time diſcharge as well every ſuch Commiſſion, as every Commiſſioner that ſhall be made or named by authority of this Act. (3) After which diſcharge the ſaid Commiſſioners ſhall have no power nor authority to proceed in the execution of their Commiſſion, nor in any thing by authority of this Act.

A Commiſſion of Sewers ſhall endure iii years. 13 Eliz 9.

A Commiſſion or Commiſſioner diſcharged by Superſedeas.

XVII. Provided always, that ſuch Laws, Acts, Decrees and Ordinances as ſhall happen to be made by the ſaid Commiſſioners, according to the tenor of their Commiſſion, or by authority of this Act, ſhall ſtand good and effectual, and be put in due execution ſo long time as their Commiſſion endureth, and no longer: except the ſaid Laws and Ordinances be made and ingroſſed in Parchment, and certified under the ſeals of the ſaid Commiſſioners into the Kings Court of Chancery, and then the Kings Royal aſſent be had to the ſame: any thing contained in this preſent Act to the contrary hereof notwithſtanding.

How long the Commiſſioners decree ſhall endure.

Alt. 13 El. 9.

XVIII. Provided alſo, That whenſoever and as often as ſuch Commiſſion as is afore limited, ſhall be made and directed to any perſon or perſons for the reformation and amendment of, or in any of the premiſſes ſpecified in the ſaid Commiſſion within the fees, liberties, and poſſeſſions of the Principality of Wales, the County Palatine of Cheſter, or within the fees, liberties and poſſeſſions of any other place where there is liberty and juriſdiction of County Palatine, that in every ſuch caſe two Commiſſions ſhall be awarded and made according to the tenor of the Commiſſion above expreſſed, one thereof under the great ſeal of England, and the other the uſual ſeal of the County Palatine, in manner and form as is above provided for the Dutchy of Lancaſter, any thing afore rehearſed in this preſent Act to the contrary notwithſtanding.

Commiſſions into a County Palatine.

XIX. And it is provided, and alſo enacted, That the Royal aſſent limited to be had unto the Laws and Ordinances to be made by the ſaid Commiſſioners, as is aboveſaid, ſhall be certified into the ſaid Court of Chancery under the Kings privy ſeal. (2) And that there ſhall not any ſum of mony be paid for the ſame privy ſeal: but for the writing of the ſame Certificate under the ſaid privy ſeal, ſhall be paid to the writer thereof ij s. and not above, nor no other nor greater ſum for any thing touching or concerning the ſame Certificate under the ſame privy ſeal.

The Kings Royal aſſent ſhall be certified into the Chancery. Alt. 13 El. 9.

XX. Provided alway, That the Chancellors, and ſuch other as ſhall have the cuſtody of the ſeals of the ſaid Principality of Wales, or the County Palatine of Cheſter, or within the fees, liberties and poſſeſſions of any other place where there is liberty and juriſdiction of County Palatine, upon reaſonable requeſt, and upon the ſight of the Commiſſion under the Kings great ſeal of his Chancery, ſhall without delay make out another Commiſſion under the ſeal of the ſaid County Palatine, according to the tenor of the Kings Commiſſion to them ſhewed under his great ſeal: (2) And to thoſe Commiſſioners as ſhall be named by the Lord Chancellor, Lord Treaſurer, and the two Chief Juſtices, or by three of them, whereof the Lord Chancellor to be one, except it be within the fees and liberties of the Dutchy of Lancaſter, within which fees and liberties the Commiſſioners ſhall be named, and Commiſſions made as is afore ordained by this Act; any thing contained in the ſaid Act, or in any proviſo thereunto added and annexed to the contrary thereof notwithſtanding. (3) This Act is to endure for xx years. St. 3 Ed. 6. 8. made perpetual. St. 3 Jac. 14. Regiſt. f. 127.

Commiſſions in Wales and Counties Palatine.

CAP. VI.

For Obligations to be taken by two chief Juſtices, the Mayor of the Staple, and the Recorder of London.

Foraſmuch as the Mayors of the Staple in divers places of this Realm where any Staple is kept, in the preſence of the Conſtables of the ſame Staple before this time, have and might lawfully take recogniſance or knowledge for debts, only concerning and touching the merchandiſe of the ſame Staple, betwixt Merchant and Merchant of the ſame Staple, according to divers laudable Statutes and proviſions before this time had, ordained and made: (2) Which Mayors and Conſtables many and ſundry times ſince the making of the ſame Statute, have taken divers recogniſances and knowledges of divers of the Kings ſubjects for debts, ſurmiſing the ſame knowledge or recogniſance to be made for ſurety of payment of ſums of mony for ſuch wares as were or have been bought in the ſame Staple: where of troth the ſame recogniſance did not in any wiſe touch or concern the merchandiſe of the ſame, ne alſo the parties, that is to ſay, the cogniſor, ne the cogniſee, that did knowledge and take the ſame recogniſances, were Merchants of the ſame Staple: (3) which recogniſances and knowledges taken in form aforeſaid, are not only clear contrary to the true meaning and intent of the ſame former eſtatutes, but alſo thereby divers great and ſundry inconveniencies, damages and deceits do daily ariſe, and grow to divers of the ſubjects of our Sovereign Lord the King, by reaſon of the miſuſing of the ſame; And for as much as the Kings Highneſs of his moſt high wiſdom perceiveth the miſuſing and execution of the ſame to be contrary to the form of the ſaid former eſtatutes: Therefore his pleaſure is, that ſome true, lawful and reaſonable bond, for ſurety of payment of the ſaid debts of his ſubjects, ſhall be made and deviſed by true and juſt means, which in it ſelf may, and ſhall purport right and equity, and alſo conſonant to reaſon.

Statutes 5. Before whom Recogniſances of debt ſhall be made, and the form, &c.

Statutes of the Staple were deviſed only for Merchandiſes of the Staple, and between Merchant and Merchant.

II. In conſideration whereof, by the aſſent of the Kings Highneſs, his Lords ſpiritual and temporal, and his Commons in this preſent Parliament aſſembled, and by authority of the ſame, it is enacted, ordained and eſtabliſhed, That from the firſt day of April next coming, the Chief Juſtice of the Kings Bench, and the Chief Juſtice of the Common Pleas, which now be, or at any time hereafter ſhall be, and every of them by himſelf, and in their abſence

Who may take a Recogniſance in the nature of a Statute Staple. Coke pl. f. 12.

out of the term, the Mayor of the Staple of Weſtminſter, and the Recorder of the City of London, for the time being, jointly together, by his or their diſcretions, ſhall have full power and authority to take Recogniſances, or knowledges of every of the Kings Subjects for the payment of Debts, according to ſuch form as hereafter enſueth.

The form of the Recogniſance.

(2) Noverint univerſi per præſent. me A.B.& C.D. armig.teneri & firmiter obligari Johanni a Style in C li. ſterling. ſolvend. eidem Johanni aut ſuo cert. attorn. hoc ſcriptum oſtend. hæred. vel execut. ſuis in tal. feſt. &c. prox. futur. poſt dat. præſentium: Et ſi deficero vel deficerimus in ſolutione debit. prædict. volo & concedo: vel ſic, Volumus & concedimus, quod tunc currat ſuper me, hæred. & execut. meos, vel ſuper nos & quemlibet noſtrum, hæred. & execut. noſtros pœna in ſtatuto Stapulæ de debit. pro merchandiſis in eadem emptis recuperand. ordinat.& proviſ. Dat. tal. die Anno regni Regis,&c.

By what ſeals the ſame obligation ſhall be ſealed. Vaughan 102.

III. And that every obligation that ſhall be made, as is aforeſaid, and knowledged before any of the ſaid chief Juſtices, or the ſaid Mayor and Recorder according to this Act, ſhall be ſealed with the Seal of the party or parties that ſhall recogniſe or knowledge the ſame, and alſo with ſuch Seal as the Kings Highneſs ſhall ordain and appoint for the ſame, and with the Seal of one ſuch of the ſaid Juſtices, or with the Seals of the ſaid Mayor and Recorder, and with his or their Name or Names ſubſcribed, that ſo ſhall take the ſame Recogniſance or Knowledge: (3) And that every of the ſaid two Juſtices, and the ſaid Mayor and Recorder, ſhall have the cuſtody of one ſuch Seal by the Kings Highneſs to be appointed, with one like print, ſcripture or faſhion, which ſhall ſeverally remain with them to the intent above rehearſed.

The Clerk of the Recogniſances ſhall inrol them, and ſhall dwell in London.

Hob.

IV. And further be it enacted by the authority aforeſaid, that ſuch an honeſt and diſcreet perſon, as ſhall be aſſigned by the Kings Highneſs, or the ſufficient deputy or deputies of the ſame perſons ſo to be aſſigned, ſhall make and write all ſuch Obligations as ſhall be acknowledged and recogniſed by authority of this Act, and ſhall cauſe the ſame Obligations recogniſed and aknowledged in form as is abovesaid, to be inrolled in two ſeveral Rolls indented, whereof one ſhall remain with ſuch of the ſaid Juſtices, or with the ſaid Mayor and Recorder, that ſo ſhall take the ſame Recogniſance in form aforeſaid, and the other Roll with the writer thereof, appointed for the ſame. (2) And that the ſaid perſon, by the Kings Highneſs to be appointed for making, writing and enrolling ſuch Obligations, or his ſufficient deputy or deputies, ſhall be dwelling or abiding in the ſaid City of London, upon pain to forfeit for every time that he and his deputy ſhall be abſent by the ſpace of two days, ten pounds.

Certificate of the Recogniſance in the Chancery.

V. And further it is enacted by authority aforeſaid, That the ſaid perſon ſo to be aſſigned by the Kings Highneſs to write, make and enrol ſuch Obligations, or his ſufficient deputy or deputies, at the requeſt of the Creditors, their Executors or Adminiſtrators, ſhall certifie ſuch Obligations as ſhall be taken and recogniſed by authority of this Act, into the Kings Court of Chancery, under the Seal of the ſaid perſon ſo to be appointed for writing, making and enrolling ſuch Obligations.

Execution upon a Recogniſance aknowledged according to this Statute.

Co. Ent.

VI. And that every perſon and perſons to whom any ſuch Obligation ſhall be made, knowledged and enrolled (as is aforeſaid) their Executors and Adminiſtrators, and the Executors and Adminiſtrators of every of them, for default of payment of the Debts contained in ſuch Obligations, ſhall have in every point, degree and condition againſt the ſaid Recogniſor and Recogniſors, and every of them, their Heirs, Executors and Adminiſtrators, and the Heirs, Executors and Adminiſtrators of every of them, like Proceſs, Execution, Commodity and Advantage in every behalf, as hath been uſed and accuſtomed before this time to be had, done, or made of, and upon any Obligation of the Statute of the Staple, and under ſuch manner and form as is for the ſame Statute of the Staple provided, (2) paying for ſuch Proceſs and Execution to be had, ſuch like Fees as is accuſtomed for Proceſs and Execution to be had upon Obligations of the ſame Statute of the Staple, and not above.

Where the Recogniſor ſhall be relieved by Audita Querela.

Bro.

VII. And that every ſuch perſon and perſons that ſhall be bounden, or otherwiſe grieved by virtue of any Obligation to be made by authority of this Act, ſhall have their like remedy by Audita Querela, and all other remedies in the Law, that they might have had in caſe they had been bounden by Obligation of the Statute of the Staple.

The King ſhall have ob. in the pound upon Execution ſued.

VIII. And that every ſuch perſon and perſons that ſhall have Proceſs for Execution to be had by reaſon of any ſuch Obligation to be made and acknowledged according to this Act, ſhall pay to the Kings Highneſs, his Heirs or Succeſſors, at the time of the enſealing of the Proceſs for Execution to be had, one half peny for every pound that ſhall be contained in the Obligation, whereof Execution ſhall be required, and not above.

The remedy for tenant by Recogniſance being diſſeiſed.

Hob.

IX. And that every ſuch perſon and perſons that ſhall happen to have any Execution of any Lands, Tenements or Hereditaments, by reaſon of any ſuch Obligations to be made and knowledged (as is abovesaid) their Executors, Adminiſtrators or Aſſigns, and the Executors, Adminiſtrators and Aſſigns of every of them, if they, or any of them, being put out or diſſeiſed, ſhall have like remedy in every point and condition, as perſons having Execution in and upon any Statute of the Staple, after Execution to them had, may or might have, by virtue of the ſaid writing obligatory of the Statute of the Staple, and Execution of the ſame.

The Juſtices Clerks fee upon every Recogniſance.

X. And farther be it enacted by the authority aforeſaid, that every of the ſaid Juſtices, and the ſaid Mayor and Recorder, before whom any ſuch Obligations ſhall be recogniſed, ſhall take for every knowledge of every one ſuch recogniſance, iii s. iv d. and not above: (2) and the Clerk that ſhall write, make and enrol the ſame Obligations iij s. iv d. (3) And for the Certificate of every one ſuch Obligation, xx d. (4) And if any of the ſaid Juſtices, Mayor, Recorder or Clerk, take of any of the Kings Subjects above the ſum or ſums to them limited by this Eſtatute, that then the ſaid Juſtices, Mayor, Recorder or Clerk, that ſo ſhall take contrary to the form aforeſaid, ſhall forfeit for every time ſo offending, xl li.

In what caſes Recogniſances of Statute Staple may be

XI. And farther it is enacted by the authority aforeſaid, that from the ſaid firſt day of April, no Mayor or Conſtable of the Staple, for the payment of any ſum or ſums of Mony, take any knowledge or recogniſance of the ſaid Statute of the Staple, of any of the Kings Subjects,

jects, upon pain to forfeit for every time ſo offending, forty pound; the one moiety of all and ſingular the ſaid penalties to be to the Kings Highneſs, and the other moiety to the party that will ſue for the ſame: (2) For the recovery whereof, the party that will purſue, ſhall have his remedy by information, action of debt, bill or plaint in any of the Kings Courts: in which no eſſoin, protection, nor wager of Law ſhall be admitted. (3) Provided alway, that this Act, nor any thing therein contained, be in any wiſe prejudicial or hurtful to any Mayor and Conſtables of the Staple for any Bond or Writing of the Statute of the Staple to be taken or received between Merchants being free of the ſame Staple, for Merchandiſe of the ſame Staple between them lawfully bought and ſold.

taken by the Mayor and Conſtable of the Staple, and in what not.

XII. Provided alſo, and be it enacted by the authority aforeſaid, That all Recogniſances before this time taken before the Mayor and Conſtables of any of the ſaid Staples, whereof the ſums now be not paid, nor otherwiſe contented, lawfully avoided, and diſcharged by the Law, ſhall be as good and effectual as though they had been verily made for Merchandiſe of the ſame Staple, and between Merchant and Merchant of the ſame Staple, and as they ſhould have been, if this Act had never been had ne made. St. 11 Ed. 1. Acton Burnell. 13 Ed. 1. De mercatoribus. 27 E. 3. 9. 27 Eliz. 4.

Recogniſances taken before the Statute.

CAP. VII.

The Statutes of 5 R. 2. 3. 6 R. 2. 8. 4 H. 7. 10. Touching the bringing of Gaſcoin or Guion Wines, or Islouſe Ode, into this Realm by Ships only of England, Ireland, or Wales, and by only Maſters and Mariners of the ſame Countries, confirmed. No perſon ſhall lay on land out of a Ship any French Wine, between the Feaſt of St. Michael and the Purification, upon pain of forfeiture thereof. No perſon ſhall ſell by retail any French Wines above viij d. the Gallon, viz. i d. the pint; Nor any Malmſey, Sack, Rumney. or other ſweet Wine above xij d. the gallon. The prices of the Tun, But, Pipe, and Hogſhead of the ſaid Wines, ſhall be aſſeſſed by the Kings great Officers. The contents and gauging of the ſaid Veſſels. Exp. St. H. 8. 6. 26 H. 8. 10. 28 H. 8. 14. 32 H. 8. 14.

Merchants, Raſt. 46.
Wines, Raſt. 17.
Ships, Raſt. 9.

CAP. VIII.

The Bill for the Havens in the Weſt parts.

Piteouſly ſheweth, and complaineth unto the King our Soveraign Lord, and to the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, the Inhabitants of the Towns and Ports of Plimouth, Dartmouth and Teignmouth in the County of Devonſhire, Falmouth and Foway in the County of Cornwal, that where the ſaid Ports have been in time paſt the principal and moſt commodious Havens and Ports within this Realm, for the rode, ſurety and preſervation of ſhips reſorting from all places of the World, as well in perill of ſtorms, as otherwiſe. (2) For where before this time all manner of ſhips being under the Portage of eight hundred tuns, reſorting unto any of the ſaid Ports or Havens, might at the low water eaſily enter into the ſame, and there lie in ſurety, what wind or tempeſt ſoever did blow: by reaſon whereof not only a great multitude of ſhips, as well of this Realm, as of other Regions and Countries, before this time had been preſerved and ſaved, but alſo in time of war the ſaid Havens and Ports have been the greateſt fortification and defence of that part of this Realm, and the ſpecial preſervation of the great part of the Navy of the ſame; (3) which ſaid Ports and Havens been at this preſent time in manner utterly decayed and deſtroyed by mean of certain Tin-works, called Stream-works, uſed by certain perſons within the ſaid Counties; which perſons more regarding their own private lucre, than the common wealth and ſurety of this Realm, have by working of the ſaid Stream-works, digging, ſearching and waſhing of the ſame near unto the freſh rivers, waters and low places, deſcending and coming out of the lands, towards, and into the ſaid Ports and Havens to the Sea, conveyed by the force of the ſaid freſh rivers a marvellous great quantity of ſand, gravel, ſtone, robel, earth, ſlime and filth into the ſaid Ports and Havens, and have ſo filled and choked the ſame, that where before this time a ſhip of the Portage of eight hundred, as is aforeſaid, might have eaſily entred at a low water into the ſame, now a ſhip of a hundred can ſcantly enter at the half flood, to the decay and utter deſtruction of the ſaid Havens and Ports, and alſo to the ruine and utter undoing of all the good Towns within the ſaid Counties of Devonſhire and Cornwal, if remedy be not in that caſe ſpeedily provided, (4) For reformation whereof, be it enacted by the King our Soveraign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that no perſon or perſons hereafter ſhall labour or work, or cauſe to be laboured or wrought in any manner of Tin-works, called Stream-works, within the ſaid Counties of Devonſhire or Cornwal, nigh to any of the ſaid freſh waters, rivers or low places deſcending or having courſe unto the ſaid Havens or Ports, or any of them, nor ſhall labour, dig or waſh any Tin in any of the ſaid Tin-works, called Stream-works, unleſs the ſaid digger, owner or waſher, ſhall make, or cauſe to be made ſufficient hatches, and ties in the end of their buddles, and cords, and therein put and lay, or cauſe to be put and laid, all the ſand, ſtones, gravel, and robel digged about the inſearching, finding and waſhing of the ſaid Tin, there to be wholly and ſurely kept by the ſaid hatches and ties, out and from the ſaid freſh rivers and water-courſes, or any of them, ſo that the ſaid ſand, ſtones, gravel and robel, ne any part thereof, be for lack of ſuch hatches or ties, conveyed into the ſaid Ports and Havens, or any of them, (5) upon pain to forfeit for every time that any owner or tinner ſhall dig or waſh, or cauſe to be digged or waſhed any Tin contrary to the form aforeſaid, x li. the one half thereof to be to the uſe of our Soveraign Lord the King, and the other half thereof to be to any of the Inhabitants of the ſaid Ports, Towns or Havens, that will ſue for the ſame in any of the Kings Courts, by original writ, bill, plaint, information or otherwiſe, wherein the defendant ſhall not be admitted to wage his Law, ne any protection or eſſoin ſhall be allowable.

Havens 7. How certain Havens in Cornwal and Devonſhire may be amended. St. 27 H. 8. 29.

The great eaſe and benefit which this Realm and others received by the Havens of Plimouth, Dartmouth, &c.

The decay of the Havens of Plimouth, &c. and the cauſe thereof.

A mean to maintain the Havens of Plimouth, Dartmouth, &c. in the Counties of Devon and Cornwal.

Who ſhall have the forfeiture, and by what means they ſhall recover it. Alt. 27 H. 8. 23.

II. And be it further enacted by authority aforeſaid, that if any perſon or perſons ſhall happen to be ſued, accuſed, indicted, impriſoned, amerced, condemned, or otherwiſe vexed or troubled in his perſon, lands, tin-works, goods or cattels, by any of the miniſters or officers of any of the Kings Court of Stannery, or by any other perſon or perſons, for purſuing or attempting any ſuit or action, according to this Eſtatute, againſt ſuch perſon or perſons as

The remedy if any perſon be troubled in the Stannery for proſecuting ſuit according to this Statute.

ſhall offend contrary to the form aforeſaid, that then all ſuch ſuits, accuſements, endictments, impriſonments, actions, condemnations, fines, amerciaments, and every other act or acts to be done in any of the ſaid Courts of Stannery, or elſewhere, by any perſon or perſons, againſt any perſon or perſons, for ſuing or attempting any ſuits or actions by virtue of this Eſtatute, ſhall be utterly void and of none effect in the Law. (2) And that the parties ſued, endicted, accuſed, impriſoned or otherwiſe grieved or moleſted for purſuing againſt any perſon or perſons offending this Eſtatute, ſhall have his action and remedy grounded upon this Eſtatute by original writ, bill, plaint, information, or otherwiſe in any of the Kings Courts, againſt ſuch as ſhall procure, or attempt to vex, trouble, or otherwiſe moleſt any ſuch perſon or perſons for ſuing or purſuing for the forfeitures aforeſaid, and ſhall recover treble damages in that behalf; and the party defendant ſhall not be admitted to wage his Law, ne any protection, eſſoin nor priviledge ſhall be to him allowable. (3) And if it ſhall happen any perſon or perſons for purſuing any ſuit or action upon this Eſtatute, or by occaſion of the ſame, hereafter to be impriſoned by any manner of perſon or perſons, being officers or miniſters of the Stannery, their deputies or ſubſtitutes, that then every of the Juſtices of Peace within any of the Counties aforeſaid, wherein the ſaid priſoner ſhall happen to be committed to priſon, upon credible information thereof, taking ſurety by his diſcretion, for appearance of ſuch priſoner at the next general Seſſions of the Peace, ſhall have power and authority as well to direct the Warrant to the gaoler or keeper of the priſon, as to any other perſon or perſons to whom the ſaid priſoner ſhall be committed unto, commanding him or them, upon pain of forfeiture of xl li. to deliver and put at large the ſaid priſoner or priſoners: (4) which if he refuſe ſo to do, then every ſuch offender ſhall loſe and forfeit the ſaid xl li. the one half of which forfeiture to be to the uſe of our Soveraign Lord the King, and the other half to him that is grieved by reaſon of ſuch impriſonment, to be recovered in manner and form aforeſaid: (5) And the defendant in any action or ſuit for the ſame, ſhall not wage his Law, ne have any eſſoin or protection allowed. (6) And if it ſhall appear, upon the appearance of ſuch priſoner at the quarter Seſſions by the examining of the Juſtices of Peace there being, that he was impriſoned contrary to the form of this Eſtatute, that then he ſhall be forthwith diſmiſſed, and thereby diſcharged. And if he were lawfully impriſoned for any other juſt cauſe, then to be remanded to priſon by the diſcretion of the ſaid Juſtices.

The forfeiture of the offender, and the mean to recover it.

This Act ſhall not be prejudicial to the Officers or Liberties of the Stannery.

III. Provided alway, That this Act, or any thing therein contained, be not in any wiſe prejudicial or hurtful to any of the Officers of the Stannery, ne to any of their lawful liberties, priviledges, uſages, laws or cuſtoms, ſaving only in the caſes and proviſions contained and limited within this preſent Act, which ſhall alway be put in execution according to the tenour of this Act; any uſage, cuſtom, priviledge, ordinance or liberty to the contrary thereof notwithſtanding.

IV. And it is enacted, That this Act ſhall begin to take effect from the Feaſt of St. Michael the Archangel next coming, and not before.

CAP. IX.

The Bill of Citations.

Citation 1. No perſon ſhall be cited out of the Dioceſs but in certain caſes.

Hob. 186,

Where great number of the Kings Subjects, as well Men, Wives, Servants, as other the Kings Subjects dwelling in divers Dioceſes of this Realm of England, and of Wales, heretofore have been at any times called by citations, and other proceſſes compulſary, to appear in the Arches audience, and other high Courts of the Archbiſhops of this Realm, far from, and out of the Dioceſs where ſuch Men, Wives, Servants, and other the Kings Subjects been inhabitant and dwelling, (2) and many times to anſwer to ſurmiſed and feigned cauſes and ſuits of defamation, withholding of Tythes, and ſuch other like cauſes and matters, which have been ſued more for malice, and for vexation, than for any juſt cauſe of ſuit.

II. And where certificate hath been made by the ſummoner, apparator, or any ſuch light literate perſon, that the party againſt whom any ſuch citation hath been awarded hath been cited or ſummoned, and thereupon the ſame party ſo certified to be cited or ſummoned, hath not appeared according to the certificate, the ſame party therefore hath been excommunicated, or at the leaſt ſuſpended from all divine ſervice: (2) and thereupon before that he or ſhe could be abſolved, hath been compelled not only to pay the fees of the Court whereunto he or ſhe was ſo called by citation or other proceſs, amounting to the ſum of ij s. or xx d. at the leaſt: but alſo to pay to the ſummoner, apparator, or other light literate perſon, by whom he or ſhe was ſo certified to be ſummoned, for every mile being diſtant from the place where he or ſhe then dwelled, unto the ſame Court whereunto he or ſhe was ſo cited or ſummoned to appear, ij d. to the great occaſion of impoveriſhment of the Kings Subjects, and to the great occaſion of miſbehaviour and miſliving of Wives, Women and Servants, and to the great impairment and diminution of their good names and honeſties: (3) Be it therefore enacted by the King our Soveraign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no manner perſon ſhall be from henceforth cited or ſummoned, or otherwiſe called to appear by himſelf or herſelf, or by any procurator before any Ordinary, Archdeacon, Commiſſary, Official, or any other Judge ſpiritual, out of the Dioceſs or peculiar Juriſdiction where the perſon which ſhall be cited, ſummoned, or otherwiſe (as is aboveſaid) called, ſhall be inhabiting and dwelling, at the time of awarding, or going forth of the ſame citation or ſummons: (4) except that it ſhall be for, in or upon any of the caſes or cauſes hereafter written: that is to ſay, for any ſpiritual offence or cauſe committed or done, or omitted, followed or neglected to be done contrary to right or duty by the Biſhop, Archdeacon, Commiſſary, Official, or other perſon having ſpiritual Juriſdiction, or being a ſpiritual Judge, or by any other perſon or perſons within the Dioceſs, or other Juriſdiction, whereunto he or ſhe ſhall be cited, or otherwiſe lawfully called to appear and anſwer.

2 Bulſtr. 72. No perſon ſhall be cited to appear out of the Dioceſs where he dwelleth but in certain caſes. Co. pl. f. 363, 448. Latch. 174, 180. 12 Co. 77. 13 Co. 4. Hetley 19, 118. 2 Roll. 20. (18) Palmer 488. Godbolt 214. pl. 308, 357, 448.

Cro. Jac. 483. Cro. Car. 337.

III. And except alſo it ſhall be by or upon matter or cauſe of Appeal, or for other lawful cauſe, wherein any party ſhall find himſelf or herſelf grieved or wronged by the Ordinary, Judge or Judges of the Dioceſs or Juriſdiction, or by any of his ſubſtitutes, officers or miniſters, after the matter or cauſe there firſt commenced and begun to be ſhewed unto the Archbiſhop or Biſhop, or any other having peculiar Juriſdiction, within whoſe Province the Dioceſs or place peculiar is: (2) or in caſe that the Biſhop or other immediate Judge or Ordinary dare not, nor will not convent the party to be ſued before him: (3) or in caſe that the Biſhop of the Dioceſs, or the Judge of the place, within whoſe Juriſdiction, or before whom the ſuit by this Act ſhall be commenced and proſecuted, be party directly or indirectly to the matter or cauſe of the ſame ſuit: (4) or in caſe that any Biſhop or any inferior Judge, having under him Juriſdiction in his own right and title, or by commiſſion, make requeſt, or inſtance to the Archbiſhop, Biſhop, or other ſuperior Ordinary or Judge, to take, treat, examin or determin the matter before him or his ſubſtitutes, (5) and that to be done in caſes only where the Law civil or canon doth affirm execution of ſuch requeſt or inſtance of Juriſdiction to be lawful or tolerable, (6) upon pain of forfeiture to every perſon by any Ordinary, Commiſſary, Official or Subſtitute, by virtue of his Office, or at the ſuit of any perſon to be cited or otherwiſe ſummoned or called, contrary to this Act, of double damages and coſts for the vexation in that behalf ſuſtained, to be recovered againſt any ſuch Ordinary, Commiſſary, Archdeacon, Official, or other Judge as ſhall award or make proceſs, or otherwiſe attempt or procure to do any thing contrary to this Act, by action of debt, or action upon the caſe, according to the courſe of the Common Law of this Realm in any of the Kings high-Courts, or in any other competent temporal Court of Record, by original Writ of debt, bill or plaint: (7) In which action, no protection other than ſuch ſhall be made under the Kings great ſeal, and ſigned with his ſign manual, ſhall be allowed, neither any wager of Law nor eſſoin ſhall be admitted. (8) And upon pain of forfeiture for every perſon ſo ſummoned, cited or otherwiſe called (as is abovesaid) to anſwer before any ſpiritual Judge out of the Dioceſs, or other Juriſdiction where the ſaid perſon ſo dwelleth or is reſident or abiding, x li. ſterling: The one half thereof to be to the King our Sovereign Lord, and the other half to any perſon that will ſue for the ſame in any of the Kings ſaid Courts, or in any other the ſaid temporal Courts, by writ, information, bill or plaint. (9) In which action no protection ſhall be allowed, nor wager of Law or eſſoin ſhall be admitted.

Hetley 49. 1 Roll. 136, 174, 328, 329.

The forfeit of an Ordinary offending againſt the purport of this Statute.

IV. Provided always, That it ſhall be lawful to every Archbiſhop of this Realm to call, cite and ſummon any perſon or perſons inhabiting or dwelling in any Biſhops Dioceſs within his Province for Cauſes of Hereſie, if the Biſhop or other Ordinary immediate thereunto conſent, or if that the ſame Biſhop or other immediate Ordinary or Judge do not his duty in puniſhment of the ſame. 25 H. 8. 14. 29 Car. 2. 9.

Any Archbiſhop may cite for Hereſie in another Biſhops Dioceſs.

V. Provided alſo, That this Act ſhall not extend in any wiſe to the prerogative of the moſt reverend Father in God, the Archbiſhop of Canterbury, or any of his Succeſſors of, or for calling any perſon or perſons out of the Dioceſs where he or they be inhabiting, dwelling or reſident, for probate of any teſtament or teſtaments, any thing in this Act contained to the contrary notwithſtanding.

Citation by the Archbiſhop of Canterbury for probate of Teſtaments.

VI. And be it farther enacted by authority aforeſaid, That no Archbiſhop nor Biſhop, Ordinary, Official, Commiſſary or any other Subſtitute or Miniſter of any of the ſaid Archbiſhops, Biſhops, Archdeacons, or other having any ſpiritual Juriſdiction, at any time from the Feaſt of Eaſter next coming, ſhall aſk, demand, take or receive of any of the Kings Subjects, any ſum or ſums of mony for the ſeal of any citation, after the ſaid Feaſt to be awarded or obtained then only iij pence ſterling, upon the pains and penalties before limited, contained and expreſſed in this preſent Act, to be in like form as is aforeſaid.

The fees for the ſeal of a citation. Palmer 318.

VII. Provided always, That this Act be not in any wiſe hurtful or prejudicial to the Archbiſhop of York, nor to his Succeſſors, of, for, or concerning probate of teſtaments within his Province and Juriſdiction, by reaſon of any prerogative; any thing in this Act to the contrary thereof notwithſtanding. Rep. 1 & 2 P. & M 8. Rep. 1 Eliz. 1.

The Archbiſhop of York, for probate of Teſtaments.

CAP. X.

A Bill of the Chauntries, Pariſh-Churches and Chapels.

WHere by reaſon of Feoffments, Fines, Recoveries, and other Eſtates and Aſſurances, made of Truſt, of Manors, Lands, Tenements and Hereditaments, to the uſe of Pariſh-Churches, Chapels, Churchwardens, Guilds, Fraternities, Commonalties, Companies or Brotherheads erected and made of devotion, or by common aſſent of the people without any Corporation, and alſo by reaſon of Feoffments, Fines, Recoveries, Wills and other Acts made to any uſes aforeſaid, or to the uſes and intents to have Obites perpetual, or a continual ſervice of a Prieſt for ever, or for threeſcore or fourſcore years, founden of the Iſſues and Profits of the Manors, Lands, Tenements and Hereditaments, whereof ſuch Feoffments, Fines, Recoveries, Wills and other Acts been made, or that the Feoffees, Coniſees, Recoverers, or other perſons and their Heirs thereof ſeiſed, ſhall take, levy, receive and perceive, or cauſe or ſuffer to be taken, levied and perceived the Iſſues, Revenues and Profits thereof, and the ſame to diſpoſe, pay, convert or otherwiſe imploy or ſuffer, or cauſe to be diſpoſed, paid, converted or imployed to any ſuch uſes, intents or purpoſes, as been above ſpecified, or to any other like uſes or intents: there groweth and iſſueth to the King our Sovereign Lord, and to other Lords and Subjects of the Realm, the ſame like loſſes and inconveniencies, and is as much prejudicial to them, as doth and is in caſe where Lands be aliened to Mortmain.

Mortmain, 6. &c. Feoffments of Lands to the uſe of a Church ſhall be void. Aſſurances of Lands to Churches, Comminalties, &c. as prejudicial to the Lords as if they were aliened in Mortmain.

II. Be it therefore enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all and every ſuch uſes, intents and purpoſes, of what name, nature or quality they ſhall be called, that ſhall be deviſed, covenanted, made, declared or in any wiſe or-

Aſſurances of Lands to Churches, Chapels, &c. ſhall be void.

dained, after the firſt day of March, in the three and twentieth year of the Reign of our Soveraign Lord King Henry the Eighth, by any Feoffee, Recoverer or Coniſee, or by any other perſon or perſons to whoſe uſe any ſuch Feoffee, Recoverer or Coniſee ſhall be ſeiſed of any Manors, Lands, Tenements or Hereditaments, or of the Iſſues, Revenues and Profits of them or any of them, ſhall be utterly void and of no ſtrength, virtue nor effect in the Law.

Aſſurances of Lands to Churches, &c. for xx years.

III. Provided alway, That it ſhall be lawful to every perſon being ſeiſed of any Manors, Lands, Tenements or Hereditaments, to his own proper uſe, or having Feoffees, Recoverers or Coniſees to his uſe, to make or ordain, or deviſe, or cauſe to be made, ordained or deviſed any of the uſes, intents or purpoſes above ſpecified, in ſuch manner as they might have done before the making of this Act, and as if this Act had never been had ne made: (2) So that no ſuch uſes, intents or purpoſes to be ſo made, ordained or deviſed after the ſaid firſt day of March, be not in any wiſe made, ordained, deviſed or appointed to endure, continue or abide by any craft, colour, terms, ſentences, clauſes, words or other means above the term of twenty years next after the firſt making and beginning of any ſuch uſes, intents or purpoſes.

Collateral aſſurances in defrauding of the Statute, ſhall be void.

IV. And it is farther enacted, That if any perſon or perſons in defraud of this Statute, bind or ordain any their Heirs or Succeſſors, or any other perſon or perſons, that they ſhall ſuffer ſuch uſes, intents or purpoſes to endure and continue, contrary to this Act, upon pains or penalties of loſſes of any other Lands, Tenements, Hereditaments, or of any other thing or things: or do attempt or deviſe by any colour, craft or means, any thing or things, to make any ſuch uſes, intents or purpoſes to be declared, contrary to the true meaning of this Act, to continue or abide for any longer time or ſeaſon than is above limited for the ſame, that then every ſuch pain, penalty, craft, colour, and every other thing and things, of what kind, nature or quality ſoever it be that ſhall be ſo made, ordained or deviſed in defraud of this Act, ſhall be utterly void in the Law to all intents. And that this Statute ſhall be always interpreted and expounded as beneficially as may be, to the deſtruction and utter avoiding of ſuch uſes, intents and purpoſes therein above remembred, and of all other like uſes and intents, otherwiſe than only after ſuch manner as is afore by this preſent Act provided.

Cuſtom in Cities or Towns to deviſe Lands in Mortmain.

V. Provided alway, That in ſuch Cities and Towns corporate, where by their ancient cuſtoms they have good and lawful authorities to deviſe into Mortmain the Lands, Tenements and Hereditaments within the ſame Cities or Towns corporate, that this Act ſhall not be in any wiſe prejudicial or hurtful to any ſuch cuſtom.

Devices made by the Executors of Jannis and Terry of the City of Norwich.

VI. Provided alway, That this Act, ne any thing therein contained, ſhall extend or be in any wiſe prejudicial, to hinder or impair any ſuch Ordinances, Devices or Declarations of Uſes as ſhall hereafter be made and declared in writing by the Executors of the Teſtaments and laſt Wills of Robert Jannis and John Terry, late Aldermen of the City of Norwich, now deceaſed, or by the Executors, or the Survivor of the Executor of either of them, of any Lands, Tenements or Hereditaments, not amounting in the whole above the clear yearly value of forty pound, to be imployed and converted to, and for the diſcharge of Tolls and Cuſtoms within the ſaid City, and at the gates of the ſame, for the diſcharge of the poor people within the ſame City, of Taxes and Tallages hereafter to be aſſeſſed and levied, and for the cleanſing of the Streets of the ſame City, or for any of the ſaid good purpoſes, according to the true intents and meanings of the ſaid laſt Wills and Teſtaments, and either of them: ſo that the ſame Ordinances, Devices and Declarations be had, made and certified in writing into the Kings Court of Chancery, within two years next enſuing the Feaſt of Eaſter next coming.

C A P. XI.

An Act for Clerk convict breaking Priſon.

Felony, Raſt. 11. Breaking of priſon by a Clerk convict is Felony.

WHere divers perſons being convict of Murther or Felony, having the priviledge of their Clergy, and delivered to the Ordinaries, afterwards wilfully break the priſons of the Ordinaries, and eſcape their ways, doing and committing great, horrible and deteſtable offences: and as hitherto for ſuch wilful breaking of Priſons of Ordinaries by Clerks convict, hath not been provided any great penalty, whereby they ſhould ſtand in dread of doing the ſame: (2) Be it therefore enacted by authority of this preſent Parliament, That if any Clerk convict, being in priſon of any Ordinary, wilfully break the ſaid priſon, and eſcape his way out of the ſame, that then every ſuch breaking of priſon and eſcape, ſhall be from henceforth deemed and adjudged Felony, and the offender therein ſhall have and ſuffer ſuch pain of death and penalty, and loſs of his lands and goods, as for other Felonies is accuſtomed by the Laws of this Realm, and ſhall not in any wiſe be admitted to have the privilege or benefit of his Clergy, nor enjoy any Sanctuary for the ſame.

It is Felony for a Clerk convict being in the Ordinary's priſon to break the ſame. REP. E. 6. 12.

They which be within holy Orders ſhall be delivered to the Ordinary. Alt. 28 H. 8. 1.

II. Provided alway, That if any ſuch Offender be within holy Orders, that is to ſay, of the Orders of Subdeacon, Deacon or Prieſthood, that then after he is convict of the premiſſes, he ſhall be delivered to the Ordinary, there to remain without any purgation.

The Ordinary may diſgrade a Clerk convict, and ſend him to the Kings Bench. St. 23 H. 8. 1.

III. And it is enacted, That it ſhall be at the liberty of the Ordinary to diſgrade any ſuch offender after he is found guilty, and delivered to him as a Clerk convict, and ſend him before the King in his Bench, with Letters witneſſing the ſaid diſgrading, (2) and thereupon the Juſtices of the Kings Bench, having the record of his conviction, ſhall have power and authority to give Judgment againſt every ſuch offender, being convict and diſgraded, that he ſhall ſuffer death, like as they might do in caſe the ſame offender had been a lay man, and arraigned and found guilty afore them of the ſaid offence, the delivering of ſuch offender afore to the Ordinary, notwithſtanding.

CAP. XII.

An Act for the Exaction of Tolls by Severn ſide.

Where the Kins Subjects paſſing upon the River and Water of Severn, have uſed time out of mind to have and uſe a certain path a foot and a half broad on every ſide of the ſaid River, for drawing up by lines or ropes their Troughs, Barges, Boats and other Veſſels paſſing or re-paſſing on the ſaid River of Severn with Wine or any other Merchandiſe, without any impoſition, tax or toll, to be demanded of them that ſo ſhould carry Wine in any of the ſaid veſſels, for the ſaid paſſing and drawing in the ſaid paths accuſtomed, till now of late certain covetous perſons have perturbed and interrupted many of the Kings ſubjects, haling and drawing up their veſſels in the ſaid paths, taking of them fines, and draughts, and bottles of Wine, and yet daily uſe to take, to the diſturbance and loſs to many of the Kings ſubjects.

Boatmen 9. The penalty for hindring of Paſſengers upon the bank of the River of Severn.

II. Be it therefore enacted by the King our Soveraign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, That no perſon or perſons interrupt by any obſtacle, let or otherwiſe, any perſon or perſons paſſing or re-paſſing, on and upon every of the ſaid paths accuſtomed, nor alſo ask, take or demand any toll called a draught or bottle of Wine, or any other tax or impoſition of any of the Kings Subjects there going in the ſaid paths accuſtomed, upon every ſide of the River of Severn, there haling or drawing their Boats, Troughs or Veſſels, (2) upon pain to forfeit for every time that he or they ſo ſhall interrupt any of the Kings Subjects, or ask or take any ſuch impoſition, by what name ſoever it be called, xl s. The one half thereof to be to the King our Soveraign Lord, and the other half to the party grieved, that will ſue for the ſame by Bill, Plaint, Information or otherwiſ; in the which Suit no Eſſoin, Wager of Law nor Protection ſhall be allowed. St. 9 H. 6. 5. 19 H. 7. 18.

The penalty for hindring Paſſengers upon the bank of of the River of Severn, or for demanding of Toll.

CAP. XIII.

An Act for Tryal of Murthers in Cities and Towns.

Foraſmuch as Trial in Murthers and Felonies in Cities, Boroughs and Towns corporate within this Realm, having authority to proceed in the deliverance of ſuch offenders, been oftentimes deferred and delayed, by reaſon of challenge of ſuch offenders, for lack of ſufficiency of freehold, to the great hindrance of Juſtice. (2) It may therefore be enacted by Authority of this preſent Parliament, That every perſon and perſons being the Kings natural Subject born, which either by the name of a Citizen, or of a Freeman, or any other name, doth enjoy and uſe the liberties and privileges of any City, Borough or Town corporate where he dwelleth and maketh his abode, being worth in moveable goods and ſubſtance to the clear value of forty pounds, be from thenceforth admitted in Trial of Murthers and Felonies in every Seſſions and Gaol-delivery, to be kept and holden in and for the liberty of ſuch Cities, Boroughs and Town corporate, albeit they have no freehold; Any Act, Statute, Uſe, Cuſtom or Ordinance to the contrary hereof notwithſtanding.

Jurors 15. That men in corporate Towns ſhall paſs in Trial of Murthers. Trial of Felons in corporate Towns may be by men worth xl l. in goods.

II. Provided alway, That this Act do not extend in any manner of wiſe to any Knight or Eſquire, dwelling, abiding or reſorting in or to any ſuch City, Town or Borough corporate; any thing in the ſame Act mentioned or declared to the contrary hereof notwithſtanding.

CAP. XIV.

An account of Treſpaſs upon the Statute of *Anno quinto Richardi ſecundi*, to ſome Proceſs of Outlawry.

Foraſmuch as there is great delays in Actions of Treſpaſs brought upon the Statute of Richard the ſecond, made in the fifth year of his Reign, againſt them that make entries into any lands or tenements where their entry is not given by the Law, and alſo in Actions of Annuity and Actions of Covenant, becauſe there lieth no Proceſs of Outlawry in ſuch nature of Actions. (2) For reformation whereof, it may pleaſe the Kings Highneſs, by the advice of his Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, to ordain and enact, That like Proceſs be had hereafter in every Action from henceforth to be brought upon the ſaid Statute of Anno quinto, as in a common Action of Treſpaſs at the Common Law, (3) and that alſo like Proceſs be had in every Writ of Annuity and Covenant hereafter to be ſued, as is in an Action of Debt. Br. Exigent, 22. 53. 63. Br. Proceſs, 12. 125.

Proceſs 3. Like Proceſs ſhall be had in every Writ of Annuity and Covenant as in an Action of Debt. St. 5 R. 2. 7.

CAP. XV.

An Act that the Plaintiff, being non-ſuited, ſhall yield damages to the Defendants in Actions perſonal, by the diſcretion of the Juſtices.

Be it enacted by the King our Soveraign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That if any perſon or perſons at any time after the Feaſt of the Purification of our Lady, in the xxiij year of the Reign of our ſoveraign Lord King Henry the eighth, commence or ſue in any Court of Record, or elſewhere in any other Court, any action, bill or plaint of Treſpaſs upon the Statute of King Richard the ſecond, made in the fifth year of his Reign, for entries into lands and tenements, where none entry is given by the Law, (2) or any action, bill or plaint of debt or covenant upon any eſpecialty made to the plaintiff or plaintiffs, (3) or upon any contract ſuppoſed to be made between the plaintiff or plaintiffs, and any other perſon or perſons, (4) or any action, bill or plaint of Detinue of any goods or chattels, whereof the plaintiff or plaintiffs ſhall ſuppoſe that the property belongeth to them, or to any of them, (5) or any action, bill or plaint of account, in the which the plaintiff or plaintiffs ſuppoſe the defendant or defendants to be their bailiff or bailiffs, receiver or receivers of their manor, meſe, mony or goods to yield account, (6) or any action, bill or plaint upon the caſe, or upon any ſtatute, for any offence or wrong perſonal immediately ſuppoſed to be done to the plaintiff or plaintiffs, (7) and the plaintiff or plaintiffs in any ſuch kind of action, bill or plaint, after appearance of the defendant or defendants

Damages 5. Where the Plaintiff is nonſuit, &c. the Defendant ſhall recover coſts. St. 8 El. 2. 4 Jac. 3. Co. pl. f. 29. Co. Inſt. 2. part 651. Cro. El. 177, 300, 465, 503. 3 Bulſtr. 248. Moor 625. pl. 857. Coſts, Br. 23.

defendants be non-ſuited, or that any Verdict happen to paſs by lawful trial againſt the plaintiff or plaintiffs in any ſuch action, bill or plaint: that then the defendant or defendants in every ſuch action, bill or plaint, ſhall have judgment to recover his coſts againſt every ſuch plaintiff or plaintiffs. (8) And that to be aſſeſſed and taxed by the diſcretion of the Judge or Judges of the Court where any ſuch action, bill or plaint ſhall be commenced, ſued or taken. (9) And alſo that every defendant in ſuch action, bill or plaint ſhall have ſuch proceſs and execution for the recovery and having of his coſts againſt the plaintiff or plaintiffs, as the ſame plaintiff or plaintiffs ſhould or might have had againſt the defendant or defendants, in caſe that judgment had been given for the part of the ſaid plaintiff or plaintiffs, in any ſuch action, bill or plaint. Dyer f. 32, 371. Bro. Coſts 23.

1 Leon. 19, Hob. 219, 2 Leon. [illegible]

He that ſueth in Forma pauperis ſhall be otherwiſe puniſhed. 1 Roll. 88.

II. Provided alway, That all and every ſuch poor perſon or perſons being plaintiff or plaintiffs in any of the ſaid actions, bills or plaints, which at the commencement of their ſuits or actions be admitted by diſcretion of the Judge or Judges where ſuch ſuits or actions ſhall be purſued or taken, to have their proceſs and counſel of charity without any mony or fee paying for the ſame, ſhall not be compelled to pay any coſts by virtue and force of this Statute, but ſhall ſuffer other puniſhment, as by the diſcretion of the Juſtices or Judge afore whom ſuch ſuits ſhall depend, ſhall be thought reaſonable, any thing afore rehearſed to the contrary hereof notwithſtanding.

CAP. XVI.

Felony, Raſt. 13.

It ſhall be Felony to ſell, exchange or deliver to any Scotiſhman, or within Scotland, any Horſe, Gelding, &c. Rep. 4 Jac. 1. 1 Ed. 6. 12. 1 Ed. 6. 5. 1 El. 7.

CAP. XVII.

For the winding of Wool.

Wools 8. How and in what manner Wools ſhall be wound. No Wool ſhall be wound that is not ſufficiently waſhed: no deceitful thing ſhall be put in the fleece. St. 8 H. 6. 22.

BE it enacted by the King our Soveraign Lord, and the Lords ſpiritual and temporal, with the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that from henceforth no manner of perſon ne perſons do wind, or cauſe to be wound any fleece of Wool being not ſufficiently rivered or waſhed, (2) ne wind nor cauſe to be wound within any fleece, clay, lead, ſtones, ſand tails, deceitful locks, cot, cals, comber, lambs wool, or any other thing, whereby the fleece may be the more weighty, to the deceit and loſs of the buyer; (3) upon pain the ſeller of any ſuch deceitful wools, to forfeit for every ſuch fleece, vj d. the one moiety to the King, the other to the finder and prover of the ſame deceipt, by action of debt, by original writ, bill, plaint, information or otherwiſe in any of the Kings Courts, in which action no wager of Law, eſſoin or protection ſhall be allowed for the defendant.

Counties where Wool is not waſhed, or where fleeces be ſold by tale.

II. Provided alway, That this Act concerning rivering and waſhing of any wool, ſhall not in any wiſe extend to any ſhire or ſhires, the inhabitants whereof have not cuſtomably uſed before this time to river or waſh their Sheep afore they be ſhorn, (2) nor ſhall in any wiſe be hurtful or prejudicial to any perſon or perſons that have uſed cuſtomably to ſell their wools by tale or number of the fleece or fleeces, and not by the weight; Any thing in this Act to the contrary notwithſtanding. (3) This Act to endure to the next Parliament. St. 13 El. 25. made perpetual.

CAP. XVIII.

For pulling down of the Piles and Fiſhgarths in the Rivers of Ouſe and Humber.

Havens 8.

THE Mayor, Sheriffs and Commonalty of the City of York, and other the Kings true ſubjects inhabiting and dwelling nigh unto the River of Ouſe, and the Water of Humber, and all other occupiers of the ſame River and Water, lamentably complaining, ſhewen unto our ſoveraign Lord the King, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, that where the ſaid City, being one of the moſt ancient Cities of this Realm, hath been much relieved, maintained and ſupported by the ſaid River of Ouſe, and Water of Humber, which be the common and direct paſſage, and way from Hull unto York aforeſaid, by reaſon that many ſhips, keyles, cogs and boats, and other veſſels have heretofore had their frank paſſages, without let impediment or interruption, in and upon the ſaid River and Water of Ouſe and Humber, from divers parts of this Realm unto the ſaid City; whereby the ſaid City hath hitherto moſt chiefly been advanced: (2) And now of late certain perſons, ſtudying only for their own private lucre, not regarding the common weal, but daily imagining the utter deſtruction, ruin and decay of the ſaid City, and the Countries adjoining upon the ſaid River of Ouſe and Water of Humber, and occupiers thereof, have and daily do keep, preſerve and maintain certain engines for taking of Fiſh in the ſaid River and Water of Ouſe and Humber, commonly called fiſhgarths, and ſet in the ſaid River and Water, in ſuch places of the ſame, where ſhips ſhould have their liberal and direct paſſage in the midſt of the ſtreams of the ſaid River of Ouſe and Water of Humber, ſtakes, piles and other things in and upon the common paſſage for ſhips, keyles, cogs, boats and other veſſels, at divers and many places in the ſaid River of Ouſe and Water of Humber: by reaſon whereof not only the ſaid ſhips, keyles, cogs, boats and other veſſels are daily in jeopardy, and men, children, goods and merchandiſes in the ſame of late have been and daily be like more to increaſe to be drowned, ſlain and deſtroyed, but alſo brood and fry of Fiſh in the ſaid River and Water of Ouſe and Humber be commonly thereby deſtroyed and putrified, to the utter impoveriſhment and deſtruction of the ſaid City, unleſs ſpeedy remedy be in this behalf ſhortly provided:

The inconveniences enſuing the ſetting of fiſhgarths, ſtakes, piles in Ouſe and Humber.

A Commiſſion ſhall be directed to viii perſons to cauſe ſuch fiſhgarths, piles, &c. ſet in the Rivers of Ouſe and Humber, to be pulled down.

II. Wherefore it may pleaſe our ſaid ſoveraign Lord, with the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the Lord Chancellor of England for the time being, by the Kings Commiſſion under his great Seal, afore the firſt day of May now next coming, ſhall by his diſcretion appoint viij ſad and diſcreet perſons, whereof four of them to be of the Citizens of the ſaid City of York, and Burgeſſes of the ſaid Town of Hull, and the other four to be two of them Juſtices of the Peace of the Weſt-riding of the County of York, and the other two Juſtices of the Peace of the Eaſt-riding of the ſame County, that they viij, vij, vj, v, or iv of them, whereof two of them to be of the ſaid Citizens and Burgeſſes of the ſaid City and Town, and other two to be, one of them Juſtice of Peace of the Weſt-riding, and the other of the Eaſt-riding of the ſaid County, on this ſide the firſt day of June now next enſuing, ſhall have power and authority to ſurvey, and ſee the ſaid fiſhgarths, wears, piles, ſtakes and other engins ſet and made in the ſaid river and water of Ouſe and Humber: (2) which ſaid perſons ſo aſſigned ſhall have power and authority by virtue of this Act, to appoint and aſſign by their diſcretions the owners of the ſaid fiſhgarths, ſtakes, piles and other engins to avoid and pull up, or cauſe to be avoided and pulled up within forty days after ſuch ſurveyance made, and monition given to the ſaid owners, every ſuch, and as much of the ſaid fiſhgarths, piles, ſtakes, heckes and other engins, which then by their diſcretions ſhall be thought expedient, meet and convenient to be avoided and pulled up, that the ſaid ſhips, keyles, cogs, boats and other veſſels, paſſing and repaſſing on the ſaid river and water of Ouſe and Humber, to or from the ſaid City York and Town of Hull, may have direct, liberal and frank paſſage, in, thorough or upon the ſaid river of Ouſe, and water of Humber, without any perturbance, impediment, let or danger, by reaſon of any of the ſaid fiſhgarths, piles, ſtakes or other engins, then left erected and ſtanding in the ſaid river and water of Ouſe and Humber. (3) And that the ſaid owners on every ſide of the ſaid fiſhgarths and other engins, next to the middle of the ſaid water ſtream and paſſage of the ſaid veſſels there, to ſet or cauſe to be ſet within the ſaid forty days before limited, two piles of the length of one yard over, and above the highwater mark at the full Sea of the ſaid river and water of the Spring tide, there to be and remain, and to be kept and repaired by the ſaid owners, when need ſhall require the ſame for ever; that ſuch perſons as ſhall paſs and repaſs with ſhips, keyles, cogs and other veſſels in the ſame waters, may have perfect knowledge and ſight of the direct way and paſſage in the ſaid waters, thorough the ſaid fiſhgarths and engins for the ſaid ſhips, keyles, boats and other veſſels.

Two piles for water marks ſhall be ſet in the River.

III. And be it enacted by the ſaid Authority, That the Lord Chancellor of England, for the time being, at all times after the ſaid firſt ſurveyance, upon requeſt to him to be made by the Mayor and Comminalty of the ſaid City and Town, or by any other Citizen and Burgeſs of the ſaid City and Town for the time being, or other perſon by them under the common Seals of the ſaid City and Town authoriſed, ſhall have power and authority by his diſcretion, to make and direct like Commiſſion unto eight ſad and diſcreet perſons, whereof four of them to be of the Citizens and Inhabitants of the ſaid City and Town, and the other four to be Juſtices of the Peace, whereof two to be of the Weſt-riding, and the other two of the Eaſt-riding of the County of York, not of fee nor retained with the ſaid City nor Town, that they viij, vij, vj, v, or iv of them, whereof two of them ſhall be of the ſaid City and Town, and the other two Juſtices of Peace, the one of the Eaſt-riding, and the other of the Weſt-riding of the ſaid County, by virtue of the ſaid Commiſſion, ſhall and may the ſaid owners aſſign and appoint to pull up and redreſs, or cauſe to be pulled up and redreſſed within xxx days after monition given to the ſaid owners by the ſaid Commiſſioners, or by ſuch of them taking the charge of the execution of the ſaid Commiſſion, ſuch and as much of the ſaid fiſhgarths and other impediments to be made in the ſaid waters, to the lett, diſturbance, damage or jeopardy of any ſhips, keyles, boats or any other veſſels, paſſing or repaſſing to or from the ſaid City of York, to the ſaid Town of Hull, as by them ſhall be thought meet and convenient.

The Lord Chancellor may upon requeſt grant the like Commiſſion at all times.

IV. And farther be it enacted by the ſaid Authority, That no manner of perſon or perſons within the ſaid river and water of Ouſe and Humber, ſhall ſet fiſhgarths, or any other engins, to take fiſh withal, within the waters aforeſaid, but only with ſuch nets, and other engins as ſhall be of aſſiſe and meaſure, according to the ſtandard, and ancient and laudable cuſtoms uſed in the ſaid river and water of Ouſe and Humber, and alſo to uſe the fiſhing within the ſaid waters all ſuch times as within the ſame hath of old been accuſtomed, and at no other time.

No fiſhgarths or other engins ſhall be ſet in Ouſe and Humber.

With what nets men ſhall fiſh.

V. And farther be it enacted by the Authority aforeſaid, That every of the ſaid owners and occupiers of ſuch fiſhgarths, for every month offending contrary to this Act, ſhall forfeit xl li. (2) And every other perſon in fiſhing contrary to this Act offending, ſhall forfeit x li. (3) the one half of which penalty and penalties to be to our Soveraign Lord the King, and the other half to the Mayor and Comminalty of the ſaid City of York, and their ſucceſſors, and the ſame to be recovered againſt every perſon and perſons ſo offending, as well by Bill, Information, or otherwiſe at the Kings ſuit, as by original Writ of Debt, at the ſuit of the ſaid Mayor and Comminalty and their Succeſſors, in which Action the party Defendant ſhall not wage his Law, nor have any Protection or Eſſoin allowed.

The forfeiture of the offenders and who ſhall have it.

CAP. XIX.

The King's Pardon to all his Spiritual Subjects within the Province of York, of all offences and penalties not herein excepted. Exp.

Pardon, Raſt. 49.

Anno viceſimo quarto HENRICI *octavi.*

ACTS made in the Seſſion of this preſent Parliament, holden upon prorogation at Weſtminſter the fourth day of February, in the four and twentieth year of the Reign of our moſt dread Soveraign Lord King Henry the Eighth, and there continued and kept till the ſeventh day of April then next enſuing, to the honour of God and Holy Church, and for the common weal of this his Realm.

CAP. I.

Tanned Leather ſhall not be ſold but in open Fairs and Markets, not before it be ſearched and ſealed. Who ſhall be Searchers and Sealers, and what their duty is. The Curriers duty in currying of Leather. The Offenders forfeitures, and who ſhall have them. Rep. 5 El. 8. and 1 Jac. 22.

Cordwainers, Raſt. 21.

CAP. II.

No perſon ſhall dye or alter any woollen Cloth, or Hats, or Caps, unleſs the ſame be perfectly boiled, grained or maddered upon the Woad with good Cork or Orchal. (2) No Dyer ſhall occupy Brazile in the dying of Woollen Cloths, Hats or Caps, nor any thing but Grain onely in the dying of Scarlet. Exp.

Drapery, Raſt. 59.

CAP.

CAP. III.

Butchers, Raſt. 3.

Beef, Pork, Mutton and Veal ſhall be ſold by weight called Haver du-pois. No perſon ſhall take for a pound of Beef or Pork above ob. nor for a pound of Mutton or Veal above ob. q. and leſs in thoſe Counties where they be ſold for leſs. Rep. 33 H. 8. 11. 25 H. 8. 1. 27 H. 8. St. 9.

CAP. IV.

Flax, Raſt. 1. 1 Roll. 420.

Every perſon having in his occupation threeſcore acres of Land apt for tillage, ſhall ſow one Rood with Flax or Hempſeed, upon pain to forfeit iij s. iv d. for every forty acres. An acre ſhall be accounted 160 perches, and every perch 16 foot and a half. Exp. & Rep. 35 El. 7. St. 33 H. 8. 17. 5 El. 5.

CAP. V.

That a Man killing a Thief in his defence, ſhall not forfeit his Goods.

3 Inſt. 56, 63, 220. Bract. 144. b. Forfeiture 1. No forfeiture for killing of a thief attempting to rob one by the high-way, &c. 2 Anderſ. 41.

FOraſmuch as it hath been in queſtion and ambiguity, that if any evil diſpoſed perſon or perſons do attempt feloniouſly to rob or murther any perſon or perſons, in or nigh any common high-way, cart-way, horſe-way or foot-way, or in their manſions, meſſuages or dwelling places, or that feloniouſly do attempt to break any dwelling houſe in the night-time, ſhould happen in his or their being in their ſuch felonious intent to be ſlain by him or them whom the ſaid evil doers ſhould ſo attempt to rob or murder, or by any perſon or perſons, being in their dwelling-houſe, which the ſame evil doers ſhould attempt burglarily to break by night: if the ſaid perſon ſo hapning in ſuch caſes to ſlay any ſuch perſon, ſo attempting to commit ſuch Murther or Burglary, ſhould for the death of the ſaid evil diſpoſed perſon, forfeit or loſe his goods and chattels for the ſame, as any other perſon ſhould do, that by Chance-medley ſhould happen to kill or ſlay any other perſon in his or their defence:

There ſhall be no forfeiture of lands or goods for the killing of any perſon that attempted to murther or rob.

(2) For the declaration of the which ambiguity and doubt, be it enacted by the King our Soveraign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That if any perſon or perſons, at any time hereafter, be indicted or appealed of or for the death of any ſuch evil diſpoſed perſon or perſons, attempting to murther, rob, or burglarily to break manſion houſes, as is abovesaid, that the perſon or perſons ſo indicted or appealed thereof, and of the ſame by Verdict ſo found and tried, ſhall not forfeit or loſe any lands, tenements, goods or chattels, for the death of any ſuch evil diſpoſed perſon in ſuch manner ſlain, but ſhall be thereof and for the ſame fully acquitted and diſcharged in like manner as the ſame perſon or perſons ſhould be if he or they were lawfully acquitted of the death of the ſaid evil diſpoſed perſon or perſons.

CAP. VI.

Wines, 3.

The penalty for not ſelling of Wines at the prices aſſeſſed. St. 28 H. 8. 14. (2) In what caſes Juſtices of Peace and other Officers may ſell other Mens Wine. St. 37 H. 8. 23. (3) He that keepeth Wine in his houſe to ſpend or retail, ſhall not be enforced to ſell it in groſs. Rep. 21 Jac. 28.

CAP. VII.

Calves, Raſt. 1. Savil 10.

Whatſoever Butcher killeth a Calf to ſell, that is calved between the firſt day of January and the firſt of May, ſhall forfeit vj s. viij d. Exp. Stat. 14 El. 11.

CAP. VIII.

For Plaintiffs.

Damages 9. In what caſe the defendant ſhall not recover coſts.

BEcauſe as well many Recogniſances, Obligations, Indentures and other Specialties, as alſo many contracts heretofore have been taken and made between divers perſons being of the Kings moſt honourable Council, and other his Subjects, and by and between other perſons, to the uſe and behoof of our ſaid Soveraign Lord the King for great Sums of Mony, then being to his Grace due, and for his proviſion and other cauſes. (2) For which Debts, Actions by the Laws of this Realm be to be commenced, ſued and proſecuted to the Kings uſe, by and in the name and names of the perſon or perſons to whom the ſaid Recogniſances, Obligations and other Specialties were made, or by thoſe to whom the ſaid contracts were made:

There ſhall be no coſts of Suit awarded to the defendant where any action is ſued to the Kings uſe.

(3) Be it therefore ordained and enacted by authority of this preſent Parliament, That albeit that the Plaintiff or Plaintiffs be or ſhall be nonſuited in any whatſoever Action, Suit, Bill or Plaint commenced or to be commenced, ſued or to be ſued, to the uſe of our ſaid Soveraign Lord the King, his Heirs or Succeſſors, Kings of England, or that it ſhall happen any Verdict to paſs againſt any ſuch Plaintiff or Plaintiffs, in any Action, Suit, Bill or Plaint ſued or to be ſued to the Kings uſe: the Defendant or Defendants ſhall not recover any Coſts againſt any ſuch Plaintiff or Plaintiffs, any Act or Statute made in this preſent Parliament, or any other thing to the contrary being in any wiſe notwithſtanding.

CAP. IX.

Butchers 2.

Butchers ſhall kill no Wainlings under two years old. Lords Marches ſhall have their forfeiture within their Liberties. (2) Juſtices of Peace ſhall hear and determine the ſame offences. Exp. St. 14 El. 11. 27 El. 11. 1 Jac. 25. 21 Jac. 28.

CAP. X.

For the deſtruction of Crows and Rooks.

Crows, Raſt. 1. Choughs, Crows and Rooks ſhall be deſtroyed. The great inconveniences ſuffered by reaſon of Choughs, Crows and Rooks.

FOraſmuch as innumerable number of Rooks, Crows and Choughs do daily breed, and increaſe throughout this Realm, which Rooks, Crows and Choughs, do yearly devour and conſume a wonderful and marvellous great quantity of Corn and Grain of all kinds, that is to wit, as well in the ſowing of the ſame Corn and Grain, as alſo at the ripening and kernelling of the ſame, and over that a marvellous deſtruction, and decay of the covertures of thatched Houſes, Barns, Reeks, Stacks and other ſuch like: (2) So that if the ſaid Crows, Rooks and Choughs ſhould be ſuffered to breed and continue, as they have been in certain years paſt, they will undoubtedly be the cauſe of the great deſtruction and conſumption of a great part of the Corn and Grain which hereafter ſhall be ſown throughout this Realm, to the great prejudice, damage and undoing of the great number of all the Tillers, Husbands and Sowers of the Earth within the ſame.

II. For remedy whereof, Be it enacted by the authority of this preſent Parliament, That every perſon and perſons, as well ſpiritual as temporal, having, keeping, holding and inhabiting in any Manors, Meaſes, Lands or Tenements in their own manurance and occupation of any eſtate of inheritance, or for term of life, or for years, or at will, or by copy of Court-Roll, or otherwiſe in poſſeſſion or uſe, ſhall hereafter do, or cauſe to be done, as much as in him or them reaſonably ſhall or may be, to kill and utterly deſtroy all manner of Choughs, Crows, Rooks, coming, abiding, breeding or haunting within or upon any the ſaid Manors, Meaſes, Lands or Tenements which he or they ſhall inhabit and dwell upon, and have in their manurance and occupation, as is aforeſaid, (2) upon pain of a grievous amerciament, to be ſet and aſſeſſed as hereafter ſhall be expreſſed: that is to ſay, that if any offence be done contrary to the Statute, by any perſon or perſons inhabited within the limits of the Leets, Lawdays, Rapes or Court Barons of any Lords having ſuch Courts, that then upon a preſentment thereof made before the Steward of ſuch Leets, Lawdays, Rapes or Courts, the Stewards with two of the Preſenters, (by the Steward and Preſenters to be named) ſhall aſſeſs and ſet for every default preſented to be done contrary to this Act, ſuch amerciament as to them ſhall ſeem reaſonable and convenient, after the quantity of the offence, (3) the ſaid amerciament to be to the uſe of the Lord, or Lords of the Leets, Lawdays, Rapes or Courts where the ſaid offence ſhall be done and preſented, to be levied by diſtreſs of the goods and cattels of the offender or offenders, like as other amerciaments for common annoyances (preſented in Leets) have been accuſtomed to be levied.

Every man ſhall do his beſt to deſtroy Crows, &c. upon pain of amerciament, being preſented at Leets, Sheriffs Turns, Seſſions, &c.

(4) And if the offence be done contrary to this Statute by any perſon or perſons, which ſhall dwell and have the manurance of and in ſuch Manors, Meaſes, Lands, Tenements or Hereditaments, whereunto ſuch Leets, Lawdays, Rapes and Courts do not belong, or by reaſon whereof any ſuch Courts be not holden: that then upon a preſentment thereof had before the Sheriffs in the Turns, or Juſtices of Peace in their Seſſions, the Steward of the Turns with two of the Preſenters, to be choſen as is aforeſaid, if the preſentment be within the Turn, and the Juſtices of Peace, or two of them at the leaſt, if the preſentment be before them in their Seſſions, ſhall aſſeſs and ſet the ſaid amerciament, after the quantity of the offence, by their diſcretions, to be had and levied to the uſe of our Soveraign Lord the King by diſtreſs, like as other amerciaments be levied upon preſentments of common annoyances.

III. And farther be it enacted by the authority aforeſaid, That in every Pariſh, Townſhip, Hamlet, Borough or Village within this Realm, wherein is at leaſt ten houſholds inhabited, the tenants and inhabitants thereof ſhall before the Feaſt of Saint Michael the Archangel next, and ſo during ten years next enſuing the ſaid Feaſt, at their own proper coſts, charges and expences, provide, make or cauſe to be made one Net, commonly called a Net to take Choughs, Crows and Rooks, with all things requiſite or belonging to the ſame, (2) and the ſaid Net ſo made or cauſed to be made, ſhall keep, preſerve and renew, as often as ſhall need: And with and after a Shrap made with Chaff and other things meet for that purpoſe, ſhall lay or cauſe to be laid, at ſuch time or times in the year, as are convenient for deſtruction of ſuch Choughs, Rooks and Crows, and in ſuch place and places as ſhall be thought expedient to take the ſaid Choughs, Crows and Rooks, (3) upon pain to forfeit ten ſhillings, the one moiety thereof to be to our Soveraign Lord the King, and the other moiety to the Lord or Lords of the ſame Courts, Leets, Lawdays or Rapes, where any ſuch Net ſhall be lacking, and not made, and put in execution according to this Act, (4) to be levied of the ſaid tenants and inhabitants of the ſaid Pariſh, Townſhip, Hamlet, Borough or Village, where any ſuch Net ſhall be lacking, and not put in ure and execution as is aforeſaid. (5) And that every ſuch Net with all things requiſite thereunto, ſhall one time in the year, at the leaſt, be preſented in the Court Baron, Leet, Rape or Lawday, before the Steward of the ſame Court, Leet, Rape or Lawday, whereunto the ſaid tenants and inhabitants ſhall be bounden to ſue, and appear, to be viewed, whether the ſame be ſufficiently repaired or not, for the foreſaid purpoſe: (6) So that by the advice of the Steward, Tenants and Inhabitants of the ſaid Court Baron, Leet, Rape or Lawday, where any ſuch Net ſhall be neceſſary to be uſed, a ſure way and Ordinance may be deviſed for the reparation, continuance and putting in execution of the ſaid Net at times and places convenient, as is aforeſaid. (7) And that ſuch Ordinances as ſhall be deviſed and made by the Steward, Tenants and Inhabitants of and within the ſaid Leets, Lawdays, Rapes and Courts, or by the moſt part of them, to and for the deſtruction of the ſaid Rooks, Crows and Choughs, ſhall ſtand good and effectual, and be put in due execution, according to the tenor thereof.

Every Town, Hamlet, &c. ſhall provide and maintain Crow Nets during x years. Exp.

IV. And farther be it enacted by the authority aforeſaid, That as well ſuch perſon and perſons, as ſhall inhabit, and have in his manurance and occupation, any Manors, Meaſes, Lands, Tenements, or other Hereditaments, whereunto any ſuch Leets, Lawdays, Rapes or Courts appertain, or by reaſon whereof any ſuch Courts be holden, as the Tenants and Farmers inhabiting and having in their manurance and occupation, any Meaſes, Lands, Tenements or Hereditaments holding of ſuch Manors, Meaſes or other Hereditaments, whereunto ſuch Courts, as is aforeſaid, belong, ſhall yearly, during the ſaid ten years, at ſuch days, places and times, as by the Steward of ſuch Leets, Lawdays, Rapes or Courts ſhall be appointed, aſſemble themſelves together to view, viſit and ſurvey all the ſaid Manors, Meaſes, Lands, Tenements and Hereditaments, where they or any of them ſhall happen to dwell or inhabit and be reſident; (2) and thereupon ſhall agree and conclude, how and by what means it ſhall be beſt poſſible to deſtroy all the young breed of the ſaid Choughs, Crows and Rooks, for that year; (3) and the ſame aſſembly, view and viſitation ſhall make yearly, during the ſaid ten years, at moſt convenient and apt times for the ſame, and ſhall put the ſame in due execution, ſo as the ſaid young breed of Choughs, Crows and Rooks may be utterly deſtroyed, (4) upon pain to forfeit for every year omitting ſuch aſſembly, endeavour, and view making according to this Act, twenty ſhillings, after preſentment of ſuch default had before the Kings Juſtices of Peace: the one half of which forfeiture to be to the King our Soveraign Lord, and the other half to be to the Preſenters of the ſaid offence, to be levied by diſtreſs, like as amerciaments for common annoyances have been accuſtomed to be levied.

The Inhabitants ſhall, during ten years, aſſemble and take order to deſtroy Crows, Rooks, &c. Exp.

The defaults ſhall be given in charge in Leets, &c.

V. And farther be it enacted by the authority aforeſaid, That as well the Juſtices of Peace in their Seſſions, and Sheriffs in their Turns, as Stewards, Mayors and Bailiffs elected in their Leets, Law-days, Rapes and Court-barons, to be hereafter holden before them, or any of them, ſhall give in charge to the Tenants and Inhabitants, and all other appearing before any of them, that they ſhall duly inquire and put in execution the effect of the premiſſes in due time, ſo that this Act may be fully and truly executed, and the Choughs, Crows and Rooks thereby deſtroyed in all places of this Realm, according to the meaning and true intent of this Statute.

Any man with licence of the owner of the ground may take Crows, &c.

VI. And over this it is enacted, That it ſhall be lawful to every perſon and perſons, only minding and willing to take and deſtroy the ſaid Crows, Rooks or Choughs, after requeſt thereof made to the owner or occupier of the ſame ground where ſuch Crows, Rooks or Choughs haunt or breed, to enter, take and carry away all ſuch Rooks or Choughs, and Crows, as he ſhall take that ſame day in which ſuch requeſt ſhall be made, from time to time without let, impediment or impeachment by any manner mean of the ſaid owner or occupier of the ſame.

The taker of Crows, &c. ſhall have after the rate of two pence the dozen

VII. And it is farther enacted, That every farmer or owner, having in his own manurance and occupation, any Manors, Meaſes, Lands, Tenements or other Hereditaments, whereof the yearly value or rent amounteth to v pounds, ſhall pay and give to every ſuch perſon, which by his diligence, labour and induſtry at his own proper coſts doth take any old Crows, Rooks or Choughs, within and upon the ſaid Manors, Meaſes, Lands or Grounds of the yearly value aforeſaid, two pence for every twelve old Crows, Rooks or Choughs, that any ſuch perſon ſhall take, bring and offer to any ſuch farmer or owner; and for every ſix old Crows, Rooks or Choughs, a peny; for every three, an half peny: (2) And if any ſuch owner or farmer refuſe to pay the ſaid mony accordingly, as is aforeſaid, then upon Complaint and proof thereof made to any of the Juſtices of Peace or High-conſtable, the ſaid Juſtice of Peace or High-conſtable ſhall cauſe the ſaid mony to be levied by diſtreſs of the goods and cattels of every ſuch farmer or occupier refuſing to pay the ſame according to the tenor and effect of this Act.

None under pretence of this Act ſhall kill pigeons. 2 Roll. 31.

VIII. Provided always, That no perſon or perſons, by colour or authority of this Act, ſhall take or kill any Doves or Pigeons, upon the pains limited by the Laws and Cuſtoms of this Realm heretofore for ſuch offences uſed and accuſtomed. St. 8 El. 15.

CAP. XI.

Paving, Raſt. 1.

The Street-way between Charing-croſs and Strand-croſs, ſhall be ſufficiently paved at the charge of the owners of the lands: And the Pavement being made, it ſhall be maintained by the owners of the land adjoining to the ſame, upon pain of forfeiture to the King of vj d. for every yard ſquare not paved or repaired. PR.

CAP. XII.

For the reſtraint of Appeals.

Appeals 1. No appeals ſhall be uſed but within this Realm. The power, pre-eminence, and authority of the King of England.

Where by divers ſundry and authentick Hiſtories and Chronicles, it is manifeſtly declared and expreſſed, that this Realm of England is an Empire, and ſo hath been accepted in the world, governed by one ſupreme Head and King, having Dignity and Royal Eſtate of the Imperial Crown of the ſame: (2) Unto whom a Body politick, compact of all ſorts and degrees of people, divided in terms and by names of Spiritualty and Temporalty been bounden and owen to bear next to God, a natural and humble obedience: (3) He being alſo inſtitute and furniſhed by the goodneſs and ſufferance of Almighty God, with plenary, whole and entire Power, Pre-eminence, Authority, Prerogative and Juriſdiction, to render and yield Juſtice and final determination to all manner of folk, reſiants or ſubjects within this his Realm, in all Cauſes, Matters, Debates and Contentions happening to occur, inſurge or begin within the limits thereof, without reſtraint or provocation to any foreign Princes or Potentates of the World; (4) The Body ſpiritual whereof having power, when any Cauſe of the Law Divine happened to come in queſtion, or of ſpiritual Learning, that it was declared, interpreted and ſhewed by that part of the ſaid Body politick, called the Spiritualty, now being uſually called the Engliſh Church, which always hath been reputed and alſo found of that ſort, that both for knowledge, integrity and ſufficiency of number, it hath been always thought, and is alſo at this hour, ſufficient and meet of it ſelf, without the intermedling of any exterior perſon or perſons, to declare and determine all ſuch doubts, and to adminiſter all ſuch Offices and Duties as to their Rooms ſpiritual doth appertain: (5) For the due adminiſtration whereof, and to keep them from corruption and ſiniſter affection, the Kings moſt noble Progenitors, and the Anteceſſors of the Nobles of this Realm, have ſufficiently endowed the ſaid Church both with Honour and Poſſeſſions: (6) And the Laws temporal, for trial of property of Lands and Goods, and for the conſervation of the people of this Realm in unity and peace, without rapine and ſpoil, was and yet is adminiſtred, adjudged and executed by ſundry Judges and Miniſters of the other part of the ſaid Body politick, called the Temporalty: (7) And both their Authorities and Juriſdictions do conjoin together in the due adminiſtration of Juſtice, the one to help the other.

The power, learning and wiſdom of the Body ſpiritual.

The form and manner of government of the eſtate temporal.

II. And whereas the King his moſt noble Progenitors, and the Nobility and Commons of this ſaid Realm, at divers and ſundry Parliaments, as well in the time of King Edward the firſt, Edward the third, Richard the ſecond, Henry the fourth, and other noble Kings of this Realm, made ſundry Ordinances, Laws, Statutes and Proviſions for the entire and ſure conſervation of the Prerogatives, Liberties and Pre-eminences of the ſaid Imperial Crown of this Realm, and of the Juriſdiction ſpiritual and temporal of the ſame, to keep it from the annoyance as well of the See of Rome, as from the authority of other foreign Potentates attempting the diminution or violation thereof, as often, and from time to time, as any ſuch annoyance or attempt might be known or eſpied: (2) And notwithſtanding the ſaid good Statutes and Ordinances made in the time of the Kings moſt noble Progenitors, in preſervation of the Authority and Prerogative of the ſaid Imperial Crown, as is aforeſaid: yet nevertheleſs ſithen the making of the ſaid good Statutes and Ordinances, divers and ſundry incon-

The ſeveral inconveniences in ſuing of Appeals to Rome.

inconveniences and dangers, not provided for plainly by the ſaid former Acts, Statutes and Ordinances, have riſen and ſprung by reaſon of Appeals ſued out of this Realm, to the See of Rome, in Cauſes teſtamentary, Cauſes of matrimony and divorces, Right of tithes, oblations and obventions, not only to the great inquietation, vexation, trouble, coſts and charges of the Kings Highneſs, and many of his ſubjects and reſiants of this his Realm, but alſo to the great delay and lett to the true and ſpeedy determination of the ſaid Cauſes, for ſo much as the parties appealing to the ſaid Court of Rome, moſt commonly do the ſame for the delay of Juſtice. (3) And foraſmuch as the great diſtance of way is ſo far out of this Realm, ſo that the neceſſary proofs nor the true knowledge of the cauſe, can neither there be ſo well known, ne the witneſſes there ſo well examined, as within this Realm, ſo that the parties grieved by means of the ſaid Appeals, be moſt times without remedy: (4) In conſideration whereof, the Kings Highneſs, his Nobles and Commons, conſidering the great enormities, dangers, long delays and hurts, that, as well to his Highneſs, as to his ſaid Nobles, Subjects, Commons and Reſiants of this his Realm, in the ſaid Cauſes teſtamentary, Cauſes of matrimony and divorces, tithes, oblations and obventions, do daily enſue, Doth therefore, by his Royal aſſent, and by the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, enact, eſtabliſh and ordain, That all Cauſes teſtamentary, Cauſes of matrimony and divorces, Rights of tithes, oblations and obventions (to the knowledge whereof by the goodneſs of Princes of this Realm, and by the Laws and Cuſtoms of the ſame appertaineth to the ſpiritual Juriſdiction of this Realm) already commenced, moved, depending, being, happening or hereafter coming in contention, debate or queſtion within this Realm, or within any the Kings Dominions or Marches of the ſame, or elſewhere, whether they concern the King our Soveraign Lord, his Heirs or Succeſſors, or any other Subjects or reſiants within the ſame, of what degree ſoever they be, ſhall be from henceforth heard, examined, diſcuſſed, clearly, finally and definitively adjudged and determined within the Kings juriſdiction and authority, and not elſewhere, in ſuch Courts ſpiritual and temporal of the ſame, as the natures, conditions and qualities of the caſes and matters aforeſaid in contention, or hereafter happening in contention, ſhall require, without having any reſpect to any cuſtom, uſe or ſufferance, in hindrance, lett or prejudice of the ſame, or to any other thing uſed or ſuffered to the contrary thereof by any other manner of perſon or perſons in any manner of wiſe: Any foreign Inhibitions, Appeals, Sentences, Summons, Citations, Suſpenſions, Interdictions, Excommunications, Reſtraints, Judgments or any other Proceſs or Impediments of what natures, names, qualities or conditions ſoever they be from the See of Rome, or any other foreign Courts or Potentates of the World, or from and out of this Realm, or any other the Kings Dominions, or Marches of the ſame, to the See of Rome, or to any other foreign Courts or Potentates, to the lett or impediment thereof, in any wiſe notwithſtanding. (5) And that it ſhall be lawful to the King our Soveraign Lord, and to his Heirs and Succeſſors, and to all other ſubjects or reſiants within this Realm, or within any of the Kings Dominions, or Marches of the ſame, notwithſtanding that hereafter it ſhould happen any Excommengement, Excommunications, Interdictions, Citations, or any other Cenſures, or foreign Proceſs out of any outward parts, to be fulminate, promulged, declared or put in execution within this ſaid Realm, or any other place or places, for any of the cauſes before rehearſed, in prejudice, derogation or contempt of this ſaid Act, and the very true meaning and execution thereof, may and ſhall nevertheleſs as well purſue, execute, have and enjoy the effects, profits, benefits and commodities of all ſuch Proceſſes, Sentences, Judgments and Determinations, done or hereafter to be done in any of the ſaid Courts ſpiritual or temporal, as the Dominions and Marches of the ſame: and thoſe only, and none other, to take place, and to be firmly obſerved and obeyed within the ſame. (6) As alſo that all the ſpiritual Prelates, Paſtors, Miniſters and Curates within this Realm and Dominions of the ſame, ſhall and may uſe, miniſter, execute and do, or cauſe to be uſed, miniſtred, executed and done, all Sacraments, Sacramentals, Divine Services, and all other things within the ſaid Realm and Dominions, unto all the Subjects of the ſame as Catholick and Chriſtian men owen to do, any foreign Citations, Proceſſes, Inhibitions, Suſpenſions, Interdictions, Excommunications or Appeals, for or touching any of the cauſes aforeſaid, from or to the See of Rome, or any other foreign Prince or foreign Courts, to the lett or contrary thereof, in any wiſe notwithſtanding.

All cauſes determinable by any Spiritual Juriſdiction ſhall be adjudged within the Kings authority.

The Prelates of this Realm may execute all Sacraments and Divine Service unto the Subjects of this Realm.

III. And if any of the ſaid ſpiritual perſons, by the occaſion of the ſaid fulminations of any of the ſame Interdictions, Cenſures, Inhibitions, Excommunications, Appeals, Suſpenſions, Summons, or other foreign Citations, for the cauſes beforeſaid, or for any of them, do at any time hereafter refuſe to miniſter, or cauſe to be miniſtred the ſaid Sacraments and Sacramentals, and other Divine Services, in form as is aforeſaid, ſhall for every ſuch time or times that they or any of them do refuſe ſo to do, or to cauſe to be done, have one years impriſonment, and to make fine and ranſom at the Kings pleaſure.

The penalty of them who do omit to do their duty.

IV. And it is farther enacted by the authority aforeſaid, That if any perſon or perſons inhabiting or reſiant within this Realm, or within any the Kings Dominions, or Marches of the ſame, or any other perſon or perſons, of what eſtate, condition or degree ſoever he or they be, at any time hereafter, for or in any the cauſes aforeſaid, do attempt, move, purchaſe or procure from or to the See of Rome, or from or to any other foreign Court or Courts, out of this Realm, any manner foreign Proceſs, Inhibitions, Appeals, Sentences, Summons, Citations, Suſpenſions, Interdictions, Excommunications, Reſtraints or Judgments, of what nature, kind or quality ſoever they be, or execute any of the ſame Proceſs, or do any act or acts, to the lett, impediment, hindrance or derogation of any Proceſs, Sentence, Judgment or Determination, had, made, done or hereafter to be had, done or made in any Courts of this Realm or the Kings ſaid Dominions or Marches of the ſame, for any of the cauſes aforeſaid, contrary to the true meaning of this preſent Act and the execution of the ſame: that then every ſuch perſon or perſons ſo doing, and their Fautors, Comforters, Abetters, Procurers, Executors,

Whoſoever procureth from the See of Rome, or &c. any Appeals, Proceſs, Sentences &c. ſhall incur the forfeiture of Premunire.

and Counſellers, and every of them being convict of the ſame, for every ſuch default ſhall incur and run in the ſame pains, penalties and forfeitures ordained and provided by the Statute of Proviſion and Premunire, made in the ſixteenth year of the Reign of the right noble Prince, King Richard the ſecond, againſt ſuch as attempt, procure or make proviſion to the See of Rome, or elſewhere, for any thing or things, to the derogation, or contrary to the Prerogative or Juriſdiction of the Crown and Dignity of this Realm.

V. And farthermore, in eſchewing the ſaid great enormities, enquietations, delays, charges, and expences hereafter to be ſuſtained in purſuing of ſuch appeals and foreign proceſs, for and concerning the cauſes aforeſaid, or any of them, do therefore, by authority aforeſaid, ordain and enact, That in ſuch caſes, where heretofore any of the Kings ſubjects or reſiants have uſed to purſue, provoke or procure any Appeal to the See of Rome, and in all other caſes of Appeals, in or for any of the cauſes aforeſaid, they may and ſhall from henceforth take, have and uſe their Appeals within this Realm, and not elſewhere, in manner and form as hereafter enſueth, and not otherwiſe; that is to ſay, Firſt from the Archdeacon or his Official, if the matter or cauſe be there begun, to the Biſhop Dioceſan of the ſaid See, if in caſe any of the parties be grieved.

Before whom, and in what Courts Appeals ſhall be ſued within this Realm.

VI. And in like wiſe if it be commenced before the Biſhop Dioceſan, or his Commiſſary, from the Biſhop Dioceſan, or his Commiſſary, within fifteen days next enſuing the judgment or ſentence thereof there given, to the Archbiſhops of the Province of Canterbury, if it be within his Province, and if it be within the Province of York, then to the Archbiſhop of York, and ſo likewiſe to all other Archbiſhops in other the Kings Dominions, as the caſe by order of juſtice ſhall require, and there to be definitively and finally ordered, decreed and adjudged according to juſtice, without any other appellation or provocation to any other perſon or perſons, Court or Courts.

Dyer

Appeals ought to be within fifteen days.

VII. And if the matter or contention for any of the cauſes aforeſaid, be or ſhall be commenced by any of the Kings ſubjects or reſiants, before the Archdeacon of any Archbiſhop, or his Commiſſary, then the party grieved, ſhall or may take his Appeal within fifteen days next after judgment or ſentence there given, to the Court of the Arches, or audience of the ſame Archbiſhop or Biſhops; (2) and from the ſaid Court of the Arches, or audience, within fifteen days then next enſuing after judgment or ſentence there given, to the Archbiſhop of the ſame Province, there to be definitively and finally determined, without any other or farther proceſs or appeal thereupon to be had or uſed.

Suits commenced before an Archbiſhop, ſhall be determined by him without any farther Appeal. ALT. 25 H.8.19. Co.Inſt. 4 p.239. The prerogative of the Archbiſhop of Canterbury ſaved.

VIII. And it is farther enacted by the authority aforeſaid, That all and every matter, cauſe and contention now depending, or that hereafter ſhall be commenced by any of the Kings ſubjects or reſiants, for any of the cauſes aforeſaid, before any of the ſaid Archbiſhops, that then the ſame matter or matters, contention or contentions, ſhall be before the ſame Archbiſhop where the ſaid matter, cauſe or proceſs ſhall be ſo commenced, definitively determined, decreed or adjudged, without any other appeal, provocation, or any other foreign proceſs out of this Realm, to be ſued to the let or derogation of the ſaid judgment, ſentence or decree, otherwiſe than is by this Act limited and appointed; (2) ſaving always the prerogative of the Archbiſhop and Church of Canterbury, in all the foreſaid cauſes of Appeals, to him and his ſucceſſors to be ſued within this Realm, in ſuch, and likewiſe as they have been accuſtomed, and uſed to have heretofore.

Before whom an Appeal ſhall be uſed in any cauſe touching the King.

IX. And in caſe any cauſe, matter or contention, now depending for the cauſes before rehearſed, or any of them, or that hereafter ſhall come in contention, for any of the ſame cauſes, in any of the foreſaid Courts, which hath, doth, ſhall or may touch the King, his Heirs or Succeſſors, Kings of this Realm: that in all and every ſuch caſe or caſes, the party grieved, as before is ſaid, ſhall or may appeal from any of the ſaid Courts of this Realm, where the ſaid matter now being in contention, or hereafter ſhall come in contention, touching the King, his Heirs or Succeſſors (as is aforeſaid) ſhall happen to be ventilate, commenced or begun, to the ſpiritual Prelates, and other Abbots and Priors of the Upper houſe, aſſembled and convocate by the Kings Writ in the Convocation being or next enſuing, within the Province or Provinces where the ſame matter of contention is or ſhall be begun: (2) So that every ſuch Appeal be taken by the party grieved, within fifteen days next after the judgment or ſentence thereupon given or to be given. (3) And that whatſoever be done or ſhall be done and affirmed, determined, decreed and adjudged by the foreſaid Prelates, Abbots and Priors of the Upper houſe of the ſaid Convocation, as is aforeſaid, appertaining, concerning or belonging to the King, his Heirs and Succeſſors, in any of the foreſaid cauſes of Appeals, ſhall ſtand and be taken for a final Decree, Sentence, Judgment, Definition and Determination, and the ſame matter ſo determined, never after to come in queſtion and debate, to be examined in other Court or Courts.

X. And if it ſhall happen any perſon or perſons, hereafter to purſue or provoke any Appeal, contrary to the effect of this Act, or refuſe to obey, execute and obſerve all things compriſed within the ſame, concerning the ſaid Appeals, Provocations and other foreign Proceſſes to be ſued out of this Realm, for any the cauſes aforeſaid, that then every ſuch perſon or perſons ſo doing, refuſing or offending, contrary to the true meaning of this Act, their Procurers, Fautors, Advocates, Counſellers and Abettors, and every of them ſhall incur into the pains, forfeitures and penalties, ordained and provided in the ſaid Statute, made in the ſaid ſixteenth year of King Richard the Second, and with like proceſs to be made againſt the ſaid offenders, as in the ſame Statute made the ſaid ſixteenth year more plainly appeareth. Stat. 8 El.5. 1 & 2 P. & M. 8. 1 El.1. St. 28 H.8.7. 25 H.1.22.

16 R. 2. 5.

CAP. XIII.

Apparel, Raſt. 4. Dyer 227. pl.45.

A Repeal of all former Statutes made againſt Exceſs of Apparel. What Apparel men of all Degrees, Vocations and Functions, are allowed, and what prohibited to wear. The Forfeitures of the Offenders, who ſhall have them. Rep. 1 Jac. 25. Coke pl. fol. 158.

Anno viceſimo quinto HENRICI octavi.

ACTS made in the Seſſion of this preſent Parliament, holden upon prorogation at Weſtminſter the fifteenth day of January, in the five and twentieth year of the Reign of our moſt dread Soveraign Lord King Henry the Eighth, and there continued and kept till the thirtieth day of March then next enſuing, to the honour of God and Holy Church, and for the common weal and profit of this his Realm.

CAP. I.

Governors of the Cities and Market-towns, upon complaint to them made of any Butcher refuſing to ſell victual by weight according to the Statute of 24 H.8.3. may commit the offender to ward until he hath paid all penalties limited by the ſaid Statute, and may ſell or cauſe to be ſold by weight all ſuch victual for ready mony to be delivered to the owner: And if any Graſier, Fermer, Breeder, Drover, &c. refuſe to ſell his fat Cattel to a Butcher upon ſuch reaſonable price as he may retail it at the price aſſeſſed by the Statute, the Juſtices of Peace, Mayors or Governors, ſhall cauſe indifferent perſons to ſet the prices of the ſame, which if the owner refuſe to accept, then the ſame Juſtices, &c. ſhall bind him to appear the next Term in the Star-chamber to be puniſhed as the Kings Council ſhall think good. Exp. 33 H. 8. 11. St. 27 H. 8. 9.

Butchers, Raſt. 1.

CAP. II.

Proclamations for the Prices of Victuals, viz. the Prizing of them, and proclaiming the Prices.

FOraſmuch as dearth, ſcarcity, good cheap and plenty of Cheeſe, Butter, Capons, Hens, Chickens and other Victuals, neceſſary for mans ſuſtenance, hapneth, riſeth and chanceth, of ſo many and divers occaſions, that it is very hard and difficult to put any certain prices to any ſuch things; (2) And yet nevertheleſs the prices of ſuch Victuals be many times inhaunſed and raiſed, by the greedy covetouſneſs and appetites of the owners of ſuch Victuals, by occaſion of ingroſſing and regrating the ſame, more than upon any reaſonable or juſt ground or cauſe, to the great damage and empoveriſhing of the Kings ſubjects: (3) For remedy whereof, Be it enacted by the authority of this preſent Parliament, That upon every complaint made of any inhaunſing of prices of ſuch Victuals, without ground or cauſe reaſonable in any part of this Realm, or in any other the Kings Dominions, the Lord Chancellor of England, the Lord Treaſurer, the Lord Preſident of the Kings moſt honourable Council, the Lord Privy-ſeal, the Lord Steward, the Lord Chamberlain, and all other Lords of the Kings Council, the Treaſurer and Controller of the Kings moſt honourable Houſe, the Chancellor of the Dutchy of Lancaſter, the Kings Juſtices of either Bench, the Chancellor, Chamberlains, Under-treaſurer, and the Barons of the Kings Exchequer, or ſeven of them at the leaſt, whereof the Lord Chancellor, the Lord Treaſurer, the Lord Preſident of the Kings Council, or the Lord Privy-ſeal, to be one, ſhall have power and authority from time to time, as the caſe ſhall require, to ſet and tax reaſonable prices of all ſuch kinds of victuals above ſpecified, how they ſhall be ſold in groſs, or by retail for relief of the Kings ſubjects. (4) And that after ſuch prices ſet and taxed, in form aforeſaid, Proclamation ſhall be made in the Kings name, under the great Seal, of the ſaid prices, in ſuch parts of this Realm as ſhall be convenient for the ſame.

Victuals 5. &c. By whom the prices of victuals ſhall be aſſeſſed.

The prices of victuals ſhall be aſſeſſed by the Kings Councellors, Juſtices and Officers.

II. And be it enacted, That all Fermors, Owners, Broggers and all other Victuallers whatſoever, having or keeping any of the kinds of Victuals afore rehearſed, to the intent to ſell, ſhall ſell the ſame to ſuch of the Kings ſubjects as will buy them, at ſuch prices as ſhall be ſet and taxed by the ſaid Proclamation, upon the pains to be expreſſed and limited in the ſaid Proclamation, to be loſt, forfeited and levied to the Kings uſe, in ſuch wiſe, as by the ſame Proclamation ſhall be declared.

They which have victual, muſt ſell them at the prices aſſeſſed.

III. Provided always, that this Act, or any thing therein contained, ſhall not be hurtful to Mayors, Sheriffs, Bailiffs or other Officers of Cities, Boroughs or Towns corporate, or to any perſon or perſons, or bodies politick, having authority to ſet prices on ſuch Victuals, or of any of them, but that they and every of them may ſet prices thereof as if this Act had never been had nor made.

Head Officers of corporate Towns may ſet the prices of victuals. St. 23 Ed. 3.6. 12 Ed. 4. 8.

IV. And be it farther enacted by authority aforeſaid, That no perſon or perſons, unleſs it be by licence under the Kings great Seal, from henceforth ſhall carry or convey, or cauſe to be carried and conveyed, any corn, beefs, muttons, veals, porks, or any other of the aboveſaid Victuals, to any the parties beyond the Sea, (2) except only for victualling of the Town of Callis, Guiſnes, Hammes, and the Marſhes of the ſame; (3) And except for victualling of Maſters, Mariners and Merchants of Ships paſſing the Seas; (4) And alſo except barrelled butter, and meal to be carried to the parties of Iſland as hath been accuſtomed, (5) upon pain of forfeiting of the value of the thing conveyed and carried into the parties of beyond the Sea, contrary to this Act: The one half thereof to the uſe of the ſaid ſoveraign Lord the King, and the other half to the party that will ſue for the ſame, by Bill, Plaint, Writ or Information in any of the Kings Courts. In which ſuits the Defendant ſhall not wage his Law, nor any Protection or Eſſoin for him ſhall be allowed.

No victual ſhall be tranſported without licence. 1 & 2 P. & M. 5. 5 El. 5. 15 El. 13.

CAP. III.

For ſuch as ſtand mute, &c.

WHere at your Parliament holden at Weſtminſter, in the three and twentieth year of your moſt noble Reign, among other things it was ordained, eſtabliſhed and enacted, That no perſon nor perſons, which thereafter ſhould happen to be found guilty after the Laws of this Land for any manner of petit Treaſon, or for any wilful murther of malice prepenſed, or for robbing any Churches, Chapels, or other holy Places, or for robbing of any perſon or perſons in their dwelling houſes, or dwelling place, the owner or dweller in the ſame houſe, his wife, his children or ſervants then being within, and put in fear and dread by the ſame, or for robbing of any perſon or perſons in or near about the high-way, or for wilful burning of any dwelling houſes or barns, wherein any grain or corn ſhall happen to be: nor any perſon or perſons, being found guilty of any abetment, procurement, helping, maintaining or counſelling of or to any ſuch petit treaſon, murthers or felonies, ſhould from thenceforth be admitted to the benefit of his or their Clergy, but utterly be excluded thereof, and ſuffer death in ſuch manner and form as they ſhould have done for any the cauſes or of-

Clergy 7. Clergy not allowed to thoſe who ſtand mute, or who do make peremptory challenge.

Certain defects in the Stat. of 23 H. 8. 1.

fences aboveſaid, if they were no Clerks. Such as be within holy Orders, that is to ſay, of the Orders of Subdeacon, or above all, only except, as more at large appeareth by the ſaid Act. (2) And foraſmuch as the ſaid Act extendeth only to ſuch perſons as be found guilty after the due courſe of the Laws of this Land, divers and many great arrant robbers, murtherers, burglaries and felons that do offend and commit divers and many petit treaſons, robberies, burglaries and felonies, contrary to the tenor of the ſaid Act, perceiving and clearly underſtanding by the words of the ſame Statute and Act, that they ſhall not loſe the benefit and advantage of their Clergy, unleſs they be found guilty after the due courſe of the Law, upon their arraignment of and upon the ſaid felonies, robberies and other offences beforeſaid, ſo by them done and committed, by reaſon whereof, divers and many of the ſame robbers and felons, upon their arraignment of the ſame robberies and felonies, upon their indictments againſt them, ſtand mute, and ſometimes challenge peremptory over the number of twenty, or elſe will not directly anſwer to the ſame indictments whereupon they be ſo arraigned, according to the order of the Law. (3) And for that theſe ſpecial caſes be not expreſly compriſed and contained within the letter of the ſame Statute, it is neceſſary and expedient, that the ſame cauſe be clearly and definitively expounded and declared by authority of this preſent Parliament. (4) And where alſo as divers and many felons and robbers, that commit and do divers and many great heinous robberies and burglaries in one Shire, and convey the ſpoil and robbery into any other Shire, and there be taken, indicted and arraigned upon felony and felonious ſtealing of the ſame goods, in the ſame other Shire, than there where the ſame robberies or burglaries were done and committed, and not upon the ſame robbery nor burglary, for that it was not done nor committed in the ſame Shire where they be ſo indicted and arraigned, and by reaſon thereof, the ſame miſdemeanors, felons, robbers and burglaries have and enjoy the priviledge and advantage of their Clergy, to the great hurt and loſs of the Kings prerogative, and great boldneſs of ſuch offenders.

No man ſhall have his Clergy which is indicted of murther, &c. and upon his arraignment doth ſtand mute or challenge above xx perſons, or will not anſwer directly. 3 Inſt. 114.

II. In conſideration whereof, Be it enacted by the King our ſoveraign Lord, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by Authority of the ſame, that every perſon and perſons, that is or hereafter ſhall be indicted of petit treaſon, wilful burning of houſes, murther, robbery or burglary, or other felony, according to the tenor and meaning of the ſame Statute, and thereupon arraigned, and do ſtand mute of malice or froward mind, or challenge peremptory above the number of twenty, or elſe will not or do not anſwer directly to the ſame indictment and felony whereupon he is ſo arraigned, ſhall from henceforth loſe the benefit and priviledge of his or their Clergy, in like manner and form as if he had directly pleaded to the ſame petit treaſon, murther, robbery, burglary or other felony whereupon he is ſo arraigned, not guilty, and thereupon had been found guilty, after the Laws of the Land.

A man attainted where the goods were carried which were ſtoln in another County.

III. And by the ſame authority be it farther enacted, That if any perſon or perſons hereafter be indicted of felony for ſtealing of any goods or cattels, in any County within this Realm of England, and thereupon arraigned and be found guilty, or ſtand mute of malice, or challenge peremptory above the number of twenty perſons, as is aforeſaid: or will not upon his ſaid arraignment directly anſwer to the ſame felony, that then the ſame perſon and perſons ſo arraigned and found guilty, or ſtand mute of malice, or challenge peremptory above the number of twenty perſons, or will not directly anſwer to the Law, ſhall loſe and be put from the benefit of their Clergy, in like manner and form as they ſhould have been if they had been indicted and arraigned and found guilty in the ſame County where the ſame robbery or burglary was done or committed, if it ſhall appear to the Juſtices before whom any ſuch felons or robbers be arraigned by evidence given before them, or by examination, that the ſame felonies whereupon they be ſo arraigned, had been ſuch robberies or burglaries, in the ſame Shire where ſuch robberies or burglaries were committed or done, by reaſon whereof they ſhould have loſt the benefit of their Clergy by force of the ſaid Statute, in caſe they had been found guilty thereof in the ſame Shire where ſuch robberies or burglaries were ſo committed and done. St. 28 H.8.1. 32 H.8.3. 1 Ed.6.12. 5 Ed.6.10.

CAP. IV.

Fiſhers, Raſt. 10.

Only ſuch perſons as be Merchants adventurers to Iſland for Saltfiſh, Stockfiſh, Ling, Haberdine or Lobfiſh, or that be Dogger men, or ſuch as be Fiſhermen, that actually labour for the taking of the ſaid Fiſh in the Eaſt-ſea ſide, or Eaſt-ſea coaſt, ſhall buy any of the kinds of the ſame Fiſh, at or upon the Stone, or at the ſaid Eaſt-ſea ſide, or Eaſt-ſea coaſt, to ſell the ſame again at any of the Fairs of Sturbridge, S. Ives or Ely. Rep. 35 H. 8. 7.

CAP. V.

For Callandring of Worſted.

Worſteds 3.

The Stat. of 5 H. 8. 4. touching callendring of Worſteds, made perpetual.

Whereas at the Parliament holden at Weſtminſter the xxiij day of January, in the v year of our ſoveraign Lords reign the King that now is, there was an Act and one Statute made, provided and eſtabliſhed for the avoiding of deceits and falſeneſs in Worſteds, as well by reaſon of dry Callendring thereof with gums, oils and preſſes, as alſo by wet Callendring by perſons having no cunning in ordering of the ſame, which Act was made to endure but only to the Parliament then next following; (2) And foraſmuch as it is evidently known, that the ſame Act and Statute aforeſaid is very good and neceſſary to the Common Wealth of this Realm: wherefore the King our ſoveraign Lord, by the advice and conſent of his Lords ſpiritual and temporal, and the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, hath ordained, enacted and eſtabliſhed, that the ſaid Act and Statute, made in the v year of his moſt noble reign aforeſaid, and every thing therein contained, ſhall, from the Feaſt of St. Michael the Archangel next coming, continue and be good and effectual in every point and article of the ſame for ever.

II. And farthermore be it enacted and eſtabliſhed by the authority aforeſaid, for the common wealth of the City of Norwich, and maintenance, ſupportation and upholding of the houſes, tenements and habitations of the ſame, That no manner of perſon uſing the Craft or Myſtery of Dying of Worſteds, Staimins or Sayes, or any of them, neither by themſelves, or any ſervant, factor, deputy or any other by his commandment or aſſignment, from the feaſt of Chriſtmas now next enſuing, ſhall uſe to callender any Worſteds, Stamins or Sayes, or any other Commodities made of Worſted Yarn, during all ſuch time as the ſame perſon ſhall uſe the Myſtery or Craft of Dying aforeſaid, upon pain to forfeit for every piece ſo dyed and callendred by colour, covin, fraud, or contrary to the true meaning and intent of this preſent Act, xl s. and to be divided in three equal parts, the one part thereof to the King our Soveraign Lord, and another part to the Mayor for the time being, and the third part to him or them that will ſue for the ſame by Bill, Action of Debt, Plaint, Information, or otherwiſe, in any of the Kings Courts, wherein no eſſoin, delay or protection ſhall be allowed.

No perſon which dyeth Worſteds ſhall callender them.

CAP. VI.

The puniſhment of the Vice of Buggery.

Felony 2. Co.li. 12, 36.

FOraſmuch as there is not yet ſufficient and condign puniſhment appointed and limited by the due courſe of the Laws of this Realm, for the deteſtable and abominable Vice of Buggery committed with mankind or beaſt: (2) It may therefore pleaſe the Kings Highneſs, with the aſſent of his Lords ſpiritual and temporal, and the Commons of this preſent Parliament aſſembled, that it may be enacted by authority of the ſame, That the ſame offence be from henceforth adjudged Felony, and ſuch order and form of proceſs therein to be uſed againſt the offenders, as in caſes of Felony at the Common-law. (3) And that the offenders being hereof convict by Verdict, Confeſſion or Outlawry, ſhall ſuffer ſuch pains of death, and loſſes, and penalties of their goods, chattels, debts, lands, tenements and hereditaments, as Felons be accuſtomed to do according to the order of the Common-laws of this Realm. (4) And that no perſon offending in any ſuch offence, ſhall be admitted to his Clergy. (5) And that Juſtices of Peace ſhall have power and authority within the limits of their Commiſſions and Juriſdictions to hear and determine the ſaid offence, as they do uſe to do in caſes of other Felonies. (6) This Act to endure till the laſt day of the next Parliament. St. 32 H.8.3. 2 Ed.6.29. St. 5 El.17. revived and made perpetual.

He that committeth Buggery with mankind or beaſt ſhall be adjudged a Felon. Co. p. f. 351.

CAP. VII.

No perſon with any Nets, Engins or Device ſhall take any Fry or Spawn of Eels or Salmon in any waters during ten years, upon pain of forfeiture of v l. and his ſaid Nets, Engins, &c. Exp. St. 13 E.1.47. St. 13 R.2.19. St. 17 R.2.9.

Fiſhers, Raſt. 1.

CAP. VIII.

The high Street in Holborn, between Holborn-bridge and the Bars, at the Weſt-end of the ſaid Street, ſhall be paved on both ſides with paving ſtone, at the Charges of the Tenant in Fee-ſimple, Fee-tail, or for Life, of the lands thereunto adjoyning, their heirs and ſucceſſors, and they ſhall from time to time maintain the ſame paved. And if the Leſſees do it, they may defaulk ſo much of their rent. And the Mayor and Aldermen of London may enquire every quarter of a year by the oaths of twelve men, of the offenders. The like order ſhall be obſerved for the paving of the Streets in Southwark. And he that doth not from time to time maintain the Pavement ſufficiently againſt his own ground, ſhall forfeit to the King for every yard ſquare not repaired, ſix pence. Pr.

Paving, Raſt. 2.

CAP. IX.

A Bill concerning Pewterers.

Pewterers 1. How Pewterers ſhall uſe their trade.

IN their moſt lamentable wiſe ſhewen, and piteouſly complaining unto the Kings moſt Royal Majeſty, and to this his moſt high Court of Parliament, the Kings moſt humble, poor, and obedient Subjects, the Maſter, Wardens, and poor fellowſhip of the Craft and Myſtery of the Pewterers, as well of the City of London, as of all other places within this Realm of England, that where the ſaid Craft or Myſtery before this time hath been one of the beſt Handicrafts within this Realm, which hath only grown and continued by mean of divers good Acts and Statutes made for the true exerciſe of the ſame, whereof one was made in the nineteenth year of the Reign of the Kings moſt renowned Father (whoſe Soul God pardon) and one other was made in the fourth year of the Kings moſt victorious Reign, concerning the Crafts of Pewterers and Braſiers, of and for the true making, mixing and ſelling of good and true Pewter and brazen Veſſels, and alſo for exerciſing and uſing of true weights and beams to be occupied by the ſellers of any ſuch Pewter or brazen Veſſels within this Realm, ſo that none of the Kings Subjects, nor any other perſon ſhould by any ſale of any falſe, mixed, brazen and pewter Veſſel, or any untrue Weights be deceived, as by the ſaid Eſtatutes more plainly doth appear: (2) Which good Statutes duly put in execution, hath cauſed the ſaid Craft to encreaſe and multiply, to the great profit and utility of a great number of the Kings Subjects, and the commodity of Pewter veſſel much to be had in reputation in all ſtrange Regions and Countries; until now of late divers evil diſpoſed perſons, being the Kings Subjects born, which have been Apprentices and brought up in the exerciſe of the ſaid Craft of Pewterers, have now of late for their ſingular lucre repaired into ſtrange Regions and Countries, and there do exerciſe the ſaid Craft of Pewterers, teaching ſtrangers not only the cunning of mixing and forging of all manner of Pewter veſſels, but alſo do teach all things belonging to the ſaid Craft of Pewterers, by mean whereof there is not only brought daily into this Realm out of ſtrange Regions to be ſold, great number of things made of Pewter, untruly mixed and made of Tin, wherewith the Kings Subjects be daily deceived, and the people of ſtrange Countries greatly inſtructed in the cunning of the ſaid Craft of Pewterers, ſo that thereby not only a great number and quantity of Pewter veſſels and other things of Pewter, made in divers ſorts and faſhions, amounting to a great value, which was daily and continually wont to be carried and conveyed out of this Realm by Merchants into ſtrange Regions and Countries, there to be ſold and vented: Whereby the commodity of Tin made into Pewter veſſels, which hath been had in great eſtimation, as things very neceſſary and commodious, and the Kings Cuſtoms thereby much advanced, is now like utterly to ceaſe and decay, and not to be eſteemed as heretofore hath been, but alſo the ſaid Craft of Pewterers, which at this day ſetteth and keepeth in work and occupation a great number of people, ſhall be utterly undone, and a great multitude of the Kings natural Subjects thereby fall into idleneſs, to the great impoveriſhment of this Realm, if ſpeedy remedy for the redreſs of the premiſſes be not provided.

St. 19 H. 7. 6. St. 4 H. 8. 7.

The cauſe why the trade of Pewterers did increaſe, and now doth decay in this Realm.

No perſon ſhall buy any wares made of Tin out of the Realm.

vided: (3) In tender conſideration whereof, and for reformation of the premiſſes, it may pleaſe the Kings Highneſs, by the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, to ordain and enact, That no perſon nor perſons hereafter at any time now inhabiting, or which hereafter ſhall inhabit within this Realm, ſhall buy, or otherwiſe take by exchange for other Wares, any manner Wares made, or hereafter to be made out of this Realm, of Tin, or mixt with Tin, as Platters, Diſhes, Saucers, Pots, Baſons, Ewers, Flagons, Goblets, Salts, Saltſellers, Spoons, or any other thing made of Tin or Pewter, as aforeſaid, whatſoever it be, upon pain of forfeiture of the ſame Ware, in whoſe hands ſoever it may be found or taken, and alſo lawful mony currant in this Realm, to the full value thereof. The one half of the ſame forfeiture to be to the uſe of the Kings Highneſs, the other half to be to the uſe of the finders of the ſame.

Officers may ſearch and ſeiſe Wares brought into this Realm contrary to this Statute.

II. And farthermore be it enacted, That it ſhall be lawful to the Maſter and Wardens of the ſaid Craft of Pewterers, as well within the City of London, as within every other City, Borough and Town of this Realm, where ſuch Wardens be, and where no ſuch Wardens be, to the head Officer or Governor, head Officers or Governors of the ſame City, Borough, or Town, for the time being, to appoint divers perſons moſt expert in knowledge of the ſame, to make ſearch and ſeiſure, and to take into their hands and poſſeſſions all ſuch Wares, as hereafter ſhall be brought, contrary to the true intent and effect of this preſent act, in whoſe ſoever hands or poſſeſſion any ſuch ſhall be found.

Se. 33 H. 8. 4. No Pewterer ſhall take a ſtranger born to be Apprentice or Journy-man. Rep. 5 El. 4. No ſtranger born ſhall work any Pewter or Tin.

III. And alſo be it enacted by the authority aboveſaid, That no perſon or perſons, occupying the ſaid Craft or Occupation of Pewterers within this Realm, ſhall ſet on work or retain in his or their ſervice, any perſon or perſons to be his or their Apprentice or Journy-man, being ſtranger born out of this Realm, upon pain to forfeit for every ſuch Apprentice and Journy-man, x li. ſterling. (2) And that no ſtranger born out of this Realm, ſhall occupy, exerciſe or uſe from the Feaſt of Pentecost next coming, the ſaid Craft of Pewterers, ne work any manner of veſſel or other Ware aforeſaid to be made of Tin or Pewter, within any place or places of this Realm, upon pain of forfeiture of ten pound ſterling, and alſo upon pain of forfeiture of the ſame Pewter or Tin ſo wrought, in whoſe hands ſoever it may be found or taken.

No Pewterer ſhall teach his trade in a foreign County.

IV. And alſo be it enacted by authority aforeſaid, That no perſon or perſons being born within this Realm, occupying or exerciſing the ſaid Craft of Pewterers, ſhall at any time hereafter reſort into any ſtrange Regions or Countries, there to uſe, teach or exerciſe the ſaid Craft of Pewterers, upon pain to loſe the privilege and benefit of an Engliſh-man.

V. And if in caſe any of the Kings Subjects, at this preſent time being, dwelling in any ſtrange Country or Region, and there occupying the ſame Craft of Pewterers, do not repair into this Realm within three months next after requeſt and warning to him to be given, by writing, ſealed with the common Seal of the Wardens of the ſaid Craft within the ſaid City of London, and here in this Realm continually from henceforth dwell and inhabit, that then and from thenceforth he ſhall be reputed and taken as no Engliſh-man, but ſhall ſtand and be from thenceforth out of the Kings Protection.

Licences and Placards made to Hawkers for Pewter ſhall be void.

Pewter ſhall be ſold in Fairs and Markets, and in the owners houſes, and not elſewhere.

Who ſhall have the forfeitures, and by what means they ſhall be recovered.

VI. And foraſmuch as ſundry evil diſpoſed perſons, which commonly been called Hawkers, by authority of the Kings Letters Patents, or Placard, do not only go about from place to place within this Realm, uſing buying and ſelling of Braſs and Pewter, and by colour and pretence of the ſame Licences or Placards uſe unlawful and deceivable Weights and Beams, but alſo do uſe to ſell both Braſs and Pewter, which is not good, nor truly, nor lawfully mixt nor wrought, to the great deceit of the Kings true liege people, contrary to the form and effect of the ſaid good Act and Statute, made in the ſaid fourth year of the Kings moſt noble Reign: (2) Be it therefore enacted by authority of this preſent Parliament, that all ſuch Licences and Placards, heretofore had, made or granted, to any ſuch perſon or perſons, contrary to the true meaning, form and effect of this Statute, ſhall be from henceforth by authority of this preſent Parliament, clearly void and of none effect. (3) And whereas in the ſaid Act of Parliament concerning the Craft of Pewterers and Braſiers, made in the ſaid fourth year, for divers cauſes and conſiderations in the ſame Act contained amongſt other things it is expreſſed, That no other perſon or perſons, uſing the ſaid Craft of Pewterers or Braſiers, ſhould from thenceforth ſell or change any Pewter or Braſs, new or old, at any place or places within this Realm, but only in open Fair or Markets, or in their own dwelling houſes, but if they were deſired by the buyers of ſuch Wares, upon pain of forfeiture for every ſuch default, x li. (4) Foraſmuch as the ſame forfeiture is to the only uſe of the Kings Highneſs, and that any party ſearching or finding the ſame, is not intituled to have any benefit thereby, it hath not been known that any perſon or perſons have taken any pain to ſearch or make any enquiry thereof; by reaſon whereof divers and many evil diſpoſed perſons, uſing buying and ſelling both of Braſs and Pewter, and not regarding the ſaid good Act, neither the ſaid penalty, daily go about from village to village, town to town, and from houſe to houſe, to ſell ſuch Pewter and Braſs which is not good, and alſo uſe deceivable weights and beams, as they did before the making of the ſaid Act, to the great hurt and deceit of the Kings true liege people and ſubjects: (5) Wherefore be it enacted by the authority aforeſaid, That as well the moiety of the ſaid forfeiture of ten pound, limited in the ſaid Statute, made in the ſaid fourth year, as alſo the moiety of all other forfeitures before expreſſed, and every of them be, and ſhall be to the uſe of the Kings Highneſs, his Heirs and Succeſſors, and the other moiety of the ſame forfeitures and every of them, to the uſe of him or them that ſhall ſeiſe, find or preſent the ſaid forfeitures, or any of them, or that ſhall ſue for the ſame in any competent Court or Courts within this Realm, by action of debt, bill, plaint or information, wherein the defendant ſhall in no wiſe be admitted to wage his Law, nor any Protection or Eſſoin to any perſon or perſons, which ſhall be impeached to have offended contrary to the form and effect of this Eſtatute, ſhall be allowable. (6) This Act to endure to the laſt day of the next Parliament. 33 H. 8. 4. made perpetual.

CAP. X.

For Sewers.

BE it enacted by authority of this preſent Parliament, That the Act late made for Sewers and the Commiſſion therein recited, ſhall be extended, uſed and put in execution in the Town and Marches of Caleis, according to the tenor of the ſame Commiſſion, in like effect as it is enacted to be put in execution within this Realm: (2) and that no perſon ſhall be compelled to be ſworn, or otherwiſe bound to ſit or travel in execution of any Commiſſion of Sewers within this Realm, unleſs that he be dwelling within the County whereof he is, or ſhall be aſſigned to be Commiſſioner: and for Caleis, and the ſaid Marches thereof, unleſs that he be aſſigned within the ſame Town of Caleis or Marches.

Sewers 9. Commiſſioners of Sewers refuſing to take Oath ſhall be puniſhed. St. 23 H. 8. 5. Every Commiſſioner of Sewers ſhall be dwelling in the ſame County.

II. And becauſe that divers perſons heretofore aſſigned to be Commiſſioners, have refuſed to be ſworn according to the ſaid former Act, whereby divers Commiſſions heretofore made, remain hitherto without effectual execution: (2) Be it therefore enacted, That if any perſon aſſigned, or to be aſſigned, to be ſuch Commiſſioner of Sewers, being required hereafter by ſuch perſon or perſons as have, or ſhall have authority by the Kings Writ, or otherwiſe to receive or accept the Oath compriſed in the ſaid former Act, every perſon that ſo refuſeth to take the ſame Oath, or upon that requeſt made, doth not receive the ſame Oath, and that refuſal or contempt done in the Chancery, or returned into the Chancery with the ſaid Writ, ſhall loſe and forfeit for the ſame contempt to the King our Soveraign Lord, five Marks, (3) and ſo to loſe from time to time five Marks for every ſuch contempt as ſhall be done or returned into the ſaid Chancery againſt any ſuch perſons, unleſs that he in the ſame Chancery do ſhew and alledge in the ſaid Term, wherein ſuch return ſhall be made againſt him, ſufficient and reaſonable matter and cauſe to be allowed by the Lord Chancellor for his excuſe, and diſcharge in that behalf.

The forfeiture of a Commiſſioner of Sewers that refuſeth to take the oath aſſigned by the Statute of 23 H. 8. 5.

CAP. XI.

To avoid deſtroying of Wild-fowl.

WHere before this time there hath been within this Realm great plenty of Wild-fowl, as Ducks, Mallards, Wigeons, Teals, wild Geeſe, and divers other kinds of Wild-fowl, whereby not only the Kings moſt honourable houſhold, but alſo the houſes of the Noble-men and Prelates of this Realm, have been furniſhed for the neceſſary expences of the ſame houſes, at convenient prices, but alſo all the Markets of the ſame Realm were ſufficiently furniſhed with Wild-fowl there to be ſold in ſuch wiſe, that ſuch as were meet to make proviſion of the ſame for their houſes, might at reaſonable prices, at the ſame Markets be thereof provided: (2) Nevertheleſs, divers perſons next inhabiting in the Countries and places within this Realm where the ſubſtance of the ſame Wild-fowl hath been accuſtomed to breed, have in the Summer ſeaſon, at ſuch time as the ſaid old fowl be moulted, and not repleniſhed with feathers to flie, nor the young fowl fully feathered perfectly to flie, have by certain nets and other engins and policies yearly taken in great number of the ſame fowl, in ſuch wiſe, that the brood of Wild-fowl is almoſt thereby waſted and conſumed, and daily is like more and more to waſte and conſume, if remedy be not therefore provided.

Wild-fowl 1. How deſtroyers of Wild-fowl ſhall be puniſhed.

The cauſe of the decay of Wild-fowl.

II. Be it therefore enacted by the King our Soveraign Lord, by the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That it ſhall not be lawful to any perſon or perſons hereafter, between the laſt day of May and the laſt day of Auguſt, to take, or cauſe to be taken any ſuch Wild-fowl, with nets, or any other engins, (2) upon pain of one years impriſonment, and to forfeit for every fowl ſo taken, iv d. the one half thereof to be to the King our Soveraign Lord, and the other half to him that will ſue for the ſame by action of debt in any of the Kings Courts, and in the which action none eſſoin nor protection ſhall be allowed, nor wager of Law received.

Wild fowl ſhall not be taken between the laſt day of May, and the laſt day of Auguſt. Rep. 3 & 4 E 6 7. Rep. 21 Jac. 28. Cont. 3. Cont. 4

III. And be it enacted by authority aforeſaid, That all Juſtices of Peace, within the limits of their Commiſſion, ſhall have power and authority to inquire, hear and determine the offences aforeſaid, like as they commonly uſe and do in caſes of Treſpaſs.

Juſtices of P. may enquire of, hear and determine theſe offences.

IV. Provided always, That it ſhall be lawful to any Gentleman, or any other that may diſpend forty ſhillings by the year, of free-hold, to hunt and take ſuch Wild-fowl with their Spaniels only, without uſing any net or other engins for the ſame, except it be a Long-bow or Long-bows.

Killing of Wild-fowl with Spaniels by Gentlemen.

V. Provided alſo, and be it enacted by the ſame authority, That from the firſt day of March, which ſhall be in the year of our Lord God MDXXXIII. unto the laſt day of June then next enſuing, and ſo yearly from thenceforth, no manner of perſon or perſons ſhall preſume by day or by night, willingly to withdraw, purloin, take, deſtroy or convey any manner of eggs of any kind of Wild-fowl, from or in any neſt, place or places, where they ſhall chance to be laid by any kind of the ſame Wild-fowl, (2) upon pain of impriſonment for one year, and to loſe and forfeit for every egg of any Crane or Buſtard, ſo deſtroyed, purloined, withdrawn or taken from any neſt or place, xx pence, and for every egg of every Bittour, Heron or Shovelard, viij pence, and for every egg of every Mallard, Teal, or other Wild-fowl, one penny; (3) The one moiety thereof to be to the King our Soveraign Lord, and the other half to him that will ſue for the ſame in form aforeſaid, wherein no wager of Law, eſſoin or protection ſhall be allowed: (4) And that all Juſtices of Peace, within the limits of their Commiſſion, ſhall have full power and authority to enquire, hear and determine the ſame in form before rehearſed.

No perſon ſhall deſtroy or take away the eggs of any Wild-fowl.

VI. Provided always, That this Act extend not, nor be hurtful at any time hereafter, to any perſon or perſons that will deſtroy any Crows, Choughs, Ravens and Boſards, or their eggs, or any other fowl or their eggs, not comeſtible, nor uſed to be eaten.

Deſtroying of Crows. Choughs, &c.

CAP. XII.

Attainder, Raſt. 4. Treaſon. C. 8. Inſt. 4. P. 39.

Elizabeth-Barton of Kent, and others attainted of high Treaſon, for that under colour of hypocriſie, revelations, and falſe miracles practiſed by the ſaid Elizabeth, they conſpired to impugn and ſlander the divorce between the King and Queen Katharine his firſt wife, and the laſt marriage between him and Queen Anne his ſecond wife, to deſtroy the King, and to deprive him of his Crown. Exp.

CAP. XIII.

Concerning the number of Sheep one ſhould keep.

Sheep 3. Farms 2. What number of Sheep men may keep.

FOraſmuch as divers and ſundry of the Kings ſubjects of this Realm, to whom God of his goodneſs hath diſpoſed great plenty and abundance of moveable ſubſtance, now of late within few years, have daily ſtudied, practiſed, and invented ways and means how they might accumulate, and gather together into few hands, as well great multitudes of Farms, as great plenty of Cattel, and in eſpecial Sheep, putting ſuch Lands as they can get, to Paſture, and not to Tillage: (2) whereby they have not only pulled down Churches and Towns, and inhaunſed the old rates of the rents of the poſſeſſions of this Realm, or elſe brought it to ſuch exceſſive fines, that no poor man is able to meddle with it, but alſo have raiſed and enhaunſed the prices of all manner of Corn, Cattel, Wool, Pigs, Geeſe, Hens, Chickens, Eggs, and ſuch other, almoſt double above the prices which have been accuſtomed: (3) By reaſon whereof a marvellous multitude and number of the people of this Realm be not able to provide meat, drink and clothes neceſſary for themſelves, their wives and children, but be ſo diſcouraged with miſery and poverty, that they fall daily to robbery, and other inconveniencies, or pitifully die for hunger and cold: (4) And it is thought by the Kings moſt humble and loving ſubjects, that one of the greateſt occaſions, that moveth and provoketh thoſe greedy and covetous people ſo to accumulate and keep in their hands ſuch great portions and parts of the Grounds and Lands of this Realm, from the occupying of the poor Husbandmen, and ſo to uſe it in Paſture, and not in Tillage, is only the great Profit that cometh of Sheep, which now become in a few perſons hands of this Realm, in reſpect of the whole number of the Kings Subjects, that ſome have four and twenty thouſand, ſome twenty thouſand, ſome ten thouſand, ſome ſix thouſand, ſome five thouſand, and ſome more, and ſome leſs; (5) by the which a good Sheep for victual, that was accuſtomed to be ſold for two ſhillings four pence, or three ſhillings at the moſt, is now ſold for ſix ſhillings, or five, or four ſhillings at the leaſt: (6) And a ſtone of clothing Wool, that in ſome Shires of this Realm was accuſtomed to be ſold for eighteen pence, or twenty pence, is now ſold for four ſhillings, or three ſhillings four pence at the leaſt: In ſome Countries, where it hath been ſold for two ſhillings four pence, or two ſhillings eight pence, or three ſhillings at the moſt, it is now ſold for five ſhillings, or four ſhillings eight pence the leaſt, and ſo are raiſed in every part of this Realm: (7) Which things thus uſed, be principally to the high diſpleaſure of Almighty God, to the decay of the Hoſpitality of this Realm, to the diminiſhing of the Kings people, and to the let of the Cloth-making, whereby many poor people have been accuſtomed to be ſet on work, and in concluſion, if remedy be not found, it may turn to the utter deſtruction and deſolation of this Realm, which God defend: (8) It may therefore pleaſe the Kings Highneſs, of his moſt gracious and godly diſpoſition, and the Lords Spiritual and Temporal of their goodneſs and charity, with the aſſent of the Commons in this preſent Parliament aſſembled, to ordain and enact, by the authority of the ſame, That no perſon or perſons from the Feaſt of Saint Michael the Archangel, which ſhall be in the year of our Lord God 1535. ſhall keep, occupy, or have in his poſſeſſion, in his own proper Lands, nor in the poſſeſſion, Lands nor Grounds of any other, which he ſhall have or occupy in Farm, nor otherwiſe have of his own proper Cattel, in uſe, poſſeſſion or property by any manner of means, fraud, craft or covin, above the number of two thouſand Sheep at one time, within any part of this Realm, of all ſorts and kinds, (9) upon pain to loſe and forfeit, for every Sheep that any perſon or perſons ſhall have or keep above the number limited by this Act, iij s. iv d. the one half to the King our Soveraign Lord, and the other half to ſuch perſon as will ſue for the ſame, by original writ of debt, bill, plaint or information in any Court of Record, in which ſuit, the defendant ſhall not wage his Law, nor have any eſſoin or protection allowed.

The ſeveral enormities that do enſue by the greedy deſire of having many Sheep.

No man ſhall have above two thouſand Sheep.

Lambs under the age of one year ſhall not be accounted Sheep.

II. Provided alway, That Lambs ſhall not be accounted of the number of the Sheep prohibited by this Act, ſo long as they be under the age of a year and not above.

Sheep coming by executorſhip or marriage.

III. Provided alway, That if any perſon having Sheep of his own, happen to be made Executor, or to be adminiſtrator to any perſon which had Sheep at his death, or happen to be married to any perſon which ſhall happen to have Sheep at the time of the marriage, by reaſon whereof the perſon ſo being Executor or Adminiſtrator, or being ſo married, ſhall happen by ſuch means to be advanced, and have above the ſaid number of two thouſand, That then in every ſuch caſe, the perſon ſo advanced to loſe no penalty, for having above the number of two thouſand Sheep by ſuch means, ſo that within one year next after ſuch advancement, the perſon ſo advanced from time to time, as often as any ſuch caſe ſhall happen, do put to ſale, or otherwiſe diſpoſe ſo many of the ſaid Sheep, ſo to him advanced, or elſe of his own Sheep that he had before, ſo that above one year he ſhall not keep, have or occupy by any ſuch means, or otherwiſe by any fraud or covin, any more number of them, than is before limited by this Act, upon the pain before rehearſed.

Sheep bequeathed by Will to a child within age.

IV. Provided alſo, That if any perſon by his laſt Will and Teſtament, give to any child within age, any number of Sheep, and appoint them by his ſaid Will to be kept by his Executors, or by any other perſon, until ſuch time as the ſaid child ſhall come to a certain age limited by his Will, that then in every ſuch caſe, after the death of the Teſtator, the ſaid Sheep ſo being in the poſſeſſion and occupation of the Executors, or of any other perſon, to the uſe of any ſuch child within age, for that time only that the ſaid child ſhall be within the age that he ſhall be limited to have the ſaid Sheep by the Will of the Teſtator, ſhall not be accounted againſt the ſaid Executors, nor any perſon ſo having the ſaid Sheep, for the intent aforeſaid, any of the number of the ſheep prohibited by this Act: any thing in this Act to the contrary thereof notwithſtanding.

V. And it is farther enacted, That the Juſtices of the Peace of every ſhire ſhall have power and authority to enquire of the offenders of this Act, as well by the Oaths of twelve men, as by Information of any of the Kings Subjects, and to make ſuch like proceſs upon every preſentment, or Information concerning this Act, as they uſe commonly to do upon preſentments before them of treſpaſs: And that no perſon being convict by confeſſion or otherwiſe, that he hath done or attempted contrary to this Act, ſhall be put to any leſs fine than after the rates of forfeitures afore limited by this Act.

Juſtices of Peace ſhall inquire of the offenders of this Act.

VI. Provided always, That no perſon ſhall be put to any anſwer or loſs of any forfeiture by virtue of this Act, at the ſuit of any the Kings Subjects, by any original Writ of Debt, Bill, Plaint or Information, except the Suit be commenced within one year next after the offence done or committed contrary to this Act: (2) Nor that any perſon ſhall be put to anſwer, nor to any loſs of any forfeiture by virtue of this Act, by reaſon of any preſentment, action or information at the Kings Suit, except the ſaid preſentment, action or information be had and made for the King within three years next after the offence done or committed.

Within what time the ſuit ſhall be commenced againſt an offender. St. 31 El. 5.

VII. Provided alway, That all and every perſon and perſons, being the Kings Temporal Subjects of this Realm, and born under his obeiſance, which at this preſent time, or at any time hereafter ſhall have or be ſeiſed of inheritance in poſſeſſion or in uſe, or that now hath, or hereafter ſhall have juncture in uſe or poſſeſſion, or be or ſhall be tenant in dower, or by the curteſie of England, of or in any manors, lands, tenements, paſtures, feedings, or liberties or foldage within any part of this Realm of England, Wales, or the Marſhes of the ſame, that every ſuch perſon and perſons, having any ſuch poſſeſſion to his own uſe, and every ſuch perſon and perſons, to whoſe uſe any other perſon and perſons now is, or be, or hereafter ſhall be ſeiſed of any ſuch eſtate, as is before rehearſed, may at all times hereafter have, enjoy, keep and maintain upon the ſame their own demeſn lands, and all other their paſtures, feedings, and fold-courſes, which they ſo have, as many their own ſheep and lambs in number to their proper uſe, profit and behoove, as they or any of them of right had, or lawfully might have had and kept upon the ſame, or upon any part thereof, at any time before the making of this preſent Act, this Act, or any thing therein contained or ſpecified to the contrary in any wiſe notwithſtanding.

Every perſon temporal may keep upon his inheritance, &c. as many ſheep as he will.

VIII. And over that be it enacted by the authority aforeſaid, That in caſe any ſuch perſon or perſons having any ſuch eſtate in uſe or in poſſeſſion, of or in any manor, lands, tenements, paſtures, feedings or liberties of fold-courſes, as is before expreſſed, have or do keep upon the ſame their poſſeſſions the number of two thouſand ſheep or above, the ſame perſon or perſons ſo having the number of two thouſand ſheep or above, ſhall not in any wiſe keep, ſuſtain, or have any ſheep above, or beſide the ſaid number of two thouſand, upon any lands, paſtures, or feedings, which the ſame perſon or perſons have, or hereafter ſhall have, or take in farm, or otherwiſe, upon ſuch like pains and forfeitures for the ſame as be limited in the ſaid Act, that is to ſay, for every ſheep over and above the ſaid number of two thouſand, three ſhillings four pence: (2) And in caſe the ſaid demeſn lands, tenements, paſtures, feedings and liberties of fold-courſes of any perſon or perſons before rehearſed, ſuffice not for the feeding, paſturing, and keeping of two thouſand ſheep, as is aforeſaid, that then every ſuch perſon ſhall and may have, ſuſtain or feed upon his ſaid demeſn lands, and upon his term-holds, which he lawfully may have, to the ſaid number of two thouſand ſheep and not above, upon pain of forfeiture for every ſheep above that number, iij s. iv d.

Two thouſand ſheep may be kept by any perſon upon demeſns and farms.

IX. Provided alway, and be it enacted, That it ſhall be lawful to every perſon or perſons within this Realm, keeping a houſhold, to have from time to time ſuch convenient number of ſheep, over and above the number expreſſed in this Act, as ſhall be neceſſary for the only expences of his houſhold, to be provided, kept and fed in and upon his own lands or other lands, ſuch as he can, or lawfully may have or provide for, in ferm or otherwiſe; Any thing in this preſent Act contained to the contrary notwithſtanding: (2) So that the ſame houſholder at no time ſhall have or keep for the expences of his houſhold, or by colour of the ſame, over and above the number to him limited by this Act, any number of ſheep more than ſhall ſuffice for the only expences of his houſhold for one year, without fraud or covin, any thing in this preſent Act mentioned or expreſſed to the contrary notwithſtanding.

Sheep for the maintenance of his houſe above two thouſand.

X. Be it alſo farther enacted by the authority aforeſaid, That no manner perſon or perſons of what degree ſoever he or they be, being Lord or Lords, owner or owners, farmor or farmors, of or in any liberty of fold-courſes, within any town, tything, village or hamlet within any of the Counties of Norfolk and Suffolk, from and after the Feaſt of the Nativity of our Lord God next coming, ſhall take in farm for term of years, or otherwiſe, any quillets of lands or paſtures, that is to ſay, any number of acres of land or paſture, appertaining to any other perſon or perſons, lying and being within the limit, extent or precinct of the ſaid liberty of the ſaid fold-courſes: (2) but that they ſhall permit and ſuffer the ſaid perſons, having or being for time, owner or owners, leſſee or leſſees of the ſaid quillets, to manure and paſture the ſaid quillets: (3) And alſo to ſuffer the ſheep of the ſaid owner or owners, farmer or farmers of the ſaid quillets, after the rate of the ſame quillets, to go with the flock of the owner, farmer or occupier of the ſaid liberty or liberties of the ſaid fold-courſes, paying the cuſtomary charges for the keeping and feeding of the ſame, after the rate and uſe of the country there commonly uſed, without any interruption therein to be made by the ſaid owner or owners, farmer or farmers, or occupiers of the ſaid liberties, (4) upon pain of forfeiture for every time that any ſuch perſon having any ſuch quillet that ſhall be ſo letted or diſturbed of feeding, keeping or paſturing any of his ſheep ſo to be fed and kept after the rate of the ſaid quillet, for every ſuch ſheep, iij s. iv d.

How fold-courſes in Norfolk ſhall be uſed, and quillets of land.

XI. Provided alway, that this Act or branch concerning quillets, or any thing therein contained, ſhall not in any wiſe be available to any tenant, owner or occupier of any ſuch quillet or quillets, to claim, have or uſe hereafter any ſuch paſture or feeding of his ſheep, in, or with

To which ſort of quillets this Statute doth extend, and to which not.

with any ſuch fold-courſes, but only where the tenants, owners and occupiers of any ſuch quillets have had, or might have had heretofore of right and duty, uſed to have paſture and feeding in the ſaid fould-courſes, by reaſon of their tenures and occupations of the ſame quillet and quillets, and none otherwiſe: (2) And where they have not uſed, ne ought to have any ſheep fed, or kept within any ſuch fold-courſes, by reaſon of the ſaid tenures, That the owners or occupiers of ſuch fold-courſes may take ſuch quillets, lying within their ſaid fold-courſes, in ferm, agreeing with the owners or occupiers of the ſaid quillet for the ſame.

Six ſcore Sheep ſhall be accompted an hundred.

XII. And foraſmuch as the number of the C. of ſheep in every Country be not like, in ſome Country the great C. where vj ſcore is accompted for the C. and ſome Country but only v ſcore, it is eſt declared by this preſent Act, that the number of two thouſand ſheep, limited to every perſon by this Act, ſhall be accompted x C. for every thouſand, after the number of the great hundred, and not after the leſs hundred, ſo that every thouſand ſhall contain xij hundred after the leſs number of the hundred.

When lambs ſhall be taken for Sheep.

XIII. It is alſo farther provided by the authority aforeſaid, That Lambs under the ages of one whole year, and as much as ſhall be from the time of the falling of them unto the Feaſt of the Nativity of St. John Baptiſt in any year to come, ſhall not be adjudged, ne taken for ſheep, prohibited in this Eſtatute: any thing in this Act to the contrary notwithſtanding.

No man ſhall take above two farms.
32 H. 8. 28.

XIV. It is alſo farther enacted by authority aforeſaid, That no manner perſon after the ſaid Feaſt of the Nativity of our Lord, ſhall receive or take in farm for term of life, years, or at will, by Indenture, Copy of Court-roll, or otherwiſe, any more houſes and tenements of husbandry, wherunto any lands are belonging, in town, village, hamlet, or tithing within this Realm, above the number of two ſuch holds or tenements: (2) And that no manner perſon ſhall have or occupy any ſuch holds, ſo newly taken to the number of two, as is before expreſſed, except he or they be dwelling within the ſame Pariſhes where ſuch holds be, upon pain of forfeiture for every week that he or they ſhall have, occupy or take any profits of ſuch holds contrary to this Act iij s. iv d. The one moiety of which forfeiture to be to the King our Soveraign Lord, and the other moiety to the party that will ſue for the ſame in any of the Kings Courts, by bill, plaint, information or otherwiſe, within one year next after ſuch contempt and offence committed and done, in the which none eſſoin, protection, ne wager of Law ſhall be admitted or allowed.

St. 4 H. 7. 19.
St. 7 H. 8. 1.

XV. It is alſo farther enacted by authority aforeſaid, That the Statutes made the fourth year of the noble Prince King Henry the Seventh, and the ſeventh year of the Reign of our Soveraign Lord the King that now is, concerning the decay of Towns and maintenance of tillage and husbandry, ſhall be good and effectual in every thing according to the true purport and intent of the ſame: any thing in this preſent Act to the contrary notwithſtanding.

Spiritual perſons.

XVI. Provided alſo, That it may be lawful to all ſpiritual perſons and every of them, to keep ſuch and as many ſheep upon their own lands, and after ſuch form and manner and none otherwiſe, as they might have done afore the making of this Act: any thing mentioned in the ſame to the contrary notwithſtanding.

CAP. XIV.

Hereſies, Raſt. 1.
Co. Inſt. 2 p. 658.
3 Bulſt. 49, 51.
Co. lib. 12, 58.
1 Roll. 11. Hob. 24.

A Repeal of the Statute of 2 H 4. 15. And a Confirmation of the Statute of 5 R. 2. 5. & 2 H. 5. 7. touching the puniſhment of Hereticks. Sheriffs in their Turns, and Stewards in their Leets, Rapes and Wapentakes, ſhall have authority to enquire of Hereticks; And every ſuch Preſentment made in any Turn, Leet, &c. concerning Hereticks, ſhall be certified to the Ordinary. Every perſon preſented or indicted of any Hereſie, or duly accuſed by two lawful witneſſes, may be cited, arreſted or taken by an Ordinary, or other of the Kings Subjects, and committed to the Ordinary to anſwer in open Court, and being convict ſhall abjure his Hereſies, and refuſing ſo to do, or falling into relapſe, ſhall be burnt in an open place for example of others. Rep. 1 Ed. 6. 12.

CAP. XV.

For Printers.

Books 1. How and of whom Printers and Book-binders ſhall print and ſell their books.
In the time of K. Richard 3. this Realm did lack Printers and Binders of Books, which is now ſupplied by Engliſhmen.

Whereas by the proviſion of a Statute made in the firſt year of the Reign of King Richard the Third, it was provided in the ſame Act, That all ſtrangers repairing into this Realm, might lawfully bring into the ſaid Realm Printed and Written Books to ſell at their liberty and pleaſure. (2) By force of which Proviſion there hath come to this Realm ſithen the making of the ſame, a marvellous number of Printed Books, and daily doth: And the cauſe of the making of the ſame Proviſion ſeemeth to be, for that there were but few Books and few Printers within this Realm at that time, which could well exerciſe and occupy the ſaid Science and Craft of Printing: Nevertheleſs, ſithen the making of the ſaid Proviſion, many of this Realm, being the Kings natural ſubjects, have given them ſo diligently to learn and exerciſe the ſaid Craft of Printing, that at this day there be within this Realm a great number cunning and expert in the ſaid Science or Craft of Printing, as able to exerciſe the ſaid Craft in all points, as any ſtranger in any other Realm or Country. (3) And furthermore, where there be a great number of the Kings ſubjects within this Realm, which live by the Craft and Myſtery of Binding of Books, and that there be a great multitude well expert in the ſame; yet all this notwithſtanding, there are divers perſons that bring from beyond the Sea great plenty of Printed Books, not only in the Latine Tongue, but alſo in our maternal Engliſh Tongue, ſome bound in Boards, ſome in Leather, and ſome in Parchment, and them ſell by retail, whereby many of the Kings Subjects, being Binders of Books, and having no other faculty wherewith to get their living, be deſtitute of work, and like to be undone, except ſome reformation herein be had: (4) Be it therefore enacted by the King our Soveraign Lord, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the ſaid Proviſo, made the firſt year of the ſaid King Richard the Third, from the Feaſt of the Nativity of our Lord God next coming, ſhall be void and of none effect.

A Repeal of the Stat. of 1 R. 3. 9. touching bringing into this Realm and binding of books.

No man ſhall buy books which be brought from beyond Sea to ſell again if they be bound.

II. And farther be it enacted by the authority aforeſaid, That no perſon or perſons, reſiant, or inhabitant within this Realm, after the ſaid Feaſt of Chriſtmas next coming, ſhall buy to ſell again any Printed Books, brought from any parts out of the Kings obeyſance, ready bound in boards, leather or parchment, upon pain to loſe and forfeit for every Book bound out of the ſaid Kings obeyſance, and brought into this Realm, and bought by any perſon or perſons within the ſame to ſell again contrary to this Act, vi s. viij d.

III. And be it farther enacted by the authority aforeſaid, That no perſon or perſons inhabitant or reſiant within this Realm, after the ſaid Feaſt of Chriſtmas, ſhall buy within this Realm, of any ſtranger born out of the Kings obedience, other than of denizens, any manner of printed books brought from any the parties beyond the Sea, except only by engroſs, and not by retail, upon pain of forfeiture of vj s. viij d. for every book ſo bought by retail, contrary to the form and effect of this Eſtatute, (2) the ſaid forfeitures to be always levied of the buyers of any ſuch books, contrary to this Act: The one half of all the ſaid forfeitures to be to the uſe of our Soveraign Lord the King, and the other moiety to be to the party that will ſeiſe or ſue for the ſame in any of the Kings Courts, be it by bill, plaint or information; wherein the defendant ſhall not be admitted to wage his Law, nor no protection, ne eſſoin ſhall be unto him allowed.

No man ſhall buy books by retail brought from beyond the Seas.

IV. Provided alway, and be it enacted by the authority beforeſaid, That if any of the ſaid Printers or Sellers of printed books, inhabited within this Realm, at any time hereafter happen in ſuch wiſe to enhaunſe and encreaſe the prices of any ſuch printed books in ſale or binding, at too high and unreaſonable prices, in ſuch wiſe as complaint be made thereof unto the Kings Highneſs, or unto the Lord Chancellor, Lord Treaſurer, or any of the Chief Juſtices of the one Bench or of the other: That then the ſame Lord Chancellor, Lord Treaſurer, and two Chief Juſtices, or two of any of them, ſhall have power and authority to enquire thereof, as well by the oaths of twelve honeſt and diſcreet perſons, as otherwiſe by due examination by their diſcretions. (2) And after the ſame inhaunſing and increaſing of the ſaid prices of the ſaid books and binding ſhall be ſo found by the ſaid twelve men, or otherwiſe by examination of the ſaid Lord Chancellor, Lord Treaſurer, and Juſtices, or two of them: That then the ſame Lord Chancellor, Lord Treaſurer, and Juſtices, or two of them at the leaſt, from time to time, ſhall have power and authority to reform, and redreſs ſuch inhaunſing of the prices of printed books, from time to time by their diſcretions, and to limit prices as well of the books, as for the binding of them: (3) and over that, the offender or offenders thereof, being convict by the examination of the ſame Lord Chancellor, Lord Treaſurer, and two Juſtices, or two of them, or otherwiſe, ſhall loſe and forfeit for every book by them ſold, whereof the price ſhall be inhaunſed for the book or binding thereof, three ſhillings four pence, the one half thereof ſhall be to the Kings Highneſs, and the other half to the parties grieved, that will complain upon the ſame, in manner and form before rehearſed.

The prices of books increaſed to unmeaſurable rates, ſhall be qualified by the Kings great Officers.

CAP. XVI.

An Act limiting what Perſons ſhall have Chaplains.

Where in the Parliament holden at Weſtminſter in the xxj year of the Reign of our Soveraign Lord King Henry the Eighth, it was among other things ordained and provided, That certain Honourable perſons, as well Spiritual as Temporal, ſhall have Chaplains beneficed with Cure, to ſerve them in their honourable Houſes, which Chaplains ſhall not incur the danger of any penalty or forfeiture, made or declared in the ſame Parliament for non-reſidence upon their ſaid Benefices, or for obtaining licences for diſpenſations of pluralities: (2) In the which Act no proviſion was made for any of the Kings Judges of his high Courts, commonly called the Kings Bench and the Common place, except only for the chief Judge of the Kings Bench, nor for the Chancellor, nor the chief Baron of the Kings Exchequer, nor for any other inferiour perſons, being of the Kings moſt honourable Council, as by the ſaid Act may appear.

Eccleſiaſtical perſons 22. St. 21 H. 8. 13. What perſons may have a Chaplain beneficed with Cure

II. Wherefore it is ordained and enacted by authority of this preſent Parliament, That as well every Judge of the ſaid high Courts, and every of the Chancellor and chief Baron of the ſaid Eſchequer, the Kings general Attorny, and general Sollicitor, which for the time is, be, or ſhall be, ſhall and may from henceforth at his liberty retain, and have ſingularly to every of them in his houſe, or attendant to his perſon, one Chaplain, having one Benefice with cure of ſouls, which may be abſent from his ſaid Benefice, and not reſident upon the ſame: The ſaid Statute made in the ſaid one and twentieth year, or any other Statute, Act or Ordinance made to the contrary in any wiſe notwithſtanding.

Every of the Judges of the Kings Bench and Common place, &c. may have one Chaplain having one Benefice with cure of ſouls.

CAP. XVII.

Whoſoever ſhall ſhoot in any Hand-gun or Croſs-bow, or keep any in his houſe, except he hath lands, annuities or offices to the yearly value of an hundred pounds, ſhall forfeit ten pounds for every offence; (2) and a Juſtice of Peace may commit the offender to the Goal, until he hath paid the ſame forfeiture. (3) All former Placards made to ſhoot in either of them ſhall be void. Rep. 33 H.8.6. St. 19 H.7.4. 3 H.8.13. 6 H.8.13. 14 H.8.7.

Croſs-bows, Raſt. 1.

CAP. XVIII.

An Act for Clothiers in Worceſterſhire.

Sheweth unto the King our Soveraign Lord, and to the Lords Spiritual and Temporal, and to the Commons in this preſent Parliament aſſembled, the Citizens, Burgeſſes and Inhabitants of the City of Worceſter, and of the Towns of Eveſham, Droitwich, Kederminſter and Bromiſgrove within the County of Worceſter, That where the ſaid City, Boroughs and Towns have been in times paſt well and ſubſtantially inhabited, occupied, maintained and upholden by reaſon of making of woollen clothes, called long clothes, ſhort clothes, and other clothes, as well Whites, Blews and Brown blews, and the poor people of the ſame City, Boroughs and Towns, and of the Country adjoyning to them, daily ſet a work, as in ſpinning, carding, breaking and ſorting of wools, and the handicrafts there inhabiting, as Weavers, Fullers, Sheremen and Diers, have been well ſet a work, and had ſufficient living by the ſame; until now within few years paſſed, that divers perſons inhabiting and dwelling in the Hamlets, Thorps and Villages adjoyning to the ſaid City, Boroughs and Towns within the ſaid Shire, for their private wealths, ſingular advantages and commodities, nothing regarding the maintenance, and upholding of the

Drapery, Raſt 45. In what places within the County of Worceſter clothes ſhall be made to be ſold.

ſaid City, Boroughs and Towns, ne the common wealth of the ſaid handicrafts inhabiting and dwelling within the ſaid City, Boroughs and Towns, ne the poor people which had living by the ſame, have not only ingroſſed and taken into their hands divers and ſundry Farms, and become Farmers, Graſiers and Husbandmen, but alſo do exerciſe, uſe and occupy the myſteries of Cloth-making, Weaving, Fulling and Sheering within their ſaid houſes, and do make all manner of Clothes, as well Broad-clothes, Whites and Plain clothes, within their ſaid houſes in the Countries abroad, to the great decay, depopulation and ruine of the ſaid City, Towns and Boroughs.

The inhabitants in theſe Towns only in the County of Worceſter ſhall make cloth.

II. For remedy whereof, and for the amendment and good advancement of the ſaid City, Boroughs and Towns, be it enacted by authority of this preſent Parliament, That after the laſt day of September, which ſhall be in the year of our Lord God 1536. no manner of perſon ne perſons, of what degree or condition ſoever he or they be of, ſhall make or cauſe to be made within the ſaid Shire of Worceſter, any manner of woollen clothes to be ſold, except only ſuch perſon or perſons as after the ſaid laſt day of September, ſhall be dwelling and inhabiting within the ſaid City of Worceſter, the Boroughs and Towns of Eveſham, Droitwich, Kederminſter and Bromiſgrove within the ſaid County of Worceſter, or in any one of them, upon pain of forfeiture for every ſuch Broad-cloth made after the ſaid day by any perſon or perſons contrary to the true meaning of this Act, xl s.

Houſes in thoſe Towns ſhall be let for ſuch rents as they had wont to be. Rep. 21 Jac. 28.

III. And farther it is provided by the authority aforeſaid, That the Lords and owners of the meaſes, tenements or cottages within the ſaid City, or any of the Towns and Boroughs aforeſaid, ſhall at no time hereafter dimit, ſet or let any meaſe, tenement or cottage ſufficiently repaired within the ſaid City, Boroughs or Towns before limited, to any perſon or perſons that hereafter ſhall inhabit in the ſaid City, Boroughs or Towns, and exerciſing any of the ſaid myſteries or crafts, at any higher rent, impoſition or charge, than was given for the ſame any time within twenty years next before the making of this Act only except.

Cloth made for the owners wearing.

IV. Provided alway, That this Act be not hurtful, ne prejudicial to any perſon or perſons, for making any clothes for their own wearing, their children or ſervants wearing.

Cloth ſhall be ſearched and ſealed in the foreſaid Towns. St. 27 H. 8. 12. Rep. 5 Ed. 6. 6.

V. Alſo provided, That in the ſaid City, and every Town and Borough aforeſaid, there ſhall be due ſearch made of every ſuch cloth beforeſaid, there made, and that they be meted both length and breadth, being wet from the Mill, and before they be ſet upon the rack and dried: (2) and that they ſhall be ſealed with the ſeal of the Searcher of the ſame City, Town or Borough, which ſeal ſhall have a ſtamp containing the true numbers for the length and breadth of the ſame cloth being wet, in pain of forfeiting for every cloth put to ſale, not having the ſaid ſeal of the Searcher xx s. (3) And the Sealer to forfeit for every cloth by him ſearched and ſealed contrary to the true meaning of this Act, vi s. viij d. the one half of the ſaid forfeits to be to the King our ſoveraign Lord, and the other half to the party that will ſue for the ſame in any of the Kings Courts, by writ of debt, bill, plaint or information, in which actions or action the defendants or defendant ſhall not wage their law, ne any eſſoin or protection ſhall be allowed, (4) And the Searcher ſhall have for the ſearching and ſealing of every cloth, a peny, and not above.

CAP. XIX.

The ſubmiſſion of the Clergy, and reſtraint of Appeals.

Appeals 5. The Clergy in their Convocation ſhall enact no Conſtitutions without the Kings aſſent.

12 Co. Noy

Where the Kings humble and obedient ſubjects, the Clergy of this Realm of England, have not only knowledged according to the truth, that the Convocations of the ſame Clergy, is, always hath been and ought to be aſſembled only by the Kings Writ, but alſo ſubmitting themſelves to the Kings Majeſty, have promiſed in verbo Sacerdotii, that they will never from henceforth preſume to attempt, alledge, claim or put in ure, enact, promulge or execute any new Canons, Conſtitutions, Ordinance Provincial, or other, or by whatſoever other name they ſhall be called in the Convocation, unleſs the Kings moſt Royal aſſent and licence may to them be had, to make, promulge and execute the ſame: and that his Majeſty do give his moſt Royal aſſent and authority in that behalf.

Several Canons have been prejudicial to the Kings Prerogative, and to the Laws and Statutes of this Realm.

(2) And where divers Conſtitutions, Ordinances and Canons Provincial, or Synodal, which heretofore have been enacted, and be thought not only to be much prejudicial to the Kings Prerogative Royal, and repugnant to the Laws and Statutes of this Realm, but alſo overmuch onerous to his Highneſs and his Subjects: the Clergy hath moſt humbly beſought the Kings Highneſs, that the ſaid Conſtitutions and Canons may be committed to the examination and judgment of his Highneſs, and of two and thirty perſons of the Kings ſubjects, whereof ſixteen to be of the upper and nether Houſe of the Parliament of the Temporalty, and other ſixteen to be of the Clergy of this Realm: And all the ſaid two and thirty perſons to be choſen and appointed by the Kings Majeſty. (3) And that ſuch of the ſaid Conſtitutions and Canons as ſhall be thought and determined by the ſaid two and thirty perſons, or the more part of them, worthy to be abrogated and adnulled, ſhall be abolite and made of no value accordingly.

The Clergy ſhall not enact any Conſtitutions or Ordinances without the Kings aſſent. St. 1 El. 1. ſect. 6.

The Convocation ſhall be aſſembled by the Kings writ.

(4) And ſuch other of the ſame Conſtitutions and Canons as by the ſaid two and thirty, or the more part of them, ſhall be approved to ſtand with the Laws of God, and conſonant to the Laws of this Realm, ſhall ſtand in their full ſtrength and power, the Kings moſt Royal aſſent firſt had and obtained to the ſame. (5) Be it therefore now enacted by authority of this preſent Parliament, according to the ſaid ſubmiſſion and petition of the ſaid Clergy, that they, ne any of them, from henceforth ſhall preſume to attempt, alledge, claim or put in ure any Conſtitutions or Ordinances Provincial or Synodals, or any other Canons: Nor ſhall enact, promulge or execute any ſuch Canons, Conſtitutions or Ordinances Provincial, by whatſoever name or names they may be called, in their Convocations in time coming (which alway ſhall be aſſembled by authority of the Kings writ) unleſs the ſame Clergy may have the Kings moſt Royal aſſent and licence to make, promulge and execute ſuch Canons, Conſtitutions and Ordinances Provincial or Synodal; (6) upon pain of every one of the ſaid Clergy, doing contrary to this Act, and

being thereof convict, to ſuffer impriſonment, and make fine at the Kings will.

II. And foraſmuch as ſuch Canons, Conſtitutions and Ordinances, as heretofore have been made by the Clergy of this Realm, cannot now at the Seſſion of this preſent Parliament, by reaſon of ſhortneſs of time, be viewed, examined and determined by the Kings Highneſs, and thirty two perſons to be choſen and appointed, according to the petition of the ſaid Clergy, in form above rehearſed: Be it therefore enacted by authority aforeſaid, That the Kings Highneſs ſhall have power and authority to nominate and aſſign at his pleaſure the ſaid two and thirty perſons of his ſubjects, whereof ſixteen to be of the Clergy, and ſixteen to be of the Temporalty of the upper and nether houſe of the Parliament. And if any of the ſaid two and thirty perſons ſo choſen, ſhall happen to die before their full determination, then his Highneſs to nominate other from time to time of the ſaid two Houſes of the Parliament, to ſupply the number of the ſaid two and thirty. (2) And that the ſame two and thirty by his Highneſs ſo to be named, ſhall have power and authority to view, ſearch and examine the ſaid Canons, Conſtitutions and Ordinances Provincial and Synodal heretofore made, and ſuch of them as the Kings Highneſs and the ſaid two and thirty, or the more part of them, ſhall deem and adjudge worthy to be continued, kept and obeyed, ſhall be from henceforth kept, obeyed and executed within this Realm, ſo that the Kings moſt royal aſſent under his Great Seal be firſt had to the ſame. (3) And the reſidue of the ſaid Canons, Conſtitutions and Ordinances Provincial, which the Kings Highneſs and the ſaid two and thirty perſons, or the more part of them, ſhall not approve, or deem and judge worthy to be abolite, abrogate, and made fruſtrate, ſhall from thenceforth be void and of none effect, and never be put in execution within this Realm. (4) Provided alway, that no Canons, Conſtitutions or Ordinance ſhall be made or put in execution within this Realm by authority of the Convocation of the Clergy, which ſhall be contrariant or repugnant to the Kings Prerogative Royal, or the Cuſtoms, Laws or Statutes of this Realm; any thing contained in this Act to the contrary hereof notwithſtanding.

The King may aſſign two and thirty perſons to examine the Canons, and to continue ſuch as they think worthy, and to abroge the reſidue.
Exp. St 20 H. 8. 15.
3 Ed. 6. 11.
35 H. 8. 16.

3 Inſt. 39. Hob. 148. 13 Co. 47. 2 Roll. 481. 13 Car. 2. 12. Sect. 5. N. 1.
No Canons ſhall be executed which be contrary to the Kings Prerogative, or to the Laws.

III. And be it farther enacted by authority aforeſaid, That from the Feaſt of Eaſter which ſhall be in the year of our Lord God, MDXXXIV. no manner of appeals ſhall be had, provoked or made out of this Realm, or out of any the Kings Dominions, to the Biſhop of Rome, nor to the See of Rome, in any cauſes or matters happening to be in contention, and having their commencement and beginning in any of the Courts within this Realm, or within any the Kings Dominions, of what nature, condition or quality ſoever they be of: but that all manner of appeals, of what nature or condition ſoever they be of, or what cauſe or matter ſoever they concern, ſhall be made and had by the parties grieved, or having cauſe of appeal, after ſuch manner, form and condition, as is limited for appeals to be had and proſecuted within this Realm in cauſes of matrimony, tithes, oblations and obventions, by a Statute thereof made and eſtabliſhed ſithen the beginning of this preſent Parliament, and according to the form and effect of the ſaid Eſtatute; any uſage, cuſtom, preſcription or any thing or things to the contrary hereof notwithſtanding.

3 Inſt. 178.
There ſhall be no appeals to Rome, but appeals ſhall be according to the Statute made 24 H. 8. 12.

IV. And for lack of Juſtice at or in any the Courts of the Archbiſhops of this Realm, or in any the Kings Dominions: it ſhall be lawful to the party grieved, to appeal to the Kings Majeſty in the Kings Court of Chancery. (2) And that upon every ſuch appeal, a Commiſſion ſhall be directed under the Great Seal, to ſuch perſons as ſhall be named by the Kings Highneſs, his heirs or ſucceſſors, like as in caſe of appeal from the Admirals Court, to hear and definitively determine ſuch appeals, and the cauſes concerning the ſame. (3) Which Commiſſioners ſo by the Kings Highneſs, his heirs or ſucceſſors to be named or appointed, ſhall have full power and authority to hear, and definitively determine every ſuch appeal, with the cauſes and all circumſtances concerning the ſame: and that ſuch judgment and ſentence as the ſaid Commiſſioners ſhall make and decree, in and upon any ſuch appeal, ſhall be good and effectual, and alſo definitive: and no farther appeals to be had or made from the ſaid Commiſſioners for the ſame.

Appeals from the Archbiſhops Court into the Chancery.

V. And if any perſon or perſons at any time after the ſaid Feaſt of Eaſter, provoke or ſue any manner of appeals, of what nature or condition ſoever they be of, to the ſaid Biſhops of Rome, or to the See of Rome, or do procure or execute any manner of Proceſs from the See of Rome, or by authority thereof, to the derogation or let of the due execution of this Act, or contrary to the ſame: that then every ſuch perſon or perſons (ſo doing) their aiders, counſellers and abetters, ſhall incur, and run into the dangers, pains and penalties contained and limited in the Act of Proviſion and Præmunire, made in the ſixteenth year of the Kings moſt noble Progenitor, King Richard the Second, againſt ſuch as ſue to the Court of Rome, againſt the Kings Crown and Prerogative Royal.

Præmunire for ſuing of appeal to Rome, or execute any Proceſs from thence.
Alt. 13 El. 2.

VI. Provided always, That all manner of provocations and appeals hereafter to be had, made or taken from the juriſdiction of any Abbots, Priors, or other Heads and Governors of Monaſteries, Abbeys, Priories, and other Houſes and Places exempt, in ſuch caſes as they were wont, or might afore the making of this Act, by reaſon of grants or liberties of ſuch places exempt to have or make immediately any appeal, or provocation to the Biſhop of Rome, otherwiſe called Pope, or to the See of Rome, that in all theſe caſes every perſon and perſons, having cauſe to appeal or provocation, ſhall and may take, and make their appeals and provocations immediately to the Kings Majeſty of this Realm, in the Court of Chancery in like manner and form as they uſed afore to do to the See of Rome. (2) Which appeals and provocations ſo made, ſhall be definitively determined by authority of the Kings Commiſſion, in ſuch manner and form as in this Act is above mentioned: (3) So that no Archbiſhop or Biſhop of this Realm ſhall intermit or meddle with any ſuch appeals, otherwiſe, or in any other manner, than they might have done afore the making of this Act; any thing in this Act to the contrary thereof notwithſtanding.

Appeals from places exempt, which were to the See of Rome, ſhall now be into the Chancery.

VII. Provided alſo, That ſuch Canons, Conſtitutions, Ordinances and Synodals Provincial being already made, which be not contrariant, nor repugnant to the Laws, Statutes and Cuſtoms of this Realm, nor to the damage or hurt of the Kings Prerogative Royal,

Canons and Conſtitutions already made.

ſhall now ſtill be uſed and executed as they were afore the making of this Act, till ſuch time as they be viewed, ſearched, or otherwiſe ordered and determined by the ſaid two and thirty perſons, or the more part of them, according to the tenor, form and effect of this preſent Act. Rep. 1 & 2 Ph. & M. 8. and revived 1 El. 1.

CAP. XX.

An Act for the Non-payment of Firſt-fruits to the Biſhop of Rome.

Biſhops 1. &c. No Firſt-fruits ſhall be paid to the Biſhop of Rome. And within what time a Biſhop ſhall be choſen, inveſted and conſecrated.

Where ſithen the beginning of this preſent Parliament for repreſs of the exaction of Annates and Firſt-fruits of Archbiſhopricks and Biſhopricks of this Realm wrongfully taken by the Biſhop of Rome, otherwiſe called the Pope, and the See of Rome, it is ordained and eſtabliſhed by an Act among other things, That the payments of the Annates or Firſt-fruits, and all manner contributions for the ſame, for any ſuch Archbiſhoprick or Biſhoprick, or for any Bulls to be obtained from the See of Rome, to or for the ſaid purpoſe or intent, ſhould utterly ceaſe, and no ſuch to be paid for any Archbiſhoprick or Biſhoprick within this Realm, otherwiſe than in the ſame Act is expreſſed. (2) And that no manner of perſon or perſons to be named, elected, preſented or poſtulated to any Archbiſhoprick or Biſhoprick within this Realm, ſhould pay the ſaid Annates or Firſt-fruits, nor any other manner of ſum or ſums of mony, penſions or annuities for the ſame, or for any other like exaction or cauſe, (3) upon pain to forfeit to our Soveraign Lord the King, his Heirs and Succeſſors, all manner his goods and cattels for ever, and all the Temporal lands and poſſeſſions of the ſaid Archbiſhoprick or Biſhoprick, during the time that he or they that ſhould offend contrary to the ſaid Act, ſhould have, poſſeſs and enjoy the ſaid Archbiſhoprick or Biſhoprick: (4) And it is farther enacted, That if any perſon named or preſented to the See of Rome by the Kings Highneſs, or his Heirs or Succeſſors, to be Biſhop of any See or Dioceſe within this Realm, ſhould happen to be letted, delayed or deferred at the See of Rome from any ſuch Biſhoprick whereunto he ſhould be ſo preſented, by mean of reſtraint of Bulls of the ſaid Biſhop of Rome, otherwiſe called the Pope, and other things requiſite to the ſame, or ſhould be denied at the See of Rome, upon convenient ſuit made for any Bulls requiſite for any ſuch cauſe: that then every perſon ſo preſented, might or ſhould be conſecrated in England, by the Archbiſhop in whoſe Province the ſaid Biſhoprick ſhall be: ſo always that the ſame perſon ſhould be named and preſented by the King for the time being to the ſaid Archbiſhop. (5) And if any perſon being named and preſented (as is beforeſaid) to any Archbiſhoprick of this Realm, making convenient ſuit, as is aforeſaid, ſhould happen to be letted, delayed, deferred, or otherwiſe diſturbed from the ſaid Archbiſhoprick, for lack of Pall, Bulls, or other things to him requiſite to be obtained at the See of Rome: that then every ſuch perſon ſo named and preſented to the Archbiſhop, might and ſhould be conſecrated and inveſted, after preſentation made as is aforeſaid, by any other two Biſhops within this Realm, whom the Kings Highneſs, or any his Heirs or Succeſſors, Kings of England, would appoint and aſſign for the ſame, according, and after like manner as divers Archbiſhops and Biſhops have been heretofore in ancient time by ſundry the Kings moſt noble Progenitors made, conſecrated and inveſted within this Realm. (6) And it was farther enacted by the ſaid Act, That every Archbiſhop and Biſhop, being named and preſented by the Kings Highneſs, his Heirs and Succeſſors, Kings of England, and being conſecrated and inveſted, as is aforeſaid, ſhall be inſtalled accordingly, and ſhould be accepted, taken and reputed, uſed and obeyed, as an Archbiſhop or Biſhop of the dignity, ſee or place whereunto he ſhall be ſo named, preſented and conſecrated, and as other like Prelates of that Province, See or Dioceſe have been uſed, accepted, taken and obeyed, which have had and obtained compleatly their Bulls and other things requiſite in that behalf from the See of Rome, (7) and alſo ſhould fully and intirely have and enjoy all the Spiritualities and Temporalities of the ſaid Archbiſhoprick or Biſhoprick, in as large, ample and beneficial manner, as any of his or their Predeceſſors had or enjoyed in the ſaid Archbiſhoprick or Biſhoprick, ſatisfying and yielding unto the Kings Highneſs, and to his heirs and ſucceſſors, all ſuch duties, rights and inveſts, as before time hath been accuſtomed to be paid for any ſuch Archbiſhoprick or Biſhoprick, according to the ancient Laws and Cuſtoms of this Realm, and the Kings Prerogative Royal, as in the ſaid Act amongſt other things is more at large mentioned.

If any preſented by the King to the See of Rome to a Biſhoprick in England be there delayed, he may be conſecrated by an Archbiſhop in England.

One preſented to the See of Rome to an Archbiſhoprick, and there letted, may be conſecrated by two Biſhops of England.

The Kings Royal conſent to the foreſaid Statute.

II. And albeit the ſaid Biſhop of Rome, otherwiſe called the Pope, hath been informed, and certified of the effectual contents of the ſaid Act, to the intent that by ſome gentle ways the ſaid exactions might have been redreſſed and reformed: yet nevertheleſs the ſaid Biſhop of Rome hitherto hath made none anſwer of his mind therein to the Kings Highneſs, nor deviſed or required any reaſonable ways to and with our ſaid ſoveraign Lord for the ſame: (2) Wherefore his moſt Royal Majeſty, of his excellent goodneſs, for the wealth and profit of this his Realm, and ſubjects of the ſame, hath not only put his moſt gracious and Royal aſſent to the foreſaid Act, but alſo hath ratified and confirmed the ſame, and every clauſe and article therein contained, as by his Letters Patents under his Great Seal enrolled in the Parliament Roll of this preſent Parliament more at large is contained.

No man ſhall be preſented to the See of Rome for the dignity of an Archbiſhop or Biſhop, nor Annates or Firſt-fruits ſhall be paid to the ſame See.

III. And foraſmuch as in the ſaid Act it is not plainly and certainly expreſſed, in what manner and faſhion Archbiſhops and Biſhops ſhall be elected, preſented, inveſted and conſecrated within this Realm, and in all other the Kings Dominions: (2) Be it now therefore enacted by the King our Soveraign Lord, by the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid Act, and every thing therein contained, ſhall be and ſtand in ſtrength, virtue and effect, Except only that no perſon or perſons hereafter ſhall be preſented and nominated, or commended to the ſaid Biſhop of Rome, otherwiſe called the Pope, or to the See of Rome, to or for the dignity or office of any Archbiſhop or Biſhop within this Realm, or in any other the Kings Dominions, nor ſhall ſend nor procure there for any manner of Bulls, Breves, Palls, or other things requiſite for an Archbiſhop or Biſhop, nor ſhall pay any ſums of mony for Annates, Firſt-fruits, nor otherwiſe for expedition of any ſuch Bulls, Breves or Palls: but that by the authority of this Act, ſuch preſenting, nominating or commending to the ſaid Biſhop of Rome, or to the See of Rome, and ſuch Bulls, Breves, Palls, Annates, Firſt-fruits, and every other ſums of mony heretofore limited, accuſtomed, or uſed to be paid at the See of Rome, for procuration or expedition of any ſuch Bulls, Breves or Palls, or other thing concerning the ſame, ſhall utterly ceaſe, and no longer be uſed within this Realm, or within any the Kings Dominions; any thing contained in the ſaid Act afore mentioned, or any uſe, cuſtom or preſcription to the contrary thereof notwithſtanding.

The manner of electing an Archbiſhop or Biſhop.

For default of election by the Dean and Chapiter, the King ſhall nominate a Biſhop by his Letters Patents.

IV. And farthermore be it ordained and eſtabliſhed by the authority aforeſaid, That at every avoidance of any Archbiſhoprick or Biſhoprick within this Realm, or in any other the Kings Dominions, the King our Soveraign Lord, his heirs and ſucceſſors, may grant to the Prior and Covent, or the Dean and Chapiter of the Cathedral Churches or Monaſteries where the See of ſuch Archbiſhoprick or Biſhoprick ſhall happen to be void, a licence under the great Seal, as of old time hath been accuſtomed, to proceed to election of an Archbiſhop or Biſhop of the See ſo being void, with a letter miſſive, containing the name of the perſon which they ſhall elect and chuſe. (2) By virtue of which licence the ſaid Dean and Chapiter, or Prior and Covent, to whom any ſuch licence and letters miſſives ſhall be directed, ſhall with all ſpeed and celerity, in due form elect and chuſe the ſaid perſon named in the ſaid letters miſſive, to the dignity and office of the Archbiſhoprick or Biſhoprick, ſo being void, and none other. (3) And if they do defer or delay their election above twelve days next after ſuch licence and letters miſſives to them delivered, That then for every ſuch default, the Kings Highneſs, his heirs and ſucceſſors, at their liberty and pleaſure, ſhall nominate and preſent by their Letters Patents under their great Seal, ſuch a perſon to the ſaid office and dignity, ſo being void, as they ſhall think able and convenient for the ſame. (4) And that every ſuch nomination and preſentment to be made by the Kings Highneſs, his heirs and ſucceſſors, if it be to the office and dignity of Biſhop, ſhall be made to the Archbiſhop and Metropolitane of the Province, where the See of the ſame Biſhoprick is void, if the See of the ſaid Archbiſhop be then full and not void: and if it be void, then to be made to ſuch Archbiſhop or Metropolitane within this Realm, or in any the Kings Dominions, as ſhall pleaſe the Kings Highneſs, his heirs or ſucceſſors. (5) And if any ſuch nomination and preſentment ſhall happen to be made for default of ſuch election to the dignity or office of any Archbiſhop: then the Kings Highneſs, his heirs and ſucceſſors, by his Letters Patents under his great Seal, ſhall nominate and preſent ſuch perſon as they will diſpoſe to have the ſaid office and dignity of Archbiſhoprick being void, to one ſuch Archbiſhop, and two ſuch Biſhops, or elſe to four ſuch Biſhops in this Realm, or in any of the Kings Dominions, as ſhall be aſſigned by our ſaid Soveraign Lord, his heirs or ſucceſſors.

Conſecration of a Biſhop.

The name of a Biſhop newly choſen, viz. a Lord elect.

The Kings ſignification of a Biſhop or Archbiſhop elect.

V. And be it enacted by the authority aforeſaid, That whenſoever any ſuch preſentment or nomination ſhall be made by the Kings Highneſs, his heirs or ſucceſſors, by virtue and authority of this Act, and according to the tenor of the ſame: That then every Archbiſhop and Biſhop, to whoſe hands any ſuch preſentment and nomination ſhall be directed, ſhall with all ſpeed and celerity, inveſt and conſecrate the perſon nominate and preſented by the Kings Highneſs, his heirs or ſucceſſors, to the office and dignity that ſuch perſon ſhall be ſo preſented unto, and give and uſe to him Pall, and all other benedictions, ceremonies, and things requiſite for the ſame, without ſuing, procuring or obtaining hereafter any Bulls, or other things at the See of Rome, for any ſuch office or dignity in that behalf. (2) And if the ſaid Dean and Chapiter, or Prior and Covent, after ſuch licence and letters miſſive to them directed within the ſaid twelve days, do elect and chuſe the ſaid perſon mentioned in the ſaid letters miſſive, according to the requeſt of the Kings Highneſs, his heirs or ſucceſſors, thereof to be made by the ſaid letters miſſive in that behalf: then their election ſhall ſtand good and effectual to all intents: (3) and that the perſon ſo elected, after certification made of the ſame election, under the Common and Covent Seal of the Electors, to the Kings Highneſs, his heirs or ſucceſſors, ſhall be reputed and taken by the name of Lord elected of the ſaid dignity and office that he ſhall be elected unto: (4) And then making ſuch oath and fealty duly to the Kings Majeſty, his heirs and ſucceſſors, as ſhall be appointed for the ſame, the Kings Highneſs by his Letters Patents under his great Seal, ſhall ſignifie the ſaid election, if it be to the dignity of a Biſhop, to the Archbiſhop and Metropolitane of the Province where the See of the ſaid Biſhoprick was void, if the See of the ſaid Archbiſhop be full and not void: And if it be void, then to any other Archbiſhop within this Realm, or in any other the Kings Dominions, requiring and commanding ſuch Archbiſhop to whom any ſuch ſignification ſhall be made, to confirm the ſaid election, and to inveſt and conſecrate the ſaid perſon ſo elected to the office and dignity that he is elected unto, and to give and uſe to him all ſuch benedictions, ceremonies, and other things requiſite for the ſame, without any ſuing, procuring or obtaining any Bulls, Letters or other things from the See of Rome for the ſame in any behalf. (5) And if the perſon be elected to the office and dignity of an Archbiſhop, according to the tenor of this Act, then after ſuch election certified to the Kings Highneſs, in form aforeſaid, the ſame perſon ſo elected to the office and dignity of an Archbiſhop, ſhall be reputed and taken Lord elect to the ſaid office and dignity of an Archbiſhop, whereunto he ſhall be ſo elect: (6) And then after he hath made ſuch oath and fealty only to the Kings Majeſty, his heirs and ſucceſſors, as ſhall be limited for the ſame, the Kings Highneſs, by his Letters Patents under his great Seal, ſhall ſignifie the ſaid election to one Archbiſhop, and two other Biſhops, or elſe to four Biſhops within this Realm, or within any other the Kings Dominions, to be aſſigned by the Kings Highneſs, his heirs or ſucceſſors, requiring and commanding the ſaid Archbiſhop and Biſhops with all ſpeed and celerity, to confirm the ſaid election, and to inveſt and conſecrate the ſaid perſon ſo elected to the office and dignity that he is elected unto, and to give and uſe to him ſuch Pall, benedictions, ceremonies, and all other things requiſite for the ſame, without ſuing, procuring or obtaining any Bulls, Briefs, or other things at the ſaid See of Rome, or by the authority thereof in any behalf.

This election of a Biſhop ſhall be lawful. St. 8 El. 1.

VI. And be it farther enacted by authority aforeſaid, That every perſon and perſons being hereafter choſen, elected, nominate, preſented, inveſted and conſecrated to the dignity or office of any Archbiſhop or Biſhop within this Realm, or within any other the Kings Dominions, according to the form, tenor and effect of this preſent Act, and ſuing their Temporalties out of the Kings hands, his heirs or ſucceſſors, as hath been accuſtomed, and making a corporal oath to the Kings Highneſs, and to none other, in form as is afore rehearſed, ſhall and may from henceforth be trononiſed or inſtalled, as the caſe ſhall require, (2) and ſhall have and take their only reſtitution out of the Kings hands, of all the poſſeſſions and profits ſpiritual and temporal belonging to the ſaid Archbiſhoprick or Biſhoprick whereunto they ſhall be ſo elected or preſented, and ſhall be obeyed in all manner of things, according to the name, title, degree and dignity that they ſhall be ſo choſen or preſented unto, and do and execute in every thing and things touching the ſame, as any Archbiſhop or Biſhop of this Realm, without offending of the Prerogative Royal of the Crown, and the Laws and Cuſtoms of this Realm, might at any time heretofore do.

The penalty for not electing or not conſecrating a Biſhop named.

VII. And be it farther enacted by the authority aforeſaid, That if the Prior and Covent of any Monaſtery, or Dean and Chapter of any Cathedral Church where the See of an Archbiſhop or Biſhop is within any the Kings Dominions, after ſuch licence, as is afore rehearſed, ſhall be delivered to them, proceed not to election, and ſignifie the ſame according to the tenor of this act, within the ſpace of twenty days next after ſuch licence ſhall come to their hands: (2) or elſe if any Archbiſhop or Biſhop within any the Kings Dominions, after any ſuch election, nomination or preſentation ſhall be ſignified unto them by the Kings Letters Patents, ſhall refuſe, and do not confirm, inveſt and conſecrate with all due circumſtance as is aforeſaid, every ſuch perſon as ſhall be ſo elected, nominate or preſented, and to them ſignified, as is above mentioned, within twenty days next after the Kings Letters Patents of ſuch ſignification or preſentation ſhall come to their hands, (3) or elſe if any of them, or any other perſon or perſons, admit, maintain, allow, obey, do or execute any Cenſures, Excommunications, Interdictions, Inhibitions, or any other Proceſs or Act, of what nature, name or quality ſoever it be to the contrary, or let of due execution of this act, (4) that then every Prior and particular perſon of his Covent, and every Dean, and particular perſon of the Chapter, and every Archbiſhop and Biſhop, and all other perſons ſo offending and doing contrary to this act, or any part thereof, and their aiders, counſellers, abetters, ſhall run in the dangers, pains and penalties of the Eſtatute of Proviſion and Premunire, made in the five and twentieth year of the Reign of King Edward the Third, and in the ſixteenth year of King Richard the Second. Stat. 1 & 2 P. & M. 8. 1 El. 1. 31 H. 8. 9. 26 H. 8. 14. 8 El. 1.

CAP. XXI.

The Act concerning Peter-pence and Diſpenſations.

Convocation 3. No Impoſition ſhall be paid to the Biſhop of Rome. Sums of mony which have been paid for ſeveral cauſes to the Biſhop and See of Rome.

MOſt humbly beſeeching your moſt Royal Majeſty, your obedient and faithful ſubjects, the Commons in this your preſent Parliament aſſembled by your moſt dread commandment, That where your ſubjects of this your Realm, and of other Countries and Dominions, being under your obeyſance, by many years paſt have been, and yet be greatly decayed and impoveriſhed, by ſuch intolerable exactions of great ſums of mony, as have been claimed and taken, and yet continually be claimed to be taken out of this your Realm, and other your ſaid Countries and Dominions, by the Biſhop of Rome, called the Pope, and the See of Rome, as well in Penſions, Cenſes, Peter-pence, Procurations, Fruits, Suits for Proviſions and expeditions of Bulls for Archbiſhopricks and Biſhopricks, and for Delegacies and Reſcripts in cauſes of contentions and appeals, Juriſdictions Legantine, and alſo for Diſpenſations, Licences, Faculties, Grants, Relaxations, Writs called perinde valere, Rehabilitations, Abolitions, and other infinite ſorts of Bulls, Breves and Inſtruments of ſundry natures, names and kinds, in great numbers heretofore practiſed and obtained, otherwiſe than by the Laws, laudable uſes and cuſtoms of this Realm ſhould be permitted, the ſpecialties whereof been over long, large in number, and tedious here particularly to be inſerted: (2) Wherein the Biſhop of Rome aforeſaid hath not been only to be blamed for his uſurpation in the premiſſes, but alſo for his abuſing and beguiling your ſubjects, pretending and perſwading them that he hath power to diſpenſe with all human Laws, Uſes and Cuſtoms of all Realms, in all cauſes which be called Spiritual: Which matter hath been uſurped and practiſed by him and his Predeceſſors by many years, in great derogation of your Imperial Crown and Authority Royal, contrary to right and conſcience. (3) For where this your Graces Realm recogniſing no Superiour under God, but only your Grace, hath been, and is free from ſubjection to any mans Laws, but only to ſuch as have been deviſed, made and obtained within this Realm for the wealth of the ſame, or to ſuch other as by ſufferance of your Grace and your Progenitors, the people of this your Realm, have taken at their free liberty by their own conſent to be uſed amongſt them, and have bound themſelves by long uſe and cuſtom to the obſervance of the ſame, not as to the obſervance of the Laws of any Foreign Prince, Potentate or Prelate, but as to the cuſtomed and ancient Laws of this Realm, originally eſtabliſhed, as Laws of the ſame, by the ſaid ſufferance, contents and cuſtom, and none otherwiſe. (4) It ſtandeth therefore with natural equity and good reaſon, that in all and every ſuch Laws human made within this Realm, or induced into this Realm by the ſaid ſufferance, conſents and cuſtom, your Royal Majeſty, and your Lords Spiritual and Temporal, and Commons repreſenting the whole ſtate of your Realm, in this your moſt high Court of Parliament, have full power and authority, not only to diſpenſe, but alſo to authorize ſome elect perſon or perſons to diſpenſe with thoſe and all other human Laws of this your Realm, and with every one of them,

This Realm is free from any Laws of man but ſuch as have been deviſed within the ſame.

The Parliament hath authority to diſpenſe, and to elect ſome perſons to diſpenſe with all the human Laws of this Realm, and to amplifie and annul them.

them, as the quality of the perſons and matter ſhall require. (5) And alſo the ſaid Laws and every of them to abrogate, adnul, amplifie or diminiſh, as it ſhall be ſeen unto your Majeſty and the Nobles and Commons of your Realm, preſent in your Parliament, meet and convenient for the wealth of your Realm, as by divers good and wholeſome Acts of Parliaments, made and eſtabliſhed as well in your time, as in the time of your moſt noble Progenitors, it may plainly and evidently appear: (6) And becauſe that it is now in theſe days preſent ſeen, that the ſtate, dignity, ſuperiority, reputation and authority of the ſaid imperial Crown of this Realm, by the long ſufferance of the ſaid unreaſonable and uncharitable uſurpations and exactions practiſed in the times of your moſt noble Progenitors, is much and ſore decayed and diminiſhed, and the people of this Realm thereby impoveriſhed, and ſo or worſe be like to continue, if remedy be not therefore ſhortly provided:

II. It may therefore pleaſe your moſt noble Majeſty, for the honour of Almighty God, and for the tender love, zeal and affection that ye bear, and always have born to the wealth of this your Realm and Subjects of the ſame, foraſmuch as your Majeſty is ſupreme Head of the Church of England, as the Prelates and Clergy of your Realm repreſenting the ſaid Church in their Synods and Convocations have recogniſed, in whom conſiſteth full power and authority upon all ſuch Laws as have been made and uſed within this Realm, to ordain and enact by the aſſent of your Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no perſon or perſons of this your Realm, or of any other your Dominions, ſhall from henceforth pay any Penſions, Cenſes, Portions, Peter-pence, or any other Impoſitions to the uſe of the ſaid Biſhop, or of the See of Rome, like as heretofore they have uſed, by uſurpation of the ſaid Biſhop of Rome and his Predeceſſors, and ſufferance of your Highneſs and your moſt noble Progenitors, to do, (2) but that all ſuch Penſions, Cenſes, Portions and Peter-pence, which the ſaid Biſhop of Rome, otherwiſe called the Pope, hath heretofore taken and perceived, or cauſed to be taken and perceived to his uſe and his Chambers, which he calleth Apoſtolick, by uſurpation and ſufferance, as is aboveſaid, within this your Realm, or any other your Dominions, ſhall from henceforth clearly ſurceaſe and never more be levied, taken, perceived nor paid to any perſon or perſons in any manner or wiſe; any conſtitution, uſe, preſcription or cuſtom to the contrary thereof notwithſtanding.

No impoſitions ſhall be paid to the Biſhop or See of Rome.

III. And be it farther enacted by the authority aforeſaid, That neither your Highneſs, your Heirs nor Succeſſors, Kings of this Realm, nor any your Subjects of this Realm, nor of any other your Dominions, ſhall from henceforth ſue to the ſaid Biſhop of Rome, called the Pope, or to the See of Rome, or to any perſon or perſons, having or pretending any authority by the ſame, for Licences, Diſpenſations, Compoſitions, Faculties, Grants, Reſcripts, Delegacies, or any other Inſtruments or Writings, of what kind, name, nature or quality ſoever they be of, for any cauſe or matter, for the which any Licence, Diſpenſation, Compoſition, Faculty, Grant, Reſcript, Delegacy, Inſtrument, or other Writing, heretofore hath been uſed and accuſtomed to be had and obtained at the See of Rome, or by authority thereof, or of any Prelates of this Realm: (2) nor for any manner of other Licences, Diſpenſations, Compoſitions, Faculties, Grants, Reſcripts, Delegacies, or any other Inſtruments or Writings, that in cauſes of neceſſity may lawfully be granted without offending the Holy Scriptures and Laws of God. (3) But that from henceforth every ſuch Licence, Diſpenſation, Compoſition, Faculty, Grant, Reſcript, Delegacy, Inſtrument and other Writing afore named and mentioned, neceſſary for your Highneſs, your Heirs and Succeſſors, and your and their people and ſubjects, upon the due examinations of the cauſes and qualities of the perſons procuring ſuch Diſpenſations, Licences, Compoſitions, Faculties, Grants, Reſcripts, Delegacies, Inſtruments or other Writings, ſhall be granted, had and obtained from time to time, within this your Realm, and other your Dominions, and not elſewhere, (4) in manner and form following, and none otherwiſe: That is to ſay, the Archbiſhop of Canterbury for the time being, and his ſucceſſors, ſhall have power and authority from time to time, by their diſcretions, to give, grant and diſpoſe by an Inſtrument under the Seal of the ſaid Archbiſhop, unto your Majeſty, and to your Heirs and Succeſſors, Kings of this Realm, as well all manner ſuch Licences, Diſpenſations, Compoſitions, Faculties, Grants, Reſcripts, Delegacies, Inſtruments, and all other Writings, for cauſes not being contrary or repugnant to the Holy Scriptures and Laws of God, as heretofore hath been uſed and accuſtomed to be had and obtained by your Highneſs, or any your moſt noble Progenitors, or any of your or their ſubjects, at the See of Rome, or any perſon or perſons by authority of the ſame: (5) and all other Licences, Diſpenſations, Faculties, Compoſitions, Grants, Reſcripts, Delegacies, Inſtruments and other Writings, in, for and upon all ſuch cauſes and matters as ſhall be convenient and neceſſary to be had, for the honour and ſurety of your Highneſs, your Heirs and Succeſſors, and the wealth and profit of this your Realm: (6) So that the ſaid Archbiſhop, or any of his Succeſſors, in no manner wiſe ſhall grant any Diſpenſation, Licence, Reſcript, or any other Writing afore rehearſed, for any cauſe or matter repugnant to the Law of Almighty God.

No perſon ſhall ſue for any diſpenſation or licence to the Biſhop of Rome.
Co.pl.f.204,471.
Moor 434.pl.609
Golsb.192.pl.97.

12 Co. 70.
The Archbiſhop of Canterbury may grant Diſpenſations to the King.
Co.Inſt.4 p.377.
Vaughan 18, 19, 20, 27.

IV. Be it alſo enacted by authority aforeſaid, That the ſaid Archbiſhop and his ſucceſſors, after good and due examination by them had of the cauſes and qualities of the perſons procuring for Licences, Diſpenſations, Compoſitions, Faculties, Delegacies, Reſcripts, Inſtruments or other Writings, ſhall have full power and authority by themſelves, or by their ſufficient and ſubſtantial Commiſſary or Deputy, by their diſcretions from time to time, to grant and diſpoſe by an Inſtrument under the name and ſeal of the ſaid Archbiſhop, as well to any of your ſubjects, as to the ſubjects of your Heirs and Succeſſors, all manner of Licences, Diſpenſations, Faculties, Compoſitions, Delegacies, Reſcripts, Inſtruments or other Writings for any ſuch cauſe or matter, whereof heretofore ſuch Licences, Diſpenſations, Compoſitions, Faculties, Delegacies, Reſcripts, Inſtruments,

The Archbiſhop of Canterbury may grant Licences of things wonted to be licenſed.
Co. pl. f. 512.

or Writings have been accuſtomed to be had at the See of Rome, or by the authority thereof, or of any Prelate of this Realm.

Diſpenſations to cauſes unwonted to be licenſed, ſhall not be granted without the approbation of the King or his Council.

V. And that the ſaid Archbiſhop and his Commiſſary ſhall not grant any other licence, diſpenſation, compoſition, faculty, writing or inſtrument in cauſes unwont, and not accuſtomed to be had or obtained at the Court of Rome, nor by authority thereof, nor by any Prelate of this Realm, until your Grace, your heirs or ſucceſſors, or your or their Council ſhall firſt be advertiſed thereof, and determine whether ſuch licences and diſpenſations, compoſitions, faculties or other writings in ſuch cauſes unwont and not accuſtomed to be diſpenſed withal or obtained, ſhall commonly paſs as other diſpenſations, faculties or other writings ſhall, or no, (2) upon pain that the Grantors of every ſuch licence, diſpenſation or writing in ſuch cauſes unwont, contrary to this Act, ſhall make Fine at the will and pleaſure of your Grace, your heirs and ſucceſſors. (3) And if it be thought and determined by your Grace, your heirs or ſucceſſors, or your or their Council, that diſpenſations, faculties, licences or other writings in any ſuch cauſe unwont, ſhall paſs, then the ſaid Archbiſhop or his Commiſſary, having licence of your Highneſs, your heirs or ſucceſſors for the ſame, by your or their bill aſſigned, ſhall diſpenſe with them accordingly.

Licence of things whereof the tax extends to iv l. ſhall be confirmed by the Kings great Seal.

Cro. El.

VI. Provided always, That no manner diſpenſations, licences, faculties or other reſcripts or writings hereafter to be granted to any perſon or perſons by virtue or authority of this Act by the ſaid Archbiſhop or his Commiſſary, being of ſuch importance, that the Tax, for the expedition thereof at Rome, extended to the ſum of four pounds or above, ſhall in any wiſe be put in execution, till the ſame licence, diſpenſation, faculty, reſcript or other writing, of what name or nature ſoever it be of, be firſt confirmed by your Highneſs, your heirs or ſucceſſors, Kings of this Realm, under the great Seal, and enrolled in your Chancery in a Roll by a Clerk to be appointed for the ſame. (2) And that this Act ſhall be a ſufficient warrant to the Chancellor of England for the time being, or to him whom your Grace, your heirs or ſucceſſors, ſhall depute to be Keeper of the great Seal, to confirm in your name, your heirs or ſucceſſors, the foreſaid writings paſſed under the ſaid Archbiſhops ſeal by Letters Patents in due form thereof to be made under your great Seal, remitting as well the ſaid writing under the Archbiſhops ſeal, as the ſaid confirmation under the great Seal, to the parties from time to time procuring for the ſame.

What diſpenſations may be granted by the Archbiſhop without the Kings confirmation.

(3) And that all ſuch licences, diſpenſations, faculties and other reſcripts and writings, for the expedition of which the ſaid Taxes to be paid at Rome, was under iv l. which be matters of no great importance, ſhall paſs only by the Archbiſhops ſeal, and ſhall not of any neceſſity be confirmed by the great Seal, unleſs the Procurers of ſuch licence, faculty or diſpenſation, deſire to have them confirmed; (4) in which caſe they ſhall pay for the ſaid great Seal, to the uſe of your Highneſs, your heirs and ſucceſſors, v s. ſterling, and not above, over and beſides ſuch Taxes as ſhall be hereafter limited for the making, writing, regiſtring, confirming and inrolling of ſuch licences, confirmations and writings under the ſaid Tax of iv l.

All Acts done by virtue of any of the aforeſaid licences ſhall be good and of force in Law.

VII. And that every ſuch licence, diſpenſation, compoſition, faculty, reſcript and writing, of what name or nature ſoever it be, for ſuch cauſes as the Tax was wont to be iv l. or above, ſo granted by the Archbiſhop, and confirmed under the great Seal, and all other licences, diſpenſations, faculties, reſcripts and writings hereafter to be granted by the Archbiſhop by virtue and authority of this Act, whereunto the great Seal is not limited of neceſſity to be put to, by reaſon that the Tax of them is under iv l. ſhall be accepted, approved, allowed and admitted good and effectual in the Law, in all Places, Courts and Juriſdictions, as well ſpiritual as temporal, within this Realm, and elſewhere within your Dominions, and as beneficial to the perſons obtaining the ſame, as they ſhould have been, if they had been obtained with all things requiſite, of the See of Rome, or of any other perſon by authority thereof, without any revocation or repeal hereafter to be had of any ſuch licences, diſpenſations, faculties, reſcripts or writings, of what nature ſoever they be.

Licences to marry, and children born after the ſame marriages.
25 H. 8. 22. Sect. 4. N. 1.

Hob.

VIII. And that all children procreated after ſolemnization of any marriages to be had or done by virtue of ſuch licences or diſpenſations, ſhall be admitted, reputed and taken legitimate in all Courts, as well ſpiritual as temporal, and in all other places, and inherit the inheritance of their Parents and Anceſtors within this your Realm, and all other your dominions, according to the Laws and Cuſtoms of the ſame: (2) and all acts to be done, had or executed according to the tenor of ſuch licences, diſpenſations, faculties, writings or other inſtruments to be made or granted by authority of this Act, ſhall be firm, permanent, and remain in force; any foreign laws, conſtitutions, decrees, canons, decretals, inhibitions, uſe, cuſtom, preſcription, or any other thing had or hereafter to be made to the contrary notwithſtanding.

A Clerk to regiſter diſpenſations appointed by the Archbiſhop.

Dyer f.

IX. And be it farther enacted, That the ſaid Archbiſhop and his ſucceſſors ſhall have power and authority to ordain, make and conſtitute a Clerk, which ſhall write and regiſter every ſuch licence, diſpenſation, faculty, writing or other inſtrument to be granted by the ſaid Archbiſhop, and ſhall find parchment, wax and ſilken laces convenient for the ſame, and ſhall take for his pains ſuch ſums of mony as ſhall be hereafter in this preſent Act to him limited in that behalf for the ſame. (2) And that likewiſe your Grace, your heirs and ſucceſſors, ſhall by your Letters Patents under your great Seal, ordain, depute and conſtitute one ſufficient Clerk, being learned in the courſe of Chancery, which always ſhall be attendant upon the Lord Chancellor, or the Lord Keeper of the great Seal for the time being, and ſhall make, write and enrol the Confirmations of all ſuch licences, diſpenſations, inſtruments or other writings, as ſhall be thither brought under the Archbiſhops ſeal, there to be confirmed and inrolled: and ſhall alſo intitle in his books, and inrol of record ſuch other writings as ſhall thither be brought under the Archbiſhops ſeal, not to be confirmed, taking for his pains ſuch reaſonable ſums of mony as hereafter by this Act to him ſhall be limited for the ſame, (3) and that as well the ſaid Clerk appointed by the ſaid Archbiſhop, as

A Clerk aſſigned by the King to write Confirmations the ſaid Clerk to be appointed by your Highneſs, your heirs or ſucceſſors ſhall ſubſcribe their names to every ſuch licence, diſpenſation, faculty or other writing that ſhall come to their hands to be written, made, granted, ſealed, confirmed, regiſtred and enrolled by authority of this Act, in form as is before rehearſed.

The charges qualified which had wont to be ſpent in obtaining diſpenſations and licences from Rome.

X. And foraſmuch as the charges of obtaining the ſaid Licences, Diſpenſaticns, Faculties, and other Reſcripts or Writings afore-named at the Court of Rome, by the loſſes and exchanges, and in conducting of Currors, and waging Solicitors to ſue for any ſuch Licences, Diſpenſations, Faculties, Inſtruments and other Reſcripts or Writings, have been grievous and exceſſive to your people, and many times greater ſums have been demanded for the ſpeedy expedition in the Court of Rome, than be expreſſed in the old tax limited to be paid for the ſaid expeditions, whereby your people hath been brought to an incertainty upon the payment for expeditions of ſuch things, and by reaſon thereof have been conſtrained to pay more than they were wont to do, to the great impoveriſhing of this Realm, as is aforeſaid. (2) And ſometimes the ſpeeding of ſuch Diſpenſations, Faculties, Licences and other Writings at Rome, hath been ſo long deferred, that the parties labouring for the ſame, have ſuffered great incommodities and loſs for lack of quick ſpeed, which hereafter may be had within this your Realm, to the great commodity of your people, whereby the charges of making exchanges, conducting of Currors and Solicitors for the ſaid Diſpenſations ſhall be abated, and your people ſo much relieved and eaſed, (3) to the intent that all ambiguity and incertainty of payments for Diſpenſations, Faculties, Licences and other Reſcripts and Writings may be taken away, that no fraud or exaction ſhall be exerciſed upon your people, by ſuch Officers as ſhall be appointed by this Act, to take pains in ſpeeding ſuch Diſpenſations, Faculties and Licences: but that your people may be ſure and certain what they be appointed to pay for the ſame.

Two books ſhall be made, wherein the taxes of diſpenſations ſhall be written.

XI. Be it enacted by this preſent Parliament, and by the authority of the ſame, That there ſhall be two books drawn and made of one tenor: in which ſhall be contained the taxes of all cuſtomable diſpenſations, faculties, licences and other writings, wont to be ſped at Rome; which book, and every leaf of thoſe books, and both ſides of every leaf, ſhall be ſubſcribed by the Archbiſhop of Canterbury, the Lord Chancellor of England, the Lord Treaſurer of England, and the two chief Juſtices of both Benches for the time being: to the which books all ſuters for diſpenſations, faculties, licences and other writings afore rehearſed, ſhall have recourſe if they require it. (2) And one of the ſaid books ſhall remain in the hands of him which ſhall be appointed to be Regiſter and Scribe of the ſaid diſpenſations, faculties and licences under the ſaid Archbiſhop of Canterbury, in form as is before ſaid: (3) and the other book ſhall remain with the Clerk of the Chancery, which by your Grace, your heirs or ſucceſſors ſhall be appointed, as is before rehearſed. (4) Which Clerk of the Chancery ſhall alſo intitle and note particularly and daily in his book ordained for that purpoſe, the number and qualities of the diſpenſations, faculties, licences and other reſcripts and writings, which ſhall be ſealed only with the ſeal of the ſaid Archbiſhop: and alſo which ſhall be ſealed with the ſaid ſeal, and confirmed with the great Seal, in form as is before ſaid, that all fraud and concealment in this behalf may be avoided.

The fees of diſpenſations, faculties, licences &c.

XII. And be it enacted by this preſent Parliament, and by the authority of the ſame, That no man ſuing for diſpenſations, faculties, licences, or other reſcripts or writings, which were wont to be ſped at Rome, ſhall pay any more for their diſpenſations, licences or reſcripts than ſhall be contained, taxed and limited in the ſaid duplicate books of taxes, only compoſitions excepted, which being arbitrary, no tax can be made: wherefore the tax thereof ſhall be ſet and limited by the diſcretion of the ſaid Archbiſhop of Canterbury, and the Lord Chancellor of England, or the Lord Keeper of the great Seal for the time being. (2) And that ſuch as ſhall exact or receive of any ſutor more for any diſpenſation, faculty or licence than ſhall be contained in the ſaid books of taxes, ſhall forfeit ten times ſo much as he ſhall ſo extortiouſly exact and receive, the one half of the which forfeiture to be to the uſe of your Grace, your heirs or ſucceſſors, and the other half thereof to be to ſuch of your ſubjects as will ſue for the ſame by action, bill or plaint, in any of your Graces Courts, wherein the defendant ſhall have none eſſoin nor protection allowed, neither ſhall be admitted to wage his Law.

The penalty of extortion in Officers.

How the tax for every diſpenſation, faculty, or other writing ſhall be divided

XIII. Be it alſo enacted by this Parliament, and authority of the ſame, That the tax or ſum appointed to be paid for every ſuch diſpenſation, licence, faculty, inſtrument, reſcript or other writing to be granted by authority of this Act, ſhall be employed and ordered, as hereafter enſueth: that is to ſay, if the tax extend to iv l. or above, by reaſon whereof the diſpenſation, licence, faculty, reſcript or writing which ſhall paſs by the ſaid Archbiſhops ſeal, muſt be confirmed by the appenſion of the great Seal: then the ſaid tax ſo extending to iv l. or above, ſhall be divided into three parts, whereof two ſhall be perceived by the ſaid Clerk of the Chancery to be appointed (as is aforeſaid) to the uſe of your Highneſs, your heirs and ſucceſſors, and to the uſe of the Lord Chancellor, or the Keeper of the great Seal for the time being, and to the uſe of the ſaid Clerk, in ſuch wiſe as ſhall hereafter be declared. (2) And the third part ſhall be taken by the ſaid Clerk of the Archbiſhop, to the uſe of the ſame Archbiſhop and his Commiſſary, and his ſaid Clerk and Regiſter, in ſuch wiſe as ſhall hereafter be ordered and limited by this Act: That is to ſay, the ſaid two parts ſhall be divided in four parts, of which three parts ſhall be taken to the only uſe of your Highneſs, your heirs and ſucceſſors: (3) And the fourth part ſhall be divided in three parts, whereof the Chancellor of England, or Lord Keeper of the great Seal for the time being, ſhall have two parts, and the ſaid Clerk of the Chancery the third part for his pains, travail and labours that he is limited to write and do by virtue of this Act. (4) And the ſaid third part of the whole tax appointed to the ſaid Archbiſhop and his officers (as is aforeſaid) ſhall be divided into three parts, whereof the Archbiſhop ſhall have to his uſe two parts, and his officers ſhall have the third part thereof: (5) of which third part to be divided into two parts, the ſaid Clerk or Regiſter which ſhall find parchment, wax and ſilk, and ſhall deviſe and write the ſaid diſpenſations, licences, faculties, reſcripts or other writings, and regiſter the ſame, ſhall have for his ſaid labour, and for receiving and repaying of the ſums of mony, that ſhall come to his hands for diſpenſations,faculties, licences and other reſcripts aforeſaid, the one moiety thereof, (6) and the Commiſſary appointed to ſeal the ſaid diſpenſations, faculties, licences and other reſcripts, ſhall have the other part.

If the Tax be under iv l. and not under xl s.

If the Tax be under xl s. and not under xxvi s. viii d.

If the Tax be under xxvi s. viii d. and not under xx s.

XIV. And if the Tax be under iv l. and not under xl s. then the ſaid Tax ſhall be divided into three parts as is aforeſaid, whereof the Kings Highneſs, his heirs and ſucceſſors, ſhall have two parts thereof, abating iij s. iv d. which ſhall be to the ſaid Clerk of the Chancery for ſubſcribing, entituling and enrolling the ſaid diſpenſations, licences, faculties, reſcripts and other writings aforeſaid, and receiving of the Kings mony ſo taxed: (2) And the Archbiſhop and his officers ſhall have the third part, which third part ſhall be divided into two parts,whereof the Archbiſhop ſhall have the one entirely to himſelf,his Scribe and Commiſſary ſhall have the other part thereof, equally to be divided amongſt them for their coſts and pains in that behalf: (3) And if the Tax be under forty ſhillings, and not under ſix and twenty ſhillings eight pence, the ſame Tax ſhall be divided into two parts, whereof the one part ſhall be to your Grace, your heirs and ſucceſſors, deducting thereof two ſhillings for the Clerk of the Chancery for his pains, as is aforeſaid: (4) and the other part ſhall be to the ſaid Archbiſhop and his officers; which other part ſhall be divided into two parts, whereof the Archbiſhop ſhall have the one, and his Commiſſary and Scribe ſhall have the other equally divided amongſt them. (5) And if the Tax be under ſix and twenty ſhillings eight pence,and not under twenty ſhillings,the ſame ſhall be divided into three parts, whereof your Grace, your heirs and ſucceſſors, ſhall have the one part entirely, abating two ſhillings thereof to the ſaid Clerk of the Chancery: (6) and the Archbiſhop and his officers ſhall have the other part; and the ſame other part ſhall be divided into two parts, whereof the Archbiſhop ſhall have one, his Commiſſary the ſecond, and his Scribe or Regiſter the third. (7) And in caſe the Tax be under twenty ſhillings, the ſame ſhall be perceived to the uſe of the ſaid Commiſſary,Clerk of the ſaid Archbiſhop,and Clerk of the Chancery to be equally divided amongſt them for their pains and labours by them to be ſuſtained by authority of this Act, as is aforeſaid.

Diſpenſations by other Prelates.

XV. Provided always, That this Act ſhall not be prejudicial to the Archbiſhop of York, or to any Biſhop or Prelate of this Realm: but that they may lawfully (notwithſtanding this Act) diſpenſe in all caſes, in which they were wont to diſpenſe by the Common Law or Cuſtom of this Realm afore the making of this Act.

Diſpenſation by the Guardian of the Spiritualties.

XVI. Provided alſo, and be it enacted by the authority aforeſaid,That if it happen the See of the Archbiſhoprick of Canterbury to be void,that then ſuch manner licences,diſpenſations, faculties, inſtruments, reſcripts and other writings which may be granted by virtue and authority of this Act, ſhall (during the vacation of the ſame See) be had, done and granted under the name and ſeal of the Guardian of the Spiritualties of the ſaid Archbiſhoprick for the time being, according to the tenor and form of this Act, and ſhall be of like force, value and effect, as if they had been granted under the name and ſeal of the Archbiſhop for the time being.

A remedy where the Archbiſhop or Guardian of the Spiritualties deny to grant diſpenſations, licences, &c.

XVII. And be it farther enacted, That if the foreſaid Archbiſhop of Canterbury (for the time being) or the ſaid Guardian of the Spiritualties, for the time being, hereafter refuſe or deny to grant any licences, diſpenſations, faculties, inſtruments or other writings, which they be authorized to do by virtue and authority of this Act, in ſuch manner and form as is afore remembred to any perſon or perſons that ought upon a good, juſt and reaſonable cauſe to have the ſame, by reaſon whereof this preſent Act by their wilfulneſs, negligence or default, ſhould take none effect: then the Chancellor of England, or the Lord Keeper of the great Seal for the time being, upon any complaint thereof made, ſhall direct the Kings writ to the ſaid Archbiſhop or Guardian denying or refuſing to grant ſuch licences, diſpenſations, faculties or other writings, enjoyning him by the ſaid Writ, upon a certain pain therein to be limited by the diſcretion of the ſaid Chancellor or Keeper of the great Seal, that he ſhall in due form grant ſuch licence, diſpenſation, faculty or other writing, according to the requeſt of the procurers of the ſame, or elſe ſignifie unto your Highneſs, your heirs or ſucceſſors, in the Court of Chancery at a certain day, for what occaſion or cauſe he refuſed and denyed to grant ſuch licences, faculties or diſpenſations. (2) And if it ſhall appear to the ſaid Chancellor or Lord Keeper of the great Seal, upon ſuch certificate that the cauſe of refuſal or denial of granting ſuch licences, faculty or diſpenſation, was reaſonable, juſt and good: that then it ſo being proved by due ſearch and examination of the ſaid Chancellor or Lord Keeper of the great Seal, to be admitted and allowed. (3) And if it ſhall appear upon the ſaid Certificates, that the ſaid Archbiſhop or Guardian of the Spiritualties for the time being, of wilfulneſs in contemning the due execution of this Act, without a juſt and reaſonable cauſe, refuſed or denied to grant ſuch licence, faculty or diſpenſation: that then your Highneſs, your heirs or ſucceſſors, being thereof informed, after due examination had, that ſuch licences, faculties or diſpenſations may be granted without offending the Holy Scriptures, and Laws of God, ſhall have power and authority in every ſuch caſe, for the default, negligence and wilfulneſs of the ſaid Archbiſhop or Guardian, to ſend your Writ of Injunction under your great Seal, out of your ſaid Court of Chancery, commanding the Archbiſhop or Guardian that ſo ſhall deny or refuſe to grant ſuch licence, faculty or diſpenſation, to make ſufficient grant thereof, according to the tenor and effect of this Act, by a certain day, under a certain pain in the ſaid Writ to be contained, and to be limited by your Highneſs, your heirs or ſucceſſors, Kings of this Realm. (4) And if the ſaid Archbiſhop or Guardian after the receipt of the ſaid Writ refuſe or deny to grant ſuch licences, faculties or diſpenſations, as ſhall be enjoyned him by virtue of the ſaid Writ, and ſhew and prove before your Majeſty, your heirs or ſucceſſors, no juſt or reaſonable cauſe why he ſhould do ſo, then the ſaid Archbiſhop or Guardian that ſo ſhall refuſe to put this Act in execution, according to the ſaid Writ of Injunction, ſhall ſuffer, loſe and forfeit to your Highneſs, your heirs and ſucceſſors, ſuch pain and penalty as ſhall be limited and expreſſed in the ſaid Writ of Injunction. (5) And over that it ſhall be lawful to your Highneſs, your heirs and ſucceſſors, for every ſuch default and wilfulneſs of the ſaid Archbiſhop or Guardian for the time being, to give power and authority by Commiſſion under your great Seal, to ſuch two ſpiritual Prelates, or perſons to be named by your Highneſs, your heirs or ſucceſſors, as will do and grant ſuch licences, faculties and diſpenſations, refuſed or denyed to be granted by the ſaid Archbiſhop or Guardian, in contempt of this Act.

XVIII. And be it farther enacted by authority aforeſaid, That the ſaid two ſpiritual Prelates or perſons to whom in ſuch caſes any ſuch Commiſſion ſhall be directed, ſhall have power and authority to grant every ſuch licence, faculty, diſpenſation, inſtrument, and other writings ſo refuſed to be granted by the ſaid Archbiſhop or Guardian for the time being, by an inſtrument under their ſeals, taking like fees and charges for the ſame, as is before rehearſed, and not above, under the pains afore remembred. (2) And that every ſuch licence, faculty and diſpenſation ſo granted for any caſes or matters, whereunto any confirmation under the Kings great ſeal is appointed by this Act to be had in manner and form above declared, ſhall be had and obtained accordingly. (3) And ſuch licences and confirmation ſhall be had for like fees and charges, as they are above ſpecified, and not above, under the pains above mentioned. (4) And that every ſuch licence, faculty or diſpenſation, or other writing to be granted by the ſaid Prelates, or perſons to be aſſigned by the Kings Highneſs, his heirs and ſucceſſors, as is aforeſaid, ſhall be of as good value, ſtrength and effect, and as beneficial and profitable to the perſons procuring the ſame, as if they had been made, granted and obtained under the name and ſeal of the ſaid Archbiſhop.

Diſpenſations granted by other ſpiritual Prelates.

XIX. Provided always, That this Act, nor any thing or things therein contained, ſhall be hereafter interpreted or expounded, that your Grace, your Nobles and Subjects, intend by the ſame to decline or vary from the Congregation of Chriſts Church, in any things concerning the very Articles of the Catholick Faith of Chriſtendom, or in any other things declared by Holy Scripture and the Word of God, neceſſary for your and their ſalvations, (2) but only to make an Ordinance by policies neceſſary and convenient to repreſs Vice, and for good conſervation of this Realm in peace, unity and tranquillity, from ravin and ſpoil, inſuing much the old ancient cuſtoms of this Realm in that behalf; Not minding to ſeek for any relief, ſuccors or remedies for any worldly things and human Laws, in any cauſe of neceſſity, but within this Realm at the hands of your Highneſs, your heirs and ſucceſſors, Kings of this Realm, which have and ought to have an Imperial power and authority in the ſame, and not obliged in any worldly cauſes to any other ſuperior.

The King and the Realm do not mean to vary from the Articles of the Catholick faith of Chriſtendom

XX. Provided alway, That the ſaid Archbiſhop of Canterbury, or any other perſon or perſons ſhall have no power or authority by reaſon of this Act, to viſit or vex any Monaſteries, Abbeys, Priories, Colleges, Hoſpitals, Houſes or other places religious, which be or were exempt before the making of this Act, any thing in this Act to the contrary thereof notwithſtanding, (2) but that redreſs, viſitation and confirmation ſhall be had by the Kings Highneſs, his heirs and ſucceſſors, by Commiſſion under the great Seal to be directed to ſuch perſons as ſhall be appointed requiſite for the ſame, in ſuch Monaſteries, Colleges, Hoſpitals, Priories, houſes and places religious exempt, (3) So that no viſitation nor confirmation ſhall from thenceforth be had or made, in or at any ſuch Monaſteries, Colleges, Hoſpitals, Priories, houſes and places religious exempt, by the ſaid Biſhop of Rome; nor by any of his authority, nor by any out of the Kings Dominions; (4) nor that any perſon religious or other reſiant in any the Kings Dominions, ſhall from henceforth depart out of the Kings Dominions, to or for any viſitation, congregation or aſſembly for religion, but that all ſuch viſitations, congregations and aſſemblies ſhall be within the Kings Dominions.

The King by Commiſſion may viſit Colleges, Hoſpitals and places exempt, and not the Archbiſhop of Canterbury.

None ſhall go forth of England to general Councils.

XXI. Provided alſo, That this preſent Act, or any thing therein contained, or any licence or diſpenſation hereafter to be made by virtue and authority thereof, ſhall not extend to the repeal or derogation of the late Act made ſith the beginning of this preſent Parliament, for reformation of pluralities of benefices, and for non-reſidences of ſpiritual perſons upon their dignities or benefices, nor to any things contained or mentioned in the ſaid Act; (2) Nor that this Act, nor any thing to be done by authority thereof, ſhall not be taken, expounded or interpreted to give licence to any perſon or perſons, to have any more number of benefices than is limited in the ſaid Act. (3) And that the ſame Act for pluralities and non-reſidences of benefices, and every thing therein contained, ſhall ſtand good and effectual in all intents, according to the true meaning thereof; Any thing in this preſent Act, or any licence or diſpenſation to be had by authority thereof in any wiſe notwithſtanding.

The Act ſhall not derogate the Statute of 21 H.8.10.touching pluralities of benefices or non-reſidence.

XXII. And be it farther enacted by authority aforeſaid, That if any perſon or perſons, ſubject or reſiant within this Realm, or within any of the Kings Dominions at any time hereafter ſue to the Court of Rome, or the See of Rome, or to any perſon claiming to have his authority by the ſame, for any licence, faculty, diſpenſation, or other thing or things contrary to this Act, or put in execution any licence, faculty, diſpenſation, or any other thing or things hereafter to be obtained from Rome, or the See of Rome, or from any claiming authority by the ſame, for any of the cauſes above mentioned in this Act, or for any other cauſes that may be granted by authority of this Act, or attempt or do any thing or things contrary to this Act: or maintain, allow, admit or obey any manner of cenſures, excommunications, interdictions, or any other proceſs from Rome, of what name or nature ſoever it be, to the derogation or lett of the execution of this Act, or of any thing or things to be done by reaſon of the ſaid Act, that then every ſuch perſon or perſons ſo doing, offending and being thereof convict, their aiders, counſellors and abettors ſhall incur and run into the pain, loſs and penalty compriſed and ſpecified in the Act of Proviſion and Præmunire made in the ſixteenth year of your moſt noble Progenitor, King Richard the ſecond, againſt ſuch as ſue to the Court of Rome, againſt your Crown and Dignity Royal.

The penalty for ſuing to the See of Rome, for any licence, diſpenſation, &c. or for obeying any proceſs from thence. Alt. 13 El. 2.

XXIII. Pro-

Grants and confirmations of liberties obtained at the See of Rome to any Abbeys or Houſes ſhall be of the ſame effect as they were before.

XXIII. Provided alway, That this Act, or any thing therein contained, ſhall not hereafter be taken nor expounded to the derogation or taking away of any grants or confirmations of any Liberties, Priviledges or Juriſdiction of any Monaſteries, Abbeys, Priories, or other houſes or places exempt, which heretofore the making of this Act, hath been obtained at the See of Rome, or by authority thereof, but that every ſuch grant and confirmation ſhall be of the ſame value, force and effect, as they were afore the making of this Act, and as if this Act had never been made. (2) Provided always, That the Abbots, Priors, and other chief Rulers and Governors of ſuch Monaſteries, Abbeys, Priories, and other houſes and places exempt, ſhall not hereafter pay any penſion, portion, or other cenſe to the See of Rome; (3) nor admit or accept any viſitation, nor any confirmation, from or by the ſaid See of Rome, or by authority thereof, of or for any perſon to be elected, named or preſented to the Heads of any ſuch Monaſteries, Abbeys, Priories, Places or Houſes exempt: nor ſhall make any corporal Oath to the Biſhop of Rome, otherwiſe called the Pope, upon the pains limited in this Act. (4) But that every ſuch viſitation and confirmation of ſuch Heads elect in any ſuch Monaſteries, Abbeys, Priories, Houſes or Places exempt, where after their election they were bounden to have and obtain any confirmation of their election, or of the perſon named, preſented or elect, ſhall be from henceforth had, made and done within this Realm, at and within every ſuch Abbeys, Monaſteries, Priories and other Houſes and Places exempt, by ſuch perſon and perſons as ſhall be appointed by authority of the Kings Commiſſion from time to time, as the caſe ſhall require, and not by the See of Rome, nor by authority thereof, any thing in this next Proviſo above ſpecified to the contrary thereof notwithſtanding.

Abbeys ſhall pay no penſions to the See of Rome, nor accept any viſitation or confirmation from thence, nor ſhall make an Oath to the Biſhop thereof.

Monaſteries, Houſes, &c. where no confirmation is requiſite.

XXIV. Provided always, That in ſuch Monaſteries, Abbeys, Priories and Houſes exempt, where after election, preſentation or nomination of their Heads, no ſuch confirmation is requiſite to be had, nor hath been uſed to be taken by reaſon of ſuch priviledges as they have concerning the ſame, that in every ſuch Monaſteries, Abbeys, Priories and Places exempt, they ſhall not be bounden to obtain, have or take any confirmation for the ſame within this Realm, by authority of this Act, but uſe their priviledges therein, as they have done before the making of this Act, any thing in this Act, or any the Proviſoes next above rehearſed, to the contrary thereof notwithſtanding.

Licences and diſpenſations obtained at the See of Rome before the xii of March An. Dom. 1533. ſhall be of the ſame force that they were before.
21 H.8.13. Sect. 11. N. 1.

XXV. Provided alſo, and be it enacted, that this Act, or any thing or things, word or words therein, or in the Preamble thereof mentioned or contained, is not intended or meant, nor ſhall be expounded nor interpreted, that any diſpenſations, licences or confirmations for marriages granted to any the Kings ſubjects born under his obeyſance, at any time before the xij day of March, in the year of our Lord God 1533. ſhall be appaired or of any leſs value, ſtrength, force or effect than they were at the ſaid xij day of March; (2) Nor that this Act, or any thing therein contained, ſhall not extend to the derogation, appairing or adnullation of any licences, diſpenſations, confirmation, faculties or indulgences at any time before the ſaid xij day of March, in the year of our Lord God 1533. had or obtained at the See of Rome, or by authority thereof to or for any Subjects born in this Realm, or in any the Kings Dominions, or to or for the Hoſpital of the Prior of Saint Johns Jeruſalem in England, or any Commandries of Members thereof, or to or for any other Cathedral Churches, Hoſpitals, Monaſteries, Abbeys, Priories, Colleges, Conventual Churches, Parochial Churches, Chappels, Fraternities, Brotherheads or Bodies Politick within this Realm, or in any other the Kings Dominions: (3) But that every ſuch licence, diſpenſation, confirmation, faculty and indulgence, granted before the ſaid xij day of March, to any ſuch Subject, or to the ſaid Hoſpital of the Prior of Saint Johns Jeruſalem in England, and Commandries or Members thereof, or to any other Cathedral Church, Hoſpital, Monaſtery, Abbey, Priory, College, Church Conventual, Parochial Church, Chappel, Fraternity, Brotherhead or Body politick, or to their Predeceſſors or Anceſtors within this Realm, or in any other the Kings Dominions, ſhall be of the ſame force, ſtrength, value and effect, and may be from time to time put in execution at all times hereafter, by and to them that will uſe and have the ſame, as they might have been afore the making of this Act, and as if this Act had never been had ne made, any thing in the ſaid Act to the contrary hereof notwithſtanding.

XXVI. Provided always, That ſuch licences, diſpenſations, confirmations or faculties heretofore obtained at the See of Rome, or by authority thereof, contrary to the expreſs proviſions of the Laws and Statutes of this Realm heretofore made, ſhall not at any time hereafter be uſed or put in execution in any caſe, to the derogation or contrary to the ſaid Laws and Statutes of this Realm, and the proviſions of the ſame: any thing in this Proviſo to the contrary thereof notwithſtanding.

Hob.

The King, with the advice of his Council, may reform the manner of Indulgences.

XXVII. And be it enacted by authority of this preſent Parliament, That the King our Soveraign Lord, by the advice of his honourable Council, ſhall have power and authority from time to time, for the ordering, redreſs and reformation of all manner of indulgences and priviledges thereof within this Realm, or within any the Kings Dominions heretofore obtained at the See of Rome, or by authority thereof, and of the abuſes of ſuch indulgences and priviledges thereof as ſhall ſeem good, wholſome and reaſonable, for the honour of God and weal of his people: and that ſuch order and redreſs as ſhall be taken by his Highneſs in that behalf, ſhall be obſerved and firmly kept upon the pains limited in this Act for the offending of the contents of the ſame. St. 1 & 2 P. & M. 8. 1 El. 1.

CAP. XXII.

An Act concerning the Kings Succeſſion.

Crown, Raſt. 4. The Succeſſion of the Kings Majeſty in the Imperial Crown.

IN their moſt humble wiſe ſhewen unto your Majeſty your moſt humble and obedient Subjects, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, That ſince it is the natural inclination of every man gladly and willingly to provide for the ſurety of both his Title and Succeſſion, although it touch his only private cauſe;

We therefore, moſt rightful and dreadful Sovereign Lord, reckon our ſelves much more bounden to beſeech and inſtant your Highneſs (although we doubt not of your princely heart and wisdom, mixed with a natural affection to the ſame) to foreſee and provide for the perfect ſurety of both you and of your moſt lawful Succeſſion and Heirs, upon which dependeth all our joy and wealth, in whom alſo is united and knit, the only mere true Inheritance and Title of this Realm, without any contradiction: (2) Wherefore we your ſaid moſt humble and obedient Subjects, in this preſent Parliament aſſembled, calling to our remembrance the great diviſions which in times paſt have been in this Realm, by reaſon of ſeveral Titles pretended to the Imperial Crown of the ſame, which ſometimes, and for the moſt part enſued by occaſion of ambiguity and doubts, then not ſo perfectly declared, but that men might upon froward intents expound them to every mans ſiniſter appetite and affection, after their ſenſe, contrary to the right legality of the Succeſſion and Poſterity of the lawful Kings and Emperours of this Realm: (3) whereof hath enſued great effuſion and deſtruction of mans blood, as well of a great number of the Nobles, as of other the Subjects, and eſpecially Inheritors in the ſame: (4) And the greateſt occaſion thereof hath been becauſe no perfect and ſubſtantial proviſion by Law hath been made within this Realm of it ſelf, when doubts and queſtions have been moved and proponed of the certainty and legality of the Succeſſion and Poſterity of the Crown; (5) By reaſon whereof the Biſhop of Rome, and See Apoſtolick, contrary to the great and inviolable grants of Jurisdictions given by GOD immediately to Emperours, Kings and Princes, in ſucceſſion to their Heirs, hath preſumed in times paſt to inveſt who ſhould pleaſe them, to inherit in other Mens Kingdoms and Dominions; which thing we your moſt humble Subjects, both Spiritual and Temporal, do moſt abhor and deteſt: (6) And ſometimes other foreign Princes and Potentates of ſundry degrees, minding rather diſſention and diſcord to continue in the Realm, to the utter deſolation thereof, than charity, equity or unity, have many times ſupported wrong Titles, whereby they might the more eaſily and facily aſpire to the ſuperiority of the ſame; The continuance and ſufferance whereof, deeply conſidered and pondered, were too dangerous and perilous to be ſuffered any longer within this Realm, and too much contrary to the unity, peace and tranquility of the ſame, being greatly reproachable and diſhonourable to the whole Realm.

The ambiguity of the ſeveral Titles to the Crown of this Realm and the not eſtabliſhing of the ſucceſſion thereof, hath been the cauſes of much trouble.

II. In conſideration whereof your ſaid moſt humble and obedient Subjects, the Nobles and Commons of this Realm, calling farther to their remembrance, that the good unity, peace and wealth of this Realm, and the ſucceſſion of the Subjects of the ſame, moſt eſpecially and principally above all worldly things, conſiſteth and reſteth in the certainty and ſurety of the procreation and poſterity of your Highneſs, in whoſe moſt Royal Perſon at this preſent time is no manner of doubt nor queſtion, do therefore moſt humbly beſeech your Highneſs, that it may pleaſe your Majeſty, that it may be enacted by your Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the Marriage heretofore ſolemnized between your Highneſs and the Lady Katherine, being before the lawful Wife to Prince Arthur your elder Brother, which by him was carnally known, as doth duly appear by ſufficient proof in a lawful proceſs had and made before Thomas, by the ſufferance of God now Archbiſhop of Canterbury, and Metropolitan and Primate of all this Realm, ſhall be by authority of this preſent Parliament, definitively, clearly, and abſolutely declared, deemed and adjudged to be againſt the Laws of Almighty God, (2) and alſo accepted, reputed and taken of no value nor effect, but utterly void and adnihiled, and the ſeparation thereof made by the ſaid Archbiſhop ſhall be good and effectual to all intents and purpoſes: any Licence, Diſpenſation, or any other act or acts going afore or enſuing the ſame, or to the contrary thereof in any wiſe notwithſtanding. (3) And that every ſuch licence, diſpenſation, act or acts, thing or things heretofore had, made, done or to be done to the contrary thereof ſhall be void and of none effect. (4) And that the ſaid Lady Katherine ſhall be from henceforth called and reputed only Dowager to Prince Arthur, and not Queen of this Realm. (5) And that the lawful Matrimony had and ſolemnized between your Highneſs and your moſt dear and entirely beloved Wife Queen Anne, ſhall be eſtabliſhed and taken for undoubtful, true, ſincere and perfect, ever hereafter, according to the juſt judgment of the ſaid Thomas Archbiſhop of Canterbury, Metropolitan and Primate of all this Realm, whoſe grounds of judgment have been confirmed, as well by the whole Clergy of this Realm, in both the Convocations, and by both the Univerſities thereof as by the Univerſities of Bonony, Padua, Paris, Orleance, Tolouſe, Angiewe, and divers others: and alſo by the private writings of many right excellent and well learned men. (6) Which grounds ſo confirmed, and judgment of the ſaid Archbiſhop enſuing the ſame, together with your Marriage ſolemnized between your Highneſs and your ſaid lawful Wife Queen Anne, we your ſaid Subjects both Spiritual and Temporal, do purely, plainly, conſtantly and firmly accept approve and ratifie for good and conſonant to the Laws of Almighty God, without error or default: moſt humbly beſeeching your Majeſty, that it may be ſo eſtabliſhed for ever by your moſt gracious and royal aſſent.

The Marriage between the King and the Lady Katherine, ſhall be adjudged void, and the ſeparation good.

The Lady Katherine, ſhall be called Dowager to Prince Arthur, and not Queen.

The Marriage between the King and his Wife Q. Anne, ſhall be taken for good and conſonant to Gods Laws. Alt. 28 H. 8. 7.

III. And furthermore, ſince many inconveniencies have fallen as well within this Realm, as in others, by reaſon of marrying within the degrees of marriage prohibited by Gods laws; that is to ſay, The ſon to marry the mother or the ſtep-mother, the brother the ſiſter, the father his ſons daughter, or his daughters daughter, or the ſon to marry the daughter of his father, procreate and born by his ſtep-mother, or the ſon to marry his aunt, being his fathers or mothers ſiſter, or to marry his uncles wife, or the father to marry his ſons wife, or the brother to marry his brothers wife, or any man to marry his wifes daughter, or his wifes ſons daughter, or his wifes daughters daughter, or his wifes ſiſter. (2) Which marriages albeit they be plainly prohibited and deteſted by the Laws of God, yet nevertheleſs at ſometimes they have proceeded under colours of diſpenſations by mans power, which is but uſurped, and of right ought not to be granted, admitted nor allowed. For no man, of what eſtate, degree or condition ſoever he be, hath power to diſpenſe with Gods Laws, as all the Clergy of this Realm in the ſaid Convocations, and the moſt part of all

Marriage within the degrees prohibited by Gods Law. St. 32 H. 8. 38.

No Man hath power to diſpenſe with Gods Laws.

the famous Univerſities of Chriſtendom, and we alſo do affirm and think.

IV. Be it therefore enacted by authority aforeſaid, That no perſon or perſons, ſubjects or reſiants of this Realm or in any your dominions, of what eſtate degree or dignity ſoever they be, ſhall from henceforth marry within the ſaid degrees afore rehearſed, what pretence ſoever ſhall be made to the contrary thereof. (2) And in caſe any perſon or perſons, of what eſtate, dignity, degree or condition ſoever he be, hath been heretofore married within this Realm, or in any the Kings Dominions, within any the degrees above expreſſed, and by any the Archbiſhops, Biſhops or Miniſters of the Church of England, be ſeparate from the bonds of ſuch unlawful Marriage, That then every ſuch ſeparation ſhall be good, lawful, firm and permanent for ever, and not by any power, authority or means to be revoked or undone hereafter: and that the children proceeding or procreate under ſuch unlawful marriage ſhall not be lawful ne legitimate: Any foreign laws, licenſes, diſpenſations, other thing or things to the contrary thereof notwithſtanding.

The perſons which be heretofore married within the degrees aforeſaid, ſhall be ſeparated by the Ordinaries ſentence. Hob. 148. 25 H.8.21.Sect.8. N. 1.

V. And in caſe there be any perſon or perſons within this Realm, or in any the Kings dominions, already married within any the ſaid degrees above ſpecified, and not yet ſeparate from the bonds of ſuch unlawful marriage, That then every ſuch perſon ſo unlawfully married ſhall be ſeparate by the definitive ſentence and judgments of Archbiſhops, Biſhops and other Miniſters of the Church of England, and in other your dominions within the limits of their juriſdictions and authorities, and by none other power or authority. (2) And that all ſentences and judgments, given and to be given by any Archbiſhop, Biſhop, or other Miniſter of the Church of England, or in other the Kings Dominions, within the limits of their juriſdictions and authorities, ſhall be definitive, firm, good and effectual to all intents, and be obſerved and obeyed, without ſuing any provocations, appeals, prohibitions, or other proceſs from the Court of Rome, to the derogation thereof, or contrary to the Act made ſince the beginning of this preſent Parliament, for reſtraint of ſuch provocations, appeals, prohibitions and other proceſſes.

St. 24 H. 8. 12.

All the iſſue procreate between the King and Queen Anne his wife ſhall be his lawful children. Alt. 28 H. 8. 7.

VI. And alſo be it enacted by authority aforeſaid, That all the iſſue had and procreate, or hereafter to be had and procreate between your Highneſs, and your ſaid moſt dear and entirely beloved Wife Queen Anne, ſhall be your lawful children, and be inheritable, and inherit according to the courſe of inheritance and laws of this Realm, the Imperial Crown of the ſame, with all dignities, honours, preheminences, prerogatives, authorities and juriſdictions to the ſame annexed or belonging, in as large and ample manner, as your Highneſs at this preſent time hath the ſame as King of this Realm, the inheritance thereof to be and remain to your ſaid children and right heirs in manner and form as hereafter ſhall be declared.

The Imperial Crown of England, &c. intailed.

VII. That is to ſay, firſt the ſaid Imperial Crown, and other the premiſes, ſhall be to your Majeſty, and to your heirs of your body lawfully begotten; that is to ſay, to the firſt ſon of your body, between your Highneſs and your ſaid lawful wife Queen Anne begotten, and to the heirs of the body of the ſame firſt ſon lawfully begotten: And for default of ſuch heirs, then to the ſecond ſon of your body, and of the body of the ſaid Queen Anne begotten, and to the heirs of the body of the ſaid ſecond ſon lawfully begotten: and ſo to every ſon of your body and of the body of the ſaid Queen Anne begotten, and to the heirs of the body of every ſuch ſon begotten, according to the courſe of inheritance in that behalf: (2) And if it ſhall happen your ſaid dear and intirely beloved wife Queen Anne to deceaſe without iſſue male of the body of your Highneſs to be begotten (which God defend) then the ſame imperial Crown, and all other the premiſes, to be to your Majeſty as is aforeſaid, and to the ſon and heir male of your body lawfully begotten, and to the heirs of the body of the ſame ſon and heir male lawfully begotten, and for default of ſuch iſſue, then to your ſecond ſon of your body lawfully begotten, and to the heirs of the body of the ſame ſecond ſon lawfully begotten: and ſo from ſon and heir male, to ſon and heir male, and to the heirs of the ſeveral bodies of every ſuch ſon and heir male to be begotten, according to the courſe of inheritance, in like manner and form as is abovesaid. (3) And for default of ſuch ſons of your bodies begotten, and of the heirs of the ſeveral bodies of every ſuch ſons lawfully begotten, that then the ſaid Imperial Crown, and other the premiſes, ſhall be to the iſſue female between your Majeſty and your ſaid moſt dear and intirely beloved wife Queen Anne begotten; that is to ſay, firſt to the eldeſt iſſue female, which is the Lady Elizabeth, now Princeſs, and to the Heirs of her body lawfully begotten: and for default of ſuch iſſue, then to the ſecond iſſue female, and to the heirs of her body lawfully begotten, and ſo from iſſue female to iſſue female, and to the heirs of their bodies one after another, by courſe of inheritance, according to their ages, as the Crown of England hath been accuſtomed and ought to go in caſes when there be heirs females to the ſame, and for default of ſuch iſſue, then the ſaid Imperial Crown and all other the premiſſes, ſhall be in the right heirs of your Highneſs for ever.

The Lady Eliſabeth, the firſt iſſue female of the King and Queen Anne his wife.

This Act ſhall be proclaimed in all the Shires of England.

VIII. And be it farther enacted by authority aforeſaid, That on this ſide the firſt day of May next coming, Proclamations ſhall be made in all Shires within this Realm of the tenour and contents of this Act: And if any perſon or perſons, of what eſtate, dignity or condition ſoever they be, ſubject or reſiant within this Realm, or elſewhere within any the Kings dominions, after the firſt day of May, by writing or imprinting, or by any exterior act or deed, maliciouſly procure or do, or cauſe to be procured or done, any thing or things to the peril of your moſt Royal Perſon; (2) or maliciouſly give occaſion by writing, print, deed or act, whereby your highneſs might be diſturbed or interrupted for the Crown of this Realm: (3) or by writing, print, deed or act, procure or do, or cauſe to be procured or done any thing or things to the prejudice, ſlander, diſturbance or derogation of the ſaid lawful matrimony ſolemnized between your Majeſty and the ſaid Queen Anne, or to the peril, ſlander, or diſheriſon of any the iſſues and heirs of your Highneſs, being limited by this Act, to inherit and to be inheritable to the Crown of this Realm, in ſuch form as is aforeſaid, whereby any ſuch iſſues, or heirs of your Highneſs might be deſtroyed, diſturbed or interrupted in body or title of inheritance to the Crown of this Realm, as to them is limited in this Act,

The penalty for hurting the Kings perſon, diſturbing his title to the Crown, or ſlandering his marriage.

Act, in form above rehearſed: (4) That then every ſuch perſon and perſons of what eſtate, degree or condition they be of, ſubject or reſiant within this Realm, and their aiders, counſellers, maintainers and abetters, and every of them, for every ſuch offence ſhall be adjudged high Traitors, and every ſuch offence ſhall be adjudged high Treaſon, and the offenders and their aiders, counſellers, maintainers and abetters, and every of them being lawfully convict of ſuch offence by preſentment, verdict, confeſſion or proceſs, according to the cuſtoms and Laws of this Realm, ſhall ſuffer pains of death, as in caſes of high Treaſon. (5) And that alſo every ſuch offender, being convict as is aforeſaid, ſhall loſe and forfeit to your Highneſs, and to your heirs, Kings of this Realm, all ſuch manors, lands, tenements, rents, annuities and hereditaments which they had in poſſeſſion as owners, or were ſole ſeiſed of, by or in any right, title or means, or any other perſon or perſons had to their uſe, of any eſtate of inheritance, at the day of ſuch treaſons and offences by them committed and done: (6) And ſhall alſo loſe and forfeit to your Highneſs and to your ſaid heirs, as well all manner of eſtates of freehold and intereſts for years of lands and rents, as all their goods, cattels and debts, which they had at the time of conviction or attainder of any ſuch offence: (7) Saving always to every perſon and perſons, and bodies politick, to their heirs, aſſigns, and ſucceſſors, and every of them, other than ſuch perſon and perſons as ſhall be ſo convict, and their heirs and ſucceſſors, and all other claiming to their uſes, all ſuch right, title, intereſt, poſſeſſion, condition, rents, fees, offices, annuities and commons, which they or any of them ſhall happen to have in, to or upon any ſuch manors, lands, tenements, rents, annuities or hereditaments that ſhall ſo happen to be loſt and forfeit by reaſon of attainder for any the treaſons and offences above rehearſed, at any time before the ſaid treaſons and offences committed.

The rights of all others, ſaving the offenders, ſaved.

IX. And be it farther enacted by authority aforeſaid, That if any perſon or perſons after the ſaid firſt day of May, by any words, without writing, or any exterior deed or act, maliciouſly and obſtinately ſhall publiſh, divulge and utter any thing or things, to the peril of your Highneſs, or the ſlander or prejudice of the matrimony ſolemnized between your Highneſs, and the ſaid Queen Anne, or to the ſlander or diſheriſon of the iſſues and heirs of your body begotten, and to be begotten of the ſaid Queen Anne, or any other your lawful heirs, which ſhall be inheritable to the Crown of this Realm, as is afore limited by this Act: That then every ſuch offence ſhall be taken and adjudged for miſpriſion of Treaſon: (2) And that every perſon and perſons of what eſtate, degree or condition ſoever they be, ſubject or reſiant within this Realm, or in any the Kings Dominions, ſo doing and offending, and being thereof lawfully convict by preſentment, verdict, proceſs or confeſſion, ſhall ſuffer impriſonment of their bodies at the Kings will, and ſhall loſe as well all their goods, cattels and debts, as all ſuch intereſſes and eſtates of freehold, or for years, which any ſuch offender ſhall have, of or in any lands, rents or hereditaments whatſoever, at the time of conviction and attainder of ſuch offence.

The penalty for publiſhing any thing to the peril of the King, or the ſlander of his marriage, or to the diſheritance of his iſſue.

X. And be it alſo enacted by the authority aforeſaid, That no perſon or perſons offending in any Treaſons and miſpriſions contained and limited by this Act, ſhall in any wiſe have or enjoy the privilege and immunity of any manner of ſanctuaries within this Realm, or elſewhere within any the Kings Dominions, but ſhall utterly loſe and be excluded of the ſame, Any uſe, cuſtom, grant, preſcription, confirmation, or any other thing or things to the contrary thereof in any wiſe notwithſtanding.

An offender ſhall not have the privilege of ſanctuary.

XI. And be it alſo enacted by authority aforeſaid, That if your Majeſty ſhould happen to decease before any ſuch your iſſue and heir male, which ſhould inherit the Crown of this Realm, ſhall be of his age of eighteen years, or before ſuch your iſſue and heir female, which ſhould inherit the Crown of this Realm, ſhall be married, or be of the age of ſixteen years (which Almighty God defend) that then your ſaid iſſue, and heir male to the Crown ſo being within the ſaid age of eighteen years, or your ſaid iſſue and heir female to the Crown, being unmarried, or within the ſaid age of ſixteen years, ſhall be and remain unto ſuch time as ſuch iſſues and heirs ſhall come to their ſaid ſeveral ages afore limited, at and in the governance of their natural mother, ſhe living, with ſuch other Counſellors of your Realm, as your Majeſty in your life time ſhall depute and aſſign by your will, or otherwiſe for the ſame, without contradiction of any perſon or perſons to the contrary thereof.

Who ſhall have the government of the Kings iſſue and heir during the minority.

XII. And if any perſon and perſons by writing or exterior deed or act, procure, or do cauſe to be procured or done any thing or things to the lett or diſturbance of the ſame: That then every ſuch offence ſhall be high Treaſon, and the offenders being thereof convict, ſhall ſuffer ſuch pains of death, and loſſes of inheritance, freeholds, intereſts of years, goods, cattels and debts, in ſuch manner and form as is above ſpecified in caſes of Treaſon afore mentioned.

XIII. And for the more ſure eſtabliſhment of the ſucceſſion of your moſt Royal Majeſty, according to the tenor and form of this Act: Be it farther enacted by authority aforeſaid, That as well all the Nobles of your Realm ſpiritual and temporal, as all other your ſubjects now living and being, or that hereafter ſhall be at their full ages, by the commandment of your Majeſty, or of your heirs, at all times hereafter from time to time, when it ſhall pleaſe your Highneſs or your heirs to appoint, ſhall make a corporal oath in the preſence of your Highneſs or your heirs, or before ſuch other as your Majeſty or your heirs will depute for the ſame, That they ſhall truly, firmly and conſtantly, without fraud or guile, obſerve, fulfil, maintain, defend and keep, to their cunning, wit and uttermoſt of their powers, the whole effects and contents of this preſent Act. (2) And that all manner your ſubjects, as well ſpiritual as temporal, ſuing livery, reſtitutions, or Ouſter le main out of the hands of your Highneſs, or of your heirs, or doing any fealty to your Highneſs, or to your heirs, by reaſon of tenure of their lands, ſhall ſwear a like corporal oath, that they and every of them without fraud or guile, to their cunning, wit and uttermoſt of their powers, ſhall truly, firmly and conſtantly obſerve, fulfil, maintain, defend and keep the effects and contents contain-

All perſons ſhall be ſworn to perform the contents of this Act.

Stat. 26 H.8, 2.

The penalty of them which refuſe to take the ſame oath.

ed and ſpecified in this Act, or any part thereof: (3) And that they, nor any of them, ſhall hereafter have any liveries, Ouſter le mains, or reſtitution out of your hands, nor out of the hands of your heirs, till they have made the ſaid corporal oath in form above rehearſed: And if any perſon or perſons, being commanded by authority of this Act to make the ſaid oath afore limited, obſtinately refuſe that to do, in contempt of this Act: That then every ſuch perſon (ſo doing) to be taken and accepted for offender in miſpriſion of high Treaſon: and that every ſuch refuſal ſhall be deemed and adjudged miſpriſion of high Treaſon: and the offender therein to ſuffer ſuch pains and impriſonment, loſſes and forfeitures, and alſo loſe privileges of Sanctuaries, in like manner and form as is abovementioned for the miſpriſion of Treaſons afore limited by this Act.

Marriage with carnal knowledge.

XIV. Provided always, That the article in this Act contained concerning prohibitions of marriages within the degrees afore-mentioned in this Act, ſhall always be taken, interpreted and expounded of ſuch marriages, where marriages were ſolemnized, and carnal knowledge was had. St. 28 H. 8. 7. 35 H. 8. 1. 1 M. 1.

Anno viceſimo ſexto HENRICI octavi.

ACTS made in the Seſſion of this preſent Parliament, holden upon prorogation at Weſtminſter the third day of February, in the ſix and twentieth year of the Reign of our moſt dread Soveraign Lord King Henry the Eighth, and there continued and kept till the eighteenth day of December next enſuing, to the honour of God, and for the common weal and profit of this his Realm.

CAP. I.

The Kings Grace to be authorized ſupreme Head.

Rome, Raſt. 5. The King ſhall be reputed ſupreme head of the Church of England, and correct all hereſies and offences Co. Inſt. part 4.

ALbeit the Kings Majeſty juſtly and rightfully is, and ought to be the ſupreme head of the Church of England, and ſo is recogniſed by the Clergy of this Realm in their Convocations, yet nevertheleſs, for corroboration and confirmation thereof, and for increaſe of virtue in Chriſts Religion within this Realm of England, and to repreſs and extirp all errors, hereſies and other enormities and abuſes heretofore uſed in the ſame: Be it enacted by authority of this preſent Parliament, that the King our Soveraign Lord, his heirs and ſucceſſors, Kings of this Realm, ſhall be taken, accepted and reputed the only ſupreme head in earth of the Church of England, called Anglicana Eccleſia; (2) And ſhall have and enjoy, annexed and united to the Imperial Crown of this Realm, as well the title and ſtyle thereof, as all honours, dignities, preheminences, juriſdictions, priviledges, authorities, immunities, profits and commodities to the ſaid dignity of ſupreme head of the ſame Church belonging and appertaining: (3) And that our ſaid Soveraign Lord, his heirs and ſucceſſors, Kings of this Realm, ſhall have full power and authority from time to time, to viſit, repreſs, redreſs, reform, order, correct, reſtrain and amend all ſuch errors, hereſies, abuſes, offences, contempts and enormities, whatſoever they be, which by any manner ſpiritual authority or juriſdiction ought, or may lawfully be reformed, repreſſed, ordered, redreſſed, corrected, reſtrained or amended, moſt to the pleaſure of Almighty God, the increaſe of vertue in Chriſts Religion, and for the conſervation of the peace, unity and tranquility of this Realm: Any uſage, cuſtom, foreign laws, foreign authority, preſcription, or any thing or things to the contrary hereof notwithſtanding. Rep. 1 & 2 P. & M. 8. St. 8 El. 1.

CAP. II.

The Oath made to the Kings Highneſs to be enacted.

Crown, Raſt. 4. St. 25 H. 8. 12. Oath taken by all the Kings Subjects for the ſurety of the Succeſſion of the Crown of England.

WHere at the Seſſion in this preſent Parliament, in the Act then made for the eſtabliſhment of the ſucceſſion of the heirs of the Kings Highneſs in the Imperial Crown of this Realm, it is contained amongſt other things, that all and ſingular the Kings ſubjects, as well the Nobles ſpiritual and temporal, as other, ſhould make and take a corporal oath, whenſoever it ſhall pleaſe the Kings Majeſty, or his heirs, to appoint that they ſhould truly, firmly and conſtantly, without fraud or guile, obſerve, fulfil, maintain, defend and keep, to their cunning, wit and uttermoſt of their powers, the whole effects and contents of the ſaid Act, as in the ſame Act amongſt other things more plainly appeareth: (2) And at the day of the laſt prorogation of this preſent Parliament, as well the Nobles ſpiritual and temporal, as other the Commons of this preſent Parliament then aſſembled in the high houſe of the Parliament, moſt lovingly accepted and took ſuch oath as then was deviſed in writing for maintenance and defence of the ſaid Act, and meant and intended at that time, that every other the Kings ſubjects ſhould be bound to accept and take the ſame, upon the pains contained in the ſaid Act; The tenor of which Oath hereafter enſueth.

The oath of obedience to the King and the heirs of his body begotten of Qu. Anne.

A former oath made ſhall be reputed vain by the maker.

II. Ye ſhall ſwear to bear faith, truth and obedience all only to the Kings Majeſty, and to his Heirs of his body of his moſt dear and entirely beloved lawful wife Queen Anne begotten, and to be begotten And farther, to the Heirs of our ſaid Soveraign Lord, according to the limitation in the Statute made for ſurety of his ſucceſſion in the Crown of this Realm mentioned and contained, and not to any other within this Realm, nor foreign Authority or Potentate. And in caſe any Oath be made, or hath been made by you to any Perſon or Perſons, that then ye to repute the ſame as vain and adnihilate. And that to your cunning, wit, and uttermoſt of your power, without guile, fraud, or other undue mean, ye ſhall obſerve, keep, maintain and defend the ſaid Act of Succeſſion, and all the whole effects and contents thereof, and all other Acts and Statutes made in confirmation, or for execution of the ſame, or for any thing therein contained. And this ye ſhall do againſt all manner of Perſons, of what Eſtate, Dignity, Degree or Condition ſoever they be. And no wiſe do or attempt, nor to your power ſuffer to be done or attempted, directly or indirectly, any thing or things, privately or apertly, to the let, hindrance, damage or derogation thereof, or of any part of the ſame, by any manner of means, or for any manner of pretence: ſo help ye God, and all Saints, and the holy Evangeliſts.

III. And foraſmuch as it is convenient for the ſure maintenance and defence of the ſame Act, that the ſaid oath ſhould not only be authorized by the authority of Parliament, but alſo be interpreted and expounded by the whole aſſent of this preſent Parliament, that it was meant and intended by the Kings Majeſty, the Lords and Commons of the Parliament, at the ſaid day of the ſaid laſt prorogation, that every ſubject ſhould be bounden to take the ſame oath according to the tenor and effect thereof, upon the pains and penalties contained in the ſaid Act: (2) Therefore be it enacted by authority of this preſent Parliament, That the ſaid oath above rehearſed, ſhall be interpreted, expounded, reputed, accepted and adjudged the very Oath that the Kings Highneſs, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament, meant and intended, that every ſubject of this Realm ſhould be obliged and bounden to take and accept for maintenance and defence of the ſame Act, upon the pains contained in the ſaid Act, and that every the Kings ſubjects, upon the ſame pains, ſhall be obliged to accept and take the ſaid oath.

The expoſition of the oath, and who have and ſhall be bound to take it.

IV. And be it farther enacted by authority aforeſaid, That the Commiſſioners that hereafter ſhall be appointed to receive ſuch oath of the Kings ſubjects, or two of them at the leaſt, ſhall have power and authority to certifie into the Kings Bench by writing under their ſeals, every refuſal that hereafter ſhall be made afore them of the ſame oath by any perſon or perſons coming afore them to take the ſame oath. (2) And that every ſuch certificate to be made by ſuch Commiſſioners, as is aforeſaid, ſhall be taken as ſtrong and as available in the Law as an indictment of twelve men lawfully founden of the ſaid refuſal: So that the perſon and perſons againſt whom any ſuch certificate ſhall be made, ſhall be compellen to anſwer thereunto, as if they were indicted. (3) And that ſuch proceſs, judgment, execution, and every other things, ſhall be had, uſed and miniſtred of and upon every ſuch certificate againſt the offenders, as if they had been lawfully indicted of ſuch offences by the due courſe and order of the common Laws of this Realm. Rep. 28 H. 8. 7. 1 M. 1.

Certificate ſhall be made into the Kings Bench of the refuſers of the oath.

CAP. III.

The Bill for the Firſt-fruits with the yearly Penſions to the King.

Foraſmuch as it is, and of very duty ought to be the natural inclination of all good people like moſt faithful, loving and obedient ſubjects, ſincerely and willingly to deſire to provide, not only for the publick weal of their native Country, but alſo for the ſupportation, maintenance and defence of the Royal eſtate of their moſt dread, benign and gracious Soveraign Lord, upon whom, and in whom dependeth all their joy and wealth: in whom alſo is united and knit ſo Princely a heart and courage, mixed with mercy, wiſdom and juſtice, and alſo a natural affection joyned to the ſame, as by the great, ineſtimable and benevolent arguments thereof, being moſt bountifully, largely, and many times ſhewed, miniſtred and approved towards his loving and obedient ſubjects, hath well appeared; which requireth a like correſpondence of gratitude to be conſidered, according to their moſt bounden duties: (2) Wherefore his ſaid humble and obedient ſubjects, as well the Lords ſpiritual and temporal, as the Commons in this preſent Parliament aſſembled, calling to their remembrance, not only the manifold and innumerable benefits daily adminiſtred by his Highneſs to them all, and to all other the reſidue of his ſubjects of this Realm: but alſo how long time his Majeſty hath moſt victoriouſly by his high wiſdom and policy, protected, defended and governed this his Realm, and maintained his people and ſubjects of the ſame in tranquility, peace, unity, quietneſs and wealth. (3) And alſo conſidering what great, exceſſive and ineſtimable charges his Highneſs hath heretofore been at, and ſuſtained by the ſpace of five and twenty whole years, and alſo daily ſuſtaineth for the maintenance, tuition and defence of this his Realm, and his loving ſubjects of the ſame, which cannot be ſuſtained, and born without ſome honourable proviſion and remedy may be made, found, provided and ordained for maintenance thereof: do therefore deſire and moſt humbly pray, that for the more ſurety of continuance and augmentation of his Highneſs royal eſtate, being not only now recogniſed (as he always indeed hath heretofore been) the only ſupreme head in earth, next and immediately under God, of the Church of England, but alſo their moſt aſſured and undoubted natural Soveraign Liege Lord and King, having the whole governance, tuition, defence and maintenance of this his Realm, and moſt loving obedient ſubjects of the ſame: It may therefore be ordained and enacted by his Highneſs, and the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, in manner and form following:

Eccleſiaſtical perſons, 24. &c.

Firſt-fruits of all dignities ſpiritual ſhall be paid to the King, &c.

II. That is to ſay, That the Kings Highneſs, his heirs and ſucceſſors, Kings of this Realm, ſhall have and enjoy from time to time to endure for ever, of every ſuch perſon and perſons which at any time after the firſt day of January next coming, ſhall be nominated, elected, prefected, preſented, collated, or by any other means appointed to have any Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, College, Hoſpital, Archdeaconry, Deanry, Provoſtſhip, Prebend, Parſonage, Vicarage, Chauntry, Free-chapel, or other Dignity, Benefice, Office or promotion Spiritual within this Realm, or elſewhere within any of the Kings Dominions, of what name, nature or quality ſoever they be, or to whoſe foundation, patronage or gifts ſoever they belong, the firſt-fruits, revenues and profits for one year of every ſuch Archbiſhoprick, Biſhoprick, Abbey, Monaſtery, Priory, College, Hoſpital, Archdeaconry, Deanry, Provoſtſhip, Prebend, Parſonage, Vicarage, Chauntry, Free-chapel, or other Dignity, Benefice, Office or promotion Spiritual afore named, whereunto any ſuch perſon or perſons after the ſaid firſt day of January, be nominated, elected, prefected, preſented, collated, or by any other means appointed. (2) And that every ſuch perſon and perſons, before any actual or real poſſeſſion or medling with the profits of any ſuch Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, College, Hoſpital, Deanry, Provoſtſhip, Prebend, Parſonage, Vicarage, Chauntry, Free-chapel, Priory, or other Dignity, Benefice, Office or promotion Spiritual, ſhall ſatisfie, content and pay, or compound or agree to pay to the Kings uſe at reaſonable days, upon good ſureties, the ſaid firſt-fruits and profits for one year.

The firſt-fruits and profits for one year of every ſpiritual living is granted to the King.

Every ſpiritual perſon ſhall be bound for his firſt-fruits before his actual poſſeſſion of his benefice.

Commiſſioners to ſearch for the value of benefices, and to compound for firſt-fruits.

III. And be it alſo enacted by authority aforeſaid, That the Chancellor of England, and Maſter of the Rolls for the time being, joyntly and ſeverally, or ſuch other perſon and perſons as ſhall pleaſe the Kings Highneſs, his heirs or ſucceſſors from time to time, at his or their pleaſure, to name and depute by Commiſſion or Commiſſions under the great Seal, ſhall have power and authority as well to examine and ſearch for the juſt and true value of the ſaid firſt-fruits and profits, by all ways and means that they can, as to compound and agree for the rate of the ſaid firſt-fruits and profits, as to ſtall and limit reaſonable days of payment thereof upon good and ſufficient ſurety or ſureties, by writings obligatory by their diſcretions. (2) And if compoſition or agreement be had or made for the ſaid firſt-fruits before the ſaid Lord Chancellor, or Maſter of the Rolls, that then the writings obligatory, or mony taken for the ſame, ſhall reſt, remain and abide in the Hanaper of the Kings Chancery, there ſafely to be kept to the Kings uſe, and the mony to be due of ſuch writings obligatory, or to be received in hand by reaſon of any ſuch compoſition, ſhall be paid in the ſaid Hanaper, to the Clerk of the Hanaper for the time being; And that the ſaid Clerk of the Hanaper ſhall make a true and a juſt account thereof, like as he is bound to do of the mony received of the profits of the Kings great Seal. (3) And if compoſition or agreement be had or made for the ſaid firſt-fruits, afore any other perſon or perſons to be deputed by the Kings Highneſs, his heirs or ſucceſſors, by Commiſſion under his great Seal, that then the writings obligatory and mony taken for the ſame, ſhall be delivered to the Treaſurer of the Kings moſt honourable Chamber for the time being, or elſewhere, to whom it ſhall pleaſe the Kings Highneſs, his heirs or ſucceſſors, to give authority by Commiſſion under the great Seal, to receive the ſame.

The mony taken for firſt-fruits ſhall be delivered to the Treaſurer of the Chamber.

Whoſe acquittance ſhall be ſufficient diſcharge for the firſt-fruits.

IV. And it is alſo ordained and enacted by authority aforeſaid, That every writing of acquittance ſubſcribed with the hand and name of the Clerk of the Hanaper, and Treaſurer of the Chamber, or other Commiſſioners aforeſaid, or any of them, witneſſing the receipt of the ſaid firſt-fruits, or any part thereof, ſhall be as good and effectual againſt the Kings Highneſs, his heirs and ſucceſſors, to every perſon and perſons having the ſame, for ſo much mony as ſhall be mentioned to be received and contained in every ſuch acquittance, as if ſuch acquittance were or had been lawfully had and obtained in the Kings name under the Kings great Seal, and ſo ſhall be admitted, accepted, allowed and taken in every of the Kings Courts: (2) And that all writings obligatory to be taken for payment of the ſaid firſt-fruits, by and afore the ſaid Lord Chancellor, or Maſter of the Rolls, or by and afore any other perſon or perſons, to be deputed to compound and agree for the ſaid firſt-fruits, as is aforeſaid, ſhall be of the ſame ſtrength, force, virtue, quality, and effect to all intents and purpoſes, as writings obligatory heretofore made by any lay perſon by authority of the Statute of the Staple been. (3) And that upon certificate hereafter to be made into the Kings Chancery of any ſuch writings obligatory to be taken for payment of ſuch firſt-fruits, like proceſs and execution ſhall be thereupon made and had againſt any perſon ſpiritual and temporal, as hath been accuſtomed to be made againſt any lay perſon upon certificate of writings obligatory of the ſaid Statute of the Staple. (4) And that no perſon ſhall be compelled to pay for any writing obligatory to be made for the ſaid payment of the ſaid firſt-fruits, above viij d. nor for any acquittance to be made for receit of ſuch firſt-fruits above iv d. (5) And that ſuch perſon and perſons as ſhall be deputed by the Kings Highneſs by Commiſſion under the great Seal, to compound and agree for the ſaid firſt-fruits, ſhall at the end of every ſix months next after the date of their Commiſſion, and ſo from ſix months to ſix months, deliver or cauſe to be delivered unto the Treaſurer of the Chamber for the time being, or elſewhere to ſuch Commiſſioners as ſhall be appointed, as is aforeſaid, to receive the ſame, as well all ſuch mony, as all ſuch ſpecialties and bonds as they ſhall have taken for the payment of the ſaid firſt-fruits, by Indenture to be made between them and the ſaid Treaſurer, or other Commiſſioners as is aforeſaid, containing the certainty and number of the ſums of mony and ſpecialties and bonds by them taken and received. (6) And if any perſon or perſons to whom any deputation ſhall be made by Commiſſion to compound and agree for the payment of the ſaid firſt-fruits, their heirs, executors or adminiſtrators, conceal or imbezil any of the ſaid ſpecialties or bonds taken for the ſure payment of the ſaid firſt-fruits, and do not deliver them according to the tenor of this Act, that then every ſuch offender ſhall forfeit that office of deputation, and over that make fine and ranſome at the Kings own pleaſure and will.

An obligation for the firſt-fruits, ſhall be of the ſame ſtrength that the Statute of the Staple is.

The penalty of Commiſſioners concealing bonds taken for the payment of firſt fruits.

Whoſo entreth upon his ſpiritual living before compoſition, ſhall forfeit double the value of the firſt-fruits.

V. And it is alſo enacted by authority aforeſaid, That if any perſon or perſons which at any time after the ſaid firſt day of January, ſhall be nominated, elected, prefected, preſented, collated; or by any other means appointed to any of the dignities, offices, benefices, or other promotions ſpiritual before mentioned, do enter into the actual and real poſſeſſion thereof, or meddle with the profits thereof, before they ſhall have truly ſatisfied and paid to the Kings uſe the firſt-fruits and profits thereof for one year, or elſe ſhall have agreed or compounded for payment of the ſame at reaſonable days upon good ſureties, in manner and form as by this Act is above ſpecified, That then every ſuch perſon and perſons ſo doing and offending, and being thereof convict by preſentment, verdict, confeſſion or witneſs before the ſaid Lord Chancellor, or ſuch other as ſhall have authority by Commiſſion to compound for the ſaid firſt-fruits and profits as is aforeſaid, ſhall be accepted and taken an intruder upon the Kings poſſeſſion; (2) And that they, their executors or adminiſtrators ſhall pay to the uſe of the Kings Highneſs for every ſuch offence, ſo much ſums of mony as ſhall amount to the double value of the ſaid firſt-fruits and profits of ſuch dignities, benefices, or other ſpiritual promotions wherein they ſhall ſo enter and intrude before the payment of the ſaid firſt-fruits and profits for one year thereof, or before due agreement made for the ſame in manner and form as is above rehearſed.

All firſt-fruits payable to other perſons, ſhall ceaſe, and be paid to the King.

VI. And be it farther enacted by authority aforeſaid, That the firſt-fruits of benefices heretofore accuſtomed to be paid to the Biſhop of Norwich within his Dioceſe, and to the Archdeacon of Richmond within his Archdeaconry, or to any other perſon or perſons within this Realm, or any other the Kings Dominions, ſhall from the ſaid firſt day of January, ceaſe and be extinct, and no longer be paid, but only to the Kings Highneſs, his heirs and ſucceſſors, in ſuch form as is above mentioned in this Act.

VII. Provided always, That Archbiſhops and Biſhops, and all other having juriſdiction ordinary, may give and deliver Letters of Inſtitution and Induction, as they might do before the making of this Act, without any offence of any article contained in this Act; any thing in this Act contained to the contrary thereof notwithſtanding.

The Biſhops may give inſtitution and induction.

VIII. Provided alſo, That where there be divers Cells appertaining to Monaſteries and Priories, and that the Priors of ſuch Cells be named, and removable from time to time, at the only wills and pleaſures of their Maſters and Soveraigns of the Monaſteries and Priories, whereunto ſuch Cells belong: that the Priors of ſuch Cells ſhall not be compelled to pay any firſt-fruits, by virtue or authority of this Act; any thing in this Act contained to the contrary thereof notwithſtanding: (2) but that the firſt-fruits and profits of every ſuch Cell ſhall be paid to the Kings Highneſs, his heirs and ſucceſſors, whenſoever and as often as any perſon ſhall be nominated, elected, prefected or collated to the Monaſtery or Priory whereunto ſuch Cells belongeth.

Priors removeable ſhall pay no firſt fruits.

IX. And over this be it enacted by the authority aforeſaid, That the Kings Majeſty, his heirs and ſucceſſors, Kings of this Realm, for more augmentation and maintenance of the Royal Eſtate of his Imperial Crown and Dignity of Supreme Head of the Church of England, ſhall yearly have, take, enjoy and receive united and knit to his Imperial Crown for ever, one yearly Rent or Penſion, amounting to the value of the tenth part of all the Revenues, Rents, Farms, Tithes, Offerings, Emoluments, and all other Profits, as well called ſpiritual as temporal, now appertaining or belonging, or that hereafter ſhall belong to any Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, Archdeaconry, Deanry, Hoſpital, College, Houſe collegiate, Prebend, Cathedral Church, Collegiate Church, Conventual Church, Parſonage, Vicarage, Chauntery, Free Chappel, or other Benefice or Promotion ſpiritual, of what name, nature or quality ſoever they be, within any Dioceſs of this Realm, or in Wales; (2) the ſaid Penſion or annual Rent to be yearly paid for ever to our ſaid Soveraign Lord, to his heirs and ſucceſſors, Kings of this Realm, at the Feaſt of the Nativity of our Lord God, (3) and the firſt payment thereof to begin at the Feaſt of the Nativity of our Lord God, which ſhall be in the year of our Lord God MDXXXV. (4) And to be paid yearly by ſuch as ſhall be appointed to have the collection thereof by this Act, in ſuch manner and form as ſhall hereafter be limited by this Act before the firſt day of April yearly next following, after the ſaid Feaſt of the Nativity of our Lord.

A yearly tenth of all ſpiritual livings given to the King. St. 32 H. 8. 45.

The tenth muſt be paid at Chriſtmaſs. 27 H. 8. 8.

X. And it is ordained and enacted by authority aforeſaid, That the ſaid yearly Rent and Penſion ſhall be taxed, rated, levied, perceived and paid to the Kings uſe, his heirs and ſucceſſors, in manner and form hereafter to be declared by this Act; That is to ſay, that the Chancellor of England, for the time being, ſhall have power and authority to direct into every Dioceſe in this Realm, and in Wales, ſeveral Commiſſions in the Kings name, under his great Seal, as well to the Archbiſhop or Biſhop of every ſuch Dioceſe, as to ſuch other perſon or perſons as the Kings Highneſs ſhall name and appoint, commanding and authorizing the ſaid Commiſſioners to be named in every ſuch Commiſſion, or three of them at the leaſt, to examine, ſearch and require by all the ways and means that they can by their diſcretions, of and for the true and juſt, whole and entire yearly values of all the Manors, Lands, Tenements, Hereditaments, Rents, Tithes, Offerings, Emoluments, and all other Profits, as well ſpiritual as temporal, appertaining or belonging to any Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, Archdeaconry, Deanry, Hoſpital, College, Houſe collegiate, Prebend, Cathedral Church, collegiate Church, conventual Church, Parſonage, Vicarage, Chauntry, Free-chapel, or of any other Benefice or Promotion ſpiritual within the limits of their Commiſſion, (2) with a clauſe to be contained in every ſuch Commiſſion, that the ſaid Commiſſioners, or three of them at the leaſt, ſhall deduct and allow in the making and rating of the ſaid yearly values of the premiſſes theſe deductions following, and none other: that is to ſay, The Rents reſolute to the chief Lords, and all other annual and perpetual Rents and Charges, which any ſpiritual perſon or perſons been bounden yearly to pay to any perſon or perſons, to their heirs and ſucceſſors for ever, or to give yearly in alms by reaſon of any foundation or ordinance, and all fees for Stewards, Receivers, Bailiffs and Auditors, and Synods, and Proxies, with another clauſe to be alſo contained in every ſuch Commiſſion, that the ſaid Commiſſioners, or three of them at the leaſt, ſhall certifie under their ſeals, at ſuch days as ſhall be limited by the ſaid Commiſſions, as well the whole and entire value, as the deductions aforeſaid, of every Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, Archdeaconry, Deanry, Hoſpital, College, Houſe collegiate, Prebend, Cathedral Church, collegiate Church, conventual Church, Parſonage, Vicarage, Chauntry, Free-chapel, and of all other Benefits and Promotions ſpiritual.

Commiſſions ſhall be awarded into every Dioceſe to enquire of the value of every ſpiritual living.

Deductions to be defaulked out of ſpiritual livings.

The Commiſſioners Certificate of the truth of every ſpiritual living.

XI. And it is ordained and enacted by authority aforeſaid, That the ſaid Commiſſioners that ſhall be ſo appointed, or three of them at the leaſt, ſhall have full power and authority to do, accompliſh and execute the effects and contents of their ſaid Commiſſions in every behalf: (2) and that every the ſaid Commiſſioners, before they ſhall execute the ſaid Commiſſion, ſhall receive and take a corporal Oath before the Lord Chancellor, or before ſuch other as ſhall be appointed by the ſaid Chancellor, by the Kings Writ of Dedimus poteſtatem, that they ſhall diligently and truly, without favour, affection, fraud, covin, meed, dread or corruption, do, fulfil and execute the whole effects and contents expreſſed in every ſuch Commiſſion within the limits thereof, to the cunning, wits, and uttermoſt of their powers.

The Commiſſioners ſhall be ſworn indifferently to execute their Commiſſions.

XII. And it is ordained and enacted by authority aforeſaid, That after ſuch Certificate made by the ſaid Commiſſioners, the ſaid yearly Rent and Penſion of the tenth part ſhall be ſet, taxed, rated and taken juſtly and truly, and indifferently by the Treaſurer, Chancellor, Chamberlain and Barons of the Kings Exchequer, of and out of the clear yearly value of the premiſſes, that ſhall be above the deductions aforementioned, and none otherwiſe. (2) And that every Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, Archdeaconry, Deanry, Hoſpital, College, Houſe collegiate, Prebend, Cathedral Church, collegiate Church, conventual Church, Parſonage, Vicarage, Chauntry, free Chappel, or other Benefice or Promotion ſpiritual, ſhall be ſeverally and diſtinctly taxed, charged and chargeable in the proper Dioceſe where they been, or the payment of ſuch portion of the ſaid tenth part, as ſhall be taxed and ſet upon them by authority of this Act; That is to ſay, every of them by and for themſelves, ſhall be taxed, charged and chargeable in the proper Dioceſe where they been, for the tenth part of the yearly value of their poſſeſſions and profits to them belonging, whereſoever their ſaid poſſeſſions and profits ſhall happen to be or lie in any part of this Realm, or elſewhere in any of the Kings Dominions; (3) and that none of them ſhall be charged or chargeable for the payment of the others charge or portion.

Every ſpiritual perſon ſhall be charged for his tenths in the Dioceſe where they be, though their poſſeſſions lie in other Dioceſes.

XIII. And it is alſo enacted by authority aforeſaid, That after ſuch certificate made into the Kings Exchequer, and tax ſet of the tenth part, in form above remembred, every Archbiſhop and Biſhop now being, and that hereafter ſhall be, ſhall be charged or chargeable to levy, collect and receive within their proper Dioceſe, as well in places exempt as not exempt, all ſuch ſums of mony wherewith the dignities, benefices, and other promotions ſpiritual afore mentioned within their Dioceſe, chargeable by this Act, ſhall be ſet, taxed and charged towards the payment of the ſaid yearly penſion, (2) and ſhall pay and content the ſaid ſums of mony yearly before the ſaid firſt day of April, to the Treaſurer of the Kings Chamber for the time being, or to any other perſon or perſons whom it ſhall pleaſe the Kings Highneſs to appoint to receive the ſame. (3) And that every of the ſaid Archbiſhops and Biſhops, their executors and adminiſtrators, and the poſſeſſions of their dignities and Churches ſhall ſtand charged and chargeable for the ſure and true payment of ſuch ſums of mony as they ſhall collect and receive of the ſaid yearly rent and penſion.

12 Co. 45.
Biſhops ſhall be charged to the collection of their tenths in their Dioceſes.
St. 32 H. 8. 47.
34 H. 8. 17.
31 H. 8. 13. ſect. 15. N. 1.
27 H. 8. 28. ſect. 3. N. 1.

XIV. And that the Treaſurer, Chancellor, Chamberlain and Barons of the Kings Exchequer, ſhall yearly cauſe Proceſs to be made by their diſcretions for non-payment of the ſaid penſion or yearly rent, or any parcel thereof, againſt every Archbiſhop and Biſhop of this Realm, that is to ſay, againſt every Archbiſhop and Biſhop for ſo much part and portion of the ſaid penſion and yearly rent, wherewith the dignities, benefices, and other promotions ſpiritual afore mentioned within the Dioceſe, ſhall be taxed and charged; (2) ſo that every of the ſaid Archbiſhops and Biſhops ſhall be charged and chargeable for the rate and portion of the ſaid yearly rent and penſion ſet and taxed within his own peculiar Dioceſe, and none otherwiſe.

Proceſs againſt a Biſhop for the payment of all tenths within his Dioceſe.

XV. And be it alſo enacted by authority aforeſaid, That every Archbiſhop and Biſhop ſhall have power and authority to levy, take and perceive by authority of cenſures of the Church, or by diſtreſs, or otherwiſe by their diſcretion, all ſuch ſums of mony as ſhall be rated, taxed and ſet to go out of the lands, tenements, hereditaments, profits and emoluments of any dignity, office, benefice, or other place or promotion ſpiritual within their Dioceſe, towards the payment of the ſaid yearly rent and penſion: (2) and that no Replevin, Prohibition, nor Superſedeas upon any Excommunication, nor any other Writ or Impediment ſhall be ſued, allowed or obeyed for any perſon or perſons making default of payment of ſuch part and portion as they ſhall be rated and taxed unto by authority of this Act, till ſuch time as they have truly ſatisfied their ſaid part and portion to them allotted of the ſaid yearly rent and penſion.

By what means the Biſhop ſhall levy the tenths of every ſpiritual promotion.
St. 2 E. 6. 20.

XVI. And it is alſo enacted by authority aforeſaid, That whenſoever, and as often as any of the Archbiſhopricks or Biſhopricks happen to be void, that then the Dean and Chapiter of the Cathedral Church, or the Prior and Convent, or Chapiter, or Convent of the Monaſtery or Cathedral Church where the See of ſuch Archbiſhoprick or Biſhoprick being void, ſhall happen to be during the time of the vacation thereof, and their executors, adminiſtrators and poſſeſſions ſhall be charged and chargeable to do and cauſe to be done, all and every thing and things for the due execution of this Act, within the Dioceſe of ſuch Archbiſhoprick or Biſhoprick, being void, as the ſame Archbiſhop or Biſhop of the See being void, ſhould have done, according as it is limited and appointed by this Act, or by any thing therein contained.

Who ſhall be Collectors in time of vacation of a Biſhoprick.

XVII. And it is ordained and enacted by authority aforeſaid, That if any ſum of mony being once due by any Incumbent of any the dignities, benefices or promotions ſpiritual afore ſpecified, charged to the payment of the ſaid yearly penſion and annual rent, be reaſonably demanded and required any time after the ſaid Feaſt of the Nativity of our Lord, at their Dignities, Monaſteries, Priories, Hoſpitals, Colleges, Churches, Chaunteries or Houſes by the Archbiſhop or Biſhop, or ſuch as ſhall be charged with the collection of any part of the ſaid penſion, or by any other their miniſters, ſervants or officers, to pay ſuch portion of the ſaid penſion and yearly rent as they ſhall be taxed and aſſeſſed, be not truly contented and paid unto ſuch Archbiſhop or Biſhop, or their Miniſters and Officers, and to ſuch other perſon or perſons, or their miniſters or ſervants, as ſhall have the charge of collection thereof every year yearly at the time of ſuch requeſt and demand thereof, or elſe within forty days next after every ſuch requeſt at the fartheſt, that then every Incumbent making ſuch default of payment, after ſuch default thereof certified into the Kings Exchequer in writing under the Seals of any Archbiſhop or Biſhop, or of ſuch as be limited and charged to the collection of the ſaid penſion by this Act, ſhall be adjudged deprived ipſo facto of all ſuch dignities, benefices, penſions and promotions ſpiritual, as any ſuch Incumbent making ſuch default, ſhall have at the time of ſuch certificate to be made, or at any time after: (2) So that all ſuch dignities, benefices, penſion and promotion ſpiritual, which any Incumbent making ſuch default of payment, ſhall have at the time of ſuch certificate to be made, or at any time after, ſhall be clearly void and deſtitute of Incumbent

The penalty for default of payment of tenths.
St. 2 E. 6. 20.
1 El. 4.
Raſt. pl. f. 505.
Moor 541. pl. 714

bent in the Law, to all intents and purpoſes, as if ſuch Incumbent making ſuch default of payment were dead indeed.

XVIII. And it is ordained and enacted by authority aforeſaid, That if any Archbiſhop or Biſhop, or any other limited and charged by this Act, to the collection and payment of the ſaid penſion and annual rent, do make a certificate unto the Kings Exchequer before the ſaid firſt day of April, or at any time within four and twenty days next after the ſaid firſt day of April, that they according to this Act have reaſonably required and demanded any Incumbent of any Dignity, Benefice or promotion Spiritual, chargeable by this Act to pay ſuch part and portion of the ſaid penſion and annual rent, as they ſhall happen to be aſſeſſed unto, and that ſuch Incumbent, ſo being required, hath not paid his ſaid part and portion according to the form and effect of this Act; That then every ſuch Archbiſhop and Biſhop, and every other perſon having the charge by this Act for collection and payment of the ſaid penſion and annual rent, upon every ſuch certificate, ſhall be diſcharged and acquitted for ever againſt the King, his Heirs and Succeſſors, of and for all ſuch ſums of mony as any ſuch Incumbent againſt whom ſuch certificate ſhall be made, ſhould or ought to have paid by this Act. (2) And that then in every ſuch caſe the Treaſurer, Chancellor, Chamberlain and Barons of the Kings Exchequer, ſhall deviſe and direct upon every ſuch certificate, ſuch Proceſs out of the Kings Exchequer, againſt every ſuch Incumbent againſt whom any ſuch certificate ſhall be made, and their Executors and Adminiſtrators, or for inſufficiency of them, againſt the ſucceſſors of every ſuch Incumbent, whereby the Kings Highneſs, his Heirs and Succeſſors, ſhall and may be truly anſwered, paid and contented of ſuch portion and part as the Incumbent againſt whom ſuch certificate ſhall be made, was taxed and aſſeſſed for his Dignities, Benefices or Promotion ſpiritual chargeable by this Act.

The Biſhop making a certificate of any Incumbent omitting to pay his tenths ſhall be diſcharged thereof.
Stat. 7 Ed. 6. 4.
Stat. 32 H. 8. 22.

Proceſs ſhall be awarded againſt the refuſers to pay their tenths.

XIX. And it is alſo ordained and enacted by authority aforeſaid, That all manner of acquittances made by the Treaſurer of the Kings Chamber, or by any other ſuch Commiſſioners as ſhall be appointed, as is aforeſaid, to receive the ſaid penſion or any part thereof, and ſubſcribed with the name of the ſaid Treaſurer, or any other ſuch Commiſſioner for the payment of the ſaid penſion or annual rent, or any part thereof, to any ſuch perſon or perſons as be limited and charged with the collection thereof, ſhall be of as good ſtrength, force, virtue and effect to the parties having the ſame, as if they were made in the Kings Name, under his great Seal, and ſo ſhall be allowed, admitted and accepted in all Courts of this Realm: (2) And that the Treaſurer, Chancellor, Chamberlain and Barons of the Kings Exchequer, ſhall by virtue and authority of this Act, as well admit and allow ſuch acquittances, as all ſuch certificates as ſhall be made againſt any ſuch Incumbent for default of payment as is abovesaid, upon the account of every Archbiſhop and Biſhop, and of every other perſon limited and charged by this Act, for the collection and payment of the ſaid penſion and annual rent, without any Writ, Bill or Warrant to be uſed in or for that behalf.

Whoſe acquittances ſhall be a diſcharge for the payment of the tenths.

XX. And that no manner of officer of the Kings Exchequer ſhall take of any Archbiſhop or Biſhop, or of any other perſons having charge with the collection and payment of the ſaid penſion or annual rent, any manner reward or thing for making their account or Quietus eſt, in the ſame Exchequer, or for any manner of thing appertaining to the ſame, concerning the ſaid penſion and annual rent, upon pain of every officer doing contrary to this Act, to loſe and forfeit his office, and make fine to the King at his will and pleaſure.

Nothing ſhall be taken in the Exchequer of a Biſhop or his Collector for his Account, or Quietus eſt.

XXI. And foraſmuch as every Incumbent of the dignities, benefices and promotions ſpiritual afore mentioned, ſhall be charged by this Act to the payment of the tenth part of the value of their dignities, benefices and promotion ſpiritual, whithout any deduction or allowance of ſuch penſion or penſions, wherewith ſome of them been charged to pay their predeceſſors during their lives, or to other perſons to the uſe of ſuch their predeceſſors during their lives: (2) It is therefore ordained and enacted by authority aforeſaid, That it ſhall be lawful to every Incumbent charged with any ſuch penſion, payable to any his predeceſſors, or to any to his uſe, to retain and keep in his hand the tenth part of every ſuch penſion. (3) And that every ſuch Incumbent and his ſureties ſhall from henceforth be acquitted and diſcharged of the ſaid tenth part of every ſuch penſion, by virtue and authority of this preſent Act, any Decree, Ordinance or Aſſignment of any ſuch Ordinary, or any collateral writing, or ſurety made for ſuch penſion to any ſpiritual perſon or perſons, or to any to their uſes for term of their lives, in any wiſe notwithſtanding. (4) And that as well every Incumbent, as ſuch perſons as ſtand bound for him, for payment of any ſuch penſions, ſhall plead this Act in every of the Kings Courts, for the clear extinguiſhment and diſcharge of the tenth part of every ſuch penſion.

They which pay penſions to others out of their ſpiritual living, may retain the tenth part thereof.

XXII. And be it alſo ordained and enacted by authority aforeſaid, That no penſion ſhall hereafter be aſſigned by the Ordinary, or by any other manner of agreement by collateral ſurety, or otherwiſe, upon any reſignation of any dignity, benefice or promotion ſpiritual, above the value of the third part of the dignity, benefice or promotion ſpiritual reſigned: (2) And if any penſion amounting above the value of the third part of the dignity, benefice or promotion ſpiritual heretofore reſigned, be already limited and made ſure to any ſpiritual perſon or perſons, by decree of the Ordinary, or otherwiſe by any collateral ſurety, or hereafter ſhall happen to be aſſigned and made ſure to any perſon or perſons ſpiritual, or to any other to their uſe, by decree of the Ordinary, or by any other collateral ſurety, upon any reſignation thereof; yet neverthleſs the Incumbent charged with ſuch penſion, nor his ſureties collateral, ſhall not be compelled to pay any more penſion than the value of the third part of this dignity, benefice or promotion ſpiritual ſo reſigned, ſhall mount unto: (3) but ſhall by authority of this Act, be clearly aquitted and diſcharged of ſo much of the ſaid penſion as ſhall amount above the value of the third part of the dignity or benefice reſigned; any decree or aſſignment of the Ordinary, or any collateral writings or ſureties heretofore made or hereafter to be had or made for the ſame, to the contrary thereof notwithſtanding.

No penſion ſhall be reſerved upon the reſignation of a benefice above the value of the third part.
St. 13 El. 20.

XXIII. And

Abbots or Priors paying penſions to their predeceſſors.

XXIII. And foraſmuch as divers Abbots and Priors been charged to pay great penſions to ſundry their predeceſſors yet living, to the great decay of their hoſpitalities and houſekeeping: Be it enacted by authority aforeſaid, That every ſuch predeceſſors of ſuch Abbots or Priors, having any penſion made ſure unto them, or to any to their uſe during their lives, amounting above the yearly value of forty pound, ſhall from henceforth be defaulked and abated of the moiety and half deal of every ſuch penſion. (2) And that every Abbot, and all other perſons charged for the payment of ſuch penſion above the ſaid yearly value of forty pound, ſhall be clearly acquitted and diſcharged, by authority of this Act, of the moiety and half deal thereof for ever; Any decree or aſſignment thereof by the Ordinary, or any writing, or ſurety collateral, had or made for the ſurety thereof notwithſtanding.

The Prior of St. John of Hieruſalem ſhall pay firſt-fruits and tenths.

XXIV. And foraſmuch as the Lord Prior of Saint Johns of Hieruſalem in England, and his Brethren, be not ſpecially named and expreſſed in this Act, whereby ambiguity might ariſe, whether they ſhould be compriſed within the limits of this Act: it is therefore for plain declaration thereof enacted by authority aforeſaid, That every perſon and perſons which after the ſaid firſt day of January ſhall happen to be nominated, elected, collated, or by any other means appointed to the dignity of the ſaid Prior of Saint Johns of Hieruſalem in England, or to any commandry appertaining unto the ſame, ſhall before their actual and real entry into the ſame dignity or commandry, or meddling with the profits thereof, ſatisfie and pay to the uſe of the Kings Highneſs, his Heirs and Succeſſors, the Firſt-fruits and Profits thereof for one whole year, or agree or compound for the ſame, at reaſonable days, in like manner and form, and upon like pain in every behalf, as Archbiſhops and Biſhops, and other ſpiritual perſons be bound to by virtue and authority of this Act: (2) And that alſo the Prior of St. Johns now being, and his ſucceſſors, and every of his Brethren having any commandry, and their ſucceſſors, ſhall contribute and pay yearly to the Kings Highneſs, his Heirs and Succeſſors, one yearly rent and penſion amounting to the tenth part of all their poſſeſſions and profits, as well ſpiritual as temporal: and ſhall be charged, rated, taxed, and ſet to the contribution and payment of the ſaid tenth part. (3) And that alſo the ſaid tenth part ſhall be levied, collected and paid in ſuch like manner and form, to all intents and purpoſes, as the tenth part of other Dignities and Benefices ſpiritual ſhall be charged, taxed, ſet, levied, collected and paid by authority of this Act.

They which in one Corporation have ſeveral poſſeſſions belonging to their dignities, ſhall pay for their own poſſeſſions and not for others.

XXV. And foraſmuch as in ſundry and many Cathedral Churches, Colleges and Hoſpitals of this Realm, there is, and time out of mind hath been certain Ordinances inſtituted and made, whereby the Dean, Provoſt, Maſter or other chief Governor of ſuch Churches, Colleges and Hoſpitals, hath a certain part and portion of the poſſeſſions and profits belonging to ſuch Churches, Colleges and Hoſpitals, all only limited and belonging to their Offices and Dignities: (2) And every Prebendary, Brother, Vicar, Fellow, petty Canon, and other Miniſters ſpiritual in ſuch Churches, Colleges and Hoſpitals, hath another portion, all only and diſtinctly limited, appertaining and belonging to their Dignities and Offices in ſuch Churches, Hoſpitals and Colleges: (3) It is therefore provided and ordained by authority aforeſaid, that ſuch perſon and perſons which at any time after the ſaid firſt day of January, ſhall be nominated, elected, preſented, prefected, collated, or by other means appointed to be Dean, Provoſt, Maſter, or other chief Governor of ſuch Cathedral Churches, Colleges or Hoſpitals, ſhall be rated, compound and pay for their Firſt-fruits but only after the rate of the yearly value of the poſſeſſion and profits, limited and belonging to their Office and Dignity.

XXVI. And that every other perſon and perſons that after the ſaid firſt day of January ſhall be nominated, elected, preſented, prefected, collated, or by any other means appointed to have any Prebend, Brotherſhip, Fellowſhip, or to be any Vicar or petty Canon, or to have any other Dignity or Office ſpiritual, in any ſuch Cathedral Churches, Colleges or Hoſpitals, ſhall be rated, compound and pay for their Firſt-fruits after the rate of the yearly value of the poſſeſſions and profits limited and belonging to their Dignities and Offices, in ſuch Churches, Colleges and Hoſpitals, and none otherwiſe; Any thing in this Act to the contrary hereof in any wiſe notwithſtanding.

No Firſt-fruits ſhall be paid for a Benefice being not above the yearly value of eight marks, except, &c.
St. 1 El. 4.

XXVII. Provided always, That ſuch perſon or perſons that after the ſaid firſt day of January ſhall be preſented and collated to any Parſonage or Vicarage, whereof the yearly value ſhall not exceed viij marks, ſhall not be compelled to pay any Firſt-fruits for any ſuch Parſonage or Vicarage, whereunto they ſhall be preſented or collated, not being above the ſaid yearly value of viij marks: Except that the Incumbent preſented or collated, to ſuch Parſonage or Vicarage, whereof the yearly value ſhall not exceed viij marks, do live iij years next and immediately following after his inſtitution, induction or collation to ſuch Parſonage or Vicarage; (2) and if ſuch incumbent do live after the ſaid three years, then he or his executors or adminiſtrators ſhall pay at days to be limited after the ſaid three years upon ſureties (as is aforeſaid) the Firſt-fruits of every ſuch Parſonage or Vicarage. (3) And that in every Obligation to be made by any Incumbent of ſuch Parſonage or Vicarage, and his ſureties, for payment of the Firſt-fruits of ſuch Parſonage or Vicarage, there ſhall be contained a Proviſo, That if the ſaid Incumbent die within three years next after the date of the inſtitution, induction or collation of the ſaid Parſonage or Vicarage, that then the Obligation ſhall be void and of none effect, any thing in this Act to the contrary hereof notwithſtanding.

A Proviſo in the Obligation if the Incumbent die within three years.

XXVIII. And over this, where the Clergy of the Province of Canterbury, in their Convocation have granted unto the Kings Highneſs one hundred thouſand pounds, and the Clergy of the Province of York xviij thouſand eight hundred forty pound x pence, to be paid by even portions in v years, and that which could not be levied thereof in the ſame five years, to be paid in the ſixth year, as by the tenor of their ſeveral grants thereof made in their ſeveral Convocations more plainly appeareth: (2) It may pleaſe the Kings Majeſty of his excellent goodneſs, in conſideration that the ſaid yearly penſion and annual rent ſhall be yearly from henceforth duly paid and ſatisfied to his Highneſs, and to his Heirs and Succeſſors, according to the tenor, form, purport and effect of this preſent Act: that it may be enacted by authority of this preſent Parliament, that the Clergy of the ſaid Province of Canterbury, and every of them, ſhall be diſcharged and acquitted againſt our ſaid Sovereign Lord, his Heirs and Succeſſors, of and for the twenty thouſand pound, parcel of the ſaid C. M. li. which ſhould be paid in the v. year of payment, limited by their grant: (3) And that the Clergy of the ſaid Province of York, ſhall likewiſe be diſcharged and acquitted of and for all ſuch ſums of money, parcel of the ſaid xiij. M. DCCC. xl. li. x. d. which ſhould be paid in the v. year of payment limited by their grant; any thing in their ſaid ſeveral grants thereof made in any wiſe notwithſtanding.

How much the Clergy of the two Provinces of Canterbury and York ſhall be yearly diſcharged of, and wherefore.

XXIX. Provided always, That all the reſidue of ſums of money, which be yet to be paid, and not releaſed nor diſcharged by this Act, ſhall be truly paid and ſatisfied to our ſaid Sovereign Lord, his Heirs and Succeſſors, according to the tenour, form, and effect of their ſaid ſeveral grants.

XXX. Provided alſo, That all ſuch fees which any Archbiſhop, Biſhop, Abbot, Prior, or other Prelate of the Church is bounden yearly to pay to any Chancellor, Maſter of the Rolls, Juſtices, Sheriffs, or other Officers or Miniſters of Record, for temporal Juſtice to be done or miniſtred within their Dioceſs or Juriſdictions, ſhall be allowed and deducted by the Commiſſioners aforeſaid, in and upon the valuation of the Dignities, Monaſteries, Priories, or Churches chargable with ſuch fees; Any thing in this Act to the contrary hereof notwithſtanding. St. 26 H. 8. 17. 27 H. 8. 8. 28. H. 8. 11. 2 & 3 P. & M. 4. 1 El. 4.

Fees which any Prelate is bound to pay for temporal Juſtice.

CAP. IV.

For Jurors in Wales.

Wales 114. How Perjury in Jurors in Wales ſhall be puniſhed.

Where for lack of diligent and ſure cuſtody of Jurors ſworn for Trials of Murtherers, Felons, and Acceſſaries of Felonies and Murthers in Wales, and the marches of the ſame, divers adherents, friends and kinsfolks to ſuch Offendors have reſorted to the ſame Jurors, and have ſuborned them to acquit divers Murtherers, Felons, and Acceſſaries, openly and notoriouſly known, contrary to equity and juſtice: (2) It is therefore enacted by the King our ſovereign Lord, and the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That forthwith upon the charge given to an Inqueſt hereafter to be taken and ſworn before any Juſticer, Steward, Lieutenant, or other Officer within Wales, or the marches of the ſame, of, for, and upon any traverſe againſt the King, or the trial of any recogniſance broken, or any other forfeiture forfeited to the King, of, for, and upon trial of any Murtherer, Felon, for Acceſſary of Felony or Murther, one Officer or other perſon ſhall be deputed and ſworn in the preſence of the ſaid Juſticer or other Officer, for the true and diligent keeping of the ſame Jurors: (3) And that the ſame Officer, or other perſon ſo ſworn, without the ſpecial commandment of the ſaid Juſticer, or other Officer, ſhall not do or ſuffer to be miniſtred to the ſame Jurors, any bread, drink, meat, fire, or light, nor ſhall ſuffer the ſame Jurors to ſpeak to any perſon or perſons: (4) nor the ſame Officer, or other perſon ſworn, without the commandment aforeſaid, ſhall not ſpeak to the ſaid Jurors, but only to demand of them their agreement, unto ſuch time as the ſame Jurors ſhall have given their Verdict, any uſage or cuſtom heretofore uſed to the contrary notwithſtanding: (5) And if the ſame Officer, or other perſon ſo ſworn in form aforeſaid, do not execute and accompliſh the premiſſes in the Oath before rehearſed, in every point and article, then the ſame Officer, or other perſon ſo ſworn, ſhall be puniſhed and impriſoned, and make fine and ranſome to the Kings Highneſs, by the diſcretion of the ſaid Juſticer, Steward, Lieutenant, or other Officer.

How an Officer ſworn for the keeping of Jurors in Wales ſhall demean himſelf.

II. And alſo be it enacted by the authority aforeſaid, That if the ſame Jurors do acquit any ſuch Felon, Murtherer, or Acceſſary, upon whoſe Tryal they ſhall be charged, or give any untrue Verdict againſt the King, upon the trial of any traverſe, recogniſance, or other forfeiture, contrary to good and pregnant evidence miniſtred to them by perſons ſworn before the ſaid Juſticer, Steward, Lieutenant, or other Officer, or that the ſaid Jurors or any of them do eat, drink, or ſpeak to or with any other perſon or perſons than to ſuch as be ſworn with them, or otherwiſe miſdemean themſelves after they be ſworn, and before they have given their Verdict, that then the Lord Preſident, and other of the Council of the Marches for the time being, upon notice or complaint thereof to them made, ſhall not only have power and authority by this preſent Act to call ſuch Jurors before them: (2) but alſo the ſame Juſticer, Steward, or other Officer, afore whom any ſuch acquittal, untrue Verdict, or miſdemeanour ſhall happen to be made, ſhall have full power and authority to compel ſuch Jurors and every of them, upon pain of impriſonment, to be bounden by recognizance in a certain ſum of money, by their diſcretion to be limited, that the ſame Jurors and every of them ſhall perſonally appear at a certain day, by the ſame Juſticer, Steward or other Officer to be limited, before the Lord Preſident, and other of the Council aforeſaid for the time being, then and there to abide and ſtand to ſuch direction and order as the ſame Council ſhall make, ordain and decree, of, in and upon the ſame: (3) And that the ſame Council ſhall thereupon have authority and power, by examination or otherwiſe, to hear and determine all and every ſuch cauſe, and ſhall have like authority to commit every of the ſame Jurors to priſon, or other puniſhment, as ſhall be thought moſt meet by the diſcretion of the ſaid Council, or otherwiſe aſſeſs or tax every ſuch Juror to his fine or ranſome by the ſame diſcretion, to be paid and levied of their lands, goods and chattels, to the uſe of the Kings Highneſs.

The penalty of Jurors in Wales which do commit perjury, or otherwiſe miſdemean themſelves. Vaughan, 150, 151.

CAP. V.

For the paſſage over Severn.

Boatmen 12. No paſſage upon Severn at unlawful times.

Foraſmuch as daily divers Felonies, Robberies, and Murthers, been many times committed and done in the Counties of Glouceſter and Somerſet, in the parts next adjoyning unto the water called the water of Severn, between England and South-wales, and after ſuch Murthers and Felonies done, the ſaid Robbers, Felons and Murtherers, with the ſaid goods ſo robbed and ſtolen, make their conveyance with the ſaid goods ſo ſtolen by night at divers paſſages, or Ferries over the ſaid River or Water, as the paſſages of Auſte, Fremeland, Pyrton, Arlingham, Newenham, Portſedes, Poynte, and all ſuch other like paſſages over the ſaid River into Southwales, or into the Foreſt, called the Foreſt of Dean, alſo adjoyning to the ſame Water; (2) And when they be over the ſaid Water, then the goods ſo ſtolen by divers priviledges there kept, albeit the owner and owners have true and perfect knowledge thereof, yet they ſo robbed and ſpoiled be without remedy for to obtain their ſaid goods ſo ſtolen: (3) ſo that the ſecret and ſudden conveyance by night of the ſaid goods over the ſaid Ferries and paſſages, doth not only greatly encourage divers perſons to come out of the parts of Southwales to ſteal, rob, and murther divers perſons in their houſes in the ſaid Counties joyning upon the ſaid borders of Wales, but alſo cauſeth many robberies and felonies in ſundry ways to be committed and done upon the ſaid border near adjoyning to the ſame River, to the great damage and hurt of the Kings ſubjects inhabiting there, unleſs ſome remedy therefore be provided: (4) It may therefore pleaſe the King our Soveraign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, by the authority of the ſame to enact, That every perſon or perſons taking upon him or them to have and keep any of the ſaid paſſages, or any other paſſages upon Severn aforeſaid, from henceforth do not convey, neither carry with any manner Barge, Boat, or other Veſſel, any perſon or perſons with Horſes, Mares, Oxen, Kine, or any other Cattel, nor no other perſon or perſons, before the time of the Sun riſing in the morning, and after the time of the Sun being gon down at night, (5) upon pain of impriſonment and fine to be ſet on him that ſhall ſo convey or carry over any of the ſaid paſſages of the ſaid River of Severn out of England into Wales, or the Foreſt of Dean, or out of Wales, or the ſaid Foreſt of Dean into England, unleſs the ſaid Paſſengers and every of them have good knowledge of ſuch perſon and perſons, and of their dwelling places; (6) and upon requeſt to them made by any perſon or perſons to diſcloſe the name and the dwelling place of every ſuch perſon or perſons ſo by them conveyed over the ſaid Water, to any ſuch perſon or perſons requiring the ſame, if ſuit be made for and after them upon any outcry, huy, or freſh ſuit, of or for any felony, robbery, murther, and manſlaughter, committed and done from henceforth.

The penalty for tranſporting offenders into or forth of Wales, at unlawful times.

Keepers of Ferries ſhall be bound to tranſport no offenders at unlawful times.

II. And that the Kings Juſtices of the Peace within every of the ſaid Counties of Glouceſter and Somerſet, at their quarter Seſſions, ſhall have full power and authority to call before them all ſuch perſons, which hereafter ſhall keep any of the ſaid paſſages, or any other Ferry or paſſage over the ſaid Water into Wales, or the ſaid Foreſt, or out of Wales or the ſaid Foreſt into England, and to bind them with ſufficient ſureties with them in recognizance, in ſuch ſums of mony as it ſhall ſeem to the diſcretion of the ſaid Juſtices of Peace, that they and every of them being paſſengers and keepers of Ferries and Paſſages, as is aforeſaid, from henceforth ſhall not after the ſaid times before limited and appointed, convey and carry, or cauſe to be conveyed or carried any manner of perſon or perſons, or any kind of cattel, but ſuch perſons as they do know and will anſwer for, and know where their abidings, dwellings and habitations be, and upon requeſt made to them, or any of them, as is aboveſaid, ſhall from time to time diſcloſe, as well the ſame perſon or perſons as the goods and chattels ſo paſſing the ſaid paſſages upon freſh ſuit made, or hereafter to be made upon any felony, murther, robbery committed and done in the borders of the Counties aforeſaid, or in any other place within this Realm or South-wales.

CAP. VI.

The Bill concerning Councils in Wales.

Wales 101. Murthers and Felonies committed in Wales ſhall be enquired of in the ſhires next adjoyning, &c. The long perſeverance in wickedneſs of ſome lewd people in Wales and the marches thereof.

FORaſmuch as the people of Wales, and the Marches of the ſame, not dreading the good and wholeſome Laws and Statutes of this Realm, have of long time continued, and perſevered in perpetration and commiſſion of divers and manifold Thefts, Murthers, Rebellions, willful burnings of Houſes, and other ſcelerous Deeds and abominable Malefacts, to the high diſpleaſure of God, inquietation of the Kings well diſpoſed Subjects, and diſturbance of the publick Weal; which Malefacts and ſcelerous Deeds be ſo rooted and fixed in the ſame people, that they be not like to ceaſe, unleſs ſome ſharp correction and puniſhment for redreſs and amputation of the premiſes be provided, according to the demerits of the offenders: (2) Be it therefore enacted by the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons in this Parliament aſſembled, and by authority of the ſame, That all and ſingular perſon and perſons, dwelling or reſiant within Wales, or in the Lordſhips Marchers of the ſame, from time to time, and at all times hereafter, upon ſuch monition or warning given for the Court to be kept in Wales, or in any of the Lordſhips Marchers aforeſaid, as before this time hath been uſed, ſhall perſonally repair, reſort, and appear before the Juſtice, Steward, Lieutenant or other Officer, at all and every Seſſions, Court and Courts to be holden before the ſame Juſtice, Steward, or other Officer, in any whatſoever Caſtle, Fortreſs, or other place within Wales, or within the precincts, limits and juriſdictions of every of the Lordſhips Marchers, or Seigniorities aforeſaid, or to the Marches of the ſame, as by the ſaid Juſtice, Steward, or other Officer ſhall be appointed: (3) And then and there ſhall give his or their perſonal attendance, to do, execute and accompliſh all and every thing and things which to him and them ſhall affere and appertain, upon pain of ſuch fines, forfeitures and amerciaments as ſhall be affered, aſſeſſed and taxed by the Juſtice, Steward, or other Officer to the Kings uſe, if it be within any of the Kings Lordſhips Marchers: (4) And if it be within any other Lordſhips Marchers, then to the uſe of the Lord of the ſaid Lordſhip Marcher for the time being. (5) The ſaid forfeitures and amerciaments to be levied, perceived and taken by way of diſtreſs of the goods and chattels of every perſon not appearing at the ſaid Court or Courts, or not doing, executing or accompliſhing his duty as is aboveſaid.

All perſons ſhall upon ſummons given appear before the Juſtices, and in Courts in Wales.

Wrongs done by Officers in Lordſhips marchers.

II. And foraſmuch as the Officers in the Lordſhips Marchers in Wales, have often and ſundry times heretofore, unlawfully exacted of the Kings Subjects within ſuch Lordſhips where they have had rule and authority, by many and ſundry ways and means, and alſo committed them to ſtraight dureſs and impriſonment for ſmall and light fained cauſes, and extortiouſly compelled them thereby to pay unto them fines for their redemptions, contrary to the Law: (2) Therefore be it farther enacted, That if any Steward, Lieutenant, or any other Officer of any Lordſhip marcher do fain, procure or imagine any untrue ſurmiſe againſt any perſon or perſons that ſhall give their perſonal attendance before them at ſuch Court or Courts, and upon the ſame untrue ſurmiſe commit them to any dureſs or impriſonment, contrary to the Law, or contrary to the true and laudable cuſtom of that Lordſhip, that then upon ſuit made unto the Kings Commiſſioners, or Council of the Marches for the time being, by any ſuch perſon or perſons ſo impriſoned, or by any of their friends, that then the ſame Commiſſioners or Council ſhall have full power and authority to ſend for ſuch Steward, Lieutenant or Officer, and alſo for the perſon or perſons ſo impriſoned: (3) And if the ſame perſon or perſons ſo impriſoned, can evidently prove before the ſaid Council, by good and ſubſtantial witneſs, or otherwiſe, that his impriſonment was upon any feigned ſurmiſe, without cauſe reaſonable or lawful, that then the ſame Commiſſioners ſhall have full power and authority to aſſeſs the ſaid Officer to pay to the ſaid perſon or perſons wrongfully impriſoned, vj s. viij d. for every day of their impriſonment, or more, by the diſcretions of the ſaid Commiſſioners, according to the hurts and behaviour of the perſon or perſons impriſoned.

Untrue ſurmiſes feigned againſt them which appear, to impriſon them.

III. And that the ſame Commiſſioners ſhall ſet farther fine upon the ſaid Officer, to be paid to the Kings uſe, as by their diſcretions ſhall be thought convenient. (2) And in caſe the ſame Officers do refuſe to appear before the ſame Commiſſioners incontinent after any commandment to them directed and delivered after any ſuch complaint made to the ſame Commiſſioners, that then the ſame Commiſſioners ſhall have full power and authority upon every default made by any Officer or Officers, to aſſeſs and ſet upon every ſuch Officer or Officers making default, ſuch fine or fines to be levied to the Kings uſe, as by their diſcretions ſhall be thought convenient. (3) And that the ſame Commiſſioners ſhall have full power and authority to compel the ſaid Officer or Officers by way of impriſonment, as well to pay ſuch fine as ſhall be ſet and taxed upon them to the Kings uſe, as to pay unto every perſon or perſons ſo impriſoned, ſuch ſums of mony as they ſhall be ſeſſed to pay for their wrong impriſonment.

The parties remedy againſt the Officer which doth impriſon him upon fained ſurmiſes.

IV. And alſo be it enacted by authority aforeſaid, That no perſon or perſons dwelling or reſiant within Wales, or the Lordſhips marchers of the ſame, of what eſtate, degree or condition ſoever he or they be of, coming, reſorting or repairing unto any Seſſions or Court to be holden within Wales, or any Lordſhips marchers of the ſame, ſhall bring or bear, or cauſe to be brought or born to the ſame Seſſions or Court, or to any place within the diſtance of two miles from the ſame Seſſions or Court, nor to any Town, Church, Fair, Market or other Congregation, except it be upon a hute or outcry made of any Felony or Robbery done or perpetrated, nor in the High-ways in affray of the Kings Peace, or the Kings liege people, any bill, long-bow, croſs-bow, hand-gun, ſword, ſtaff, dagger, halberd, moreſpike, ſpear, or any other manner of weapon, privy coat or armor defenſive, (2) upon pain of forfeiture of the ſame weapon, privy coat or armor, and to ſuffer impriſonment, and make fine and ranſom to the Kings Highneſs by the diſcretion of the Kings Commiſſioners of his Marches for the time being, except it be by the commandment, licences or aſſent of the ſaid Juſtices, Steward or other Officer, or of the Commiſſioners or Council of the Marches for the time being.

No weapon ſhall be brought to Courts, Fairs or Churches in Wales. St. 4. H. 4. 27 & 29.

V. And that no perſon nor perſons from henceforth, without licence of the ſaid Commiſſioners in writing, ſhall within Wales, or the Marches of the ſame, or in any Shires adjoyning to the ſame, require, procure, gather or levy any Commorth, Bydalle, Tenants ale, or other collections or exactions of goods, cattels, mony or any other thing, under colour of Marrying, or ſuffering of their children ſaying or ſinging the firſt Maſſes or Goſpels, or any Prieſts or Clerks, or for redemption of any Murther, or any other Felony, or for any other manner or cauſe, by what Name or Names ſoever they ſhall be called: (2) nor ſhall make, or procure to be made, any Games of Running, Wraſtling, Leaping, or any other Games (the Game of Shooting only excepted and forepriſed.) (3) upon pain of one whole years impriſonment of every perſon or perſons as ſhall gather, or procure to be gathered any ſuch collection or exaction, or ſhall make or procure to be made any Games as is aforeſaid: (4) And farther, they and every of them ſhall make ſuch fine, as by the diſcretion of the Kings Commiſſioners of his Marches ſhall be thought convenient: (5) And farther, the ſaid Commiſſioners, by this preſent Act, ſhall have power and authority to hear and determine the ſaid offences by their examination. (6) And that no perſon or perſons ſhall hereafter at any time caſt any thing into any Court within Wales, or in the Lordſhips marchers of the ſame, by the mean or name of an Arthel, by reaſon whereof the Court may be letted, diſturbed or diſcontinued for that time, upon pain of one whole years impriſonment of any ſuch perſon or perſons as ſhall caſt, or cauſe to be caſt any ſuch Arthel into any Court or Courts hereafter to be holden within Wales, or the Lordſhips marchers of the ſame; Any cuſtom before this time uſed to the contrary notwithſtanding.

No man ſhall levy any Exactions or Commorths, or Collections or Games in Wales.

No Arthel ſhall be caſt into any Court.

VI. And that all Seſſions and Courts hereafter to be holden within Wales, or the Lordſhips marchers of the ſame, ſhall be kept within the moſt ſureſt and peaceable place within the ſame Lordſhip marcher, where the ſaid Juſtice, Steward, or other Officer ſhall appoint. (2) And for the puniſhment and ſpeedy trials, as well of the counterfeiters of any Coin currant within this Realm, waſhing, clipping or miniſhing of the ſame, as of all and ſingular felonies, murthers, wilful burning of houſes, manſlaughters, robberies, burglaries, rapes and acceſſaries of the ſame, and other offences, feloniouſly done, perpetrated and committed, or hereafter to be done, perpetrated and committed within any Lordſhip marcher of Wales: (3) Be it enacted by the authority aforeſaid, That the Juſtices of the Gaol-delivery, and of the Peace, and every of them for the time being in the Shire or Shires of England, where the Kings writ runneth, next adjoyning to the ſame Lordſhip marcher, or other places in Wales where ſuch counterfeiting, waſhing, clipping or miniſhing of any Coin currant within this Realm, or murther hath been, or hereafter ſhall be committed or done, where any other felonies or acceſſaries

All Courts ſhall be kept within moſt ſure places.

Endictment in the next County for a felony committed within any Lordſhip marcher.
St. 34 H. 8. 26.
St. 27 H. 8. 26.

ſhall be hereafter committed, perpetrated or done, ſhall have from henceforth full power and authority at their Seſſions and Gaol-delivery, to enquire by verdict of twelve men of the ſame Shire or Shires next adjoyning within England, where the Kings Writ runneth, there to cauſe all ſuch counterfeiters, waſhers, clippers of mony, felons, murtherers and acceſſaries to the ſame, to be indicted according to the Laws of this Land, in like manner and form, as if the ſame petty treaſons, murthers, felonies and acceſſaries to the ſame, had been done, committed or perpetrated within any of the ſaid Shires within the ſaid Realm: and alſo to hear, determine and judge the ſame according to the Laws of the Realm.

Acquittal in Lordſhips marchers no bar.

VII. And that all foreign pleas, pleaded by any of the ſaid malefactors and offenders, ſhall be tried and determined in the ſaid ſhire or ſhires: (2) and that the acquittal or fine making for any of the cauſes aforeſaid, in any of the Lordſhips marchers, ſhall be no bar for any perſon or perſons, being indicted in the ſaid ſhire or ſhires, within two years next after any ſuch murther or felony done.

Juſtices may award proceſs unto Lordſhips marchers.

VIII. And farther it is enacted, That the ſaid Juſtices of Peace and Gaol-delivery, and every of them, ſhall have full power and authority to award all manner of proceſs, as well of outlawry as otherwiſe, againſt all and every ſuch offender and offenders ſo indicted in manner and form, and according to the cuſtoms and laws uſed and accuſtomed within this Realm of England. (2) And that the ſaid Juſtices, or two of them, afore whom any ſuch offender ſhall happen to be outlawed, or attainted by outlagary, ſhall immediately upon the ſame outlagary or attainder, direct and ſend unto the Kings Officers of his Lordſhips marchers, or to their Deputies, or unto the Lord or Lords marchers of the ſame Lordſhip marcher, or his or their Officer or Officers, or to their Deputies, wherein ſuch offence, murther or felony ſhall happen to be done, or where any ſuch offender, murtherer or felon ſhall happen to be reſiant, a Certificate under the ſeals of them, or two of them, of any ſuch outlagary or attainder; (3) commanding them and every of them by the ſame, under pain of forfeiture of a hundred pound to the King, to be levied and perceived as well of the goods, cattels, lands and tenements of the ſame Lord or Lords marchers, as of the goods and cattels, lands and tenements of the Kings Officer there, to apprehend and attach, or cauſe to be apprehended and attached, the body or bodies of the ſame offender or offenders ſo outlawed or attainted, and ſafely to keep, or cauſe to be kept, the ſame offender or offenders, till ſuch convenient time before the next Seſſions of the Kings Juſtices of the Gaol-delivery of the ſhire where ſuch offender or offenders ſhall happen to be outlawed or attainted, as to the Kings Officers of his Lordſhips marchers, or to their Deputies, or unto the Lord marcher, or Lords marchers of the ſame Lordſhip marcher, or his or their Officer or Officers, or their Deputies where ſuch offender or offenders ſhall be apprehended, attached, detained and kept, ſhall be thought expedient for the conveyance and conducting of the ſame offender or offenders, (4) in manner and form following, to be delivered from the Kings Officers or their Deputies, or the Lord marcher or the Lords marchers, or his or their Officer or Officers, to other perſons aſſigned by this Act to receive and convey ſuch offender or offenders, by indenture to be made between the deliverer or deliverers, and the receiver or the receivers: That is to ſay, That the Kings Officers of his Lordſhip marcher or their Deputies, or the Lord or Lords marchers of the Lordſhip marcher, or his or their Officer or Officers, or their Deputies where ſuch offender or offenders ſhall be apprehended, attached, detained and kept, ſhall ſafely and ſurely conduct and convey, or cauſe to be conducted and conveyed, the ſame offender or offenders, to the next Lordſhip marcher toward the ſhire where the ſame offender or offenders ſhall happen to be outlawed or attainted. (5) And that the Kings Officers of the ſame Lordſhip marcher, or their Deputies, or the Lord or Lords marchers of the ſame Lordſhip marcher, or his or their Officer or Officers, ſhall receive, and ſafely and ſurely conduct and convey the ſame offender or offenders to the next Lordſhip marcher: (6) And ſo the Kings Officers of every Lordſhip marcher or their Deputies, or the Lord or Lords marchers of the ſame Lordſhip, or his or their Officer or Officers, or their Deputies to receive, conduct and convey ſafely and ſurely every ſuch offender or offenders, from one Lordſhip marcher to another Lordſhip marcher, by indenture, as is aforeſaid, unto the time that ſuch offender or offenders ſhall be ſafely delivered before the ſaid Juſtices of the Gaol-delivery, (7) upon pain of forfeiture by every of the Kings Officer, or Lord marcher by whoſe default the ſame offender or offenders ſhall, ne may not appear before the ſame Juſtices at their ſaid Seſſions, there to ſtand and abide the order of the Kings Laws, C l. to be levied and perceived of the goods and cattels, lands and tenements of the ſame Officer or Lord to the Kings uſe.

By what means an offender ſhall be conveyed from one Lordſhip marcher to another.

The Officer ſhall return his precept.

IX. And that all and every Officer or Officers, Lord and Lords, or other perſons to whom any Certificate ſhall be directed, as is aboveſaid, ſhall at the next Seſſions and Gaol-delivery to be holden after the apprehenſion or attachment of ſuch offender or offenders, return the ſame Certificate in due form, and what he or they have done in that behalf, upon the pain aforeſaid: (2) Saving alway to all and every offender and offenders, all and ſingular traverſes, challenges, exceptions, advantages, and all other pleas, to, of, and upon the outlawry pronounced or promulged againſt the ſame offender or offenders, in manner and form as is and hath been uſed and accuſtomed by the Laws of this Realm for any the Kings ſubjects dwelling within the ſame Realm.

All advantages ſaved to the offenders.

An offender attainted of any felony, upon ſurety found of his good behaviour, may be diſcharged.
ALT. 34 H.8 2 6.

X. Provided always, and be it enacted by the authority aforeſaid, That if any perſon or perſons which ſhall happen hereafter to be indicted, outlawed, arraigned, convicted or attainted by force of this Act, do find ſuch ſufficient ſureties before the Kings Juſtices of the Gaol-delivery, as by their diſcretion ſhall be thought convenient, that the ſame perſon or perſons ſhall not from thenceforth commit nor do any felony, murther or felonious offence, nor be acceſſary to any felony, murther or felonious offence, but at all times from henceforth ſhall be of good behaviour againſt the King our Soveraign Lord, his heirs and ſucceſſors, his and their Laws and Subjects, that then the ſame Juſtices of Gaol-delivery for the time being, with and by the aſſent, conſent and agreement of the Lord Preſident, and two of the Kings Commiſſioners or Council of the Marches for the time being, or three of them at the leaſt, whereof the Lord Preſident or one of the ſaid Council to be one, ſhall and may by their diſcretions for one time only, admit any ſuch offender to a certain fine, or ſum of mony on him by them to be aſſeſſed and taxed, to be ſurely paid to the Kings uſe; (2) and ſhall have full power and authority by this preſent Act to diſcharge any ſuch offender or offenders, ſo arraigned, outlawed, convicted and attainted of all and every ſuch felony, murther or felonious offence, and acceſſaries of the ſame, and of all executions and puniſhments of death, which the ſame offender or offenders ſhould ſuffer by the common Laws of this Realm, ſo that the ſame offender or offenders ſtand not appealed of the ſaid felony, murther or felonious offence, or acceſſary of the ſame offences, at the time of his ſaid diſcharge. (3) and that every ſuch offender ſo diſcharged as is aboveſaid, ſhall be for the ſaid offence or offences done within any of the Kings Lordſhips marchers, or any other Lordſhips marchers, diſcharged as well againſt the Kings Highneſs, his Heirs and Succeſſors, as againſt all other Lords marchers, for one time only.

XI. Provided alway, and be it enacted by the authority aforeſaid, That this preſent Act, or any thing therein contained, ſhall not extend, ne take place to abridge, deprive or minorate any Liberties, Priviledge or Authority of any Lord marcher, heretofore granted to the ſame Lord, or lawfully uſed or accuſtomed by the ſaid Lord or any of his Anceſtors, unleſs the aforeſaid offenders happen to be endicted, outlawed, arraigned, convicted or attainted by force of this Act, as is aboveſaid, within two years next after ſuch murther, or other felonious offence perpetrated, done or committed within the ſaid Lordſhips marchers, or any of them: Any thing in this preſent Act before rehearſed to the contrary notwithſtanding.

No liberties of any Lord marcher ſhall be abridged.

XII. And farthermore be it enacted by the authority aforeſaid, That all murthers, robberies, felonies, and acceſſaries of the ſame, which ſhall happen hereafter to be done, perpetrated or committed within the Shire of Merioneth in Wales, ſhall and may be from henceforth enquired, heard and determined in the Counties of Carnervan or Angleſey, before the Kings Juſtices of North-wales, or his Deputy for the time being, by the Verdict or Enqueſt to be taken by the inhabitants of the ſame Shires of Carnervan and Angleſey, or otherwiſe, if by the diſcretion of the Juſtice there, or his Deputy, ſhall be thought convenient: (2) And that the ſame Juſtice or his Deputy for the time being, ſhall have full power and authority by his diſcretion, by force of this preſent Act, to hear and determine all and every the aforeſaid murthers, felonies, robberies and acceſſaries in form aforeſaid.

Where felonies committed in Merioneth in Wales, ſhall be inquired of, heard and determined.

XIII. And where heretofore upon divers murthers, robberies and felonies, perpetrated and done, as well within the Lordſhips marchers of Wales, as in other places of Wales without the ſame Lordſhips, the offenders divers times flee, and eſcape from the ſame Lordſhip or other place where ſuch offence was committed, and have repaired and reſorted into another Lordſhip marcher, and there by the aid, comfort and favour of the Lord of the ſame Lordſhip, or his officer or officers, have been abiding and reſiant, into the which Lordſhip the ſame Lords marchers have and do pretend a cuſtom and priviledge, that none of the Kings miniſters or ſubjects may enter to purſue, apprehend and attach any ſuch offender thereunto repaired, as is aforeſaid, by reaſon whereof the ſame offenders went unpuniſhed, to the animation and encouraging of other evil diſpoſed people: (2) It is therefore enacted by the authority aboveſaid, That every Officer and Officers, and their Deputies, upon commandment given by the Commiſſioners or Council of the Marches for the time being, ſhall bring, ſend or deliver every ſuch offender to the Officer of the Lordſhip marcher, or other place where any ſuch offence is, or ſhall be committed or done, upon the metes and bounds of the ſaid Lordſhips, or to the ſaid Commiſſioners or Council, according as the ſaid Officers by them ſhall be commanded, under pain of forty pounds, the ſame Commandment or Commiſſion to be directed to any ſuch Officer to be ſent, conveyed and delivered by a Serjeant at Arms, or a Purſevant attendant on the ſaid Council in the Marches for the time being.

34 & 35 H. 8. 26.

Where and to whom any offender taken in Wales ſhall be delivered.
St. 27 H. 8. 20;

CAP. VII.

The Bill for the High-ways in the County of Suſſex.

Where it is ordained and enacted by authority of this preſent Parliament heretofore holden at London the fifteenth day of April, in the fourteenth year of the Kings moſt noble Reign, and from thence adjourned to Weſtminſter the laſt day of July, the fifteenth year of his Reign, and there holden: In conſideration that many common ways in the Weld of Kent be ſo deep and noyous by wearing, and courſe of water, and other occaſions, that people cannot have their paſſages and carriages by horſes upon, or by the ſame, but to their great pains, perils and jeopardy: (2) that if any perſon or perſons from that time in any place within the ſaid Weld of the ſaid County, of his good mind and diſpoſition, without any value of good by him or by them to be received for the ſame, will for the common weal of the Kings people, aſſign and lay out a more commodious way, in and over the lands thereunto adjoyning, whereof the perſon or perſons, or other to his uſe ſhall be ſeiſed of fee in eſtate of inheritance, that the ſame new way ſo to be aſſigned and layed out, by overſight and aſſent of two Juſtices of the Peace of the ſaid County, and twelve other diſcreet men within the ſame Hundred inhabiting, where any ſuch new way ſhall be limited and layed out, or inhabiting within the ſame Hundred and other Hundreds to the ſaid Hundred next adjoyning, ſhall be from thenceforth holden, occupied and uſed in like manner as the ſaid old way there now is or before hath been: (3) And that alſo the ſame perſon or perſons ſo diſpoſed, willing and accompliſhing, ſhall and may for the ſaid new way ſo aſſigned and uſed, receive and hold in way of recompence for the ſame new way ſo to be given, the ſoil and ground of the old way in ſeveralty to them, their heirs and aſſigns, to their own uſe and profit for ever, without any common way or paſſage there from henceforth to be had or claimed, any preſcription or uſe to the contrary notwithſtanding, in like manner and form as is limited by the ſaid Act of a certain new way granted by the ſame Act to be made by George Gilford Eſquire, at Hempſtead in the ſaid Weld of Kent. (4) And that the two ſaid Juſtices of Peace, and twelve other diſcreet men, by whoſe overſight and aſſent the ſaid new way by virtue of the ſaid Act ſhall

High-ways, Raſt. 1.
High-ways in Suſſex ſhall be amended.
St. 14 H. 8. 6.

Any perſon may lay out a new way in his own ground in the Weld of Kent, by the conſent of two Juſtices of Peace, &c. and keep ſeveral the old.

Certificate ſhall be made into the Chancery, of the new way.

be aſſigned, limited, and laid out, ſhall within three months next after the aſſignment, limitation and laying out of the ſame, make Certificate into the Kings moſt honourable Court of Chancery under their Seals, of the length and breadth of the ſaid new way or ſtreet, and of other things adjoyning or concerning the ſame, as by their diſcretions ſhall be then thought moſt expedient or requiſite for the common wealth of that Country to be certified, (5) and that Certificate to be made from time to time, as oft as any ſuch new way or ſtreet ſhall be aſſigned, limited, and laid out in form above written.

They which have any way through the old way, may uſe it.

II. Provided alway, That if any perſon or perſons, or body politick, have or ought to have, or hereafter ſhall have any Church way, or other whatſoever way, or paſſage over or thorough any manner lands adjoyning to any the ſaid old ways or ſtreets, which ſhall be taken and uſed by force of that Act as ſeveral ſoil and freehold, in recompence for any new way to be made and laid out in form aforeſaid, or have or ought to have, or hereafter ſhall have any lands or tenements adjoyning to the old way, that they and every of them, their heirs and ſucceſſors, ſhall and may have and uſe their ſaid way or ways out of, and in the ſaid new way over and thorough the land of the ſaid old way or ſtreet, into or over the ſaid lands or tenements adjoyning to the ſame, and ſo to paſs and repaſs as ſhall appertain over the ſame old way, at ſuch convenient place or places thereof, as therefore ſhall be limited and aſſigned by the ſaid two Juſtices of Peace, and other twelve men, and by them to be certified in the Chancery, among other things by them to be certified in form aforeſaid, any thing in the ſaid Act above written notwithſtanding, as by the ſame Act manifeſtly appeareth.

The Statute of 14 H. 8. 6. touching altering ways in the Weald of Kent, ſhall be put in execution in the County of Suſſex.

III. And foraſmuch as in many places within the County of Suſſex, like Act for the alteration of common ways and ſtreets there being much annoyous, is much neceſſary and expedient for the common wealth and commodity of the Kings ſubjects of the ſaid County of Suſſex to be had and made: In conſideration whereof, Be it ordained and enacted by the King our Soveraign Lord, and the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the ſaid Act above rehearſed and recited, ſhall and may from henceforth extend, take effect, and be put in execution in every place convenient or neceſſary within the ſaid County of Suſſex, where the ways and ſtreets be noyous to the Kings ſaid ſubjects of the ſame County of Suſſex, in like form and manner, and in all points and conditions, and with like promiſe to be had, done and executed, as it is contained and expreſſed in the above recited Act concerning the change of the ways and ſtreets in the ſaid County of Kent, any Preſcription, Uſe, Cuſtom, or other thing to the contrary being in any wiſe notwithſtanding.

CAP. VIII.

Norwich, Raſt. 1

For the City of Norwich, for re-edifying of the Houſes there.

CAP. IX.

Lyn, Raſt. 2.

The Bill for Lyn.

CAP. X.

Merchants, Raſt. 40.

The King during his life may repeal the Statute of 23 H. 8. 7. by his Proclamation, and revive the ſame by like means, and all other Statutes made ſithence Anno 21 of his Reign, concerning the carrying forth of the commodities of this Realm, or bringing in of foreign merchandiſes. Exp.

CAP. XI.

Wales, Raſt. 26.

Whoſoever dwelling in Wales or the Marches thereof, ſhall aſſault, beat or hurt any perſon of the County of Glouceſter, Salop, or Hereford, and ſhall be indicted and convicted thereof, ſhall be one year impriſoned. Exp. St. 33 H. 8. 17.

CAP. XII.

The Bill concerning Counties in Wales.

Clergy, Raſt. 17. Clerks convict in Wales ſhall find ſurety for the good abearing St. 23 H. 8. 1.

WHere the Parliament ſummoned and holden at London, the third day of November, in the one and twentieth year of the Reign of our Soveraign Lord King Henry the Eighth, and from thence adjourned unto Weſtminſter in the County of Middleſex, and after divers Prorogations, there alſo holden the xv day of January, the three and twentieth year of the Reign of our ſaid Soveraign Lord King Henry the Eighth;

The benefit of Clergy taken from offenders in ſeveral felonies, unleſs they be within holy Orders. St. 31 H. 8. 3. 1 Ed. 6. 12. 5 El. 6. 9. ALT. 28. H. 8. 1.

It was enacted among other, That no perſon or perſons, which from thenceforth ſhould happen to be found guilty after the Laws of this Land, for any manner of petty treaſon, or for any wilful murther of malice prepenſed, or for robbing of any Churches, Chappels or other holy places, or for robbing any perſon or perſons in their dwelling houſes, or dwelling place, the owner or dweller in the ſame houſe, his wife, his children, or ſervants then being within, and put in fear and dread by the ſame, and for robbing of any perſon or perſons, in or near about the high-ways, or for wilful burning of any dwelling houſes, or barns wherein any grain of corns ſhould happen to be: (2) nor any perſon or perſons being found guilty of any abetment, procurement, helping, maintaining or counſelling of or to any ſuch petty treaſons, murthers or felonies, ſhould from thenceforth be admitted to the benefit of his or their Clergy, but utterly be excluded thereof, and ſuffer death in ſuch manner and form as they ſhould have done for any the cauſes or offences abovesaid, if they were no Clerks (ſuch as be within holy Orders) that is to ſay, of the Orders of Subdeacon or above, only except. (3) And alſo it was then and there, by authority aforeſaid, farther enacted, That every ſuch perſon and perſons within ſuch Orders of Subdeacon or above, which at any time from thenceforth ſhould be found guilty of any petty treaſon, or of any murther of malice prepenſed, or of any of the felonies above rehearſed, or of any acceſſary to petty treaſon, wilful murther, or to any other the felonies above ſpecified, and admitted to his or their Clergy, and delivered to the Ordinary for the ſame, ſhould not in any wiſe from thenceforth be ſuffered to any purgation, nor be ſet at liberty, but remain and abide in perpetual priſon, under the keeping of the Ordinary to whom he ſhould be committed, and his ſucceſſors, without any manner of purgation, during the natural life of every ſuch convict: (4) except only ſuch perſon and perſons ſo being within ſuch holy Orders, and convict of, or for any of the offences aforeſaid, and delivered to the Ordinary for the ſame, do find two ſufficient ſureties by recogniſance, before two of the Kings Juſtices of his Peace within the ſame Shire where the petty treaſon, murther or felony whereof he was convicted, was committed or done, whereof one of them to be of the Quorum, that ſuch convict ſhall be of good abearing againſt the King our Soveraign Lord, his Laws and Subjects, every ſuch convict to be

He within holy Orders which is convict of felony, before his purgation ſhall find ſureties of his good abearing.

bounden in the ſum of forty pounds, and every his ſureties in twenty pounds, and that no ſurety be taken, unleſs ſuch as may diſpend in Lands, Tenements, or Hereditaments, yearly above all charges of Eſtate of Inheritance of Charter-hold, ſix and twenty ſhillings and eight pence, or elſe be worth twenty pounds in moveable ſubſtance, at the time of the taking of ſuch Recognizance. (5) And that two Juſtices of the Peace, whereof one to be of the Quorum, by authority aforeſaid, have power and authority to take ſuch Recognizance. (6) And that the ſaid Juſtices, afore whom any ſuch Recognizance ſhall be taken, ſhall certifie the ſame into the Kings Bench, within four months next after the making thereof, upon pain to loſe and forfeit an hundred ſhillings for every default thereof.

II. And foraſmuch as there be no Juſtices of Peace, ne of the Quorum within Wales, nor in divers other places, Cities, Honours, Lordſhips, and Manors within the Kings Dominion, whereas a Lord Marcher, Steward, Lieutenant, Deputy, or other Officer of any ſuch place, City, Honour, Lordſhip, or Manor, have authority or power, by cuſtom or otherwiſe, to arraign afore him or them any ſuch perſon or perſons, being within ſuch holy Orders of Subdeacon or above, for committing or doing any of the ſaid petty treaſons, murthers, felonies, or any other of the ſaid offences.

III. And if it happen the ſame perſon ſo being thereof arraigned to be found guilty, for to admit him to his Clergy, if he pray the ſame before Judgment, and further to do and execute againſt any ſuch Offender, being ſo arraigned before them, in like manner and form as Juſtices of the Gaol-delivery within the Shire-ground have uſed to do by virtue of the Kings Commiſſion unto them directed: by reaſon whereof, every ſuch perſon or perſons, within ſuch Orders of Subdeacon or above, being convict of any of the ſaid petty treaſons, murthers, felonies, or any other the ſaid offences, before any Lord Marcher, Steward, Lieutenant, Deputy, or other Officer within Wales, or within any other place, City, Honour, Lordſhip, or Manor within the Kings Dominions, where no Juſtices of Peace be, and thereupon committed unto the Ordinary as Clerk convict, ſhall there remain during the natural life of any ſuch convict, the ſaid former Act and Statute notwithſtanding: For that there be no Juſtices of the Peace, ne of the Quorum there, as the ſaid petty Treaſon, Murther, or Felony, whereof he is ſo convicted, was committed and done, to take Surety by Recognizance for the good abearing of every ſuch convict, in manner and form as in the ſaid former Act is rehearſed.

A remedy where there be no Juſtices of Peace in that County in Wales, where the Clerk convict doth remain in priſon.

IV. Be it therefore enacted by the King our ſoveraign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That every ſuch perſon and perſons within ſuch Orders of Subdeacon or above, being convict of any petty Treaſon, or of any Murther of malice prepenſed, or of any the ſaid Felonies above rehearſed, or of any acceſſary to petty Treaſon, wilful Murther, or of any other the ſaid Felonies above ſpecified, before any Lord Marcher, Steward, Lieutenant, Deputy, or other Juſtice or Officer within Wales, or within any other place, City, Town, Honour, Lordſhip, or Manor within the Kings Dominion, where no Juſtices of the Peace and of the Quorum be, and thereupon the ſame Convict admitted unto his Clergy, that the ſame perſon or perſons ſo being within ſuch Holy Orders, and convict before any ſuch Lord Marcher, Steward, Lieutenant, Deputy, or other Juſtice or Officer in Wales, or within any ſuch place, City, Town, Honour, Lordſhip, or Manor, within any the Kings Dominion, where be no Juſtices of Peace, and of the Quorum, of or for any of the offences aforeſaid, and delivered unto the Ordinary as Clerk convict for the ſame, ſhall or may find two ſureties by Recognizance for his good abearing before two of the Kings Juſtices of the Peace, whereof one to be of the Quorum, in the Shire where the ſaid convict is or ſhall be kept in the Ordinaries Priſon, if the ſame priſon be within the Shire-ground where Juſtices of the Peace and of the Quorum be, or elſe before two of the Kings Juſtices of the Peace whereof the one to be of the Quorum in the next Shire adjoyning to the ſaid Priſon: (2) and that the ſame two Juſtices of the Peace, whereof the one to be of the Quorum, to have power and authority to take ſuch Recognizance, and to certifie the ſame in like manner and form, and upon like pain as it ſhould or ought to have been done by virtue of the ſaid former Act, if the ſame petty Treaſon, Murther, Felony, or other offence, of or for which any ſuch convict was or ſhall be ſo convict and admitted unto his Clergy, as is aforeſaid, had been committed done within the Shire-ground, where Juſtices of the Peace and of the Quorum be.
Stat. 27 H. 8. 26.

CAP. XIII.

It ſhall be High Treaſon to wiſh or deſire by words or Writing, or to imagine, invent or attempt any bodily harm to be done to the King, the Queen, or their Heirs apparent; or to deprive any of them of the Dignity, Stile or Name of their Royal Eſtates; or to publiſh that the King is an Heretick, Schiſmatick, Infidel, or Uſurper; or to detain from the King, his Heirs or Succeſſors, any of his or their Caſtles or Holds, or any of his or their Ships or Munitions of War. Rep. 1. M. 1. Stat. 1 Ed. 6. 12.

Treaſon 10. Co. Inſt. 4. p. 42.

II. And to the intent that all Treaſons ſhould be the more dread, hated, and deteſted to be done by any perſon or perſons, and alſo becauſe it is a great boldneſs, and an occaſion to ill-diſpoſed perſons to adventure and embrace their malicious intents and enterpriſes, which all true ſubjects ought to ſtudy to eſchew: (2) Be it therefore enacted by the authority aforeſaid, That none offender in any kinds of high Treaſons, whatſoever they be, their aiders, conſentors, counſellors, nor abettors, ſhall be admitted to have the benefit or privilege of any manner of Sanctuary, conſidering that matters of Treaſons touch ſo nigh both the ſurety of the King our Soveraign Lords Perſon, and his Heirs and Succeſſors.

No offender in High Treaſon ſhall have the benefit of Sanctuary.

III. And over that be it enacted by authority aforeſaid, That if any of the Kings Subjects, deniſens or other, do commit or practiſe out of the limits of this Realm, in any outward parties, any ſuch offences, which by this act are made, or heretofore have been made Treaſon, that then ſuch Treaſons whatſoever they be, or whereſoever they ſhall happen ſo to be done or committed, ſhall be enquired and preſented by the oaths of twelve good and lawful men, up-

Treaſon committed out of the Realm ſhall be enquired of in ſuch County, and before ſuch perſons as the King ſhall appoint by Commiſſion. St. 25 H. 8. 2.

on good and probable evidence and witneſs, in ſuch Shire and County of this Realm, and before ſuch perſons as it ſhall pleaſe the Kings Highneſs to appoint by Commiſſion under his Great Seal, in like manner and form as Treaſons committed within this Realm have been uſed to be enquired of and preſented; (3) And that upon every indictment and preſentment found and made of any ſuch Treaſons, and certified into the Kings Bench, like proceſs and other circumſtance ſhall be there had and made againſt the offenders, as if the ſame Treaſons ſo preſented had been lawfully found to be done and committed within the limits of this Realm. (4) And that all Proceſs of outlawry hereafter to be had and made within this Realm, againſt any offenders in Treaſon, being reſiant or inhabited out of the limits of this Realm, or in any of the parties beyond the Sea at the time of the outlawry pronounced againſt them, ſhall be as good and as effectual in the Law to all intents and purpoſes, as if ſuch offenders had been reſident and dwelling within this Realm, at the time of ſuch Proceſs awarded, and outlawry pronounced.

Proceſs of outlawry awarded againſt any Traitor remaining beyond the Sea. St. 5 Ed. 6. 11.

What an offender in Treaſon ſhall forfeit. Cok. pla. f. 422. 12 Co. 6. 1 Roll 162. 2 Roll 318, 319, 320, 322, 340, 374, 418, 420, 513.

IV. And be it further enacted by authority aforeſaid, That every offender and offenders, being hereafter lawfully convict of any manner of high Treaſons by Preſentment, Confeſſion, Verdict, or Proceſs of Outlawry, according to the due courſe and cuſtom of the common Laws of this Realm, ſhall loſe and forfeit to the Kings Highneſs, his Heirs and Succeſſors, all ſuch Lands, Tenements, and Hereditaments which any ſuch offender or offenders ſhall have of any Eſtate of Inheritance, in uſe or poſſeſſion, by any Right, Title or Means, within this Realm of England, or elſewhere within any of the Kings Dominions at the time of any ſuch Treaſon committed, or any time after: (2) Saving to every perſon and perſons, their Heirs and Succeſſors (other than the offenders in any Treaſons, their Heirs and Succeſſors, and ſuch perſon and perſons as claim to any their uſes) all ſuch Rights, Titles, Intereſts, Poſſeſſions, Leaſes, Rents, Offices, and other profits which they ſhall have at the day of committing ſuch Treaſons, or at any time afore, in as large and ample manner, as if this Act had never been had nor made.

A ſaving of the right of others. Godb. 303. pl. 417.

CAP. XIV.

For nomination of Suffragans and Conſecration of them.

Eccleſiaſtical perſons 22. By whom Suffragans ſhall be nominated and elected. St. 25 H. 8. 20.

ALbeit that ſithen the beginning of this preſent Parliament, good and honourable Ordinances and Statutes have been made and eſtabliſhed for Elections, Preſentations, Conſecrations, and inveſting of Archbiſhops and Biſhops of this Realm, and in all other the Kings Dominions, with all Ceremonies appertaining unto the ſame, as by ſundry Statutes thereof made more at large is ſpecified: (2) Yet nevertheleſs no proviſion hitherto hath been made for Suffragans, which have been accuſtomed to be had within this Realm, for the more ſpeedy adminiſtration of the Sacraments, and other good wholeſome and devout things, and laudable Ceremonies, to the increaſe of Gods honour, and for the commodity of good and devout people: (3) Be it therefore enacted by authority of this preſent Parliament, That the Towns of Thetford, Ipſwich, Colcheſter, Dover, Gilford, Southampton, Taunton, Shaftsbury, Molton, Marlborough, Bedford, Leiceſter, Gloceſter, Shrewsbury, Briſtow, Penreth, Bridgwater, Nottingham, Grantham, Hull, Huntingdon, Cambridge, and the Towns of Pereth and Berwick, S. Germans in Cornwal, and the Iſle of Wight, ſhall be taken and accepted for Sees of Biſhops Suffragans to be made in this Realm, and in Wales, and the Biſhops of ſuch Sees ſhall be called Suffragans of this Realm. (4) And that every Archbiſhop and Biſhop of this Realm and of Wales, and elſewhere within the Kings Dominions, being diſpoſed to have any Suffragan, ſhall and may at their liberties name and elect, that is to ſay, every of them for their peculiar Dioceſs, two honeſt and diſcreet Spiritual perſons, being learned, and of good converſation, and thoſe two perſons ſo by them to be named, ſhall preſent to the Kings Highneſs, by their Writing under their Seals, making humble requeſt to his Majeſty, to give to one ſuch of the ſaid two perſons as ſhall pleaſe his Majeſty, ſuch Title, Name, Stile and Dignity of Biſhop of ſuch of the Sees above ſpecified, as the Kings Highneſs ſhall think moſt convenient for the ſame: (5) And that the Kings Majeſty, upon every ſuch preſentation ſhall have full power and authority to give to one of thoſe two perſons ſo to his Highneſs to be preſented, the Stile, Title and Name of a Biſhop of ſuch of the Sees aforeſaid, as to his Majeſty ſhall be thought moſt convenient and expedient, ſo it be within the ſame Province whereof the Biſhop that doth name him is.

Sees for the Suffragans of Biſhops.

The Biſhop ſhall preſent to the King two perſons for his Suffragans.

The Kings allowance of a Suffragan.

II. And that every ſuch perſon to whom the Kings Highneſs ſhall give any ſuch Stile and Title of any of the Sees afore named, ſhall be called Biſhop Suffragan of the ſame See whereunto he ſhall be named.

The King preſenteth the Suffragan to the Archbiſhop.

III. And after ſuch Title, Stile and Name ſo given as is aforeſaid, the Kings Majeſty ſhall preſent every ſuch perſon by his Letters Patents under his Great Seal, to the Archbiſhop of Canterbury, if the Town whereof he hath his Title, be within the Province of Canterbury, and likewiſe to the Archbiſhop, of York, if the Town whereof he hath his Title be within the Province of York, ſignifying and declaring by the ſame Letters Patents, the Name of the perſon preſented, and the Stile and Title of Dignity of Biſhoprick whereunto he ſhall be nominated; requiring the ſame Archbiſhop to whom ſuch Letters Patents ſhall be directed to conſecrate the ſaid perſon ſo nominate and preſented to the ſame Name, Title, Stile and Dignity of Biſhop, that he ſhall be nominate and preſented unto, and to give him all ſuch Conſecrations, Benedictions and Ceremonies, as to the Degree and Office of a Biſhop Suffragan ſhall be requiſite.

Within what time after the Kings preſentation, the Archbiſhop ſhall conſecrate a Suffragan.

IV. And be it alſo enacted by authority aforeſaid, That all and every ſuch perſon and perſons as ſhall be nominated, elected, preſented, and conſecrated, as is afore rehearſed, ſhall be taken accepted and reputed, in all degrees and places, according to the ſtile, title, name and dignity that he ſhall be ſo preſented unto, and have ſuch capacity, power and authority, honour, preeminence and reputation, in as large and ample manner, in and concerning the execution of ſuch Commiſſion, as by any of the ſaid Archbiſhops or Biſhops within their Dioceſs ſhall be given to the ſaid Suffragans, as to Suffragans of this Realm heretofore hath been and accuſtomed.

V. And be it farther enacted by authority aforeſaid, That every Archbiſhop of this Realm, to whom any the Kings Letters Patents, in the caſes afore rehearſed, ſhall be directed, having no lawful impediment, ſhall perform and accompliſh the effects and contents of this Act within the time of three months next after ſuch Letters Patents ſhall come to their hands, any uſage, cuſtoms, foreign Laws, priviledges, preſcriptions, or other thing or things, heretofore uſed, had or done to the contrary hereof notwithſtanding.

VI. Provided always, That no ſuch Suffragans, which ſhall be made and conſecrate by virtue and authority of this Act, ſhall take or perceive any manner of Profits of the places and Sees whereof they ſhall be named, nor uſe, have or execute any Juriſdiction or Epiſcopal power or authority within their ſaid Sees, nor within any Dioceſs or place of this Realm, or elſewhere within the Kings Dominions, but only ſuch Profits, Juriſdictions, Power and Authority as ſhall be licenſed and limited to them to take, do and execute by any Archbiſhop or Biſhop of this Realm, within their Dioceſs to whom they ſhall be Suffragans, by their Commiſſion under their Seals: (2) And that every Archbiſhop and Biſhop of this Realm, for their own peculiar Dioceſs, may and ſhall give ſuch Commiſſion or Commiſſions to every ſuch Biſhop Suffragan as ſhall be ſo conſecrate by authority of this Act, as hath been accuſtomed for Suffragans heretofore to have, or elſe ſuch Commiſſion as by them ſhall be thought requiſite, reaſonable and convenient: (3) And that no ſuch Suffragan ſhall uſe any Juriſdiction ordinary or Epiſcopal power, otherwiſe, nor longer time than ſhall be limited by ſuch Commiſſion to him to be given, as is aforeſaid, upon pain to incur into the pains, loſſes, forfeitures and Penalties mentioned in the Statute of Proviſions, made in the xvj. year of King Richard the Second.

What authority and benefit Suffragans ſhall have in their Dioceſſes.

VII. Provided always, That the Biſhop that ſhall nominate the Suffragan to the Kings Highneſs, or the Suffragan himſelf that ſhall be nominate, ſhall provide two Biſhops or Suffragans to conſecrate him with the Archbiſhop, and ſhall bear their reaſonable coſts. (2) Provided alſo, That the reſidence of him that ſhall be Suffragan over the Dioceſs where he ſhall have Commiſſion, ſhall ſerve him for his reſidence as ſufficiently as if he were reſident upon any other his Benefice, any Act heretofore made to the contrary notwithſtanding.

A Suffragans reſidence over the Dioceſs, ſhall be ſufficient for his benefice.

VIII. Be it farther enacted, That all ſuch Suffragans as ſhall hereafter exerciſe the Offices aforeſaid by the Commiſſion of the Biſhop, for the better maintenance of his dignity, may have two Benefices with cure, any former Act made to the contrary notwithſtanding. Rep. 1 & 2 P. & M. 8. Revived 1 El. 1.

A Suffragan may have two Benefices with cure.

CAP. XV.

To avoid Exactions taken by Spiritual men in the Archdeaconry of Richmond.

FOraſmuch as divers and many the King our Sovereign Lords Subjects, inhabited within the Archdeaconry of Richmond in the County of York, be, and of long time have been ſore and grievouſly exacted and impoveriſhed by the Parſons, Vicars and others, ſuch as have Benefices and Spiritual Promotions within the ſame, as by taking of every perſon, when he dyeth, in the name of a Penſion or of a Portion, ſometime the ninth part of all his Goods and Chattels, and ſometime the third part, to the open and manifeſt impoveriſhing of moſt of all the Kings poor Subjects inhabited and deceaſing within the ſame.

Mortuary. Probat. 14. What duties Spiritual men in Richmond in Yorkſhire, ſhall take after the deceaſe of any perſon.

II. Wherefore be it ordained, enacted and eſtabliſhed by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from the Feaſt of S. Mark the Evangeliſt next coming, no manner of Spiritual perſon, or others now having, or that from the ſaid Feaſt ſhall have any manner of Benefice, or other Spiritual Promotion within the ſaid Archdeaconry, ſhall in no wiſe aſk, levy, demand or take, after the deceaſe of any perſon or perſons, any ſuch Portions or Penſions, nor any other demand or duty in the name or lieu of the ſame, upon pain to incur ſuch dangers, forfeitures and penalties, as be contained in the Statute of Proviſors, made the five and twentieth year of the Reign of our moſt noble Progenitor King Edward the Third: (2) but that all and every the Kings Subjects of the ſaid Archdeaconry, and their Executors and Adminiſtrators, from henceforth ſhall be ordered, intreated and uſed for their Goods and Chattels, after their deceaſe, in like manner, form, order and condition, as is contained in the Statute made in the one and twentieth year of your moſt noble and victorious Reign, for Probate of Teſtaments, and none otherwiſe, any ſuch Cuſtom, Bull, Compoſition, Preſcription or Ordinance heretofore had, obtained or uſed to the contrary, within the aforeſaid Archdeaconry, in any wiſe notwithſtanding.

25 Ed. 3.

St. 28 H. 8. 6.

CAP. XVI.

The Bill concerning the Towns of Lynn and Yarmouth, for the true making of Worſteds. 21 H. 8. 21.

Worſteds 1.

CAP. XVII.

For Leſſees to be diſcharged for paying any thing for their Leſſors to the King, by reaſon of the Act of Firſt Fruits and Profits of Spiritual Perceivers.

FOR certain reaſonable and urgent conſiderations moving the Kings moſt High Court of Parliament, It is ordained and enacted by authority of the ſame, That all and ſingular Fermors and Leſſees of any Manors, Lordſhips, Lands, Tenements or other Hereditaments, Parſonages, Vicarages, Portions of Tithes, or other whatſoever Profits or Commodities belonging to any Archbiſhop, Biſhop or other Prelate or Spiritual perſon or perſons, or Spiritual Body corporate or politick, whereof any firſt-fruits or yearly Penſion of the Tenth part is granted to the King our Sovereign Lord, in this preſent Seſſion of the ſaid Court of Parliament, ſhall be diſcharged, and not chargeable to pay to our ſaid Sovereign Lord, of his or their proper mony, coſt or charge, for or in diſcharge of the Leſſor or Leſſors, owner or owners of the ſame, by reaſon of any covenant, bargain, bond, condition, clauſe of re-entry, or other thing heretofore made or concluded, (2) but that every of the ſaid Leſſors and owners, and their ſucceſſors, ſhall be charged and chargeable to pay and ſatisfie the ſame, of his or their proper

Firſt-fruits. Raſt. 2. Fermors of ſpiritual perſons ſhall not pay any firſt-fruits of the Tenth granted to the King. St. 26 H. 8. 9.

coſt and charge, to the King our Sovereign Lord his heirs and ſucceſſors, according to the grant thereof: any covenant, bargain, contract, bond, condition, clauſe of re-entry, or other thing heretofore made or concluded to the contrary thereof in any wiſe notwithſtanding. Exp. 1 El. 4.

Pardon, Raſt. 41.

CAP. XVIII.

The Kings Pardon to all his Subjects, of all Felonies. Treſpaſſes and Offences not excepted. Exp.

Anno viceſimo ſeptimo Henrici *octavi.*

ACTS made in the Seſſion of this preſent Parliament, holden upon prorogation at Weſtminſter the fourth day of February, in the ſeven and twentieth year of the Reign of our moſt dread Soveraign Lord King Henry the Eighth, and there continued and kept till the fourteenth day of April next enſuing, to the honour of God, and for the common weal and profit of this his Realm.

Towns 8.

CAP. I.

For the re-edifying of Nottingham, Gloceſter, Northampton, and other Towns.

Treaſon, Raſt. 13.

CAP. II.

It ſhall be High Treaſon to counterfeit the Kings Sign Manual, Privy Signet, or Privy Seal, Rep. 1 Ed. 6. 12. 1 M. 1.

Hull, Raſt. 1.

CAP. III.

A Reſtraint of the Exactions taken by the Mayor and Cominalty of the Town of Hull. Rep. 33 H. 8. 33.

CAP. IV.

For Pirates and Robbers on the Sea.

Trials, Raſt. 9. **The trial and puniſhment for Pirates on the Sea. The inconveniences of trial of Piracy after the courſe of the Civil Law.**

Where Pirates, Thieves, Robbers and Murtherers upon the Sea, many times eſcape unpuniſhed, becauſe the trial of their offences hath heretofore been ordered before the Admiral, or his Lieutenant or Commiſſary, after the courſe of the Civil Laws, the nature whereof is, that before any judgment of death can be given againſt the Offenders, either they muſt plainly confeſs their offence (which they will never do without torture or pains) or elſe their offences be ſo plainly and directly proved by witneſs indifferent, ſuch as ſaw their offences committed, which cannot be gotten but by chance at few times, becauſe ſuch Offenders commit their offences upon the Sea, and at many times murther and kill ſuch perſons being in the Ship or Boat where they commit their Offences, which ſhould bear witneſs againſt them in that behalf: and alſo ſuch as ſhould bear witneſs be commonly Mariners and Shipmen, which for the moſt part cannot be gotten, ne had always ready to teſtifie ſuch offences, becauſe of their often voyages and paſſages in the Seas, without long tarrying and protraction of time, and great coſt and charges, as well of the Kings Highneſs as ſuch as would purſue ſuch Offenders: (2) For reformation whereof, be it enacted by authority of this preſent Parliament, That all ſuch Offences done in or upon the Sea, or in any other Haven, River or Creek, where the Admiral or Admirals pretend to have juriſdiction, ſhall be enquired, tried, heard and determined in ſuch Shires and places in this Realm, as ſhall be limited by the Kings Commiſſion to be directed for the ſame, in like form and condition, as if ſuch offences had been done upon the Land: (3) And that ſuch Commiſſions ſhall be had under the Kings Great Seal, directed to the Lord Admiral or Admirals, or to his or their Lieutenant, deputy or deputies, and to three or four ſuch other ſubſtantial perſons as ſhall be named by the Lord Chancellor for the time being, as often as need ſhall require, to hear and determine ſuch offences after the common courſe of the Laws of the Land uſed for Felonies done and committed within the Realm.

Before what perſons offences committed upon the Sea ſhall be enquired, heard and determined.

By what Jurors the ſame offences ſhall be enquired of.

II. And be it enacted by the authority aforeſaid, That ſuch perſons to whom ſuch Commiſſions ſhall be directed, or three of them at the leaſt, ſhall have full power and authority to enquire of ſuch offences, by the Oaths of twelve good and lawful men inhabited in the Shire limited in their Commiſſion, in ſuch like manner and form, as if ſuch offences had been committed upon the Land within the ſame Shire: (2) And that every indictment found and preſented before ſuch Commiſſioners of any Felonies, Robberies, Murthers or Manſlaughters, done upon the Seas, or in or upon any other Haven, River or Creek, ſhall be good and effectual in the Law: (3) And if any perſon or perſons happen to be indicted for any ſuch offence done or hereafter to be done upon the Seas, or in any other places above limited: that then ſuch Order, Proceſs, Judgment and execution ſhall be uſed, had done and made to and againſt every ſuch perſon and perſons ſo being indicted, as againſt Felons and Murtherers for Murther or Felony done upon the Land, as by the Laws of the Realm is accuſtomed: (4) And that the tryal of ſuch offence, if it be denied by the Offenders, ſhall be had by twelve men inhabited in the Shire limited within ſuch Commiſſion which ſhall be directed as is aforeſaid, and no challenge to be had for the hundred: (5) And ſuch as ſhall be convict of any ſuch offence by Verdict, Confeſſion or Proceſs, by authority of any ſuch Commiſſion, ſhall have and ſuffer ſuch pains of death, loſſes of lands, goods and chattels, as if they had been convict of any Felonies or Murthers done upon the Lands.

The trial, judgment and forfeitures of offenders in Piracy.

Clergy ſhall not be allowed to Pirates.

III. And be it enacted by Authority aforeſaid, That for Robberies, Felonies and Murthers done upon the Seas, or in any other places above rehearſed, the Offenders ſhall not be admitted to have the benefit of their Clergy, but be utterly excluded thereof, and alſo of the priviledge of any Sanctuary.

Things taken upon the Sea by neceſſity.

IV. Provided alway, That this Act extend not to be prejudicial or hurtful to any perſon or perſons for taking any victuals, gables, ropes, anchors or ſails, which any ſuch perſon or perſons, compelled by neceſſity taketh of or in any other ſhip, which may conveniently ſpare the ſame: ſo that the ſame perſon or perſons pay out of hand for the ſame victual, gables, ropes, anchors or ſails, mony or mony-worth to the value of the thing ſo taken, or delivery for the ſame a ſufficient bill obligatory to be paid in form following, that is to ſay, if the taking of the ſame things be on this ſide the Straits of Marrok, then to be paid within four months: and if it be beyond the ſaid Straits of Marrok, then to be paid within xij. months next enſuing the making of ſuch bills: and that the makers of ſuch bills well and truly pay the ſame debt at the day to be limited within the ſaid bills.

Commiſſions directed into the five Ports.

V. Provided alway, That whenſoever any ſuch Commiſſion for the puniſhment of the offences aforeſaid, ſhall be directed or ſent to any place within the Juriſdiction of the five Ports, that then every ſuch Commiſſion ſhall be directed to the Lord Warden of the ſame Ports for the time being, or to his deputy, and unto three or four ſuch other perſon or perſons as the Lord Chancellor for the time being ſhall name and appoint: any thing in this preſent Act to the contrary thereof in any wiſe notwithſtanding.

VI. Provided alſo, That whenſoever any Commiſſion ſhall be directed into the five Ports for the inquiſition and trial of any of the offences expreſſed in this Act, that every ſuch inquiſition and trial to be had by virtue of ſuch Commiſſion, ſhall be made and had by the inhabitants in the ſaid five Ports, or the members of the ſame: any thing in this Act to the contrary thereof notwithſtanding. St. 28 H. 8. 15.

CAP. V.

For the making of Juſtices of Peace within Cheſter and Wales.

Wales 30. Co.Inſt. 4 p.111. 3 Bulſt. 117.

The lack of the execution of juſtice the cauſe of diſorder.

THE Kings highneſs conſidering the manifold robberies, murthers, thefts, treſpaſſes, riots, routs, embraceries, maintenances, oppreſſions, ruptures of his peace, and many other malefacts, which been daily practiſed, perpetrated, committed and done within his Counties, and County Palatine of Cheſter, and Flintſhire in Wales, adjoyning to the ſaid County of Cheſter, and alſo in his Counties of Anglice, otherwiſe called Angliſey, Cayernervan and Mereoneth within his Principality of North-wales: And alſo in his Counties of Cardigan, Cayermerthen, Pembroke and Glamorgan in South-wales, by reaſon that common Juſtice hath not been indifferently miniſtred there, like and in ſuch form as it is in other places of this his Realm: By reaſon whereof the ſaid murthers, robberies, thefts, treſpaſſes and breaking of the peace have remained unpuniſhed, to the great animation of evil doers in the ſame Countries: (2) For redreſs and amputation whereof, and to the intent that one order of miniſtring of his Laws ſhould be, had, obſerved and uſed in the ſame, as in other places of this Realm of England is had and uſed, It is ordained and enacted by the King our Soveraign Lord, and the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the Lord Chancellor of England, or the Lord Keeper of the great Seal for the time being, from time to time, and at all times, ſhall have full power and authority by his diſcretion, to nominate and appoint Juſtices of Peace, Juſtices of the Quorum, and Juſtices of Gaol-delivery in the ſaid Counties of Cheſter, Flint, Angliſey, Cayernervan, Mereoneth, Cardigan, Kayermerthen, Pembroke and Glamorgan, by Commiſſion under the Kings great Seal, which ſhall have full power and authority to enquire, hear and determine all manner thing and things inquirable, preſentable or determinable before Juſtices of Peace, Juſtices of Quorum, and Juſtices of Gaol-delivery in other Shires of this Realm of England, by force or virtue of any Statute or Statutes made and to be made, or by the courſe of the common Laws of this Realm. (3) And that the ſaid Juſtices of Peace, Juſtices of Quorum, and Juſtices of Gaol-delivery, ſo to be named and appointed by the ſaid Lord Chancellor, or Lord Keeper of the great Seal, and every of them, ſhall have like power and authority within the ſaid Counties of Cheſter, Flint, Angleſey, Cayernervan, Mereoneth, Cardigan, Cayermerthen, Pembroke and Glamorgan, to do, uſe and execute every thing and things, as other Juſtices of Peace, Quorum, and Gaol-delivery, have within any other of the Shires of this Realm of England. (4) And alſo ſhall be ſworn, aſtricted and obliged to the keeping of their Seſſions of the Peace, and to the due execution of all and ſingular Statutes and Ordinances made and to be made in like manner and form, and under like pains and penalties, as Juſtices of Peace, Quorum and Gaol-delivery in other Shires of this Realm of England, been and ſhall be bounden and obliged; any Act, Statute, Preſcription, Uſage, Cuſtom, Liberty or Priviledge, had, made, accuſtomed or uſed to the contrary notwithſtanding.

Juſtices of Peace, of Quorum, and of Gaol-delivery ſhall be aſſigned in certain Shires in Wales, and their authority.

Cheſter. Flint.

II. And it is farther enacted by the authority aforeſaid, That the extreats of the iſſues, fines and amerciaments, taxed, ſet, loſt or forfeited by or before ſuch Juſtices of Peace, Quorum and Gaol-delivery, in the ſaid Counties of Cheſter and Flint, ſhall be returned and certified into the Exchequer of Cheſter before the Kings Chamberlain there.

Angleſey. Cayernervan. Mereoneth.

III. And that the extreats of the iſſues, fines and amerciaments, taxed, ſet, loſt or forfeited, by or before the Juſtices of Peace, Quorum and Gaol-delivery, in the ſaid Counties of Angleſey, Cayernervan and Mereoneth, and every of them, ſhall be returned and certified into the Kings Exchequer at Cayermerthen, to and before the Kings Chamberlain of North-wales.

Cayermerthen. Cardigan.

IV. And that the extreats of the iſſues, fines and amerciaments, taxed, ſet, loſt or forfeited, by or before the Jſtuices of Peace, Quorum and Gaol-delivery, in the ſaid Counties of Angleſey, Cayermerthen and Cardigan, and every of them, ſhall be returned and certified into the Kings Exchequer at Cayermerthen, to and before the Kings Chamberlain of South-wales.

Pembroke.

V. And that the extreats of the iſſues, fines and amerciaments, taxed, ſet, loſt or forfeited, by or before the Juſtices of Peace, Quorum and Gaol-delivery in the County of Pembroke, ſhall be returned and certified unto the Kings Exchequer at Pemborke.

Cardiff.

VI. And that the extreats of the iſſues, fines and amerciaments, taxed, ſet, loſt or forfeited, by or before the Juſtices of Peace, Quorum and Gaol-delivery in the ſaid County of Glamorgan, ſhall be returned and certified into the Kings Exchequer of Caierdiff. (2) And that the ſaid extreats of the ſaid iſſues, fines and amerciaments, certified and returned into every of the foreſaid Exchequers, ſhall be indented in ſuch like manner and form as is uſed in the Kings Exchequer at Weſtminſter. (3) And that the ſaid Juſtices of Peaces and Quorum, or Gaol-delivery in every of the ſaid Shires, ſhall direct ſuch like proceſs by extreats indented, within the extreats certified into the ſaid Exchequers, to the Sheriff of every of the ſaid Counties, for the levying and gathering of the ſaid iſſues, fines and amerciaments, in ſuch like manner and form as is uſed by the Juſtices of Peace, Quorum and Gaol-delivery, in every other of the Shires within this Realm of England. (4) And every Sheriff of every of the ſaid Shires ſhall make their accompts in every of the ſaid Exchequers of and for the ſaid iſſues,

The Sheriffs accompts of iſſues, fines, amerciaments.

fines and amerciaments, upon the extreats to them directed, in manner and form as is uſed in the Kings Exchequer at Weſtminſter.

The Juſtices and Clerk of the Peace allowances.

VII. And it is enacted by the authority aforeſaid, That the ſaid Juſtices of Peace and Clerks of the Peace within the ſaid Counties of Cheſter, Flint, Angleſey, Carnervan, Mereoneth, Cardigan, Kayermerthen, Pembroke and Glamorgan, and every of them ſhall be paid and allowed of the ſaid iſſues, fines and amerciaments, ſuch like fees, profits and commodities, as other Juſtices of Peace and Clerks of the Peace in other Shires of this Realm, have and ought to have.

Inferior Officers ſhall be attendant to the Juſtices.

VIII. And it is farther enacted by authority aforeſaid, That the Sheriff or his Deputy, and all other his Miniſters, in all and every of the ſaid Shires, and all Coroners, high-conſtables, Petty-conſtables, and all other Officers within every of the Shires, ſhall be obliged and bounden to be as well attendant unto the ſaid Juſtices of Peace, Quorum, and Gaol-delivery, in all and every thing and things concerning their authorities, as in executing and returning of all precepts and proceſſes to them directed by any of the ſaid Juſtices, in like manner and form, and under like pains and penalties, as all and every Sheriffs, Coroners and other Officers be and ſhall be bounden and obliged by any Statute or Common-Law in other Shires of this Realm of England: any Act, Statute, Preſcription, Uſeage, Cuſtom, Liberty or Privledge had, accuſtomed or uſed to the contrary notwithſtanding. St. 32 H. 8. 43. 34 H. 8. 26.

CAP. VI.

The Bill for the Increaſe of Horſes.

Horſes 1. Orders for increaſe of good Horſes.

The cauſe of the decay of the breed of Horſes

THE King our ſoveraign Lord continually ſtudying for the advancement, augmentation and increaſe of the publick weal of this his Realm, calling to his moſt gracious memory the great decay of the generation and breeding of good, and ſwift, and ſtrong horſes, which heretofore have been bred in this Realm, to the great defence, profit and common commodity of the ſame: And now remembring that like breed of Horſes is ſore diminiſhed and decayed, the occaſion whereof is thought to proceed, that in many and moſt places of this Realm, commonly little Horſes and Nags of ſmall ſtature and value, be ſuffered to depaſture, and alſo to cover Mares and Felys of very ſmall ſtature, by reaſon whereof the breed of good and ſtrong Horſes of this Realm is now lately diminiſhed, altered and decayed, and farther is like to decay, if ſpeedy remedy be not ſooner provided in that behalf.

Owners and Farmers of Parks ſhall be charged to keep Mares.

II. The Kings Highneſs willing therefore to provide remedy in that behalf, by the advice of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, hath ordained, enacted and eſtabliſhed, That every perſon and perſons, as well ſpiritual as temporal, of what eſtate, degree or condition ſoever he or they be, which at this preſent time, or at any time hereafter, ſhall have any Park or Ground incloſed with Hedge, Ditch, Wall or Pale, wherein any Deer is, or hereafter ſhall be uſually kept for Game, containing the quantity of one mile in compaſs, and is, or ſhall be ſeiſed thereof in fee-ſimple, fee-tail, or for term of life, in poſſeſſion to his or their own profit and behoof, that every ſuch owner of every ſuch Park and Ground being in his own hand, and every Farmer of every ſuch Park or Ground, being let to ferm, from the firſt day of May, that ſhall be in the year of our Lord God, MD XXX VII. ſhall keep for every ſuch Park or Ground, being incloſed as is aforeſaid, as long as the ſame Park or Ground incloſed ſhall be uſed and kept with Deer in the ſame for Games, two Mares being not ſplayed, apt and able to bear Foals, each of them of the altitude or height of thirteen handfuls at the leaſt, to be meaſured from the lower part of the hoof of the foot, unto the higheſt part of the ſhoulder, and every handful to contain four inches of the ſtandard, upon pain of forfeiture of xl s. of every months lacking the ſame Mares contrary to this Act: (2) And that every ſuch owner or farmer of Park or Ground, whereof the compaſs is four miles and above, upon pain afore expreſſed, ſhall keep for every ſuch Park four Mares being not ſplayed, apt and able to bear Foals of the altitude or height of thirteen handfuls at the leaſt, to be meaſured as is aforeſaid.

III. Provided, That if it ſhall happen any of the ſaid Mares by miſchance or caſualty for to die, that then the Lord, owner or owners of the ſaid Mares providing or buying others of like height and altitude as is before limited, within three months next after the death of the ſame Mares, ſhall not incur the danger and penalty of this eſtatute: any thing before rehearſed to the contrary notwithſtanding.

Mares ſhall not be covered with ſmall Horſes.

IV. And it is alſo enacted by authority aforeſaid, That the Lords, owners and farmers of all Parks and Grounds incloſed as is above rehearſed, limited and appointed by this Act to keep Mares, ſhall not at any time after the ſaid firſt day of May, which ſhall be in the year of our Lord God, MD XXX VII. willingly ſuffer any of the ſaid Mares to be covered and leapt with any ſtoned Horſe under the ſtatute of fourteen handful, to be meaſured in form afore rehearſed, (2) upon pain of forfeiture of xl s. The moiety of all ſuch forfeitures ſhall be to the King our ſoveraign Lord, and the other moiety thereof to the party that will ſue for the ſame in any Court of our ſaid ſoveraign Lord the King, by Action, Bill, Plaint or Information, or otherwiſe; in which Action or Suit the Defendant ſhall not be admitted to wage his Law, or any Eſſoin or Protection ſhall be unto the Defendant allowed in that behalf.

To which Counties this Statute extendeth not.

V. Provided alway, That this Act extend not to charge the Lord, owner or owners of any Park or Ground incloſed within the Counties of Weſtmerland, Cumberland, Northumberland, and the Biſhoprick of Durham, nor any of them, to keep any Mares for any Park or Parks, Ground or Grounds incloſed, as is aforeſaid, lying in the ſaid Counties of Weſtmerland, Cumberland, Northumberland, and the Biſhoprick of Durham, or otherwiſe than they have or might have done before the making of this Act: (2) Nor alſo ſhall extend to charge the Lords, owner or owners of any Park or Parks, or Grounds incloſed, with the finding of any Mares, the herbage of which Park or Parks is common to the Tenants and Inhabitants of the Townſhips next adjoyning to the ſame Park or Parks, any thing in this preſent Act made to the contrary hereof notwithſtanding.

VI. Provided alſo, That every ſpiritual perſon and perſons charged and chargeable by this Act with the finding of Mares, may lawfully bargain and ſell the increaſe and breed of their ſaid Mares, any Act or Acts heretofore made to the contrary in any wiſe notwithſtanding.

Spiritual perſons may ſell the increaſe of their Mares.

CAP. VII.

For the Abuſes in the Foreſts of Wales.

Wales 112. No exactions ſhall be taken in the Foreſts of Wales.

Where divers and many Foreſts being in Wales and the Marches of the ſame, as well of the inheritance and poſſeſſions of our Soveraign Lord the King, as of divers others being Lords Marchers: within which Foreſts certain unreaſonable cuſtoms and exactions have been of long time unlawfully exacted and uſed, contrary both to the Law of God and Man, to the expreſs wrong and great impoveriſhing of divers of the Kings true ſubjects: (2) the effect of which ſaid unlawful exactions and cuſtoms be hereafter declared, that is to wit, It hath been there unlawfully uſed, that if it fortuned any of the Kings ſubjects to paſs, go or ride through, or in any way or path of any of the ſaid Foreſts, not having upon him or them that ſo ſhall fortune to paſs, go or ride, a token delivered to him or them by the chief Foreſters, Rulers, Walkers or Farmers, the which token ſhall be well known amongſt all them that are Walkers and Rulers under him or them: Or that he or they that ſo ſhall fortune to paſs, go or ride, in or throughout any of the ſaid Foreſts, be not yearly Tributors or Chenſers, then he or they ſo going, riding or travelling, in or throughout any of the ſaid Foreſts, having no token, nor being yearly Tributors or Chenſers, as is aforeſaid, have uſed to pay by unlawful exactions, unto the Foreſters, Rulers, Walkers and Farmers of the ſaid Foreſts, a grievous fine or reward: (3) And if any perſon or perſons, not having ſuch token or tokens, and not being a yearly Tributor or a Chenſer, as is aforeſaid, ſhould happen to be taken, found or eſpied by any of the ſaid Foreſters, Rulers, Walkers or Farmers, or their Aſſigns, by the ſpace of xxiv foot out of the high-way, then he or they ſo being taken, found or eſpied, out of the high-way, within any of the ſaid Foreſts, as is aforeſaid, to forfeit and loſe unto the ſaid Foreſters, Rulers, Walkers or Farmers, all ſuch Mony or Gold as ſhould be then found upon him or them, ſo being taken in any of the ſaid Foreſts, out of the high-way, as is aforeſaid.

A rehearſal of divers unlawful and unreaſonable cuſtoms that were in ſome Foreſts in Wales.

II. And alſo the ſame perſon or perſons ſo being taken or found out of the high-way, to forfeit and loſe a joynt of one of his or their hands, or elſe to make fine therefore with the ſaid Foreſters, Rulers, Walkers and Farmers, at the will and pleaſure of the ſaid Rulers, Walkers or Farmers.

III. And if alſo that it happen any beaſt or quick cattel to come, go or eſcape into any of the ſaid Foreſts by ſtray, or thief-ſtolen, or otherwiſe, the ſaid Foreſters, Rulers, Walkers or Farmers, after knowledge to him or them given, have likewiſe unlawfully uſed to ſeiſe and take the ſame beaſt or cattel, as his or their own, and mark them with the mark of their Foreſt there uſed, and ſo ſeiſed, marked and taken thence, retain them as cattel forfeited unto their own uſe, by reaſon whereof, the owner and owners of the ſame cattel have been clear without remedy for the having again of the ſaid cattel, except only by way of redemption, for buying again their own cattel, contrary to all equity and conſcience: (2) In conſideration whereof, it may pleaſe the Kings Highneſs, with the aſſent of the Lords ſpiritual and temporal, and the Commons at this preſent Parliament aſſembled, and by the authority of the ſame, to enact, ordain and eſtabliſh, That from the Feaſt of the Nativity of St. John Baptiſt next coming, which ſhall be in the year of our Lord God, MDXXXVI. all the ſaid unlawful cuſtoms to be determined void, and had for nought throughout all and every of the ſaid Foreſts within Wales, and the Marches of the ſame.

IV. And that it ſhall be lawful from thenceforth to all and every the Kings true ſubjects, and all other perſon or perſons being in league and amity with our ſoveraign Lord the King, his heirs and ſucceſſors, Kings of England, freely, quietly and in peace to paſs and repaſs, travel and go into and throughout the ſaid Foreſts and every of them, both on horſe-back and on foot, as well following and driving of Cattel, as with carrying of Wares, or otherwiſe, about their lawful buſineſs and affairs, without any fine or forfeiture, toll, cuſtom, exaction, or other impoſition to be taken, exacted or demanded of them, or any of them, by the ſaid Foreſters, Rulers, Walkers, Farmers or their Aſſigns: (2) And if it ſhall chance or happen any of the ſaid Foreſters, Rulers, Walkers, Farmers or their Aſſigns, or any of them, at any time after the ſaid Feaſt of Saint John Baptiſt, to take any perſon or perſons, being the Kings true ſubjects, or otherwiſe in league and amity with our ſaid ſoveraign Lord, his heirs or ſucceſſors, Kings of England, as is aforeſaid, and exact and take of them or any of them, any of the ſaid forfeitures, fines, tolls, cuſtoms and exactions, as is above mentioned, and be thereof lawfully convicted, that then he or they ſo doing and offending contrary to this Act, to incur and ſtand in the dangers of the Statute heretofore provided for Robberies by the Kings high-way, and the ſame to be tried before the Juſtices of the Peace in the next Shire adjoinant, according to the Law of this Realm of England.

All the Kings ſubjects and friends may paſs freely through all the Foreſts in Wales without payment of any unlawful exactions.

The penalty of ſuch which do take unlawful exactions.

V. And farther be it enacted by the authority aforeſaid, That if any manner of beaſt or quick cattel of any of the Kings true ſubjects, or others of the Kings friends, at any time after the ſaid Feaſt of the Nativity of Saint John Baptiſt, do come into any the ſaid Foreſts, by ſtrays, thief-ſtolen, or otherwiſe, and there be marked and ſeiſed by any of the ſaid Foreſters, Rulers, Walkers, Farmers or their Aſſigns, or any of them, and the owner and owners of the ſame cattel within one year and a day then next enſuing, chance to find the ſaid cattel ſo taken, and lawfully prove the ſame to be his or their own proper cattel, That then the ſame cattel to be redelivered to the owner or owners thereof, according to the ancient Law of this Realm of England, the ſaid owner or owners reaſonably paying for the keeping of ſuch cattel after the rate of the time that ſuch cattel ſhall have been in the cuſtody and keeping of any ſuch Foreſters, Rulers, Walkers and Farmers, or his or their Aſſigns, in ſuch manner and form as heretofore hath been in like caſe uſed to be done by the

Cattel ſtrayed being recovered within a year, ſhall be re-delivered to the owner.

Law of this Realm of eſtrayed cattel claimed and proved by the owners, within a year and a day next after the ſeiſing of the ſame cattel: (2) And if any of the ſaid Foreſters, Rulers, Walkers, Farmers or their Aſſigns, or any of them, do deny the deliverance of all ſuch cattel, by them or any of them ſo ſeiſed or marked within any of the ſaid Foreſts, after the owner or owners of them ſhall have duly and lawfully proved them to be his or their own proper goods and chattels, as is aforeſaid, that then every ſuch Foreſter, Ruler, Walker, Farmer, or their Aſſigns, ſo doing and offending contrary to this Act, to forfeit and pay unto the party grieved, the double value of all ſuch cattel as ſhall be ſo taken and marked, and not delivered to the owner or owners, as is aforeſaid: (3) And that the party grieved may have his Action of Detinue at the Common Law, of and for the ſame cattel, againſt every ſuch offender or offenders, and the ſame to be tried in the next Shire adjoinant: in which Action the defendant ſhall not be admitted to wage his Law, nor Eſſoin, nor Protection ſhall be allowed for them: And like proceſs of outlawry to be had and made in the ſaid Action of Detinue, in the next Shire adjoinant, againſt every Foreſter, Ruler, Walker, Farmer or their Aſſigns, ſo offending contrary to the tenor of this Act, as in an Action of Treſpaſs at the Common Law of this Realm is uſed.

The penalty for detaining cattel ſtrayed.

CAP. VIII.

An Act that the Kings ſpiritual Subjects ſhall pay no Tenths for their ſpiritual Promotions for that firſt year for which they paid their Firſt-fruits.

Eccleſiaſtical Perſons 26. No ſpiritual perſon ſhall pay any tenth the ſame year they pay their firſt-fruits. St. 26 H. 8. 3. ſect. 9. N. 2.

WHere by a late Act made this Parliament, for and concerning the grant made to the Kings Highneſs of the tenth of the yearly value of all ſpiritual poſſeſſions of this Realm, and of the firſt-fruits thereof, there appeareth by the words of the ſaid Act, that Prelates and all other Incumbents be charged to the payment of the tenth that ſhall be due to the Kings Highneſs, in and for the firſt year that they ſhall be elected, prefected, preſented, collated or admitted to any degrees, benefices or other promotion ſpiritual, (2) and for the ſame firſt year ſhall alſo pay the whole firſt-fruits, of their ſaid dignities, benefices and promotions, which is a double charge: (3) For reformation whereof, the Kings Highneſs, for the entire and hearty love that his Grace beareth to the Prelates and other Incumbents chargeable to the payment of the ſaid tenth and firſt-fruits of his excellent goodneſs is pleaſed and contented, that it be enacted by authority of this preſent Parliament, That whenſoever any perſon or perſons, from the firſt day of May, which ſhall be in the year of our Lord God, a thouſand five hundred thirty and ſix, ſhall be named, prefected, preſented, collated, or by any other means appointed to have any Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, College, Hoſpital, Archdeaconry, Deanry, Provoſtſhip, Prebend, Parſonage, Vicarage, Chauntry, Free-chapel or other Dignity, Benefice or Promotion ſpiritual, by virtue whereof they ſhall be charged or chargeable, as well for the payment of the tenth of every the ſaid Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, College, Hoſpital, Archdeaconry, Deanry, Provoſtſhip, Prebend, Parſonage, Vicarage, Chauntry, Free-chapel or other Dignity, Benefice or Promotion ſpiritual, as with the payment of the firſt-fruits of the ſame, and every of the ſame, ſhall at his or their compoſition, agreement, or entry into ſpecialty or ſpecialties, for the payment of the ſaid firſt-fruits, have allowance and deduction of the ſaid tenth part of the whole, out of the ſum to be paid for the ſaid firſt-fruits for the year wherein he or they ſhall be firſt nominated, prefected, preſented, collated, or by any other means appointed to have any of the ſaid Dignities, Benefices, Offices or other Promotions ſpiritual, according to the juſt rate, taxation and ſeſſment of the tenth of every the ſaid Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, College, Hoſpital, Archdeaconry, Deanry, Provoſtſhip, Prebend, Parſonage, Vicarage, Chauntry, Free-chapel or other Dignity, Benefice, Office or Promotion ſpiritual within this Realm, or elſewhere within any of the Kings Dominions, of what name, nature or quality ſoever they be, or to whoſe foundation, patronage or gift ſoever they belong, now being enrolled, or that hereafter ſhall be enrolled in the Kings Exchequer, or in any other the Kings Courts of Record.

II. And be it farther enacted, That every Commiſſioner or Commiſſioners, or other the Kings Officers or Miniſters, or any other perſon or perſons, which either by authority of any Act of Parliament, or by Commiſſion or Commiſſions under the Kings great Seal, or otherwiſe by his Graces commandment, or by the commandment of ſuch as by his Highneſs ſhall be authorized for that purpoſe, be appointed, aſſigned or deputed, or that hereafter ſhall be appointed, authorized, aſſigned or deputed to compound, agree and receive bonds and ſpecialties to his Majeſties uſe, for payment of the ſaid firſt-fruits of every of the ſaid Dignities, Benefices, Offices or other Promotions ſpiritual, ſhall and may by force of this Act, from the ſaid firſt day of May for ever forward, have authority to deduct and allow unto every ſuch perſon or perſons, as from the aforeſaid firſt day of May ſhall be nominated, prefected, preſented, collated or by any other means appointed to have any of the ſaid Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, College, Hoſpital, Archdeaconry, Deanry, Provoſtſhip, Prebend, Parſonage, Vicarage, Chauntry, Free-chappel, or other Dignity, Benefice, Office or Promotion ſpiritual, the tenth part of the whole as is aforeſaid, out of the ſame Firſt-fruits for the year wherein he or they ſhall be firſt nominated, prefected, preſented, collated, or by any other means appointed unto every of the ſame, as is aforeſaid, without any farther ſuit to be made to the Kings Highneſs, and without impoſition or exaction, or other charge to be in any wiſe demanded or exacted of the perſon or perſons ſo preferred, for the allowance unto them of the ſaid tenth, for the ſaid firſt year in form above expreſſed: any thing or things in this ſaid Act of the grant of the ſaid tenth and firſt-fruits to the contrary notwithſtanding.

Every perſon authorized to compound for firſt-fruits may deduct the tenth part out of the firſt-fruits.

He that hath his tenth deducted out of the firſt-fruits ſhall pay it to the King. Lage 29.

III. And it is alſo enacted by the authority aforeſaid, That all and every perſon and perſons, that upon his or their compoſition and agreement for the firſt-fruits, ſhall be defalked and allowed the tenth part of the whole ſum of his or their Dignities, Benefices, Offices or Promotions ſpiritual, for the year wherein he or they ſhall be firſt nominated, prefected, preſented, collated, or by any other means appointed unto any of the ſame, as is aboveſaid, ſhall yield and pay the ſaid tenth part unto the Kings Majeſty, his Heirs and Succeſſors, the ſaid firſt year, in like manner and form, and at ſuch day as is limited in the ſaid Act of the grant of the ſaid tenth and firſt-fruits: any thing contained in this Act to the contrary notwithſtanding.

IV. Be it farther enacted by the authority aforeſaid, That in ſuch caſes where the ſucceſſor of any incumbent ſhall be chargeable to the payment of ſuch ſums of mony as ſhall be due of and for the ſaid tenth that ſhall happen to be behind unpaid in the time or life of his predeceſſor, there every ſuch ſucceſſor may lawfully diſtrain ſuch goods and chattels of his predeceſſor, as ſhall happen to be and remain in and upon the dignity, benefice or promotion ſpiritual, of the which the ſame tenth was behind and unpaid in the life or time of his predeceſſor; (2) and retain the ſame goods and chattels, till ſuch time as the ſaid predeceſſor, if he be alive, and if he be dead, then his executors or adminiſtrators, or ſuch other to whom his goods or chattels ſhould appertain, have fully ſatisfied and paid ſuch ſums of mony as ſhall happen to be behind and unpaid of the ſaid tenth: (3) And in caſe the ſaid predeceſſor, his executors, adminiſtrators, or ſuch other to whom his goods or chattels ſhould appertain, within twelve days next after the diſtreſs thereof, do not ſatisfie the ſaid ſums of mony being behind of the ſaid tenth, as is aforeſaid; that then for ſuch default of payment, it ſhall be lawful to every ſuch ſucceſſor, to cauſe the ſaid goods and cattels ſo diſtrained, to be praiſed by two or three indifferent perſons to be ſworn for the ſame: (4) And according to the ſame appraiſing, to ſell ſo much thereof as ſhall amount as well to the full ſatisfaction of the ſaid ſums of mony being behind and unpaid of the ſaid tenth in the life or time of his predeceſſor, as for the reaſonable coſts that ſhall be ſpent by the occaſion of diſtraining and appraiſing of the ſame goods and cattels. (5) And in caſe no ſufficient goods and cattels may be found in or upon ſuch dignities, benefices, or promotions ſpiritual, for the ſatisfaction of the ſaid tenth, being behind unpaid, as is aboveſaid, that then the predeceſſor by whom ſuch tenth was due to be paid, if he be alive, and if he be dead, then his executors, adminiſtrators, and other to whom his goods and cattels ſhall appertain or belong, ſhall be compelled to the payment of the ſaid tenth being behind and unpaid, as is aforeſaid, by bill to be purſued in the Kings Chancery by the ſucceſſor that ſhall be chargeable for the ſame, or elſe by action or plaint of debt to be taken and commenced by ſuch ſucceſſor, by order of the Common Laws. 1 Eliz. 4.

What remedy the ſucceſſor ſhall have, which is compelled to pay the tenth for his predeceſſor.

CAP. IX.

Butchers may ſell fleſh during two years, as they did before the making of the Statute of 24 H. 8. 3. and 25 H. 8. 1. notwithſtanding the ſame Statutes. Exp.

Butchers, Raſt. 2.

CAP. X.

An Act concerning Uſes and Wills.

WHere by the common laws of this Realm, lands, tenements and hereditaments, be not deviſable by teſtament, (2) nor ought to be transferred from one to another, but by ſolemn livery and ſeiſin, matter of record, writing ſufficient made bona fide without covin or fraud: (3) yet nevertheleſs, divers and ſundry imaginations, ſubtile inventions and practices have been uſed, whereby the Hereditaments of this Realm have been conveyed from one to another by fraudulent feoffments, fines, recoveries and other aſſurances craftily made to ſecret uſes, intents and truſts; (4) and alſo by Wills and Teſtaments, ſometime made by nude parolx and words, ſometimes by ſigns and tokens, and ſometime by writing, and for the moſt part made by ſuch perſons as be viſited with ſickneſs in their extream agonies and pains, or at ſuch time as they have had ſcantly any good memory or remembrance; (5) at which times they being provoked by greedy and covetous perſons lying in wait about them, do many times diſpoſe indiſcreetly and unadviſedly their lands and inheritances; (6) by reaſon whereof, and by occaſion of which fraudulent feoffments, fines, recoveries, and other like aſſurances to uſes, confidences and truſts, divers and many heirs have been unjuſtly at ſundry times diſherited, the Lords have loſt their Wards, Marriages, Reliefs, Harriots, Eſcheats, Aids pur fair fitz chivalier, & pur file marier, (7) and ſcantly any perſon can be certainly aſſured of any lands by them purchaſed, nor know ſurely againſt whom they ſhall uſe their actions or execution for their rights, titles and duties: (8) Alſo men married have loſt their tenances by the courteſie, (9) women their dowers, (10) manifeſt perjuries by trial of ſuch ſecret Wills and Uſes have been committed: (11) The Kings Highneſs hath loſt the profits and advantages of the lands of perſons attainted, (12) and the lands craftily put in feoffments to the uſes of aliens born, (13) and alſo the profits of waſte for a year and a day of lands of felons attainted, (14) and the Lords their eſcheats thereof: (15) and many other inconveniences have happened and daily do increaſe among the Kings ſubjects, to their great trouble and inquietneſs, and to the utter ſubverſion of the ancient common Laws of this Realm; (16) For the extirping and extinguiſhment of all ſuch ſubtile practiſed feoffments, fines, recoveries, abuſes and errours heretofore uſed and accuſtomed in this Realm, to the ſubverſion of the good and ancient Laws of the ſame, and to the intent that the Kings Highneſs or any other his Subjects of this Realm, ſhall not in any wiſe hereafter by any means or inventions be deceived, damaged or hurt by reaſon of ſuch truſts, uſes or confidences; (17) It may pleaſe the Kings moſt Royal Majeſty, That it may be enacted by his Highneſs, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, in manner and form following: That is to ſay, that where any perſon or perſons ſtand or be ſeiſed, or at any time hereafter ſhall happen to be ſeiſed of and in any Honours, Caſtles, Manors, Lands, Tenements, Rents, Services, Reverſions, Remainders or other Hereditaments, to the uſe, confidence or truſt of any other perſon or perſons, or of any body politick, by reaſon of any bargain, ſale, feoffment, fine, recovery, covenant, contract, agreement, will, or otherwiſe, by any man-

Uſes, 1. How by the common Law, Lands ought to be transferred from one perſon to another. 1 Bulſt. 163. 3 Bulſtr. 185, 252. Godbolt, 299. pl. 416.

Several inconveniences enſuing by conveyance of Lands to uſes, and by deviſing them by Wills. 1 Roll 260, 327. 385. 2 Roll 170, 335, 336, 494. Poph. 21. 70. 1 Co. 120.

1 Leonard, 14, 258. 2 Leonard, 6, 15. The poſſeſſion of Lands ſhall be in him or them that have the uſe.

Cro. El. 46. pl. 2. Cro. Jac. 6. 401, 453. Cro. Car. 44. 218. 1 Anderſ. 337.

ner means whatſoever it be: that in every ſuch caſe, all and every ſuch perſon and perſons, and bodies politick, that have, or hereafter ſhall have any ſuch uſe, confidence or truſt, in fee-ſimple, fee-tail, for term of life, or for years, or otherwiſe; or any uſe, confidence or truſt, in remainder or reverter, ſhall from henceforth ſtand and be ſeiſed, deemed and adjudged in lawful ſeiſin, eſtate and poſſeſſion of and in the ſame Honours, Caſtles, Manors, Lands, Tenements, Rents, Services, Reverſions, Remainders and Hereditaments, with their appurtenances, to all intents, conſtructions, and purpoſes in the Law, of and in ſuch like Eſtates as they had or ſhall have in uſe, truſt or confidence, of or in the ſame: (19) And that the Eſtate, Title, Right and Poſſeſſion that was in ſuch perſon or perſons, that were or hereafter ſhall be ſeiſed of any Lands, Tenements, or Hereditaments, to the uſe, confidence or truſt of any ſuch perſon or perſons, or of any body politick, be from henceforth clearly deemed and adjudged to be in him or them that have, or hereafter ſhall have ſuch uſe, confidence or truſt, after ſuch quality, manner, form and condition as they had before in or to the uſe, confidence or truſt that was in them.

Aſſurance made of divers to the uſe of one or ſome of them. 13 Co. 35. 56. 2 Roll 246.

II. And be it farther enacted by the authority aforeſaid, That where divers and many perſons be, or hereafter ſhall happen to be jointly ſeiſed of and in any Lands, Tenements, Rents, Reverſions, Remainders, or other Hereditaments, to the uſe, confidence or truſt of any of them that be ſo jointly ſeiſed, that in every ſuch caſe, that thoſe perſon or perſons which have or hereafter ſhall have any ſuch uſe, confidence or truſt in any ſuch Lands, Tenements, Rents, Reverſions, Remainders or Hereditaments, ſhall from henceforth have and be deemed and adjudged to have only to him or them that have, or hereafter ſhall have ſuch uſe, confidence or truſt, ſuch eſtate, poſſeſſion and ſeiſin, of and in the ſame Lands, Tenements, Rents, Reverſions, Remainders, and other Hereditaments, in like nature, manner, form, condition and courſe, as he or they had before in the uſe, confidence or truſt of the ſame Lands, Tenements or Hereditaments: (2) Saving and reſerving to all and ſingular perſons and bodies politick, their heirs and ſucceſſors, other than thoſe perſon or perſons, which be ſeiſed or hereafter ſhall be ſeiſed of any Lands, Tenements or Hereditaments, to any uſe, confidence or truſt, all ſuch right, title, entry, intereſt, poſſeſſion, rents and action, as they or any of them had or might have had before the making of this Act.

Saving of the right of ſtrangers.

Saving of the right of the feoffees to uſe. 1 Anderſ. 84. 2 Roll 505, 245.

III. And alſo ſaving to all and ſingular thoſe perſons, and to their heirs, which be, or hereafter ſhall be ſeiſed to any uſe, all ſuch former right, title, entry, intereſt, poſſeſſion, rents, cuſtoms, ſervices and action, as they or any of them might have had to his or their own proper uſe, in or to any Manors, Lands, Tenements, Rents or Hereditaments, whereof they be or hereafter ſhall be ſeiſed to any other uſe, as if this preſent Act had never been had nor made: any thing contained in this Act to the contrary notwithſtanding.

IV. And where alſo divers perſons ſtand and be ſeiſed of and in any Lands, Tenements or Hereditaments, in fee-ſimple or otherwiſe, to the uſe or intent that ſome other perſon or perſons ſhall have and perceive yearly to them, and to his or their heirs, one annual rent of ten pounds or more, or leſs, out of the ſame Lands and Tenements, and ſome other perſon one other annual rent to him and his aſſigns for term of life or years, or for ſome other ſpecial time, according to ſuch intent and uſe, as hath been heretofore declared, limited and made thereof.

Land aſſured to the uſe that rent ſhould be paid out thereof to ſome other. 1 Anderſ. 275, 318.

V. Be it therefore enacted by the authority aforeſaid, That in every ſuch caſe, the ſame perſons, their heirs and aſſigns, that have ſuch uſe and intereſt, to have and perceive any ſuch annual rents, out of any Lands, Tenements or Hereditaments, that they and every of them, their heirs and aſſigns be adjudged and deemed to be in poſſeſſion and ſeiſin of the ſame rent, of and in ſuch like eſtate, as they had in the title, intereſt or uſe of the ſaid rent or profit, and as if a ſufficient grant or other lawful conveyance had been made and executed to them, by ſuch as were or ſhall be ſeiſed to the uſe or intent of any ſuch rent to be had, made or paid, according to the very truſt and intent thereof: (2) And that all and every ſuch perſon and perſons as have or hereafter ſhall have any title, uſe and intereſt, in or to any ſuch rent or profit, ſhall lawfully diſtrain for non-payment of the ſaid rent, and in their own names make avowries, or by their bailiffs or ſervants make coniſances and juſtifications, (3) and have all other ſuits, entries and remedies for ſuch rents, as if the ſame rents had been actually and really granted to them, with ſufficient clauſes of diſtreſs, re-entry, or otherwiſe, according to ſuch conditions, pains or other things limited and appointed upon the truſt and intent for payment or ſurety of ſuch rent.

Dower 4. A woman ſhall not have both a jointure and dower of her husbands Lands. Cok. pl. f. 171, 172. 13 Co. 48.

VI. And be it farther enacted by the authority aforeſaid, That whereas divers perſons have purchaſed, or have eſtate made and conveyed, of and in divers Lands, Tenements and Hereditaments unto them and to their wives, and to the heirs of the husband, or to the husband and to the wife, and to the heirs of their two bodies begotten, or to the heirs of one of their bodies begotten, or to the husband and to the wife for term of their lives, or for term of life of the ſaid wife: (2) Or where any ſuch eſtate or purchaſe of any Lands, Tenements, or Hereditaments, hath been or hereafter ſhall be made to any husband and to his wife, in manner and form above expreſſed, or to any other perſon or perſons, and to their heirs and aſſigns, to the uſe and behoof of the ſaid husband and wife, or to the uſe of the wife, as is before rehearſed, for the jointure of the wife: (3) that then in every ſuch caſe, every woman married, having ſuch jointure made, or hereafter to be made, ſhall not claim nor have title to have any dower of the reſidue of the Lands, Tenements or Hereditaments, that at any time were her ſaid husbands, by whom ſhe hath any ſuch jointure, nor ſhall demand nor claim her dower of and againſt them that have the lands and inheritances of her ſaid husband: (4) But if ſhe have no ſuch jointure, then ſhe ſhall be admitted and enabled to purſue, have and demand her dower by writ of dower, after the due courſe and order of the common Laws of this Realm: this Act or any Law or proviſion made to the contrary thereof notwithſtanding.

A woman ſhall be endowed whoſe jointure is recovered.

VII. Provided alway, That if any ſuch woman be lawfully expulſed or evicted from her ſaid jointure or from any part thereof, without any fraud or covin, by lawful entry, action, or by diſcontinuance of her husband: then every ſuch woman ſhall be endowed of as much of the reſidue of her husbands tenements or Hereditaments, whereof ſhe was before dowable, as the ſame lands and tenements ſo evicted and expulſed ſhall amount or extend unto.

VIII. Provided alſo, That this Act, nor any thing therein contained or expreſſed, extend, or be in any wiſe hurtful or prejudicial to any woman or women heretofore being married, of, for or concerning ſuch right, title, uſe, intereſt or poſſeſſion, as they or any of them have, claim or pretend to have for her or their jointer or dower, of, in or to any manors, lands, tenements or other hereditaments of any of their late husbands, being now dead or deceaſed: any thing contained in this Act to the contrary notwithſtanding.

Women heretofore married.

IX. Provided alſo, That if any wife have, or hereafter ſhall have any manors, lands, tenements or hereditaments, unto her given or aſſured after marriage, for term of her life, or otherwiſe in jointer, except the ſame aſſurance be to her made by Act of Parliament, and the ſaid wife after that fortune to over-live the ſame her husband in whoſe time the ſaid jointer was made or aſſured unto her; that then the ſame wife ſo over-living, ſhall and may at her liberty, after the death of her ſaid husband, refuſe to have and take the lands and tenements ſo to her given, appointed or aſſured during the coverture, for term of her life, or otherwiſe in jointer, except the ſame aſſurance be to her made by Act of Parliament, as is aforeſaid, (2) and thereupon to have, ask, demand and take her dower by writ of dower, or otherwiſe, according to the common Law, of and in all ſuch lands, tenements and hereditaments, as her husband was and ſtood ſeiſed of any eſtate of inheritance at any time during the coverture: any thing contained in this Act to the contrary in any wiſe notwithſtanding.

A jointer made after marriage, may be taken or refuſed by the wife.

X. Provided alſo, That this preſent Act, nor any thing therein contained, extend, nor be at any time hereafter interpreted, expounded or taken to extinct, releaſe, diſcharge or ſuſpend any ſtatute, recogniſances or other bond, by the execution of any eſtate, of or in any lands, tenements or hereditaments by the authority of this Act, to any perſon or perſons, or bodies politick: any thing contained in this Act to the contrary thereof notwithſtanding.

This ſtatute ſhall extinguiſh no ſtatute or recogniſance, &c.

XI. And foraſmuch as great ambiguities and doubts may ariſe of the validity and invalidity of Wills heretofore made of any lands, tenements and hereditaments, to the great trouble of the Kings ſubjects: (2) the Kings moſt Royal Majeſty, minding the tranquility and reſt of his loving ſubjects, of his moſt excellent and accuſtomed goodneſs is pleaſed and contented, that it be enacted by the authority of this preſent Parliament, That all manner true and juſt Wills and Teſtaments heretofore made by any perſon or perſons deceaſed, or that ſhall deceaſe before the firſt day of May, that ſhall be in the year of our Lord God, MDXXXVI. of any lands, tenements, or other hereditaments, ſhall be taken and accepted good and effectual in the Law, after ſuch faſhion, manner and form as they were commonly taken and uſed at any time within xl years next afore the making of this Act; any thing contained in this Act, or the Preamble thereof, or any opinion of the common Law to the contrary thereof notwithſtanding.

Wills made before the ſtatute, or ſhortly after, how they ſhall be taken.

XII. Provided always, That the Kings Highneſs ſhall not have, demand or take any advantage or profit, for or by occaſion of the executing of any eſtate, only by authority of this Act, to any perſon or perſons, or bodies politick, which now have, or on this ſide the ſaid firſt day of May, which ſhall be in the year of our Lord God MDXXXVI. ſhall have any uſe or uſes, truſts or confidences in any manors, lands, tenements or hereditaments holden of the Kings Highneſs, by reaſon of primer ſeiſin, livery, Ouſter le main, fine for alienation, relief or harriot; (2) but that fines for alienations, reliefs and harriots ſhall be paid to the Kings Highneſs, and alſo Liveries and Ouſter le mains ſhall be ſued for uſes, truſts and confidences to be made and executed in poſſeſſion by authority of this Act, after and from the ſaid firſt day of May, of lands and tenements, and other hereditaments holden of the King in ſuch like manner and form to all intents, conſtructions and purpoſes, as hath heretofore been uſed or accuſtomed by the order of the Laws of this Realm.

How Fines for alienation, reliefs, and harriots ſhall be paid to the King.

XIII. Provided alſo, That no other perſon or perſons, or bodies politick, of whom any lands, tenements or hereditaments be, or hereafter ſhall be holden mediate or immediate, ſhall in any wiſe demand or take any fine, relief or harriot, for or by occaſion of the executing of any eſtate by the authority of this Act to any perſon or perſons, or bodies politick, before the ſaid firſt day of May, which ſhall be in the year of our Lord God MDXXXVI.

Other lands, fines, reliefs and harriots.

XIV. And be it enacted by authority aforeſaid, That all and ſingular perſon and perſons, and bodies politick, which at any time on this ſide the ſaid firſt day of May, which ſhall be in the year of our Lord God 1536. ſhall have any eſtate unto them executed, of and in any lands, tenements or hereditaments, by the authority of this Act, ſhall and may have and take the ſame or like advantage, benefit, voucher, aid prayer, remedy, commodity and profit by action, entry, condition, or otherwiſe, to all intents, conſtructions and purpoſes, as the perſon or perſons ſeiſed to their uſe, of or in any ſuch lands, tenements or hereditaments ſo executed, had, ſhould, might or ought to have had at the time of the execution of the eſtate thereof, by the authority of this Act, againſt any other perſon or perſons, of or for any waſte, diſſeiſin, treſpaſs, condition broken, or any other offence, cauſe or thing, concerning or touching the ſaid lands or tenements ſo executed by the authority of this Act.

Ceſtuy que uſe may take all ſuch advantages as his Feoffees might have had.

XV. Provided alſo, and be it enacted by the authority aforeſaid, That actions now depending againſt any perſon or perſons ſeiſed of or in any lands, tenements or hereditaments, to any uſe, truſt or confidence, ſhall not abate, ne be diſcharged for or by reaſon of executing of any eſtate thereof by authority of this Act, before the ſaid firſt day of May, which ſhall be in the year of our Lord God 1536. any thing contained in this Act to the contrary notwithſtanding.

Actions now depending.

XVI. Provided alſo, That this Act, nor any thing therein contained, ſhall not be prejudicial to the Kings Highneſs for wardſhips of heirs now being within age, nor for liveries, or for Ouſter le mains, to be ſued by any perſon or perſons now being within age, or of full age, of any lands or tenements unto the ſame heir or heirs now already deſcended: any thing in this Act contained to the contrary notwithſtanding.

Wardſhips, Liveries, or Ouſter le main of any now being within age, or of full age.

Recognizances taken to the Kings uſe concerning recoveries.

XVII. Provided alſo, and be it enacted by the authority aforeſaid, That all and ſingular Recognizances heretofore acknowledged, taken or made to the Kings uſe, for or concerning any recoveries of any Lands, tenements or hereditaments heretofore uſed or had, by writ or writs of entry upon diſſeiſin in le poſt, ſhall from henceforth be utterly void and of none effect to all intents, conſtructions and purpoſes.

Eſtates of lands executed to perſons born in Wales.

XVIII. Provided alſo, That this Act, nor any thing therein contained, be in any wiſe prejudicial or hurtful to any perſon or perſons born in Wales, or the Marches of the ſame, which ſhall have any eſtate to them executed by authority of this Act, in any lands, tenements or other hereditaments within this Realm, whereof any other perſon or perſons now ſtand, or be ſeiſed to the uſe of any ſuch perſon or perſons born in Wales, or the Marches of the ſame: but that the ſame perſon or perſons born in Wales, or the Marches of the ſame, ſhall or may lawfully have, retain and keep the ſame lands, tenements or other hereditaments whereof eſtate ſhall be ſo unto them executed by the authority of this Act, according to the tenor of the ſame: any thing in this Act contained, or any other act or proviſion heretofore had or made to the contrary notwithſtanding.

CAP. XI.

For Clerks of the Signet.

Clerk of the Signet 1. Co. Inſt. 4 p. 55. The courſe of ſuing forth Gifts and Grants made under the Kings Sign Manual, and the Clerk of the Signets fees. The Kings Grants ſhall be brought to the Secretary or Clerk of the Signet.

Whereas the Kings Clerks of his Graces Signet and Privy Seal, giving their daily attendances for the paſſing and writing of his Majeſties great and weighty affairs, and the cauſes of this his Realm, having for their entertainment and their Clerks, no fees nor wages certain for thoſe Offices, other than ſuch fees as cometh and groweth of the ſaid Signet and Privy Seal: (2) To the intent that from henceforth they ſhould not by any manner of means be defeated of any part or portion of the ſame their fees, Be it therefore ordained, eſtabliſhed and enacted, by the conſent and aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all and every gift, grant and other writing which ſhall be made or given in writing by the Kings Highneſs, or any his moſt noble poſterity, to any perſon or perſons ſigned with his Graces Sign, or the Sign or Signs Manual of any of them, to be paſſed under any his Graces great Seals of England, Ireland, Dutchy of Lancaſter, or any of his Highneſs Counties Palatines, or Principality of Wales, or by other proceſs out of the Exchequer, after the xv day of April, in the xxvij year of his moſt noble reign, (3) and that all and every gifts, grants and other writings, of what name or names, quality or qualities ſoever the ſame be, or hereafter ſhall be named, deemed or called, which the Maſter of the Kings Wards, or general Surveyors of the Kings lands for the time being, or any other Officer or Officers that now be, or hereafter ſhall be made, ſhall by virtue of any Act of Parliament, or any the Kings grants to them or any of them made, or hereafter to be made in that behalf, give, grant or make, after the aforeſaid xv day of April, to any perſon or perſons in the Kings name, to be paſſed under any his Majeſties Seals, (4) be in any wiſe firſt and before the ſame grant or any of them be paſſed under any the Kings ſaid Seals, or other proceſs made of the ſame, brought and delivered to the Kings principal Secretary, or to one of the Kings Clerks of his Graces Signet for the time being, to be at the ſaid Office of the Signet paſſed accordingly.

A warrant by the Clerk of the Signet to the Lord Keeper of the Privy Seal.

II. And be it alſo ordained and enacted by the Authority aforeſaid, That one of the Clerks of the ſaid Signet, to whom any the ſaid writings ſigned with the Kings moſt gracious hand, or the hand of any other aforeſaid, or any of them, fortune to be delivered, may and ſhall by warrant of the ſame bills, and every of them within the ſpace of viij days next after he ſhall have received the ſame, unleſs he have knowledge by the ſaid Secretary, or otherwiſe, of the Kings pleaſure to the contrary, make or cauſe to be made in the Kings name, letters of warrant, ſubſcribed with the hand of the ſame Clerk, and ſealed with the Kings Signet, to the Lord Keeper of the Kings Privy Seal, for farther proceſs to be had in that behalf: (2) And that one of the Kings Clerks of the ſaid Privy Seal, upon due examination had by the ſaid Lord Keeper of the ſaid Privy Seal, of the ſaid warrant to him addreſſed from the Office of the ſaid Signet as afore, may and ſhall within the ſpace of viij days next after he ſhall have received the ſame, unleſs the Lord Keeper of the Privy Seal do give them commandment to the contrary, make or cauſe to be made by warrant of the foreſaid warrant to the ſaid Lord Keeper of the Privy Seal, addreſs from the office of the Signet aforeſaid, other letters of like warranty, ſubſcribed with the name of the ſame Clerk of the Privy Seal, to the Lord Chancellor of England, Lord Keeper of the great Seal, Chancellor of the Dutchy of Lancaſter, Chancellor of the Kings Land of Ireland, Treaſurer and Chamberlains of the Exchequer, and Chamberlains of any of his Counties Palatines or Principality of Wales, or other officer, and to every of them, for the writing and enſealing with ſuch Seals as remain in their cuſtody of Letters Patent or cloſed, or other proceſs making, due and requiſite to be had or made upon any the ſaid grants, according to the tenor of the warrant to them or any of them directed from the Officer of the Privy Seal, as is afore ſpecified.

A warrant from the Privy Seal to the Great Seal, &c.

III. And alſo be it enacted by the authority aforeſaid, That no manner Clerk or Clerks, or other perſon or perſons, do write or make any manner writing, warrant or warrants, upon any manner gift or grant made by the Kings Highneſs, or by any other his Graces officers, as aforeſaid, or procure the ſame or any of the ſame to be paſſed under any the Seals aforeſaid, after any other ſort, manner or faſhion, or by any other warrant or warrants, than as before is ſpecified and declared, (2) upon pain to forfeit for every bill, warrant or writing paſſed contrary to the order before limited and preſcribed, the ſum of x li. ſterling, the one half thereof to be to our Sovereign Lord the King, and the other half to him that ſhall firſt ſue for the ſame by action of debt, writ, bill, plaint or information in any the Kings Courts, in which action or ſuit, no eſſoin, protection, proviſion, priviledge, nor wager of Law ſhall be admitted; any manner Act, Statute, Proviſion, Proclamation or other Ordinance heretofore had or made contrary to this preſent Act, or any Article of the ſame, in any wiſe notwithſtanding.

The penalty for altering of the courſe aforeſaid.

IV. And nevertheleſs be it alſo enacted, That every of the ſaid Clerks, or other perſon which ſhall paſs in writing, or procure to be paſſed in writing, any grant or grants by immediate warrant, wherefore fees be paid at the Great Seal, ſhall of the parties receive for the offices of the ſaid ſignet or privy ſeal, as well ſuch fees as in this Act is taxed for writing of any ſuch grant or other writings, as alſo the fees for the ſeal of the ſame; (2) which fees, and every part and portion thereof, the ſame Clerk or Clerks by whom any grant ſhall paſs in writing by immediate warrant, ſhall upon a bill of the hand of one of the ſaid Clerks of the ſaid Signet or Privy Seal, deliver unto one of the ſame Clerks of the Signet or Privy Seal, within the ſpace of three months next and immediately enſuing after the paſſing and ſealing of the ſaid grant or grants by immediate warrant, (3) upon pain of x pound ſterling, to be by every ſuch of the ſaid Clerks or other perſon as ſhall offend, forfeited to be levied in form aforeſaid, as often as he or they ſhall offend contrary to the meaning of this Act.

Fees for writing which paſs by immediate warrant.

V. Provided alſo, That this Act, or any thing contained in the ſame, be not in any wiſe prejudicial to the Lord Treaſurer of England for the time being, concerning ſuch warrants or precepts, as he by virtue of his Office ſhall and may direct immediately to the Lord Chancellor of England, or to any other perſon, for making out of the Kings Grants or Letters Patents to any perſon or perſons, of any offices, farmers of lands or tenements, or of any other thing belonging to his nomination and diſpoſition: (2) but that as well he may direct his ſaid warrants or precepts for the cauſes aboveſaid, as alſo his Clerk or Clerks, or other perſon may procure the ſame to be ſealed under any of the Clerks aforeſaid, without any warrant to be before or after ſued or obtained under the Kings Signet or Privy Seal for the ſame, in as large and ample manner, and after ſuch ſort and faſhion as he or they might have done at any time before the making of this Act; any thing in the ſame Act mentioned to the contrary notwithſtanding.

This Act ſhall not prejudice the Lord Treaſurer for directing of warrants to the great ſeal

VI. Provided alſo, That all and every leaſe and leaſes of the Kings manors, lands, tenements, poſſeſſions, or other profits or hereditaments within the County Palatine of Lancaſter, or of the Dutchy of Lancaſter out of the ſame County Palatine, which the Chancellor of the Dutchy of Lancaſter for the time being, or the Chancellor of the ſaid County Palatine for the time being, or either of them ſhall hereafter make or grant in the name of the King our Soveraign Lord, his heirs or ſucceſſors, to any manner perſon or perſons, ſhall and may paſs and be paſſed under the Seals of the ſaid Dutchy of Lancaſter, or of the ſaid County Palatine of Lancaſter, or either of them, in manner and form as heretofore hath been uſed and accuſtomed; Any thing in this preſent Act before made to the contrary notwithſtanding.

Leaſes of the Dutchy lands may paſs under the ſeal of the ſame Dutchy. Co. Inſt. 4 p. 210.

VII. Provided alſo, That all and every gift, grant and patent of any manner office or offices, or any other thing being, or which hereafter ſhall be in the County Palatine of Lancaſter or of the ſaid Dutchy of Lancaſter out of the ſaid County Palatine, the yearly wages or fees whereof amounteth not over and above the value of ij d. by the day, ſhall and may paſs and be paſſed by the ſaid Chancellor of the Dutchy of Lancaſter, or by the ſaid Chancellor of the ſaid County Palatine, or of either of them for the time being, in manner and form as heretofore hath been uſed and accuſtomed; Any article or thing in this preſent Act before made to the contrary notwithſtanding.

A grant of a ſmall office in the Dutchy.

VIII. And to the intent that as well ſuch as now bè, or hereafter ſhall be Miniſters and Clerks of the Kings Signet and Privy Seal, ſhould have and take honeſt and ſufficient ſalary and reward for the writing of the ſaid warrants to be by them made as aforeſaid, as alſo the Kings moſt loving, faithful and obedient ſubjects, knowing the certain charges to be by them laid out for the writing of the ſaid warrants, ſhould not by any manner exaction or other ſiniſter means be conſtrained by any the ſaid Clerks to pay more large and exceſſive fees for the writing of the ſame, than reaſon and conſcience ſhall require; (2) Be it enacted by the authority aforeſaid, That all and every Clerk and Clerks of the ſaid Signet and Privy Seal ſhall have and take for his or their writing of a warrant upon a bill for Tayles of reward, twelve pence. (3) For the writing of a warrant for the gift of every Office, twenty pence. (4) For the writing of a warrant for a penſion, annuity or wages, twenty pence. (5) For the writing of a warrant for a ſpecial Livery, or other perpetuity, ſix ſhillings and eight pence. (6) For the writing of a warrant upon every bill for a Congy deſlier, royal aſſent, reſtitution of temporalties, donatives, advocations, preſentations or other Eccleſiaſtical Matter, three ſhillings and four pence. (7) For the writing of every warrant upon a placard, licence, pardon or Sheriffs reward, two ſhillings: (8) for the writing of every warrant upon a Deniſen, three ſhillings and four pence. (9) For the writing of a warrant for keeping of an Ideot, twenty pence. (10) For the writing of a warrant for keeping of a Ward, three ſhillings and four pence. (11) And that no manner of Clerk or Clerks of the Signet or Privy Seal aforeſaid ſhall take for the writing of any manner warrant above ſpecified, more large and ample fees than before is preſcribed and appointed, (12) upon pain of x l. ſterling to be by him forfeited that ſhall offend contrary to the true tenor and meaning of the ſaid Act; the one half thereof to be to the King our Soveraign Lord, the other half to him that ſhall firſt ſue for the ſame by bill, action, plaint or information in any of the Kings Courts: in which action or ſuit, no eſſoin, protection nor wager of law ſhall be admitted.

What fees in ſeveral caſes the Clerk of the ſignet ſhall have.

The penalty for taking more or larger fees.

IX. Provided alſo, That the Lord Chancellor of England for the time being, ſhall and may at all times uſe his diſcretion in paſſing and ſpeeding any thing by the Great Seal, and delivering the ſame without paying any fees for the Great Seal, Signet and Privy Seal, as the caſe of neceſſity ſhall require, and as hath been accuſtomed. And that the Clerk for writing or procuring ſuch writings and patents by his commandment, ſhall be diſcharged of all penalties expreſſed before in this Act, for not receiving and paying fees to the Signet and Privy Seal; Any thing in this Act contained to the contrary hereof notwithſtanding.

The Lord Chancellor may paſs things without fees.

X. And be it farthermore enacted by the authority aforeſaid, That this preſent Act and every part and parcel thereof, ſhall extend to the Court of the augmentation of the revenues

This Act ſhall bind every officer and clerk of the Court of Augmentations.

of the Kings Crown, and bind every Officer and Officers, their Clerks and Miniſters that now be, and hereafter ſhall be of the ſame Court, to the obſervation thereof and of every part thereof, for and concerning the ſealing and writing of any manner patent, leaſe or other grant, which upon the Kings Bill ſigned ſhall paſs the great ſeal of the ſame Court: and ſpecial words contained in the Act made in this preſent ſeſſion for the eſtabliſhment of the officers of the ſaid Court of the augmentation, or any other Act or proviſion made to the contrary hereof in any wiſe notwithſtanding.

Sealing of things touching the Kings private affairs; of the affairs of the Realm.

XI. Provided nevertheleſs, That this Act or any thing contained in the ſame, be not in any wiſe prejudical to any manner perſon or perſons, whom the Kings Highneſs ſhall by expreſs commandment direct, ſend or appoint to procure any thing or things to be ſealed with his Majeſties ſeals, for or concerning his Majeſties private affairs, or the affairs of his Highneſs Realm: (2) but that as well the ſame perſon or perſons, being appointed by the Kings Highneſs as aforeſaid, as alſo ſuch officer and officers as ſhall have the keeping of any of the Kings ſeals, their Miniſters and Clerks, ſhall and may ſeal, write and deliver, and procure the ſealing, writing and delivering of any ſuch thing and things, concerning the Kings Highneſs affairs, as aforeſaid, without being bound to procure any manner warrant, or paying any manner fees at or to the ſignet or privy ſeal for the ſame; (3) ſo that the name or names of every ſuch perſon or perſons as ſhall procure the ſealing of any ſuch thing or things on the Kings behalf, as aforeſaid, be entred in the Clerk of the Hanapers book, after this ſort, per A. ad mandatum domini regis: any thing in this Act contained to the contrary notwithſtanding.

The grant or leaſe of any farms under the yearly rent of vj l. xiij s. iv d.

XII. Provided alſo, that this Act, nor any thing contained in the ſame, be not in any wiſe prejudicial to any manner perſon or perſons which hereafter ſhall have by the Kings Highneſs, or by any his Majeſties officers, the grant or leaſe of any manner farm or farms to be ſealed with any his Highneſs ſeals, the yearly rent whereof amounteth not above the ſum of vj l. xiij s. iv d. ſterling: (2) but that as well every ſuch perſon and perſons, as officer and officers, having the cuſtody of ſuch ſeal or ſeals, their Miniſters and Clerks may write, ſeal and deliver, or procure the writing, ſealing and delivering of any ſuch leaſe or leaſes as aforeſaid, without paying therefore any manner fees, at or to the ſignet or privy ſeal for the ſame; Any thing in this Act mentioned to the contrary notwithſtanding.

CAP. XII.

The Act for the true making of Cloth.

Drapery, Raſt. 46 An order for true making of woollen cloths.

Every Clothier ſhall weave his mark in cloth, and ſet his ſeal to it.

The penalty for want in length.

The Clothiers forfeiture omitting his duty.

Foraſmuch as great infamy and ſlander hath riſen of late years in ſundry outward parties beyond the Sea, of the untrue making of woollen cloths within this Realm, to the great derogation of the common weal of the ſame, and to the no little hindrance of the ſale of the ſaid commodity: (2) For remedy whereof be it ordained and enacted by the King our Soveraign Lord, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That after the Feaſt of Saint Michael the Archangel next coming, all and every Clothier within this Realm, ſhall weave or cauſe to be woven his or their ſeveral token or mark in all and every cloth, kerſey, and other cloths whatſoever they be, made and wrought to be uttered and ſold. (3) And when any ſuch cloth ſhall be ready made and dreſſed to be put to ſale, every of the ſame Clothiers ſhall ſet his ſeal of lead unto every of the ſame his or their cloths and kerſeies, in which ſeal of lead ſhall be contained the true and juſt length of every of the ſame cloths or kerſeies as it ſhall be duly found by every buyer of the ſame, upon due proof thereof to be tried by the water. (4) And in caſe upon any ſuch proof to be made, by any buyer of them at the water, there ſhall be found leſs or ſmaller content in length, than is contained and ſpecified in every of their ſaid ſeals: then every of the ſaid Clothiers making ſuch default, ſhall loſe and forfeit unto every ſuch buyer of the ſame, the double value of ſo much cloth as ſhall want and lack of the ſaid content in length, at the only ſight and judgment of any two indifferent perſons, that ſhall meaſure the ſame cloths and kerſeies. (5) And every Clothier ſending or putting any of their cloths to ſell, before ſuch time as all and every of the ſame cloths ſhall be ſealed by the Aulnager of the ſame Counties where it ſhall chance any of the ſaid cloths ſo to be made, and alſo to be ordered and ſealed by every of the ſaid Clothiers in form aforeſaid, ſhall loſe and forfeit his cloth or cloths whatſoever they be, the one half thereof ſhall be to the Kings Highneſs, his heirs and ſucceſſors, and the other half to him or them that will ſue for the ſame by bill, plaint, action of debt, or otherwiſe: in which action no wager of law, eſſoin or protection ſhall be allowed.

The breadth of cloth.

Anno 1 H. 8. 2.

Kerſeies breadth. Rep. 33 H. 8. 18.

II. And it is farther enacted by authority aforeſaid, That after the ſaid Feaſt of St. Michael the Archangel, every broad cloth ſhall contain in breadth ſeven quarters of a yard within the liſts at the leaſt, and to hold the ſame content always, if it be proved at the water; The Act made in the firſt year of the reign of our ſaid Soveraign Lord, that every broad cloth ſhould contain two yards in breadth within the liſts, or any other thing therein contained, touching the keeping of the ſame breadth of two yards, in any wiſe notwithſtanding. (2) And every kerſey ſhall contain in breadth one yard within the liſts at the leaſt, if it be proved in the water, upon pain to forfeit for every ſuch broad cloth iij s. iv d. and for every kerſey xx d. to be recovered to the uſe of the Kings Highneſs, and of any other that will ſue for the ſame in manner and form before declared.

To what cloths this Statute ſhall not extend.

III. Provided always, That this preſent Act extend not to any cloths called ſet cloths, of all ſorts, made in the County of Suffolk, not exceeding the price of xlvj s. viij d. the cloth, or to any cloths called Taveſtocks, Weſtern doſeins, Friezes, Kendals, Cottons, and all manner of courſe cloths made for linings.

When the Aulnager ſhall ſeal.

IV. And be it farther enacted by the ſaid authority, That the Aulnager of any County ſhall not ſeal any of the ſaid cloths with the Kings Seal, until ſuch time as they and every of them ſhall firſt be ordered and ſealed with their contents, according to the true meaning of this preſent Act, in form aforeſaid, upon pain of loſing of his Office. (2) And that no buyer of any the ſaid clothes or kerſeies, marked and ſealed in form aforeſaid, preſume by any manner of ſleight, means or engines to draw, pull or to ſtretch out any of the ſame clothes or kerſeies, otherwiſe than to make them even after they be wet, and to agree with the contents ſpecified and contained in the ſeal of every of the ſame clothes and kerſeies, as near as they can, upon pain to forfeit the double value of every ſuch cloth or kerſey ſo miſuſed, contrary to the true intent and meaning of this preſent Act, to be levied to the uſe of the Kings Highneſs, and of any other that will ſue for the ſame in like manner and form as is before declared.

How far the buyers of clothes or kerſeies may draw or ſtretch them.

V. Provided alway, That all cloth hereafter made to be ſold within the City of Worceſter, the Towns of Droitwich, Eveſham, Kederminſter and Bromeſgrove in the County of Worceſter, ſhall be ſealed with the ſeal of the ſearchers there, according to an Act of Parliament in that behalf provided and made, the five and twentieth year of the Reign of our Soveraign Lord, (2) and that the owners of the clothes made within the ſaid City and Towns, ſhall not be compelled by this Act to put their own ſeals to any clothes there made or hereafter to be made. Rep. 5 Ed. 6. 6.

Cloth made in Worceſter, &c. ſhall be ſealed according to the Act therefore provided. St. 25 H. 8. 18.

CAP. XIII.

For Clothes Whites of iv l. and not above, and coloured Clothes of iii l. and not above, to be carried over the Sea unbarbed and unſhorn.

Whereas by Act of Parliament holden in the fifth year of the Reign of our Soveraign Lord the King that now is, it was ordained and enacted, That no woollen cloth above the price of five marks, ſhould be conveyed over the Sea unrowed, unbarbed and unſhorn, upon certain penalties in the ſame Act expreſſed more at large; (2) Which Act being put in execution, ſhall not only redound and turn to the abatement of the Kings cuſtoms, but alſo grow to the utter undoing of his Graces ſubjects, cloth-makers and merchants, conveyers of the ſaid clothes, by reaſon that wool is riſen to a far greater price than it was at the making of the foreſaid Act: For where a Cloth was then commonly ſold at five marks, it is now ſold for four pounds: (3) And alſo by force of the ſaid Act, the Merchants ſhould be bound to dreſs every white cloth above the value of five marks on this ſide the Sea, after that they have bought them: which white cloth ſo dreſſed, when they be brought into the parties beyond the Sea, and there by the buyers of them died and put in colours, then they muſt be newly dreſſed, barbed, ſhorn and rowed: and ſo they ſhall be thereby the leſs in ſubſtance of themſelves, and the worſe to the ſale, and ſold for leſs price by ten or twelve ſhillings apiece beyond the Sea, than they ſhould be undreſſed: (4) Wherefore be it ordained and enacted by the King our Soveraign Lord, his Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That every white woollen cloth ſold for four pounds and under, and every coloured cloth ſold for three pounds and under, may be carried and conveyed into the parties beyond the Sea, there to be ſold at the pleaſure of the buyers of the ſaid cloth or cloths unbarbed, unſhorn and unrowed; any Act or Acts to the contrary notwithſtanding.

Drapery, Raſt. 47. Of what value clothes carried over the Sea may be. The inconveniences which would enſue if the Statute of 5 H. 8. 3. ſhould be put in execution.

Clothes of what prices may be carried over the Sea unbarbed, unſhorn and unrowed.

II. And over this be it ordained and enacted by the ſaid authority, That if any perſon or perſons ſend or convey, or cauſe to be ſent and conveyed into the parts beyond the Sea, any white woollen cloth above the value of four pounds, or any coloured cloth above the price of three pounds, unrowed, unbarbed and unſhorn, in other form than is aforeſaid: that then the perſon or perſons ſo offending, ſhall forfeit the value of the ſaid clothes ſo carried and conveyed into the parties beyond the Sea: (2) the one moiety of the ſame forfeiture to be to the uſe of our ſaid Soveraign Lord the King, and the other moiety to every perſon which will or ſhall ſue by bill, writ, information, or otherwiſe, againſt any perſon for the ſame. (3) And that the defendant in any plea upon any ſuch action, be not admitted to wage his Law, nor any protection or eſſoin for any ſuch defendant be allowed in the ſame. St. 3 H. 7. 11. 33 H. 8. 19. 8 El. 6.

The penalties of the offenders

CAP. XIV.

A Bill concerning the Cuſtom of Leather.

Where great quantity and much abundance of Leather is daily conveyed out of this Realm, as well by ſtrangers, as alſo by Tanners and other the Kings ſubjects, inhabited in divers parts of this Realm, towards the Sea-coaſts, and eſpecially out of Wales, Cheſhire and Cornwal, where little or no cuſtom is paid for the ſame, which Leather is commonly packed by the ſaid Strangers, Tanners and other the Kings Subjects in their houſes, and ſo conveyed unto the Ports and Havens where they intend to ſhip the ſame: which packs ſo conveyed and brought to ſuch Ports and Havens to be ſhipped, be never there unpacked, to be viewed what number of Leather is contained in any ſuch pack, but entred in the cuſtomers books, by and upon the information and report of the ſaid Strangers, Tanner, or other perſon tranſporter of the ſame Leather: (2) And albeit that the Kings Highneſs in ſuch places and Ports hath very little cuſtoms paid for the ſame, yet foraſmuch as in ſuch places there is no better ſearch nor view had for the perfect knowledge of the number and quantity of the Leather ſo by them packed, the Kings Grace is much deceived of ſuch his cuſtoms as ought therefore to accrue to his Highneſs: (3) For where in the Port of London two perſons be named and appointed by the weigher of the wools within the ſaid Port for the time being, to tell and number all ſuch Leather by the hide, accounting ten hides to the dicker, and alſo all woolfels as within the ſame Port ſhall be ſhipped from time to time, which two perſons be ſworn before the cuſtomers of his great Cuſtom, truly and duly to do and execute their offices, in telling and numbering all ſuch leather and woolfels, in the preſence of the ſaid Cuſtomers, and of the Comptroller of the ſame Cuſtom, or of their Deputies, who being preſent, and viewing the ſame, do make entry thereof in their books: (4) And after ſuch tale made, and entry taken, another perſon, by the Mayor of London for the time being, conſtituted

Cordwainers, Raſt. 13. In what manner Cuſtom ſhall be taken for Leather.

The manner of telling of Leather in London, and entring the ſame into cuſtomers books.

How much ſtrangers, and how much deniſens, do pay for the cuſtom of a dicker of leather.

Leather to be carried beyond the ſea, ſhall be told and packed by a man ſworn thereunto.

ted and appointed, is alſo ſworn truly to pack the ſame leather ſo told and entred into the Cuſtomers books, every of the ſame tellers and packers taking ſuch fees for their labours as of old time have been uſed, limitted and accuſtomed; (5) every ſtranger paying for cuſtom of every dicker, four ſhillings and nine pence, and every deniſen four ſhillings and a penny; which like cuſtom is alſo paid in the Port of Hampton, but not in any other Ports of this Realm, and ſpecially in Wales, Cheſhire and Cornwal, out of the which parts, by reaſon of ſuch ſmall cuſtoms, more leather is conveyed over the ſea, than out of other places of this Realm, which is an occaſion of the dearth and great prices of the ſame leather: (6) For the redreſs whereof, and to the intent that one manner of cuſtom for every ſuch dicker of leather ſo conveyed over the ſea, as well by deniſens as ſtrangers, ſhall be paid throughout this Realm, Wales, and other the Kings Dominions; and alſo that the Kings Highneſs may be the better aſſured of his cuſtoms to be paid for all ſuch leather as ſhall be hereafter carried and conveyed over the ſea; (7) Be it enacted by the authority of this preſent Parliament, That from henceforth no manner of ſtranger or deniſen ſhall pack or cauſe to be packed any manner of leather to be conveyed or ſhipped over the ſea, out of this Realm, Wales, or other the Kings Dominions, otherwiſe than in this Act is expreſſed, that is to ſay, that all ſuch leather ſhall be hereafter packed by a Packer ſworn in every ſuch Port where any leather ſhall be ſhipped to be conveyed out of this Realm, Wales, or other the Kings Dominions, upon pain of forfeiture of all ſuch leather as hereafter ſhall be packed contrary to the purport of this Act, or of the value thereof. (8) And alſo that from henceforth every ſtranger and deniſen which ſhall ſhip, ſend or convey any leather over the ſea, out or from any part of this Realm, Wales, Cheſhire, or other the Kings Dominions, ſhall pay like cuſtom for the ſame, as is uſed to be payed within the Port of London, that is to ſay, every ſtranger to pay for every dicker of leather for cuſtom, iv s. ix d. and every deniſen iv s. j d.

The Cuſtomers and Comptrollers ſhall name the tellers where none be.

The tellers fee for telling of a dicker of leather.

A packer of leather ſhall be aſſigned, and his fee.

II. And be it alſo enacted, That within every Port, Haven and Creek, within this Realm, Wales, and other the Kings Dominions, where no tellers nor packers at this preſent time be, nor before the making of this Act have been, that from henceforth the Cuſtomers and Comptrollers of every ſuch Port, Haven and Creek where ſuch leather ſhall be ſhipped to be conveyed into the parties beyond the ſea, ſhall have power by authority of this Act, to name, conſtitute and appoint, one able perſon to tell and number all ſuch leather as ſhall be any time there ſhipped, (2) which perſon ſo named, ſhall be ſworn by the Cuſtomer and Comptroller of every ſuch Port, Haven and Creek, truly and duly to execute his office in the preſence of the Cuſtomer and Comptroller of every ſuch Port, Creek or Haven where any ſuch leather ſhall be ſhipped, or of his or their deputy or deputies, (3) the ſame Teller taking of every ſtranger for the telling of every dicker of leather, ſix pence, whereof the ſame teller to have for his labour two pence, and four pence to be to the Commonalty of the ſame Town and Port toward the payment of their fee-farm, and other their charges. (4) And of every deniſen, not being a freeman of the ſaid Port and Haven, for every dicker, four pence, whereof the teller to have two pence, and the other two pence to be to the Commonalty of the ſame Port or Haven, for the intent above declared: (5) and of every dicker by any perſon being a freeman of ſuch Port and Haven, but only two pence for his labour. (6) And that immediately after ſuch tale had, and entry thereof made by the Cuſtomer or his Deputy, another able perſon named, deputed and aſſigned by the ſaid Cuſtomers and Comptrollers of every ſuch Port and Haven, and before them ſworn, truly and duly to do and execute his Office, ſhall pack all ſuch leather ſo told and entred, every pack to contain as many dicker, under the number of vij dicker, as it ſhall pleaſe the Merchant or Owner thereof to appoint, taking for his labour for the packing of every pack four pence.

The ſeveral forfeitures of the packer and teller not performing their duties.

III. And be it farther enacted by the ſaid authority, That if any packer take upon him to pack any leather before it be told or numbred, and entry thereof made by the Cuſtomer or his Deputy, or at any time pack more leather than ſhall be told and entred, according to the purport of this Act, then the ſame packer to forfeit and loſe for every time doing the contrary v l. and to ſuffer therefore impriſonment at the Kings pleaſure: (2) And alſo that if the teller within any ſuch Port or Haven, at any time hereafter, take upon him to tell or number any leather in the abſence of the Cuſtomer, Comptroller, or of his or their deputy or deputies, then the ſame teller, for every time ſo doing to loſe and forfeit v marks.

In what ſort a ſtranger conveying leather from one port to another, ſhall uſe it.

IV. And foraſmuch as divers ſtrangers carry and convey their leather from one Port to another, and by the way cauſe the ſame leather to be packed: which packs ſo conveyed be not undone nor opened at their arrival within the Ports whereunto they be ſo tranſported, but there only entred by and upon the report and information of the Merchant eſtranger, or of his factor, whereby much cuſtom is concealed: (2) Be it therefore alſo enacted by the ſaid authority, That if any ſtranger or other his factor, at any time hereafter do convey and carry any leather from one Port to another, to the intent to ſhip the ſame in ſuch other Port whereunto it ſhall be ſo conveyed, the ſame ſtranger, or other his factor for him, before ſuch tranſporting of the ſame leather, ſhall cauſe the ſaid leather firſt to be told within the ſame Port, from whence he will or intendeth to carry the ſame: (3) and the ſame ſo told, cauſe to be entred by the Cuſtomer of the ſame Port, or his deputy: and cauſe to be alſo packed by the packer of the ſaid Port where it ſhall be ſo told, taking of the Cuſtomer or Cuſtomers of the ſame Port or Haven, or their deputy or deputies, a certificate expreſſing the number or quantity of dickers of all the ſame leather ſo to be carried and tranſported, directed to the Cuſtomer of the other Port or Haven whereunto the ſame leather ſhall be ſo conveyed, making mention alſo in the ſame certificate, whether the cuſtom therefore accordingly be truly paid or not. (4) And in caſe any ſuch leather be carried or conveyed from one Port to another, there to be ſhipped without having of ſuch certificate: that then the ſame leather, or the value thereof to be forfeited.

None having a Tanhouſe ſhall tranſport tanned leather, or untanned.

V. And be it farther enacted, That no Tanner within this Realm, Wales, or other the Kings Dominions, or other perſons occupying or having a Tanhouſe, ſhall from henceforth ſend, or cauſe to be conveyed over the ſea by way of merchandiſe or otherwiſe, any manner of leather tanned or untanned, upon pain of forfeiture of all ſuch leather, or the value thereof. (2) Nor that any perſon or perſons at any time hereafter ſhall carry or convey over the ſea out of this Realm, Wales, or other the Kings Dominions, any ſalt or untanned hides, or any leather called backs, or ſole leather, the Kings ſpecial licence not obtained for the ſame, upon pain of forfeiture of all ſuch hides and leather, called backs or ſole leather, or the value thereof: (3) the one half of all the ſaid forfeitures to be to the Kings Highneſs, and the other half to any of his ſubjects that will purſue for the ſame in any his Courts by action of debt, bill, plaint, information, or otherwiſe; in which ſuit none eſſoin, protection, wager of Law, or other dilatory plea for the defendant ſhall be admitted or allowed.

VI. Provided always, That this Act or any thing therein contained, ſhall not be hurtful nor prejudicial to any Captain of any ſhip in the time of War, being in the retinue and ſervice of the Kings Highneſs, nor to any owner or maſter of any ſhip being the Kings Subject going into Iſeland, Danske, Norway, or ſouthward beyond the Straits: but that every ſuch Captain and Maſter of every ſhip during the War time, and every Maſter to ſuch ſhips, paſſing into the places before named, may and ſhall at their pleaſure have and carry ſalt hides in their ſhips, ſo that every of them ſhall not have at ſuch voyage, or during the War, at any one time, above the number of viij ſalt hides: This Act or any thing therein contained to the contrary in any wiſe notwithſtanding.

The Captain of a ſhip and owner of a ſhip in ſome caſe excepted out of this Statute.

VII. Provided always, That hides untanned of any beaſts being killed within Wales or the Marches thereof, may be conveyed and carried into outward parties by any perſon or perſons from time to time, except only by Tanners, and ſuch as have Tanhouſes, in ſuch like manner as they might have been before the making of this Act; any thing in the ſame mentioned to the contrary notwithſtanding. ALT. 18 El. 9.

Hides untanned of beaſts killed in Wales may be tranſported.

CAP. XV.

The King ſhall have authority to name xxxij Perſons, viz. xvj ſpiritual and xvj temporal, to examine the Canons and Conſtitutions heretofore made according to the Statute of 25 H. 8. 9. But no Canons or Conſtitutions ſhall be made without the Kings aſſent, nor which be contrary to the Kings Prerogative, or the Laws of this Realm, Exp. & Rep. 1 & 2 P. & M. 8. Stat. 35 H. 8. 16. 3 Ed. 6. 11.

Spiritual Laws, Raſt. 2.

CAP. XVI.

For Inrolment of Bargains and Sales.

BE it enacted by the authority of this preſent Parliament, That from the laſt day of July, which ſhall be in the year of our Lord God, MDXXXVI. no manors, lands, tenements, or other hereditaments ſhall paſs, alter or change from one to another, whereby any ſtate of inheritance of freehold ſhall be made, or take effect in any perſon or perſons, or any uſe thereof to be made by reaſon only of any bargain and ſale thereof, except the ſame bargain and ſale be made by writing indented, ſealed and inrolled in one of the Kings Courts of Record at Weſtminſter, (2) or elſe within the ſame County or Counties where the ſame manors, lands or tenements ſo bargained and ſold, lie or be, before the Cuſtos Rotulorum, and two Juſtices of the Peace, and the Clerk of the Peace of the ſame County or Counties, or two of them at the leaſt, whereof the Clerk of the Peace to be one: (3) And the ſame inrolment to be had and made within ſix months next after the date of the ſame writings indented, (4) the ſame Cuſtos Rotulorum, or Juſtices of the Peace and Clerk taking for the inrolment of every ſuch writing indented before them, where the land compriſed in the ſame writing exceeds not the yearly value of fourty ſhillings, two ſhillings, that is to ſay, xij d. to the Juſtices, and xij d. to the Clerk: (5) And for the inrolment of every ſuch writing indented before them, wherein the land compriſed exceeds the ſum of xl s. in the yearly value, v s. that is to ſay, ij s. vj d. to the ſaid Juſtices, and ij s. vj d. to the ſaid Clerk, for the enrolling of the ſame: (6) And that the Clerk of the Peace for the time being, within every ſuch County, ſhall ſufficiently enrol and engroſs in Parchment the ſame deeds or writings indented, as is aforeſaid; (7) and the rolls thereof at the end of every year, ſhall deliver unto the ſaid Cuſtos Rotulorum of the ſame County for the time being, there to remain in the cuſtody of the ſaid Cuſtos Rotulorum for the time being, amongſt other Records of the ſame Counties where any ſuch enrolments ſhall be ſo made, to the intent that every party that hath to do therewith, may reſort and ſee the effect and tenor of every ſuch writing ſo inrolled.

Inrolment 1. The manner of Inrolment of Deeds.
1 Bulſtr. 163.
No land ſhall paſs by bargain and ſale, unleſs it be by writing indented, ſealed and inrolled.

1 Andr. 285.
The fees for inrolment in the County.

II. Provided always, That this Act, nor any thing therein contained, extend to any mannor, lands, tenements or hereditaments, lying or being within any City, Borough or Town corporate within this Realm, wherein the Mayors, Recorders, Chamberlains, Bailiffs or other officer or officers have authority, or have lawfully uſed to inrol any evidences, deeds or other writings within their precinct or limits; Any thing in this Act contained to the contrary notwithſtanding. St. 5 El. 26.

Corporate Towns to inroll.

CAP. XVII.

A Servant imbeſiling his Maſters Goods to the value of forty ſhillings, ſhall loſe the priviledge of his Clergy and Sanctuary, Rep. 1 M. 1. St. 1 Ed. 6. 12. St. 21 H. 8. 7. 5 El. 10. 28 H. 8. 2.

Felony, Raſt. 10.

CAP. XVIII.

If any Perſon do or procure any thing to be done to the annoying of the Stream of the River of Thames, making of ſhelps by any manner of means, by mining, digging, caſting of dung, rubbiſh or other thing in the ſame River: or take or convey away any boards, ſtakes, timber-work, pillars, or other things from the ſaid banks or walls, except it be to repair or amend the ſame again: or dig or undermine any banks or walls upon the water ſide of Thames, to the hurt, impairing or damage of the ſaid banks or walls, he ſhall forfeit for every time ſo offending C s. to the King, and to the Mayor and Commonalty of London, to be recovered by the Mayor and Commonalty by B. P. A. I. wherein no W. E. P. &c. A Proviſo for taking of Ballaſt for ſhips in the ſhelps near unto Thames: The ſaid gravel, earth or rubbiſh of which ſhelps any perſon may take and carry away. PR.

Havens, Raſt. 10.

CAP. XIX.

Sanctuary perſons ſhall wear badges, and no weapons. They ſhall not go abroad before Sun-riſing, nor after Sun-ſetting. They ſhall not reſiſt their Governours. Their Governours ſhall determine contracts of debts, treſpaſſes and covenants between them under xl s. Rep. 1 Jac. 25. & 21 Jac. 28.

Sanctuary, Raſt. 2.

CAP.

CAP. XX.

For Tithes to be paid throughout this Realm.

Tithes, 20. Raſt. 5.

Tithes ſhall be paid according to the cuſtom of the Pariſh, &c.

Tithes ſhall be paid according to the cuſtom of the pariſh where they be due.

FOrasmuch as divers numbers of evil diſpoſed perſons inhabited in ſundry Counties, Cities, Towns and Places of this Realm, having no reſpect to their duties to Almighty God, but againſt right and good conſcience, having attempted to ſubtract and withhold in ſome places the whole, and in ſome places great parts of their Tithes and Oblations, as well perſonal as predial, due unto God and holy Church, (2) and purſuing ſuch their deteſtable enormities and injuries, have attempted in late time paſt to diſobey, contemn and deſpiſe the proceſs, laws and decrees of the Eccleſiaſtical Court of this Realm, in more temerous and large manner than before this time hath been ſeen: (3) For reformation of which ſaid injuries, and for unity and peace to be preſerved amongſt the Kings ſubjects of this Realm, our Sovereign Lord the King being ſupream head on earth under God, of the Church of England, willing the ſpiritual rights and duties of that Church to be preſerved, continued and maintained, hath ordained and enacted by authority of this preſent Parliament, That every of his ſubjects of this Realm, England, Ireland, Wales and Caleis, and Marches of the ſame, according to the Eccleſiaſtical laws and ordinances of his Church of England, and after the laudable uſes and cuſtoms of their Pariſh, or other place where he dwelleth, or occupieth, ſhall yield and pay his Tithes and Offerings, and other duties of holy Church, (4) and that for ſuch ſubtractions of any of the ſaid Tithes, Offerings, or other duties, the Parſon, Vicar, Curate, or other party in that behalf grieved, may by due proceſs of the Kings Eccleſiaſtical laws of the Church of England, convent the perſon or perſons offending, before his Ordinary, or other competent Judge of this Realm, having authority to hear and determine the rights of Tithes, and alſo to compel the ſame perſon or perſons offending, to do and yield their ſaid duties in that behalf, (5) and in caſe the Ordinary of the dioceſs, or his Commiſſary, or the Archdeacon or his Official, or any other competent Judge aforeſaid, for any contempt, contumacy, diſobedience, or other miſdemeanor of the party defendant, make information and requeſt to any of the Kings moſt honourable Council, or to the Juſtices of the Peace of the Shire where ſuch offendor dwelleth, to aſſiſt and aid the ſame Ordinary, Commiſſary, Archdeacon, Official or Judge, to order or reform any ſuch perſon in any cauſe before rehearſed: that then he of the Kings ſaid honourable Council, or ſuch two Juſtices of Peace, whereof the one to be of the Quorum, to whom ſuch information or requeſt ſhall be made, ſhall have full power and authority by virtue of this Act, to attach, or cauſe to be attached the perſon or perſons againſt whom ſuch information or requeſt ſhall be made, (6) and to commit the ſame perſon or perſons to ward, there to remain without bail or mainprize, till that he or they ſhall have found ſufficient ſurety, to be bound by recognizance, or otherwiſe before the Kings ſaid Chancellor, or Juſtice of Peace, or any other like Chancellor, or Juſtice of Peace, to the uſe of our ſaid Sovereign Lord the King, to give due obedience to the proceſs, proceedings, decrees and ſentences of the Eccleſiaſtical Court of this Realm wherein ſuch ſuit or matter for the premiſſes ſhall depend or be. (7) And that every of the Kings ſaid Councellors, or two Juſtices of the Peace, whereof the one to be of the Quorum, as is aforeſaid, ſhall have full power and authority by virtue of this Act, to take, receive and record Recogniſances and Obligations in any of the cauſes above written.

The offendor in ſubtracting of Tithes, ſhall be convented before the Ordinary.

The offender ſhall be bound by two Juſtices of peace, &c. to obey the Ordinaries ſentence.

This Act ſhall not extend to the Citizens of London.

II. Provided alway, That this Act or any thing therein contained, ſhall not extend to any inhabitant of the City of London, for or concerning any manner of Tithe, Offering, or other Eccleſiaſtical duty, grown and due to be paid or yielden within the ſame City, becauſe there is another order made for the payment of Tithes and other duties within the ſaid City.

Every perſon ſhall have his demand and defence according to the Laws Eccleſiaſtical.

III. Provided alſo, That every perſon and perſons, being party or parties to any ſuch ſuit, ſhall and may make and have his and their lawful action, demand or proſecution, appeals, prohibitions and all other their lawful defences and remedies in every ſuch ſuit, according to the ſaid Eccleſiaſtical Laws, and Laws and Statutes of this Realm, in as ample and liberal manner and form as they or any of them might have had, if this Act had never been made: Any thing in this Act above written notwithſtanding.

25 H.8.19.Sect.7. N. 1.
37 H.8.17 Sect.2. N. 1.
13 Car. 2. 12. Sect. 5. N. 1.

IV. Provided always, and be it enacted by authority aforeſaid, That this Act for recovering of Tithes, ne any thing therein contained, ſhall take force and effect, but only until ſuch time as the Kings Highneſs, and ſuch other xxxij perſons, which his Highneſs ſhall name and appoint for the making and eſtabliſhing of ſuch Laws as his Highneſs ſhall affirm and ratifie to be called the Eccleſiaſtical Laws of the Church of England: (2) and after the ſaid Laws ſo ratified and confirmed as is aforeſaid, that then the ſaid Tithes to be paid to every Eccleſiaſtical perſon, according to ſuch Laws, and none otherwiſe, St. 32 H. 8. 7. 2 Ed. 6. 13.

CAP. XXI.

Tithes, Raſt. 6.

An Act for the payment of Tithes within the City and Suburbs of London, until another Law and Order ſhall be made and publiſhed for the ſame, Exp. St. 37 H. 8. 12.

CAP. XXII.

Husbandry, Raſt. 3.

The King ſhall have the moiety of the profits of thoſe lands already converted from tillage to paſture, ſithence three years before, An. 4 H. 7. until the owner hath builded up a convenient houſe to inhabit, and converted the ſame paſture to tillage again: and alſo ſhall take the moiety of the iſſues of thoſe lands hereafter to be converted, if the immediate Lord do it not within one year. Rep. 39 El. 1. & 21 Jac. 28. St. 4 H. 7. 19. 7 H. 8. 1. 5 Ed. 6. 5. 5 El. 2.

CAP. XXIII.

For the Preſervation of the Havens in Devon and Cornwal.

Havens 4.

WHere by a Statute made in this preſent Parliament for and concerning the amending and maintenance of the Havens and Ports of Plimouth, Dartmouth, Tinmouth, Falmouth and Fowey, in the County of Devonſhire and Cornwal, among other things it was ordained and enacted, That no perſon or perſons from and after the Feaſt of St. Michael the Archangel, which was in the xxiv year of the reign of the Kings Highneſs that now is, ſhould labour or work, or cauſe to be laboured or wrought in any manner of Tin-works called Stream-works, within the ſaid Counties of Devonſhire and Cornwal, nigh to any of the freſh

waters,

A rehearſal of the Statute of 23 H. 8. 8. made for the preſervation of Ports and Havens in Cornwal and Devonſhire.

waters, rivers or low places, deſcending or having courſe unto the ſaid Havens or Ports, or any of them, nor ſhould labour, dig or waſh any Tin in any of the ſaid Tin works, called Stream works, unleſs the ſaid digger, owner or waſher ſhould make, or cauſe to be made, ſufficient hatches and tyes in the end of their buddles and cords, and therein put and lay, or cauſe to be put and laid all the ſaid ſtones, gravel and robel digged, about the enſearching, finding and waſhing of the ſaid Tin, there to be wholly and ſurely kept by the ſaid hatches and tyes, out and from the ſaid freſh rivers or water courſes, or any of them, ſo that the ſaid ſtones, gravel and robel, ne any part thereof, be, for lack of ſuch hatches or tyes, conveyed into the ſaid Ports and Havens, or any of them; (2) upon pain to forfeit for every time that any owner or digger ſhould dig or waſh, or cauſe to be digged or waſhed any Tin contrary to the form aforeſaid, x.l. the one half thereof to be to the uſe of our Soveraign Lord the King, and the other half thereof to be to any of the inhabitants of the ſaid Port-towns or Havens, that would ſue for the ſame in any of the Kings Courts by original Writ, Bill, Plaint, Information or otherwiſe, wherein the Defendant ſhould not be admitted to wage his Law, ne any protection or eſſoin ſhould be allowable, as in the ſaid Act among other things more plainly is expreſſed and declared.

II. And becauſe ſith the making of the ſaid Statute, the Inhabitants of the ſaid Port-Towns or Havens, having little regard, reſpect, love or affection to the amending and maintenance of the ſame Towns and Havens, nor to their Poſterity, as they been naturally bounden and obliged, have permitted and ſuffered the ſaid owners and diggers to perſevere and continue in digging, ſearching and waſhing of Tin, nigh the ſaid freſh waters, rivers, or low places, not making ſufficient hatches and tyes, as by the ſaid Statute is provided and ordained, without any manner of Suit commenced or purſued by the ſaid Inhabitants, according to the tenor of the ſaid Act, to the great animation and encouragement of the offenders, and to the utter undoing and deſtruction of the ſaid Port-Towns and Havens; (2) The Kings Majeſty, minding and intending the ſupportation and maintenance of his ſaid Towns and Havens, and the animadverſion and correction of the ſaid offenders, hath, by the aſſent of the Lords Spiritual and Temporal and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, ordained, enacted and eſtabliſhed, that no perſon or perſons hereafter ſhall labour or work, or cauſe to be laboured or wrought, in any manner of Tin-works, called Stream-works, within the ſaid Counties of Devonſhire and Cornwal, nigh to any of the ſaid freſh waters, rivers or low places, deſcending or having courſe unto the ſaid Havens or Ports, or any of them, nor ſhall labour, dig or waſh any Tin in any of the ſaid Tin works, called Stream-works, unleſs the ſaid digger, owner or waſher, ſhall make or cauſe to be made ſufficient hatches and tyes in the end of their buddles and cords, and therein put and lay, or cauſe to be put and laid, all the ſaid ſtones, gravel and robel, digged about the enſearching, finding and waſhing of the ſaid Tin, there to be wholly and ſurely kept by the ſaid hatches and tyes, out and from the ſaid freſh rivers or water courſes, or any of them, ſo that the ſaid ſand, ſtones, gravel and robel, ne any part thereof, be, for lack of ſuch hatches or tyes, conveyed into the ſaid Ports and Havens, or any of them; (3) upon pein to forfeit for every time that any Owner, Tinner, Digger or Labourer ſhall dig or waſh, or cauſe to be digged or waſhed any Tin contrary to the form aforeſaid, xx. li. the one half thereof to be to the uſe of his Highneſs, and the other half thereof to be to any his Graces Subjects that will ſue for the ſame in any of his Graces Courts, by Original Writ, Bill, Plaint, Information, or otherwiſe, wherein the Defendant ſhall not be admitted to wage his Law, ne any protection or eſſoin ſhall be allowable.

They that work for Tin-works, ſhall make hatches and tyes in the ends of their cords or buddels.

There ſhall be no penalty inflicted for proſecuting according to this Statute.

III. And it is further enacted by the authority aforeſaid, That if any perſon or perſons ſhall happen to be ſued, accuſed, indicted, impriſoned, amerced, condemned, or otherwiſe vexed or troubled in his perſon, lands, tin-works, goods or chattels, by any of the Miniſters or Officers of any of the Kings Courts of Stannery, or by any other perſon or perſons for purſuing or attempting any ſuit or action, according to this eſtatute, againſt ſuch perſon or perſons as ſhall offend contrary to the form aforeſaid: that then all ſuch ſuits, accuſements, indictments, impriſonments, actions, condemnations, fines, amerciaments and every other act or acts to be done in any of the ſaid Courts of Stannery, or elſewhere, by any perſon or perſons againſt any perſon or perſons for ſuing or attempting any ſuit or ſuits by virtue of this eſtatute, ſhall be utterly void and of none effect in the Law; (2) And that the party ſued, indicted, accuſed, impriſoned, or otherwiſe grieved or moleſted, for purſuing againſt any perſon or perſons offending this ſtatute, ſhall have his action and remedy grounded upon this ſtatute by original writ, bill, plaint, information, or otherwiſe, in any of the Kings Courts, againſt ſuch as ſhall procure or attempt to vex, trouble, or otherwiſe moleſt any ſuch perſon or perſons for ſuing or purſuing of the forfeitures aforeſaid, and ſhall recover treble damages in that behalf; and the party Defendant ſhall not be admitted to wage his Law, ne any protection, eſſoin nor privilege ſhall be to him allowable.

A remedy to relieve him that ſhall be impriſoned for ſuing according to this Statute.

IV. And if it ſhall happen any perſon or perſons, for purſuing any ſuit or action upon this ſtatute, or by occaſion of the ſame, hereafter to be impriſoned by any manner of perſon or perſons being Officers or Miniſters of the Court of Stannery, their deputies or ſubſtitutes; that then every of the Juſtices of Peace within any of the Counties aforeſaid, wherein the ſaid priſoner ſhall happen to be committed to priſon, upon credible information thereof, taking ſurety by his diſcretion for appearance of ſuch priſoner at the next general Seſſions of Peace, ſhall have power and authority as well to direct his Warrant to the Goaler or Keeper of the Priſon, as to any other perſon or perſons to whom the ſaid priſoner ſhall be committed unto, commanding him or them upon pain of forfeiture of xl. li. to deliver and put at large the ſaid priſoner or priſoners; (2) which if he refuſe ſo to do, then every ſuch offender ſhall loſe and forfeit the ſaid xl. li. the one half of which forfeiture to be to the uſe of our Soveraign Lord the King, and the other half to him that is grieved by reaſon of ſuch impriſonment, to be recovered in manner and form aforeſaid; and the Defendant in any action or ſuit for the ſame ſhall not wage his Law, ne have any eſſoin or protection allowed. (3) And if it ſhall appear upon the appearance of ſuch priſoner at the quarter Seſſions, by examination of the Juſtices of the Peace there being, that he was impriſoned contrary to the form of this Statute; that then he ſhall be forthwith diſmiſſed, and thereby diſcharged: and if he were lawfully impriſoned for any other juſt cauſe, then to be remanded to priſon by the diſcretion of the ſaid Juſtices.

The Liberties of the Stanneries ſaved.

V. Provided alway, That this Act, or any thing therein contained, be not in any wiſe prejudicial or hurtful to any of the Officers of the Stannery, ne to any of their lawful liberties, privileges, uſages, laws or cuſtoms, ſaving only in the caſes and proviſions contained and limited within this preſent Act, which ſhall alway be put in execution according to the tenor of this Act, any uſage, cuſtom, privilege, ordinance or liberty to the contrary thereof notwithſtanding.

CAP. XXIV.

An Act for Recontinuing Liberties in the Crown.

Prerogative 17. Purveyors 23. Franchiſes 1. The re-continuing of certain Liberties taken from the Crown.

Where divers of the moſt ancient Prerogatives and Authorities of Juſtice appertaining to the Imperial Crown of this Realm, have been ſevered and taken from the ſame by ſundry gifts of the Kings moſt noble Progenitors, Kings of this Realm, to the great diminution and detriment of the royal Eſtate of the ſame, and to the hindrance and great delay of Juſtice: (2) For reformation whereof, be it enacted by authority of this preſent Parliament, That no perſon or perſons of what eſtate or degree ſoever they be, from the firſt day of July which ſhall be in the year of our Lord God 1536, ſhall have any power or authority to pardon or remit any treaſons, murthers, man-ſlaughters, or any kinds of Felonies, whatſoever they be: (3) nor any acceſſaries to any treaſons, murthers, man-ſlaughters, or felonies: (4) or any outlawries for any ſuch offences aforeſaid, committed, perpetrated, done, or divulged, or hereafter to be committed, done or divulged, by or againſt any perſon or perſons in any part of this Realm, Wales, or the Marches of the ſame: (5) but that the Kings Highneſs, his heirs and ſucceſſors, Kings of this Realm, ſhall have the whole and ſole power and authority thereof united and knit to the Imperial Crown of this Realm, as of good right and equity it appertaineth; any grants, uſages, preſcription, act or acts of Parliament, or any other thing to the contrary hereof notwithſtanding.

No perſon ſhall pardon Treaſons or Felonies but the King.

No perſon ſhall make Juſtices but the King. Hob. 139. 1 Bulſtr. 160.

II. And be it alſo enacted by authority aforeſaid, That no perſon or perſons, of what eſtate, degree or condition ſoever they be, from the ſaid firſt day of July, ſhall have any power or authority to make any Juſtices of Eyre, Juſtices of Aſſiſe, Juſtices of Peace, or Juſtices of Goal-delivery: (2) but that all ſuch officers and miniſters ſhall be made by Letters Patents under the Kings Great Seal, in the name and by authority of the Kings Highneſs, and his Heirs, Kings of this Realm, in all Shires, Counties, Counties Palatine, and other places of this Realm, Wales, and the Marches of the ſame, or in any other his Dominions, at their pleaſure and wills, in ſuch manner and form as Juſtices of Eyre, Juſtices of Aſſiſe, Juſtices of Peace, and Juſtices of Goal-delivery, be commonly made in every Shire of this Realm; any grants, uſages, preſcription, allowance, act or acts of Parliament, or any other thing or things to the contrary thereof notwithſtanding.

All writs, &c. in a County Palatine ſhall be made in the Kings name. Co. Inſt. 4. p. 205. Hob. 139.

III. And be it further enacted by authority of this preſent Parliament, That all original writs, and judicial writs, and all manner of indictments of treaſon, felony and treſpaſs, and all manner of proceſs to be made upon the ſame in every County Palatine, and other liberty within this Realm of England, Wales, and Marches of the ſame, ſhall from the ſaid firſt day of July, be made only in the name of our ſaid Soveraign Lord the King, and his Heirs Kings of England. (2) And that every perſon or perſons having ſuch County Palatine, or any other ſuch liberty, to make ſuch originals, judicials, or other proceſs of Juſtice, ſhall make the Teſte in the ſaid original writs, and judicial, in the name of that ſame perſon or perſons that have ſuch County Palatine or Liberty.

IV. And that in every Writ and Indictment that ſhall be made within any ſuch County Palatine or Liberty, after the ſaid firſt day of July next coming, whereby it ſhall be ſuppoſed any thing to be done againſt the Kings Peace, ſhall be made and ſuppoſed to be done only againſt the Kings Peace, his Heirs and Succeſſors, and not againſt the peace of any other perſon or perſons whatſoever they be; any Act of Parliament, grant, cuſtom, uſage, or allowance in Eyre before this time had, granted or uſed to the contrary notwithſtanding.

Juſtices aſſigned within the County Palatine of Lancaſter.

V. Provided always that Juſtices of Aſſiſe, Juſtices of Goal-delivery, and Juſtices of Peace to be made and aſſigned by the Kings Highneſs within the County Palatine of Lancaſter, ſhall be made and ordained by Commiſſion under the Kings uſual Seal of Lancaſter, in manner and form as hath been accuſtomed; any thing in this Act to the contrary thereof notwithſtanding.

Towns Corporate which have Juſtices.

VI. Provided alſo, That all Cities, Boroughs and Towns Corporate within this Realm, which have liberty, power and authority to have Juſtices of Peace, or Juſtices of Goal-delivery, ſhall ſtill have and enjoy their liberties and authorities in that behalf, after ſuch like manner as they have been accuſtomed, without any alteration by occaſion of this Act; any thing in this Act, or in any Article therein contained to the contrary thereof notwithſtanding.

Bailiffs and Officers of Liberties ſhall attend upon the Juſtices as they have done.

VII. And it is ordained by authority aforeſaid, That all Stewards, Bailiffs, and other Miniſters of any Liberties or Franchiſes, which in times paſſed have uſed or ought to attend upon the Juſtices of Aſſiſe, Juſtices of Goal-delivery, and Juſtices of the Peace at large in any County, ſhall be attendant to the Juſtices of Aſſiſe, Juſtices of Goal-delivery, and Juſtices of Peace of the ſame Shires wherein ſuch Liberties and Franchiſes be, and make due execution of all proceſs to them to be directed, for miniſtration of Juſtice within ſuch Liberties or Franchiſes. (2) And that alſo all ſuch Bailiffs, or their Deputies or Deputy, ſhall give their attendance and aſſiſtance upon the Sheriff, together with the Sheriffs Bailiffs, at all Courts of Goal-delivery from time to time, for execution of Priſoners according to Juſtice.

VIII. Provided alway, That the Article next above rehearſed ſhall not in any wiſe be prejudicial to any Stewards or Bailiffs of any Cities, Boroughs or Towns corporate ſet in any ſhire of this Realm, which have privilege that they ſhould not be compelled to attend, or appear out of ſuch Cities, Boroughs or Towns wherein they inhabit: but that every ſuch City, Borough and Town corporate, ſhall uſe their ſaid privileges and liberties, as heretofore hath been accuſtomed; Any thing in any of the Articles above rehearſed to the contrary thereof notwithſtanding.

Liberties of Cities or Boroughs not to appear elſe.

IX. And it is farther enacted by authority aforeſaid, That the King our ſovereign Lord, his heirs and ſucceſſors Kings of this Realm, from the ſaid firſt day of July next coming, ſhall have all manner fines, iſſues, amerciaments and forfeitures that ſhall be loſt, forfeit, or aſſeſſed by or upon any Stewards, Bailiffs, or any other Miniſters or Officers of any Franchiſes or Liberties, for non-execution, miſ-execution, or inſufficient returns of ſuch Writs, Warrants, Precepts or other Proceſs, which to them, or to any of them, or to any their deputy or deputies ſhall be directed, or for any contempt or other miſdemeanour whatſoever it be, concerning their offices, in and for the due execution or adminiſtration of juſtice; Any grant or allowance, or other thing to the contrary hereof notwithſtanding, (2) And that the amerciaments for inſufficient returns of Writs, or their Proceſs, made by Stewards or Bailiffs of Liberties or Franchiſes, having returns of Writs, and execution of the ſame, ſhall be put and ſet upon the heads of ſuch Stewards or Bailiffs, and not upon the Sheriffs.

The King ſhall have the fines, forfeitures, &c. of Bailiffs of Liberties.

Fines ſhall be aſſeſſed upon the Bailiffs of liberties for inſufficient returns, and not upon the Sheriff.

X. And farthermore it is enacted by authority aforeſaid, That Purveyors aſſigned by the Kings commiſſion for proviſions of his Grace, the Queen, and their Children, ſhall and may provide all victuals, corn, and other kinds of things whatſoever it be, according to the Commiſſions, as well within Liberties and Franchiſes, as without; Any grants, allowance or other thing to the contrary or let thereof notwithſtanding.

Purveyors may provide within Liberties notwithſtanding any grant. Co. pl. f. 560.

XI. Provided always, That ſuch Purveyors ſhall obſerve the Statutes for them provided in every behalf.

Co. Inſt. 2. p. 3.

XII. And over this it is ordained by authority aforeſaid, That in all ſuch places whereſoever the Kings Highneſs in his own moſt Royal Perſon ſhall come to reſt, tarry, abide or make his repoſe within this Realm, or any his Dominions, within Liberty or without, there and within the Verge limited and accuſtomed to his Graces Court, during the time of his abode, his Graces Steward, Marſhal, Coroner, and all other his Miniſters, ſhall and may keep their Courts for Juſtice, and exerciſe their offices as ſhall appertain to them, according to the Laws, Cuſtoms and Statutes of this Realm, as well within Liberties as without, (2) And that his Graces Clerks of the Market, and none other during the ſaid time, as well within Liberties as without, ſhall exerciſe the office of Clerk of the Market; Any privilege, grant, allowance, or other thing to the contrary thereof notwithſtanding.

The Kings officers may keep Court within the verge, and his Clerk of the market only execute his Office there. St. 32 H. 8. 29. St. 17 Car. 1. 19.

XIII Provided alway, That this Article next afore rehearſed, or any thing therein contained, be not in any wiſe prejudicial to the City of London, but that the ſame City ſhall have and uſe ſuch liberties as they mought, if this Article had never been made.

XIV. And be it alſo enacted by authority aforeſaid, That all and every Statute, Act and Acts heretofore made, and being in force againſt Sheriffs, their Under-ſheriffs, Bailiffs or their Miniſters, for making or returning of panels or Juries, or for due execution and ſerving any writs or other proceſs, or for taking of fees, or for reformation of extortions, or for any other thing or things concerning their offices, and all pains and penalties contained in every ſuch Statute, ſhall from henceforth be extended to all Stewards, Bailiffs, and other miniſters and officers of liberties and franchiſes, having returns of writs and executions thereof, in like manner, form and condition, as they extend to Sheriffs, their Under-ſheriffs, Bailiffs, or other miniſters, and as if the ſaid Stewards, Bailiffs, or other miniſters or officers of liberties and franchiſes, had been ſpecially and particularly named and rehearſed in ſuch Statutes.

All Statutes made for Sheriffs, Under-ſheriffs, &c. ſhall be in force againſt Stewards and other miniſters of liberties.

XV. Provided alway, That this Article next above rehearſed, ſhall not be prejudicial to any Steward, Bailiffs of Franchiſes, or to their deputy or deputies, or their Clerks, for exerciſing and occupying their offices over and above one year: but that they, and every of them, may keep and occupy their ſaid offices for ſo long time as they be or hereafter ſhall be given to them, as if this Article next afore rehearſed had never been made; Any of the ſaid Acts to be expounded and taken againſt them or any of them, to the contrary thereof notwithſtanding.

Stewards and Bailiffs of franchiſes may enjoy their offices above one year.

XVI. And it is enacted by authority aforeſaid, That all ſuch Juſtices to be made, as is afore rehearſed in this Act, ſhall have authority and power to keep and hold their Seſſions of Peace, and to deliver the ſame Gaols from time to time only within the ſame liberties and franchiſes, and in ſuch places, and in none other places, by reaſon and authority of that Commiſſion, and to do and execute all other things within the ſame, in as ample and large manner as any other Juſtices of Peace and Gaol-delivery in any ſhire within this Realm may do, and have authority to do; Any act, grant, uſe, cuſtom and allowance heretofore had, made or uſed, or any Article in this preſent Act made to the contrary notwithſtanding.

XVII. Provided always, That all and ſingular Juſtices of the Peace, Gaol-delivery and Aſſiſe, hereafter to be made, named and appointed by the Kings Highneſs, his heirs and ſucceſſors, within any liberty, where any ſuch Juſtices of Peace, Gaol-delivery or Aſſiſe, or any of them have been made by any perſon or perſons by virtue or authority of any Letters Patents of the gift or grant of our ſovereign Lord the King, or his moſt noble progenitors Kings of this Realm, or otherwiſe, ſhall ſit and keep their Seſſions, Gaol-delivery and Aſſizes, only in ſuch place and places as the Juſtices of the ſaid liberties lately have commonly uſed within the ſaid liberties. (2) And that no perſon or perſons within the ſaid liberties, or any of them, ſhall be hereafter in no wiſe compelled by authority of this Act, to appear out of the ſaid liberties, before any other Juſtice of Aſſiſe, Gaol-delivery, or of the Peace, than be-

The new Juſtice ſhall ſit where commonly ſuch have uſed to ſit before.

fore ſuch Juſtices as ſhall be named and aſſigned to ſit and be by the Kings Highneſs, his Heirs and Succeſſors, within the ſaid liberties in form aforeſaid. (3) And that this Act ſhall not extend, or be expounded or taken to any other liberty, priviledge or franchiſe, granted, uſed, or had to any perſon or perſons, other than before in this preſent Act is expreſſed, and plainly declared and rehearſed; Any thing in this Act to the contrary notwithſtanding, and as if this Act had never been made.

Sir Tho. Englefeld Juſtice of Cheſter and Flint.

XVIII. Provided always, That this Act, nor any thing therein contained, be in any wiſe hurtful or prejudicial unto Sir Thomas Englefield Knight, Juſtice of the County Palatine of Cheſter and Flint, nor to his Deputy or Deputies, nor to any of them, of, for or concerning the office of Juſtice or Juſticer of the ſaid County Palatine, and Flint, nor for or concerning any fees, profits or advantages to the ſame offices in any manner wiſe appertaining or belonging, (2) but that the ſaid Sir Thomas, his Deputy and Deputies, and every of them, may lawfully have, occupy and exerciſe the ſaid office, and alſo receive and take to their own uſe, all manner profits, commodities and advantages to the ſaid office belonging or appertaining, according to the tenour, purport and effect of ſuch Letters Patents as before this time were unto the ſame Sir Thomas made under the ſeal of the ſaid County Palatine, or under any other ſeal, by our ſaid Sovereign Lord the King that now is, of, for or concerning the ſaid office, and other the premiſſes, or any parcel thereof, in as ample and large manner as though this Act had never been had ne made; Any thing in this Act contained to the contrary in any wiſe notwithſtanding.

Cities and Towns corporate ſhall have ſuch liberties, as they had before.

XIX. Provided alway, That this Act, ne any thing therein contained, be in any wiſe prejudicial or hurtful to any City, Borough or Town corporate, by what name or names ſoever they or any of them be incorporate, and their ſucceſſors, and the ſucceſſors of every of them, of, or for any manner of liberties, privileges, cuſtoms and ancient uſages and franchiſes: and alſo of all manner of fines, iſſues and amerciaments, and forfeitures, which they or any of them have of the grant or grants of our ſaid ſovereign Lord the King, or of any of his noble Progenitors, Kings of this Realm of England: (2) but that the ſaid Cities, Boroughs and Towns corporate, and every of them, and their ſucceſſors, may have, take, levy and enjoy all and every ſuch lawful liberties, privileges, franchiſes, cuſtoms, and uſages, in as ample and large manner, and in like form and condition as they and every of them have lawfully taken, uſed, and had the ſame before the making of this Act; Any thing in this Act to the contrary notwithſtanding, and as if this Act had never been had ne made.

The Biſhop of Ely and his Steward ſhall be Juſtices of Peace within the ſame Iſle.

XX. Provided alway, and be it enacted, That Thomas now Biſhop of Ely, and his ſucceſſors Biſhops of Ely, and their temporal Steward of the Iſle of Ely for the time being, and every of them, ſhall from henceforth be Juſtices of Peace within the ſaid Iſle, and ſhall uſe and exerciſe all manner of things within the ſame Iſle, that appertaineth or belongeth to any Juſtices of Peace within any County of this Realm of England, to do, exerciſe and uſe, by virtue and authority that they be Juſtices of Peace, in as ample and large manner as any other Juſtices of Peace in any County within this Realm, have, or might do, exerciſe or uſe; Any thing or things in this Act contained to the contrary notwithſtanding.

The Biſhop of Durham and his Chancellor. 1 Roll. 400. 3 Bulſtr. 157.

XXI. Provided alway, and be it enacted, That Cuthbert now Biſhop of Durham, and his ſucceſſors Biſhops of Durham, and their temporal Chancellor of the County Palatine of Durham for the time being, and every of them, ſhall from henceforth be Juſtice of Peace within the ſaid County Palatine of Durham, and ſhall exerciſe and uſe all manner things within the ſame County Palatine, that appertaineth or belongeth to any Juſtice of Peace within any County of this Realm of England, to do, exerciſe and uſe, by virtue and authority that they be Juſtices of Peace, in as ample and large manner as any other Juſtices of Peace in any County within this Realm have, or might do, exerciſe or uſe; Any thing or things in this Act contained to the contrary notwithſtanding.

The Biſhop of York, and his temporal Chancellor of Hextoldſham.

XXII. Provided alway, and be it enacted, That Edward now Archbiſhop of York, and his ſucceſſors Archbiſhops of York, and their temporal Chancellor of the Shire and Liberty of Hexam, otherwiſe called Hextoldſham, for the time being, and every of them, ſhall from henceforth be Juſtices of Peace within the ſaid Shire and Liberty of Hexam, otherwiſe called Hextoldſham; and ſhall exerciſe and uſe all manner things within the ſaid Shire and Liberty, that appertaineth or belongeth to any Juſtice of Peace within any County of this Realm of England, to do, exerciſe and uſe, by virtue and authority that they be Juſtices of Peace, in as large and ample manner as any other Juſtice of Peace in any County within this Realm have or might do, execiſe or uſe; Any thing or things in this Act contained to the contrary notwithſtanding.

CAP. XXV.

Vagabonds, Raſt. 3.

All Governors of Shires, Cities, Towns, Hundreds, Hamlets and Pariſhes, ſhall find and keep every aged, poor and impotent Perſon which was born or dwelt three years within the ſame limit, by way of voluntary and charitable alms in every of the ſame Cities and Pariſhes, &c. with ſuch convenient alms as ſhall be thought meet by their diſcretion, ſo as none of them ſhall be compelled to go openly in begging. And alſo ſhall compel every ſturdy Vagabond to be kept in continual labour. (2) Children under fourteen years of age, and above five, that live in idleneſs, and be taken begging, may be put to ſervice by the Governors of Cities, Towns, &c. to husbandry, or other crafts or labours. (3) A valiant beggar or ſturdy vagabond, ſhall at the firſt time be whipped, and ſent to the place where he was born, or laſt dwelled, by the ſpace of three years, there to get his living: And if he continue his roguiſh life, he ſhall have the upper part of the griſtle, or his right ear cut off: And if after that he be taken wandring in idleneſs, or doth not apply his labour, or is not in ſervice with any Maſter, he ſhall be adjudged and executed as a felon. (4) No perſon ſhall make any open or common dole, nor ſhall give any mony in alms, but to the common boxes, and common gatherings in every Pariſh, upon pain to forfeit ten times ſo much as ſhall be given (5) There ſhall be no playing at unlawful games. Exp. St. 31 Henrici 8. 7. St. 39 Eliz. 4.

CAP. XXVI.

Concerning the Laws to be uſed in Wales.

Wales 1. Juſtice executed in Wales in manner as it is in England, &c. Co. 4 p. Inſt. 233.

The cauſes why a diverſity hath been made between the Kings ſubjects of England and Wales. 2 Bulſtr. 1, 6. 3 Bulſtr. 117.

Albeit the Dominion, Principality and Country of Wales juſtly and righteouſly is, and ever hath been incorporated, annexed, united and ſubject to and under the temporal Crown of this Realm, as a very member and joint of the ſame, wherefore the Kings moſt Royal Majeſty of mere droit, and very right, is very Head, King, Lord and Ruler: (2) Yet notwithſtanding, becauſe that in the ſame Country, Principality and Dominion, divers rights, uſages, laws and cuſtoms be far diſcrepant from the laws and cuſtoms of this Realm, (3) and alſo becauſe that the people of the ſame Dominion have, and do daily uſe a ſpeech nothing like, ne conſonant to the natural mother tongue uſed within this Realm, (4) ſome rude and ignorant people have made diſtinction and diverſity between the Kings ſubjects of this Realm, and his ſubjects of the ſaid Dominion and Principality of Wales, whereby great diſcord, variance, debate, diviſion, murmure, and ſedition hath grown between his ſaid ſubjects: (5) His Highneſs therefore of a ſingular zeal, love and favour that he beareth towards his ſubjects of his ſaid Dominion of Wales, minding and intending to reduce them to the perfect order, notice and knowledge of his Laws of this his Realm, and utterly to extirp all and ſingular the ſiniſter uſages and cuſtoms differing from the ſame, and to bring his ſaid ſubjects of this his Realm, and of his ſaid Dominion of Wales, to an amiable concord and unity, hath by deliberate advice, conſent and agreement of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, ordained, enacted and eſtabliſhed, That his ſaid Country, or Dominion of Wales ſhall be, ſtand and continue for ever from henceforth incorporated, united and annexed to, and with this his Realm of England. (6) And that all and ſingular perſon and perſons, born and to be born in the ſaid Principality, Country or Dominion of Wales, ſhall have, enjoy, and inherit all and ſingular freedoms, liberties, rights, privileges and Laws within this Realm, and other the Kings Dominions, as other the Kings ſubjects naturally born within the ſame, have, enjoy and inherit.

Palmer 15. All perſons born in Wales ſhall enjoy all liberties, as other ſubjects in England do.

The Laws of England ſhall be uſed in Wales.

II. And that all and ſingular perſon and perſons inheritable to any manors, lands, tenements, reverſions, ſervices, or other hereditaments, which ſhall deſcend after the Feaſt of All-Saints next coming, within the ſaid Principality, Country or Dominion of Wales, or within any particular Lordſhip, part or parcel of the ſaid Country or Dominion of Wales, ſhall for ever from and after the ſaid Feaſt of All-Saints, inherit and be inheritable to the ſame manors, lands, rents, tenements, reverſions and hereditaments, after the Engliſh Tenure, without diviſion or partition, and after the form of the Laws of this Realm of England, and not after any Welſh tenure, ne after the form of any Welſh Laws or Cuſtoms: (2) And that the Laws, Ordinances and Statutes of this Realm of England, for ever, and none other Laws, Ordinances, ne Statutes, from and after the Feaſt of All-Saints next coming, ſhall be had, uſed, practiſed and executed in the ſaid Country or Dominion of Wales, and every part thereof, in like manner, form and order as they be and ſhall be had, uſed, practiſed and executed in this Realm, and in ſuch like manner and form as hereafter by this Act ſhall be farther eſtabliſhed and ordained; Any act, ſtatute, uſage, cuſtom, preſident, liberty, privilege, or other thing had, made, uſed, granted or ſuffered to the contrary in any wiſe notwithſtanding.

Co. pl. f. 350.

Lordſhips marchers, and the diſorders committed therein.

III. And foraſmuch as there be many and divers Lordſhips marchers within the ſaid Country or Dominion of Wales, lying between the ſhires of England, and the ſhires of the ſaid Country or Dominion of Wales, and being no parcel of any other ſhires where the Laws and due correction is uſed and had; by reaſon whereof hath enſued, and hath been practiſed, perpetrated, committed and done, within and among the ſaid Lordſhips and Countries to them adjoining, manifold and divers deteſtable murthers, brenning of houſes, robberies, thefts, routs, riots, unlawful aſſemblies, embraceries, maintenances, receiving of felons, oppreſſions, ruptures of the peace, and manifold other malefacts, contrary to all Laws and Juſtice; and the ſaid offenders thereupon making their refuge from Lordſhip to Lordſhip, were, and continued without puniſhment or correction: (2) For due reformation whereof, and foraſmuch as divers and many of the ſaid Lordſhips marchers be now in the hands and poſſeſſion of our ſovereign Lord the King, and the ſmalleſt number of them in the poſſeſſion of other Lords, It is therefore enacted by the authority aforeſaid, That divers of the ſaid Lordſhips marchers ſhall be united, annexed and joined to divers of the ſhires of England, and divers of the ſaid Lordſhips marchers ſhall be united, annexed and joined to divers of the ſhires of the ſaid Country or Dominion of Wales, in manner and form hereafter following: (3) And that all the reſt of the ſaid Lordſhips marchers within the ſaid Country or Dominion of Wales, ſhall be ſevered and divided into certain particular Counties or Shires, that is to ſay, the County or Shire of Monmouth, the County or Shire of Brecknock, the County or Shire of Radnor, the County or Shire of Mountgomery, the County or Shire of Denbigh. (4) And that the Lordſhips, Townſhips, Pariſhes, Commotes and Cantreds of Monmouth, Chepſtow, Matherne, Llamnihangel, Magour, Goldecliffe, Newport, Wenllonge, Llanwerne, Caerlion, Uſk, Treleck, Tintern, Skynfreth, Gronſmont, Wite-caſtle, Reglan, Calicote, Biſton, Abergevenny, Penroſe, Grenefield, Maghen and Hochuyſlade in the Country of Wales, and all and ſingular Honours, Lordſhips, Caſtles, Manors, Lands, Tenements and Hereditaments, lying or being within the compaſs or precinct of the ſaid Lordſhips, Townſhips, Hamlets, Pariſhes, Commotes and Cantreds, and every of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be from and after the ſaid Feaſt of All-Saints guildable, and ſhall be reputed, accepted, named and taken as parts and members of the ſaid Shire of Monmouth. (5) And that the Town of Monmouth ſhall be named, accepted, reputed, uſed, had and taken, Head and Shire-town of the ſaid County or Shire of Monmouth. (6) And that the Sheriffs County or Shire-court of and for the ſaid County or Shire of Monmouth, ſhall be holden and kept one time at the ſaid Town of Monmouth, and the next time at the Town of Newport in the ſame County or Shire, and ſo to be kept in the ſame two Towns

Lordſhips marchers divided into Shires.

The County of Monmouth, and the Towns within the ſame.

alternis vicibus, and according to the Laws of this Realm of England for ever, and in none other places.

Actions for lands or other things to be ſued in the County of Monmouth. Savil 12. 2 Roll. 29.

The Kings Juſtices may award Venire facias into the County of Monmouth, and all other proceſs.

IV. And it is farther enacted by the authority aforeſaid, That all actions real that hereafter ſhall be commenced or ſued for any lands, tenements or hereditaments, or any other thing within the ſaid County or Shire of Monmouth, and all actions perſonal, within the ſame Shire or County of the ſum of xls. or above, and all actions mixt, ſhall be ſued by original writ out of the Kings High Court of Chancery in England, (2) and heard, determined and tried before the Kings Juſtices in England, by Aſſiſe, or Niſi prius, within the ſaid County of Monmouth, in ſuch like manner, form and wiſe, as all other actions reals, perſonals, and actions mixt, be ſued, heard, determined and tried in or for any Shire of this Realm of England. (3) And that the Kings Juſtices of his Bench, or of his common Bench of Weſtminſter, ſhall have full power and authority to direct all manner proceſs to the Sheriff, and all other Officers of the ſaid County of Monmouth, (4) and alſo to direct writs of Venire facias to the ſame Sheriff, for the trial of every iſſue joined before them: (5) and alſo to award Commiſſions of Niſi prius into the ſaid County of Monmouth, for the trial of ſuch iſſues joined before them, in like manner and form as they do into every Shire of this Realm of England. (6) And all and every the Kings ſubjects and inhabitants within the ſaid County of Monmouth, ſhall be for ever from and after the ſaid Feaſt of All-Saints, obliged and bounden to be obedient and attendant to the Lord Chancellor of England, the Kings Juſtices, and other of the Kings moſt honourable Council, and unto all Laws, Cuſtoms, Ordinances and Statutes of this Realm of England, in like manner, form and wiſe, as all other the Kings ſubjects within every Shire of this Realm of England be obliged and bounden; any act, ſtatute, uſage, cuſtom, liberty, privilege, or any other thing to the contrary in any wiſe notwithſtanding. (7) And that the Sheriff of the ſaid County ſhall hold plea of Replegiare, and all other ſuits and plaints under forty ſhillings, in his County or Shire-Court, in like manner and form as all other Sheriffs do within this Realm of England: (8) And that the Sheriffs, Eſcheators and Coroners, that hereafter ſhall be within the ſaid County or Shire of Monmouth, ſhall be obliged and bounden to execute all the Kings proceſſes, and to make due returns thereof, and to uſe and exerciſe their offices according to the Laws and Statutes of this Realm of England, in all and every thing, as the Sheriffs, Eſcheators and Coroners be obliged and bounden to do in all and every other Shire of this Realm of England: (9) And that the Sheriffs and Eſcheators of the ſaid Shire or County of Monmouth that hereafter ſhall be appointed by our Sovereign Lord the King, make their accounts for their ſaid offices in the Kings Exchequer in England, in like manner and form as other Sheriffs and Eſcheators do within this Realm of England, and upon ſuch like pain and penalty as is upon other Sheriffs and Eſcheators in every other Shire within this Realm of England.

The inhabitants of the County of Monmouth obedient to the Kings Officers and Laws.

The Sheriffs and Eſcheators of Monmouths duties.

Brecknockſhire.

V. And it is enacted by the authority aforeſaid, That the Lordſhips, Townſhips, Pariſhes, Commotes and Cantreds of Brecknock, Creckhowel, Tretowre, Penkelly, Engliſh-talgarth, Welſh-targarth, Dyans, the Haye; Glynebogh, Broyulles, Cantercely, Lando, Blaynllinby, Eſtrodew, Buelthe, and Lingros, in the ſaid Country or Dominion of Wales, and all and ſingular Honours, Lordſhips, Caſtles, Manors, Lands, Tenements and Hereditaments, lying or being within the compaſs or precinct of the ſaid Lordſhips, Pariſhes, Commotes and Cantreds, or any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be for ever from the ſaid Feaſt of All-Saints guildable, and ſhall be reputed, accepted, named, and taken as parts and members of the ſaid County or Shire of Brecknock: (2) And that the ſaid Town of Brecknock ſhall be named, accepted, reputed, uſed, had and taken, Head and Shire-town of the ſaid Shire or County of Brecknock: (3) And that the Shire-Court or County of and for the ſaid Shire or County of Brecknock, ſhall be holden and kept in the ſaid Town of Brecknock.

Radnorſhire.

IV. And it is enacted by the authority aforeſaid, That the Lordſhips, Townſhips, Pariſhes, Commotes and Cantreds of new Radnor, Eliſtherman, Elue-les, Bonghred, Glaſebery, Glawdiſtre, Mihelles Church, Meleneth, Blewagh, Knighton, Norton, Preſton, Commorhuder, Rayder, Gwethronyon and Stanage in the ſaid Country of Wales, and every of them, and all and ſingular Honours, Lordſhips, Caſtles, Manors, Lands, Tenements and Hereditaments, lying or being within the compaſs and precinct of the ſaid Lordſhips, Townſhips, Pariſhes, Commotes and Cantreds, or any of them, in whoſe poſſeſſions ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be for ever from the ſaid Feaſt of All-Saints guildable; and ſhall be reputed, accepted, named and taken as parts and members of the ſaid County or Shire of Radnor. (2) And the ſaid Town of new Radnor ſhall be named, accepted, reputed, uſed, had and taken, Head and Shire-town of the ſaid County or Shire or Radnor: (3) And that the Shire-Court or County of and for the ſaid County or Shire of Radnor, ſhall be holden and kept one time at the ſaid Town of new Radnor, and the next time at the Town of Rothergowy in the ſame County or Shire, and ſo to be kept in the ſaid two Towns alternis vicibus for ever, and none other place.

The County-Court of Radnor. Alt. 31 H.8.26.

Mountgomery-ſhire.

VII. And it is enacted by the authority aforeſaid, That the Lordſhips, Townſhips, Pariſhes, Commotes and Cantreds of Mountgomery, Kedewenkerry, Cawrſland, Aruſtely, Kevilіock, Doythur, Poweiland, Cluneſland, Baleſley, Tempceſter and Alceſtre in the ſaid Country of Wales, and every of them, and all and ſingular Honours, Lordſhips, Caſtles, Manors, Lands, Tenements and Hereditaments, lying or being within the compaſs or precinct of the ſaid Lordſhips, Pariſhes, Townſhips, Commotes and Cantreds, or in any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be for ever from the ſaid Feaſt of All-Saints guildable; and ſhall be reputed, accepted, named and taken, as part and members of the ſaid County or Shire of Mountgomery. (2) And that the ſaid Town of Mountgomery ſhall be named, accepted, reputed, uſed, had and taken, Head and Shire-town of the ſaid County of Mountgomery. (3) And that the County or Shire-court of and for the ſaid County or Shire of Mountgomery, ſhall be holden and taken the firſt time at the ſaid Town of Mountgomery, and the next time at the Town of Maghenleth in the ſame

Shire or County, and ſo to be kept in the ſame two Towns alternis vicibus for ever, and in none other place.

Denbighſhire. Alt. 33 H. 8. 13.

VIII. And it is enacted by the authority aforeſaid, That the Lordſhips, Townſhips, Pariſhes, Commotes and Cantreds of Denbighland, Ruthin, Saint Taſſe, Kinllethown, Bromfilde, Yale, Chirke and Chirkeland, Moleſdale and Hopeſdale in the ſaid Country of Wales, and every of them: and all and ſingular Honours, Lordſhips, Caſtles, Manors, Lands, Tenements and Hereditaments, lying or being within the compaſs or precinct of the ſaid Lordſhips, Townſhips, Commotes and Cantreds, or any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be for ever, from the ſaid Feaſt of All-Saints guildable; and ſhall be reputed, accepted, named and taken as parts and members of the ſaid County or Shire of Denbigh. (2) And that the ſaid Town of Denbigh ſhall be named, accepted, reputed, uſed, had and taken, Head and Shire-town of the County or Shire of Denbigh. (3) And that the County or Shire-court of and for the ſaid County or Shire of Denbigh, ſhall be holden and kept the firſt time at the ſaid Town of Denbigh, and the next time at the Town of Wrixham in the ſaid Shire or County, and ſo to be kept in the ſame two Towns alternis vicibus for ever, and in none other place.

The King ſhall have a Chancery and Exchequer at Brecknock, and another at Denbigh.

IX. And foraſmuch as the Counties and Shires of Brecknock, Radnor, Mountgomery and Denbigh, be far diſtant from the City of London, where the Laws of England be commonly uſed, miniſtred, exerciſed and executed: and for that the inhabitants of the ſaid ſhires of Brecknock, Radnor, Mountgomery and Denbigh be not of ſubſtance, power and ability to travel out of their Countries to ſeek the adminiſtration of Juſtice; (2) It is therefore enacted by the authority aforeſaid, That the King our Sovereign Lord ſhall have one Chancery and Exchequer at his Caſtle of Brecknock, and one other at his Town and Caſtle of Denbigh, (3) And that the Sheriffs, Eſcheators, and other Officers accomptants of the Counties of Brecknock, Radnor, Mountgomery and Denbigh, from and after the ſaid Feaſt of All-Saints, ſhall be yearly appointed by our ſovereign Lord the King, for and within every of the ſaid ſhires of Brecknock, Radnor, Mountgomery and Denbigh. (4) And that the Sheriffs, Eſcheators, and other Officers Accomptants of the Counties of Brecknock and Radnor, from and after the ſaid Feaſt of All-Saints, ſhall yearly make their Accounts before the Kings Auditors, and ſuch Chamberlain or Baron of the ſaid Exchequer, as ſhall be thereunto appointed by our ſaid ſovereign Lord the King, in ſuch like manner and form as Sheriffs, Eſcheators, and other Officers Accomptants do yearly make their Accompts in the Kings Exchequer at Weſtminſter within this Realm of England. (5) And that the Sheriffs, Eſcheators, and other Officers Accomptants of the Counties of Mountgomery and Denbigh, from and after the ſaid Feaſt of All-Saints, ſhall yearly make their Accompt before the Kings Auditors, and ſuch Chamberlain or Baron of the ſaid Exchequer, as ſhall be thereunto appointed by our ſaid ſovereign Lord the King, in ſuch like manner and form as Sheriffs, Eſcheators, and other Officers Accomptants do yearly make their Accompts in the Kings Exchequer at Weſtminſter within this Realm of England.

The accompts of the Sheriffs, Eſcheators, and other officers.

Juſtice uſed in Brecknock, Radnor, Mountgomery and Denbigh.

X. And that Juſtice ſhall be miniſtred, uſed, exerciſed and executed unto the Kings ſubjects, and inhabitants in every of the ſaid ſhires of Brecknock, Radnor, Mountgomery and Denbigh, according to the laws and ſtatutes of this Realm of England, and according to ſuch other cuſtoms and laws now uſed in Wales aforeſaid, as the King our ſovereign Lord and his moſt honourable Council ſhall allow, and think expedient, requiſite and neceſſary by ſuch Juſticer or Juſticers, as ſhall be thereunto appointed by our ſaid ſovereign Lord the King, and after ſuch form and faſhion as Juſtice is uſed and miniſtred to the Kings ſubjects within the three ſhires of North-wales.

Towns annexed to the County of Salop.

XI. And alſo it is enacted by authority aforeſaid, That the Lordſhips, Towns, Pariſhes, Commotes, Hundreds and Cantreds of Oſweſter, Whetington, Maſdroke, Knoking, Elleſmer, Downe and Churbury Hundred in the Marches of Wales aforeſaid, that every of them, and all and ſingular Honours, Lordſhips, Caſtles, Manors, Towns, Hamlets, Lands, Tenements and Hereditaments, lying or being within the compaſs or precinct of the ſaid Lordſhips, Towns, Pariſhes, Commotes, Hundreds and Cantreds, or any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be for ever, from and after the ſaid Feaſt of All-Saints guildable, and ſhall be united, annexed and joined, to and with the County of Salop, as a member, part or parcel of the ſame. (2) And that the ſaid Lordſhips of Oſweſter, Whetington, Masbroke and Knoking, with their members, ſhall be taken, named and known by the name of the Hundred of Oſweſter, in the County of Salop: and that the inhabitants thereof ſhall be attendant, and do every thing and things at every Seſſions, Aſſiſe and Gaol delivery to be holden within the County of Salop, as the inhabitants of all other Hundreds do within the ſaid County of Salop, according to the Laws of this Realm of England. (3) And that the Lordſhip of Elleſmer, with the members of the ſame, ſhall be united, joined and knit to the Hundred of Pymhill in the County of Salop: and ſhall be taken, named and known to be parcel of the ſame Hundred; and the Inhabitants thereof ſhall be attendant, and do every thing and things with the inhabitants of the ſaid Hundred of Pymhill, as the inhabitants of the ſame Hundred now do and uſe, according to the Laws of this Realm of England. (4) And that the Lordſhip of Downe, with the members, ſhall be united, joined and knit to the Hundred of Churbury, in the County of Salop, and that the inhabitants of the ſaid Hundred of Churbury, and Lordſhip of Downe, ſhall be attendant to do every thing and things, at every Seſſions, Aſſiſe and Gaol-delivery to be holden within the ſaid County of Salop, as the inhabitants of all other Hundreds do within the ſaid County of Salop according to the Laws of this Realm of England. (5) And that the ſaid Hundred of Churbury after the ſaid Feaſt of All-Saints, nor the ſaid Hundred of Oſweſter, nor yet the Lordſhip of Elleſmer, ſhall be in no wiſe otherwiſe privileged, nor have no other liberty nor privilege, but as Hundreds united, annexed and knit to the ſaid County of Salop, as other Hundreds be within the ſaid County.

Oſweſter hundred in the County of Salop.

Elleſmer in Pymhill hundred.

Dovvn in Churbury hundred.

Towns annexed to the County of Hereford.

XII. And that the Lordſhips, Towns, Pariſhes, Commotes, Hundreds and Cantreds of Ewyas lacy, Ewyas harold, Clifford, Wyforton, Yerdeſley, Huntyngton, Whytney, Wygmore, Logharneys and Stepulton in the ſaid marches of Wales, and every of them: and all and ſingular Honours, Lordſhips, Caſtles, Manors, Lands, Tenements and Hereditaments, lying or being within the compaſs or precinct of the ſaid Lordſhips, Towns, Pariſhes, Commotes, Hundreds and Cantreds, or any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be for ever, from and after the ſaid Feaſt of All-Saints guildable; and ſhall be united, annexed and joined to and with the County of Hereford, as a member, part or parcel of the ſame County of Hereford; (2) and that the Lordſhips of Wygmore and Logharneys, with their members, ſhall be taken, named and known by the name of the Hundred of Wygmore in the County of Hereford aforeſaid: and that the inhabitants thereof ſhall be attendant, and do every thing and things at every Seſſions, Aſſiſe and Gaol-delivery to be holden within the ſaid County of Hereford, as the inhabitants of all other Hundreds do within the ſaid County of Hereford, according to the Laws of this Realm of England. (3) And that the whole Lordſhip of Ewyas lacy, with the members, ſhall be taken, named and known by the name of the Hundred of Ewyas lacy within the ſaid County of Hereford, and the inhabitants thereof ſhall be attendant, and do every thing and things at every Seſſions, Aſſiſe and Gaol-delivery to be holden within the ſaid County of Hereford, as the inhabitants of all other Hundreds do within the ſaid County of Hereford, according to the Laws of this Realm of England. (4) And that the Lordſhip of Ewyas harold, with the members, ſhall be united, joined and knit to the Hundred of Webtree, in the ſaid County of Hereford, and ſhall be taken, named and known to be parcel of the ſaid Hundred of Webtree; and the inhabitants thereof ſhall be attendant, and do every thing and things with the inhabitants of the ſame Hundred of Webtree, as the inhabitants of the ſame Hundred now do, according to the Laws of this Realm of England: (5) and that the Lordſhips of Clyfford, Wynforton, Yerdeſley, Whitney and Huntington, with their members, ſhall be taken, named and known by the name of the ſame Hundred of Huntington, within the County of Hereford aforeſaid, and that the inhabitants thereof ſhall be attendant, and do every thing and things at every Seſſions, Aſſiſe and Gaol-delivery to be holden within the ſaid County of Hereford, as the inhabitants of all other Hundreds do within the ſaid County of Hereford, according to the Laws of this Realm of England. (6) And that the ſaid Hundred of Wigmore, with the members, and the ſaid Hundred of Ewyas lacy, and the ſaid Hundred of Huntington, and the ſaid Lordſhip of Ewyas harold, annexed unto the Hundred of Webtree, after the ſaid Feaſt of All-Saints, ſhall be no wiſe otherwiſe privileged, nor have no other liberty, franchiſe ne privilege, but as Hundreds united and annexed to the ſaid County of Hereford, and as other Hundreds be within the ſaid County of Hereford.

Towns in the marches of Wales annexed to the County of Glamorgan,

XIII. And that the Lordſhips, Towns and Pariſhes of Wallaſtone, Tidnam and Becheley in the ſaid marches of Wales, and all Honours, Lordſhips, Caſtles, Manors, Lands, Tenements and Hereditaments, lying or being between Chepſtow bridge in the ſaid marches of Wales and Glouceſterſhire, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be guildable from and after the ſaid Feaſt of All-Saints, and ſhall be united, annexed and joined to and with the ſaid County or Shire of Glouceſter, as a member, part or parcel of the ſame. (2) And that the ſaid Lordſhips, Towns and Pariſhes of Wallaſtone, Tidnam and Becheley, and all Honours, Lordſhips, Caſtles, Manors, Lands, Tenements and Hereditaments, lying and being between Chepſtow bridge and the Shire of Glouceſter as is aforeſaid, ſhall be united, joined and knit to the Hundred of Weſebery within the ſaid Shire of Glouceſter, and ſhall be taken, named and known to be part and parcel of the ſame Hundred, and the inhabitants thereof ſhall be attendant, and do every thing and things with the inhabitants of the ſaid Hundred of Weſebery, as the inhabitants of the ſame Hundred now do according to the Laws of this Realm of England. (3) And that the ſaid Lordſhips of Wollaſtone, Tidnam and Becheley, after the ſaid Feaſt of All-Saints, ſhall be in no wiſe privileged, nor have no other liberty, franchiſe ne privilege, but as parcel of the ſaid Hundred of Weſebery in the County of Glouceſter.

Towns annexed to the County of Glouceſter.

XIV. And that the Lordſhips, Towns, Pariſhes, Commotes, Hundreds and Cantreds of Gowerkilvey, Biſhops Town, Landaffe, Singhnithe ſupra, Singhnithe ſubtus, Maskin, Ogmore, Glynerotheney, Tallagarney, Ruthien, Tallavan, Lanblethyan, Lantwid, Tyeryal, Avan, Nethe, Landewey and the Clays in the ſaid Country of Wales, and every of them; and all Honours, Lordſhips, Caſtles, Manors, Lands, Tenements and Hereditaments, lying or being within the compaſs or precinct of the ſaid Lordſhips, Towns, Pariſhes, Commotes, Hundreds and Cantreds, or any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be guildable for ever, from and after the ſaid Feaſt of All-Saints, and ſhall be united, annexed and joined to and with the County of Glamorgan, as a member, part or parcel of the ſame. (2) And that the ſaid Shire of Glamorgan and Mordannoke, and all the aforeſaid Lordſhips, Towns, Pariſhes, Commotes, Hundreds and Cantreds, united and annexed to the ſaid County of Glamorgan, ſhall from and after the ſaid Feaſt of All-Saints, be reputed, named, accepted and known by the name and Shire of Glamorgan only, and by none other name.

Juſtice executed in Glamorganſhire.

XV. And that from and after the ſaid Feaſt of All-Saints, juſtice ſhall be miniſtred and executed to the Kings ſubjects and inhabitants of the ſaid County of Glamorgan, according to the Laws, Cuſtoms and Statutes of this Realm of England, and after no Welſh Laws, and in ſuch form and faſhion as juſtice is miniſtred and uſed to the Kings ſubjects within the three Shires of North-wales.

Towns annexed to the County of Kayermarthen,

XVI. And that the Lordſhips, Towns, Pariſhes, Commotes, Hundreds and Cantreds of Lanemtheverey, Abermerleſe, Redwely, Elkenning, Cornewolthou, Newcaſtle, Emell, Abergoyly, in the ſaid County of Wales and every of them, and all Honours, Lordſhips, Caſtles, Manors, Lands, Tenements and Hereditaments, lying or being within the compaſs or precinct of the ſaid Lordſhips, Towns, Pariſhes, Commotes, Hundreds and

Cantreds, or any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be guildable for ever, from and after the ſaid Feaſt of All-Saints, and ſhall be united, annexed and joined to and with the Country of Kayermarthen, as a member, part or parcel of the ſame: (2) And that from and after the ſaid Feaſt of All-Saints, juſtice ſhall be miniſtred and executed to the Kings ſubjects and inhabitants of the ſaid County of Kayermarthen, according to the Laws, Cuſtoms and Statutes of this Realm of England, and after no Welſh Laws, and in ſuch form and faſhion as juſtice is miniſtred and uſed to the Kings ſubjects within the three Shires of North-wales.

XVII. And that the Lordſhips, Towns, Pariſhes, Commotes, Hundreds and Cantreds of Haverfordweſt, Kilgarran, Lanſteffan, Laugeharne, otherwiſe called Tellaugherne, Walwaynſcaſtle, Dewys-land, Lannehadein, Lanfey, Herberth, Slebeche, Koſmarket, Caſtellan and Landofleure in the ſaid Country of Wales, and every of them, and all Honours, Lordſhips, Caſtles, Manors, Lands, Tenements and Hereditaments lying and being within the compaſs or precinct of the ſaid Lordſhips, Towns, Pariſhes, Commotes, Hundreds, Cantreds, or any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be guildable for ever, from and after the ſaid Feaſt of All-Saints, and ſhall be united, annexed and joined, to and with the County of Pembroke; (2) and that from and after the ſaid Feaſt of All-Saints, juſtice ſhall be miniſtred and executed to the Kings ſubjects and inhabitants of the ſaid County of Pembroke, according to the Laws, Cuſtoms and Statutes of this Realm of England, and after no Welſh Laws, and in ſuch form and faſhion as juſtice is miniſtred and uſed to the Kings ſubjects within the three Shires of North-wales.

Towns annexed to the County of Pembroke.
Co. Inſt. 4 p. 222.

XVIII. And that the Lordſhips, Towns, Pariſhes, Commotes, Hundreds and Cantreds of Tregaron, Glanergine, Landway, Ureny, in the ſaid Country of Wales, and every of them, and all Honours, Lordſhips, Caſtles, Manors, Lands, Tenements and Hereditaments lying or being within the compaſs or the precinct of the ſaid Lordſhips, Towns, Pariſhes, Commotes, Hundreds and Cantreds, or any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be guildable for ever, from and after the ſaid Feaſt of All-Saints, and ſhall be united, annexed and joined to and with the County of Cardigan, as a member, part and parcel of the ſame: (2) And that from and after the ſaid Feaſt of All-Saints, juſtice ſhall be miniſtred and executed to the Kings ſubjects and inhabitants of the ſaid County of Cardigan, according to the Laws, Cuſtoms and Statutes of this Realm of England, and after no Welſh Laws: and in ſuch form and faſhion as juſtice is miniſtred and uſed to the Kings ſubjects within the three Shires of North-wales.

Towns annexed to the County of Cardigan.

XIX. And that the Lordſhips, Towns and Pariſhes of Mouthway in the ſaid Country of Wales, in whoſe poſſeſſion ſoever they be, and all lands, tenements and hereditaments now lying or being within the compaſs or precinct of the ſaid Lordſhip, Town and Pariſh of Mouthway, or any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be guildable for ever, from and after the ſaid Feaſt of All-Saints, and ſhall be united, annexed and joined to and with the County of Mereoneth in North-wales, as a commote, member, part or parcel of the ſame.

Towns annexed to the County of Mereoneth.

XX. And be it enacted by the authority aforeſaid, That all Juſtices, Commiſſioners, Sheriffs, Coroners, Eſcheators, Stewards, and their Lieutenants, and all other officers and miniſters of the Law ſhall proclaim and keep the Seſſions, Courts, Hundreds, Leets, Sheriffs Courts, and all other Courts; in the Engliſh-tongue: (2) and all Oaths of Officers, Juries and Inqueſts, and all other affidavits, verdicts and wagers of Law, to be given and done in the Engliſh-tongue. (3) And alſo that from henceforth no perſon or perſons that uſe the Welſh ſpeech or language, ſhall have or enjoy any manner office or fees within this Realm of England, Wales, or other the Kings Dominion, upon pain of forfeiting the ſame offices or fees, unleſs he and they uſe and exerciſe the Engliſh ſpeech or language.

Seſſions, Courts Leets, &c. ſhall be kept in the Engliſh-tongue.

No perſon uſing Welſh ſpeech ſhall have any office or fee.

XXI. And it is farther enacted by the authority aforeſaid, That it ſhall be lawful to the Sheriff of every of the foreſaid Shires of Monmouth, Brecknock, Radnor, Montgomery and Denbigh, and every of them, to put every miſruled and ſuſpect perſon within their Sheriff-wick, under common mainpriſe and ſurety of their perſonal appearance, as the Sheriffs do within every of the three Shires of North-wales; (2) And that the Recogniſances of ſuch common mainpriſe and ſurety of appearance taken before any of the ſaid Sheriffs, ſhall be as good and effectual as if it were taken by any Juſtice of Record.

Theſe Sheriffs ſhall put every miſruled perſon under common mainpriſe.
34 H. 8. 20.

XXII. And that the Sheriff of the County of Monmouth ſhall certifie ſuch Recogniſances, common mainpriſe or ſurety of appearance, at every quarter Seſſions, before the Juſtices of the Peace of the ſaid County of Monmouth; (2) And that every perſon or perſons within the ſaid County of Monmouth, put under common mainpriſe, and bound to his perſonal appearance, ſhall keep their perſonal appearance at the Seſſions holden within the ſaid Shire of Monmouth, next after the clauſe of Eaſter, and at the Seſſions to be holden within the ſaid Shire next after the Feaſt of Saint Michael the Archangel, until ſuch time that they be thereof releaſed after the form of the Law.

Certificate of Recogniſance in Monmouth.

XXIII. And that every of the Sheriffs of the ſaid Counties of Brecknock, Radnor, Mountgomery and Denbigh, and every of them ſhall certifie ſuch recogniſances, common mainpriſe, or ſurety of appearance by them taken, before ſuch Juſtice as ſhall be appointed by our Sovereign Lord the King within every of the ſaid Shires, at every Seſſions to be holden in any of the ſaid Shires before the ſame Juſtice.

Certificate of Recogniſances.

XXIV. And that every perſon and perſons within the ſaid Counties of Brecknock, Radnor, Mountgomery and Denbigh, and alſo within the abovenamed Counties of Glamorgan, Kayermarden, Pembroke and Cardigan, or any of them, put under common mainpriſe and bound to his or their perſonal appearance, as well by the aforeſaid Sheriffs, as by the Juſtices of any of the ſaid Counties, ſhall keep their appearance before the ſaid Juſtices at every Seſſions within the ſaid Counties to be holden, in ſuch like manner and form as is uſed in the three Shires of North-wales.

Appearance of them which are bound.

XXV. And

Lord Marcher ſhall have half the forfeiture of his tenants. St. 1 & 2 P. & M. 15.

XXV. And for that the Lords Marchers before this preſent Parliament, have uſed to put their tenants within their Lordſhips Marchers, under ſuch common mainpriſe and ſurety of appearance, and have had the forfeitures thereof, which for ever from and after the ſaid Feaſt of All-Saints ſhall utterly ceaſe and determine: (2) Therefore be it enacted by the authority aforeſaid, That after the ſaid Feaſt of All-Saints, every lay and temporal perſon, now being a Lord Marcher, ſhall have the moiety or half of every forfeiture of all and every common mainpriſe, recogniſance for the peace or appearance, forfeited by any of their tenants inhabiting within any of their Lordſhips Marchers: (3) and they to be paid the ſame moiety or half by the hands of the Sheriffs of every of the ſaid Counties where ſuch forfeitures ſhall be, if the Sheriff can levy the ſame: (4) and the ſame Sheriff to accompt to our ſovereign Lord the King for the other half or moiety, in ſuch Exchequer as they be accomptant.

Co. pl. f. 534.

Commiſſions to divide the Shires of Wales into Hundreds.

XXVI. Be it farther enacted by the authority aforeſaid, That immediately upon the prorogation or diſſolution of this preſent Parliament, the Lord Chancellor of England ſhall direct the Kings Commiſſion under his Graces great Seal, to ſuch perſons as to him ſhall be thought convenient to enquire and view all the ſaid Shires of Kayermarthen, Pembroke, Cardigan, Monmouth, Brecknock, Radnor, Mountgomery, Glamorgan and Denbigh, and every part and parcel of them: and upon ſuch view and ſearch, to divide them and every of them into ſo many Hundreds as they ſhall think moſt meeteſt and convenient: (2) And the Hundreds ſo divided ſhall return and certifie with the ſaid Commiſſion into the high Court of Chancery, before the ſaid Feaſt of All-Saints, and the ſame to remain of Record, and to be of ſuch force and effect as it were by Act of Parliament: (3) And that the ſaid Hundreds, after the ſaid Certificate, ſhall be uſed and taken as other Hundreds be in every other Shire within this Realm of England.

Commiſſions to enquire the laws and cuſtoms of Wales.

XXVII. Farthermore it is enacted by the authority aforeſaid, That immediately after the prorogation or diſſolution of this preſent Parliament, the Lord Chancellor of England ſhall direct the Kings Commiſſion under his Graces great ſeal to ſuch perſons as to him ſhall be thought convenient, to enquire and ſearch out by all ways and means that they can, all and ſingular laws, uſages and cuſtoms uſed within the ſaid Dominion and Country of Wales; (2) and the ſame ſhall return and certifie to the Kings Highneſs and his moſt honourable Council, before the ſaid Feaſt of All-Saints next coming: (3) and that upon deliberate advice thereof had and taken, all ſuch laws, uſages and cuſtoms as the Kings Highneſs and his ſaid moſt honourable Council ſhall think expedient, requiſite and neceſſary to be had, uſed and exerciſed in the before rehearſed Shires, or any of them, or in any other Shire of the Dominion or Country of Wales, ſhall ſtand and be of full ſtrength, virtue and effect, and ſhall be for ever inviolably obſerved, had, uſed and executed in the ſame Shires, as if this Act had never been had ne made; any thing in the ſame Act contained to the contrary in any wiſe notwithſtanding.

The Knights for the ſhire of Monmouth, and one Burgeſs for the Town.

XXVIII. And it is farther enacted by the authority aforeſaid, That for this preſent Parliament, and all other Parliaments to be holden and kept for this Realm, two Knights ſhall be choſen and elected to the ſame Parliament for the Shire of Monmouth, and one Burgeſs for the Borough of Monmouth, in like manner, form and order, as Knights and Burgeſſes of the Parliament be elected and choſen in all other Shires of this Realm of England, (2) and that the ſame Knights and Burgeſſes ſhall have like dignity, pre-eminence and privilege, (3) and ſhall be allowed ſuch fees as other Knights and Burgeſſes of the Parliament have been allowed; (4) and the Knights fees to be levied, perceived, received, gathered and paid in ſuch manner, form and order, as ſuch fees be gathered, levied, perceived, received and paid in other Shires of this Realm of England; (5) And the Burgeſſes fees to be levied as well within the Borough of Monmouth, as within all other ancient Boroughs within the ſaid Shire of Monmouth.

Knights and Burgeſſes for the Parliament, in Wales, and their fees. 34 & 35 H. 8. 6.

XXIX. And that for this preſent Parliament, and all other Parliaments to be holden and kept for this Realm, one Knight ſhall be choſen and elected to the ſame Parliaments for every of the Shires of Brecknock, Radnor, Mountgomery and Denbigh, and for every other Shire within the ſaid Country or Dominion of Wales; (2) and for every Borough being a Shire-town within the ſaid Country or Dominion of Wales, except the Shire-town of the foreſaid County of Mereoneth, one Burgeſs; (3) and the election to be in like manner, form and order as Knights and Burgeſſes of the Parliament be elected and choſen in other Shires of this Realm; (4) And that the Knights and Burgeſſes, and every of them, ſhall have like dignity, pre-eminence and privilege, and ſhall be allowed ſuch fees as other Knights of the Parliament have and be allowed; (5) And the Knights fees to be levied and gathered of the Commons of the Shire that they be elected in; (6) and the Burgeſſes fees to be levied and gathered as well of the Boroughs and Shire-towns as they be Burgeſſes of, as of all other ancient Boroughs within the ſame Shires.

Lords Marchers ſhall keep their liberties.

XXX. And it is farther enacted by the authority aforeſaid, That all and every lay and temporal perſon and perſons, now being Lords Marchers, and having any Lordſhips Marchers or Lordſhips Royal, ſhall from and after the ſaid Feaſt of All-Saints, have all ſuch meaſes and profits of their tenants as they have had or uſed to have at the firſt entry into their hands in times paſt; (2) And alſo have, hold and keep within the precinct of their Lordſhips, Courts-baron, Courts-leet and Law-days, and all and every thing to the ſame Courts belonging; (3) And alſo ſhall have within the precinct of the ſaid Lordſhips or Law-day, Waif, Stray, Infanthef, Outfanthef, Treaſure-trove, Deodands, Goods and Chattels of Felons, and of perſons condemned or outlawed of Felony or Murther, put in Exigent for Felony or Murther, and alſo Wreck de Mer, Wharfage and Cuſtoms of Strangers as they have had in times paſt, and as though ſuch privileges were granted unto them by our ſovereign Lord the King, by point of Charter; any thing in this preſent Act to the contrary notwithſtanding.

XXXI. Provided alway, That this preſent Act, nor any thing therein contained, ſhall take away, The cuſtoms of South-wales and the County Palatine of Lancaſter ſaved.

away, or derogate any laws, uſages or laudable cuſtoms now uſed within the three Shires of North-wales; (2) nor ſhall not deprive nor take away the whole liberties of the Dutchy of Lancaſter, but that the ſaid liberties ſhall continue and be uſed in every Lordſhip parcel of the ſaid Dutchy, within the Dominion and Country of Wales as the liberties of the ſaid Dutchy be uſed in Shire-ground, and not County Palatine within this Realm of England.

A Reſervation of Patents.

XXXII. Provided alſo, That this Act nor any thing therein contained, do not extend nor be prejudicial to any perſon or perſons, to avoid any Patent, joint Patent of any Office, Fees, Annuities, or reverſion of any Office, Fees or Annuities, to them granted for term of their life or lives, by our ſovereign Lord the King, or by any other perſon or perſons, either for the uſing, exerciſing or occupying any manner office or otherwiſe: (2) But that they ſhall have and enjoy their ſaid Fees, and all other Offices of Conſtableſhips, Porterſhips, Stewardſhips of Leets, Law-days, Court Barons, and other Offices, being not repugnant againſt this Act: (3) And in caſe any ſuch Offices be repugnant againſt this Act, that then the Grantees to have and enjoy their Fees during their life or lives; any clauſe in this preſent Act to the contrary in any wiſe notwithſtanding.

Earl of Worceſter Juſtice of Glamorgan.

XXXIII. Provided alſo, That this Act nor any thing therein contained, be not in any wiſe prejudicial to the right honourable Henry Earl of Worceſter, for the exerciſing, uſing and occupying of the Office of the Juſtice of the whole County of Glamorgan; any thing in this preſent Act contained to the contrary in any wiſe notwithſtanding.

St. 26 H. 8. 6.

XXXIV. Provided alſo, That this Act nor any thing therein contained, extend not to deprive, take away or derogate any other Acts before this time made for the trial of treaſon, murther, of felonies, or acceſſaries of the ſame committed and done in any Lordſhip Marcher in Wales, or in the next ſhires of England adjoining to the ſaid Lordſhip Marcher.

Lands partable. Alt. 34 H. 8. 26.

XXXV. Provided alway, That lands, tenements and hereditaments lying in the ſaid Country and Dominion of Wales, which have been uſed time out of mind, by the laudable cuſtoms of the ſaid Country, to be departed and departable among iſſues and heirs males, ſhall ſtill ſo continue and be uſed in like form, faſhion and condition, as if this Act had never been had nor made; any thing in this Act to the contrary thereof notwithſtanding.

The King may ſuſpend or revoke this Statute.

XXXVI. Provided alſo, and be it enacted by the authority aforeſaid, That the Kings Highneſs, notwithſtanding this Act or any thing therein contained, ſhall have power and authority for the term of three years next after the end and diſſolution of this preſent Parliament, to ſuſpend for ſuch time as ſhall pleaſe his Grace, or utterly to repeal, revoke and abrogate this whole Act, or any part thereof from time to time, as ſhall ſtand with his moſt gracious pleaſure, ſo that every ſuch ſuſpending, repeal and revocation from time to time, as often as any ſuch caſe ſhall happen, ſhall be made in writing under the Great Seal of England, and be annexed to the roll of this preſent Parliament wherein this Act ſhall be enrolled, and Proclamations thereupon to be made in every ſhire within the ſaid Country and Dominion of Wales. (2) And that every ſuch ſuſpending, repeal and revocation ſo to be had and made by the Kings Highneſs, ſhall be as good and effectual to all intents and purpoſes, as if the ſame had been done by authority of this preſent Parliament; this Act or any thing therein contained to the contrary thereof notwithſtanding.

The King may erect in Wales ſo many Courts and Juſtices, &c. as he will.

XXXVII. And where by this preſent Act there is appointed one Chancery and one Exchequer at Brecknock, and another Chancery and Exchequer at Denbigh, It is enacted by authority aforeſaid, That the Kings Highneſs from time to time within the term of five years next after the end of this Parliament, for due miniſtration of Juſtice in the ſaid Country of Wales, ſhall have power and authority to erect, make and ordain ſuch a Court or Courts, and ſo many Courts of Record, and ſuch and ſo many Juſtices, Miniſters, Officers and Clerks, as by his Highneſs within the time of five years next after the end of this preſent Parliament ſhall be thought ſufficient and convenient, as well for the due execution of this Act, or of any thing or things that ſhall be had, done or made by authority of the ſame, as for the good governance and rule of the ſaid Country of Wales.

The Office of Protonotary and Clerk of the Crown.

XXXVIII. Provided alway, That this Act or any thing or things to be done by authority thereof, ſhall not be prejudicial to any perſon or perſons which now have by the Kings Letters Patents any Office or Offices of Protonotary or Clerk of the Crown in the ſaid Country or Dominion of Wales, but that they and every of them ſhall and may ſtill have and uſe their Offices in as large and ample manner, form, faſhion and condition, as if this Act nor any thing to be done by authority thereof had never been had or made; any thing in this Act to the contrary thereof notwithſtanding.

Lord Ferrers Offices in Wales reſerved.

XXXIX. Provided alſo, That this Act, or any thing therein contained, extend not, or in any wiſe be prejudicial or hurtful to Sir Walter Devereux, Knight of the noble Order of the Garter, and Lord Ferrers of Chartley, of, for and concerning the Offices of Chief Juſtice of South-wales, the Office of Chamberlain of South-wales; and of the Counties of Carmarden and Cardigan in South-wales aforeſaid; and of and for the Office of the Stewardſhip of the Lordſhip of Bealth in the Marches of South-wales; and of and for the Office of Receivorſhip of the ſaid Lordſhip of Bealth; or of, for or concerning any of the ſaid Offices: (2) but that the ſaid Lord Ferrers may have, uſe, exerciſe and enjoy the ſaid Offices, any and every of them, with all fees, wages, emoluments, commodities and profits to the ſame Offices, or to any of them in any wiſe belonging or appertaining, in as large and ample manner, form and condition, as if this Act had never been had or made. St. 34 H. 8. 26. 1 Ed. 6. 10.

CAP. XXVII.

Courts, Raſt. 5.

The Augmentations. Stat. 33 Hen. 8. 39. 7 Ed. 6. 2. 1 M. 10. 1 El. 4.

CAP. XXVIII.

All Monaſteries given to the King which have not Lands above two hundred pounds by the year.

Monaſteries, Raſt. 1.

HIS Majeſty ſhall have and enjoy to him and his heirs for ever, all and ſingular ſuch Monaſteries, Priories and other religious Houſes of Monks, Canons and Nuns, of

what

All Monaſteries given to the King which have not above two hundred li. lands.

what kinds of diverſities of habits, rules or order ſoever they be called or named, which have not in lands, tenements, rents, tithes, portions and other hereditaments, above the clear yearly value of two hundred pound. (2) And in like manner ſhall have and enjoy all the ſites and circuits of every ſuch religious houſes, and all and ſingular the manors, granges, meaſes, lands, tenements, rents, reverſions, ſervices, tithes, penſions, churches, chapels, advowſons, patronages, annuities, rights, conditions and other hereditaments appertaining or belonging to every ſuch Monaſtery, Priory or religious Houſe, not having, as is aforeſaid, above the ſaid clear yearly value of two hundred pound, in as large and ample manner as the Abbots, Priors, Abbeſſes, and other Governors of ſuch Monaſteries, Priories and other religious Houſes, now have or ought to have the ſame in the right of their houſes. (3) And that alſo his Highneſs ſhall have to him and to his heirs all and ſingular ſuch Monaſteries, Abbies and Priories, which at any time within one year next before the making of this Act hath been given and granted to his Majeſty by any Abbot, Prior, Abbeſs (Hob.) or Prioreſs, under their Covent Seal, or that otherwiſe hath been ſuppreſſed or diſſolved, and all and ſingular the manors, lands, tenements, rents, reverſions, tithes, penſions, portions, churches, chapels, advowſons, patronages, rights, entries, conditions, and all other intereſts (Hob.) and hereditaments to the ſame Monaſteries, Abbies and Priories, or to any of them appertaining or belonging: (4) To have and to hold all and ſingular the premiſſes, with all their rights, profits, juriſdictions and commodities, unto the Kings Majeſty and his Heirs (Hob.) and Aſſigns for ever, to do and uſe therewith his and their own wills, to the pleaſure of Almighty God, and to the honour and profit of this Realm.

The King ſhall have all Monaſteries before aſſured to him, or that have been ſuppreſſed.

They ſhall enjoy thoſe Abbey lands to whom the King hath given them.

II. And be it enacted by the authority of this preſent Parliament, That all and every perſon and perſons, and bodies politick, which now have, or hereafter ſhall have any Letters Patents of the Kings Highneſs, of any of the ſites, circuits, manors, lands, tenements, reverſions, ſervices, tithes, penſions, portions, churches, chapels, advowſons, patronages, titles, entries, conditions, intereſts, or other hereditaments, which appertained to any Monaſteries, Abbies or Priories, heretofore given or granted to the Kings Highneſs, or otherwiſe ſuppreſſed or diſſolved, or which appertaineth to any of the Monaſteries, Abbies, Priories, or other religious Houſes, that ſhall be ſuppreſſed or diſſolved by the authority of this Act, ſhall have and enjoy the ſaid ſites, circuits, manors, lands, tenements, rents, reverſions, ſervices, tithes, penſions, portions, churches, chapels, advowſons, patronages, titles, entries, conditions, intereſts, and all other hereditaments contained and expreſſed in their Letters Patents now being thereof made, and to be contained and ſpecified in any Letters Patents hereafter to be made, according to the tenor, purport and effect of any ſuch Letters Patents: and ſhall alſo have all ſuch actions, ſuits, entries and remedies to all intents and purpoſes, for any thing or things contained in every ſuch Letters Patents now made, or to be contained in ſuch Letters hereafter to be made, in like manner, form and conditions, as the Abbots, Priors, Abbeſſes, Prioreſſes, and other chief Governors of any religious Houſes which had the ſame, might or ought to have had, if they had not been ſuppreſſed or diſſolved:

A ſaving of the right of others.

III. Saving to every perſon and perſons, and bodies politick, their heirs and ſucceſſors, (other than the Abbots, Priors, Abbeſſes, Prioreſſes, or other chief Governors of the ſame religious Houſe ſpecified in this Act, and the Covents of the ſame, and their ſucceſſors, and ſuch as pretend to be Founders, Patrons or Donors of ſuch religious Houſes, of any lands, tenements or hereditaments belonging to the ſame, and their heirs and ſucceſſors) all ſuch right, title, intereſt, poſſeſſions, leaſes for years, rents, ſervices, annuities, commodities, fees, liberties and livings, penſions, portions, corrodies, ſynodies, proxies, and all other profits as they or any of them hath, ought or might have had in or to any of the ſaid Monaſteries, Abbies, Priories or other religious houſes, or in or to any manors, lands, tenements, rents, reverſions, tithes, penſions, portions or other hereditaments appertaining or belonging, or that appertained to any of the ſaid Monaſteries, Priories, or other religious Houſes, as if the ſame Monaſteries, Priories and other regilious Houſes had not been ſuppreſſed by this Act, but had continued in their eſſential bodies and ſtates that they now be, or were in.

Fraudulent aſſurances made by Governors of Houſes before their diſſolutions, ſhall be void.

IV. Provided always, and be it enacted, That foraſmuch as divers of the chief Governors of ſuch religious Houſes, &c. have lately fraudulently and craftily made feoffments, eſtates, gifts, grants and leaſes, under the Covent Seals, or ſuffered recoveries of their manors, lands, tenements and hereditaments in fee-ſimple, fee-tail, for term of life or lives, or for years, or charged the ſame with rents or corrodies, to the great decay and diminution of the houſes: that all ſuch crafty and fraudulent recoveries, feoffments, eſtates, gifts, grants and leaſes, and every of them, made by any of the ſaid chief Governors of ſuch religious houſes, under their Covent Seals, within one year next before the making of this Act, ſhall be utterly void and of none effect: (2) Provided always, That ſuch perſon and perſons as have leaſes for term of life and years, whereupon is reſerved the old rents and ferms accuſtomed, and ſuch as have any offices, fees or corrodies, that have been accuſtomed or uſed in ſuch religious houſes, and have bought any livery or living in any ſuch houſes, ſhall have and enjoy their ſaid leaſes, offices, fees, corrodies, liberties, liveries and livings, as if this Act had never been made.

Ornaments, jewels, goods, chattels, debts of monaſteries given to the King.

V. And it is farther enacted, That the Kings Highneſs ſhall have and enjoy to his own proper uſe, all ſuch ornaments, jewels, goods, chattels and debts, which appertained or belonged to any of the chief Governors of the ſaid Monaſteries or religious Houſes, in the right of their ſaid Monaſteries or Houſes, at the firſt day of March, in the year of our Lord God 1535. or any time ſithen whatſoever, or to whoſe poſſeſſion ſoever they ſhall come or be found, except only ſuch beaſts, grain and woods, and ſuch other like chattel and revenues as they have ſold before the ſaid firſt day of March, or ſithen, for the neceſſary or reaſonable expences or charges of any of the ſaid Monaſteries or Houſes.

VI. And be it likewiſe enacted, That the Kings Highneſs ſhall have and enjoy according to this Act the actual and real poſſeſſion of all and ſingular ſuch Monaſteries, Priories, and other religious Houſes, as ſhall appear by the ſaid certificate remaining in the Kings Exchequer, not to have in lands, tenements, rents, tithes, portions and other hereditaments, above the ſaid clear yearly value of two hundred pounds; ſo that his Highneſs may lawfully give, grant and diſpoſe them or any of them at his will and pleaſure, to the honour of God and the wealth of this Realm, without farther inquiſitions or offices to be had or found for the ſame.

The King ſhall have the actual poſſeſſion of the Abbey lands.

VII. Provided always, That this Act, or any thing therein contained, ſhall not extend nor be prejudicial to any Abbots or Priors of any Monaſteries or Priories, being certified into the Kings Exchequer, to have in poſſeſſions and profits ſpiritual and temporal, above the ſaid clear yearly value of two hundred pounds, for or concerning ſuch Cells of religious houſes, appertaining or belonging to their Monaſteries or Priories, in which Cells the Priors or other chief Governors thereof, be under the obedience of the Abbots or Priors to whom ſuch Cells belong, as the Monks or Canons of the Covent of their Monaſteries or Priories, and cannot ſue nor be ſued by the Laws of this Realm, or by their own proper names, for the poſſeſſion or other things appertaining to ſuch Cells whereof they be Priors or Governors, but muſt ſue and be ſued in and by the names of the Abbots or Priors to whom they be now obediencers, and to whom ſuch Cells belong; (2) And alſo the Priors or Governors, dative or removeable from time to time, and accounts of the profits of ſuch Cells, at the only pleaſure and will of the Abbots and Priors to whom ſuch Cells belong; But that every ſuch Cell ſhall be and remain undiſſolved in the ſame eſtate, quality and condition, as if this Act had never been made; any thing in this Act to the contrary hereof notwithſtanding.

A Proviſo for the Cells of other Monaſteries being under obedience.

VIII. Saving always, And reſerving unto every perſon and perſons, being Founders, Patrons or Donors of any Abbies, Priories, or other religious Houſes, that ſhall be ſuppreſſed by this Act, their heirs and ſucceſſors, all ſuch right, title, intereſt, poſſeſſion, rents, annuities, fees, offices, leaſes, commons, and all other profits whatſoever they be, which any of them have or ſhould have had without fraud or covin by any manner of means, otherwiſe than by reaſon or occaſion of the diſſolution of the ſaid Abbies, Priories, or other religious Houſes into or upon any of the ſaid Abbies, Priories, or other religious Houſes, whereof they be Founders, Patrons or Donors, or into or upon any lands, tenements or other hereditaments, appertaining or belonging to the ſame, in like manner, form and condition, as other perſons or bodies politick be ſaved by this Act, as is afore rehearſed, and as if the ſaid Abbies, Priories or other religious Houſes, had not been ſuppreſſed and diſſolved by this Act, but had continued ſtill in their eſſential bodies and eſtates as they be now; any thing in this Act to the contrary hereof notwithſtanding.

The right of Founders and Patrons ſaved.

IX. And farther be it enacted, That all and ſingular perſons and bodies politick and corporate, to whom the Kings Majeſty, his heirs or ſucceſſors, hereafter ſhall give, grant, let or demiſe any ſite or precinct, with the houſes thereupon builded, together with the demeans of any Monaſtery, Priories or other religious Houſes, that ſhall be diſſolved or given to the Kings Highneſs by this Act, his heirs, ſucceſſors or aſſigns, every ſuch perſon, body politick and corporate, ſhall be bound by authority of this Act under the penalties hereafter, to keep or cauſe to be kept, an honeſt continual houſe and houſhold in the ſame ſite or precinct, and to occupy yearly as much of the demeans in plowing and tilling of husbandry: that is to ſay, as much of the ſaid demeans, which hath been commonly uſed to be kept in tillage by the Governors, Abbots or Priors, of the ſame Houſes, Monaſteries, Priories, or by their Farmer or Farmers, occupying the ſame within the time of twenty years next before this Act.

Hoſpitality and husbandry ſhall be kept upon the ſite of the houſes ſuppreſſed.
Rep. 21 Jac. 28.

X. And if any perſon or perſons, bodies politick or corporate, that ſhall be bounden by this Act, do not keep an honeſt houſhold of husbandry and tillage, in manner and form as is aforeſaid, that then he or they ſo offending, ſhall forfeit to the Kings Highneſs for every month offending, ſix pounds thirteen ſhillings and four pence, to be recovered to his uſe in any of his Courts of Record.

XI. And over that it is enacted, That all Juſtices of Peace in every Shire where any ſuch offence ſhall be committed and done, contrary to the true meaning and intent of this preſent Act, ſhall in every quarter and general Seſſions within the limit of their commiſſion, inquire of the premiſſes, and ſhall have full power and authority to hear and determine the ſame, (2) and to tax and aſſeſs no leſs fine for every of the ſaid offences than is afore limited for the ſame offence, (3) and eſtreats thereof to be made and certified into the Kings Exchequer, according, and at ſuch time and form as other eſtreats of fines, iſſues and amerciaments been made by the ſame Juſtices. St. 35 H. 8. 14. 37 H. 8. 20.

Juſtices of peace ſhall inquire of, and puniſh offenders.

Anno viceſimo octavo HENRICI *octavi.*

ACTS made in the Parliament begun and holden at Weſtminſter the eighth day of June, in the eight and twentieth year of the Reign of our moſt dread Sovereign Lord King Henry the Eighth, and there continued and kept till the diſſolution of the ſame Parliament, the eighteenth day of July, to the honour of God, and for the common weal and profit of this Realm.

CAP. I.

An Act that Abjurers in certain caſes ſhall not have Clergy.

Where in the laſt Parliament begun and holden at London, the third day of November, in the one and twentieth year of the Kings moſt gracious Reign, and from thence adjourned to Weſtminſter, and there holden and continued by divers and ſundry prorogations, It was enacted, amongſt other things, That ſuch perſon and perſons which did flee or reſort to any Pariſh Church, Cemitery, or other like hallowed Place for tuition of his life, by occaſion of any murther, robbery or other felony by the ſame perſon committed, and there-

Clergy 16. Felons abjuring for petty treaſon, &c. ſhall not have Clergy.

A rehearſal of the Statute of 2 H. 8. 14. touching the uſing of ſanctuary perſons.

thereupon confeſſed any Murther, Felony, or other offence before a Coroner, for the which the ſame perſon by the Law of this Realm afore that time uſed, ſhould abjure and paſs out of this Realm, ſhall be directed by the Coroner to take his abjuration to any one ſanctuary being within this Realm, which the ſame perſon would elect and chuſe, there to remain as a ſanctuary man abjured, during his natural life. (2) And if after ſuch abjuration, any perſon ſo abjured came out of the ſame ſanctuary to the which he was aſſigned, and be taken without the ſame ſanctuary, not having the Kings ſpecial pardon or licence ſo to do: that then every ſuch perſon abjured, and after abjuration taken without Sanctuary, whereunto he was aſſigned, ſhould ſuffer like pain of death, and after ſuch like manner ſhould be ordered, as he ſhould have done, and biden, in caſe he had abjured this Realm for Murther or Felony; and after ſuch abjuration had returned again into this Realm, contrary to the Laws of this Land. (3) And it was farther ordained by the ſame Act, that if any ſuch ſanctuary perſon ſo abjured, or any other perſon or perſons which then were, or at any time after ſhould happen to be, in any Sanctuary of this Realm, for doing of any petty Treaſon, Murther or Felony, or for being acceſſary to any ſuch offences: or if any perſon or perſons, which at any time after the making of the ſame Act, ſhould take any Sanctuary of this Realm, for any petty Treaſon, Murther or Felony, or for being acceſſary to any ſuch offences, or upon abjuration: and ſo being in Sanctuary for any ſuch cauſe, matter or offence, afterward commit any petty Treaſon, Murther or Felony, within the ſame Sanctuary, or be acceſſary to any ſuch offences, or go out of the ſame Sanctuary and commit any petty Treaſon, Murther or Felony, or be acceſſary to any ſuch offences, and afterward come again to the ſame Sanctuary, or take any other Sanctuary for the ſame: that every ſuch perſon and perſons, being indicted for any of the ſaid cauſes of offences, ſhould loſe the privilege of the Sanctuary by him taken, and every other Sanctuary within this Realm for any ſuch cauſe of petty Treaſon, Murther, Felony or Abjuration, or for any acceſſary to any ſuch offences.

Trial of foreign Pleas.

II. And it was farther ordained by the ſame Act, That all foreign Pleas triable by the Country, which ſhould be pleaded by any perſon or perſons arraigned upon any indictment for any petty Treaſon, Murther or Felony, ſhould be tried before the ſame Juſtices afore whom ſuch perſons ſhould be arraigned, and by the ſame Jurors of the County, that ſhall try the petty Treaſon, Murther or Felony, without any farther reſpect or delay; (2) and that no perſon arraigned for any petty Treaſon, Murther or Felony, ſhould be admitted to any peremptory challenge above the number of xx. (3) which Act was made to endure to the end of the next Parliament, as by the ſaid Act, amongſt divers clauſes and proviſions contained in the ſame, more plainly is expreſſed.

No peremptory challenge above the number of twenty.

23 H. 8. 1.

III. And where alſo in the ſame Parliament it was enacted, That no perſon or perſons, which ſhould happen to be found guilty after the Laws of this Realm, for any matter of petty Treaſon, or for any wilful Murther of malice prepenſed, or for robbing of any Churches, Chapels, or other holy places, or for robbing any perſon or perſons in their dwelling houſes or dwelling places, the owner or dweller in the ſaid houſe, his wife, his children or ſervants then being within, and put in fear and dread by the ſame: or for robbing of any perſon or perſons in or near about the high-ways, or for wilful burning of any dwelling houſes or barns, wherein any corn or grain ſhall happen to be: nor that any perſon or perſons being found guilty of any abetment, procurement, helping, maintaining or counſelling of or to any ſuch petty Treaſons, Murthers or Felonies, ſhould be admitted the benefit of their Clergy (ſuch as be within holy Orders, that is to ſay, of the orders of Subdeacon or above, all only except) with many other clauſes and proviſions contained in the ſaid Act, as by the ſame Act more plainly appeareth: (2) which Act was alſo made to continue and endure to the laſt day of the next Parliament.

Clergy taken from divers perſons which do commit ſeveral offences.

IV. And where alſo in the ſame Parliament, it was farther enacted, That every ſuch perſon and perſons, which ſhould happen to be indicted of any petty Treaſon, wilful burning of Houſes, Murther, Robbery or Burglary, or other Felony, according to the tenour or meaning of the ſaid Eſtatute next above rehearſed, and thereupon arraigned, did ſtand mute of malice or froward mind, or challenge peremptory above the number of xx or elſe will not anſwer directly to the ſame Indictment and Felony, whereupon they ſhall be arraigned: that then every ſuch perſon and perſons ſhould loſe the benefit and privilege of their Clergy.

25 H. 8. 3.

V. And it was alſo ordained by the ſame Act, That if any perſon or perſons be indicted and found guilty for ſtealing of any goods or chattels, in any County of this Realm, or being indicted, ſtand mute of malice, or challenge peremptory above the number of twenty perſons, or will not anſwer directly to the Law, ſhould alſo loſe the benefit of their Clergy, in like manner and form as they ſhould have done, if they had been indicted, arraigned and found guilty in the ſame County where the ſame Robbery or Burglary was done, if it ſhall appear to the Juſtices by evidence or examination that the ſaid Felons or Robbers arraigned before them, ſhould or ought to have loſt their Clergy by force of the ſaid Eſtatute, in caſe they had been found guilty of the ſame Felonies or Burglaries in the ſame Shire where they were committed, as by the ſaid Act amongſt other things more at large is expreſſed.

Anno 25 H. 8. 6. The Stat. of 22 H. 8. 14.; 23 H. 8. 1.; 25 H. 8. 3. & 6. rehearſed and made to continue unto the next Parliament.

VI. And whereas alſo in the ſaid Parliament it was farther ordained, That the deteſtable vice of Buggery, committed with mankind or beaſt, ſhould be Felony, and that the offenders therein ſhould loſe the privilege of their Clergy: (2) which Act was made to endure to the laſt day of the next Parliament, as by the ſame Act among other things it appeareth more at large. (3) Foraſmuch as the ſaid Acts be beneficial and profitable to the Common-wealth of this Realm: Be it therefore enacted by authority of this preſent Parliament, That the ſaid Acts and every of them, and all clauſes and proviſions contained in the ſame, ſhall ſtand in full ſtrength and virtue, and from henceforth to continue and endure unto the laſt day of the next Parliament.

VII. And be it alſo enacted by authority aforeſaid, that ſuch as be within holy Orders, ſhall from henceforth ſtand and be under the ſame peins and dangers for the offences contained in any of the ſaid Statutes, and be uſed and ordered to all intents and purpoſes, as other perſons, not being within holy Orders; Any proviſion or exception ſpecified in any of the ſaid Acts, or any other uſage or cuſtom of this Realm to the contrary thereof notwithſtanding. (2) This Act to endure unto the laſt day of the next Parliament. Stat. 32 H. 8. 3. made perpetual.

Such as be within holy Orders, ſhall be under the ſame peins and dangers that others be.
St. 23 H. 8. 11.

CAP. II.

The Statutes of 21 H. 8. 7. & 27 H. 8. 17. touching Servants imbeſilling their Maſters goods, made perpetual. Rep. Ed. 6. 12. 1 M. 1. 5 El. 10.

Felony 10.
Raſt. 10.

CAP. III.

Authority given to the King during three years to allot newly the Towns in the Shires and Marches of Wales, notwithſtanding the Stat. of 27 H. 8. 26. Exp. Stat. 31 H. 8. 11

Wales, Raſt. 29

CAP. IV.

The repeal of the Statute made in Anno 21. for Doulas and Lockeram.

Where in the Parliament holden at Weſtminſter, in the third day of November, in the xxj year of the Reign of our Sovereign Lord King Henry the eighth, amongſt other things it was enacted and eſtabliſhed, that no perſon or perſons, Engliſh nor Stranger, Denizen or Alien, from or after the Feaſt of Saint Michael the Archangel then next following, ſhould bring or convey, or cauſe to be conveyed or brought by any manner of means into this Realm of England any Linen Cloth, called Doulas or Lockeram, unleſs every whole piece of Doulas contained in length fiveſcore Ells of aſſiſe, accounted to every Ell one inch of aſſiſe, and in breadth one Yard of aſſiſe: and every half piece fifty Ells in length, and one Yard in breadth of like aſſiſe, and all the whole piece and half piece of one goodneſs in making: (2) And alſo it was there enacted and eſtabliſhed, That every whole piece of Lockeram ſhould be of like length as the whole piece of Doulas: and every half piece of Lockeram ſhould be of like length as the half piece of Doulas, and every ſuch whole piece and half piece of Lockeram to be in breadth a whole yard, lacking a nail of a yard: (3) and every piece to be in like goodneſs by all the length of the ſame piece, (4) upon pein of forfeiture of the ſame Doulas and Lockeram ſo to be brought or conveyed into this Realm, not containing the full length, breadth and goodneſs, or the value thereof, as in the ſame Statute more plainly at large doth appear: (5) Sithence the making of which Act a great number of the Kings Subjects, that is to ſay, Weavers, Tuckers, Spinners, Dyers and Woolpickers, and many others, have been idle and without work, to their great impoveriſhing, which more and more is like daily to encreaſe, if remedy be not provided: Foraſmuch as the Clothmakers, which before the making of the ſaid Act, were wont to convey their ſaid Cloths into Britain, where the ſaid Linen Cloth called Doulas and Lockeram is made, and from thence to bring with them the ſaid Linen Cloth called Doulas and Lockeram, which they cannot do, ſithence the making of the ſaid Act, without danger and forfeiture of the ſaid Linen Cloth, by reaſon that there ſhall no Engliſh-man be ſuffered to carry or convey any of the ſaid Cloths, called Doulas or Lockerams, from the parties of beyond the Sea into this Realm, of the length contained in the ſaid Act, which will make the ſaid Clothmakers to leave the making of their Cloth, to the great and manifold perils of the Kings Subjects, (6) Be it therefore enacted by the King our Sovereign Lord with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid Act, made in the ſaid xxj. year, be to all intents, purpoſes and conſtructions in the Law, made utterly void and of none effect, as if the ſaid Act had never been had or made. (7) Nevertheleſs, to the intent that the buyers of the ſaid Linen Cloths ſhall not be at any time hereafter deceived by the length of the ſaid Cloths,

Linen 1.
In what manner Doulas and Lockeram ſhall be brought into this Land.
A rehearſal of the [illegible] H. 8. 14. touching the length and breadth of Doulas and Lockeram.
By what means the St. [illegible] H 8. 14, is prejudicial to Cloth-makers.
A repeal of the St. of 21 H 8. 14

II. Be it therefore enacted by the authority aforeſaid, That after the Feaſt of Saint Michael the Archangel next coming, no manner of perſon, Engliſh nor Stranger, Denizen or Alien, put to ſale any whole piece, or half piece of the ſaid Linen Cloth, called Doulas and Lockeram, unleſs there be mention expreſſed upon every of the ſaid whole piece or half piece of the ſaid Linen Cloth called Doulas or Lockeram ſo put to ſale, as is aforeſaid, the whole and entire number of the yards or ells that is contained in every ſuch whole piece or half piece, (2) upon pein of forfeiture of the ſame whole piece or half piece, not containing the number of yards or ells ſo mentioned upon every of the ſaid whole piece or half piece ſo put to ſale as is aforeſaid: The one half of every ſuch forfeiture to be to the King our Sovereign Lord, and the other half to him that ſhall ſeiſe and will ſue for the ſame by Action of Debt, Bill, Plaint, Information, or otherwiſe: In which Action, Suit or Information, no wager of Law nor Eſſoin ſhall be admitted or allowed.

The contents of every piece of Doulas and Lockeram ſhall be ſet upon the Cloth.

III. Provided always, That this Act or any thing therein contained, be not prejudicial, ne hurtful to any perſon or perſons, that before the firſt day of this Parliament hath made any ſeiſure, or put in any information into any of the Kings Courts for any manner of forfeiture, done or committed by any perſon or perſons contrary to the ſaid Eſtatute made in the ſaid iij. day of November, the xxj. year of the Reign of our Sovereign Lord King Henry the eighth.

Information againſt offenders before this Statute.

CAP. V.

For Apprentices.

Where in the Parliament begun at London the third day of November in the xxj. year of the Reign of our moſt dread Sovereign Lord King Henry the eighth, and from thence adjourned and prorogued unto Weſtminſter, the xvj. day of January, in the xxij. year of the Reign of our ſaid Sovereign Lord, and there and then alſo holden: it was, and is recited, that where before that time it was eſtabliſhed and enacted in the xix. year of our late Sovereign Lord King Henry the ſeventh, That no Maſters, Wardens, and Fellowſhip of Crafts, or any of them, nor any Rulers of the Guilds or Fraternities, ſhould take upon them to make any Acts or Ordinances, ne to execute any Acts or Ordinances by them before that time made, or then hereafter to be made, in diſheritance or diminution of the Prerogative

Corporation 3.
Exactions ſhall not be taken upon Apprentices in Cities, &c.

10 H. 7. 7. No Ordinances ſhall be made by Fellowſhips of Crafts, but by the conſent of the Chancellor, Treaſurer, Juſtices, &c.

22 H. 8. 4. The fees of officers for the entry of an Apprentice or Freeman into their Fellowſhip.

No Prentice or Journeyman ſhall be reſtrained by oath or bond to keep ſhop.

The Wardens or Officers fees for entry of an Apprentice or Journeyman.

of the King, nor of other, nor againſt the common profit of the people, except the ſame Acts or Ordinances were examined or approved by the Chancellor or Treaſurer of England, or chief Juſtice of either Bench, or three of them, or before the Juſtices of Aſſiſe in their Circuit or Progreſs, in the Shire where ſuch Acts or Ordinances be made, (2) upon pein of forfeiture of fourty pounds, for every time that they do the contrary, as more plainly in the ſaid Act doth appear: (3) Sith which time divers Wardens and Fellowſhips have made Acts and Ordinances, that every Prentice ſhould pay at his firſt entree in their Common Hall, to the Wardens of the ſame Fellowſhip, ſome of them xl. s. ſome xxx. s. ſome xx. ſome xiij. s. iv. d. ſome vj. s. viij. d. ſome iij. s. iv. d. after their own ſiniſter minds and pleaſure, contrary to the meaning of the ſaid Act, made in the ſaid xix. year of the ſaid late King Henry the ſeventh, and to the great hurt of the Kings true Subjects, putting their Children to be Prentices: (4) It was therefore in the ſaid Parliament holden at Weſtminſter in the ſaid xxij. year of the Reign of King Henry the eighth, eſtabliſhed and enacted by the King our Sovereign Lord, by the advice of the Lords ſpiritual and temporal, and of the Commons in the ſame Parliament aſſembled, and by the authority of the ſame, that no Maſter, Wardens, or Fellowſhips of Crafts, or Maſters of any of them, nor any Rulers of Fraternities ſhould take from henceforth of any Prentice, or of any other perſon or perſons for the entry of any Prentice into their ſaid Fellowſhip, above the ſum of ij. s. vj. d. nor for his entry when his years and term is expired and ended, above iij. s. iv. d. (5) upon pein of forfeiture of xl. li. for every time that they do to the contrary, the one half to the King our Sovereign Lord, and the other half to the party that therefore ſhall ſue by action of debt, information or otherwiſe, and that in the action aforeſaid, no protection or eſſoin ſhall be allowed, as by the ſame Act amongſt other things therein contained more plainly may appear: (6) Sithen which ſaid ſeveral Acts eſtabliſhed and made, as is aforeſaid, divers Maſters, Wardens and Fellowſhips of Crafts, have by cautil and ſubtil means, compaſſed and practiſed to defraud and delude the ſaid good and wholſome Statutes, cauſing divers Prentices or young men immediately after their years be expired, or that they be made free of their Occupation or Fellowſhip, to be ſworn upon the holy Evangeliſts at their firſt entry, that they nor any of them after their years or time expired, ſhall not ſet up or open any Shop, Houſe nor Seller, nor occupy as Freemen, without the aſſent and licence of the Maſter, Wardens or Fellowſhips of their Occupations, upon the pein of forfeiting their Freedom, or other like penalty; By reaſon whereof, the ſaid Apprentices and Journeymen be put to as much or more charges thereby than they beforetime were put unto for the obtaining and entring of their Freedom, to the great hurt and impoveriſhment of the ſaid Apprentices and Journeymen, and other their Friends: (7) For remedy whereof, Be it now by the authority of this preſent Parliament eſtabliſhed, ordained and enacted, that no Maſter, Wardens, or Fellowſhips of Crafts, or any of them, or any Rulers of Fraternities, Guilds or Brotherhoods, from henceforth compel, or cauſe any Prentice or Journeyman, by Oath or Bond heretofore made, or hereafter to be made, or otherwiſe, that he after his Apprentiſhip or Term expired, ſhall not ſet up nor keep any Shop, Houſe or Seller, nor occupy as a Freeman, without Licenſe of the Maſter, Wardens or Fellowſhip of his or their Occupation, for and concerning the ſame, (8) nor by any mean exact or take of any ſuch Apprentice or Journeyman, nor any other occupying for themſelves, nor of any other perſons for them, after his or their ſaid years expired, any ſum of money or other things, for or concerning his or their Freedom or Occupation, otherwiſe, or in any other manner than before is recited, limited and appointed in the ſaid former Act, made in the ſaid xxij. year of the Reign of King Henry the viij. (9) upon pein to forfeit for every time that they or any of them ſhall offend contrary to this Act, xl. li. The one half thereof to the King our ſovereign Lord, and the other half to the party that will ſue for the ſame, in any of the Kings Courts, by action of debt, information or otherwiſe: in which ſuit or action, no protection nor eſſoin ſhall be allowed for the party defendant.

CAP. VI.

Wales, Raſt. 26. Horſes, Raſt. 5.

An Act for continuance of the Statutes of 22 H. 8. 12. 22 H. 8. 7. 26 H. 8. 11. & 25 H. 8. 6. for beggars and vagabonds, and againſt conveyance of Horſes and Mares out of this Realm, againſt Welſhmen making affrays in the Counties of Hereford, Glouceſter and Salop; and againſt the vice of Buggery. Exp. St. 1 El. 18.

CAP. VII.

Crown, Raſt. 4.

An Act concerning the Succeſſion of the Crown. Alt. 35 H. 8. 1. Rep. 1 M. 1.

CAP. VIII.

Braſs, Raſt. 1.

An Act for continuance of the Statutes of 21 H. 8. 10. 21 H. 8. 12. 23 H. 8. 17. and 24 H. 8. 9. againſt the carriage of Braſs, Laten and Copper out of this Realm. And for making Cables and Ropes, for the winding of Wool, and againſt killing of Weanlings under the age of two years. Exp. St. 1 El. 18.

CAP. IX.

Attaint, Raſt. 15.

An Act for continuance of the Statutes of 23 H. 8. 3. 23 H. 8. 2. 25 H. 8. 9. and 24 H. 8. 4. of Perjury, for making of Jayles for Pewterers, and for ſowing of Flax and Hemp. Exp. St. 1 El. 18.

CAP. X.

Oath, Raſt. 3.

If any perſon ſhall extoll the Authority of the Biſhop of Rome, he ſhall incur the Penalty of Premunire, provided Anno 26 R. 2. Every Eccleſiaſtical and lay Officer ſhall be ſworn to renounce the ſaid Biſhop and his Authority, and to reſiſt it to his power, and to repute any Oath taken in maintenance of the ſaid Biſhop or his Authority to be void: And the refuſing of the ſaid Oath being tendred, ſhall be adjudged high Treaſon. Rep. 1 & 2 P. & M. 8. 13 El. 2.

CAP. XI.

For the reſtitution of the Firſt-fruits in the time of vacation to the next Incumbent.

Eccleſiaſtical perſons 24. Fruits taken during the vacation of a Benefice, ſhall be reſtored to the next Incumbent, whoſe charge for Firſt-fruits ſhall begin from the firſt vacation. 26 H. 8. 3.

FOraſmuch as in the Statute of the payment unto the Kings Majeſty, his heirs and ſucceſſors, of the Firſt-fruits of Spiritual Promotions, Offices, Benefices and Dignities within this Realm, and other the Kings Dominions, expreſs mention and declaration is not had, ne from what time the year ſhall be accounted, in which the Firſt-fruits ſhall be due and payable to his Highneſs, that is to wit, whether immediately from the death, reſignation or deprivation of every Incumbent, or from the time of admiſſion or new taking of poſſeſſion in every ſuch promotion. 1 Rol

II. And alſo by reaſon that in the ſame Statute it is not declared who ſhall have the Fruits, Tithes, and other profits of the ſaid Benefices, Offices, Promotions and Dignities ſpiritual, during 11 H.

during the time of vacation thereof, divers of the Archbiſhops and Biſhops of this Realm, have not onely when the time of perceiving and taking of Tithes (that is to ſay, Wooll, Lamb, Corn and Hay, and Tithes uſually paid at the holy time of Eaſter) hath approached, deferred the collation of ſuch Benefices as have been of their own Patronage, but alſo have upon preſentations of Clerks made unto them by the juſt Patrons, protracted and deferred to inſtitute, induct and admit the ſame Clerks, to the intent that they might have and perceive to their own uſe the ſame Tithes growing, during the vacation: (2) So that through ſuch delays (over and above the firſt-fruits, which be juſtly due to the Kings Highneſs) they have been conſtrained alſo to loſe all, or the moſt part of one years profits of their Benefices and Promotions, and to ſerve the Cure at their and their friends proper coſts and charges, or utterly to forſake and give over their Benefices and Promotions, to their great loſs and hindrance:

The Ordinaries delay to inſtitute Clerks for their private gain.

III. For reformation whereof, it is ordained and enacted by the King our Sovereign Lord, with the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that the ſaid year, in which the firſt-fruits ſhall be paid to the Kings Grace, ſhall begin and be accounted immediately after the avoidance or vacation of any ſuch benefice or promotions ſpiritual afore rehearſed. (2) And that the Tithes, Fruits, Oblations, Obventions, Emoluments, Commodities, Advantages, Rents and all other whatſoever Revenues, Caſualties or Profits, certain and uncertain, affering or belonging to any Archdeaconry, Deanry, Prebend, Parſonage, Vicarage, Hoſpital, Wardenſhip, Provoſtſhip, or other Spiritual Promotion, Benefice, Dignity or Office, (Chauntries onely except) within this Realm, or other the Kings Dominions, growing, riſing or coming, during the time of vacation of the ſame promotion ſpiritual, ſhall belong and affer to ſuch perſon as ſhall be thereunto next preſented, promoted, inſtituted, inducted or admitted, and to his Executors, toward the payment of the firſt-fruits to the Kings Highneſs, his Heirs and Succeſſors; Any uſage, cuſtom, liberty, priviledge or preſcription to the contrary had, uſed or being in any wiſe notwithſtanding.

The next incumbents charged to the King, ſhall begin from the firſt vacation of the benefice.

The fruits taken during the vacation of a benefice, ſhall be reſtored to his next Incumbent.

Coke pl. f. 368.
FNB. 52. G.

IV. And it is alſo enacted by the authority aforeſaid, That if any Archbiſhop, Biſhop, Archdeacon, Ordinary, or any other perſon or perſons, to their uſes and behoof, at any time heretofore ſith the firſt day of May laſt paſt, have perceived, received or taken, or at any time hereafter do perceive, receive or take the Fruits, Tithes, Obventions, Oblations, Emoluments, Commodities, Revenues, Rents, Advantages, Profits or Caſualties, coming, growing or belonging, or which hereafter ſhall come, grow, affer or belong to any Archdeaconry, Deanry, Prebend, Parſonage, Vicarage, Hoſpital, Wardenſhip, Provoſtſhip or other Spiritual Promotion, Benefice, Dignity or Office (Chauntries onely excepted) within this Realm, or other the Kings Dominions, during the vacation of ſuch Archdeaconry, Deanry, Prebend, Parſonage, Vicarage, Hoſpital, Wardenſhip, Provoſtſhip or other Spiritual Promotion, Benefice, Dignity or Office (Chauntries onely excepted) and the ſame upon reaſonable requeſt from henceforth to be made, doth not render, reſtore, ſatisfie, content and pay to the next Incumbent, being lawfully inſtituted, inducted or admitted to ſuch Archdeaconry, Deanry, Prebend, Parſonage or Vicarage, or other Promotion, Benefice, Dignity or Office Spiritual, except before excepted, or do let or interrupt the ſaid Incumbent to have the ſame: that then every Archbiſhop, Biſhop, Archdeacon, Ordinary, or other perſon ſo doing, ſhall forfeit and loſe the treble value of ſo much as he ſhall then have received of the fruits of every Prebend, Parſonage, Vicarage, Hoſpital, Wardenſhip, Provoſtſhip, or other ſpiritual promotion whereof he ſo ſhall perceive, receive or detain, lett or interrupt the Incumbent to perceive, receive and have the Fruits, Tithes, Obventions, Oblations, Emoluments, Commodities, Revenues, Rents, Advantages, Profits or Caſualties: (2) The moiety of which forfeiture ſhall be to the King our Sovereign Lord, and the other moiety thereof to the Incumbent of the ſame Prebend, Parſonage or Vicarage, or other ſpiritual promotion, to be recovered in any of the Kings Courts by action, bill, plaint, information, or otherwiſe, in which action or ſuit the defendant ſhall not be admitted to wage his Law, nor any protection or eſſoin ſhall be unto the defendant allowed.

The forfeiture of the Ordinary which receiveth the fruits of a benefice during the vacation, and doth not reſtore them to the next Incumbent.

V. Provided alway, That it ſhall be lawful to every Archbiſhop, Biſhop, Archdeacon and Ordinary, their officers and Miniſters, to retain in his or their cuſtody, ſo much of the Tythes, Fruits, Obventions, Oblations, Emoluments, Commodities, Advantages, Rents, Revenues, Caſualties and Profits, as ſhall amount to pay unto ſuch perſon or perſons as hath or ſhall ſerve or keep the Cure of ſuch Archdeaconry, Deanry, Prebend, Parſonage or Vicarage, or other Spiritual Promotion, during the vacation, his or their reaſonable Stipend or Salary: (2) And alſo for the collection, gathering and levying of ſuch Tithes, Fruits, Emoluments, Rents and other Profits, riſing and growing during the vacation aforeſaid; Any thing in this Act contained to the contrary in any wiſe notwithſtanding.

What part of the fruits of a benefice the Ordinary may retain in his hands, and for what cauſes.

VI. Provided alſo, and be it further enacted by the authority aforeſaid, That in caſe any of the Incumbents aforeſaid happen to die, and before his death hath cauſed any of his glebe-lands to be manured and ſown at his proper coſts and charges with any Corn or Grain: that then in that caſe, all and every of the ſame Incumbents may make and declare their Teſtaments of all the profits of the Corn growing upon the ſaid glebe-lands ſo manured and ſown; Any thing contained in this preſent Act in any wiſe notwithſtanding.

The Incumbents may declare their wills of any corn ſown by them upon their glebe lands.

VII. And where alſo before this time, divers and many Parſons, Vicars, and other ſpiritual perſons, being ſeiſed for term of their lives, of and in their ſaid ſpiritual promotions aforenamed, as well for great ſums of money to them beforehand paid, as for other cauſes and conſiderations, have lett in ferm for term of years by ſufficient Writings, their ſaid Parſonages, Vicarages, and other Spiritual Promotions, or part thereof, unto divers and many of the Kings ſubjects, and after ſuch Leaſes by them ſo made, the Leaſors thereof have oftentimes uſed to reſign their ſaid benefices or ſpiritual promotions, ſo demiſed and letten in ferm: by reaſon of which reſignation, and other the acts of the ſaid Leaſors, the ſaid benefices and other Spiritual Promotions have been void, and the title and intereſts of the ſaid Leaſes hath been thereby annihilate, and of none effect in the Law, contrary to right and good conſcience: (2) For reformation whereof, and for a quietneſs the better hereafter to be had and continued between the Kings ſubjects, Be it enacted by Authority of this preſent Parliament, That from the foreſaid firſt day of May laſt paſt, no manner of ſuch Leaſe, by ſufficient writing heretofore made, nor hereafter to be made by any ſpiritual perſon within this Realm of England, Wales, or the Marches of the ſame, to any lay perſon, of any Parſonage, Vicarage, or other ſpiritual promotion aforeſaid, within this Realm, upon which Leaſe the Rent and Services reſerved, with other the yearly charges of the Leaſe, as in ſerving the cure and otherwiſe, ſhall amount within fourty ſhillings by the year, of as much as the ſaid Parſonage, Vicarage, or other ſpiritual promotion aforeſaid, ſo letten, is rated and valued at, upon the Kings Books, for paying the firſt-fruits, ſhall be adjudged void, annihilate or determined, by reaſon of any ſuch reſignation, or other avoidance of the ſaid benefice or ſpiritual promotion, ſo letten by the onely act of the ſaid Leaſor; (3) but that every ſuch Leſſee or Grantee of any ſuch benefices or ſpiritual promotions aforeſaid, their Executors or Aſſigns, ſhall have and enjoy their terms and intereſts of and in the ſame, for the term of ſix years, to be accounted next and immediately after the ſaid avoidance, if the ſaid Leaſor do ſo long live, and the Leaſe ſo by him before made, do ſo long continue and endure. (4) And that after ſuch avoidance, the ſucceſſor or ſucceſſors of every ſuch Leaſor ſhall and may diſtrain for the Rent and Services ſo reſerved, and have their Actions of debt, and all other advantages by way of Action, Entry, or otherwiſe, againſt the ſaid Leſſee, his Executors or Aſſigns, for recovery of the ſaid Rent, and covenants upon the ſaid Leaſe, reſerved, as the Leaſor thereof might have had, if no ſuch avoidance had been had.

If a ſpiritual perſon do demiſe his benefice for years, and after doth reſign or die, how long the Leſſee may enjoy it. ALT. 1 & 2 P. & M. 17.

VIII. And farther be it enacted by the authority aforeſaid, That if hereafter it happen any ſuch Leaſor to deceaſe and die before the end of the Term by him ſo made, and that there be one year at leaſt to come of the ſaid term: that then it ſhall be lawful to the Leſſee thereof, his Executors or Aſſigns, to hold and enjoy their ſaid Leaſe to the end of the ſame year, wherein he is ſo entred at the time of his ſaid Leaſors death, if his ſaid Leaſe do ſo long continue, bearing and paying unto the ſucceſſor of every ſuch Leaſor, all ſuch Rent and Services, as for the remnant of the ſaid year ſhall upon every ſuch Leaſe be due: for the recovery whereof, the ſaid ſucceſſor ſhall and may have all ſuch ways and advantages, as before is limited and given to the ſucceſſor, where his predeceſſor maketh ſuch Leaſe and reſigneth.

The ſucceſſor ſhall have the Parſonage-houſe and the glebe not ſown.

IX. Provided alway, That every ſucceſſor after the death of his predeceſſor, may and ſhall have, upon one months warning after the time of his induction, the manſion houſe of every ſuch Parſonage, Vicarage, or other ſpiritual promotion aforeſaid, with the glebe belonging to the ſame, not being ſown at the time of the ſaid predeceſſors death, for maintenance of his houſhold, deducting therefore in his Rent, as heretofore hath been born for the ſame, or as it is reaſonably worth; Any thing in this ſaid Act contained to the contrary notwithſtanding.

How the Curate ſhall be paid his wages, if the fruit be not ſufficient.

X. Provided alway, That if the fruits of the vacation of the ſaid ſpiritual promotions be not ſufficient to pay the Curates ſtipend and wages for ſerving the Cure the vacation time, that then the ſame to be born and paid by the next Incumbent within xiv. days next after that he hath the poſſeſſion of the ſaid promotions ſpiritual. 1 El. 4.

CAP. XII.

Palace, Raſt. 1.

The Limits of the Kings Palace at Weſtminſter, to be from Charing-croſs to Weſtminſter Hall, which ſhall have ſuch privilegdes as the Kings ancient Palaces have. PR.

CAP. XIII.

The Bill for Non-reſidence of Spiritual men and their Benefices.

Eccleſiaſtical perſons 22. Which ſpiritual perſons ſhall be reſident upon their Benefices, and which not, and for what cauſes.

WHereas in the Parliament begun at London on the third day of November, in the xxj. year of the Reign of our Sovereign Lord King Henry the viij. and from thence adjourned and prorogued to the Palace of Weſtminſter, the xvij. day of December then next enſuing, amongſt other good Acts and Ordinances then and there by the authority of the ſaid Parliament, it was eſtabliſhed, ordained and enacted, That as well every ſpiritual perſon, then being promoted to any Archdeaconry, Deanry, or Dignity in any Monaſtery or Cathedral Church, or other Church conventual or collegial, or being beneficed with any Parſonage or Vicarage, as all and every ſpiritual perſon and perſons, which ſhould after the Feaſt of Saint Michael the Archangel, which was in the foreſaid xxj. year of the Reign of our Sovereign Lord King Henry the viij. be promoted to any of the ſaid Dignities or Benefices with any Parſonage or Vicarage, ſhould from the ſaid Feaſt of Saint Michael the Archangel, be perſonally reſident and abiding at and upon his ſaid Dignity, Prebend or Benefice, or at one of them at the leaſt: (2) And in caſe any ſuch ſpiritual perſon at any time after the ſaid Feaſt, kept not reſidence at one of his ſaid Dignities, Prebend or Benefices (as is aforeſaid) but abſent himſelf wilfully by the ſpace of one month together, or by the ſpace of two months, to be accounted at ſeveral times in any one year, and make his reſidence and abiding in any other places by ſuch time: that then he ſhall forfeit for every ſuch default x. li. ſterling, as in the ſame Act more plainly doth appear. (3) In which Act among other Proviſions contained and ſpecified in the ſame, it was provided, That the ſaid Act of non-reſidence ſhould not in any wiſe extend, ne be prejudicial to any Scholar or Scholars, being converſant and abiding for ſtudy without fraud or covin at any Univerſity within this Realm, or without, as by the ſame Proviſion doth alſo appear more at large. (4) Sithence the making of which good Act and Statute, divers and many perſons being beneficed with cure of Souls (as is aforeſaid) and being not apt to ſtudy by reaſon of their age or otherwiſe, ne never intending before the making of the ſaid Act, to travel in ſtudy within any the ſaid Univerſities for the increaſe of learning, but rather minding and intending their own eaſe, ſingular lucre and pleaſure, by the ſame Proviſion colourably to defraud the ſame good Statute and Ordinance, do daily and commonly reſort and repair to the ſaid Univerſities of Oxford and Cambridge, and to either of them, where they under the ſaid pretence and colour of ſtudy, do continue

Several perſons under the colour of ſtudy in one of the Univerſities, do intend to defraud the meaning of the Stat. of 21 H. 8. 13. p. 28.

tinue and abide, living diſſolutely, nothing profiting themſelves by ſtudy at all in Learning, but conſume the time in idleneſs, and in other paſtimes and inſolent pleaſures, giving occaſion and evil example thereby to other young men and Students within the ſaid Univerſities, little or nothing regarding their cure and charge of Souls, contrary to the minds and intent of the makers of the foreſaid good Statute and Ordinance: (5) And alſo divers and many old beneficed men have and do continually remain there, never exerciſing nor practiſing their learning to the example of virtue and maintenance of the Commonwealth, in diſcharge of their conſcience, according to their duty, having nevertheleſs, and occupying ſuch rooms and commodities as were inſtituted and ordained for the maintenance and relief of poor Scholars, to the great hinderance and detriment of the ſame:

II. Be it therefore enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, That all and ſingular ſpiritual perſon and perſons, which now be, or hereafter ſhall be to any Benefice or Benefices promoted as is aforeſaid, being above the age of xl. years, (the Chancellor, Vice-chancellor, Commiſſary of the ſaid Univerſities, or any of them, Wardens, Deans, Provoſts, Preſidents, Rectors, Maſters, Principals and other Head Rulers of Colledges, Halls and other houſes or places corporate within the ſaid Univerſities, or any of them, Doctors of the Chair, Readers of Divinity in the common Schools of Divinity in any of the ſaid Univerſities onely excepted) ſhall be reſident and abiding at, and upon one of their ſaid Benefices, according to the intent and true meaning of the ſaid former Act, upon ſuch pein and penalties as be contained in the ſaid former Act made and appointed for ſuch beneficed perſons for their non-reſidence. (2) And that none of the ſaid beneficed perſons being above the age aforeſaid, except before except, ſhall from henceforth be excuſed of their non-reſidence upon the ſaid Benefices, for that they be Students or reſiant within the ſaid Univerſities or any of them: Any Proviſo, or any other Clauſe or Sentence ſpecified or contained in the ſaid former Act of Non-reſidence, or any other thing or things to the contrary hereof in any wiſe notwithſtanding.

Which ſpiritual perſons may be diſcharged from reſidence upon their Benefices, and for what cauſe.

III. And over this, be it enacted by the authority aforeſaid, That all and ſingular ſuch beneficed perſons being under the age of xl. years, reſiant and abiding within the ſaid Univerſities, or any of them, ſhall not enjoy the priviledge and liberty of non-reſidence, contained in the Proviſo of the ſaid former Act, made for the Scholars of the ſaid Univerſities, or any of them, unleſs he or they be preſent at the ordinary Lecture and Lectures, as well at home in their houſes, as in the common School or Schools, and in their proper perſon keep Sophiſmes, Problemes, Diſputations and other Exerciſes of Learning, and be opponent, and reſpondent in the ſame, according to the Ordinances and Statutes of either of the ſaid Univerſities where he or they ſhall be ſo abiding or reſiant; any thing contained in the ſaid Proviſo or former Act to the contrary notwithſtanding.

IV. Provided alway, That this Act ſhall begin to take effect at the Feaſt of S. Michael the Archangel next coming, and not before.

V. Provided alway, That this Act nor any thing therein contained, ſhall extend to any perſon or perſons, which now is, or hereafter ſhall be Readers of any publick or common Lecture in Divinity, Law Civil, Phyſick, Philoſophy, Humanity, or of any of the liberal Sciences, or publick or common Interpreters or Teachers of the Hebrew Tongue, Caldy, or Greek, in whatſoever Colledge or place of any of the ſaid Univerſities the ſaid perſons for the time being, ſhall read the ſaid common or publick Lectures: nor yet to any perſon or perſons, after or above the age of fourty years, which ſhall reſort to any of the ſaid Univerſities, to proceed Doctors in Divinity, Law Civil or Phyſick, for the time of their ſaid proceedings, and executing of ſuch Sermons, Diſputations or Lectures, which they be bound by the Statutes of the Univerſities there to do for the ſaid degrees ſo obtained.

Readers of Lectures, or interpreters of tongues in either of the Univerſities.

Proceeding Doctor in Divinity, Law or Phyſick.

CAP. XIV.

For Prices of Wines.

BE it enacted by authority of this preſent Parliament, That no perſon or perſons ſhall ſell any Gaſcoyn, Guyon, or French Wines above viij. d. the gallon, that is to ſay, a peny the pint, two pence the quart, four pence the pottle, and eight pence the gallon, upon pein of forfeiture for every pint to be ſold above the ſaid price, four pence, and for every quart ſold above the ſaid price, viij. d. and for every pottle ſo ſold above the ſaid price. xij. d. and for every gallon ſo ſold above the ſaid price afore limited, ij. s. (2) And that no Malmſeys, Romneys, Sacks, nor other ſweet Wines ſhall be ſold by retail above xij. d. the gallon, vj. d. the pottle, iij. d. the quart, j. d. ob. the pint, upon pein to loſe and forfeit iij. s. iv. d. for every gallon, xx. d. for every pottle, xij. d. for every quart, and vj. d. for every pint that ſhall be ſold contrary to this Act.

Wines, Raſt. 35 At what prices Wines ſhall be ſold.

No perſon ſhall ſell Gaſcoyn or Guyon Wine above viij. d. the gallon.

St. 7. Ed. 6. 5.
5 El. 5.
Rep. 1 Jac. 25.
& 21 Jac. 28.

II. Provided alway, That the Lord Chancellor, Lord Treaſurer, Lord Preſident of the Kings moſt honourable Council, Lord Privy Seal, and the two Chief Juſtices of either Bench, or five, four or three of them, ſhall have power and authority by their diſcretions, to ſet the prices of all kind of Wines, that is to ſay, of the prices of the Butt, Tun, Pipe, Hogſhead, Puncheon, Teerce, Barrel or Rundlet, when it ſhall be ſold in groſs, ſo that they or any of them cauſe the Prices by them ſet, to be written, and open Proclamation thereof to be made in the Kings Court of Chancery openly in the Term time, or elſe in the City, Borough or Town where any ſuch Wines ſhall be ſold in groſs; any thing contained in this Act to the contrary hereof notwithſtanding.

The prices of Veſſels of Wines ſhall be aſſeſſed by the Kings great Officers.
St. 37 H. 8. 23.
34 H. 8. 7.

III. And it is further enacted, That if any perſon or perſons, after ſuch prices be ſet, and put in Writing by the ſaid Lord Chancellor, Lord Treaſurer, Lord Preſident of the Kings moſt honourable Council, Lord Privy Seal, and the two chief Juſtices, or by five, four or three of them, and Proclamation thereof had, (as is aforeſaid) do ſell any Wines in groſs, by any fraud or covin, contrary to the ſaid prices ſo ſet and proclaimed: that then every offender in that behalf, ſhall loſe and forfeit for every Veſſel by them ſold in groſs, contrary to the

The forfeiture of them which ſell Wines in groſs, contrary to the prices aſſeſſed.

ſaid prices. xl. s. (2) the one half of all which forfeitures to be to the King our Sovereign Lord, and the other half thereof, if it be within any City, Borough or Town-corporate, to be to the Mayors, Sheriffs, Bailiffs, or other head Rulers of ſuch Cities, Boroughs or Towns-corporate: (3) And if it be without City, Borough or Town-corporate, then to be to ſuch of the Kings ſubjects as will ſue for the ſame: And that every ſuch forfeiture ſhall be recovered by original writ of debt, bill, plaint or information, in which ſuit no wager of Law ſhall be admitted, nor any protection or eſſoin allowed.

Juſtices of Peace and chief Officers in Boroughs, &c. ſhall enquire of and puniſh offenders.

IV. And it is alſo enacted, That the Juſtices of Peace in every Shire of this Realm, and all Mayors, Sheriffs, Bailiffs and other Head Officers in Cities, Boroughs and Towns-corporate, that is to ſay, every of them within the limits of their Commiſſions and Authorities, as well within Franchiſes as without, ſhall have power and authority to examine, hear, enquire and determine the defaults of ſuch as ſhall attempt to ſell any Wines in groſs or by retail contrary to this Act, and to puniſh the offenders by impriſonment, or otherwiſe by their diſcretions.

The contents of every Veſſel of Wine, and the Stat. of 1 R. 3. 13. and other ſtatutes made touching the ſame, confirmed.
Stat. 18 H. 6. 17.

V. And whereas in the Parliament holden at Weſtminſter in the firſt year of the Reign of King Richard the third, among other things it was eſtabliſhed, ordained and enacted, That every Tun of Wine ſhould contain CClii. Gallons, every Butt of Malmſey ſhould contain Cxxvj. Gallons, every Pipe Cxxvj. Gallons, every Tertian or Puncheon, lxxxiiij. Gallons, every Hogſhead lxiij. Gallons, every Teerce xlj. Gallons, and every Barrel xxxj. Gallons and di. and every Rundlet xviij. Gallons and di. (2) And that no veſſel ſhould be put to ſale till it were gauged, upon pein of forfeiture, as by the ſame Statute it doth appear more at large. (3) Nevertheleſs, great deceit is daily uſed in ſelling of Wines and Oyls in Casks and Veſſels not bearing the contents above limitted, to the great loſs of the King's poor ſubjects: For remedy whereof, it is enacted by the authority of this preſent Parliament, That the ſaid Statute made in the firſt year of King Richard the Third, and all other Statutes heretofore made for true Gauging and Meaſuring of Wines, Oyls, Honey, or any other Liquors, which Eſtatutes afore this time be not repealed nor expired, ſhall ſtand in their ſtrength and virtue, and be put in due execution, according to their tenour and effects in every behalf.

Every veſſel of Wine, &c. ſhall be truly gauged and marked upon the Head.
Stat. 27 Ed. 3. 8.
23 H. 6. 16.

VI. And over that it be enacted by authority of this preſent Parliament, That every Gauger within this Realm ſhall truly and effectually within the limits of his Office, gauge all the ſaid Tuns, Butts, Pipes, Teerces, Puncheons, Tertians, Barrels, Hogſheads and Rundlets, and ſhall plainly and truly mark upon the head of every ſuch Veſſel the content of the ſame, (2) upon pein to forfeit to the party to whoſe uſe the Wine, Oyl, or other thing therein being ſhall be ſold, four times the value of that that the Veſſel ſo marked ſhall lack of his lawful content above written: (3) the ſame forfeiture to be recovered over and beſide the coſts of the ſuit, by the King's original Writ, or by Bill in any of the King's Courts of his common Laws, or in any competent Court having juriſdiction in the place where that offence ſhall be committed, by Action or Bill of Debt; in which Action or Suit, none Eſſoin, Protection, nor wager of Law ſhall be accepted, admitted or allowed to the Defendant or Defendants. (4) And that every Merchant or other perſon, ſelling the ſaid Wine, Oyl, or other things contained in the ſaid Veſſel marked, ſhall allow of the price thereof to the buyer of the ſame, for every quantity of Wine, Oyl, or other thing contained in the ſaid marked Veſſel, the full value of the lack thereof, being by reaſon of default of full Gauge of the Veſſel marked, or of default of filling of the ſame Veſſel, or by reaſon of default of any of them, after the rate of the whole price of Wine, Oyl, or other thing ſo being ſold by that Veſſel marked, and that upon pein of forfeiture to the ſame buyer the double value of the ſame Veſſel and Wine, Oyl, or other thing therein being ſo ſold: the ſame forfeiture to be recovered together with the coſts of the ſuit, in manner and form as the forfeiture laſt before written is limited to be recovered. Alt. 12 Car. 2. ca. 25.

How he ſhall be recompenſed which lacketh meaſure.

CAP. XV.

For Pirates.

Pirates 1. How Pirates on the Sea ſhall be tried and puniſhed.

WHere Traitors, Pirates, Thieves, Robbers, Murtherers and Confederates, upon the Sea, many times eſcaped unpuniſhed, becauſe the trial of their offences hath heretofore been ordered, judged and determined before the Admiral or his Lieutenant, or Commiſſary, after the courſe of the civil Laws; (2) the nature whereof is, that before any judgment of death can be given againſt the Offenders, either they muſt plainly confeſs their offences (which they will never do without torture or pains) or elſe their offences be ſo plainly and directly proved by witneſs indifferent, ſuch as ſaw their offences committed, which cannot be gotten but by chance at few times, becauſe ſuch Offenders commit their offences upon the Sea, and at many times murther and kill ſuch perſons being in the Ship or Boat where they commit their offences, which ſhould witneſs againſt them in that behalf; and alſo ſuch as ſhould bear witneſs be commonly Mariners and Shipmen, which becauſe of their often voiages and paſſages in the Seas, depart without long tarrying and protraction of time, to the great coſts and charges as well of the King's Highneſs, as ſuch as would purſue ſuch offenders: (3) For reformation whereof, be it enacted by the authority of this preſent Parliament, That all Treaſons, Felonies, Robberies, Murthers and Confederacies hereafter to be committed in or upon the Sea, or in any other Haven, River, Creek or place where the Admiral or Admirals have or pretend to have power, authority or juriſdiction, ſhall be inquired, tried, heard, determined and judged in ſuch ſhires and places in the Realm, as ſhall be limited by the King's Commiſſion or Commiſſions to be directed for the ſame, in like form and condition, as if any ſuch offence or offences had been committed or done in or upon the land; (4) and ſuch Commiſſions ſhall be had under the King's great Seal, directed to the Admiral or Admirals, or to his or their Lieutenant, deputy and deputies, and to three or four ſuch other ſubſtantial perſons as ſhall be named or appointed by the Lord Chancellor of England, for the time being, from time to time, and as oft as need ſhall require, to hear and

Trial of offences committed upon the Sea, or, &c. within the Admirals juriſdiction by the Kings Commiſſion.
Co. Inſt. 3. p. 147.

determine ſuch offences, after the Common courſe of the Laws of this Land, uſed for Treaſons, Felonies, Robberies, Murthers, and confederacies of the ſame done and committed upon the Land within this Realm.

II. And be it enacted by the authority aforeſaid, That ſuch perſons to whom ſuch Commiſſion or Commiſſions ſhall be directed, or four of them at the leaſt, ſhall have full power and authority to enquire of ſuch offences, and of every of them, by the Oaths of twelve good and lawful inhabitants in the ſhire limited in their Commiſſion, in ſuch like manner and form, as if ſuch offences had been committed upon the Land within the ſame ſhire: (2) And that every Indictment found and preſented before ſuch Commiſſioners, of any Treaſons, Felonies, Robberies, Murthers, Manſlaughters, or ſuch other offences, be committed or done in and upon the Seas, or in or upon any other Haven, River or Creek, ſhall be good and effectual in the Law. (3) And if any perſon or perſons happen to be indicted for any ſuch offence done, or hereafter to be done upon the Seas, or in any other place above limited, that then ſuch Order, Proceſs, Judgment and Execution ſhall be uſed, had, done, and made, to and againſt every ſuch perſon and perſons, ſo being indicted, as againſt Traytors, Felons, and Murtherers, for Treaſon, Felony, Robbery, Murther, or other ſuch offences done upon the Land, as by the Laws of this Realm is accuſtomed. (4) And that the trial of ſuch offence or offences, if it be denied by the offender or offenders, ſhall be had by twelve lawful men inhabited in the ſhire limited within ſuch Commiſſion, which ſhall be directed as is aforeſaid, and no challenge or challenges to be had for the Hundred: (5) And ſuch as ſhall be convict of any ſuch offence or offences, by Verdict, Confeſſion, or Proceſs by authority of any ſuch Commiſſion, ſhall have and ſuffer ſuch pains of death, loſſes of lands, goods and chattels, as if they had been attainted and convicted of any Treaſons, Felonies, Robberies, or other the ſaid offences done upon the Lands.

The Commiſſioners authority.
1 Leon. 100. 270.
3 Bulſt. 28. 29.

The puniſhment of the offenders.

III. And be it enacted by authority aforeſaid, That for Treaſons, Robberies, Felonies, Murthers, and Confederacies done upon the Sea or Seas, or in any place above rehearſed, the offenders ſhall not be admitted to have the benefit of his or their Clergy, but be utterly excluded thereof, and from the ſame, and alſo of the privilege of any Sanctuary.

Moor, 756. pl. 1044.

IV. Provided alway, That this Act extend not to be prejudicial or hurtful to any perſon or perſons, for taking any Victual, Cables, Ropes, Anchors or Sails, which any ſuch perſon or perſons (compelled by neceſſity) taketh of or in any ſhip which may conveniently ſpare the ſame, ſo the ſame perſon or perſons pay out of hand for the ſame victual, cables, ropes, anchors, or ſails, money or money-worth, to the value of the thing ſo taken, or do deliver for the ſame a ſufficient Bill obligatory, to be paid in form following; that is to ſay, If the taking of them ſame things be on this ſide the Straits of Marroke, then to be paid within four months; and if it be beyond the ſaid Straits of Marroke, then to be paid within xij. months next enſuing the making of ſuch Bills; and that the makers of ſuch Bills well and truly pay the ſame debt at the day to be limited within the ſaid Bills.

Taking of things that may be ſpared upon neceſſity, and paying for them.

V. Provided alway, That whenſoever any ſuch Commiſſion for the puniſhment of the offences aforeſaid, or of any of them, ſhall be directed or ſent to any place within the juriſdiction of the five Ports, that then every ſuch Commiſſion ſhall be directed unto the Lord Warden of the ſaid Ports for the time being, or to his Deputy, and unto three or four ſuch other perſon or perſons as the Lord Chancellor for the time being ſhall name and appoint; any thing in this preſent Act to the contrary notwithſtanding.

Commiſſions directed into any place within the five Ports.

VI. Provided alway, that whenſoever any Commiſſion ſhall be directed unto the five Ports, for the inquiſition and trials of any the offences expreſſed in this Act, that every ſuch inquiſition and trial to be had by virtue of ſuch Commiſſion, ſhall be made and had by the inhabitants in the ſaid five Ports, or the members of the ſame; any thing in this Act to the contrary thereof notwithſtanding. St. 27 H. 8. 4.

CAP. XVI.

A Proviſion for Diſpenſations and Licences heretofore obtained from the See of Rome.

Where the Biſhop of Rome and his Predeceſſors, of his and their covetous and ambitious mind, to the intent to advance and enrich themſelves and the See of Rome, to the great impoveriſhing of this Realm of England, and other the King's Dominions, contrary to God's Law, the Laws and Statutes of this Realm, and in derogation of the Imperial Crown of this ſaid Realm, have heretofore wrongfully pretended, extorted, uſed and exerciſed within the ſame, divers and many uſurped powers, juriſdictions and authorities, during, and by the which time, the ſaid Biſhop and his Predeceſſors, arrogantly and unjuſtly have taken upon them for great Sums of Money, and other Profits to them given, to grant unto the King's Subjects, and other Inhabitants within this Realm, and other the King's Dominions, many, divers and ſundry authorities, immunities, faculties, privileges, licences, indulgences, and preheminences of divers kinds, natures, and qualities, (2) which although they proceeded by an unjuſt and uſurped authority, have been until now of late by the Subjects of this Realm timorouſly and ignorantly accepted, received, uſed, and erroniouſly put in exerciſe and execution: (3) the which uſurped authority, juriſdiction and power is now juſtly, truly, and ought to be clearly and abſolutely extinguiſhed, extirped, and aboliſhed within this Realm, and other the King's Dominions: (4) And foraſmuch as all and every ſuch perſon and perſons, bodies politick and corporate, which unlawfully and without any manner of authority or juſt ground, heretofore have timorouſly and ignorantly accepted, received, uſed, and erroniouſly put in execution and exerciſe the ſaid faculties, immunities, authorities, priviledges, licences, indulgences, and preheminences, have now ſincere, pure, and perfect intelligence and knowledge of the ſaid uſurped authority, juriſdiction and power: And that the ſaid faculties, authorities, priviledges, licences and indulgences, ſo as is aforeſaid accepted, received, uſed, and erroniouſly exerciſed, were and been to all intents and purpoſes clearly void, fruſtrate, and of none effect: Albeit, if they ſhould be impeached or interrupted of ſuch priviledges, liberties, preheminences, authorities, juriſdictions, profits, and other

Diſpenſation, Raſt. 1.
Releaſe of ſuch who have obtained licences from the See of Rome.

other commodities, which they now have, uſe and exerciſe by colour of ſuch vain and void licences, diſpenſations and faculties, it ſhould be to their intolerable inquietations and utter undoing.

All Bulls and Diſpenſations from the Biſhop or See of Rome to any ſubjects of this Realm ſhall be void.

II. Wherefore be it enacted by authority of this preſent Parliament, That all bulls, breves, faculties and diſpenſations, of what names, natures or qualities ſoever they be of, heretofore had or obtained of the Biſhop of Rome, or of any his Predeceſſors, or by the authority of the See of Rome, by or to any ſubjects, reſiants, or bodies politick or corporate, of or in this Realm, or of or in any other the Kings Dominions, ſhall from henceforth be clearly void, and of no value, force, ſtrength, nor virtue; (2) and ſhall never hereafter be uſed, admitted, allowed, pleaded or alledged in any places or Courts of this Realm, or of any other the Kings Dominions, upon the peins contained in the Statute of Proviſion and premunire, made in the ſixteenth year of the Reign of King Richard the Second: (3) Yet notwithſtanding, at the moſt humble Petition and Interceſſion of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, it may pleaſe the Kings Majeſty of his moſt gracious benignity, goodneſs, and bleſſed diſpoſition, that it may be enacted by authority of this Parliament, That all Marriages had and ſolemnized within this Realm, or in any other the Kings Dominions, before the third day of November, in the ſix and twentieth year of the Kings moſt gracious Reign, whereof there is no Divorce or Separation had by the Eccleſiaſtical Laws of this Realm, and which Marriages be not prohibited by Gods Laws limited and declared in the Act made in this preſent Parliament for the eſtabliſhment of the Kings Succeſſion, or otherwiſe by holy Scripture, ſhall be by authority of this preſent Parliament good, lawful and effectual, and ſhall be from the beginning of ſuch Marriages reputed, eſteemed, taken, adjudged, received, approved, and allowed by the authority of this Preſent Parliament, to all and ſingular purpoſes, effects and intents, as good, as ſufficient, and as available, as though no impediment of Matrimony had ever been between them that have contracted and ſolemnized ſuch Marriages: (4) And that all Children procreated and to be procreated in and under ſuch Marriages, ſhall be lawful to all intents and purpoſes.

1 & 2 Ph. & Mar. 8. Sect. 18. N. 1.
1 Eliz. 1. Sect. 10. N. 1.
St. 28 H 8. 7. Sect. 9.
A Confirmation of former lawful marriages.

A Confirmation of all Archbiſhops and Biſhops, and their authority, and other Eccleſiaſtical perſons and orders.

III. And that it may be alſo enacted by the authority of this preſent Parliament, That all Archbiſhops and Biſhops of this Realm, or of any the Kings Dominions, conſecrated, and at this preſent time taken and reputed for Archbiſhops and Biſhops, may by authority of this preſent Parliament, and not by virtue of any proviſion, or other foreign authority, Licence, Faculty, or Diſpenſation, keep, enjoy and retain their Archbiſhopricks and Biſhopricks, in as large and ample manner, as if they had been promoted, elected, confirmed and conſecrated according to the due courſe of the Laws of this Realm. (2) And that every Archbiſhop and Biſhop of this Realm, and of other the Kings Dominions, may miniſter, uſe, and exerciſe all and every thing and things pertaining to the Office or Order of an Archbiſhop and Biſhop, with all Tokens, Inſigns and Ceremonies thereunto lawfully belonging.

IV. And that all Eccleſiaſtical perſons of the Kings Realms and Dominions, which at this time be taken, had and reputed for Abbots, Priors, Abbeſſes, Prioreſſes, and other Heads of Religion (which be not, neither ſhall be excluded from their Dignities by the late Act of Suppreſſion) and the religious perſons living under their obedience, and all perſons now taken and reputed as Maſters, Preſidents, Provoſts and Wardens of Cathedral Churches and Colledges, with the Companies and Fellowſhips of the ſame, all Prieſts and Clerks, which have received any of the Eccleſiaſtical Orders, all Archdeacons and Deans, and other having Offices, Cures and Dignities ſpiritual, may by authority of this Act, and not by the virtue of any foreign power or authority, adminiſter, uſe and exerciſe all things pertaining to their Dignities, Offices, Orders, Cures, Religions and Fellowſhips, and may lawfully hereafter uſe all Tokens, Inſigns and Ceremonies, which they have been accuſtomed to uſe in times paſt (ſo it be not expreſly againſt the Laws of God, and this Realm) any thing or things contained in any Act or Acts made ſithen the beginning of this preſent Parliament to the contrary of any of the premiſſes, in any wiſe notwithſtanding.

V. And where divers and many of the Kings ſaid ſubjects have purchaſed and obtained many Diſpenſations, Bulls, Breves and Faculties of the Biſhop of Rome for the time being, or by authority of the See of Rome, as Pluralities, Unions, Trialties, Appropriations, Commendums, Exemptions, and other Bulls, Breves and Faculties, for divers cauſes and matters, other than be afore expreſſed, which be of no ſtrength or virtue: (2) It may therefore pleaſe the Kings Majeſty, that it may be enacted by authority aforeſaid, That all and every his ſaid ſubjects, during the time of one whole year next after the Feaſt of Saint Michael the Archangel next coming, may enjoy, uſe and have by authority of this preſent Act, and not by the virtue of the ſaid Bulls, Breves and Faculties, all and every the effects contained and ſpecified in ſuch Bulls, Breves and Faculties, in all ſuch caſes onely as may be diſpenſed with by the Archbiſhop of Canterbury, by authority of the Laws and Statutes of this Realm.

VI. And that it may be further enacted by authority aforeſaid, That all and every the Kings ſaid ſubjects, bringing, rendring and delivering to ſuch perſons of his Council, or of the Maſters of his Chancery, as the Kings Highneſs ſhall name and appoint, any Bulls, Breves, or any other Faculties, concerning any the premiſſes, that then, if it ſhall appear to ſuch perſons as the Kings Highneſs ſhall ſo name and appoint to receive ſuch Bulls, Faculties and Breves, after due examination thereof had, that the effects contained and ſpecified in ſuch Bulls, Faculties and Breves, or any part thereof, may be lawfully granted by the ſaid Archbiſhop of Canterbury, by authority of the Laws and Statutes of this Realm: that then and in every ſuch caſe the Kings ſaid ſubjects, making humble ſuit to have the effects contained in the ſaid Bulls, Breves and Faculties to be granted unto them, ſhall have, receive, and obtain of the Chancellor of England, or Keeper of the Great Seal for the time being, by ſufficient writing in due form to be made, and to be ſealed under the Kings Great Seal, all

The effect and contents of bulls, breves, faculties, &c. purchaſed of the See of Rome, which be allowable, ſhall be confirmed under the great Seal.

and every ſuch effects contained and ſpecified in ſuch Bulls, Breves and Faculties, as may be lawfully granted by the ſaid Archbiſhop of Canterbury, by authority of the Laws and Statutes of this Realm. (2) paying only for ſealing of every ſuch Writing, xx. s. iv. d. and over that, for the reaſonable coſts for pains of the writing thereof, iij. s. iv. d. and not above; and for the pains taken for due examination of every ſuch Bulls, Breves and Faculties, iij. s. iv. d. and not aabove: (3) And that this preſent Act ſhall be ſufficient and immediate warrant to the Chancellor or Keeper of the great Seal, for enſealing and delivery of ſuch Licences, Faculties, Diſpenſations, and other Writings which ſhall be made, granted, and ſealed under the Kings great Seal, by virtue and authority of this Act.

VII. And it is alſo enacted by authority aforeſaid, That all and every ſuch Licence, Diſpenſation, Faculty, Confirmation, or other Writing, to be had, made, or granted under the Kings great Seal, out of the ſaid Court of Chancery by authority of this Act, in form as is above rehearſed, ſhall be good and effectual to the ſaid parties ſuing for the ſame, according to the tenor and effects thereof, and ſhall be admitted, accepted and allowed in all Courts and places of this Realm, and in all other the Kings Dominions; any Uſage, Preſcription, foreign Laws, Cuſtoms, or Ordinance to the contrary thereof notwtihſtanding. St. 1 & 2 Ph. & M. 8. 1 El. 1.

C A P. XVII.

Any Inheritable to the Crown (to be limited by King H. 8.) after his age of xxiv. years, may repeal ſuch Statutes as were made in his time before the ſaid age. Rep. 1 Ed. 6. 11.

Repeal, Raſt. 8. Co. Inſt. 4 p. 362,

C A P. XVIII.

It ſhall be high Treaſon for any man to eſpouſe, marry, or to take to his wife, any of the Kings children being lawfully born, or otherwiſe commonly reputed for his children, or any of the Kings Siſters or Aunts of the part of the Father, or any of the lawfull children of the Kings Brethren or Siſters, or to contract Matrimony with any of them without the Kings Licence firſt had under the great Seal, or to deflower any of them being married: And the woman ſo offending ſhall incur the like danger. Rep. 1 Ed. 6. 12. 1 M. 1.

Treaſon, Raſt. 14.

Anno triceſimo primo Henrici *octavi.*

HEnry the Eighth, by the grace of God, King of England and of France, Defender of the Faith, Lord of Ireland, and in earth ſupream Head immediately under Chriſt of the Church of England, to the honour of Almighty God, conſervation of the true Doctrine of Chriſts Religion, and for the concord, quiet, and wealth of this his Realm, and Subjects of the ſame, held his moſt high Court of Parliament, begun at Weſtminſter the twenty eighth day of April, and there continued till the twenty eighth day of June, the one and thirtieth year of his moſt noble and victorious Reign, wherein were eſtabliſhed theſe Acts following.

C A P. I.
For joynt Tenants, and Tenants in common.

FOraſmuch as by the common Laws of this Realm, divers of the Kings Subjects, being ſeiſed of Manors, Lands, Tenements, and Hereditaments, as joynt-Tenants, or as Tenants in common, with other of any Eſtate of Inheritance, in their own rights, or in the right of their Wives, by purchaſe, deſcent, or otherwiſe, and every of them ſo being joynt-Tenants, or Tenants in common, have like right, title, intereſt, and poſſeſſion in the ſame Manors, Lands, Tenements, and Hereditaments for their parts or portions jointly, or in common undividedly together with other; (2) and none of them by the Law doth, or may know their ſeveral parts or portions in the ſame, or that that is his or theirs, by it ſelf undivided, and cannot by the Laws of this Realm otherwiſe occupy or take the profits of the ſame, or make any ſeverance, diviſion, or partition thereof, without other of their mutual aſſents and conſents: (3) by reaſon whereof divers and many of them, being ſo joyntly and undividedly ſeiſed of the ſaid Manors, Lands, Tenements and Hereditaments, oftentimes of their perverſe, covetous and malicious minds and wills, againſt all right, juſtice, equity, and good conſcience, by ſtrength and power, not only cut and fallen down all the woods and trees growing upon the ſame, but alſo have extirped, ſubverted, pulled down and deſtroyed all the houſes, edifices and buildings, meadows, paſtures, commons, and the whole commodities of the ſame, and have taken and converted them to their own uſes and behoofs, to the open wrong and diſheriſon, and againſt the minds and wills of other, holding the ſame Manors, Lands, Tenements, and Hereditaments joyntly, or in common with them, and they have been always without aſſured remedy for the ſame:

Petition, 2. Godbolt, 84. pl. 97.

Several inconveniences enſuing by holding lands joyntly, or in common being undivided.

II. Be it therefore enacted by the King our moſt dread Sovereign Lord, and by the aſſent of the Lords ſpiritual and temporal, and by the Commons in this preſent Parliament aſſembled, That all joynt-Tenants, and Tenants in common, that now be, or hereafter ſhall be of any eſtate or eſtates of inheritance in their own rights, or in the right of their wives, of any Manors, Lands, Tenements or Hereditaments within this Realm of England, Wales, or the Marches of the ſame, ſhall and may be coacted and compelled, by vertue of this preſent Act, to make partition between them of all ſuch Manors, Lands, Tenements and Hereditaments as they now hold, or hereafter ſhall hold as joynt-Tenants, or Tenants in common, by Writ, De participatione facienda, in that caſe to be deviſed in the King our Sovereign Lords Court of Chancery, in like manner and form as Coparceners by the common Laws of this Realm have been and are compelled to do, and the ſame Writ to be purſued at the common Law. 2 Bulſt. 114.

Joynt-tenants and Tenants in common are compellable to make partition by Writs. Raſt. pl. f. 450. Coke pl. f. 410.

III. Provided alway, and be it enacted, that every of the ſaid joynt-Tenants, or Tenants in common, and their heirs, after ſuch partition made, ſhall and may have aid of the other, or of their heirs, to the intent to dereign the warranty paramount, and to recover for the rate, as is uſed between Coparceners after partition made by the order of the common Law; any thing in this Act contained to the contrary notwithſtanding 32 Hen. 8. 32. Coke li. 6. fo. 12.

Every of the joynt-Tenants and Tenants in common ſhall have aid of the other.

C A P. II.

All fiſhing with Nets, &c. with intent to ſteal Fiſh in the Night, or breaking the head of a Pond to take Fiſh, ſhall be Felony. Rep. 1 Ed. 6. 12. 1 M. 1. The penalty for fiſhing in any pond, ſtew, or mote in the day time, without the owners conſent, is three months impriſonment, and after to find ſurety for his good abearing. Alt. 5. El. 21.

Fiſhes, Raſt. 12.

CAP. III.

Gavelkind.

Cuſtoms and uſage, Raſt. 1. The manors, &c. of Thomas Lord Crumwel, and of others, to the numb. of xxxiv. perſons, being within the County of Kent, and Gavelkind-land, ſhall hereafter deſcend as lands at the common Law.

THE King our Sovereign Lord, for divers conſiderations his Majeſty moving, by authority of his high Court of Parliament, enacteth, ordaineth and eſtabliſheth, That as well all the Lordſhips, Manors, Lands, Tenements, Woods, Paſtures, Rents, Services, Reverſions, Remainders, Advowſons, and all other whatſoever Hereditaments, ſet, lying and being within the County of Kent, of the which Thomas Crumwel, Knight of his honourable Order of the Garter, Lord Crumwel of Wimbildon, Lord Privy Seal, Thomas Burgh, Knight, Lord Burgh, George Broke Knight, Lord Cobham, Andrew Windſor Knight, Lord Windſor, Thomas Cheine Knight, Treaſurer of our ſaid Sovereign Lord the Kings moſt honourabe Houſhold, Chriſtopher Hales Knight, Maſter of the Rolls of our ſaid Sovereign Lords Court of Chancery, Thomas Willoughby Knight, one of the Judges of the Kings Court of the Common-place, Anthony Saintleger Knight, Edward Wotton Knight, Edward Boveton Knight, Roger Cholmeley Knight, Serjeant at Law, John Champneis Knight, John Baker Squire, our ſaid Sovereign Lord the Kings General Atturney, Reinold Scotte, Squire, John Guldford Squire, Thomas Kempe Squire, Edward Thwaitis Squire, William Roper Squire, Anthony Sandes Squire, Edward Iſaac Squire, Percival Hart Squire, Edward Monyns Squire, William Whetnal Squire, John Fogge Squire, Edmund Fetyplace Squire, Thomas Hardres Squire, William Waller Squire, Thomas Wylford Squire, Thomas Moile Squire, Thomas Harlakinden Squire, Geffrey Lee Squire, James Hales, Henry Huſſee, and Thomas Roydon Gentlemen, or any of them is, or be ſeiſed to his or their own uſe or uſes, in fee-ſimple, or in fee-tail, the which now been of the tenure and nature of Gavelkind, and heretofore have been departed, or be departible between heirs males, by the cuſtom of Gavelkind, ſhall from henceforth be clearly changed from the ſaid cuſtome, tenure, and nature of Gavelkind, and in no wiſe hereafter be departed or departible by the ſaid cuſtom of Gavelkind, between heirs males, but ſhall remain, revert, abide, deſcend, come, and be, after and according as Lordſhips, Manors, Lands, Tenements and other Hereditaments, do or may deſcend, remain, revert, abide, come, or be, according to the common Law of this Realm, and as other Manors, Lands and Tenements being in the ſaid County of Kent, which never were holden by Service of Soccage, but be and have always been holden by Knights ſervice, do deſcend, remain, revert, abide, come, and be: And in like manner to deſcend and be deſcendible, remain, revert, come and be inheritable to the heir or heirs, after and according to the ſaid common Laws of this Realm of England. (2) And that all and ſingular the ſaid Lordſhips, Manors, Lands, Tenements and other Hereditaments, with the appurtenances of the ſaid Lord Crumwel, Lord Burgh, Lord Cobham, Lord Windſor, Thomas Cheine, Chriſtopher Hales, Thomas Willoughby, Anthony Saintleger, Edward Wotton, Edward Boveton, Roger Cholmeley, John Champneis, John Baker, Reinold Scotte, John Guldford, Thomas Kempe, Edward Thwaitis, William Roper, Anthony Sandes, Edward Iſaac, Percival Hart, Edward Monyns, William Whetnal, John Fogge, Edmund Fetyplace, Thomas Hardres, William Waller, Thomas Wylford, Thomas Moile, Thomas Harlakinden, Geffrey Lee, James Hales, Henry Huſſee and Thomas Roidon, and any of them, and which before the making of this Act have been of the ſaid nature and tenure of Gavelkind in the ſaid County of Kent, ſhall from henceforth be accepted, taken, inherited, deemed, and judged to be, like as Lordſhips, Manors, Lands, Tenements and other Hereditaments at the common Law of this Realm, and in ſuch manner and form as if the ſame Manors, Lordſhips, Lands, Tenements and other Hereditaments had never been of the ſaid nature of Gavelkind; any uſage or cuſtom in the ſaid County of Kent heretofore had, accepted or uſed to the contrary notwithſtanding:

A ſaving of other mens rights, and of the right of any of their perſons in anothers lands.

(3) Saving always, and reſerving to all and ſingular perſons, other than the ſaid Lord Crumwel, Lord Burgh, Lord Cobham, Lord Windſor, Thomas Cheine, Chriſtopher Hales, Thomas Willoughby, Anthony Saintleger, Edward Wotton, Edward Boveton, Roger Cholmeley, John Champneis, John Baker, Reinold Scotte, John Guldford, Thomas Kempe, Edward Thwaitis, William Roper, Anthony Sandes, Edward Iſaac, Percival Hart, Edward Monyns, William Whetnal, John Fogge, Edmund Fetyplace, Thomas Hardres, William Waller, Thomas Wylford, Thomas Moile, Thomas Harlakinden, Geffrey Lee, James Hales, Henry Huſſee and Thomas Roidon, or any of them, and to every of them againſt any other of them, all ſuch right, title, intereſt and inheritance, as they or any of them had before the making of this Act, of, to, or in any of the ſaid Manors, Lands, Tenements, Woods, Paſtures, Rents, Services, Reverſions, Remainders, Advowſons, and other the Premiſſes, as if this preſent Act had never been had nor made.

CAP. IV.

Havens, Raſt. 11.

The Mayor and Bailiffs of Exeter may break all Wears and Lets in the River of Exe, and ſhall pay to the owners and farmers of ſo much ground as they ſhall dig, the rate of twenty years purchaſe, or ſo much as ſhall be adjudged by the Juſtices of Aſſiſe in the County of Devon. PR.

CAP. V.

Honours, Rast. 4. Co. Inſt.4. p 301.

The Manor of Hampton-Court, with divers Lordſhips, Lands and Tenements thereunto united, ſhall be called the Honour of Hampton-Court: (2) And the King ſhall have therein a Chaſe, and free Chaſe and Warren of all beaſts for venery, and fowls of Warren, which ſhall be called Hampton-Court-Chaſe: (3) And all offenders in the ſame ſhall incur ſuch penalties as the like offenders do in any other Foreſt or Chaſe: And the ſaid Honour and Chaſe of Hampton-Court, and all the Manors and Lands within the ſame, ſhall be in the ſurvey and governance of the Court of Augmentations. (4) The Manor of Sheppon in the County of Berks made parcel of the Dutchy of Cornwall in reſpect of the Manors of Biflete and Weibridge, by this Act taken from the ſaid Dutchy. PR.

CAP. VI.

For Religious perſons enabled to ſue and be ſued.

BE it enacted by authority of this preſent Parliament, That all and ſingular ſuch religious perſons, as well men as women profeſſed, of what Order, Rule, or Habit ſoever they were, which be, or hereafter ſhall be put at their liberties from the danger, ſervitude, and condition of their Religion and profeſſion whereunto they were profeſſed, by reaſon of ſuppreſſion, diſſolving, forfeiture by attainder, rendring or otherwiſe giving up to the hands of the Kings Majeſty, or any other, the ſame Monaſteries, Abbeys, Priories, or other religious houſes or places, wherein the ſame religious perſons were profeſſed, ſhall by authority of this preſent Parliament, from and after the firſt day of the ſame Parliament, and from and after the time that they were or ſhall be put at liberty, have free liberty to purchaſe to them and their heirs in fee-ſimple, fee-tail, for term of life, for years, or at will, Manors, Lands, Tenements, Rents, Annuities, and other Hereditaments and things whatſoever they be, in like manner and form as though they or any of them had never been profeſſed nor entred into any ſuch Religion. (2) And furthermore, that they the ſame religious perſons, and every of them, ſhall be made able, by authority of this preſent Act, to ſue, and be ſued in all manner of Actions, Plaints, and Suits, whatſoever they be, of and for any matter or cauſe growing ſithence, and after the time of their ſeveral deraignments, or departing out of their Religion, in all Courts and places within this Realm, as other the Kings ſubjects be. (3) And furthermore, that they and every of them ſhall and may from henceforth uſe and exerciſe, receive, take, have and enjoy all and every lawful thing and things to be grown, fall or happen to them or any of them, after the ſaid deraignment, or departing out of their Religion, in as large and ample manner, form and condition, as if they had never been profeſſed nor entred into Religion; the ſame Profeſſion or Religion, or any Law, cuſtome or uſe within this Realm to the contrary thereof in any wiſe notwithſtanding.

Ability. 2. Religious perſons enabled to purchaſe, ſue, and be ſued. 32 H 8. 24. 33 H. 8. 29.

II. Provided alway, and be it further enacted by authority aforeſaid, That none of the ſame religious perſons ſhall or may at any time hereafter be taken, deemed, or judged for as heir or heirs, or inheritable to any perſon or perſons, to any purpoſe, reſpect, conſtruction or intent in the Law; nor that they, nor any of them, by virtue of this Act, be received, admitted or deemed able in the Law to demand, challenge, receive or take any Manors, Lands, Tenements or Hereditaments, or any other thing or things, by reaſon of, or for any former title, right, intereſt, matter or cauſe, had, made, done or grown, to any reſpect or purpoſe, before the ſaid ſeveral deraignments or departings out of their Religion: (2) Nor that any of the ſaid religious perſons, being Prieſts, or ſuch as have avowed Religion at one and twenty years or above, and thereto then conſented, continuing in the ſame any while after, (not duly proving by witneſs, or other lawful means, ſome unlawful coertion or compulſion done to them or any of them, for making of any ſuch vow, or conſtraining them to remain in their Religion) be enabled by virtue of any words, clauſe or ſentence before in this Act expreſſed, to Marry or take any Wife or Wives: but that they and every of them be clearly excluded and put from the ſame, to all intents and purpoſes; any thing before in this Act contained to the contrary hereof in any wiſe notwithſtanding.

Religious perſons deraigned, ſhall not ſue for any former right deſcended unto them. St. 5 Ed. 6. 13.

Religious perſons being Prieſts, or that have vowed religion at xxi. years of age, ſhall not marry.

CAP. VII.

A continuance, until the laſt day of the next Parliament, of the Statutes of 22 H. 8. 12. 27 H. 8. 25. 22 H. 8. 7. 26 H. 8. 11. 25 H. 8. 6. 21 H. 8. 10. 21 H. 8. 12. 23 H. 8. 17. 24 H. 8. 9. 23 H. 8. 3. 25 H. 8. 9. 24 H. 8. 4. 23. H. 8. 2. 28 H. 8. 6. 8. 9. concerning Beggars, &c. Exp. Stat. 1 El. 18.

Attaint, Raſt. 15.

CAP. VIII.

The King for the time being, with the advice of his Council, or the more part of them, may ſet forth Proclamations under ſuch penalties and peins as to him and them ſhall ſeem neceſſary, which ſhall be obſerved as though they were made by Act of Parliament. But this ſhall not be prejudicial to any perſons inheritances, offices, liberties, goods, chattels, or life. And whoſoever ſhall willingly offend any Article contained in the ſaid Proclamation, ſhall pay ſuch Forfeitures, or be ſo long impriſoned as ſhall be expreſſed in the ſaid Proclamation. And if any offending will depart the Realm to the intent he will not anſwer his ſaid offence, he ſhall be adjudged a Traitor. Rep. 1 Ed 6. 12. 34 H. 8. 23.

Proclamation, Raſt. 5. 12 Co. 75.

CAP. IX.

The King may nominate ſuch number of Biſhops, Sees for Biſhops, Cathedral Churches, and endow them with ſuch poſſeſſions as he will. Rep. 1 & 2 P. & M. 8. 25 H. 8. 20. 8 El. 1.

Biſhops, Raſt. 6.

CAP. X.

For placing of the Lords.

FOraſmuch as in all great Councils and Congregations of men, having ſundry Degrees and Offices in the Commonwealth, it is very requiſite and convenient that an Order ſhould be had and taken for the placing and ſitting of ſuch perſons as been bounden to reſort to the ſame, to the intent that they knowing their places, may uſe the ſame without diſpleaſure or let of the Council: (2) Therefore the Kings moſt Royal Majeſty, although it appertaineth unto his Prerogative Royal to give ſuch honour, reputation and placing to his Counſellors and other his Subjects as ſhall be ſeeming to his moſt excellent wiſdom, is nevertheleſs pleaſed and contented, for an Order to be had and taken in this his moſt high Court of Parliament, that it ſhall be enacted by authority of the ſame, in manner and form as hereafter followeth.

Dignity. How Lords in the Parliament ſhall be placed.

II. Firſt, It is enacted by authority aforeſaid, That no perſon or perſons, of what eſtate, degree, or condition ſoever he or they be of, (except only the Kings Children) ſhall at any time hereafter attempt or preſume to ſit or have place at any ſide of the Cloth of Eſtate in the Parliament-chamber, neither of the one hand of the Kings Highneſs, nor of the other, whether the Kings Majeſty be there perſonally preſent, or abſent. (2) And foraſmuch as the Kings Majeſty is juſtly and lawfully Supream Head in Earth, under God, of the Church of England, and for the good exerciſe of the ſaid moſt Royal Dignity and Office, hath made Thomas Lord Crumwel, and Lord Privy Seal, his Vicegerent for good and due miniſtration of Juſtice to be had in all cauſes and caſes touching the Eccleſiaſtical Juriſdiction, and for the Godly information and redreſs of all Errors, Hereſies and Abuſes in the ſaid Church: (3) It is therefore

None ſhall ſit on either ſide of the Cloth of Eſtate.

The Kings Vicegerent in Eccleſiaſtical Juriſdiction.

fore alſo enacted by authority aforeſaid, That the ſaid Lord Crumwel, having the ſaid office of Vicegerent, and all other perſons which hereafter ſhall have the ſaid office of the grant of the Kings Highneſs, his heirs or ſucceſſors, ſhall ſit and be placed, as well in this preſent Parliament, as in all Parliaments to be holden hereafter, on the right ſide of the Parliament Chamber, and upon the ſame form that the Archbiſhop of Canterbury ſitteth on, and above the ſame Archbiſhop and his Succeſſors, and ſhall have voice in every Parliament to aſſent or diſſent, as other the Lords of the Parliament.

How the Biſhops ſhall be placed in the Parliament Houſe.

III. And it is alſo enacted, That next to the ſaid Vicegerent ſhall ſit the Archbiſhop of Canterbury; and then next to him, on the ſame form and ſide, ſhall ſit the Archbiſhop of York; and next to him, on the ſame form and ſide, the Biſhop of London; and next to him on the ſame ſide and form, the Biſhop of Durham; and next to him, on the ſame ſide and form, the Biſhop of Wincheſter; then all the other Biſhops of both Provinces of Canterbury and York ſhall ſit and be placed on the ſame ſide after their ancienties, as it hath been accuſtomed.

The Lord Chancellor, Treaſurer, Preſident of the Kings Council, and Lord Privy Seal.

IV. And foraſmuch as ſuch other perſonages, which now have, and hereafter ſhall happen to have other great Offices of the Realm, that is to ſay, the Offices of the Lord Chancellor, the Lord Treaſurer, the Lord Preſident of the Kings moſt honourable Council, the Lord Privy Seal, the great Chamberlain of England, the Conſtable of England, the Lord Marſhal of England, the Lord Admiral, the grand Maſter or Lord Steward of the Kings moſt honourable Houſhold, the Kings Chamberlain, and the Kings Secretary, have not heretofore been appointed and ordered for the placing and ſitting in the Kings moſt high Court of Parliament by reaſon of their Offices: (2) It is therefore now ordained and enacted by the authority aforeſaid, that the Lord Chancellor, the Lord Treaſurer, the Lord Preſident of the Kings Council, and the Lord Privy Seal, being of the degree of Barons of the Parliament, or above, ſhall ſit and be placed as well in this preſent Parliament, as in all other Parliaments hereafter to be holden, on the left ſide of the ſaid Parliament-Chamber, on the higher part of the form of the ſame ſide, above all Dukes, except onely ſuch as ſhall happen to be the Kings Son, the Kings Brother, the Kings Uncle, the Kings Nephew, or the Kings Brothers or Siſters Son.

The Great Chamberlain, Conſtable, Marſhal, Admiral, Steward, &c.

V. And it is alſo ordained and enacted by authority aforeſaid, That the great Chamberlain, the Conſtable, the Marſhal, the Lord Admiral, the great Maſter or Lord Steward, and the Kings Chamberlain, ſhall ſit and be placed after the Lord Privy Seal, in manner and form following, that is to ſay, Every of them ſhall ſit and be placed above all other perſonages being of the ſame eſtates or degrees that they ſhall happen to be of, That is to ſay, The great Chamberlain firſt, the Conſtable next, the Marſhal third, the Lord Admiral the fourth, the Grand Maſter or Lord Steward the fifth, and the Kings Chamberlain the ſixth.

The Kings chief Secretary.

VI. And it is alſo enacted by authority aforeſaid, That the Kings chief Secretary, being of the degree of a Baron of the Parliament, ſhall ſit and be placed afore and above all Barons, not having any of the Offices aforementioned: (2) And if he be a Biſhop, that then he ſhall ſit and be placed above all other Biſhops not having any of the Offices above remembred.

Dukes, Marqueſſes, Earls, Viſcounts, Barons.

VII. And it is alſo ordained and enacted by authority aforeſaid, That all Dukes not aforementioned, Marqueſſes, Earls, Viſcounts and Barons, not having any of the Offices aforeſaid, ſhall ſit and be placed after their anciency, as it hath been accuſtomed.

The places of great Officers under the degree of Barons.

VIII. And it is further enacted, That if any perſon or perſons, which at any time hereafter ſhall happen to have any of the ſaid Offices of Lord Chancellor, Lord Treaſurer, Lord Preſident of the Kings Council, Lord Privy-Seal, or chief Secretary, ſhall be under the degree of a Baron of the Parliament, by reaſon whereof they can have no intereſt to give any aſſent or diſſent in the ſaid Houſe, that then in every ſuch caſe, ſuch of them as ſhall happen to be under the ſaid degree of a Baron, ſhall ſit and be placed at the uppermoſt part of the Sacks, in the midſt of the ſaid Parliament-chamber, either there to ſit upon one form, or upon the uppermoſt Sack, the one of them above the other in order, as is above rehearſed.

Places in Trials by Peers.

IX. Be it alſo enacted by authority aforeſaid, That in all Trials of Treaſons by Peers of this Realm, if any of the Peers that ſhall be called hereafter to be Triers of ſuch Treaſons, ſhall happen to have any of the Offices aforeſaid, that then they, having ſuch Offices, ſhall ſit and be placed according to their Offices, above all the other Peers that ſhall be called to ſuch Trials, in manner and form as is above mentioned and rehearſed.

Places in the Star-chamber, and other Aſſemblies.

X. And it is alſo enacted by authority aforeſaid, That as well in all Parliaments, as in the Star-chamber, and in all other Aſſemblies and Conferences of Council, the Lord Chancellor, the Lord Treaſurer, the Lord Preſident, the Lord Privy-Seal, the Great Chamberlain, the Conſtable, the Marſhal, the Lord Admiral, the Grand Maſter or Lord Steward, the Kings Chamberlain, and the Kings chief Secretary, ſhall ſit and be placed in ſuch order and faſhion as is above rehearſed, and not in any other place, by authority of this preſent Act.

CAP. XI.

Wales, Raſt. 30.

The Authority given to the King by the Statute of 28 H. 3. to allot the Towns in Wales, continued for three years. Exp.

CAP. XII.

Felony, Raſt. 15.

It ſhall be Felony to take in the Kings ground any Egg or Bird of any Faulcon, Goſhawk, or Laner out of the Neſt: or to find or take up any Faulcon, Jerfaulkon, Jerkin, Sacer, or Sacerit, Goſhawk, Laner, or Lanerite of the Kings, and having on it the Kings Arms and Verviles, and do not within twelve days bring or ſend the ſame to the Maſter of the Kings Hawks, or to one of his Faulkoners, or to the chief of the Shire: (2) or between the riſing of the Sun, and ſetting of the ſame, with his face hid or covered with hood or viſert, or painted, diſguiſed, to the intent he would not be known, to enter into any Foreſt, Chaſe or Park of the Kings, Queens, Princes, or any of the Kings Children, or into any other ground of either of theirs incloſed with wall or pale, ordained for the keeping of Deer, to the intent to ſteal any of them, or to drive any of them forth of the ſame Foreſt, in, or at any time of the day with his face hid, or diſguiſed, to kill any Conies or Rabbits within any ground being the lawful Warren of the Kings, &c. in or within any of his or their Parks: or in the night to enter into any Park, Chaſe, or Foreſt of the Kings, &c. to the intent to ſteal any Deer, or into his or their Warren to kill and ſteal any Conies. Rep. 1 Ed. 6. 12. 1 M. 1. St. 11 H. 7. 17. 3 Ed. 6. 17. 7 Ed. 6. 11.

CAP

CAP. XIII.

An Act for Diſſolution of Monaſteries and Abbeys.

Monaſteries. How Leaſes made of Manors belonging to Monaſteries diſſolved and aſſured to the King ſhall take effect.
3 Bulſtr. 152.

Where divers and ſundry Abbots, Priors, Abbeſſes, Prioreſſes, and other Eccleſiaſtical Governours and Governeſſes of divers Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, Houſes of Fryers, and other religious and eccleſiaſtical houſes and places within this our Sovereign Lord the Kings Realm of England and Wales, of their own free and voluntary minds, good wills and aſſents, without conſtraint, coaction or compulſion of any manner of perſon or perſons, ſithen the iv. day of February, the xxvij. year of the Reign of our now moſt dread Sovereign Lord, by the due order and courſe of the common Laws of this his Realm of England, and by their ſufficient Writings of Record under their Covent and common Seals, have ſeverally given, granted, and by the ſame their Writings ſeverally confirmed all their ſaid Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Fryers, and other religious and eccleſiaſtical houſes and places, and all their ſites, circuits, and precincts of the ſame, and all and ſingular their manors, lordſhips, granges, meaſes, lands, tenements, meadows, paſtures, rents, reverſions, ſervices, woods, tithes, penſions, portions, churches, chappels, advowſons, patronages, annuities, rights, entrees, conditions, commons, leets, courts, liberties, priviledges and franchiſes, appertaining or in any wiſe belonging to any ſuch Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Fryers, and other religious and eccleſiaſtical houſes and places, or to any of them, by whatſoever Name or Corporation they or any of them were then named or called, and of what order, habit, religion, or other kind or quality ſoever they or any of them were then reputed, known or taken: To have and to hold all the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Fryers, and other religious and eccleſiaſtical houſes and places, ſites, circuits, precincts, manors, lands, tenements, meadows, paſtures, rents, reverſions, ſervices, and all other the premiſſes, to our ſaid Sovereign Lord, his Heirs and Succeſſors for ever, and the ſame the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Fryers and other religious and eccleſiaſtical Houſes and places, ſites, circuits, precincts, manors, lordſhips, granges, meaſes, lands, tenements, meadows, paſtures, rents, reverſions, ſervices, and other the premiſſes voluntarily, as is aforeſaid, have renounced, left and forſaken, and every of them hath renounced, left and forſaken.

Monaſteries and their lands before ſurrendred or diſſolved given to the King.

II. Be it therefore enacted by the King our Sovereign Lord, and the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the King our Sovereign Lord ſhall have, hold, poſſede and enjoy to him, his Heirs and Succeſſors for ever, all and ſingular ſuch late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Fryers, and other religious and eccleſiaſtical houſes and places, of what kinds, natures, qualities or diverſities or habits, rules, profeſſions or orders they or any of them were named, known or called, which ſith the ſaid iv. day of February, the xxvij. year of the Reign of our ſaid Sovereign Lord, have been diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or by any other mean come to his Highneſs, (2) and by the ſame authority, and in like manner ſhall have, hold, poſſede and enjoy all the ſites, circuits, precincts, manors, lordſhips, granges, meaſes, lands, tenements, meadows, paſtures, rents, reverſions, ſervices, woods, tithes, penſions, portions, parſonages appropriated, vicarages, churches, chappels, advowſons, nominations, patronages, annuities, rights, intereſts, entrees, conditions, commons, leets, courts, liberties, priviledges, franchiſes, and other whatſoever hereditaments, which appertained or belonged to the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Fryers, and other religious and eccleſiaſtical houſes and places, or to any of them, in as large and ample manner and form, as the late Abbots, Priors, Abbeſſes, Prioreſſes, and other eccleſiaſtical Governours and Governeſſes of ſuch late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Fryers, and other religious and eccleſiaſtical houſes and places, had, held or occupied, or of right ought to have had, holden or occupied in the right of their ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Fryers, or other religious and eccleſiaſtical houſes and places, at the time of the ſaid diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or by any other manner of mean coming of the ſame to the Kings Highneſs ſithen the fourth day of February above ſpecified.

Coke pla. f. 445
All houſes to be diſſolved, and their lands given to the King.
1 Roll 1, 9.
2 Roll 100.

III. And it is further enacted by the authority aforeſaid, That not onely all the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Fryers, and other religious and eccleſiaſtical houſes or places, cites, circuits, precincts, manors, lordſhips, granges, meaſes, lands, tenements, meadows, paſtures, rents, reverſions, ſervices, and all other the premiſſes, forthwith, immediately and preſently, (2) but alſo all other Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Fryers, and all other religious and eccleſiaſtical houſes and places, which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or by any other mean come to the Kings Highneſs: (3) and alſo all the ſites, circuits, precincts, manors, lordſhips, granges, meaſes, lands, tenements, meadows, paſtures, rents, reverſions, ſervices, woods, tithes, penſions, portions, parſonages appropriate, vicarages, churches, chappels, advowſons, nominations, patronages, annuities, rights, intereſts, entrees, conditions, commons, leets, courts, liberties, priviledges, franchiſes, and other hereditaments whatſoever they be, belonging or appertaining to the ſame, or any of them, (4) whenſoever and as ſoon as they ſhall be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or by any other mean come unto the Kings Highneſs, ſhall be veſted, deemed and adjudged by authority of this preſent Parliament, in the very actual and real ſeiſin and poſſeſſion of the King our Sovereign Lord, his heirs and ſucceſſors for ever, in the ſtate and condition as they now be, (5) and as though all the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpi-

Coke pl. f. 1?7, 546.

The ſites and lands of the Monaſteries ſhall be in the actual poſſeſſion of the King.

tals, houſes of Friers, and all other religious and eccleſiaſtical houſes and places ſo diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come unto the Kings Highneſs, as is aforeſaid, (6) as alſo the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, and other religious and eccleſiaſtical houſes and places, which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come unto the Kings Highneſs ſites, circuits, precincts, manors, lordſhips, granges, lands, tenements, and other the premiſſes, whatſoever they be, and every of them, were in this preſent Act ſpecially and particularly rehearſed named and expreſſed by expreſs words, names, titles and faculties, and in their natures, kinds and qualities.

All Abbey lands ſhall be within the ſurvey of the Court of Augmentations, except ſuch which come by Attainder.

IV. And be it alſo enacted by the authority aforeſaid, That all the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Fryers, and other religious and eccleſiaſtical houſes and places, which being diſſolved, ſuppreſſed, renounced, relinquiſhed, given up, or come to the Kings Highneſs by any manner of means, as is aforeſaid, and all the manors, lordſhips, granges, lands, tenements, and other the premiſſes, (except ſuch thereof as be come to the Kings hands by attainder or attainders of Treaſon) (2) and all the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Fryers, and other religious and eccleſiaſtical houſes or places, which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come unto the Kings Highneſs, (3) and all the manors, lordſhips, granges, lands, tenements, meadows, paſtures, rents, reverſions, ſervices, woods, tithes, portions, penſions, parſonages appropriate, vicarages, churches, chappels, advowſons, nominations, patronages, annuities, rights, intereſts, entrees, conditions, commons, leets, courts, liberties, priviledges, franchiſes and other hereditaments, whatſoever they be, belonging to the ſame or to any of them (except ſuch thereof which ſhall happen to come to the Kings Highneſs by attainder or attainders of Treaſon) ſhall be in the order, ſurvey and governance of our ſaid Sovereign Lord the Kings Court of Augmentations of the Renenues of his Crown, and of the Chancellors Officers and Miniſters of the ſame; (4) and all the ferms, iſſues, revenues and profits coming and growing of the Premiſſes, and of every part thereof (except before except) ſhall be ordered, taken and received to the Kings uſe by the ſaid Chancellor, Miniſters and Officers of the ſame Court, in ſuch and like manner and form as the monaſteries, priories, ſites, circuits, manors, granges, meaſes, lands, tenements, rents, reverſions, ſervices, tithes, penſions, portions, advowſons, patronages, rights, entries, conditions, and other hereditaments, late appertaining or belonging unto the Monaſteries, Abbathies, Priories, or other religious houſes, late by authority of Parliament ſuppreſſed, been ordered, ſurveyed and governed.

Other mens titles ſaved.

(5) Saving to all and every perſon and perſons, and bodies politick, and their heirs and ſucceſſors, and the heirs and ſucceſſors of all and every of them (other than the ſaid late Abbots, Priors, Abbeſſes, Prioreſſes, and other Eccleſiaſtical Governours and Governeſſes of the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Fryers, and other religious and eccleſiaſtical houſes and places, and their ſucceſſors, and the ſucceſſor of every of them, and ſuch as pretend to be Founders, Patrons or Donors of ſuch Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Fryers, and other eccleſiaſtical houſes and places, or of any manors, meſſuages, lands, tenements, or other hereditaments belonging to the ſame, or to any of them, their heirs and ſucceſſors, and the heirs and ſucceſſors of every ſuch Founder, Patron, or Donor, and the now Abbots, Priors, Abbeſſes, Prioreſſes, and other Eccleſiaſtical Governours and Governeſſes of ſuch Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Fryers, and other religious and eccleſiaſtical houſes and places which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come to the Kings Highneſs, and ſuch as pretend to be Founders, Patrons, or Donors of ſuch Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Fryers, and other Eccleſiaſtical houſes and places, or of any manors, meſſuages, lands, tenements, or other hereditaments to the ſame belonging, or to any of them, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them, (6) all ſuch right, title, claim, intereſt, poſſeſſion, rents, charges, annuities, leaſes, ferms, offices, fees, liveries, and livings, portions, penſions, corrodies, commons, ſynods, proxies, and other profits, which they or any of them have, claim, ought, may, or might have had, in or to the premiſſes, or to any part or parcel thereof, in ſuch like manner, form and condition, to all intents, reſpects, conſtructions and purpoſes, as if this Act had never been had ne made, (rents ſervices, rents ſeck, and all other ſervices and ſuits onely except.)

Rents ſervice, rents ſeck, and other ſervices and ſutes excepted out of the ſaving.

Leaſes or grants made within a year of lands not uſed to be let to ferm. Savil 66. 2 Roll 407.

V. Provided always, and be it enacted by the authority abovesaid, That if any late Abbot, Prior, Prioreſs, Abbeſs, or other eccleſiaſtical Governour or Governeſs abovesaid, within one year next before the diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or coming to the Kings Highneſs of his late Monaſtery, Abathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Fryers, or other religious or eccleſiaſtical houſe or place, hath made any leaſe or grant under his covent or common ſeal, or otherwiſe for term of life, or for term of years, of the ſite, circuit and Precinct of his ſaid late Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Fryers, or other religious or eccleſiaſtical houſe or place, or of any part thereof, or of any manors, meſſuages, granges, lands, tenements, parſonages appropriate, tithes, penſions, portions, or other hereditaments, which belonged or appertained to his ſaid late Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Fryers, or other religious or eccleſiaſtical houſe or place, (2) which manors, meſſuages, granges, lands, tenements, parſonages appropriate, tithes, penſions, portions or other hereditaments were not before the ſame leaſe commonly uſed to be ſet nor let to ferm, but kept and reſerved in the manurance, tillage or occupation of the ſaid Governour or Governeſs, for the maintenance of hoſpitality and good houſe keeping: (3) or within one year, as is abovesaid, hath made any leaſe or grant for term of life or for term of years, of any manors, meſſuages, lands, tenements, meadows, paſtures, woods, parſonages appropriate, tithes, penſions, portions, churches, chappels or other hereditaments, whatſoever they be, whereof, or in the which any eſtate or intereſt for term of life, year or years, at the time of the making of any ſuch grant or leaſe, then had his being or continuance, and then was not determined, finiſhed or expired, (4) or within the time of one year, as is aboveſaid, hath made any leaſe or grant for term of life or for term of years, of any manors, meſſuages, lands, tenements, meadows, paſtures, woods, parſonages appropriate, tithes, penſions, portions, churches, chappels or other hereditaments, whatſoever they be, upon the which leaſes and grants, the uſual and old rents and ferms accuſtomed to be yielded and reſerved by the ſpace of twenty years next before the firſt day of this preſent Parliament, is and be not thereupon reſerved and yielden: (5) Or if any ſuch Governour or Governeſs hath made any bargain or ſale of his woods within one year, as is afore limited, which woods be yet growing and ſtanding, (6) that then all and every ſuch leaſe, grant, bargain and ſale of wood or woods, ſhall be utterly void and of none effect.

Leaſes made in reverſion within one year before the diſſolution. Hob. 248, 292.

Leaſes made not reſerving the old rent.

Wood-ſales within one year before the diſſolution.

VI. And it is alſo enacted by the authority aforeſaid, That all feoffments, fines and recoveries had, made, acknowledged or ſuffered by any Governour or Governeſs, without the Kings licence under his great Seal, within one year next before the diſſolution, renouncing, relinquiſhing, forfeiting, giving up or coming unto the Kings Highneſs of his ſaid Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, Houſe of Fryers, or other Religious or Eccleſiaſtical Houſe or place, or any Manors, Meaſes, Lands, Tenements or other Hereditaments whatſoever they be, which the ſaid late Abbot, Prior, Abbeſs, Prioreſs, and other Eccleſiaſtical Governour and Governeſs, or any of them, or any of their predeceſſors had or held, of the gift, grant, or confirmation of our ſaid Sovereign Lord, or any of his Highneſs Progenitors, or of the which Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, Houſes of Fryers, or other Religious or Eccleſiaſtical houſes or places our ſaid Sovereign Lord was Founder or Patron, or which Manors, Meaſes, Lands, Tenements or other Hereditaments were of the ancient or old Foundation or Poſſeſſion of the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, or other Religious or Eccleſiaſtical houſes or places, ſhall be utterly void and of none effect.

Feoffments, fines and recoveries, knowledged by Abbots of lands of the Kings gift, or of their ancient freedom.

VII. And it is farther enacted by the authority aforeſaid, That if any Abbot, Prior, Abbeſs, Prioreſs, or other Eccleſiaſtical Governour or Governeſs, of any Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Friers, or other Religious or Eccleſiaſtical houſe or place which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come to the Kings Highneſs within one year next before the firſt day of this preſent Parliament, have made, or hereafter do make any leaſe or grant under his covent, or common ſeal, or otherwiſe for term of years, or life or lives, of the ſite, circuit, and precinct of his ſaid Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Friers, or other Religious or Eccleſiaſtical houſe or place, or of any part thereof, (2) or of any manors, meſſuages, lands, tenements, parſonages appropriate, tithes, penſions, portions, and other hereditaments belonging or appertaining to his ſaid Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Friers, or other Religious or Eccleſiaſtical houſe or place, which manors, meaſes, granges, lands, tenements, parſonages appropriate, tithes, penſions, portions, and other hereditaments whatſoever they be, were not before the ſame leaſe, commonly uſed to be ſet nor let to ferm, but kept and reſerved in the manurance, tillage or occupation of the ſaid Governour or Governeſs, for the maintenance of hoſpitality and good houſe-keeping, or now be in the manurance, tillage or occupation of the ſaid Governour or Governeſs, for the maintenance of hoſpitality and good houſe-keeping: (3) or within one year next before the firſt day of this preſent Parliament, hath made, or hereafter ſhall make any leaſe or grant for term of life, or for term of years, of any manors, meaſes, lands, tenements, meadows, paſtures, woods, parſonages appropriate, tithes, penſions, portions, churches, chappels, or other hereditaments whatſoever they be, whereof and in the which any eſtate or intereſt for term of life, year or years, at the time of the making any ſuch grant or leaſe then had his being or continuance, or hereafter ſhall have his being or continuance: and that was not determined, finiſhed or expired, or at the time of any ſuch leaſe to be made ſhall not be determined, finiſhed or expired, (4) or within one year next before the firſt day of this preſent Parliament hath made or hereafter ſhall make any leaſe or grant for term of life or for term of years, of any manors, meſſuages, lands, tenements, meadows, paſtures, woods, parſonages appropriate, tithes, penſions, portions, churches, chappels, or other hereditaments whatſoever they be, upon which leaſes and grants the uſual and old rents and ferms accuſtomed to be yielden and reſerved by the ſpace of twenty years next before the ſaid firſt day of this preſent Parliament, is or be not, or hereafter ſhall not be thereupon reſerved and yielden: (5) or if any ſuch Governour or Governeſs of any ſuch Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Friers, or other Religious or Eccleſiaſtical houſe or place, which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come to the Kings Highneſs, within one year next before the firſt day of this preſent Parliament, hath made, or hereafter ſhall make any bargain or ſale of his woods, which woods be yet growing and ſtanding, (6) that then all and every ſuch leaſe, grant, bargain and ſale of wood or woods, ſhall be utterly void and of none effect.

Leaſes of lands not uſually let of ſuch Monaſteries as hereafter ſhall be ſuppreſſed.

Leaſe of Lands in leaſe.

Coke pl. f. 372.

2 Roll. 171.

Leaſes of Abbey lands, which are to be diſſolved not reſerving the old rent.

Wood-ſales made or to be made within one year before the diſſolution.

VIII. And it is alſo enacted by the authority aforeſaid, That all feoffments, fines and recoveries, had, made, knowledged or ſuffered within one year next before the firſt day of this preſent Parliament: or hereafter to be had, made, knowledged or ſuffered by any Governour or Governeſs of any Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Friers, or other Religious or Eccleſiaſtical houſe or place which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come to the Kings Highneſs, without the Kings licence under his great Seal, of any manors, meaſes, lands, tenements or other hereditaments, whatſoever they be, which the ſaid Abbots, Priors, Abbeſſes, Prioreſſes, and other Eccleſiaſtical Governours and Governeſſes, which hereafter

Aſſurance made by Governours of houſes of Religion ſuppreſſed of any of their lands within one year before.

ſhall happen to be diſſolved, ſuppreſſed, relinquiſhed, forfeited, given up, or come unto the Kings Highneſs, as is aforeſaid, or any of them, or any of their predeceſſors had or held, or have and hold, of the gift, grant, or confirmation of our ſaid Sovereign Lord, or of any of his Highneſs Progenitors, or of the which Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, Houſes of Fryers, or other Religious and Eccleſiaſtical houſes and places our ſaid Sovereign Lord is Founder or Patron, or which manors, meaſes, lands, tenements, or other hereditaments, were or be of the ancient or old foundation or poſſeſſion of the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, Houſes of Fryers, or other Religious or Eccleſiaſtical houſes or places, ſhall be utterly void and of none effect.

2 Roll 402.
A leaſe for years made to the old leſſee for years within a year before the diſſolution, or of this Parliament.

Co. pla. 188.
2 Leonard 55.
3 Leonard 164.

IX. Provided alway, and be it enacted by authority aforeſaid, That if any Abbot, Prior, Abbeſs or Prioreſs, or other Governour or Governeſs aboveſaid, within one year next before the firſt day of this preſent Parliament, or of any late Abbot, Prior, Abbeſs, Prioreſs, or other late Governour or Governeſs aboveſaid, within one year next before any ſuch diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or coming to the Kings Highneſs, of the premiſſes, or of any parcel thereof, as is aforeſaid, have made any demiſe, leaſe, or grant to any perſon or perſons for term of years, of any manors, meaſes, lands, tenements, parſonages appropriate, tithes, penſions, portions, or other hereditaments aforeſaid, which perſon or perſons at the time of the ſaid demiſe, leaſe, or grant, had, and held the ſame to ferm for term of years then not expired, that then the ſaid perſon or perſons to whom any ſuch demiſe, leaſe, or grant hath been ſo made, ſhall have and hold the ſame for the term of one and twenty years only from the time of the making of the ſaid demiſe, leaſe or grant, if ſo many years be by the ſaid demiſe, leaſe or grant ſpecified, limited and expreſſed, or elſe for ſo many years as in ſuch demiſe, leaſe or grant been expreſſed, ſo that the old rent be thereupon reſerved, and ſo that the ſame leaſe or leaſes exceed not xxj. years; This Act or any thing therein contained to the contrary notwithſtanding.

A leaſe for life made to the old leſſee for life or years.

X. Provided alſo, and be it enacted by the authority aforeſaid, That if any Abbot, Prior, Abbeſs, Prioreſs, or other late Governour or Governeſs, within one year next before any ſuch diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or coming unto the Kings Highneſs of the premiſſes, or of any parcel thereof, as is aforeſaid, have made any demiſe, leaſe or grant to any perſon or perſons, for term of life or lives, of any manors, meaſes, lands, tenements, parſonages appropriate, tithes, penſions, portions, or other hereditaments aforeſaid, which perſon or perſons, or any of them, at the time of the ſaid demiſe, leaſe or grant, had and held the ſame for term of life or lives, or for term of years then not expired: That then the ſaid perſon or perſons, to whom any ſuch leaſe or grant hath been ſo made, ſhall have and hold the ſame for term of their life or lives, ſo that the old rent be thereupon reſerved; This Act or any other thing therein contained to the contrary thereof notwithſtanding.

All Copies for life granted according to the cuſtom, ſhall be good.

XI. Provided alſo, and be it enacted by the authority aforeſaid, That all and ſingular leaſes and grants, made by copy to any perſon or perſons, of any of the ſaid meſſuages, lands, tenements, parſonages appropriate, tithes, penſions, portions, or other hereditaments aforeſaid, for term of life or lives, which by the cuſtom of the Countrey hath been uſed to be demiſed, letten, or granted by copy of Court-roll, ſhall be good and effectual in the Law, ſo that the old rent be reſerved by and upon every ſuch leaſe and leaſes; this Act or any thing therein contained to the contrary in any wiſe notwithſtanding.

Leaſes allowed in the Court of Augmentations.

XII. Provided alway, and be it further enacted by the authority aforeſaid, That all leaſes heretofore made of any of the premiſſes by authority of our Sovereign Lord the Kings Courts of Augmentations of the Revenues of his Crown, (2) and all ſuch leaſes, feoffments, and wood ſales, made by the ſaid Governours and Governeſſes, or any of them, under their Covent ſeals, or under the Covent or common ſeal of any of them, within one year next before the diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or coming to the Kings Highneſs, of the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Fryers, or other Religious or Eccleſiaſtical houſes or places, (3) which ſaid leaſes, grants, feoffments, and wood-ſales have been examined, enrolled, decreed, or affirmed in our ſaid Sovereign Lord the Kings Court of Augmentations, and the decree of the ſame put in writing, ſealed with the Seal of the ſaid Court of Augmentations, ſhall be good and effectual according to the ſame Decree; Any Clauſe or Act heretofore in this preſent Act to the contrary notwithſtanding.

How they ſhall be relieved which have truly paid money for wood to any Eccleſiaſtical Governour.

XIII. Provided alway, and be it alſo further enacted by the authority aboveſaid, That if any perſon or perſons have juſtly and truly, without fraud or covin, paid or given in any ſum or ſums of money to any of the ſaid late Governours and Governeſſes, for the bargain and ſale of any woods, being and growing in or upon any manors, lands, tenements, or hereditaments which appertained or belonged to the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, or other Religious or eccleſiaſtical places, or unto any of them, which bargain and ſale, by authority of this Act, is made void and of none effect, and by mean thereof the Kings Highneſs may have and take the commodity and profit of ſuch woods ſo bargained and ſold: that then the Chancellour and other Officers of our ſaid Sovereign Lord the Kings Court of Augmentations, or three of them, whereof the Chancellour for the time being ſhall be one, of our ſaid Sovereign Lord the Kings Treaſure, remaining in the Treaſury of the ſame Court, ſhall ſatisfie and recompenſe every ſuch perſon or perſons, ſuch ſum of money, or other recompence, as the ſame Chancellour and Officers, or three of them, whereof the ſaid Chancellour ſhall be one, ſhall think meet and convenient. (2) And if any other perſon or perſons ſhall happen to take profit and commodity, by reaſon of avoiding of ſuch wood-ſales by authority of this Act, that then every perſon and perſons which may or ſhall take ſuch profit, ſhall be ordered for ſatisfaction to be made to the parties that ſhall happen to be grieved by this Act, by the ſaid Chancellour and other the Officers of the ſame Court.

XIV. Provided alſo, and be it further enacted by the authority aforeſaid, That all and every perſon and perſons, their heirs and aſſigns, which ſithen the ſaid iv. day of February, by licence, pardon, confirmation, releaſe, aſſent or conſent of our ſaid Sovereign Lord the King, under his great Seal heretofore given, had or made, or hereafter to be had or made, have obtained or purchaſed by indenture, fine, feoffment, recovery, or otherwiſe of the ſaid late Abbots, Priors, Abbeſſes, Prioreſſes, or other Governours or Governeſſes, of any ſuch Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, Houſes of Fryers, or other Religious or Eccleſiaſtical houſes or places, any Monaſteries, Priories, Colledges, Hoſpitals, manors, lands, tenements, meadows, paſtures, woods, churches, chappels, parſonages, tithes, penſions, portions, or other hereditaments, ſhall have and enjoy the ſame, according to ſuch writings and aſſurances as been thereof before the firſt day of this preſent Parliament, or hereafter ſhall be had or made:

Aſſurance to others by the Kings licence of any Abbey lands.

XV. Saving to all and every perſon and perſons, and bodies politick, their heirs and ſucceſſors, and to the heirs and ſucceſſors of every of them, (other than the ſaid late Abbots, Abbeſſes, Priors, Prioreſſes, and other Governours and Governeſſes, and their ſucceſſors, and the ſucceſſors of every of them, and ſuch as pretend to be Founders, Patrons or Donors of the Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, and other Religious or Eccleſiaſtical houſes or places, or of any of them, or of any manors, meſſuages, lands, tenements or other hereditaments late belonging to the ſame, or to any of them, and their heirs, ſucceſſors, and the heirs and ſucceſſors of every ſuch Founder, Patron, or Donor) (2) all ſuch right, title, intereſt, poſſeſſion, rents, annuities, commodities, offices, fees, liveries and livings, portions, penſions, corrodies, ſynods, Prories, or other profits which they or any of them have, ought or might have had, in or to any of the ſaid Monaſteries, Abbathies, Priories, Colledges, Hoſpitals, manors, lands, tenements, rents, ſervices, reverſions, tithes, penſions, portions, or other hereditaments, at any time before any ſuch purchaſe, indentures, fines, feoffments, recoveries, or other lawful mean between any ſuch parties had or made, as is abovеſaid; this Act or any thing therein contained to the contrary notwithſtanding.

A ſaving of the right of others accrued unto them before the ſaid purchaſe.

XVI. And where our ſaid Sovereign Lord, ſith the fourth day of February, the ſaid xxvij. year of the Reign of our ſaid Sovereign Lord, hath obtained and purchaſed, as well by exchanges as by gifts, bargains, fines, feoffments, recoveries, deeds enrolled, and otherwiſe, of divers and ſundry perſons, many and divers honours, caſtles, manors, lands, tenements, meadows, paſtures, woods, rents, reverſions, ſervices, and other hereditaments, and hath not only paid divers and ſundry great ſums of money for the ſame, but alſo hath given and granted for the ſame, unto divers and ſundry perſons, divers and ſundry manors, lands, tenements and hereditaments, and other recompences in and for full ſatisfaction of all ſuch honours, caſtles, manors, lands, tenements, rents, reverſions, ſervices, and other his hereditaments, by his Highneſs obtained or had as is aboveſaid: (2) Be it therefore enacted by the authority aboveſaid, That our ſaid Sovereign Lord the King, his heirs and ſucceſſors, ſhall have, hold, poſſeſs and enjoy all ſuch honours, caſtles, manors, lands, tenements, and other hereditaments, as his Highneſs ſith the ſaid fourth day of February, the xxvij. year aboveſaid, hath obtained and had by way of exchange, bargain, purchaſe, or other whatſoever mean or means, according to the true meaning and intent of his Highneſs bargain, exchange or purchaſe, miſrecital, miſnaming, or nonrecital or not naming of the ſaid honours, caſtles, manors, lands, tenements, and other hereditaments compriſed or mentioned in the bargains or writings made between the Kings Highneſs and any other party or parties, or of the Towns or Countries where the ſaid honours, caſtles, manors, lands, tenements and hereditaments lie and been, or any other matter or cauſe whatſoever it be in any wiſe notwithſtanding:

A confirmation of the Kings purchaſes made ſithence, 4 Februarii. Anno 27 H. 8.

XVII. Saving to all and every perſon and perſons, and to their heirs, bodies politick and corporate, and to their ſucceſſors, and to every of them (other than ſuch perſon and perſons, and their heirs, and their wives, and the wives of every of them, bodies politick and corporate, and their ſucceſſors and every of them, of whom the Kings Highneſs hath obtained by exchange, gift, bargain, fine, feoffment, recovery, deed enrolled, or otherwiſe any ſuch honours, caſtles, manors, lands, tenements, and other hereditaments as is aforeſaid) (2) all ſuch right, title, uſe, intereſt, poſſeſſion, rents, charges, annuities, commodities, fees and other profits, (rents ſervices, and rents ſecks only except) which they or any of them have, might or ought to have had, in or to the premiſſes ſo obtained and had, or in or to any parcel thereof, if this Act had never been had nor made; this preſent Act or any thing therein contained to the contrary notwithſtanding.

A ſaving of the right of all others but of the ſellers, their heirs & wives.

An exception of rent ſervices, rents ſeck.

XVIII. And where it hath pleaſed the Kings Highneſs of his moſt abundant grace and goodneſs, as well upon divers and ſundry conſiderations his Majeſty eſpecially moving, as alſo otherwiſe to have bargained, ſold, changed or given and granted by his Graces ſeveral letters patents, indentures or other writings, as well under his Highneſs great Seal, as under the Seal of his Highneſs Dutchy of Lancaſter, and the Seal of the Office of the Augmentations of his Crown, unto divers and ſundry of his loving and obedient ſubjects, divers and ſundry honours, caſtles, manors, monaſteries, abbathies, priories, lands, tenements, rents, reverſions, ſervices, parſonages appropriate, advowſons, liberties, tithes, oblations, portions, penſions, franchiſes, priviledges, liberties, and other hereditaments, commodities and profits, in fee-ſimple, fee-tail, for term of life, or for term of years: (2) for avoiding of which ſaid letters patents, and of the contents of the ſame, divers, ſundry and many ambiguities, doubts and queſtions might hereafter ariſe, be moved and ſtirred, as well for miſrecital or nonrecital, as for divers other matters, things or cauſes to be alledged, objected or invented againſt the ſaid letters patents, as alſo for lack of finding of Offices or Inquiſitions, whereby the title of his Highneſs therein ought to have been found, before the making of the ſame letters patents, or for miſrecital or nonrecital of leaſes, as well of record as not of record, or for lack of the certainty of the values, or by reaſon of miſnaming of the honours, caſtles, manors, monaſteries, abbathies, priories, lands, tenements, and other hereditaments compriſed and mentioned within the ſame letters patents, or of the Towns and Counties where the ſame honours, caſtles, manors, monaſteries, abbathies, priories, lands, tenements, rents, and other hereditaments lien and been, as for divers and ſundry other ſuggeſtions and ſurmiſes which hereafter might happen to be moved, ſurmiſed and procured againſt the ſame letters patents, albeit the words in effect contained in the ſaid letters patents, be according to the true intent and meaning of his moſt Royal Majeſty.

2 Roll. 277.
The Kings patents ſufficient notwithſtanding miſrecital not finding of offices, &c.
St. 34 & 35 H. 8. 21.

XIX. Be it therefore enacted by the authority of this preſent Parliament, That as well all and every the ſaid letters patents, indentures, and other writings, and every of them, under the ſeal or ſeals aboveſaid, or of any of them, made or granted by the Kings Highneſs ſithen the ſaid iv. day of February, the ſaid xxviij. year of his moſt noble Reign, as all and ſingular other his Graces letters patents, indentures, or other writings to be had, made or granted to any perſon or perſons within three years next after the making of this preſent Act, of any Honours, Caſtles, Manors, Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, Houſes of Friers, or other Religious or Eccleſiaſtical Houſes or Places, Sites, Circuits, Precincts, Lands, Tenements, Parſonages, Tithes, Penſions, Portions, Advowſons, Nominations, and all other Hereditaments and Poſſeſſions, of what kind, nature or quality ſoever they be, or by whatſoever name or names, they or any of them be named, known or reputed, ſhall ſtand and be good, effectual, and available in the Law of this Realm, to all Reſpects, Purpoſes, Conſtructions and Intents, againſt his Majeſty, his Heirs and Succeſſors, without any other Licence, Diſpenſation, or Tolerance of the Kings Highneſs, his Heirs and Succeſſors, or of any other perſon or perſons whatſoever they be, for any thing or things contained, or hereafter to be contained, in any ſuch Letters Patents, Indentures, or other Writings; any Cauſe, Conſideration, or thing material to the contrary in any wiſe notwithſtanding.

A ſaving of the right of others in the lands aſſured by the King.

XX. Saving to all and ſingular perſons, bodies politick and corporate, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them, other than his Highneſs, his heirs and ſucceſſors, and the ſaid Governours and Governeſſes and their ſucceſſors, Donors, founders and patrons, afore named, and their heirs and ſucceſſors, and all other perſons claiming in their rights, or to their uſe, or in the right, or to the uſe of any of them, all ſuch right, title, claim, intereſt, poſſeſſion, reverſion, remainder, offices, annuities, rent, charges and commons, which they or any of them have, ought or might have had, in or to any of the ſaid honours, caſtles, manors, monaſteries abbathies, priories, lands, tenements, and other hereditaments in the ſaid letters patents made, or hereafter to be made, compriſed at any time before the making of the ſaid ſuch letters patents; this act or any thing therein contained to the contrary notwithſtanding.

Such Abbey lands as before the diſſolution of them were diſcharged of tithes, ſhall ſo continue.
Cro. El. 200.
Cro Jac. 607.
Cro. Car. 265, 422.
1 Leond. 231.
Moor 219. pl. 356.

XXI. And where divers and ſundry Abbots, Priors, Abbeſſes, Prioreſſes, and other Eccleſiaſtical Governours, and Governeſſes of the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, and other Religious and Eccleſiaſtical houſes and places, have had, poſſeſſed and enjoyed divers and ſundry parſonages appropriated, tithes, penſions and portions, and alſo were acquitted and diſcharged of and for the paiment or paiments of tithes, to be paid out or for their ſaid Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, and other Religious and Eccleſiaſtical houſes and places, manors, meſſuages, lands, tenements and hereditaments: (2) Be it therefore enacted by the authority aboveſaid, That as well the King our ſovereign Lord, his heirs and ſucceſſors, as all and every ſuch perſon and perſons, their heirs and aſſigns, which have, or hereafter ſhall have any Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, or other Eccleſiaſtical houſes or places, ſites, circuits, precincts of the ſame, or any of them, or any manors, meſſuages, parſonages appropriate, tithes, penſions, portions, or other hereditaments, whatſoever they be, which belonged or appertained, or which now belong or appertain unto the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, or other Religious and Eccleſiaſtical houſes or places, or unto any of them, ſhall have, hold, retain, keep and enjoy, as well the ſaid parſonages appropriate, tithes, penſions, and portions, as the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, and other Religious and Eccleſiaſtical houſes and places, ſites, circuits, precincts, manors, meaſes, lands, tenements and other hereditaments whatſoever they be, and every of them, according to their eſtates and titles, diſcharged and acquitted of payment of tithes, (3) as freely, and in as large and ample manner as the ſaid late Abbots, Priors, Abbeſſes, Prioreſſes, and other Eccleſiaſtical Governours and Governeſſes, or any of them had, held, occupied, poſſeſſed, uſed, retained, or enjoyed the ſame, or any parcel thereof, at the days of their diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or coming to the Kings Highneſs, of ſuch Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Fryers, or other Religious or Eccleſiaſtical houſes or places, or at the day of the diſſolution, ſuppreſſion, renouncing, relinquiſhing, giving up, or coming to the Kings Highneſs of any of them; this Act, or any thing therein contained to the contrary notwithſtanding.

All rents, ſervices, and other duties reſerved to the King.

XXII. Saving to the Kings Highneſs, his Heirs and Succeſſors, all and all manner of Rents, Services, and other Duties whatſoever they be; as if this Act had never been had nor made.

Monaſteries, &c. exempt from viſitations and juriſdiction of the Ordinary.

XXIII. And be it further enacted by authority of this preſent Parliament, That ſuch of the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Fryers, and other Religious and Eccleſiaſtical houſes and places, and all Churches and Chappels to them or any of them belonging, which before the diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or coming unto the Kings Highneſs, were exempted from the Viſitation or Viſitations, and all other Juriſdiction of the Ordinary or Ordinaries, within whoſe Dioceſs they were ſituate or ſet, ſhall from henceforth be within the Juriſdiction and Viſitation of the Ordinary or Ordinaries within whoſe Dioceſs they or any of them be ſituate and ſet, or within the juriſdiction and viſitation of ſuch perſon or perſons, as by the Kings Highneſs ſhall be limited or appointed; this Act, or any other exemption, liberty or juriſdiction to the contrary notwithſtanding.

Duke of Norfolk. Sipton Abbey.

XXIV. And where before this time it hath pleaſed the Kings Majeſty, at the contemplation and humble Petition of the right Noble Thomas Duke of Norfolk, to give his Royal Aſſent of Licence by his Graces word, without any manner of Letters Patents, or other Writing, to purchaſe and receive to him and to his Heirs for ever, of William Flatbury, late Abbot of the Monaſtery of Sipton in the County of Suffolk, and Covent of the ſame late Monaſtery now being diſſolved, all the ſame Monaſtery, together with all and ſingular manors, lordſhips, lands, tenements, woods, waters, commons, courts, leets, advowſons, patronages, parſonages, vicarages, chantries, free chappels, tithes, portions of tithes, penſions, annuities, rents, ſuits, ſervices, reverſions, remainders, and all other things which were the hereditaments or the poſſeſſions of the ſaid late Monaſtery, whereſoever they lay, or were within the Realm of England. (2) And in like wiſe our ſaid Sovereign Lord gave like Licence by his Graces word, unto the right honourable George, Lord Cobham, to purchaſe and receive to him and to his Heirs for ever, of the late Maſter and Brethren of the College or Chantry of Cobham in the County of Kent, now being utterly diſſolved, the ſite of the ſame College or Chantry, and all and ſingular their hereditaments and poſſeſſions, as well temporal as eccleſiaſtical, whereſoever they lay, or were within the Realm of England:

Lord Cobham. Cobham Chantry.

XXV. Be it therefore enacted by the authority of this preſent Parliament, That the Act above written, or any thing therein contained, ſhall not be in any wiſe prejudicial or hurtful to the ſaid Duke, and Lord Cobham, or to either of them, or to the heirs or aſſigns of either of them, but that the ſame Duke and Lord Cobham, and either of them ſundrily, and the heirs and aſſigns of either of them, ſhall and may have, hold, receive and enjoy the premiſſes by them ſundrily purchaſed or received, according to the purports and effects of ſuch evidences, writings and conveyances, as they or any of them ſundrily have cauſed to be deviſed and made to them or to their uſes for the ſame:

XXVI. Saving alway, and reſerving to all and ſingular perſons and bodies politick, and to their heirs and ſucceſſors (other than the ſaid late Abbot and Covent, and their ſucceſſors, and the ſaid late Maſter and Brethren, and their ſucceſſors, and the founders of the ſame Monaſtery, or of the ſaid College or Chantry, and the heirs of either of them, and all donors, granters or augmenters of them, or of either of them, and the heirs and aſſigns of either of them) (2) all ſuch rights, titles, poſſeſſions, rents, ſervices, fees, offices, annuities, corrodies, liberties, leaſes, and all other ſuch their intereſſes, profits and commodities, as they or any of them had, ſhould or ought to have, of, to or in any of the premiſſes ſundrily purchaſed or received by the ſaid Duke, or Lord Cobham, if this preſent Act had never been had or made; any thing in the ſame Act to the contrary being in any wiſe notwithſtanding. Stat. 34 H. 8. 19.

Saving of other mens rights in the Monaſtery of Sipton and Cobham Chantry.

CAP. XIV.

Commiſſion, Rait. 8.

(§. 8. N. 4.) If any perſon by word, writing, printing, ciphering, or any otherwiſe, do preach, teach, diſpute or hold opinion, That in the bleſſed Sacrament of the Altar, under form of Bread and Wine, (after the conſecration thereof) there is not preſent really the natural Body and Bloud of our Saviour Jeſus Chriſt conceived of the Virgin Mary; Or, that after the conſecration there remaineth any ſubſtance of Bread or Wine, or any other ſubſtance but the ſubſtance of Chriſt, God and Man: Or, that in the Fleſh, under form of Bread, is not the very Blood of Chriſt; Or, that with the Blood, under the form of Wine, is not the very Fleſh of Chriſt, as well apart, as though they were both together: Or affirm the ſaid Sacrament to be of other ſubſtance than is aforeſaid; Or deprave the ſaid bleſſed Sacrament: Then he ſhall be adjudged an Heretick, and ſuffer death by burning, and ſhall forfeit to the King all his lands, tenements, hereditaments, goods and chattels, as in caſe of high Treaſon.

(5) And if any perſon preach in any Sermon or Collation openly made, or teach in any common School or Congregation, or obſtinately affirm or defend, that the Communion of the Bleſſed Sacrament in both kinds is neceſſary for the health of Man's Soul, or ought or ſhould be miniſtred in both kinds; or that it is neceſſary to be received by any perſon (other than by Prieſts) being at Maſs and conſecrating the ſame.

(§. 9. N. 2.) Or that any man, after the Order of Prieſthood received, may marry or contract Matrimony. 2.

(3) Or that any man or woman which adviſedly hath vowed or profeſſed, or ſhould vow or profeſs Chaſtity or Widowhood, may marry or contract Marriage. 3.

(4) Or that private Maſſes be not lawful, or not laudable, or ſhould not be uſed, or be not agreeable to the Laws of God. 4.

(5) Or that Auricular Confeſſion is not expedient and neceſſary to be uſed in the Church of God, he ſhall be adjudged, ſuffer 5.
death, and forfeit lands and goods as a Felon. (6) If any Prieſt, or other man or woman, which adviſedly hath vowed Chaſtity 6.
or Widowhood, do actually marry or contract Matrimony with another: (§. 11. N. 1.) Or any man which is or hath been a Prieſt, do carnally uſe any woman, to whom he is or hath been married, or with whom he hath contracted Matrimony, or openly be converſant or familiar with any ſuch woman: both the man and the woman ſhall be adjudged Felons. (§. 16. N. 1.) Commiſſions ſhall be awarded to the Biſhop of the Dioceſs, his Chancellor, Commiſſary, and others, to enquire of the Hereſies, Felonies and Offences aforeſaid. And alſo Juſtices of Peace in their Seſſions, and every Steward, Under-ſteward and Deputy of Stewards, in their Leets or Lawday, or by the Oaths of twelve men, have authority to enquire of all the Hereſies, Felonies and Offences aforeſaid. Rep. 1 Ed. 6. 12. Stat. 35 H. 8. 5. 32 H. 8. 10. 32 H. 8. 15.

1 El'z 1. Sect. 18. N. 1.

Anno triceſimo ſecundo Henrici *octavi.*

IN the Parliament, begun at Weſtminſter the eight and twentieth of April, the one and thirtieth year of the Reign of the moſt Excellent, moſt High, and moſt Mighty Prince, Henry the Eighth, by the grace of God, King of England and of France, Defender of the Faith, Lord of Ireland, and in earth, under Chriſt, Supream Head of the Church of England, our moſt redoubted Sovereign Lord, there holden, and afterwards continued by divers Prorogations unto the twelfth day of April, in the enſuing year; In the laſt Seſſion thereof, begun the ſame twelfth day of April, and from the ſame holden unto the eleventh day of May, in the two and thirtieth year of his Majeſty's moſt proſperous Reign, from the which it was by Prorogation continued until the five and twentieth of the ſame month of May, and holden until the four and twentieth day of July, the ſaid two and thirtieth year, at which day the ſaid Parliament was by his Graces authority finiſhed and diſſolved. (2) Amongſt many other, the Acts following, by his Highneſs, with the aſſent of the Lords Spiritual and Temporal and the Commons aſſembled in the ſaid Parliament, have been eſtabliſhed, ordained and enacted.

CAP. I.

The Act of Wills, Wards, and Primer ſeiſins, whereby a man may deviſe two parts of his Land.

Wards 25. Wills 1. In what caſes a man may diſpoſe all his lands by his laſt Will in writing, and in what but part thereof. And in what caſes the King and other Lords ſhal have their Wardſhips, &c.

WHere the Kings moſt Royal Majeſty in all the time of his moſt gracious and noble Reign hath ever been a merciful, loving, benevolent and moſt gracious Sovereign Lord, unto all and ſingular his loving and obedient ſubjects, and by many times paſt hath not only ſhewed and imparted to them generally by his many and often great and beneficial pardons heretofore by authority of his Parliaments granted, but alſo by divers other ways and means, many great and ample grants and benignities, in ſuch wiſe as all his ſaid ſubjects been moſt bounden to the uttermoſt of all their powers and graces by them received of

God, to render and give unto his Majeſty their moſt humble reverence and obedient thanks and ſervices, with their daily and continual prayer to Almighty God, for the continual preſervation of his moſt Royal eſtate in moſt Kingly honour and proſperity: (2) yet always his Majeſty being repleat and endowed by God with grace, goodneſs and liberality, moſt tenderly conſidering, that his ſaid obedient and loving ſubjects cannot uſe or exerciſe themſelves according to their Eſtates, Degrees, Faculties and Qualities, or to bear themſelves in ſuch wiſe, as that they may conveniently keep and maintain their Hoſpitalities and Families, nor the good Education and bringing up of their lawful Generations, which in this Realm, laud be to God, is in all parts very great and abundant, but that in manner of neceſſity, as by daily experience is manifeſted and known, they ſhall not be able of their proper goods, chattels and other moveable ſubſtance, to diſcharge their debts, and after their degrees ſet forth and advance their children and poſterities: (3) Wherefore our ſaid Sovereign Lord moſt virtuouſly conſidering the mortality that is to every perſon at Gods will and pleaſure moſt common and uncertain, of his moſt bleſſed diſpoſition and liberality, being willing to relieve and help his ſaid ſubjects in their ſaid neceſſities and debility, is contented and pleaſed that it be ordained and enacted by authority of this preſent Parliament, in manner and form as hereafter followeth, that is to ſay, (4) That all and every perſon and perſons, having, or which hereafter ſhall have any manors, lands, tenements or hereditaments holden in ſoccage, or of the nature of ſoccage tenure, and not having any manors, lands, tenements or hereditaments holden of the King our Sovereign Lord by Knights ſervice, by ſoccage tenure in chief, or of the nature of ſoccage tenure in chief, nor of any other perſon or perſons by Knights ſervice, from the twentieth day of July, in the year of our Lord God, M. D. XL. ſhall have full and free liberty power and authority to give, diſpoſe, will and deviſe, as well by his laſt will and teſtament in writing, or otherwiſe by any act or acts lawfully executed in his life, all his ſaid manors, lands, tenements or hereditaments, or any of them, at his free will and pleaſure; any Law, Statute, or other thing heretofore had, made or uſed to the contrary notwithſtanding.

The reaſon that moved the King to agree to the making of this Statute of Wills.
2 Anders. 206.

2 Bulſtr. 181.
Lands holden in ſoccage, and none in chief, or by Knights ſervice.
1 Bulſtr. 165.
1 Roll. 65.

Lands deviſed by will in writing.
1 Leonard. 113, 252, 267.
3 Leonard. 28, 79.
2 Leonard. 41.

II. And that all and every perſon and perſons, having manors, lands, tenements or hereditaments holden of the King our Sovereign Lord, his Heirs or Succeſſors in ſoccage, or of the nature of ſoccage tenure in chief, and having any other manors, lands, tenements or hereditaments holden of any other perſon or perſons in ſoccage, or of the nature of ſoccage tenure, and not having any manors, lands, tenements or hereditaments holden of the King our Sovereign Lord by Knights ſervice, nor of any other Lord or perſon by like ſervice, from the twentieth day of July, in the ſaid year of our Lord God, M. D. XL. ſhall have full and free liberty, power and authority, to give, will, diſpoſe and deviſe as well by his laſt will or teſtament in writing, or otherwiſe by any act or acts, lawfully executed in his life, all his ſaid manors, lands, tenements and hereditaments, or any of them, at his free will and pleaſure; any Law, Statute, Cuſtom, or other thing heretofore had, made or uſed to the contrary notwithſtanding.

Lands holden of the King in ſoccage in chief, and none holden by Knights ſervice.
Lee 53.

III. Saving alway, and reſerving to the King our Sovereign Lord, his Heirs and Succeſſors, all his right, tile and intereſt of primer ſeiſin, and reliefs, and alſo all other rights and duties for tenure in ſoccage, or of the nature of ſoccage tenure in chief, as heretofore hath been uſed and accuſtomed, (2) the ſame manors, lands, tenements or hereditaments to be taken, had and ſued out of, and from the hands of his Highneſs, his heirs and ſucceſſors, by the perſon or perſons to whom any ſuch manors, lands, tenements or hereditaments ſhall be diſpoſed, willed or deviſed, in ſuch like manner and form as hath been uſed by any heir or heirs before the making of this Statute: (3) and ſaving and reſerving alſo fines for alienations of ſuch manors, lands, tenements or hereditaments holden of the King our Sovereign Lord in ſoccage, or of the nature of ſoccage tenure in chief, whereof there ſhall be any alteration of freehold, or inheritance made by will, or otherwiſe, as is aforeſaid.

A ſaving of the Kings primer ſeiſin, and his fines for alienation.

IV. And it is farther enacted by the authority aforeſaid, That all and ſingular perſon and perſons having any manors, lands, tenements or hereditaments of eſtate of inheritance holden of the Kings Highneſs in chief by Knights ſervice, or of the nature of Knights ſervice in chief, from the ſaid xx. day of July, ſhall have full power and authority by his laſt will, by writing, or otherwiſe by any act or acts lawfully executed in his life, to give, diſpoſe, will or aſſign two parts of the ſame manors, lands, tenements or hereditaments in three parts to be divided, (2) or elſe as much of the ſaid manors, lands, tenements or hereditaments, as ſhall extend or amount to the yearly value of two parts of the ſame, in three parts to be divided in certainty, and by ſpecial diviſions, as it may be known in ſeveralty, (3) to and for the advancement of his wife, preferment of his children and payment of his debts, or otherwiſe, at his will and pleaſure; any Law, Statute, Cuſtom, or other thing to the contrary thereof notwithſtanding:

Lands holden of the King by Knights ſervice in chief.
1 Anderſ. 47.
Moor 726. pl. 1013.
2 Anderſ. 207.

V. Saving and reſerving to the King our Sovereign Lord, the cuſtody, wardſhip, and primer ſeiſin, or any of them, as the caſe ſhall require, of as much of the ſame manors, lands, tenements or hereditaments, as ſhall amount and extend to the full and clear yearly value of the third part thereof, without any diminution, dower, fraud, covin, charge or abridgment of any of the ſame third part, or of the full profits thereof:

Wardſhip, primer ſeiſin, and fines for alienation ſaved to the King.

VI. Saving alſo and reſerving to the King our ſaid Sovereign Lord, all fines for alienations of all ſuch manors, lands, tenements and hereditaments holden of the King by Knights ſervice in Chief, whereof there ſhall be any alteration of freehold or inheritance made by will or otherwiſe, as is aboveſaid.

VII. And be it enacted by authority aforeſaid, That all and ſingular perſon and perſons, having manors, lands, tenements or hereditaments of eſtate of inheritance holden of the King in chief by Knights ſervice, and having other manors, lands, tenements or hereditaments holden of the King, or of any other perſon or perſons by Knights ſervice, or otherwiſe, every ſuch perſon and perſons from the ſaid twentieth day of July, ſhall have full power and authority to give, diſpoſe, will or aſſign by his laſt will in writing, or otherwiſe by any act or acts lawfully executed in his life, two parts of the ſame manors, lands, tenements or heredita-

Lands holden of the King by Knights ſervice in chief, & other lands holden by Knights ſervice or otherwiſe. Lee 29.
13 Co. 49, 50.

hereditaments, in three parts to be divided, or elſe as much of the ſame manors, lands, tenements and hereditaments, as ſhall extend or amount to the yearly value of two parts of the ſame, in three parts to be divided in certainty, and by ſpecial diviſions, as it may be known in ſeveralty, to and for the advancement of his wife, preferment of his children, payment of his debts, or otherwiſe, at his will and pleaſure; any Law, Statute, Cuſtom, or other thing to the contrary thereof notwithſtanding.

VIII. Saving alway, and reſerving to the King our Sovereign Lord, the cuſtody, wardſhip and primer ſeiſin, or any of them, as the caſe ſhall require, of as much of the ſame manors, lands, tenements or other hereditaments as ſhall amount and extend to the full and clear yearly value of the third part thereof, without any manner diminution, dower, fraud, covin, charge or ſubtraction of the ſame third part, or of the full profits thereof:

Wardſhip, primer ſeiſin, and fines for alienation ſaved to the King.

IX. Saving alſo and reſerving to our ſaid Sovereign Lord the King, all fines for alienation of any ſuch manors, lands, tenements or hereditaments holden of the King by Knights ſervice in chief, whereof there ſhall be any alteration of freehold or inheritance made by will or otherwiſe, as is aboveſaid.

X. Be it farther enacted by the authority aboveſaid, That if any perſon or perſons hold any manors, lands, tenements or hereditaments only of any other Lord or perſon than the King our ſaid Sovereign Lord by Knights ſervice, and other lands and tenements in ſoccage, or of the nature of ſoccage tenure, that then every ſuch perſon ſhall or may give, diſpoſe or aſſure, by his laſt Will, or otherwiſe by any act or acts lawfully executed in his life, two parts of the ſaid manors, lands and tenements holden by Knights ſervice (2) or of as much thereof as ſhall amount to the full yearly value of two parts, in manner and form as is above declared; and alſo all the lands and tenements holden by ſoccage, or of the nature of ſoccage tenure, at his will and pleaſure, as is above written: (3) Saving and reſerving to the Lord of the lands and tenements holden by Knights ſervice, for his cuſtody and wardſhip, as much of the ſame lands and tenements as ſhall extend or amount to the full and clear yearly value of the third part of the ſame lands and tenements holden by Knights ſervice, without any diminution, dower, fraud, covin, charge or ſubtraction of any portion of that third part, or of the clear yearly value thereof, in manner and form aforeſaid.

Lands holden by Knights ſervice of other Lords than of the King, and other lands holden in ſoccage.

The Lords wardſhip of the third part ſaved

XI. And be it farther enacted by the authority aboveſaid, That if any perſon or perſons hold any manors, lands, tenements or hereditaments, onely of the King our Sovereign Lord by Knights ſervice, and not in cheif, or hold any manors, lands, tenements or hereditaments of our ſaid Sovereign Lord by Knights ſervice, and not in chief, and alſo hold other manors, lands, tenements and other hereditaments, of any other perſon or perſons by Knights ſervice, and alſo hold other manors, lands, tenements or hereditaments, of any other perſon or perſons in ſoccage, or of the nature of ſoccage tenure: that then all and every ſuch perſon and perſons, ſhall and may give, diſpoſe, will, deviſe and aſſure, by his laſt Will, or otherwiſe, by any act or acts lawfully done and executed in his life, two parts of the ſame manors, lands, tenements and hereditaments holden of our ſaid Sovereign Lord the King by Knights ſervice, (2) and two parts of the manors, lands, tenements and hereditaments holden of any perſon or perſons by Knights ſervice, (3) or as much of either of them as ſhall amount to the full yearly value of two parts, in manner and form as is above declared; (4) and alſo of all his lands and tenements ſo holden iu ſoccage, or of the nature of ſoccage tenure, at his free will and pleaſure:

Lands holden of the King by Knights ſervice, and not in chief: and lands holden in ſoccage of others.

XII. Saving and reſerving to the Kings Highneſs, the cuſtody and wardſhip of as much of the ſame manors, lands, tenements or other hereditaments, as ſhall extend and amount to the full and clear yearly value of the third part of the ſaid manors, lands, tenements and hereditaments ſo holden of his Highneſs by Knights ſervice, without any diminution, dower, fraud, covin, charge and ſubtraction of any portion of that third part, or of the full profits thereof; (5) And alſo ſaving and reſerving to the Lords of whom any of the ſaid manors, lands, tenements or other hereditaments, been holden by Knights ſervice, for the cuſtody and wardſhip, as much of the ſame manors, lands, tenements or hereditaments holden of them or any of them by Knights ſervice, as ſhall extend and amount to the full and clear yearly value of the third part of the ſame, without any diminution, charge, fraud, covin, or ſubtraction of any portion of that third part, or of the clear yearly value of the third part thereof, in manner and form above declared.

Saving to the King and other Lords, cuſtody and wardſhip.

XIII. Provided alway, and it is farther enacted by the authority aforeſaid. That if that third part of the manors, lands, tenements or hereditaments of any of the Kings ſubjects, which in any of the caſes aboveſaid ſhall hereafter come to the Kings Highneſs, his Heirs or Succeſſors, by virtue of this Act, as is aboveſaid, be not or do not amount to the clear yearly value of the third part of all the ſaid manors, lands, tenements or other hereditaments, whereof the ſaid Kings Highneſs is or ſhall be intituled to have the cuſtody or primer ſeiſin, as is aboveſaid; That then our ſaid Sovereign Lord and his Heirs, ſhall and may at his or their free liberty and pleaſure, take into his or their hands and poſſeſſion, as much of the other two parts of the ſaid manors, lands, tenements and other hereditaments, as with that of the ſame manors, lands, tenements or hereditaments holden or remaining in the Kings hands, ſhall make up the clear yearly value of the full third part of the ſaid manors, lands and tenements ſo to be had of the Kings Highneſs in title of wardſhip and primer ſeiſin, or any of them, as the caſe ſhall require. (2) And like benefit and advantage to be given to every Lord or Lords, of whom any ſuch manors, lands, tenements or hereditaments been or ſhall be holden by Knights ſervice, as is aboveſaid, concerning onely his third part, of or for title of wardſhip.

The King or any other Lord may take ſo much as will amount to his third part, if it be not left unto them.

XIV. Provided alway, and be it farther enacted by the authority aforeſaid, That every perſon and perſons ſhall ſue their liveries for poſſeſſions, reverſions or remainders, and alſo pay reliefs and heriots, after ſuch manner and form as they ſhould or ought to have done before the making of this Act, and as if this Act had never been made.

Suing of liveries, paying for relief and heriots, for poſſeſſions, reverſions, remainders, ſhall be as they have been.

XV. And

Fines for alienations upon common recoveries.

XV. And that fines for alienations ſhall be paid in the Kings Chancery, for and upon writs of entry in the poſt, to be obtained in the ſame Court of Chancery, after the ſaid twentieth day of July, for common recoveries to be had or ſuffered of any manors, lands, tenements or hereditaments holden of the King in chief, in like manner and form as is uſed upon alienations of ſuch manors, lands, tenements or hereditaments, ſo holden in chief, by fine or feoffment.

XVI. Provided alſo, and be it enacted by the authority aforeſaid, That in ſuch caſes where fines for alienations ſhall be paid in the Kings Chancery for writs of entry in the poſt, as is aforeſaid, that then none other fine ſhall be paid in the ſame Court for any ſuch writs; any uſage or cuſtome to the contrary thereof notwithſtanding.

Two perſons ſeiſed of lands holden of the King by Knights ſervice, and to the heirs of one of them.

Women ſhall have their dowers of the two parts.

The reverſion of the tenant in dower in the King, if the tenant do die during the minority of the Kings ward.

XVII. And be it farther enacted by the authority aforeſaid, That where two or more perſons now hold, or hereafter ſhall hold, any manors, lands, tenements or hereditaments, of the King our Sovereign Lord by Knights ſervice, joyntly to them, and to the heirs of one of them, and he that hath the inheritance thereof dieth, his heir being within age, that in every ſuch caſe the King ſhall have the ward and the marriage of the body of ſuch heir now being within age, the life of the freeholder or freeholders of the ſaid manors, lands, tenements or hereditaments, ſo holden by Knights ſervice, notwithſtanding: (2) Saving and reſerving to all and every woman and women, all and every ſuch right, title, intereſt of dower, as they or any of them ought to have, or be or ſhall be juſtly intitled to have, claim and demand of any manors, lands, tenements or hereditaments, by the Laws of this Realm, to be taken or aſſigned unto them or any of them, out of the two parts of the ſaid manors, lands, tenements or hereditaments, ſevered and divided from the third part, as is aboveſaid, and not otherwiſe: (3) And ſaving alſo to the King our Sovereign Lord, his Heirs and Succeſſors, the reverſions of all ſuch tenants in joynt tenure and dower, immediately after the death of all ſuch tenants, if they ſhall happen to die during the minority of the Kings wards. Stat. 34 H. 8. 5. Co. Iinſt. 111. b.

CAP. II.

The Act of Limitation with a Proviſo.

1 Roll 151. Limitation 1. Within what time any perſon ſhall bring his Writ of right, poſſeſſary action, Avowry, Formedon, Scire facias, &c. It is a great benefit to have a certain limitation of time for the quiet poſſeſſion of lands.

Foraſmuch as the time of limitation appointed for ſuing of writs of right, and other writs of poſſeſſion and ſeiſon of mens anceſtors or predeceſſors, or of their own poſſeſſion or ſeiſon by the Laws and Statutes of this Realm heretofore made, limited and appointed, extend, and be ſo far and long time paſt, that it is above the remembrance of any living man, truly to try and know the perfect certainty of ſuch things as hath or ſhall come in trial, or do extend unto the time and times limited by the ſaid Laws and Statutes, to the great danger of mens conſciences that have or ſhall be impanelled in any Jury for the trial of the ſame: (2) and it is alſo a great occaſion of much trouble, vexation and ſuits to the Kings loving ſubjects at the common Laws of this Realm; ſo that no man, although he and his anceſtors, and thoſe whoſe eſtate he or they have, have been in peaceable poſſeſſion of a long ſeaſon, of and in lands, tenements and other hereditaments, is or can be in any ſurety, quietneſs or reſt, of and in the ſame, without a good remedy and reformation to be had, made and provided for the ſame: (3) Be it therefore enacted by the King our Sovereign Lord, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no manner of perſon or perſons ſhall from henceforth ſue, have or maintain any Writ of right, (4) or make any Preſcription, Title or Claim to or for any manors, lands, tenements, rents, annuities, commons, penſions, portions, corodies, or other hereditaments, (5) of the poſſeſſion of his or their anceſtor or predeceſſor, and declare and alledge any farther ſeiſon or poſſeſſion of his or their anceſtor or predeceſſor, but onely of the ſeiſon or poſſeſſion of his anceſtor or predeceſſor, which hath been, or now is, or ſhall be ſeiſed of the ſaid manors, lands, tenements, rents, annuities, commons, penſions, portions, corodies or other hereditaments, within threeſcore years next before the Teſte of the ſame writ, or next before the ſaid preſcription, title or claim ſo hereafter to be ſued, commenced, brought, made or had.

The limitation of preſcription in a Writ of right. 1 Bulltr. 162.

Limitation of preſcription to actions poſſeſſary.

II. And be it farther enacted by the authority aforeſaid, That no manner of perſon nor perſons ſhall hereafter ſue, have or maintain any aſſiſe of Mort-anceſtor, Coſinage, Ail, Writ of entry, upon diſſeiſin done to any of his anceſtors or predeceſſors, or any other action poſſeſſary, upon the poſſeſſion of any of his anceſtors or predeceſſors, for any manors, lands, tenements or other hereditaments, of any farther ſeiſin or poſſeſſion of his or their anceſtor or predeceſſor, but onely of the ſeiſin or poſſeſſion of his or their anceſtor or predeceſſor, which was, or hereafter ſhall be ſeiſed of the ſame manors, lands, tenements or other hereditaments, within fifty years next before the Teſte of the original of the ſame writ hereafter to be brought.

Concerning ſuit for land of his own poſſeſſion.

III. And be it farther enacted by the authority aforeſaid, That no perſon nor perſons ſhall hereafter ſue, have or maintain any action for any manors, lands, tenements, or other hereditaments, of or upon his or their own ſeiſin or poſſeſſion therein, above thirty years next before the Teſte of the original of the ſame writ hereafter to be brought.

Avowry or cognizance for any rent, ſuit or ſervice.

IV. And be it alſo enacted by the authority aforeſaid, That no perſon nor perſons ſhall hereafter make any avowry or cogniſance for any rent, ſuit or ſervice, and alledge any ſeiſin of any rent, ſuit or ſervice in the ſame avowry or cogniſance in the poſſeſſion of his or their anceſtors, or predeceſſor or predeceſſors, or in his own poſſeſſion, or in the poſſeſſion of any other, whoſe eſtate he ſhall pretend or claim to have above fifty years next before the making of the ſaid avowry or cogniſance.

Formedons in reverter, Formedons in remainder, Scire facias upon fines. Alt. 21 Jac. 16.

V. And over that be it enacted by the authority aforeſaid, That all Formedons in reverter, Formedons in remainder, and Scire facias upon fines of any manors, lands, tenements or other hereditaments at any time hereafter to be ſued, ſhall be ſued and taken within fifty years next after the title and cauſe of action fallen, and at no time after the ſaid fifty years paſſed.

VI. And be it alſo enacted by the authority aforeſaid, That if any perſon or perſons at any time hereafter do ſue any of the ſaid actions or writs, for any manors, lands, tenements, or other hereditaments, (2) or make any avowry, cogniſance, preſcription, title or claim of or for any rent, ſuit, ſervice or other hereditaments, (3) and cannot prove that he or they, or his or their anceſtors or predeceſſors, were in actual poſſeſſion or ſeiſon of and in the ſame manors, lands, tenements, rents, ſuits, ſervices, annuities, commons, penſions, portions, corrodies or other hereditaments, at any time or times within the years before limited and appointed in this preſent Act, and in manner and form as is aforeſaid, (4) if the ſame be traverſed or denied by the party plaintiff, demandant or avowant, or by the party tenant or defendant, that then and after ſuch trial therein had, all and every ſuch perſon and perſons, and their heirs, ſhall from henceforth be utterly barred for ever, of all and every the ſaid writs, actions, avowries, cogniſance, preſcription, title or claim hereafter to be ſued, had or made, of and for the ſame manors, lands, tenements, hereditaments or other the premiſſes, or any part of the ſame, for the which the ſame action, writ, avowry, cogniſance, preſcription, title or claim hereafter ſhall be at any time had, ſued or made.

Bar for default of ſeiſon within the time of limitation.

VII. Provided alway, and be it enacted by the authority aforeſaid, That all and every perſon and perſons which now have any of the ſaid actions, writs, avowries, Scire facias, cogniſance, preſcription, title or claim depending, or that hereafter ſhall ſue, commence, make or bring any of the ſaid writs or actions, or make any of the ſaid avowries, cogniſances, preſcription, titles or claim at any time before the Feaſt of the Aſcenſion of our Lord God, which ſhall be in the year of our Lord God a thouſand five hundred fourty and ſix, ſhall alledge the ſeiſon of his or their anceſtors or predeceſſors, or his own poſſeſſion and ſeiſon, and alſo have all other like advantages, to all intents and purpoſes in the ſame writs, actions, avowries, cogniſances, preſcriptions, titles and claims, as he or they might have had at any time before the making of this Eſtatute; this Act or any thing therein contained to the contrary notwithſtanding.

A proviſo for ſuits depending.
An. Dom. 1546.

VIII. Provided alſo, and be it farther enacted by the authority aforeſaid, That if any perſon or perſons now being within the age of xxj. years, or covert baron, or in priſon, or out of this Realm of England, now having cauſe to have, ſue, commence, make or bring any of the ſaid writs or actions, or to make any avowries, cogniſances, preſcriptions, titles or claims, that it ſhall be lawful to ſuch perſon and perſons being within age, covert baron, in priſon, or out of this Realm, to ſue, commence or bring any of the ſaid writs or actions, or make any of the ſaid avowries, cogniſances, preſcriptions, titles or claims, at any time within ſix years next after ſuch perſon or perſons, now being within age, ſhall accompliſh the age of one and twenty years, or within ſix years next after ſuch perſon or perſons, now being covert baron, ſhall be ſole, or within ſix years next after ſuch perſon or perſons, now being in priſon, ſhall be ſet at his liberty, or within ſix years next after ſuch perſon or perſons, now being out of this Realm, ſhall come and be within this Realm: (2) And that every ſuch perſon and perſons in their ſaid Actions, writs, avowries, cogniſances, preſcription, titles or claims to be made, ſued or commenced within the ſaid ſix years, ſhall alledge within the ſaid ſix years the ſeiſon of his or their anceſtors or predeceſſors, or of his own poſſeſſion, or of the poſſeſſion of thoſe whoſe eſtate he ſhall then claim: (3) And alſo within the ſame ſix years ſhall have all and every like advantages to all intents and purpoſes in the ſame, as he or they might have had before the making of this Act, and as though this Act had never been had ne made; This Act nor any thing therein contained to the contrary notwithſtanding.

A proviſo to relieve women covert, infants within age, perſons in priſon, or out of the Realm at the time of this Statute made.

IX. Provided alſo, That if it happen the ſaid perſon or perſons, now being within age, or covert baron, in priſon, or out of this Realm, having cauſe to ſue, commence, make or bring any the ſaid writs, actions, avowries, cogniſance, preſcription, title or claim to deceaſe within age, or being covert, as is aforeſaid, or during the time he or they ſhall be in priſon or out of this Realm, or to deceaſe within ſix years next after ſuch perſon or perſons ſhall accompliſh his or their full ages, or ſhall be at large within this Realm, or ſhall become ſole, and no determination or judgment had of ſuch titles, actions, rights, ſo to them accrued: that then the next heir or heirs of ſuch perſon or perſons, being in priſon, or out of this Realm, or within age, or being covert baron, ſo dying, ſhall have and enjoy all and every ſuch liberty and advantage, to ſue, demand, advow, declare or make the ſaid titles, claims or preſcriptions, within ſix years next after the death of ſuch perſon or perſons now impriſoned or being out of this Realm, or within age, or covert de baron, in ſuch or like manner and form to all intents and purpoſes, as the ſame infant, after his full age, or the ſame woman covert, after the death of her husband, or the ſame perſon being out of this Realm, after his repair or coming into the ſame, or the ſaid perſon impriſoned, after his enlargement or coming out of priſon, ſhould or might have had within ſix years then next enſuing, by force and virtue of the proviſion laſt before rehearſed; any thing in this Act contained to the contrary thereof in any wiſe notwithſtanding.

A remedy to relieve the heirs of an infant, a woman covert, any perſon in priſon, or out of the Realm, if the party himſelf die before judgment.

X. Provided alſo, That if any perſon or perſons, before the ſaid Feaſt of the Aſcenſion of our Lord God, which ſhall be in the ſaid year of our Lord God, a thouſand five hundred and fourty and ſix, commence and ſue any of the ſaid actions or writs, or make any avowry, preſcription, title or claim, and the ſame action, writ, avowry, cogniſance, preſcription, title or claim, happen by the death of any of the parties to the ſame, to be abated before judgment or determination thereof had, that then the ſaid perſon or perſons, being demandants or avowants, or making any ſuch cogniſance, preſcription, title or claim, being then alive, and if not, then the next heir or heirs of ſuch perſon or perſons ſo deceaſed, may commence and purſue his or their action or ſuit, and make his or their avowry, cogniſance, preſcription, title or claim, for or upon the ſame matter, within one year next after ſuch action or ſuit abated, and ſhall have and enjoy all and every ſuch liberty and advantage, to ſue, demand, avow, declare or make their ſaid titles, claims or preſcriptions, within the ſaid one year,

A remedy for the heir if the ſuit of his anceſtor abate before judgment.

as the demandant or demandants in ſuch writ or ſuit abated, or as ſuch as did avow or make recogniſance, title, or claim, or preſcription, ſhould or might have done, had, uſed, made or enjoyed in the ſaid former action or ſuit; any thing in this Act to the contrary notwithſtanding.

The party grieved may have an attaint upon a falſe verdict given.

XI. Provided farthermore, That if any falſe verdict happen hereafter to be given or made in any of the ſaid actions, ſuits, avowries, preſcriptions, titles or claims, that then the party grieved by reaſon of the ſame, ſhall and may have his attaint upon every ſuch verdict ſo given or made, and the plaintiff in the ſame attaint upon judgment for him given ſhall have his recovery, execution and other advantage, in like manner and form as heretofore hath been uſed and accuſtomed; any thing before in this Act contained to the contrary thereof notwithſtanding. St. 1 M. 5.

CAP. III.

For the continuation of certain Acts.

Clergy 16. Statutes continued concerning Burning in the hand, &c. St. 22 H. 8. 14. Trial of foreign pleas.

Hob

Where in the laſt Parliament begun and holden at London, the third day of November, in the xxj. year of the Kings moſt gracious Reign, and from thence adjourned to Weſtminſter, and there holden and continued by ſundry prorogations,

It was enacted, among other things, That all foreign pleas triable by the Countrey, which ſhould be pleaded by any perſon or perſons arraigned upon any indictment for any petty Treaſon, Murther or Felony, ſhould be tried before the ſame Juſtices afore whom ſuch perſons ſhould be arraigned, and by the ſame Jurors of the County that ſhall try the petty Treaſon, Murther or Felony, without any farther reſpite or delay: (2) And that no perſon or perſons arraigned for any petty Treaſon, Murther or Felony, ſhall be admitted to any peremptory challenge, above the number of xx. (3) which Act was made to endure to the end of the next Parliament, as by the ſaid Act, amongſt divers clauſes and proviſions contained in the ſame, more plainly is expreſſed.

St. 23 H. 8. 1. Clergy taken away from offenders in certain caſes.

II. And where alſo in the ſame Parliament it was enacted, That no perſon or perſons which ſhould happen to be found guilty after the Laws of this Realm, for any manner of petty Treaſon, or for any wilful Murther of malice prepenſed, or for Robbing of Churches Chappels, or other Holy places, or for Robbing of any perſon or perſons in their dwelling houſes, or dwelling place, the owner and dweller in the ſaid houſe, his wife, his children or ſervants then being within, and put in fear and dread by the ſame, or for Robbing of any perſon or perſons in or near about the high-ways, or for wilful Burning of any dwelling houſes or barns, wherein any corn or grain ſhall chance to be; (2) nor that any perſon or perſons being found guilty of any abetment, procurement, helping, maintaining or counſelling of or to any ſuch petty Treaſon, Murthers or Felonies, ſhould be admitted to the benefit of their Clergy (ſuch as be within holy orders, that is to ſay, of the orders of Subdeacon or above, all only except) with many other clauſes and proviſions contained in the ſaid Act, as by the ſame Act more plainly appeareth; (3) which Act was alſo made to continue and endure to the laſt day of the next Parliament.

25 H. 8. 3. A Felon ſtanding mute challenging above xx. or not anſwering directly.

III. And where alſo in the ſame Parliament it was farther enacted, That every ſuch perſon and perſons which ſhould happen to be indicted of any petty Treaſon, wilful Burning of houſes, Murther, Robbery or Burglary, or other Felony, according to the tenour and meaning of the ſaid Eſtatute next above rehearſed, and thereupon arraigned, did ſtand mute of malice or froward mind, or challenge peremptory above the number of twenty perſons, or will not anſwer directly to the ſame Indictment and Felony whereupon they ſhall be arraigned, that then every ſuch perſon and perſons ſhould loſe the benefit and priviledge of their Clergy.

IV. And it was alſo ordained by the ſame Act, That if any perſon or perſons be indicted and found guilty for ſtealing of any goods or chattels in any County of this Realm, or being indicted, ſtand mute of malice, or challenge peremptory above the number of twenty perſons, or will not anſwer directly to the Law, ſhall alſo loſe the benefit of their Clergy, in like manner and form as they ſhould have done, if they had been indicted, arraigned and found guilty in the ſame County where the ſame Robbery or Burglary was done, if it ſhall appear to the Juſtices by evidence or examination, that the ſaid Felons and Robbers arraigned afore them, ſhould or ought to have loſt their Clergy by force of the ſaid Eſtatute, in caſe they had been found guilty of the ſame Felonies and Burglaries in the ſame Shire where they were committed, as by the ſaid Act, amongſt other things, more at large is expreſſed.

St. 25 H. 8. 6. Buggery ſhall be Felony.

V. And where alſo in the ſaid Parliament it was farther ordained, That the deteſtable vice of Buggery committed with mankind or beaſt, ſhould be Felony, and that the Offenders therein ſhould loſe the benefit of their Clergy; (2) which Act was made to endure to the laſt day of the next Parliament, as by the ſame Act, amongſt other things, it appeareth more at large.

St. 28 H. 8. 1.

Such as be within orders ſhall be uſed as others be.

VI. And where alſo in the Parliament begun and holden at Weſtminſter the eighth day of June, in the twenty eighth year of the Reign of our ſaid moſt dread Sovereign Lord King Henry the eighth, and there continued and kept until the diſſolution thereof, it was ordained and enacted, That all and ſingular the ſaid ſeveral Acts above remembred, and every of them, ſhould continue and endure in their force and ſtrength, and alſo be obſerved and kept until the laſt day of the next Parliament. (2) And it was alſo ordained by the authority of the ſame Parliament, that ſuch as be within holy orders, ſhould from thenceforth ſtand and be under the ſame peins and dangers for the offences contained in any of the ſaid Statutes, and be uſed and ordered to all intents and purpoſes, as other perſons not being within holy orders; any proviſion or exception ſpecified in any of the ſaid Acts, or any other uſage or cuſtom of this Realm to the contrary thereof notwithſtanding, as by the ſame Acts among other things therein contained more plainly appeareth. (3) And foraſmuch as all and ſingular the ſaid ſeveral Acts above mentioned be good and beneficial for the common wealth of this Realm:

VII. Be it therefore enacted and ordained by the authority of this preſent Parliament, That all and ſingular the ſaid ſeveral Acts, and every of them, and all Clauſes, Articles and Proviſions in them and every of them contained, ſhall continue and endure in their force and ſtrength, and be obſerved and kept for ever.

The Stat. of 22 H. 8. 14. 23 H. 8. 1. 25 H. 8. 3. & 6. and 28 H. 8. 1. rehearſed and made perpetual.

VIII. And be it alſo enacted by authority of this preſent Parliament, That ſuch perſons as be or ſhall be within holy Orders, which by the Laws of this Realm, ought or may have their Clergy for any Felonies, and ſhall be admitted to the ſame, ſhall be brent in the hand in like manner and form as lay Clerks be accuſtomed in ſuch caſes, (2) and ſhall ſuffer and incur afterward all ſuch peins, dangers and forfeitures, and be ordered and uſed for their offences of Felony, to all intents, purpoſes and conſtructions, as lay perſons admitted to their Clergy be or ought to be ordered and uſed by the Laws and Statutes of this Realm; any Statutes, Laws, Proviſions, Priviledges, Cuſtoms, or any other thing to the contrary thereof heretofore uſed notwithſtanding.

CAP. IV.

Treaſons ſhall be tried that be committed in Wales, or where the Kings Writ runneth not, in ſuch Shires and before ſuch Commiſſioners as the King ſhall from time to time aſſign by his Commiſſion. Alt. 1 & 2 P. & M. 10.

Treaſon 12.

CAP. V.

For the Continuation of Debts upon Execution.

Whereas before this time divers and ſundry perſons have ſued Executions, as well upon Judgment for them given of their debts and damages, as upon ſuch ſtatutes merchant, ſtatutes of the ſtaple, or recogniſances, as hath been to them before made, recogniſed and knowledged, and thereupon ſuch lands, tenements and other hereditaments as were liable to the ſame Execution, have been by reaſonable extent to them delivered in Execution for the ſatisfaction of their ſaid debts and damages, according to the Laws of this Realm: (2) Nevertheleſs it hath been oftentimes ſeen, that ſuch lands, tenements and hereditaments ſo delivered and had in Execution, have been recovered, or lawfully deveſted, taken away or evicted from the poſſeſſion of the ſaid Recoverers, Obligees or Recogniſees, their Executors or Aſſigns, before ſuch time as they have been fully ſatisfied and paid off their debts and damages, without any manner fraud, deceit, covin, colluſion, or other default in the ſaid Recoverers, Obligees or Recogniſees, their Executors and Aſſigns; (3) by reaſon whereof the ſaid Recoverers, Obligees and Recogniſees have been thereby ſet clearly without remedy by any manner Suit of the Law to recover or come by any ſuch part or parcel of their ſaid debts and damages as was behind, and not by them levied or received before ſuch time as the ſaid lands, tenements and other hereditaments ſo by them had in Execution were recovered, lawfully deveſted, taken or evicted out of and from their poſſeſſions, as is aforeſaid, to their great hurt and loſs, and much ſeeming to be againſt equal juſtice and good conſcience: (4) For reformation whereof, be it enacted by authority of this preſent Parliament, That if hereafter any ſuch lands, tenements or hereditaments, as be or ſhall be had and delivered to any perſon or perſons in Execution, as is aforeſaid, upon any juſt and lawful title, matter, condition or cauſe, wherewithall the ſaid lands, tenements and hereditaments were liable, tied and bound at ſuch time as they were delivered and taken into Execution, ſhall happen to be recovered, lawfully deveſted, taken or evicted out of and from the poſſeſſion of any ſuch perſon and perſons as now have and hold or hereafter ſhall have and hold the ſame in Execution, as is aforeſaid, without any fraud, deceit, covin, colluſions or other default of the ſaid Tenant or Tenants by Execution, before ſuch time as the ſaid Tenants by Execution, their Executors or Aſſigns, ſhall have fully and wholly levied or received the ſaid whole debt and damages, for the which the ſaid lands, tenements and other hereditaments were delivered and taken in Execution, as is aforeſaid; (5) then every ſuch Recoverer, Obligee and Recogniſee ſhall and may have and purſue a Writ of Scire facias out of the ſame Court from whence the ſaid former Writ of Execution did proceed, (6) againſt ſuch perſon or perſons as the ſaid Writ of Execution was firſt purſued, their heirs, executors or aſſigns, (7) of ſuch lands, tenements or hereditaments as were or been then liable or charged to the ſaid Execution (8) returnable into the ſame Court at a certain day, being full fourty days after the date of the ſame Writ; (9) At which day if the Defendant, being lawfully warned, make default, or appear and do not ſhew and plead a ſufficient matter or cauſe (other than the acceptance of the ſaid lands, tenements or hereditaments by the ſaid former Writ of Execution) to bar, avoid or diſcharge the ſaid ſuit for the reſidue of the ſaid debt and damages remaining unlevied or unreceived by the ſaid former Execution, then the Lord Chancellor, or other ſuch Juſtice or Juſtices before whom ſuch Writ of Scire facias ſhall be returnable, ſhall make eftſoons a new Writ or Writs out of the ſaid former record of judgment, ſtatute merchant, ſtatute ſtaple, or recogniſance of like nature and effect as the ſaid former Writ of Execution was, for the levying of the reſidue of all ſuch debt and damage as then ſhall appear to be unlevied, unſatisfied or unpaid of the whole ſum or ſums in the ſaid former Writ of Execution contained; any Law, Cuſtom or other thing to the contrary hereof heretofore uſed in any wiſe notwithſtanding.

Execution 2. A remedy for the Cogniſee or Obligee, where lands delivered to him in execution be recovered from him.

2 Bulſt. 97. Godbolt. 258. pl. 354.

13 Ed. 1. W. 2. cap. 45. 2 Co. 693.

CAP. VI.

Whoſoever ſhall deliver any Horſe into Scotland or the batable ground, to the uſe of a Scotiſh man, without the Kings Licence, ſhall be adjudged a Felon, and the Wardens of the Marches may hear and determine ſuch Felonies. Rep. 4 Jac. 1. St. 23 H. 8. 16. 1 El. 7.

Horſes, Raſt. 13.

CAP. VII.

For the true Payment of Tithes and Offerings.

Tithes 20. How tithes ought to be paid, and how to be recovered being not paid. What hath encouraged divers perſons to detein their Tithes from lay men which have Eſtates in them.

Where divers and many perſons inhabiting in ſundry Countries and places of this Realm, and other the Kings dominions, not regarding their duties to Almighty God, and to the King our Sovereign Lord, but in few years paſt more contemptuouſly and commonly preſuming to offend and infringe the good and wholſom Laws of this Realm, and gracious commandments of ourſaid Sovereign Lord, than in times paſt hath been ſeen or known, have not letted to ſubtract and withdraw the lawful and accuſtomed Tithes of

Corn, Hay, Paſturages, and other ſort of Tithes and Oblations commonly due to the Owners, Proprietaries and Poſſeſſors of the Parſonages, Vicarages, and other Eccleſiaſtical places of and within the ſaid Realm and Dominions, (2) being the more encouraged thereto, for that divers of the Kings Subjects, being lay perſons, having Parſonages, Vicarages and Tithes to them and their heirs, or to them and to their heirs of their bodies lawfully begotten, or for term of life or years, cannot by the order and courſe of the Eccleſiaſtical Laws of this Realm ſue in any Eccleſiaſtical Court for the wrongful withholding and detaining of the ſaid Tithes and other duties, (3) nor cannot by the order of the Common Laws of this Realm have any due remedy againſt any perſon or perſons, their heirs or aſſigns, that wrongfully detaineth or withholdeth the ſame: (4) by occaſion whereof much controverſie, ſuit, variance and diſcord is like to inſurge and enſue among the Kings ſubjects, to the great detriment, damage and decay of many of them, if convenient and ſpeedy remedy therefore be not had and provided.

Every perſon ſhall ſet out and pay his tithes according to the cuſtom of the Pariſh where they be due.

II. Wherefore it is ordained and enacted by our ſaid Sovereign Lord the King, with the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that all and ſingular perſons of this his ſaid Realm, or other his Dominions, of what eſtate, degree or condition ſoever he or they be, ſhall fully, truly and effectually divide, ſet out, yield, or pay all and ſingular Tithes and Offerings aforeſaid, according to the lawful Cuſtoms and Uſages of the Pariſhes and places where ſuch Tithes or Duties ſhall grow, ariſe, come or be due. (2) And in caſe that ſhall happen any perſon or perſons of his or their ungodly or perverſe will and mind, to detain and withhold any of the ſaid Tithes or Offerings, or any part or parcel thereof, then the perſon or perſons being eccleſiaſtical or lay perſon, having cauſe to demand or have the ſaid Tithes or Offerings, being thereby wronged or grieved, ſhall and may convent the perſon or perſons ſo offending before the Ordinary, his Commiſſary, or other competent Miniſter or lawful Judge of the place where ſuch wrong ſhall be done, according to the eccleſiaſtical Laws: (3) And in every ſuch caſe or matter of ſuit, the ſame Ordinary, Commiſſary, or other competent Miniſter or lawful Judge, having the parties of their lawful procurators before him or them, ſhall and may by virtue of this Act proceed to the examination, hearing and determination of every ſuch cauſe or matter ordinarily or ſummarily, according to the courſe and proceſs of the ſaid eccleſiaſtical Laws, and thereupon may give ſentence accordingly.

The offender convented before the Ordinary.

The appellant ſhall pay coſts of ſuit to the other party.

III. And in caſe that any of the parties, for any cauſe or matter concerning that ſuit, do appeal from the Sentence, Order and definitive Judgement of the ſaid Ordinary or other competent Judge, as is aforeſaid, then the ſame Judge by virtue of this Act, forthwith upon ſuch appellation made, ſhall adjudge to the other party the reaſonable coſts of his ſuit therein before expended, (2) and ſhall compell the ſame party appellant to ſatisfie and pay the ſame coſts ſo adjudged by compulſory proceſs and cenſures of the ſaid Laws eccleſiaſtical, (3) taking ſurety of the other party to whom ſuch coſts ſhall be adjudged and paid, to reſtore the ſame coſts to the appellant, if after, the principal cauſe of that ſuit of appeal ſhall be adjudged againſt the ſame party, to whom the ſaid coſts ſhall be yielden: (4) And ſo every Ordinary or other competent Judge eccleſiaſtical, by virtue of this Act, ſhall adjudge coſts to the other party upon every appeal to be made in any ſuit or cauſe of ſubtraction or detenſion of any Tithes or Offerings, or in any other ſuit to be made for or concerning the duty of ſuch Tithes or Offerings.

The offender ſhall be bound by Two Juſtices of Peace to obey the Ordinaries Sentence.
St. 27 H. 8. 20.

IV. And further be it enacted by the authority aforeſaid, That if any perſon or perſons, after ſuch ſentence definitive given againſt them, obſtinately and wilfully refuſe for to pay their Tithes, or ſuch ſums of Money ſo adjudged, wherein they be condemned for the ſame, that then two Juſtices of the Peace for the ſame Shire, whereof one to be of the Quorum, ſhall have authority by this Act, upon information, certificate or complaint to them made by writing by the ſaid eccleſiaſtical Judge that gave the ſame ſentence, to cauſe the ſame party ſo refuſing, to be attached, and committed to the next Goal, and there to remain without bail or mainpriſe, till he or they ſhall have found ſufficient ſureties to be bound by recogniſance or otherwiſe, before the ſame Juſtices, to the uſe of our Sovereign Lord the King, to perform the ſaid definitive ſentence and Judgment.

Lands diſcharged of tithes.
Co. pl. 10. 454.
37 H. 8. 17. Sect. 2. N. 1.

V. Provided always, and be it enacted by the authority aforeſaid, That no perſon or perſons ſhall be ſued or otherwiſe compelled to yield, give or pay any manner of tithes, for any manors, lands, tenements or other hereditaments, which by Laws or Statutes of this Realm are diſcharged or not chargeable with the payment of any ſuch tithes. 2 Ed. 6. 13. Sect. 4. N. 1.

The inhabitants of London.

VI. Provided alſo, and be it enacted by authority aforeſaid, That this Act nor any thing therein contained ſhall in any wiſe bind the Inhabitants of the City of London and Suburbs of the ſame, for to pay their Tithes and Offerings within the ſame City and Suburbs otherwiſe than they ought or ſhould have done before the making of this Act; any thing in this Act contained to the contrary notwithſtanding.

Recoveries may be had and conveyances made in temporal Courts of tithes, as of lands.

VII. And be it further enacted by the authority aforeſaid, That in all caſes, where any perſon or perſons which now have or which hereafter ſhall have any eſtate of inheritance, freehold, term, right or intereſt, of, in or to, any Parſonage, Vicarage, Portion, Penſion, Tithes, Oblations, or other eccleſiaſtical or ſpiritual Profit, which now be, or which hereafter ſhall be made temporal, or admitted to be, abide and go to or in temporal hands and lay uſes and profits by the Law or Statutes of this Realm, ſhall hereafter fortune to be diſſeiſed, deforced, wronged, or otherwiſe kept or put from their lawful inheritance, eſtate, ſeiſon, poſſeſſion, occupation, term, right or intereſt of, in or to the ſame, or of, in or to any parcel thereof, by any other perſon or perſons claiming or pretending to have intereſt or title in or to the ſame: (2) that then in all and every ſuch caſe or caſes, the perſon or perſons ſo diſſeiſed, deforced, or wrongfully kept or put from his or their right or poſſeſſion, as is afore rehearſed, their heirs, wives, and ſuch other to whom ſuch injury and wrong ſhall be done or committed, ſhall and may have their remedy in the Kings temporal Courts, or other temporal Courts, as the caſe ſhall require, for the recovery, getting or obtaining of ſuch inheritance, eſtate, freehold, ſeiſon, poſſeſſion, term, right or intereſt; (3) by Writs original of Præc' quod reddat, Aſſ. of novel diſſeiſin, Mortdanc', Quod ei deforceat, Writs of Dower or other Writs original, as the caſe ſhall require, to be deviſed and granted in the Kings Court of Chancery, of every ſuch Parſonage, Vicarage, Portion, Penſion, or other profit called Eccleſiaſtical or Spiritual, ſo to be demanded according to the nature and cauſe of the ſuit thereof (4) in like manner and form as they ſhould, ought or might have had of or for Lands, Tenements or other Hereditaments in ſuch manner to be demanded: (5) And that Writs of Covenant and other Writs for Fines to be levied, and all other Aſſurances to be had, made or conveyed of any ſuch Parſonage, Vicarage, Portion, Penſion, or other profit called Eccleſiaſtical or Spiritual, as is aforeſaid, ſhall be hereafter deviſed and granted in the ſaid Chancery, according as hath been uſed for Fines to be levied and Aſſurance to be had or made, or conveyed, of Lands, Tenements or other Hereditaments: (6) And that all Judgments to be given upon any of the ſaid Writs original ſo to be deviſed or granted of or for any the premiſſes, or any of them, and all Fines to be levied and acknowledged in any of the Kings ſaid Courts thereof, ſhall be of like force and effect in the Law, to all intents and purpoſes, as Judgments given and Fines levied of Lands, Tenements and Hereditaments in the ſame Courts upon Writs Original therefore duly purſued and proſecuted, albeit no ſuch form of Writs original out of the ſaid Court of Chancery have heretofore proceeded or been awarded.

Judgments given, and fines levied in the Kings Courts of tithes, ſhall be of like force as of lands.

VIII. Provided always, That this laſt Act ſhall not extend nor be expounded to give any remedy, cauſe of action or ſuit in the Courts temporal againſt any perſon or perſons which ſhall refuſe or deny to ſet out his or their tithes, or which ſhall detain, withhold or refuſe to pay his tithes or offerings, or any parcel thereof: (2) but that in all ſuch caſes the perſon or party being Eccleſiaſtical or Lay perſon, having cauſe to demand or have the ſaid tithes or offerings, and thereby wronged or grieved, ſhall take and have their remedy for their ſaid tithes or offerings in every ſuch caſe in the ſpiritual Courts, according to the Ordinance in the firſt part of this Act mentioned, and not otherwiſe; any thing herein expreſſed to the contrary thereof notwithſtanding. Stat. 27 H. 8. 20. 2 Ed. 6. 13. Co. l. 2. f. 43.

Remedy ſhall be had for tithes and offerings in the Spiritual Courts, and not in the temporal.

CAP. VIII.

Whoſoever ſhall ſell or buy any Pheſant or Partridge (ſaving the Officer of Kings, Queens, or Princes houſes) ſhall forfeit for every Pheſant vj. s. viij. d. and for every Partridge iij. s. iv. d. to the King and I.&c. Exp. Stat. 1 Jac. 17.

Pheſant, Raſt. 3.

CAP. IX.

The Bill of Bracery and Buying of Titles.

THE King our Sovereign Lord calling to his moſt bleſſed remembrance, that there is nothing within this Realm that conſerveth his loving ſubjects in more quietneſs, reſt, peace and good concord, than the due and juſt miniſtration of his Laws, and the true and indifferent Trials of ſuch Titles and Iſſues, as been to be tried according to the Laws of this Realm, (2) which his moſt Royal Majeſty perceiveth to be greatly hindred by maintenance, embracery, Champerty, ſubornation of witneſſes, ſiniſter labour, buying of Titles and pretenced Rights of perſons not being in poſſeſſion, (3) whereupon great perjury hath enſued, and much inquietneſs, oppreſſion, vexation, trouble, wrongs and diſinheritance hath followed among his moſt loving Subjects, to the great diſpleaſure of Almighty God, the diſcontentation of his Majeſty, and to the great hindrance and let of Juſtice within this his Realm: (4) For the avoiding of all which miſdemeanours, and buying of Titles and pretenced Rights, and to the intent that Juſtice may be more fully and indifferently miniſtred, and the truth in cauſes of contention, plainly tried between his Subiects of this Realm: (5) Be it enacted by our ſaid Sovereign Lord, with the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That from henceforth all Statutes heretofore made, concerning Maintenance, Champerty and Embracery, or any of them now ſtanding and being in their full ſtrength and force, ſhall be put in due execution, according to the tenures and effects of the ſame Statutes.

Maintenance. 4, &c.
No perſon ſhall ſell or buy any right or title, or maintain it, or procure maintenance in any ſuit.
Smallwood, 253.

All Statutes made concerning Maintenance, Embracery and Champerty ſhall be put in execution.

II. And over that, be it farther enacted by the authority aforeſaid, That no perſon or perſons, of what Eſtate, Degree or Condition ſoever he or they be, ſhall from henceforth bargain, buy or ſell, or by any ways or means, obtain, get, or have any pretenced Rights, or Titles, or take, promiſe, grant or covenant to have any Right or Title, of any perſon or perſons, in or to any Manors, Lands, Tenements or Hereditaments, (except ſuch perſon or perſons, which ſhall ſo bargain, ſell, give, grant, covenant or promiſe the ſame, their anceſtors, or they by whom he or they claim the ſame, have been in poſſeſſion of the ſame, or of the reverſion or remainder thereof, or taken the Rents or Profits thereof, by the ſpace of one whole year next before the ſaid bargain, covenant, grant or promiſe made) (2) upon pein that he that ſhall make any ſuch bargain, ſale, promiſe, covenant or grant, to forfeit the whole value of the Lands, Tenements or Hereditaments, ſo bargained, ſold, promiſed, covenanted or granted, contrary to the form of this Act: (3) And the buyer and taker thereof, knowing the ſame, to forfeit alſo the value of the ſaid Lands, Tenements or Hereditaments ſo by him bought, or taken, as is abovesaid; (4) The one half of the ſaid forfeitures to be to the King our Sovereign Lord, and the other half to the party that will ſue for the ſame in any of the Kings Courtu of Record by Action of Debt, Bill, Plaint or Information; In which Action, Bill, Plaint or Information, no Eſſoin, Protection, Wager of Law, nor Injunction ſhall be allowed.

1 Leon. 166. 20.
2 Leon. 39. 48.
Co. pl. f. 258, 364.
Moor, 266. pl. 414.
3 Leon. 79, 233.

None ſhall buy any pretenced right in any land unleſs the ſeller hath taken the profit thereof one year before.
1 Anderſ. 76, 78. 201.

III. And farthermore, That no manner of perſon or perſons, of what eſtate, degree or condition ſoever he or they be, do hereafter unlawfully maintain, or cauſe, or procure any unlawful maintenance in any action, demand, ſuit or complaint in any of the Kings Courts of the Chancery, the Star-chamber, Whitehall, or elſewhere within any of the Kings Dominions of England and Wales, or the Marches of the ſame, where any perſon or perſons have or hereafter ſhall have authority by virtue of the Kings Commiſſion, Patent or Writ, to hold plea of Lands, or to examine, hear or determine any Title of Lands, or any matter or

Unlawful maintaining of a ſuit depending in any of the Kings Courts.

Raſt. pl. f. 430.
St. 5 El. 9.

witneſſes concerning the title, right or intereſt of any lands, tenements or hereditaments, (2) and alſo that no perſon or perſons, of what eſtate, degree or condition ſoever he or they be, do hereafter unlawfully retain for maintenance of any ſuit or plea, any perſon or perſons, or embrace any Freeholders or Jurors, or ſuborn any witneſs, by letters, rewards, promiſes, or any other ſiniſter labour or means, for to maintain any matter or cauſe, or to the diſturbance or hindrance of Juſtice, or to the procurement, by occaſion of any manner of perjury by falſe verdict, or otherwiſe, in any manner of Courts aforeſaid; (3) upon pein to forfeit for every ſuch offence x. li. the one moiety thereof unto the King our Sovereign Lord, and the other moiety to him that will ſue for the ſame by Action of Debt, Bill, Plaint or Information, in any of the Kings Courts; in which Action no Eſſoin, Protection, Wager of Law, nor Injunction ſhall be allowed.

Purchaſing of a pretenced title by him that is in poſſeſſion, is lawful.

IV. Provided alway, and be it enacted by the authority aforeſaid, That it ſhall be lawful to any perſon or perſons being in lawful poſſeſſion by taking of the yearly Farm, Rents or Profits, of or for any Manors, Lands, Tenements or Hereditaments, to buy, obtain, get or have, by any reaſonable way or means, the pretenced, Right or Title of any other perſon or perſons, hereafter to be made to, of or in ſuch Manors, Lands, Tenements or Hereditaments, whereof he or they ſhall ſo be in lawful poſſeſſion; any thing in this Act contained to the contrary notwithſtanding.

Proclamations ſhall be made at Aſſiſes of the Statutes of maintenance, champerty, &c.

V. And for the due execution of this preſent Act, Be it farther enacted by authority abovesaid, That the Juſtices of Aſſiſe of every Circuit within this Realm, and elſewhere within the Kings Dominions, ſhall, in every County within his Circuits, two times in the year, that is to ſay, in the time of their ſittings for the taking of Aſſiſes or Delivery of the Gaols, cauſe open Proclamation to be made, as well of this preſent Act, and of every thing therein contained, (2) as alſo of all other Statutes heretofore made againſt unlawful Maintenance, Champerty, Embracery or unlawful Retainers, to the intent that no manner of perſon or perſons, hearing the ſame, ſhould be ignorant or miſcogniſant of the dangers and penalties therein contained and ſpecified.

Within what time the offender ſhall be ſued.

VI. Provided alway, and be it enacted by the authority aforeſaid, That this Act ſhall not extend to charge any perſon or perſons with any of the penalties mentioned in the ſaid Act, for any offence by him or them committed contrary to the ſaid Act, except the ſame perſon or perſons ſo offending be ſued thereof by Action of Debt, Bill, Plaint or Information, in any of the Kings Courts, within one year next after the ſame offence by him or them committed, as aforeſaid. Raſt. f. 119, 395, 427. Co. pla. f. 163. Co. Inſt. 369. a. Regiſter 57. V. N. B. 180.

CAP. X.

Incontinence, 1 Raſt. 2. 3 Bulſtr. 110.

A Repeal of the puniſhment by death of Prieſts married or unmarried, and of women offending with them by incontinency, limited by the Statute of 31 H. 8. 14. A Prieſt offending by incontinency, ſhall, the firſt time forfeit to the King all his goods, chattels, debts, and all his ſpiritual promotions ſaving one: And being the ſecond time convict, he ſhall forfeit all his goods, chattels, debts, and the iſſues and profits of all his lands, benefices and promotions: And being the third time convict, ſhall forfeit all his goods, debts, lands, benefices, &c. and be impriſoned during his life. And the woman, if married, ſhe ſhall be impriſoned during life; but being unmarried, ſhe ſhall the firſt time ſhe is convict, forfeit all her goods, chattels and debts; the ſecond time, the moiety of the iſſues of her lands during her life; and the third time, the whole iſſues and profits of all her lands, &c. and ſhall be impriſoned during her life. Stat. 2 Ed. 6. 21. Stat. 5 Ed. 6. 12.

CAP. XI.

Felony, Raſt. 15.

It ſhall be Felony to take, or cauſe to be taken, the egg or eggs of any Faulcon, Goſhawk or Lanard, or their birds out of their neſts: (2) or with vizards, or painted faces, or otherwiſe diſguiſed, to the intent he would not be known to ſteal Deer or Conies in the day time in a lawful Warren or Park; or to ſteal Deer or Conies in the night there. Rep. 1 Ed. 6. 12. Stat. 1 M. 1. 11 H. 7. 17. 3 Ed. 6. 17. 7 Ed. 6. 11.

CAP. XII.

Sanctuary. Raſt. 4.

All Sanctuaries and places priviledged, which have been uſed for Sanctuary, ſhall be utterly extinguiſhed, except Pariſh Churches and their Church yards, Cathedral Churches, Hoſpitals and Churches collegiate, and all Churches dedicated, uſed as Pariſh Churches, and the Sanctuaries to either of them belonging, and Wells in the County of Somerſet, Weſtminſter, Mancheſter, Northampton, Norwich, York, Derby and Lancaſter. (2) None of the ſaid places ſhall give immunity or defence to any perſon which ſhall commit wilful murther, rape, burglary, robbery in the high-way, or in any houſe, or in any Church or Chappel, or which ſhall burn wilfully any houſe or barn with corn. (3) He that taketh Sanctuary in any Church, Church-yard, &c. may remain there fourty days, as hath been uſed, unleſs the Coroner repair to him to take his Abjuration; in which caſe he ſhall abjure to any of the foreſaid priviledged places, not being full of the number appointed to them, viz. above twenty perſons, there to remain during life. (4) If a priviledged perſon, daily called to appear before the Governour, ſhall make default three days; or if he commit any felony, he ſhall loſe the benefit of Sanctuary. (5) A priviledged perſon, abjuring to any of the foreſaid places, ſhall be conducted from Conſtable to Conſtable directly, until he be brought to the Governour of the ſaid priviledged place: And if that place be full of his number, then he ſhall be conducted to the next priviledged place, and ſo to the next, &c. until, &c. Rep. 1 Jac. 25. & 21 Jac. 28. Stat. 21 H. 8. 2. 22 H. 8. 14. 27 H. 8. 19. 33 H. 8. 15.

CAP. XIII.

The Bill for the Breed of Horſes.

Horſes, 2. Horſes feeding on commons not being of lawful height ſhall be ſeiſed and meaſured, &c.

FOraſmuch as the Generation and Breed of good and ſtrong Horſes within this Realm extendeth not onely to a great help and defence of the ſame, but alſo is great commodity and profit to the Inhabitants thereof, which now is much decayed and diminiſhed, by reaſon that in Foreſts, Chaſes, Moors, Mariſhes, Heaths, Commons and waſte Grounds, within this Realm, little ſtoned Horſes and Nags of ſmall ſtature and of little value, be not only ſuffered to paſture and feed thereupon, but alſo cover and leap Mares feeding there, whereof cometh in manner no profit or commodity:

II. For reformation whereof, and for the Increaſe and Breed of better and ſtronger Horſes hereafter to be had within this Realm, Be it enacted by the King our Sovereign Lord, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no Commoner or Commoners within any foreſt, chaſe, moor, mariſh, heath, common or waſte ground, nor any Officer or Officers of or within any of the ſaid foreſts or chaſes, nor any other perſon or perſons whatſoever he or they be, at any time after the laſt day of March, which ſhall be in the year of our Lord God, One thouſand five hundred and three and fourty, ſhall have, or put to paſture into or upon any ſuch ground, foreſt, chaſe, moor, mariſh, heath, common or waſte ground, any ſtoned horſe or horſes, being above the age of two years, and not being of the altitude and height of fifteen handful, to be meaſured from the loweſt part of the hoof of the forefoot, unto the higheſt part of the wither, and every handful to contain four inches of the Standard, to paſture, feed or be in or upon any of the ſaid foreſts, chaſes, commons, moors, mariſhes, heaths or waſte grounds within any of the Shires and Territories of Norfolk, Suffolk, Cambridge, Buckingham, Huntingdon, Eſſex, Kent, South-Hampſhire, North-Wiltſhire, Oxford, Berkſhire, Worceſter, Glouceſter, Somerſet, North-Wales, South-Wales, Bedford, Warwick, Northampton, Yorkſhire, Cheſhire, Staffordſhire, The County of the City of York, the Town and Liberties of Glouceſter, The County of the Town of Kingſton upon Hull, the County Palatine of Lancaſter, the County of Salop, Leiceſter, Hereford and Lincoln, or within any of them: (2) Nor ſhall put to feed or paſture any ſtoned horſe or horſes being above the ſaid age of two years, and not being of the altitude and height of fourteen handful, to be meaſured as is aforeſaid, within or upon any like ground or grounds as been above written, lying or being within any other Shire of this Realm, or within any of them, (3) upon pein of forfeiture of the ſaid horſe or horſes which ſhall be ſo found in or upon any ſuch ground, foreſt, chaſe, moor, mariſh, heath, common or waſte ground, at any time after the ſaid laſt day of March, which ſhall be in the ſaid year of our Lord God, One thouſand five hundred and three and fourty, contrary to the form of this Statute.

Of what height thoſe ſtoned horſes ſhall be which do feed upon the common in certain Counties. St. 8 El. 8. 21 Jac. 28.

III. And it ſhall be lawful to every perſon and perſons that ſhall find any ſuch horſe or horſes, contrary to the form of this Statute, to ſeiſe the ſame in manner and form following, that is to ſay, The ſaid perſon and perſons ſo finding any horſe or horſes, contrary to this Act, in any foreſt, chaſe, common, moor, mariſh, heath or waſte ground within the ſaid Shires, or other limits aforeſaid, or in any of them, ſhall firſt go unto the Keeper or Keepers of the ſame foreſt or chaſe, or to his deputy or deputies, or to the Conſtable, Bailiff, Headborough, Borſholder or Tithingman of any Townſhip next adjoining unto the ſaid place where the ſaid horſe or horſes ſhall be; and ſhall command or require him or them, or any of them, in the Kings behalf, to go with him or them, to bring every ſuch horſe or horſes, as he or they ſhall think to be there feeding and going, contrary to this Statute, to the next Pound, and there the ſaid horſe and horſes to be meaſured by any of the ſaid Officer or Officers, in the preſence of three other honeſt men, to be named and appointed by the ſaid Officer; (2) and if it be ſo found that the ſaid horſe or horſes be contrary to this Act, that then it ſhall be lawful to every ſuch perſon and perſons that ſo ſhall challenge and ſeiſe the ſaid horſe or horſes, as before is ſaid, to take and retain the ſame horſe and horſes, and every of them, to his own uſe, as his own proper goods and chattels for ever, without lett, interruption, vexation, ſuit or trouble of the owner or owners, of them, or any of them, or of any other perſon or perſons.

Seiſure and meaſuring of a horſe not of a lawful height.

IV. Alſo it is farther enacted by authority abovesaid, That if any of the ſaid Keepers, their Deputy or Deputies, Bailiffs, Conſtables, Headboroughs, Borſholders or Tithingmen, or any of the ſaid three other honeſt men, which ſhall be required to be at the meaſuring of the ſaid horſe or horſes, as is aforeſaid, do refuſe to do as is aforeſaid, or elſe do not truly meaſure ſuch horſe and horſes, that then every ſuch Bailiff, Keeper, Deputy or Deputies, Conſtable, Headborough, Borſholder and Tithingman, and the ſaid three honeſt perſons to be named as is aforeſaid, and every of them, not doing, and refuſing to do his or their duty in the premiſſes, ſhall forfeit and loſe fourty ſhillings for every time ſo refuſing to do, or not doing, as is aforeſaid, the one half thereof to be to our Sovereign Lord the King, and the other half thereof to be to the party that will ſue for the ſame in any Court of our ſaid Sovereign Lord the King, by Bill or Plaint of Debt, Information, or otherwiſe; in which Action none Eſſoin, Wager of Law, or Protection ſhall be admitted or allowed.

The penalty of thoſe that refuſe to meaſure a horſe not of a lawful height, being thereunto required.

V. Provided alway, That this Act ſhall not extend to any ſtoned Horſe or Horſes, that ſhall happen once in a year, after the ſaid laſt day of March, to break, eſcape or go out of any ſeveral paſture or ground, againſt the will and mind of the owner or poſſeſſor of ſuch Horſe or Horſes, into any of the ſaid foreſts, chaſes, moors, mariſhes, heaths, commons or waſte grounds, ſo that the ſaid Horſe or Horſes ſo breaking, eſcaping or going out, do not remain or abide in the ſaid foreſts, chaſes, moors, mariſhes, heaths, commons or waſte grounds, or any of them, by the ſpace of four days next after ſufficient and open notice and knowledge given at the dwelling-houſe of the owner of the ſaid Horſe or Horſes, or after open publication thereof made upon a Sunday, or other Feſtival day, in the Pariſh Church where the owner or poſſeſſor of ſuch Horſe doth dwell.

Horſes breaking forth into the common againſt the owners will.

VI. And be it farther enacted by authority aforeſaid, That all Foreſts, Chaſes, Commons, Moors, Mariſhes, Heaths and waſte grounds, within this Realm of England and Wales, and the Marches of the ſame, and every of them, ſhall be driven at the Feaſt of St. Michael the Archangel next coming, or within fifteen days then next after, (2) and ſo yearly to be driven by the Lords, owners and poſſeſſors of the ſaid foreſts or chaſes, or by the Officers of the ſame, and by the Conſtables, Headboroughs, Bailiffs, Borſholders and Tithingmen, within whoſe offices, precincts and limits, the commons, moors, mariſhes, heaths and waſte grounds being out of foreſts or chaſes, be or lie, (3) upon peign of xl. s. to be forfeited to our ſaid Sovereign Lord the King, by every of the ſaid Officers, Bailiffs, Conſtables, Headboroughs, Borſholders and Tithingmen, as often, and at every time that the ſaid drift ſhall be omitted or left undone within xv. days after the ſaid Feaſt of Saint Michael the Archangel, as is aforeſaid. (4) And it ſhall alſo be lawful to the ſaid Lords, owners and poſſeſſioners of the ſaid foreſts and chaſes, by their Officers of the ſame, and by the Conſtables, Bailiffs, Headboroughs, Borſholders and Tithingmen, and every of them, within the limits of their Offices, to make like drifts of the ſaid foreſts, chaſes, moors, mariſhes, heaths and waſte grounds, at any other ſeaſon and time of the year whenſoever, and as often as they ſhall think meet and convenient.

Foreſts, heaths, chaſes, commons and waſte grounds ſhall be driven once in the year. Co. Inſt. 4. p. 309.

VII. And farthermore be it enacted, That if in any of the ſaid drifts there ſhall be found any mare, filly, fole or gelding, that then ſhall be thought not to be able, nor like to grow to be able to bear foles of reaſonable ſtature, or not able nor like to grow to be able to do profitable

Upon the drift of commons unlikely Tits ſhall be killed. 21 Jac. 28.

labours, by the diſcretion of the drivers aforeſaid, or of the more number of them, then the ſame driver or drivers ſhall cauſe the ſame unprofitable beaſts and every of them to be killed, and the bodies of them to be buried in the ground, or otherwiſe beſtowed, as no noiance thereby ſhall come or grow to the people there near inhabiting or thither reſorting.

Juſtices of Peace in the Seſſions, and Stewards in their Leets and Lawdays, ſhall enquire of all offences aforeſaid.

VIII. And it is farther enacted by authority of this preſent Parliament, That the Juſtices of Peace in every Shire, Riding and other place, in their Quarter Seſſions to be kept and holden by virtue of the Kings Commiſſion of the Peace to them directed, and all Stewards of Leets and Lawdays, in the ſame Leets and Lawdays, ſhall have authority by this Act, to enquire of all defaults, contempts, omiſſions and offences contrary to the effects above written, and every of them: (2) And all preſentments thereof to be found in any of the ſaid Leets and Lawdays, ſhall be certified by the Steward or Deputy Steward, or Court-holder of the ſame Leet or Lawday, in the next general Seſſions of the Peace to be holden in the County where ſuch preſentments ſhall be found or had, or unto the Cuſtos Rotulorum of the ſame Shire, within fourty days next after that preſentment made; (3) which Juſtices of Peace in their Quarter Seſſions of the Peace, ſhall have power and authority by this Act, to hear and determine every ſuch preſentment before themſelves found, or in any of the ſaid Leets or Lawdays, to be preſented and certified, as is aforeſaid, as well by examination as otherwiſe; (4) and if any ſuch Steward, Deputy Steward, or Court-holder aforeſaid, imbeſil or conceal any ſuch preſentment, or do not certifie the ſame as is afore written, every of them ſo offending ſhall forfeit and loſe for every ſuch offence xl. s. (5) The one half of every ſuch forfeiture, and every other of the forfeitures afore written, to be to the King our Sovereign Lord, and the other half to the perſon or perſons that will ſue for the ſame before the ſaid Juſtices of Peace in their ſaid Quarter Seſſions, by Bill or Information, which Juſtice ſhall have full power and authority by virtue of this Act, to hear and determine every ſuch offence, as well by examination or otherwiſe, as is before mentioned.

No horſe, gelding or mare, infected with the ſcab, ſhall be put upon the commons.

IX. And be it farther enacted by the authority aforeſaid, That no perſon or perſons after the Feaſt of St. Michael the Archangel next coming, ſhall have or put to paſture any Horſe, Gelding or Mare infect with ſcab or mange, in, to or upon any of the ſaid Foreſts, Chaſes, Moors, Mariſhes, Heaths, Commons, waſte grounds or common Fields, upon pain to forfeit for every Horſe, Gelding or Mare ſo infect, paſturing in any of the ſaid grounds, ten ſhillings, (2) which offence ſhall be inquirable and preſentable before the Steward in every Leet as other common annoyances be: And the forfeiture therefore to be to the Lord of the ſame Leet where the ſaid offences ſhall be preſented.

Horſe of ſmall height may be put where mares are uſed not to be kept.

X. Provided alway, That this Act, or any thing therein contained, ſhall not extend, nor be prejudicial to any perſon or perſons having any ſtoned Horſe or Horſes, under the heights and altitudes above mentioned, for or concerning the having or putting any of the ſaid Horſes to feeding in or upon any Common, or other waſte grounds, where any Mares or Fillies are not uſed nor ſuffered to be fed, paſtured or kept. Stat. 33 H. 8. 5.

CAP. XIV.

Ships, Raſt. 10. Co. Inſt. 4 p. 109.

The Statutes of 5 R. 2. 3. 6 R. 2. 8. 4 H. 7. 10. & 23 H. 8. 7. touching Fraighting in Engliſh Ships onely, rehearſed and confirmed, A Rate what ſhall be paid for the Fraight or Portage of the ſeveral ſorts of Merchandiſes from the Port of London to other places, and from thence to London. OB. Stat. 1 El. 13. 5 El. 5. 13 El. 15.

CAP. XV.

Commiſſion, Raſt. 8.

In all Commiſſions to be granted to the Biſhop of the Dioceſs, his Chancellor and Commiſſary, concerning Chriſtian Religion, according to the Statute of 31 H. 8. 14. there ſhall be joined with them the Archdeacons and their Officials, all which ſhall be named in the ſaid Commiſſions by their names of Dignity, and not by their Chriſtian names and Sirnames. Exp. 1 Ed. 6. 12. becauſe the ſaid 31 H. 8. 14. is by that Act repealed.

CAP. XVI.

Concerning Strangers.

Aliens 13. Aliens ſhall be bound by and unto all the Laws and Statutes of this Realm.

Stat. 1 R. 3. 9.

THE King our moſt dread Sovereign Lord calling unto his bleſſed remembrance the infinite number of Strangers and Aliens of Foreign Countries and Nations which daily do increaſe and multiply within his Graces Realm and Dominions in exceſſive numbers, to the great detriment, hindrance, loſs and impoveriſhment of his Graces natural true Lieges and Subjects of this his Realm, and to the great decay of the ſame, (2) remembring alſo the manifold Acts and good Statutes which have been heretofore made, as well by his moſt Noble Progenitors, as by his own moſt Royal Majeſty, for reformation of the ſame in divers and ſundry Parliaments, that is to wit: Firſt, in the firſt year of the Reign of King Richard the third, where it was enacted, That no perſon not born under the ſame Kings obeiſance, nor made Denizen, taking upon him to be an Artificer or Handy-crafts man, ſhould take nor occupy any Houſe or Chamber within this Realm, nor abide or remain in the ſame, nor ſojourn with any ſtrange perſon, not being under the obeiſance of the ſame King, as is aforeſaid, nor exerciſe or occupy any Craft or manual Occupation within this ſame Realm; (3) but that ſuch Strangers ſhould depart from this ſame Realm, within a certain time appointed by the ſaid Eſtatute, unleſs they were retained in ſervice to or with any Subjects or Lieges of the King onely which were expert in their Crafts or Occupations, under pain to forfeit all their Goods.

No alien born nor made denizen, being an Artificer, ſhall take or occupy any houſe or chamber, nor ſojourn with a ſtranger, nor occupy any craft.

II. And that no perſon, not being born under the ſaid Kings obeiſance, nor made Denizen, being an Artificer or Handy-crafts man, ſhould make any Cloth within this Realm: (2) And alſo that no ſuch Strangers ſhould ſell any Wares within this Realm, but only in groſs, and not by retail, under pein of forfeiture of the ſaid Wares.

An alien ſhall not make any cloth, ſell any ware by retail, or ſhall take any ſervant but the Kings ſubjects, or his own child.

(3) And moreover, that no perſon, not being under the ſaid Kings obeiſance, abiding in any Houſe or Chamber within this Realm, occupying any Handy-craft, after a certain time in the ſaid Act limited, ſhould take any Servant to work with him, except it were his Son or Daughter, or elſe one of the Subjects of the ſaid King, and born under his obeiſance, upon pein to forfeit for every ſuch default, xx. li. as in the ſaid Act amongſt other things more plainly appeareth.

III. And where alſo in the xiv. and xv. year of the Reign of our ſaid Sovereign Lord the King that now is, it was enacted, That no ſtranger born out of his Graces obeiſance, were he Denizen or not Denizen, uſing any Handy-craft or Occupation within this Realm, ſhould take any Apprentice, except the ſame Apprentice were born within his Graces Dominions and obeiſance, upon pein to forfeit for every ſuch Apprentice ſo taken x. li.

Stat. 14 H. 8. 2. What Prentices aliens muſt take, and whom for Journeyman, and they muſt be under reformation. Stat. 5. El. 4.

IV. And that alſo no ſtranger, nor alien born, under like pein, uſing any handy-craft within this Realm, after a certain time limited in the ſaid Act, ſhould take or have any Journeyman or Covenant-ſervant, except ſuch Journeyman or Covenant-ſervant were born under his Graces obeiſance.

V. And that all manner of Aliens born, as well being Denizens, as not being Denizens, inhabiting within the City of Lnndon, or a certain ſpace about the ſame, ſhould be under the ſearch and reformation of the Wardens of the Fellowſhips of Handy-crafts within the ſaid City of London, as in the ſaid Eſtatute, among other things, more plainly appeareth.

VI. And where alſo in the Parliament of our ſaid Sovereign Lord, holden at Weſtminſter, in the xxi. year of his moſt gracious Reign, it was enacted, among other things, That no ſtranger ſhould keep any more ſervants ſtrangers but onely two at one time, (2) and that all Denizens then made, or after to be made, which would inhabit within the ſaid City of London, or within a certain circuit of the ſame, and would there keep any houſe, or occupy any Craft or Occupation ſhould be contributory to and with the Kings Graces Subjects of the ſame Craft or Occupation within the ſaid City of London, paying, bearing and ſuſtaining ſuch charges of the ſame Craftſmen as in the ſame Act is contained: (3) and that they ſhould alſo preſent themſelves at the common Hall or meeting-place of the ſame Craft in the City of London, and there to take corporal Oath before the Maſter and Wardens of the ſame Craft, to be true to our ſaid Sovereign Lord the King and his Heirs: (4) And alſo that no ſtranger, Artificer or Handy-craftſman, born out of his Graces allegiance, not being Denizen, ſhould ſet up, or keep any houſe, ſhops or chambers, wherein they ſhould exerciſe any handy-craft or myſtery within this Realm, upon like penalties as been mentioned in the ſaid former Eſtatute: (5) And that alſo no ſtranger, nor denizen, not being born within this Realm, ſhould aſſemble in any company, fellowſhip, congregation or conventicle, but only in the common Hall of their Crafts with his Graces Subjects of the ſame Craft, upon like pein as is aforeſaid, as in the ſaid Acts and Statutes, among many other things, more plainly appeareth. (6) All which good, wholſome and beneficial Acts and Statutes been in manner infringed, fruſtrated and defrauded, chiefly by the means of divers Letters Patents obtained by the crafty ſuits, inventions and Practices of ſuch ſtrangers, lately made Denizens in great number, which Letters Patents do contain, that every ſuch Denizen ſhall be as free as Engliſh-men naturally born within the Kings Graces Dominions and obeiſance, any Acts or Statutes made or to be made to the contrary notwithſtanding; (7) by reaſon whereof, the ſaid Denizens refuſe to obey and perform ſuch orders and directions as in the ſaid former Eſtatutes were limited preſcribed and declared, as well to and for ſuch ſtrangers born out of the Kings obeiſance, as at that time were made Denizens, or that after ſhould be made Denizens, to the great hindrance and decay of the Handy-craftſmen, being the Kings Graces natural Lieges and Subjects.

St. 21 H. 8. 16. Aliens ſhall be contributory to charges with the Kings ſubjects, they ſhall ſwear to be true to the King, and ſhall make no aſſemblies but at their Halls.

VII. For reformation whereof, the Kings moſt Royal Majeſty is contented and pleaſed, that it be enacted by his moſt gracious Highneſs, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all manner of ſtrangers born out of his Graces obeiſance, which heretofore have been made Denizens, or that hereafter ſhall be made Denizens, from and after the firſt day of September next coming, ſhall be bound and obedient, by and unto all the foreſaid Acts and Statutes, and to all the contents of the ſame, and to all other Acts and Statutes of this Realm heretofore made, now being in their force, and not repealed; Any Letters Patents or Ordinances heretofore made or hereafter to be made to the contrary thereof in any wiſe notwithſtanding. (2) And that alſo in all and every Letters Patents of or for the making of any Denizen, from and after the laſt day of this preſent Parliament, to be made to any ſtranger not being born under the Kings Graces obeiſance, ſhall be contained a Proviſo, That he or they to whom ſuch Letters Patents ſhall be ſo made and granted, ſhall be bound and obedient by and unto all the Acts and Eſtatutes of this Realm, as is aforeſaid, and to all and every the contents of the ſame: (3) Except it ſhall be the Kings moſt gracious pleaſure, to grant to any ſuch alien any ſpecial liberties or priviledges, more or otherwiſe than is contained in the ſaid Eſtatutes: And that in caſe all ſuch liberties and priviledges ſo to be granted to any ſuch alien, contrary to the form of any of the ſaid Eſtatutes, ſhall be plainly, wholly and particularly expreſſed, ſpecified and declared, by ſpecial words, as well in the Bill aſſigned with the Kings Graces hand for obtaining of any ſuch grant, as in the Letters Patents to be made out of the Chancery for and concerning the ſame.

All ſtrangers made denizens, ſhall be obedient unto the Statutes. 1 R. 3. 14 H. 8. 21 H. 8. 2.

A Proviſo in all Letters Patents for making denizens that they ſhall be obedient to the Laws.

VIII. And furthermore, be it enacted by the authority aforeſaid, That no alien or ſtranger, denizen, or not denizen, uſing any Handy-craft, being born out of the Kings Graces obeiſance, inhabiting within the Univerſities of Oxford or Cambridge, or within the Precinct of Saint Martins le grand in London, or within any other ſuch like places priviledged, ſhall from the Feaſt of St. Michael the Archangel next coming, retain, have or keep in their ſervice, any Apprentice, Journeyman or Servant, being aliens born out of the Kings obeiſance, above the number of two perſons at one time; (2) upon pein and penalty contained in the ſaid Act made in the ſaid fourteenth and fifteenth years of his Graces Reign; any Act or Proviſion heretofore made to the contrary in any wiſe notwithſtanding.

No alien dwelling in Oxford, &c. ſhall keep above two ſervants that be ſtrangers at one time. St. 5 El. 4.

IX. And that it be alſo enacted by the authority aforeſaid, That every alien and ſtranger, born out of the Kings obeiſance, not being denizen, which now or hereafter ſhall come in or to this Realm, or elſewhere within the Kings Dominions, ſhall after the ſaid firſt day of September next coming, be bounden by and unto the Laws and Statutes of this Realm, and to all and ſingular the contents of the ſame.

Every alien bound to the Laws of this Realm.

No man may keep above four ſtrangers in his ſervice at one time. St. 5 El. 4.

X. And that none of the Kings Subjects ſhall retain or keep together at one time in his houſhold, ſervice or family, above the number of four ſtrangers born out of the Kings obeiſance: (2) nor that any alien, being denizen, and uſing no Handy-craft, ſhall retain or keep in his houſhold, ſervice or family, together at one time, above the ſaid number of four ſtrangers; (3) upon pein that the offender and offenders contrary to this Article, ſhall loſe and forfeit for every ſtranger born out of the Kings obeiſance, retained and kept above that number, ten pound; (4) the moiety of all which forfeitures ſhall be to the Kings Highneſs, his Heirs aud Succeſſors, and the other moiety thereof to ſuch perſon or perſons as will ſue for the ſame by original writ, bill, plaint or information, in any of the Kings Courts: In which Suit, none eſſoin, protection nor wager of Law be admitted or allowed.

A Proclamation publiſhed by the King for the paiment of cuſtom.

XI. Provided alway, That this Act, nor any thing therein contained, ſhall be hurtful or prejudicial to ſuch Proclamation as the Kings Majeſty hath publiſhed or proclaimed for and concerning the payment of cuſtom for ſtrangers, granted by the goodneſs of his Majeſty to endure for certain years, but that the ſame Proclamation ſhall abide, be and remain in the ſame plight and ſtrength that it is, and as if this Act had never been made; any thing in this Act to the contrary thereof notwithſtanding.

Lords of the Parliament may keep ſix ſtrangers.

XII. Provided alſo, That every Lord of the Parliament may keep the number of ſix ſtrangers born out of the Kings obeiſance together at one time; Any thing in this Act to the contrary thereof notwithſtanding.

No ſtrangers except denizens, may take any leaſes of houſes.

XIII. And it is further enacted by authority aforeſaid, That all Leaſes of any dwelling-houſe or ſhop within this Realm, or any the Kings Dominions, made to any ſtranger, artificer, or handy-craft-man, born out of the Kings obeiſance, not being denizen, from and after the ſaid Feaſt of St. Michael the Archangel next coming, ſhall be void and of none effect: (2) and that no ſtranger, artificer or handy-craft-man, born out of the Kings obeiſance, not being denizen, ſhall after the ſame Feaſt take any Leaſe of any dwelling-houſe or ſhop within this Realm, or in any other the Kings Dominions, upon pein to loſe and forfeit for every time doing contrary to this Act, one hundred ſhillings: (3) And that no perſons, after the ſame Feaſt, ſhall grant or let to ferm any dwelling-houſe or ſhop to any ſuch ſtranger, artificer or handy-crafts-man, not being denizen, to the intent to dwell and inhabit in the ſame, upon like pein of one hundred ſhillings: (4) the one moiety of which peins and forfeitures to be to the King our Sovereign Lord, and the other moiety to ſuch as will ſue for the ſame, in manner and form as in this Act is above expreſſed.

Paving, Raſt. 3.

CAP. XVII.

For Paving of High-holborn and other Places, Algate and White-chappel. 14 Car. 2. cap. 2.

Towns 7. Raſt. 2.

CAP. XVIII.

The Bill for Re-edifying of Towns.

Towns, Raſt. 3.

CAP. XIX.

For Re-edifying certains Towns in the Weſt parts.

CAP. XX.

Concerning Priviledges and Franchiſes.

Franchiſe, Raſt. 1.

Priviledges and Liberties of owners of lands, &c. by former Statutes aſſured to the King, ſhall be continued. Co pl. fo. 440, 445, 546.

The ſame franchiſes that the late owners of religious houſes have within three months before their diſſolutions, ſhall be revived, and be actually in the King, and in the ſurvey of the Court of Augmentations.

Where divers and ſundry Sites, Circuits and Precincts of late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, and other eccleſiaſtical and religious houſes and Places, and divers Honours, Caſtles, Manors, Meſſuages, Lands, Tenements, Liberties, Priviledges, Franchiſes and other Hereditaments, by divers and ſundry Statutes heretofore made, been aſſigned, limited and appointed to the order, rule, ſurvey and governance of the Court of our Sovereign Lord the King, called the Court of Augmentations of the Revenues of his Crown, and of the Chancellor, Officers and Miniſters of the ſame, (2) by the which Statute it is not fully, plainly, nor expreſly declared or rehearſed how, and in what wiſe, and by what ſpecial Officers and Miniſters, the Liberties, Priviledges and Franchiſes, which the late Owners of the ſame Sites, Circuits, Precincts, Honours, Caſtles, Manors, Meſſuages, Lands, Tenements and other the Premiſſes, had, uſed and exerciſed, ſhould be ordered, uſed, exerciſed and put in execution: (3) Be it therefore enacted by the King our Sovereign Lord, with the aſſent of the Lords ſpiritual and temporal, and of the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, That all and ſingular the ſame Liberties, Franchiſes, Priviledges and temporal Juriſdictions, which the ſaid late owners had, uſed and exerciſed lawfully, by themſelves, or by their Officers or Miniſters, or might have uſed or exerciſed them in three months next before that the ſaid Sites, Circuits, Precincts, Honours, Caſtles, Manors, Meſſuages, Lands, Tenements and other the Premiſſes, came to the poſſeſſion of the Kings Highneſs, ſhall be by virtue of this preſent Act revived, and be really and actually in the Kings Highneſs, his Heirs and Succeſſors, and ſhall be in the rule, order, ſurvey and governance of the Kings ſaid Court of Augmentations of the Revenues of his Crown, and of the Chancellor, Officers and Miniſters of the ſame: (4) And that the ſame Liberties, Franchiſes, Priviledges and temporal Juriſdictions, and all manner Fines, Iſſues, Amerciaments, and other Profits and Commodities, of what kinds or natures ſoever they be, coming, growing or ariſing, by reaſon or occaſion of them, or any of them, ſhall be uſed, exerciſed and occupied to all intents, purpoſes, conditions and reſpects, and ſhall be claimed, levied, collected and taken by ſuch Stewards, Bailiffs, and other Officers and Miniſters as ſhall pleaſe the Kings Highneſs to name and appoint, in like manner, form, faſhion and condition as they or any of them were lawfully uſed, exerciſed, executed, claimed, levied, collected and taken, before that they came to the hands and poſſeſſion of our ſaid Sovereign Lord: (5) and that the ſame Stewards, Bailiffs, Officers and Miniſters, ſhall be accomptant for the Iſſues and Revenus of their Bailiwicks and Offices, and ſhall be compelled to accompt in the ſaid Court of Augmentations, like as the Kings Receivers, or other Officers Accomptants in the ſaid Court heretofore have done or ought to do.

II. And where alſo divers and ſundry Sites, Circuits and Precincts of late Monaſteries, Abbeys, Priories, Nunneries, Colledges, Hoſpitals, and other eccleſiaſtical and religious houſes and places, and alſo divers Honours, Caſtles, Manors, Meſſuages, Lands, Tenements, Liberties, Privileges, Franchiſes, and other Hereditaments, which been comen to the Kings hands by attainder or attainders of high Treaſon, been aſſigned, limited and appointed to the Order, Rule, Survey and Governance of the Kings general Surveyors: (2) And foraſmuch as it is not fully, plainly, nor expreſly known or declared, how and in what wiſe, and by what ſpecial Officers or Miniſters, the temporal liberties, priviledges, franchiſes and temporal juriſdictions, which the late owners of the ſaid ſites, circuits, precincts, honours, caſtles, manors, meſſuages, lands, tenements, and other the premiſſes, had, uſed and exerciſed, ſhould be ordered, uſed and put in execution: (3) Be it therefore enacted by authority aforeſaid, That all and ſingular the ſame liberties, franchiſes, priviledges and temporal juriſdictions, which the late owners of the ſaid ſites, circuits, precincts, honours, caſtles, manors and other the premiſſes, which been come into the Kings hands by attainders, as is aforeſaid, lawfully had, uſed and exerciſed by themſelves, or by their Officers or Miniſters, or which they might have uſed or exerciſed within three months next before that the ſame ſites, circuits, precincts, honours, caſtles, manors and other the premiſſes, came to the poſſeſſion of the Kings Highneſs, ſhall be by virtue of this Act revived, and be really and actually in the Kings Highneſs, his heirs and ſucceſſors, and ſhall be in the rule, order, ſurvey and governance of the Kings ſaid general Surveyors, and of the Officers and Miniſters of the ſame: (4) And that the ſame liberties, franchiſes, priviledges and temporal juriſdictions, and all manner fines, iſſues and amerciaments, and other profits and commodities, of what kinds or natures ſoever they be, coming, growing or ariſing by reaſon or occaſion of them, or any of them, ſhall be uſed, exerciſed and executed to all intents, purpoſes, conditions and reſpects, and ſhall be claimed, levied, collected and taken by ſuch Stewards, Bailiffs and other Officers and Miniſters as ſhall pleaſe the Kings Highneſs to name and appoint for the ſame, in like manner, form, faſhion and condition as they or any of them were uſed, exerciſed, executed, claimed, levied, collected and taken before they came to the hands and poſſeſſion of our ſaid Sovereign Lord by attainder, as is aforeſaid, (5) And that the ſaid Stewards, Bailiffs, Officers and Miniſters thereof, ſhall be accomptant for the iſſues and revenues of their Bailiwicks and Offices, and ſhall be compelled to accompt before the ſaid General Surveyors, as other Officers accomptants in that Court heretofore have done or ought to do.

Thoſe lands, &c. of the late Abbeys which came to the King by attainder, ſhall be in the order of the Court of general Surveyors.

III. And be it enacted by authority aforeſaid, That the ſaid Stewards, Bailiffs, and other Officers and Miniſters, ſhall be attendant and obedient to all other the Kings Courts, as well for all executions and returns of writs, warrants and precepts, as for their perſonal appearances, and other duties of their Offices, like as the Officers and Miniſters of the ſaid late owners did and ought to do, or ſhould have done by reaſon of their ſaid ſeveral Offices, before that the ſame liberties, priviledges and temporal juriſdictions did come to the poſſeſſion of our ſaid Sovereign Lord, and that to be done and obſerved upon all pains and penalties by the Laws of this Realm limited and ordained for any defence or default of the ſame: (2) And that no Sheriff, Under-ſheriff, or other Officer or Miniſter of any Sheriff, or other foreign Officer or Miniſter, ſhall in any wiſe intromit or meddle in, with or upon any of the premiſſes, or otherwiſe, or in any other manner, nor for any other cauſe, than they or any of them lawfully might have done before the ſame premiſſes did come to the poſſeſſion of our Sovereign Lord.

The juriſdiction of the Stewards and Bailiffs of thoſe liberties that were late the Abbeys, &c. and their attendance to the Kings Courts.

IV. Provided always, and be it enacted, That all and ſingular perſons, and bodies politick, and the heirs, ſucceſſors and aſſigns of every of them, ſhall have, hold, uſe, execute and exerciſe as well by themſelves, their officers, ſervants and miniſters, as by and for their tenants, farmers, reſiants, all and ſingular liberties, priviledges and franchiſes which they or any of them now have, by or from the Kings Majeſty, by any Letters Patents, Indentures, Writings under any his Highneſs Seal, or by authority of Parliament, or otherwiſe, or by the lawful grant or leaſe of any perſon or perſons, or by any other means or lawful title, in as large, ample and beneficial manner, to all intents, reſpects and purpoſes, as they or any of them now have, or of right ought to have the ſaid liberties, franchiſes and priviledges, or any of them, and as though this Act had never been had ne made; any thing above written notwithſtanding, (2) (the priviledges of Sanctuaries, Church, Church-yards or Cemeteries for Tuition of tranſgreſſors and offenders only excepted:) (3) Saving to all and ſingular perſons and bodies politick, and the heirs, ſucceſſors and aſſigns of every of them, all ſuch office and offices, fees, annuities, profits and commodities, which they or any of them now have, or of right ought to have, in or upon, or by reaſon of the ſaid ſites, circuits, precincts, caſtles, honours, manors, meſſuages, lands, tenements, liberties, franchiſes, priviledges and other the premiſſes, or in any part or parcel of them, in as large and ample manner, form, faſhion and condition, to all reſpects and purpoſes, as if this Act had never been had nor made; any thing in this Act to the contrary thereof notwithſtanding.

Every perſon may uſe ſuch liberties as he hath by the Kings grants or otherwiſe.

A ſaving to all perſons their offices, fees, annuities and profits out of any of the lands of any Abbeys, &c.

V. And furthermore, be it enacted by the authority of this preſent Parliament, That the Chancellor of the ſaid Court of Augmentations now being, and every of his ſucceſſors, being Chancellor of that Court, and the Kings general Attorney, and his Graces Attorney of the ſaid Court of Augmentations for the time being, and every of them, and their ſucceſſors, and the ſucceſſors of every of them, ſhall have full power and authority, by virtue of this Act, to take to the uſe of the King our Sovereign Lord, his heirs and ſucceſſors, knowledges of all manner of concords for fines thereupon to be had and recorded in the Court of our ſaid Sovereign Lord the King, and of his heirs and ſucceſſors, commonly called the Common-place, of and upon all and ſingular manors, lordſhips, lands, tenements and other hereditaments, being, and which, by reaſon of thoſe fines or otherwiſe, ſhall be under the order, rule or ſurvey of the ſaid Court of Augmentations, without any fine or fee to be paid for the ſame: (2) And that the Judges and Juſtices, for the time being, of the ſaid Court called the Common-place, and their ſucceſſors, ſhall accept, receive and allow all the ſaid knowledges of concord by the ſaid Chancellor and Attorneys, or any of them, to be certified and delivered into the ſaid Court called the Common-place.

Fines may be levied in the Court of Augmentations to the King.

VI. And the ſame to be as effectual in the Law to all intents and purpoſes, as if the ſame knowledges of concords had been made, taken or acknowledged before the chief Judge of the ſaid Common-place out of the ſame Court, or openly in that Court: (2) And alſo that the ſaid Chancellor and Attorneys for the time being, and every of them, and the ſucceſſors of every of them, ſhall have full power and authority to take knowledge for enrollments of all deeds made or to be made to the uſe of the King our Sovereign Lord, his heirs and ſucceſſors, of any manors, lands and tenements, (3) and of all obligations to be made to the King, his heirs and ſucceſſors, or to any other perſon or perſons to his or their uſe, for any matter or cauſe concerning the ſaid Court of Augmentations, or concerning the ſaid manors, lands and tenements, without any fee, gift or reward, by them or any of them to be taken therefore: (4) And the ſame deed ſo knowledged, to be enrolled or regiſtred in the ſaid Court of Augmentation, and ſo being there enrolled or regiſtred amongſt other records there remaining, and the enrollments and regiſtrings of the ſame, to ſtand and be of record, and of as good ſtrength and effect as if the ſame were or had been knowledged before any other Judge or Juſtice of Record, and enrolled in any other Court of Record.

Enrollments in the Court of Augmentations of all deeds made to the uſe of the King, and of all obligations.

VII. Provided alway, and be it enacted by the authority aforeſaid, That in all ſuch of the ſaid liberties, franchiſes and places priviledged, and in every of them limited to the ſaid Court of Augmentations, and to the Surveyors Court, whereſoever the Kings Highneſs in his own moſt Royal perſon ſhall come to reſt, tarry, abide or make his repoſe within this his Realm, or any of his Dominions, within liberty or without, there and within the verge limited and accuſtomed to his Graces Court, during the time of his abode, the Steward or great Maſter of his Graces Houſhold, the Maſter, Coroner, Clerk of the Market, and all other his Miniſters, ſhall and may keep their Courts of Juſtice, and exerciſe their Office and Offices, as ſhall appertain to them according to the Laws, Cuſtoms and Statutes of this Realm, as well within Liberties and Franchiſes as without. (2) And that his Graces Clerk of the Market, and none other, during the ſame time, as well within the ſaid Liberties and Franchiſes as without, ſhall exerciſe the Office of Clerks of the Market within the ſaid Verge, any Priviledge, Grant, Allowance, or other thing to the contrary thereof notwithſtanding.

The Kings officers may keep Court within the verge, and his Clerk of the Market only execute his office there. St. 27 H. 8. 2.

The liberty of the City of London reſerved.

VIII. Provided alway, That this Article next above rehearſed, or any thing therein contained, be not in any wiſe prejudicial to the City of London, but that the ſame City ſhall have and uſe ſuch Liberties as they might if that Article had never been had ne made..

IX. And where alſo the ſites, circuits and precincts of the late Monaſtery of Furnes, and of the late Monaſteries and Priories of Cartemele, Coningſhead, Buſtough and Holland, and alſo divers honours, caſtles, manors, meſſuages, lands, tenements, liberties, priviledges, franchiſes and other hereditaments, late parcel and appertaining to the ſaid late Monaſteries and Priories, or to any of them, which been comen into the Kings hands, been aſſigned, limited and appointed, to the order, rule, ſurvey and governance of the Chencellor, Officers and Miniſters of the County Palatine, and Dutchy of Lancaſter. (2) And foraſmuch as it is not fully, plainly nor expreſly known or declared, how and in what wiſe, and by what ſpecial Officers and Miniſters, the temporal liberties, priviledges, franchiſes, and temporal Juriſdictions which the late owners of the ſaid ſites, circuits, precincts, honours, caſtles, manors, meſſuages, lands, tenements and other the premiſſes, had, uſed or exerciſed, ſhould be ordered, uſed and put in execution.

The lands of the late Monaſteries of Friers, &c. ſhall be in the governmenc of the officers of the Dutchy.

X. Be it therefore enacted by the aſthority aforeſaid, That all and ſingular the ſame liberties, franchiſes, priviledges and temporal juriſdictions, which the ſaid late owners of the ſaid ſites, circuits, precincts, honours, caſtles, manors, and other the premiſſes, lawfully had, uſed and exerciſed by themſelves, or by their Officers and Miniſters, or which they might have uſed or exerciſed within three months next before the ſame ſites, circuits, precincts, honours, caſtles, manors and other the premiſſes came to the poſſeſſion of the Kings Highneſs, ſhall be by virtue of this Act revived, and be really and actually in the Kings Highneſs, his Heirs and Succeſſors, and ſhall be for ever in the rule, order, ſurvey and governance of the ſaid Chancellor, Officers and Miniſters of the ſaid County Palatine and Dutchy of Lancaſter: (2) And that the ſame liberties, franchiſes, priviledges and temporal juriſdictions, and all manner of fines, iſſues, amerciaments, and other profits and commodities, of what kinds or nature ſoever they be, coming, growing, or ariſing, by reaſon or occaſion of them, or any of them, ſhall be uſed, exerciſed and executed, to all purpoſes, intents, conditions and reſpects, and ſhall be claimed, levied, collected and taken by ſuch Stewards, Bailiffs and other Officers and Miniſters, as ſhall pleaſe the Kings Highneſs to name and appoint for the ſame, in like manner form and condition as they or any of them were uſed, exerciſed, executed, claimed, levied, collected and taken before they came to the hands and poſſeſſion of our ſaid Sovereign Lord: (3) And that the ſaid Steward, Bailiffs, Officers and Miniſters ſhall be compelled to accompt for the ſame before the ſaid Chancellor, Officers and Miniſters of the ſaid County Palatine and Dutchy of Lancaſter, as other Officers and Accomptants in the Court of the ſaid Dutchy heretofore have done or owe to do.

The Stewards and Bailiffs of thoſe Liberties ſhall be attendant to the Kings Courts.

XI. And be it enacted by authority aforeſaid, That the ſaid Stewards, Bailiffs, and other Officers and Miniſters, ſhall be attendant and obedient to all other the Kings Courts, as well for all executions and returns of Writs, Warrants and Precepts, as for perſonal appearances and other duties of their Offices, like as the Officers and Miniſters of the ſaid late owners did or ought to do, or ſhould have done, by reaſon of the ſaid ſeveral offices, before that the ſame liberties, priviledges and temporal juriſdictions, did come to the poſſeſſion of our ſaid Sovereign Lord: (2) and that to be done and obſerved, upon all pains and penalties by the Laws of this Realm limited and ordained for any offence or default in the ſame: (2) And that no Sheriff, Under-ſheriff, or other Officer or Miniſter of any Sheriff, or other foreign Officer or Miniſter, ſhall in any wiſe intromit or meddle in, with or upon any of the premiſſes, otherwiſe, or in any other manner, or for any other cauſe, than they or any of them might lawfully have done before the ſaid premiſſes did come to the poſſeſſion of our ſaid Sovereign Lord.

The Sheriff or other officers ſhall not meddle within thoſe Liberties.

XII. Provided always, That this Act, nor any thing therein contained, ſhall in any wiſe extend to abrogate, annul, diminiſh nor to take any liberties, franchiſes, priviledges, juriſdictions, royalties, or any other profits, commodities and advantages whatſoever they be, belonging, or in any wiſe appertaining to any the Kings caſtles, honours, manors, lands, tenements or other his poſſeſſions of his ſaid County Palatine of Lancaſter, and Dutchy of Lancaſter, or of either of them, (2) but that all ſuch liberties, franchiſes, priviledges, juriſdictions, royalties, and all other ſuch profits and commodities and advantages, whatſoever they be, ſhall be received, taken and anſwered to the Kings Highneſs, his heirs and ſucceſſors, by the Chancellor, Officers and Miniſters of the ſaid County Palatine of Lancaſter, and Dutchy of Lancaſter, and either of them, as heretofore hath been uſed and done at any time before the fourth day of February, in the ſeven and twentieth year of his moſt noble Reign; Any thing, matter or clauſe in this Act contained to the contrary hereof in any wiſe notwithſtanding.

This Statute ſhall not diminiſh the liberties of any lands being parcel of the Dutchy of Lancaſter.

XIII. Provided always, That this Act, or any thing therein contained, do not extend to diſannull, or be hurtful to any of the liberties or priviledges of the Cinque-ports, or the members of the ſame, but that they and every of them ſhall enjoy, poſſeſs and have, all and ſingular liberties, cuſtoms and grants to them granted heretofore by the moſt famous Prince of memory King Edward the Fourth, and other his noble Progenitors, confirmed by our Sovereign Lord the Kings Majeſty that now is, in like manner and form as though this Act had never been had ne made. St. 7 Ed. 6. 2. 1 M. 10.

The liberties of the five ports reſerved.

CAP. XXI.

Trinity Term, and the Abbreviation thereof.

Where the Term called Trinity Term, of long time hath been and yet is yearly uſed to be holden and kept in ſuch time and ſeaſon of the year, that by occaſion thereof not only great peril and danger of infection of the Plague, and ſundry other Sickneſſes, have happened to the Kings loving Subjects, as well Nobles as other, but alſo hath been, and yet is a great impediment and let to a great multitude of the Kings poor ſubjects, for proviſion and gathering in of Harveſt, and other their neceſſary buſineſs and livings in that ſeaſon of the year moſt expedient to be exerciſed: (2) The Kings moſt Royal Majeſty having eſpecial reſpect as well to the health as to the wealth of his people, by the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, ordaineth, enacteth and eſtabliſheth, That in the ſaid Trinity Term ſhall be four common days of return onely, and not above; that is to ſay, the firſt day of return ſhall be and be called, In Chraſtino Sanctæ Trinitatis: (3) the ſecond day of return of the ſame Term ſhall be and be called, In Octabis Sanctæ Trinitatis: (4) the third day of return of the ſame Term ſhall be and be called, In Quindena Sanctæ Trinitatis: (5) and the fourth day of return of the ſame Term ſhall be and be called, A die Sanctæ Trinitatis in Tres ſeptimanas: (6) And that the ſame days of return ſhall be obſerved and kept in all our Sovereign Lord the Kings high Courts of Record hereafter to be holden at Weſtminſter, or other place or places at the aſſignment, appointment or agreement, of our Sovereign Lord, his Heirs or Succeſſors: (7) And that from or after the Feaſt of St. Michael the Archangel next coming, there ſhall not be nor be called any days of return, In Craſtino Sancti Joannis Baptiſtæ, Octabis Sancti Joannis Baptiſtæ, nor Quindena Sancti Joannis Baptiſtæ, nor any of them.

Days 1. the cauſes of abbreviating of Trinity Term. 1 Bulſtr. 35.

There ſhall be four only days of return in Trinity Term, and not above. St. 51 H. 3.

II. And be it further enacted by the authority abovesaid, That the ſaid Term of the holy Trinity ſhall yearly for ever, from the ſaid Feaſt of Saint Michael the Archangel next coming, begin the Monday next after Trinity Sunday, whenſoever it ſhall happen to fall, for the keeping of the Eſſoins, Proceſs, Returns, and other Ceremonies heretofore uſed and kept, in like manner and form as in times paſt hath been uſed to be done in the day of return commonly called, In Octabis Sanctæ Trinitatis: (2) And that the full Term of the ſaid Trinity Term ſhall yearly for ever begin and take his commencement the Friday next after Corpus Chriſti day, in ſuch and like manner and form, to all purpoſes, intents and reſpects, as heretofore hath been uſed the Wedneſday next after Corpus Chriſti day: (3) And that from and after the ſaid Feaſt of St. Michael the Archangel next coming, the ſaid ſecond and third days of return, called, Octabis Sanctæ Trinitatis, and Quindena Sanctæ Trinitatis, ſhall take their commencement and begin as in times paſt hath been uſed. (4) And the ſaid fourth day, called, A die Sanctæ Trinitatis in Tres ſeptimanas, ſhall take his commencement and begin from the ſame Trinity Sunday into Three weeks then next following, and ſhall have his return with the Fourth day, as is accuſtomed in other like days of return.

When Trinity Term ſhall begin, and every return thereof.

III. And be it further enacted by the authority aforeſaid, That if after the ſaid Feaſt of Saint Michael the Archangel next coming, any Writ in any real Action come in or be returnable into any of our ſaid Sovereign Lord the Kings Courts, In Octabis Sancti Hillarii, the day ſhall be given, In Craſtino Sanctæ Trinitatis; (2) if In Quindena Sancti Hillarii, In Octabis Sanctæ Trinitatis; (3) if In Craſtino Purificationis Beatæ Mariæ, In Quindena Sanctæ Trinitatis; (4) if In Octabis Purificationis Beatæ Mariæ, then A die Sanctæ Trinitatis in Tres ſeptimanas: (5) And if after the ſame Feaſt of St. Michael the Archangel, any Writ in any real Action come into any of our ſaid Sovereign Lord the Kings Courts, returnable In Craſtino Sanctæ Trinitatis, then day ſhall be given In Craſtino Animarum; (6) if In Octabis Sanctæ Trinitatis, In Craſtino Sancti Martini; (7) if In Quindena Sanctæ Trinitatis, In Octabis Sancti Martini; (8) if A die Sanctæ Trinitatis in Tres ſeptimanas, In Quindena Sancti Martini.

Days given in real actions.

IV. And be it further enacted by the authority aforeſaid, That if after the ſaid Feaſt of Saint Michael the Archangel next coming, any Writ of Dower come into any of our Sovereign Lord the Kings Courts, and be returnable In Quindena Paſchæ, then day ſhall be given In Craſtino Sanctæ Trinitatis; (2) if A die Paſchæ in Tres ſeptimanas, In Octabis Sanctæ Trinitatis; (3) if A die Paſchæ in unum menſem, In Quindena Sanctæ Trinitatis; (4) if A die Paſchæ in Quinque ſeptimanas, or In Craſtino Aſcenſionis Domini, then day ſhall be given into the day of A die Sanctæ Trinitatis in Tres ſeptimanas. (5) And if after the ſame Feaſt of Saint Michael the Archangel next coming

Days given in a Writ of Dower. St. 52 H. 3. 12.

coming, any Writ of Dower come into any of our ſaid Sovereign Lord the Kings Courts of Record, In craſtino ſanctæ Trinitatis, then day ſhall be given, In octabis ſancti Michaelis; (6) if In octabis ſanctæ Trinitatis, In quindena ſancti Michaelis; (7) if In quindena ſanctæ Trinitatis, A die ſancti Michaelis in tres ſeptimanas; (8) if A die ſanctæ Trinitatis in tres ſeptimanas, A die ſancti Michaelis in unum menſem, or otherwiſe, as is appointed, limited and declared by the Statute of Marlebridge, in the twelfth Chapter thereof made and provided.

St. 53 H. 3. 12.

V. And it is farther enacted by the authority aforeſaid, That all common Writs and Proceſſes, as well perſonal as mixt, which ſhall fortune to be returnable in the ſaid Trinity Term, ſhall have and keep the ſaid returns of craſtino ſanctæ Trinitatis, octabis ſanctæ Trinitatis, quindena ſanctæ Trinitatis, and A die ſanctæ Trinitatis in tres ſeptimanas, or any one of them.

Where the Juſtices may aſſign ſpecial days for the returning of Writs.

VI. Provided always, and it is farther enacted by the authority aboveſaid, That in ſuch and like caſes and proceſſes, as ſpecial days have been uſed to be appointed, aſſigned, and given for the returning of Writs and Proceſſes, it ſhall be lawful to the Juſtices of every of the Kings ſaid Courts of Record for the time being, in all the Proceſſes by them awarded, to aſſign and appoint ſpecial days of returns, as by their diſcretion ſhall be thought convenient.

Days given in Aſſiſes of Darrain Preſentment, Quare impedit, and Attaint. St 52 H. 3. 12. 5 Ed. 3. 7.

VII. Provided alſo, and be it farther enacted by the authority aforeſaid, That the days in aſſiſe of Darrain preſentment, and in plea of Quare impedit, limited and appointed by the Statute of Marlebridge, and alſo the days to be given in attaint, limited in the Statute made in the fifth year of the Reign of the noble King Edward the Third, being not contrariant to the tenour of this Act, ſhall be holden firm and ſtable, and ſhall ſtand in their full force and effect.

C A P. XXII.

For the Biſhops accounts, and others, of the Tenth granted unto the King.

Eccleſiaſtical perſons 29. A Biſhop or his Deputy taking oath upon his account that he cannot levy the tenth, &c. ſhall be diſcharged. By the Stat. of 26 H. 8 3 a tenth was granted to the King of all ſpiritual livings.

IN moſt humble wiſe beſeeching your moſt Royal Majeſty, your humble Subjects, the Archbiſhops and Biſhops of this your Realm, That where in the Parliament begun at London the third day of November, the one and twentieth year of your moſt gracious Reign, and from thence adjourned to Weſtminſter, and there holden and continued by divers Prorogations, unto the third day of November, in the ſix and twentieth year of your moſt noble Reign, it was enacted by the authority of the ſame Parliament, among other things, That your Majeſty, your Heirs and Succeſſors, Kings of this Realm, for more augmentation and maintenance of the Royal Eſtate of your Imperial Crown and Dignity of Supream Head of the Church of England, ſhould yearly have, take, perceive and enjoy, united and knit to your Imperial Crown for ever, one yearly Rent and Penſion, amounting to the value of the tenth part of all the Revenues, Rents, Farms, Tithes, Offerings, Emoluments, and of all other Profits, as well called Spiritual as Temporal, then appertaining or belonging, or that hereafter ſhould belong to any Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, Archdeaconry, Deanry, Hoſpital, Colledge, Houſe collegiate, Prebend, Cathedral Church, Collegiate Church, Conventual Church, Parſonage, Vicarage, Chauntry, free Chappel, and other Benefice or Promotion Spiritual, of what name, nature or quality ſoever they then were, within any Dioceſs of this your Realm, or in Wales; (2) the ſaid Penſion or annual Rent to be yearly paid for ever to your Majeſty, your Heirs and Succeſſors, Kings of this Realm, at the Feaſt of the Nativity of our Lord God, as in the ſaid Act more plainly appeareth.

Every Biſhop charged with the collection of the tenth of all ſpiritual livings within his Dioceſs.

II. And farthermore it was enacted by the ſaid authority in the ſame Parliament, That after a Certificate made into your Exchequer, and Tax ſet in ſuch manner and form as by the ſaid Act is limited, every Archbiſhop and Biſhop then being, and after that to be, ſhould be charged and chargeable to levy, collect and receive within their proper Dioceſs, as well in place exempt as not exempt, all ſuch ſums of Money wherewith the Dignities, Benefices and other Promotions Spiritual aforenamed within their Dioceſs, chargeable by the ſaid Act, ſhould be ſet, taxed and charged towards the payment of the ſaid yearly Penſion, (2) and ſhould pay and content the ſaid ſums of Money before the ſaid firſt day of April, to the Treaſurer of your Chamber for time being, or to any other perſon or perſons whom it would pleaſe your Highneſs to appoint to receive the ſame: (3) and that the Treaſurer, Chancellor, Chamberlain and Barons of your Exchequer, ſhould cauſe yearly Proceſs to be made by their diſcretions for non payment of the ſaid Penſion or yearly Rent, as by the ſaid Act, among other things, more at large appeareth.

Cauſes why the Biſhops ſhall not levy ſo much money for tenths as by Commiſſions was certified to be due.

III. And foraſmuch as ſince the making of the ſaid Act, all and ſingular Abbacies, Priories, Monaſteries, and other religious Houſes which were then conventual, being clearly diſſolved, and come to your Highneſs by authority of Parliament, and otherwiſe by your Laws, whereby the ſaid yearly Rents and Penſions, which before that time were of them ſeverally to be paid, be now not payable or leviable: (2) And alſo that the ſaid Archbiſhops and Biſhops, upon Certificate made into the ſaid Exchequer, by reaſon of the ſaid Act made in the ſaid ſix and twentieth year of your Reign, been charged and chargeable with the ſaid yearly Rents or Penſions of the Tenth of divers and many perſons, which were certified into your ſaid Exchequer by the Commiſſioners aſſigned to tax and ceſs the ſaid Spiritual Dignities and Promotions, to have Perpetuities and Chaunteries, and other Salaries, where never any ſuch Chauntery or perpetual Salary was founded or ordained, and many Chaunteries and other Perpetuities ſpiritual then being in eſſe, been ſince that time utterly diſſolved and extincted: (3) And alſo many Prebends, Parſonages and Vicaries, been double certified by the ſaid Commiſſioners, and ſome certified to be in places where none ſuch be in rerum natura, and ſome by wrong names or otherwiſe miſcertified: (4) and alſo ſome parts of the Profits and Emoluments, which did then belong to ſome Dignities, Parſonages, Vicarages, Cathedral Churches and Collegiate Churches, as in Proxies, Synodals, Oblations and Indulgences, Pardons and other Profits, been now decayed and diminiſhed by ſundry means, and many Chaunteries and other ſmall Promotions ſpiritual, been ſince that time decayed and extinguiſhed, and no Prieſts thereon abiding.

IV. And alſo ſith the making of the ſaid Act, made in the ſaid ſix and twentieth year, there have been aſſurances made to your Majeſty by ſome of the ſaid Archbiſhops and Biſhops, of parcels of their poſſeſſions charged with the ſaid rent or penſion, and parcel of the ſaid poſſeſſions charged with the payment of the ſaid yearly rent or penſion, been come to your hands by other lawful means; (2) By reaſon whereof, and of many other cauſes, doubts and ambiguities, which do daily riſe concerning the premiſſes, the ſaid Collectors cannot levy the ſaid yearly rents or penſions concerning many promotions or profits Spiritual, certified in your ſaid Exchequer by the ſaid Commiſſioners: (3) and yet that notwithſtanding, the ſaid Archbiſhops and Biſhops, for lack of ſufficient warrant and authority to the Barons of your ſaid Exchequer for their diſcharge in that behalf, been greatly prolonged and letted in yielding of their accompts in your ſaid Exchequer of the ſaid annual rent or penſion, and put to great coſts and charges, to their great inquietneſs, charges, loſſes and troubles, where they have nothing allowed them, or to any of their Officers, for the collecting, levying, gathering or paying of the ſaid annual rents or penſions to the uſe of your Highneſs:

V. It may therefore pleaſe your Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that it be Enacted by the authority aforeſaid, That if the ſaid Archbiſhops and Biſhops, or any of them, their Deputies, or other Accomptants, or any of them, that now be, or hereafter ſhall be chargeable with the collection of the ſaid annual rent or penſion, or of any part or portion thereof, ſhew and alledge, by the Oath of any of the ſaid Archbiſhops, Biſhops, or other Accomptants, or any other perſon or perſons authorized to accompt for any of them, before the Treaſurer, Chancellor, and Barons of your Exchequer, or before the more part of them, or before ſuch other perſons as it ſhall pleaſe the Kings Highneſs to appoint to hear the ſame accompt, that they, or any of them, for any of the cauſes aboveſaid, or for any other ſufficient cauſe or matter by any of them to be alledged, cannot, or may not in any wiſe lawfully levy ſuch particular ſum or ſums of money of the ſaid annual rent or penſion, as they or any of them now be, or hereafter ſhall be chargeable and charged with, and no matter apparent there ſhewed to the contrary for your Highneſs by any of your Serjeants at the Law, or by your Attorney General for the time being, or by any other for your Majeſty: That then your ſaid Treaſurer, Chancellor, and Barons, or the more part of them, or ſuch other perſons as ſhall be appointed by the Kings Highneſs, ſhall by virtue and authority of this Act, have full power and authority by their diſcretions, to accept and allow that allegation, and thereupon thereof to diſcharge the accomptant, (2) or elſe by their diſcretions to direct the Kings Writ unto any of the Kings Courts, for to certifie unto them the truth thereof: (3) And thereupon the ſaid Treaſurer, Chancellor, and Barons, or the more part of them, or ſuch perſons as ſhall be thereunto appointed by the Kings Highneſs, further to hear and examine the ſame matter and cauſe, by witneſs and depoſitions of ſuch as can inform the Court, or the ſaid other perſons as ſhall be thereunto appointed by the Kings Highneſs, of the truth thereof, or by any other ways and means that they can beſt deviſe; (4) and if need require, to award Commiſſions by their diſcretions to certain indifferent perſons in every ſuch Dioceſs, where any ſuch matter or cauſe ſhall be alledged, without any charge aſking or taking for the making of the ſame Commiſſions ſo to be awarded, (5) which ſaid Commiſſioners ſhall and may, by virtue of their Commiſſions, have full power and authority to examine the ſame matter and cauſe ſo alledged by any of the ſaid Biſhops, or other accomptants for them, and in their diſcharge, by the oaths of ſuch perſons as ſhall have perfect notice thereof, or otherwiſe, and thereupon to make certificate thereof to the ſaid Treaſurer, Chancellor and Barons, or to the more part of them in the ſaid Exchequer, or to ſuch other perſons as thereunto ſhall be appointed by the Kings Highneſs.

If a Biſhop or any of his Deputies will take his oath that he cannot levy the tenth of any promotion he ſhall be diſcharged thereof.

VI. And upon certificate ſo made of the ſaid matter, or if by any other matter or certificate it ſhall appear to the ſaid Treaſurer, Chancellor and Barons, or to the more part of them, or to ſuch other perſons as thereunto ſhall be appointed by the Kings Highneſs, that the ſaid matter, and the allegations thereof be good and true; then the ſaid Treaſurer, Chancellor and Barons, or the more part of them, or the ſaid ſuch other perſons as thereunto ſhall be appointed by the Kings Highneſs, thereupon to make a clear and ſufficient deduction, allowance, determination and diſcharge to any of the ſaid Archbiſhop, Biſhops, and other Accomptants, and to every of them, of and for the ſame, without further ſuit or delay, (2) and the ſame allowance and diſcharge to cauſe to be entred in that Court, there to remain of record, as by their diſcretions ſhall be thought requiſite from time to time, without further ſuit, charge, or other inquieting of any of the ſaid Archbiſhops, Biſhops, or other Accomptants, or any of them, or any of the ſucceſſors or executors of any of them in that behalf.

Commiſſions may be awarded to enquire the cauſe of any tenth defalked.

VII. And that it may be further Enacted by the Authority aforeſaid, That in caſe it be hereafter certified by Commiſſion, or otherwiſe by ſufficient and probable witneſſes had and found, before the ſaid Treaſurer, Chancellor and Barons, or before the more part of them, or before ſuch other perſons as thereunto ſhall be appointed by the Kings Highneſs, that any Benefice, Chantery, Hoſpital, or other Eccleſiaſtical Promotion, is omitted, and not ſpecified, or not certified by or in the ſaid original, or former Certificate; that then upon due proof, information, knowledge, or certificate thereof by any of the ſaid Archbiſhops or Biſhops, or otherwiſe made or declared before the ſaid Treaſurer, Chancellor or Barons, or before the more part of them, or before ſuch other perſons as thereunto ſhall be appointed by the Kings Highneſs, of any ſum or ſums of money, concerning the premiſſes ſo omitted, and not charged for lack of knowledge or certificate thereof, whereof the King of right ought to be anſwered; the ſaid Treaſurer, Chancellor and Barons, or the more part of them, or ſuch other perſons as thereunto ſhall be appointed by the Kings Highneſs, ſhall make a ſufficient entry thereof, to be annexed to, and with the ſaid original of the ſame tenth, and thereupon to charge the ſaid accomptants to make, levy, and anſwer thereof

A mean how the King ſhall be anſwered of the tenth of any ſpiritual living omitted in the former certificate.

2

yearly from henceforth, ſo that the Kings Highneſs may be truly anſwered thereof from time to time, according to his lawful title in that behalf. 1 El. 4.

CAP. XXIII.

Taxes, Raſt. 20.

A Confirmation of a Subſidy to be paid within two years, of four ſhillings in the pound granted to the King by the Clergy of the Province of Canterbury, and of ſuch ſums of money which after ſhall be granted to him by the Clergy of the Province of York. Exp.

CAP. XXIV.

An Act concerning the poſſeſſions of St. John of Jeruſalem in England and Ireland.

Monaſteries 31. The lands and goods of Saint Johns of Jeruſalem ſhall be in the Kings diſpoſition.

The cauſes why the houſes of St. Johns of Jeruſalem were diſſolved, and their lands given to the King.

The Corporation of the Religion of St. Johns in England and Ireland, ſhall be diſſolved.

The Priors and Confreres of S. John ſhall be called by their own names and ſirnames, without any Addition of their Religion.

The Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, having credible knowledge, that divers and ſundry the Kings ſubjects, called the Knights of the Rhodes, otherwiſe called Knights of St. Johns, otherwiſe called Friers of the Religion of Saint John of Jeruſalem in England, and of a like houſe being in Ireland, abiding in the parts of beyond the Sea, and having as well out of this Realm, as out of Ireland, and other the Kings Dominions, yearly great ſums of money for maintenance of their livings, have unnaturally, and contrary to the duty of their allegiances, ſuſtained and maintained the uſurped power and authority of the Biſhop of Rome, lately uſed and practiſed within this Realm, and other the Kings Dominions; (2) and have not only adhered themſelves to the ſaid Biſhop, being common enemy to the King our Sovereign Lord, and to this his Realm, untruly upholding, knowledging and affirming maliciouſly and traiterouſly, the ſame Biſhop to be ſupream and chief head of Chriſts Church by Gods holy word, intending thereby to ſubvert and overthrow the good and godly Laws and Statutes of this Realm, their natural Countrey, made and grounded by authority of holy Church, by the moſt excellent wiſdom, policy, and goodneſs of the Kings Majeſty, with the whole aſſent and conſent of the Realm, for the aboliſhing, expulſing, and utter extincting of the ſaid uſurped power and authority, (3) but alſo have defamed and ſlandered as well the Kings Majeſty, as the Noblemen, Prelates, and other the Kings true and loving Subjects of this Realm, for their good and godly proceeding in that behalf; (4) have therefore deeply pondered and conſidered, that like as it is and was a moſt godly act of the Kings moſt Royal Majeſty, and the ſaid Noblemen, Prelates and Commons of this Realm, utterly to expulſe and aboliſh, not only from this Realm, but alſo from other the Kings Dominions, the ſaid uſurped power and authority of the Biſhop of Rome, and alſo the hypocritical and ſuperſtitious Religion in this Realm, and other the Kings Dominions, being his members and adherents, having their original erection and foundation by the ſaid uſurped authority; (5) by expulſing whereof, Gods holy Word, neceſſary for increaſe of virtue and ſalvation of Chriſten ſouls, is not only purely and ſincerely advanced and ſet forth, but alſo the extort exactions of innumerable ſums of money craftily exhauſted out of this Realm, and of other the Kings Dominions, by the colour of the ſaid uſurped authority, is removed and taken away, to the ineſtimable benefit and commodity of the Kings loving Subjects, ſo like manner of wiſe, it ſhould be moſt dangerous to be ſuffered or permitted within this Realm, or in any other the Kings Dominions, any Religion being ſparks, leaves, and imps of the ſaid root of iniquity; (6) conſidering alſo, that the Iſle of Rhodes, whereby the ſaid Religion took their old name and foundation, is ſurpriſed by the Turk; and that it were and is much better, that the poſſeſſions in this Realm, and in other the Kings Dominions, appertaining to the ſaid Religion, ſhould rather be imployed and ſpent within this Realm, and in other the Kings Dominions, for the defence and ſurety of the ſame, than converted to, and among ſuch unnatural Subjects, who have declined not only from the natural duty of obedience that they ought to bear unto the King our Sovereign Lord, but alſo from the good Laws and Statutes of this Realm their natural Countrey, daily doing and attempting privily and craftily all that they can to ſubvert the good and godly policy, in the which, thanks be to God, and our moſt dread Sovereign Lord, this Realm, and other the Kings Dominions now ſtand in: (7) In conſideration whereof, the ſaid Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, moſt humbly beſeechen the Kings moſt Royal Majeſty, that it may be Enacted by his Highneſs, and by the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, That the Corporation of the ſaid Religion, as well within this Realm, as within the Kings Dominion and Land of Ireland, by whatſoever name or names they be founded, incorporated or known, ſhall be utterly diſſolved and void to all intents and purpoſes. (8) And that Sir William Weſton, Knight, now being Prior of the ſaid Religion of this Realm of England, ſhall not be named or called from henceforth, Prior of Saint Johns of Jeruſalem in England, but ſhall be called by his proper name of William Weſton Knight, without further addition touching the ſaid Religion. (9) And that likewiſe John Rawſon Knight, now being Prior of Kilmainam in Ireland, ſhall not be called or named from henceforth, Prior of Kilmainam in Ireland, but only by his proper name of John Rawſon Knight, without further addition touching the ſaid Religion: (10) Nor that any of the brethren or confreres of the ſaid Religion in this Realm of England and Land of Ireland, ſhall be called Knights of the Rhodes, nor Knights of St. Johns, but ſhall be called by their own proper Chriſten names and ſirnames of their Parents, without any other addition touching the ſaid Religion.

The penalty for the ſaid Priors and Confreres to wear any ſign of their Religion, or to

II. And be it further Enacted by Authority of this preſent Parliament, That if the ſaid William Weſton, or any of his brethren or confreres of the hoſpital or houſe of St. John of Jeruſalem in England, now abiding and dwelling within this Realm of England, or any other perſon or perſons being members profeſſed of or in the ſaid hoſpital, now dwelling within the ſaid Realm, at any time after the firſt day of July next coming, do uſe or wear within this Realm or elſewhere, in, or upon any apparel of their bodies, any ſign, mark, or token heretofore uſed and accuſtomed, or hereafter to be deviſed for the knowledge of the ſaid Religion; or make any Congregations, Chapiters, or Aſſemblies touching the ſame Religion;

on; or maintain, ſupport, uſe or defend any liberties, franchiſes, or priviledges heretofore granted to the ſaid religion, by the authority of the Biſhop of Rome, or of the See of the ſame: that then every of them ſo offending, ſhall incur and run into the pains, forfeitures, and penalties ordained and provided by the Statute of Proviſion and Præmunire, made in the xvi. year of King Richard the ſecond. (2) And if the ſaid John Rawſon Knight, or any of his brethren or confreres of the ſaid Hoſpital or houſe of Kilmainam in Ireland, or any other perſon or perſons, being members profeſſed of or in the ſaid Hoſpital of Kilmainam, now abiding and now dwelling within the ſaid Land of Ireland, at any time after the laſt day of September next coming, do uſe or wear within this Realm, or within the ſaid Land of Ireland, or elſewhere, in or upon any apparel of their bodies, any ſign, mark, or token heretofore uſed and accuſtomed, or hereafter to be deviſed for the knowledge of the ſame Religion, or make any Congregations, Chapiters or Aſſemblies touching the ſame Religion, or maintain, ſupport, uſe, or defend any manner of liberties, franchiſes, or priviledges heretofore granted to the ſame, by authority of the Biſhop of Rome, or of the See of the ſame; that then every of them ſo offending, ſhall incur and run into the pains, forfeitures and penalties ordained and provided by the ſaid Statute of Proviſion and Præmunire, made in the ſaid xvi. year of Richard the ſecond.

make any aſſemblies touching the ſame or to defend any priviledges thereof.

III. And be it likewiſe enacted by the authority aforeſaid, That if any the Knights or confreres of the ſaid Religion, being the Kings natural Subjects, which now inhabit, abide and dwell out of any the Kings Dominions, at any time after the firſt day of February next coming, do offend in any of the Articles or Offences next above rehearſed, that then every of them ſo offending, ſhall incur and run into the ſaid pains, forfeitures and penalties next above remembred.

IV. And be it further enacted by the authority aforeſaid, That the Kings Majeſty, his heirs and ſucceſſors, ſhall have and enjoy all that Hoſpital, Manſion-houſe, Church, and all other houſes, edifices, buildings, and gardens to the ſame belonging, being near to the City of London, in the County of Middleſex, called the houſe of Saint Johns of Jeruſalem in England; (2) and alſo all that Hoſpital, Church and Houſe of Kilmainam in the Land of Ireland, (3) and all and ſingular caſtles, honours, manors, meaſes, lands, tenements, rents, reverſions, ſervices, woods, medows, paſtures, parks, warrens, liberties, franchiſes, priviledges, parſonages, tithes, penſions, portions, Knights fees, advowſons, commandries, preceptories, contributions, reſponſions, rents, titles, entries, conditions, covenants, and all other poſſeſſions and hereditaments, of what natures, names, or qualities ſoever they be, and whereſoever they be or lie within this Realm of England, or within the Land of Ireland, or elſewhere within the Kings Dominions, which appertained or belonged to the ſaid Religion, or to the Priors, Maſters, or Governours, Knights, or other Miniſters profeſſed of or in the ſame, by the pretence, or in the right of the ſaid Religion, (4) and all and ſingular goods, cattels, debts, arrearages of rents and farms, and all other things real and perſonal, whatſoever they be, whereof or whereunto any of the ſaid Priors, Brethren, or Confreres, or perſons profeſſed in the ſaid Religion, can have nor claim any particular propriety to their own proper uſe by the Rules and Statutes of the ſaid Religion: (5) To have and to hold the premiſſes, and every of them, to our ſaid Sovereign Lord, and to his heirs and ſucceſſors for ever, to uſe and employ by his moſt excellent wiſdom and diſcretion, at his own free will and pleaſure. (6) And that his Highneſs ſhall be deemed and adjudged in the real and actual poſſeſſion of the premiſſes, by virtue and authority of this preſent Act. (7) Saving to all perſons, and bodies politick, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them (other then the ſaid Prior of St. Johns of Jeruſalem in England, and the ſaid Prior of Kilmainam in the Land of Ireland, and the brethren or confreres of every of them, and the ſucceſſors of every of them, and all and every other perſon and perſons of the ſaid Religion, and their ſucceſſors and every of them, and the ſucceſſors of every of them) (8) all ſuch right, title, intereſt, poſſeſſion, leaſes, grants, annuities, fees, offices, corrodies, reverſions, rents and ſervices, rent-charges, commons, rights, titles, entries, actions, petitions, penſions, portions, and all other hereditaments, of what names, natures, or qualities ſoever they be, which they have, ſhould, or ought to have had, if this Act had never been had ne made; any thing in this Act to the contrary thereof notwithſtanding.

The King ſhall have all the manors, lands, &c. lately belonging to the Prior and brethren of S. John in England and Ireland.

A ſaving of the right of others.

V. Provided alway, and be it enacted by the authority of this preſent Parliament by the agreement and aſſent of the Kings moſt excellent goodneſs, That the ſaid William Weſton, during his natural life, ſhall have and enjoy to his own uſe out of the premiſſes yearly, one annual rent or penſion of One thouſand pounds, to be paid to him or his aſſigns at the Feaſt of Saint Michael the Archangel, and the Annunciation of our Lady, by even portions, and alſo ſhall have to his own uſe, ſuch reaſonable portion of goods and cattels appertaining to the ſame Religion, as it ſhall pleaſe the Kings Majeſty of his moſt excellent goodneſs to limit and appoint of the ſame. (2) And that the ſaid John Rawſon Knight, ſhall have and enjoy to his own uſe, out of ſuch poſſeſſions as he now hath in England and Ireland, one annual penſion of Five hundred Marks, to be paid to him or to his aſſigns at the Feaſts aforeſaid, by even portions; and likewiſe ſhall have to his own proper uſe, ſuch reaſonable portion of the goods of the ſaid Religion, as ſhall pleaſe the Kings Majeſty of his moſt excellent goodneſs to limit and appoint for the ſame. (3) And that Clement Weſt, being one of the confreres of the ſaid Religion, ſhall have and enjoy during his natural life, one annuity or penſion of Two hundred pounds. (4) And that Thomas Pemberton, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of Fourſcore pound. (5) And that Giles Ruſſell, another of the ſaid confreres, ſhall have and enjoy yearly during his natural life, one yearly penſion of One hundred pound. (6) And that George Aylmer, another of the ſaid confreres, ſhall have and enjoy yearly during his natural life, one yearly penſion of One hundred pound. (7) And that John Sutton, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of Two hundred pound. (8) And that Edward Bellingham, another of the confreres of the ſaid Religion, ſhall have and

Sr. William Weſton Prior of S. John ſhall have M. li penſion during his life.

John Rawſon D. Marks.

Clement Weſt. CC. li.

Thomas Pemberton lxxx. li.

Giles Ruſſell C. li.

George Aylmer C. li.

John Sutton CC. li.

Edward Bellingham C. li.

Edward Brown L. li.
Edmund Huſſe C. Marks.
Ambroſe Cave C. Marks.
Tho. Copledike L. li.

enjoy yearly during his natural life, one yearly penſion of One hundred pound. (9) And that Edward Brown, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of Fifty pound. (10) And that Edmund Huſſe, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his life natural, one yearly penſion of One hundred Marks. (11) And that Ambroſe Cave, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of One hundred Marks. (12) And that Thomas Copledike, another of the confreres of the ſaid Religion, ſhall have and enjoy during his natural life, one yearly penſion of Fifty pound.

Cuthbert Leighton lx. li.
Richard Broke C. Marks.
Henry Poole CC. Marks.
William Tyrrill xxx. li.
John Rawſon CC. Marks.
Confreres profeſſed having no certain living, x. li. a piece.

VI. And that Cuthbert Leighton, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of Threeſcore pound. (2) And that Richard Broke, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of C. Marks. (3) And that Henry Poole, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of Two hundred Marks. (4) And that William Tyrrill, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of Thirty pound. (5) And that John Rawſon, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of Two hundred Marks. (6) And that Anthony Rogers, Owſwald Maſſingberd, James Huſſe, Thomas Thornel, Nicholas Hupton, Philip Babington, Henry Jerad, Dunſtan Nudegate, Nicholas Lambert, and David Godſon, being confreres profeſſed in the ſaid Religion, and having at this preſent time no manner of certainty towards their living, ſhall have and enjoy every of them yearly, one yearly penſion of Ten pounds: (7) the ſaid ſeveral yearly penſions to be paid at the Feaſt of S. Michael the Archangel, and the Annunciation of our Lady, by even portions as is aforeſaid. (8) And over this, every of the ſaid confreres above named and mentioned, ſhall have to their own proper uſes, ſuch reaſonable portions of the goods and chattels, being in their hands and poſſeſſions, appertaining to the ſaid Religion, as it ſhall pleaſe the Kings Majeſty to limit and appoint to every of them of the ſame.

Profeſſed perſons omitted in this Statute.

VII. And be it alſo enacted by the authority aforeſaid, That if any the Kings ſubjects being profeſſed in the ſaid Religion, be negligently forgotten or omitted out of this preſent Act, for lack of knowledge of their names, that yet nevertheleſs every of them ſo forgotten, and not now preſently named or remembred, ſhall have and enjoy ſuch honeſt, convenient, and reaſonable yearly penſion and portion of goods, as ſhall pleaſe the Kings Majeſty to limit and appoint in that behalf.

Only true Subjects ſhall have penſions.

VIII. Provided always, That none of the ſaid Priors or Confreres of the ſaid Religion ſhall have and enjoy any of the penſions afore ſpecified, except ſuch of them as be the Kings true and faithful Subjects; any thing in this Act to the contrary notwithſtanding.

The ſub-prior Maſter of the Temple, and two Chaplains ſhall retain their houſes and wages.

IX Provided alſo, and be it enacted by the authority aforeſaid, That John Mapleſden, otherwiſe called John Mableſtone Clerk, ſub prior of the ſaid Religion of the ſaid Hoſpital of S. John of Jeruſalem in England, William Emerſted Clerk, Maſter of the Temple of London, Walter Lymſey, and John Winter, Chaplains there, and every of them, ſhall have, perceive and enjoy during their natural lives, all ſuch manſion houſes, ſtipends and wages, and all other profits of money, in as large and ample manner as they or any of them now lawfully have the ſame, without let or interruption of the King our Sovereign Lord, his heirs or ſucceſſors, or any other his officers or miniſters, the ſaid Maſter and two Chaplains of the Temple doing their duties and ſervices there as they have accuſtomed to do.

The foreſaid parties ſhall have the Kings Letters Patents of the things before granted.

X. And be it further enacted by the authority aforeſaid, That the ſaid William Weſton, and John Rawſon, and every of the ſaid brethren or confreres aforenamed, and the ſaid ſub prior, and the ſaid Maſter of the Temple, and two Chaplains, and every of them, being the Kings true and faithful Subjects, upon their reaſonable ſuits and petitions, ſhall have ſufficient Letters Patents of the ſaid ſeveral yearly annuities, penſions, manſions, ſtipends and wages, and other profits of Money to them limited by authority of this Act, under the Kings great Seal, without any fine or fee to be paid to the Kings uſe for the ſame.

The Confreres and brethren diſcharged of their obedience to their Priors, and may ſue and be ſued by their proper names.

XI. And be it further enacted by the authority aforeſaid, That the ſaid brethren or confreres of the ſaid Religion, and all other obediencers being members of the ſaid Religion, ſhall be acquitted and diſcharged of their obedience that they have uſed to bear and give unto the ſaid William Weſton, or to the ſaid John Rawſon, or to any other of the ſaid Religion, by the Ordinances, Uſages, Rules or Statutes of the ſaid Religion: (2) And that as well the ſame William Weſton, and John Rawſon, as the ſaid brethren or confreres of the ſaid Religion called Knights as is aforeſaid, and every of them being the Kings Subjects born in the Realm of England, or in the land of Ireland, or elſewhere within any the Kings Dominions, ſhall be enabled to ſue and be ſued by their own ſaid proper names and ſirnames, and have ſuch capacity, and other freedom, liberties and priviledges, to all intents and purpoſes, in as large and ample manner, form, faſhion and condition, as in the firſt Seſſion of this preſent Parliament was ordained and enacted for Religious perſons; Any Statutes, Ordinances, Laws, Cuſtoms, Uſages, or any other thing or things to the contrary thereof in any wiſe notwithſtanding.

31 H. 8. 6.

XII. Provided alſo, and be it enacted by the authority aforeſaid, That all priviledges of ſanctuaries, heretofore uſed or claimed in manſion houſes, and other places commonly called St. Johns hold, and all other ſanctuaries heretofore uſed in any place within this Realm, or in Ireland, which heretofore hath been belonging to any of the ſaid Hoſpitals, ſhall ſtand and be utterly void, and of none effect, for or concerning any ſanctuary, or priviledges of ſanctuary, there to be had or uſed, the priviledges of common Churches and Church-yards, applied and uſed to Gods ſervice, and burials of Chriſtian people, only excepted.

All land of St. John ſhall be in the government of the

XIII. And be it alſo enacted by the authority aforeſaid, That all the ſaid manors, meſſ lands, tenements, and all and ſingular other poſſeſſions, priviledges, liberties, franchiſes, an other hereditaments granted to the Kings Majeſty by this Act, ſhall be in the ſurvey, rul order and governance of the Chancellor and other Miniſters and Officers of the Court of the Augmentations of the Revenues of the Kings Crown, in like manner, form, faſhion and condition, as the poſſeſſions of the lands of the Abbeys, Monaſteries, or Priories ſuppreſſed or ſurrendred been.

Court of Augmentations. Alt. 1 Mar. 10.

XIV. And be it alſo enacted by the Authority aforeſaid, That all and every ſuch perſon and perſons as be now confreres of the ſaid Hoſpital or Hoſpitals, and at this preſent time out of this Realm, ſhall before the Feaſt of Pentecoſt, which ſhall be in the year of our Lord God a thouſand five hundred fourty and one, return into the ſame, and here perſonally preſent themſelves to the Kings Majeſty, or to the Lord Chancellor of England, the Lord Treaſurer, the Lord Preſident of the Kings Council, and the Lord Privy Seal, or two of them for the time being at the leaſt, both acknowledging themſelves to be his Highneſs true and loyal ſubjects, and declaring themſelves to be content willingly to obſerve, keep and maintain all the Laws and Statutes of this Realm, as to true and good Subjects appertaineth: or elſe the ſame confrere or confreres making default of ſuch his repair and preſentment, as is aforeſaid, ſhall in no wiſe claim and enjoy any penſion by virtue of this Act, any thing in the ſame contained notwithſtanding; (2) unleſs the perſon or perſons ſo making default of repair and apparance, can ſhew and declare themſelves to have been detained, or by a neceſſary mean impeached and letted of their will, purpoſe and deſire to have come hither, and to have accompliſhed the whole contents of this Statute accordingly.

The confreres which be out of the Realm, ſhall return and ſubmit themſelves to the obedience of the Law.

CAP. XXV.

The Marriage ſolemnized between the King and the Lady Anne of Cleves, by the judgment of the Clergy of England in their Convocation, is adjudged and pronounced to be void, and alſo by her own conſent: And the King ſhall be at liberty to marry any other Woman, and ſhe any other Man. It ſhall be High Treaſon, by writing, word or deed, to accept, take, judge or believe the ſaid Marriage to be good, or to procure or do any thing to the repeal of this Act. Exp.

Matrimony, Raſt. 1.

CAP. XXVI.

All Decrees and Ordinances, which according to Gods word, and Chriſts Goſpel, by the Kings advice and confirmation by his letters Patents, ſhall be made and ordained by the Archbiſhops, Biſhops and Doctors appointed, or to be appointed, in and upon the matter of Chriſtian Religion and Chriſtian Faith, and the lawful Rites, Ceremonies and Obſervations of the ſame ſhall be in every point thereof believed, obeyed and performed to all intents and purpoſes, upon the pains therein compriſed. Provided, that nothing ſhall be ordained or deſired, which ſhall be repugnant to the Laws and Statutes of this Realm. Exp. Stat. 1 Ed. 6. 12.

Religion, Raſt. 1.

CAP. XXVII.

A reſumption of extraordinary Grants and Licences made by the King to certain perſons, of abſence and reverſions in the Town of Caleys, and the Merchants of the ſame, and in Berwick, and of the Sheriffwicks for life in Wales. Exp.

Officers, Raſt. 12.

CAP. XXVII.

Leſſees to enjoy the Farm againſt the Tenants in Tail.

Where great number of the Kings ſubjects have heretofore taken Leaſes of Lands, Tenements, and other Hereditaments, for term of Years, and divers of them for term of Lives, and have given and paid great Fines, and great ſums for the ſame, and alſo have been at great coſts and charges, as well in and about great Reparations and Buildings upon their ſaid Ferms, as otherwiſe concerning their ſaid Ferms: (2) yet notwithſtanding, the ſaid Fermors, after the deaths or reſignations of their Leſſors, have been, and be daily with great cruelty expulſed, and put out of their ſaid Ferms and takings, by the Heirs or Succeſſors of their ſaid Leſſors, or by ſuch perſons as have intereſt therein after the deaths or reſignations of their ſaid Leſſors, by reaſon of privy Gifts of Entail, or for that the Leſſors had nothing in the Lands, Tenements, or other Hereditaments ſo letten, at the time of the Leaſes thereof made, but only in the right of their Wives, or ſuch other like cauſe, to the great impoveriſhment, and in manner utter undoing of the ſaid Fermors: (3) for reformation whereof, be it ordained, eſtabliſhed and enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all Leaſes hereafter to be made of any Manors, Lands, Tenements, or other Hereditaments by writing indented under Seal for term of Years, or for term of Life, by any perſon or perſons, being of full age of xxj. years, having any Eſtate of Inheritance, either in fee-ſimple, or in fee-tail, in their own right, or in the right of their Churches or Wives, or joyntly with their Wives, of an Eſtate of Inheritance made before the Coverture or after, ſhall be good and effectual in the Law, againſt the Leſſors, their Wives, Heirs and Succeſſors, and every of them, according to ſuch Eſtate as is compriſed and ſpecified in every ſuch Indenture or Leaſe, in like manner and form as the ſame ſhould have been if the Leſſors thereof, and every of them, at the time of the making of ſuch Leaſes, had been lawfully ſeiſed of the ſame Lands, Tenements and Hereditaments compriſed in ſuch Indenture, of a good, perfect, and pure Eſtate of Fee-ſimple thereof to their own only uſes.

Women 5. Leaſes made by Tenants in Fee or Fee-tail, in the right of their Wives or Churches, which be good, which void.

Moor 579. pl. 1050. 1 Leonard. 59. 130, 148. 3 Leonard. 156.

Leaſes made by tenant in tail, or by him which is ſeiſed in the right of his Wife or Church, &c. St. 34 H. 8. 20. Cro. El. 5. 350.

II. Provided alway, That this Act, or any thing therein contained, ſhall not extend to any Leaſes to be made of any manors, lands, tenements or hereditaments being in the hands of any fermor or fermors by virtue of an old leaſe, unleſs the ſame old leaſe be expired, ſurrendred or ended within one year next after the making of the ſaid new leaſe, (2) nor ſhall extend to any grant to be made of any reverſion of any manors, lands, tenements, or hereditaments, (3) nor to any leaſe of any manors, lands, tenements, or hereditaments which have not moſt commonly been letten to ferm, or occupied by the fermors thereof by the ſpace of twenty years next before ſuch leaſe thereof made: (4) nor to any leaſe to be made, without impeachment of waſte, (5) nor to any leaſe to be made above the number of xxj. years, or three lives at the moſt, from the day of making thereof. (6) And that upon every ſuch leaſe there be reſerved yearly during the ſame leaſe, due and payable to the leſſors, their heirs and ſucceſſors, to whom the ſame lands ſhould have come after the deaths of the leſſors, if no ſuch leaſe had been thereof made, and to whom the reverſion thereof ſhall appertain, according to their eſtates and intereſts, ſo much yearly ferm or rent, or more, as hath been moſt accuſtomably yeelden or paid for the manors, lands, tenements, and hereditaments ſo to be letten within xx. years next before ſuch leaſe thereof made. (7) And that every ſuch perſon and perſons to whom the reverſion of ſuch manors, lands, tenements, or hereditaments ſo be

Special obſervations of leaſes to be made by tenant in tail, or of the wives land. 2 Leonard. 46.

Moor 759. pl. 1050.

letten, ſhall appertain, as is aforeſaid, after the deaths of ſuch leſſors or their heirs, ſhall and may have ſuch like remedy and advantage, to all intents and purpoſes againſt the leſſees thereof, their executors and aſſigns, as the ſame leſſor ſhould or might have had againſt the ſame leſſees. (8) So that if the leſſor were ſeiſed of any ſpecial eſtate tail of the ſame hereditaments at the time of ſuch leaſe, that the iſſue or heir of that ſpecial eſtate, ſhall have the reverſion, rents and ſervices reſerved upon ſuch leaſe after the death of the ſaid leſſor, as the leſſor himſelf might or ought to have had if he had lived.

Leaſes made by husband and wife, of the wives land. 3 Leonard. 132.

III. Provided alway, That the wife be made party to every ſuch leaſe which hereafter ſhall be made by her husband of any manors, lands, tenements or hereditaments, being the inheritance of the wife; (2) and that every ſuch leaſe be made by indenture in the name of the husband and his wife, and ſhe to ſeal to the ſame: (3) and that the ferm and rent be reſerved to the husband and to the wife, and to the heirs of the wife, according to her eſtate of inheritance in the ſame. (4) And that the husband ſhall not in any wiſe alien, diſcharge, grant, or give away the ſame rent reſerved, nor any part thereof, longer then during the coverture, without it be by fine levied by the ſaid husband and wife; (5) But that the ſame rent ſhall remain, deſcend, revert, or come after the death of ſuch husband, unto ſuch perſon or perſons, and their heirs, in ſuch manner and ſort as the lands ſo leaſed ſhould have done, if no ſuch leaſe had been thereof made.

Stat. 25 H. 8. 13. Leaſes of ferm.

IV. Provided alſo, That this Act extend not to give any liberty or power to any perſon or perſons to take any mo ferms, leaſes, or takings of any manors, lands tenements, or other hereditaments, then he or they ſhould or might lawfully have done before the making of this Act, (2) nor extend to give any liberty or power to any Parſon, or Vicar of any Church or Vicarage, for to make any leaſe or grant of any of their meſſuages, lands, tenements, tithes, profits, or hereditaments belonging to their Churches or Vicarages, otherwiſe or in in any other manner, then they ſhould or might have done before the making of this Act; any thing contained in this Act to the contrary notwithſtanding.

Leaſes of Parſonages or Vicarages.

A confirmation of Leaſes made before the Stat. by certain perſons, and upon certain conditions.

V. And furthermore be it enacted by authority aforeſaid, That all leaſes at any time within the ſpace of three years next before the xlj. day of April, in the xxxj. year of our Sovereign Lord the Kings Reign, made by writing indented under ſeal, by any perſon or perſons of full age, of whole memory, not unlawfully coacted, nor being covert baron for term of years, of any manors, lands, tenements, or other hereditaments, whereof the leſſor or leſſors were ſeiſed of any eſtate of Inheritance of and in the ſame, to their own only uſe at the time of making any ſuch leaſe thereof, and whereof the leſſees, their executors or aſſigns be now in poſſeſſion by virtue of the ſame leaſe, and no cauſe of reentre or forfeiture thereof had or made, ſhall be good and effectual in the Law, againſt the leſſors, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them, according to the covenants, articles and agreements ſpecified in every ſuch indenture or leaſe: (2) So always there be reſerved and yearly payable during the ſame leaſe to the ſaid leſſors, their heirs or ſucceſſors, or to ſuch other as ſhould or ought to have had the ſame manors, lands, tenements, or hereditaments ſo leaſed after the deceaſe of ſuch leſſors, in caſe no ſuch leaſe had thereof been made, as much yearly rent for the ſame, as was at any time therefore yielden or paid within twenty years next before the making of any ſuch leaſe, or elſe ſuch leaſes to be of no other force ne effect then they were before the making of this preſent Act.

The husbands only act of the wives land ſhall not prejudice her and her heirs. St. 6 Ed. 1. 3. 13 Ed. 1. 3. 40. Moor 58. pl. 164. Moor 872. pl. 1215.

VI. And moreover for certain conſideration, be it enacted by authority aforeſaid, That no fine, feoffment, or other act or acts hereafter to be made, ſuffered or done by the husband only, of any manors, lands, tenements or hereditaments, being the inheritauce or freehold of his wife, during the coverture between them, ſhall in any wiſe be or make any diſcontinuance thereof, or be prejudicial or hurtful to the ſaid wife, or to her heirs, or to ſuch as ſhall have right, title or intereſt to the ſame by the death of ſuch wife or wives: (2) But that the ſame wife, or her heirs, and ſuch other to whom ſuch right ſhall appertain, after her deceaſe, ſhall and may then lawfully enter into all ſuch manors, lands, tenements and hereditaments, according to their rights and titles therein, any ſuch fine, feoffment, or other act to the contrary notwithſtanding; (3) fines levied by the husband and wife (whereunto the ſaid wife is party and privy) only except.

Leaſes made by the husband and the wife of the inheritance of the wife. St. 34 H. 8. 22.

VII. Provided furthermore, That this clauſe or act extend not to give any liberty to any ſuch wife, or to her heirs, for to avoid any leaſe hereafter to be made of any inheritance of the wife, by her husband and her for term of one and twenty years, or under, or any her inheritance for term of three lives at the uttermoſt, whereupon as much yearly rent or more is or ſhall be reſerved, and yearly payable during the ſame leaſe, as was at any time therefore yielden or payed within twenty years next before the making of any ſuch leaſe, according to the tenor of this preſent Act; any thing therein contained to the contrary notwithſtanding.

Leaſes made by Eccleſiaſtical perſons attainted of Treaſon.

VIII. Provided alſo, That this Act extend not to make good any leaſe or leaſes heretofore mede by any Eccleſiaſtical perſon or perſons by their Covent or common Seal, which be made void or taken away by authority of any Act of Parliament heretofore made, (2) nor extend to make good any leaſe or leaſes heretofore made by any Eccleſiaſtical perſon or perſons now being attainted of Treaſon, under their Covent Seal, or otherwiſe, (3) or by any other perſon or perſons now being attainted of Treaſon by Act of Parliament or otherwiſe; (4) But that all and ſingular ſuch leaſe and leaſes, and every of them now made, or hereafter to be made, ſhall be of ſuch like effect and ſtrength in the Law, and none other, as they and every of them were before the making of this Act; any thing before mentioned in this Act to the contrary thereof notwithſtanding.

CAP. XXIX.

Cuſtoms and uſages, Raſt. 4.

All Lands lying in Oſwelbeck Soke in the County of Nottingham, ſhall be inheritable according to the common Law, and not partable between Heirs males, as they have been.

CAP. XXX.

Miſpleadings, Jeofails.

Jeofail 1. Attorney 13. After iſſue tried, judgment ſhall be, notwithſtanding, any Jeofail or miſpleading, &c. The ſeveral inconveniences which have heretofore followed by delays in ſuits. Moor 623. pl. 852.

FOraſmuch as the party Plaintiffs and Demandants in all manner of Actions and Suits, as well real as perſonal, at the Common Law of this Realm, before this time have been greatly delayed and hindered in their Suits and Demands, by reaſon of the crafty, ſubtile, and negligent pleadings of the Plaintiffs or Demandants, Defendants or Tenants, where any Action or Demand hath been ſued, had or made, as well in miniſtring of their Declarations and Bars, as alſo in their Replications, Rejoynders, Rebutters, joyning of Iſſues, and other pleadings, to the great hurt, delay and hinderance of the ſaid Plaintiffs or Demandants, or to the vexation of the Defendants and Tenants: (2) Inſomuch, that when the Iſſues joyned in the ſame Actions between the parties to the ſame hath been tried and found by the verdict of twelve or mo indifferent perſons, for the ſaid Plaintiffs or Demandants, or for the Tenants or Defendants, and the Juſtices ready to give judgment for the ſaid parties for whom the ſaid Iſſue was found, the ſame parties have been compelled by the courſe and order of the Common Law of this Realm afore this time, to replead, and the ſaid verdicts ſo given, as is afore rehearſed, to be taken as void and of none effect, ſometime becauſe the Iſſues have been miſjoyned, and Jeofail, and ſometime by taking advantages of the parties own miſpleading, or in the purſuing, miſconveying, or diſcontinuing of Proceſs of any of the parties, and for divers other cauſes, the which is thought as well a great ſlander to the ſaid Common Law of this Realm, and to the Miniſters of the ſame, as alſo a plain delay and hinderance unto the ſaid parties, in that they ſhould not have their Judgments when the Iſſue hath been found and tried as is aforeſaid, to to their great coſts and charge: (3) Be it therefore enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from henceforth, if any Iſſue be tried by the Oath of twelve or mo indifferent men for the party Plaintiff or Demandant, or for the party Tenant or Defendant, in any manner of Action or Suit at the Common Law of this Realm in any of the Kings Courts of Record, that then the Juſtice and Juſtices by whom Judgment thereof ought to be given, ſhall proceed and give Judgment in the ſame, (4) any miſpleading, lack of colour, inſufficient pleading, or Jeofail, (5) any miſcontinuance, or diſcontinuance, or miſconveying or Proceſs, (6) miſjoyning of the Iſſue, lack of Warrant of Attorney of the party againſt whom the ſaid Iſſue ſhall happen to be tried, (7) or any other default or negligence of any of the parties, their Counſellors or Attorneys, had or made to the contrary notwithſtanding, (8) and the ſaid Judgements thereof ſo to be had and given, ſhall ſtand in full ſtrength and force, to all intents and purpoſes, according to the ſaid verdict, without any reverſal or undoing of the ſame by Writ of Error, or of falſe Judgment, in like form as though no ſuch default or negligence had never been had or committed.

Moor 574. pl. 790. Moor 867. pl. 1198. After an iſſue tried there ſhall be judgment given notwithſtanding any Jeofail or miſpleading. 1 Leonard. 175. 238. 2 Leonard. 193. 1 Bulſtr. 25. 2 Bulſtr. 66. 3 Bulſtr. 180, 301. Godbolt 107. pl. 127.

When an Attorney ſhall enter his warrant in Court;

II. Provided alway, and be it enacted by the authority aforeſaid, in avoiding of Errors, and other great inconveniences that daily do fortune to ariſe and grow in the Kings Courts of Record at Weſtminſter, through the negligence of Attorneys, becauſe they deliver not their warrants of Attorney in ſuch Actions and Suits wherein they be named Attorney, according to the Laws of this Realm, (2) That all and every ſuch perſon and perſons which ſhall fortune hereafter to be Attorney to or for any other perſon or perſons, being Demandant or Plaintiff, Tenant or Defendant, in any Action or Suit, at any time hereafter commenced or taken in any of the Kings ſaid Courts, and plead to any Iſſue in the ſame Action or Suit, that then the ſame Attorneys and every of them, from time to time ſhall deliver, or cauſe to be delivered his or their ſufficient and lawful warrant of Attorney, to be entred of Record for every of the ſaid Actions or Suits wherein they be named Attorneys, to the Officer or his Deputy, ordained for the Receit and Entring thereof in the ſame Term when the ſaid Iſſue is entred of Record in the ſaid Court, or afore, (3) upon pain of forfeiting unto our ſaid Sovereign Lord ten pounds ſterling for every default for not delivering of the ſaid warrant of Attorney.

Co. pl. fo. 167.

III. And alſo further to ſuffer ſuch impriſonment, as by the diſcretion of the Juſtices of the Court for the time being, where any ſuch default ſhall fortune to be had or made, ſhall be thought convenient. (2) This preſent Act with the Proviſo to endure till the laſt day of the next Parliament. 2 Ed. 6. 32. made perpetual. Stat. 18. El. 13. 21 Jack. 13.

CAP. XXXI.

A recovery of Land by aſſent of the parties againſt Tenant for term of Life, ſhall be void, unleſs it be by good Title, or aſſent of him in the Reverſion or Remainder. Rep. 14 El. 8. Cok. lib. 10. fo. 44. Coke Inſt. 362. a. 1 Anderſ. 38. 2 Roll. 448.

Recoveries, Raſt. 3.

CAP. XXXII.

Joynt Tenants for time of Life or Years.

Partition 4. 31 H. 8. 2. Joynt Tenants and Tenants in common for lives or years, ſhall make partition;

FOraſmuch as in the Parliament begun at Weſtminſter the eight and twentieth day of April, and there continued till the xxviij. day of June, the xxxj. year of the Kings moſt noble and victorious Reign that now is, it was amongſt other things there enacted and eſtabliſhed, That all joynt Tenants and Tenants in common, that then were, or hereafter ſhould be of any Eſtate or Eſtates of Inheritance, in their own rights, or in the right of their Wives, of any manors, lands, tenements or hereditaments within this Realm of England, Wales, or Marches of the ſame, ſhall and may be coacted and compelled by virtue of the ſaid Act, to make partition between them, of all ſuch manors, lands, tenements and hereditaments as they then held, or hereafter ſhould hold as joynt Tenants, or Tenants in common, as more plainly at large appeareth by the ſaid Statute. (2) And foraſmuch as the ſaid Statute doth not extend to joynt Tenants, and and Tenants in common for term of life or years, neither to joynt Tenants, and Tenants in common, where one, or ſome of them have but a particular Eſtate for term of life or years, and the other have Eſtate or Eſtates of Inheritance of and in any manors, lands, tenements and hereditaments: (3) Be it therefore enacted by the King our Sovereign Lord, and by the aſſent of the Lords Spiritual and Temporal, and the

2 Bulſtr. 114.
3 Leonard. 162.
Joynt tenants for life or years are compellable to make partition.

Commons in this preſent Parliament aſſembled and by the authority of the ſame, That all joynt Tenants, and Tenants in common, and every of them, which now hold, or hereafter ſhall hold, joyntly, or in common, for term of life, year or years, or joynt Tenants, or Tenants in common, where one or ſome of them have, or ſhall have Eſtate or Eſtates for term of life or years, with the other that have or ſhall have Eſtate or Eſtates of Inheritance or Freehold in any Manors, Lands, Tenements or Hereditaments, ſhall and may be compellable from henceforth by Writ of Partition to be purſued out of the Kings Court of Chancery, upon his or their Caſe or Caſes, to make ſeverance and partition of all ſuch Manors, Lands, Tenements and Hereditaments which they hold joyntly or in common, for term of life or lives, year or years, or where one or ſome of them hold joyntly, or in common, for term of life or years with other, or that have an Eſtate or Eſtates of Inheritance or Freehold.

Partition ſhall be prejudicial to none but parties.

II. Provided alway, and be it enacted, That no ſuch partition or ſeverance hereafter to be made by force of this Act, be, nor ſhall be prejudicial or hurtful to any perſon or perſons, their heirs or ſucceſſors, other then ſuch which be parties unto the ſaid partition, their executors or aſſigns. Cok. Entr. 412. b.

CAP. XXXIII.

An Act that wrongful diſſeiſin is no deſcent in Law.

Entry 1.
A diſſeiſor dying ſeiſed, taketh away no title of entry from the diſſeiſee or his heir.

Five years poſſeſſion in the diſſeiſor before his death.

Where divers perſons of their inſatiable minds have heretofore by ſtrength, and without Title, entred into manors, lands, tenements and other hereditaments, and wrongfully diſſeiſed the rightful owners and poſſeſſors thereof, and ſo being ſeiſed by diſſeiſin, have thereof died ſeiſed, by reaſon of which dying ſeiſed, the diſſeiſee, or ſuch other perſons as before ſuch deſcent might have lawfully entred into the ſaid manors, lands and tenements were, and be thereby clearly excluded of their entree into the ſaid manors, lands and tenements, and put to their action for their remedy and recovery therein, to their great coſts and charges: (2) For reformation whereof, be it enacted by the authority of this preſent Parliament, that the dying ſeiſed hereafter of any ſuch diſſeiſor, of, or in any manors, lands, tenements, or other hereditaments, having no right or title therein, ſhall not be taken or deemed from henceforth any ſuch deſcent in the Law, for to toll or take away the entree of any ſuch perſon or perſons, or their heirs, which at the time of the ſame deſcent had good and lawful title of entree into the ſaid manors, lands, tenements or hereditaments; Except that ſuch diſſeiſor hath the peaceable poſſeſſion of ſuch manors, lands, tenements or hereditaments whereof he ſhall ſo die ſeiſed, by the ſpace of five years next after the diſſeiſin therein by him committed, without entree or continual claim by or of ſuch perſon or perſons as have lawful title thereunto.

CAP. XXXIV.

Concerning Grantees of Reverſions to take advantage of the conditions to be performed by the Leſſees.

Condition 1.
Grantees of reverſions may take advantage of reverſions and covenants againſt the leſſees; and leſſees may have the like remedy againſt grantees, as they might have had againſt their grantors.
2 Bulſtr. 282.
Moor 93. pl. 230.
Moor 94. pl. 232,
Moor 159. pl 300.
Moor 242. pl. 380. 243. pl. 382.
Moor 525 pl 694.
527. pl. 695.

Where before this time divers, as well Temporal as Eccleſiaſtical and religious perſons, have made ſundry leaſes, demiſes and grants to divers other perſons, of ſundry manors, lordſhips, ferms, meaſes, lands, tenements, meadows, paſtures, or other hereditaments, for term of life or lives, or for term of years, by writing under their ſeal or ſeals, containing certain conditions, covenants and agreements to be performed, as well on the part and behalf of the ſaid Leſſees and grantees, their executors and aſſigns, as on the behalf of the ſaid Leſſors and Grantors, their heirs and ſucceſſors: (2) and foraſmuch as by the common Law of this Realm, no ſtranger to any covenant, action or condition, ſhall take any advantage or benefit of the ſame, by any means or ways in the Law, but only ſuch as be parties or privies thereunto, by the reaſon whereof as well all Grantees of reverſions, as alſo all Grantees and Patentees of the King our Sovereign Lord, of ſundry manors, lordſhips, granges, ferms meaſes, lands, tenements, meadows, paſtures, or other hereditaments late belonging to Monaſteries, and other Religious and Eccleſiaſtical houſes diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or by other means come to the hands and poſſeſſion of the Kings Majeſty ſince the fourth day of February, the ſeven and twentieth year of his moſt noble Reign, be excluded to have any entry or action againſt the ſaid Leſſees and Grantees, their executors or aſſigns, which the Leſſors before that time might by the Law have had againſt the ſame Leſſees for the breach of any condition, covenant or agreement compriſed in the indentures of their ſaid leaſes, demiſes, and grants: (3) Be it therefore enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That as well all and every perſon and perſons, and bodies politick, their heirs, ſucceſſors and aſſigns which have or ſhall have any Gift or Grant of our ſaid Sovereign Lord by his Letters Patents of any Lordſhips, Manors, Lands, Tenements, Rents, Parſonages, Tithes, Portions, or other Hereditaments, or of any Reverſion or Reverſions of the ſame, which did belong and appertain to any of the ſaid Monaſteries, and other Religious and Eccleſiaſtical houſes, diſſolved, ſuppreſſed, relinquiſhed, forfeited, or by any other means come to the Kings hands ſince the ſaid fourth day of February, the ſeven and twentieth year of his moſt noble Reign, or which at any time heretofore did belong or appertain to any other perſon or perſons, and after came to the hands of our ſaid Sovereign Lord, (4) as alſo all other perſons being Grantees or Aſſignees to, or by our ſaid Sovereign Lord the King, or to or by any other perſon or perſons then the Kings Highneſs, and the Heirs, Executors, Succeſſors and Aſſigns of every of them, (5) ſhall and may have and enjoy like advantages againſt the Leſſees, their Executors, Adminiſtrators and Aſſigns, by entry for non-payment of the Rent, or for doing of waſte, or other forfeiture: (6) and alſo ſhall and may have and enjoy all and every ſuch like, and the ſame advantage, benefit and remedies by Action only, for not performing of other Conditions, Covenants or Agreements contained and expreſſed in the Indentures of their ſaid Leaſes, Demiſes or Grants, againſt all any every the

Grantees of reverſions may take advantage of conditions and covenants againſt the leſſees of the ſame lands.
1 Anderſ. 83.
Moor 876. pl. 1228.

2 Bulſtr. 114. 3 Leonard. 162. Joynt tenants for life or years are compellable to make partition.

Commons in this preſent Parliament aſſembled and by the authority of the ſame, That all joynt Tenants, and Tenants in common, and every of them, which now hold, or hereafter ſhall hold, joyntly, or in common, for term of life, year or years, or joynt Tenants, or Tenauts in common, where one or ſome of them have, or ſhall have Eſtate or Eſtates for term of life or years, with the other that have or ſhall have Eſtate or Eſtates of Inheritance or Freehold in any Manors, Lands, Tenements or Hereditaments, ſhall and may be compellable from henceforth by Writ of Partition to be purſued out of the Kings Court of Chancery, upon his or their Caſe or Caſes, to make ſeverance and partition of all ſuch Manors, Lands, Tenements and Hereditaments which they hold joyntly or in common, for term of life or lives, year or years, or where one or ſome of them hold joyntly, or in common, for term of life or years with other, or that have an Eſtate or Eſtates of Inheritance or Freehold.

Partition ſhall be prejudicial to none but parties.

II. Provided alway, and be it enacted, That no ſuch partition or ſeverance hereafter to be made by force of this Act, be, nor ſhall be prejudicial or hurtful to any perſon or perſons, their heirs or ſucceſſors, other then ſuch which be parties unto the ſaid partition, their executors or aſſigns. Cok. Entr. 412. b.

CAP. XXXIII.

An Act that wrongful diſſeiſin is no deſcent in Law.

Entry I. A diſſeiſor dying ſeiſed, taketh away no title of entry from the diſſeiſee or his heir.

Where divers perſons of their inſatiable minds have heretofore by ſtrength, and without Title, entred into manors, lands, tenements and other hereditaments, and wrongfully diſſeiſed the rightful owners and poſſeſſors thereof, and ſo being ſeiſed by diſſeiſin, have thereof died ſeiſed, by reaſon of which dying ſeiſed, the diſſeiſee, or ſuch other perſons as before ſuch deſcent might have lawfully entred into the ſaid manors, lands and tenements were, and be thereby clearly excluded of their entree into the ſaid manors, lands and tenements, and put to their action for their remedy and recovery therein, to their great coſts and charges: (2) For reformation whereof, be it enacted by the authority of this preſent Parliament, that the dying ſeiſed hereafter of any ſuch diſſeiſor, of, or in any manors, lands, tenements, or other hereditaments, having no right or title therein, ſhall not be taken or deemed from henceforth any ſuch deſcent in the Law, for to toll or take away the entree of any ſuch perſon or perſons, or their heirs, which at the time of the ſame deſcent had good and lawful title of entree into the ſaid manors, lands, tenements or hereditaments; Except that ſuch diſſeiſor hath had the peaceable poſſeſſion of ſuch manors, lands, tenements or hereditaments whereof he ſhall ſo die ſeiſed, by the ſpace of five years next after the diſſeiſin therein by him committed, without entree or continual claim by or of ſuch perſon or perſons as have lawful title thereunto.

Five years poſſeſſion in the diſſeiſor before his death.

CAP. XXXIV.

Concerning Grantees of Reverſions to take advantage of the conditions to be performed by the Leſſees.

Condition I. Grantees of reverſions may take advantage of reverſions and covenants againſt the leſſees; and leſſees may have the like remedy againſt grantees, as they might have had againſt their grantors. 2 Bulſtr. 282. Moor 93. pl. 230. Moor 94. pl. 232, Moor 159 pl 300. Moor 242. pl. 380 243. pl. 382. Moor 525 pl 694. 527. pl. 695.

Where before this time divers, as well Temporal as Eccleſiaſtical and religious perſons, have made ſundry leaſes, demiſes and grants to divers other perſons, of ſundry manors, lordſhips, ferms, meaſes, lands, tenements, meadows, paſtures, or other hereditaments, for term of life or lives, or for term of years, by writing under their ſeal or ſeals, containing certain conditions, covenants and agreements to be performed, as well on the part and behalf of the ſaid Leſſees and grantees, their executors and aſſigns, as on the behalf of the ſaid Leſſors and Grantors, their heirs and ſucceſſors: (2) and foraſmuch as by the common Law of this Realm, no ſtranger to any covenant, action or condition, ſhall take any advantage or benefit of the ſame, by any means or ways in the Law, but only ſuch as be parties or privies thereunto, by the reaſon whereof as well all Grantees of reverſions, as alſo all Grantees and Patentees of the King our Sovereign Lord, of ſundry manors, lordſhips, granges, fermis meaſes, lands, tenements, meadows, paſtures, or other hereditaments late belonging to Monaſteries, and other Religious and Eccleſiaſtical houſes diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or by other means come to the hands and poſſeſſion of the Kings Majeſty ſince the fourth day of February, the ſeven and twentieth year of his moſt noble Reign, be excluded to have any entry or action againſt the ſaid Leſſees and Grantees, their executors or aſſigns, which the Leſſors before that time might by the Law have had againſt the ſame Leſſees for the breach of any condition, covenant or agreement compriſed in the indentures of their ſaid leaſes, demiſes, and grants: (3) Be it therefore enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That as well all and every perſon and perſons, and bodies politick, their heirs, ſucceſſors and aſſigns which have or ſhall have any Gift or Grant of our ſaid Sovereign Lord by his Letters Patents of any Lordſhips, Manors, Lands, Tenements, Rents, Parſonages, Tithes, Portions, or other Hereditaments, or of any Reverſion or Reverſions of the ſame, which did belong and appertain to any of the ſaid Monaſteries, and other Religious and Eccleſiaſtical houſes, diſſolved, ſuppreſſed, relinquiſhed, forfeited, or by any other means come to the Kings hands ſince the ſaid fourth day of February, the ſeven and twentieth year of his moſt noble Reign, or which at any time heretofore did belong or appertain to any other perſon or perſons, and after came to the hands of our ſaid Sovereign Lord, (4) as alſo all other perſons being Grantees or Aſſignees to, or by our ſaid Sovereign Lord the King, or to or by any other perſon or perſons then the Kings Highneſs, and the Heirs, Executors, Succeſſors and Aſſigns of every of them, (5) ſhall and may have and enjoy like advantages againſt the Leſſees, their Executors, Adminiſtrators and Aſſigns, by entry for non-payment of the Rent, or for doing of waſte, or other forfeiture: (6) and alſo ſhall and may have and enjoy all and every ſuch like, and the ſame advantage, benefit and remedies by Action only, for not performing of other Conditions, Covenants or Agreements contained and expreſſed in the Indentures of their ſaid Leaſes, Demiſes or Grants, againſt all any every the

Grantees of reverſions may take advantage of conditions and covenants againſt the leſſees of the ſame lands. 1 Anderſ. 82. Moor 876. pl. 1228.

the ſaid leſſees, and fermers and grantees, their executors, adminiſtrators and aſſigns, as the ſaid leſſors or grantors themſelves, or their heirs or ſucceſſors, ought, ſhould or might, have had and enjoyed at any time or times, (7) in like manner and form, as if the reverſion of ſuch lands, tenements or hereditaments had not come to the hands of our ſaid Sovereign Lord, or as our ſaid Sovereign Lord, and his heirs and ſucceſſors, ſhould or might have had and enjoyed in certain caſes, by virtue of the Act made at the firſt Seſſion of this preſent Parliament, if no ſuch grant by letters patents had been by his Highneſs.

II. Moreover be it enacted by authority aforeſaid, That all fermors, leſſees and grantees of lordſhips, manors, lands, tenements, rents, parſonages, tithes, portions, or any other hereditaments for term of years, life or lives, their executors, adminiſtrators and aſſigns, ſhall and may have like action, advantage and remedy againſt all and every perſon and perſons, and bodies politick, their heirs, ſucceſſors and aſſigns, which have, or ſhall have any gift or grant of the King our Sovereign Lord, or of any other perſon or perſons, of the reverſion of the ſame manors, lands, tenements, and other hereditaments ſo letten, or any parcel thereof, for any condition, covenant or agreement contained or expreſſed in the indentures of their leaſe and leaſes, as the ſame leſſees, or any of them might and ſhould have had againſt the ſaid leſſors and grantors, their heirs or ſucceſſors, (2) all benefits and advantages of recoveries in value, by reaſon of any warranty in deed, or law by voucher, or otherwiſe, only excepted.

Leſſees may have the like remedy againſt the grantees of reverſions which they might have had againſt their grantors.

III. Provided always, That this Act, nor any thing or things therein contained, ſhall extend to hinder or charge any perſon or perſons for the breach of any covenant or condition compriſed in any ſuch writing as is aforeſaid, but for ſuch covenants and conditions as ſhall be broken or not performed after the firſt day of September next coming, and not before; any thing before in this Act contained to the contrary thereof notwithſtanding. Coke Inſt. 215.

CAP. XXXV.

The Juſtices of Foreſts to make Deputies.

Foraſmuch as it is much doubted whether the Kings Juſtices of his Foreſts, Parks and Chaſes within this Realm, may lawfully make or depute any deputy or deputies, for the exerciſing of their ſaid Romthes or office of Juſtices of the Foreſts: (2) for the avoiding of which ambiguity and doubt, and to the intent that the Laws of the Foreſt may be more truly and ſpeedily executed, it may be enacted by the King our Sovereign Lord, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That from henceforth all and every the Juſtice and Juſtices of the Kings Foreſts, Parks and Chaſes within this Realm, which now be, or hereafter ſhall be, by their writing, ſealed with the Seal of their Office, ſhall make, aſſign, depute and appoint, as many deputy or deputies, for the exerciſing of the ſame Office of Juſtice or Juſtices of the Foreſts, as to ſuch Juſtice or Juſtices from time to time ſhall be thought convenient; (3) which deputy and deputies ſo appointed, ſhall have like power and authority, to do and execute all things concerning the Kings Foreſts, Parks and Chaſes, and all other things concerning the office and offices of the Juſtice of the Foreſts, to all intents and purpoſes, and in as large and ample manner and form, as the ſame Juſtice or Juſtices might or may lawfully do or execute by the Laws of this Realm, and as though the ſame Juſtice or Juſtices were there perſonally preſent in his or their own perſon or perſons.

Foreſts 8. Every Juſtice of the Kings Foreſts, Chaſes and Parks may make as many Deputies as he will.

CAP. XXXVI.

For the Expoſition of the Statute of Fines.

Foraſmuch as in the Fourth year of the Reign of the late King of famous memory, King Henry the Seventh, Father of our moſt dread Sovereign Lord the King that now is, it was among many good and ſundry Statutes and Ordinances then made for the commonwealth, enacted, ordained and eſtabliſhed, the form and manner how fines ſhould be levied with proclamations in the Kings Court before his Juſtices of his common place, (2) and that ſuch fines with proclamations ſo had and made, to the intent to void all ſtrifes and debates, ſhould be a final end, and conclude as well privies as ſtrangers to the ſame, certain perſons excepted and ſaved, as in the ſame Statute more plainly appeareth: (3) Sithen which time, by diverſity of interpretations and expounding of the ſame Statute, it hath been and is yet by ſome manner of perſons doubted and called in queſtion, whether fines with proclamations levied or to be levied before the ſaid Juſtices, by any perſon or perſons having or claiming to have in any manors, lands, tenements or hereditaments compriſed in the ſame fine, in poſſeſſion, reverſion, remainder, or in uſe, any manor of eſtate tail, ſhould immediately after the ſaid fine levied, engroſſed, and proclamation made, bind the right heir and heirs of ſuch tenant in tail, and every other perſon and perſons ſeiſed, or claiming to their uſe or uſes; by occaſion whereof, divers debates, controverſies, ſuits and troubles have been begun moved and had within this Realm, and mo be like to enſue, if remedy for the ſame be not provided: (4) For the eſtabliſhment and reformation whereof, and for the ſure and ſincere interpretation of the ſaid Statute, in avoiding all dangers, contentions, controverſies, ambiguities and doubts that hereafter may enſurge, grow, and happen, (5) our Sovereign Lord the King, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath enacted and ordained, That all and ſingular fines, as well heretofore levied, as hereafter to be levied before the ſaid Juſtices with proclamations, according to the ſaid Statute, by any perſon or perſons of full age of One and twenty years, of any manors, lands, tenements or hereditaments, before the time of the ſaid fine levied, in any wiſe entailed to the perſon or perſons ſo levying the ſame fine, or to any the anceſtors of the ſame perſon or perſons in poſſeſſion, reverſion, remainder or in uſe, ſhall be immediately after the ſame fine levied, engroſſed, and proclamations made, adjudged, accepted, deemed and taken to all intents and purpoſes, a

Fines 17. &c. 4. H 7. 24. A fine levied by tenant in tail ſhall be a bar to the heir of his body: but a fine levied by a wife, of her husbands lands deceaſed, doth not bind, &c. Moor 114. pl. 256. Moor 115. pl. 258. Moor 146. pl. 290.

1 Bulſtr. 33. A fine levied by tenant in tail ſhall be a bar to the heirs of his body. St. 13. Ed. 1. 1 Leonard. 244.

2 Leonard 36, 57. 62, 224. 3 Leonard. 10. 1 Anderſ. 3. 39, 141.

ſufficient bar and diſcharge for ever againſt the ſaid perſon and perſons, and their heirs claiming the ſame lands, tenements and hereditaments, or any parcel thereof, only by force of any ſuch entail, (6) and againſt all other perſons claiming the ſame, or any parcel thereof, only to their uſe, or to the uſe of any manner of heir of the bodies of them; any ambiguity, doubt, or contrarioſity of opinion, riſen or grown upon the ſaid eſtatute to the contrary notwithſtanding. 2 Anderſ. 109, 114.

A fine levied by the wife of the inheritance of her late husband ſhall be void.

II. Provided alway, that this Act, nor any thing therein contained, ſhall extend to bar or exclude the lawful entre, title or intereſt of any heir or heirs, perſon or perſons, heretofore given, or hereafter to be given, grown, or accrued to them, or any of them, in or to any manors, lands, tenements and hereditaments, by reaſon of any fine or fines heretofore levied, or hereafter to be levied by any woman after the death of her husband, contrary to the form, intent and effect of the Statute made in the eleventh year of the ſaid late King Henry the Seventh, of any manors, lands, tenements and hereditaments, of the inheritance or purchaſe of the ſaid husband, or of any his anceſtors, given or aſſigned to any ſuch woman in dower for term of life, or in tail, in uſe, or in poſſeſſion, (2) but that the ſame Act made in the ſaid eleventh year of the ſaid late King Henry the Seventh ſhall ſtand, remain, and be in full ſtrength and virtue in every article, ſentence and clauſe therein contained, in like manner and form as though this preſent Act had never been had ne made.

St. 11. H. 7. 20. A fine levied by him which is reſtrained by Parliament, ſhall be void.

III. Provided alſo, That this Act, ne any thing therein contained do extend to any fine or fines at any time heretofore levied or hereafter to be levied, of any lordſhips, manors, lands, tenements, or other hereditaments whatſoever they be, the poſſeſſioners and owners whereof, by reaſon of any expreſs words contained in any ſpecial Act or Acts of Parliament made or ordained ſince the ſaid Fourth year of the Reign of the ſaid late King Henry the Seventh, ſtand, be bounden, or reſtrained from making any alienations, diſcontinuances, or other alterations of any of the ſame lordſhips, manors, lands, tenements, or hereditaments contained in the ſaid fine or fines; (2) but that all and every ſuch fine and fines at any time heretofore levied, or hereafter to be levied by any ſuch perſon or perſons, or their heirs, of any ſuch lordſhips, manors, lands, tenements, or other hereditaments, ſhall be of ſuch like force and ſtrength in the Law, and of none other effect then the ſame fine ſo levied, or to be levied, ſhould have been if this preſent Act had never been had nor made, any thing therein contained to the contrary thereof in any wiſe notwithſtanding.

A fine levied of lands in ſuit.

IV. Provided alſo, That this Act, nor any thing therein contained, ſhall extend to any fine or fines heretofore levied of any manors, lands, tenements or hereditaments now in ſuit, demand, or variance in any of the Kings Courts, or whereof any Charters, Evidences, or Muniments concerning the ſame, be now in demand in the Kings high Court of Chancery;

A fine of lands before recovered. 1 Anderſ. 46. A fine of lands whereof the reverſion is in the King. A fine levied by one reſtrained by Act of Parliament.

(2) nor to any fine or fines heretofore levied of any manors, lands, tenement or hereditaments, which before the firſt day of this preſent Parliament have been recovered, gotten or obtained by reaſon of any judgment, entry, decree, arbitrement, or other lawful means, contrary to the purport, intent or effect of any ſuch fine or fines thereof heretofore levied; (3) nor to any fine or fines heretofore levied, or hereafter to be levied by any perſon or perſons, of any manors, lands, tenements or hereditaments, before the time of the levying of the ſame fine, given, granted, or aſſigned to the ſaid perſon or perſons ſo levying the ſame fine, or to any of his or their anceſtors in the tail, by virtue of any Letters patents ot our ſaid Sovereign Lord, or any of his progenitors, or by virtue of any Act or Acts of Parliament, the reverſion whereof, at the time of the ſame fine or fines ſo levied, being in our ſaid Sovereign Lord, his heirs or ſucceſſors: (4) But that every ſuch fine and fines ſhall be of like force, ſtrength and effect, as they were or ſhould have been, if this Act had never been had nor made.

CAP. XXXVII.

For Recovery of Arrearages of Rents by Executors of Tenant in Fee-ſimple.

Rents 1. A remedy for executors, &c. to recover a rent due to their teſtator in his life-time.

FOraſmuch as by the order of the Common Law, the executors or adminiſtrators of tenants in fee ſimple, tenants in fee-tail, and tenants for term of life, of rents ſervices, rent charges, rents ſecks, and fee farms, have no remedy to recover ſuch arrearages of the ſaid rents or fee farms as were due unto their teſtators in their lives, (2) nor yet the heirs of ſuch teſtator, nor any perſon having the reverſion of his eſtate after his deceaſe, may diſtrain, or have any lawful action to levy any ſuch arrearages of rents, or fee farms, due unto him in his life, as is aforeſaid: (3) By reaſon whereof, the tenants of the demean of ſuch lands, tenements or hereditaments, out of the which ſuch rents were due and payable, who of right ought to pay their rents and farms at ſuch day and terms as they were due, do many times keep, hold and retain ſuch arrearages in their own hands, ſo that the executors and adminiſtrators of the perſons to whom ſuch rents or fee-farms were due, cannot have or come by the ſaid arrearages of the ſame, towards the payment of the debts, and performance of the will of the ſaid teſtators: (4) For remedy whereof, be it enacted by the authority of this preſent Parliament, That the executors and adminiſtrators, of every ſuch perſon or perſons unto whom any ſuch rent or fee-farm is or ſhall be due, and not paid at the time of his death, ſhall and may have an action of debt for all ſuch arrearages againſt the tenant or tenants that ought to have paid the ſaid rent or fee-farms ſo being behind in the life of their teſtator, or againſt the executors and adminiſtrators of the ſaid tenants. (5) And alſo furthermore, it ſhall be lawful to every ſuch executor and adminiſtrator of any ſuch perſon or perſons unto whom ſuch rent or fee-farm ſhall be due, and not paid at the time of his death, as is aforeſaid to diſtrain for the arrearages of all ſuch rents and fee-farms, upon the lands, tenements, and other hereditaments, which were charged with the payment of ſuch rents or fee-farms, and chargeable to the diſtreſs of the ſaid teſtator, (6) ſo long as the ſaid lands, tenements, or hereditaments continue, remain, and be in the ſeiſin or poſſeſſion of the ſaid tenant in demeſne, who ought immediately to have paid the ſaid rent or fee-farm ſo being behind, to the ſaid teſtator in his life, (7) or in the ſeiſin or poſſeſſion of any other perſon or perſons claiming the ſaid land, tenements and hereditaments, only by and from the ſame tenant by purchaſe, gift, or deſcent,

ſcent, (8) in like manner and form as their ſaid teſtator might or ought to have done in his life time, and the ſaid Executors and Adminiſtrators ſhall for the ſame diſtreſs lawfully make avowry upon their matter aforeſaid.

II. Provided alway, That this Act, nor any thing therein contained, ſhall not extend to any ſuch Manor, Lordſhip, or Dominion in Wales, or in the Marches of the ſame, whereof the inhabitants have uſed time out of the mind of man, to pay unto every Lord, or owner of ſuch Lordſhip, Manor, or Dominion, at his or their firſt entry into the ſame, any ſum or ſums of money, for the redemption and diſcharge of all duties, forfeitures and penalties, wherewith the ſaid inhabitants were chargeable to any of their ſaid Lords Anceſtors or Predeceſſors before his ſaid Entry.

Redemption money paid in Wales and the Marches.
2 Leonard.
3 Leonard 104.

III. And further be it enacted by the authority aforeſaid, That if any man which now hath, or hereafter ſhall have in the right of his wife, any eſtate in fee-ſimple, fee-tail, or for term of life, of or in any rents or fee-farms, and the ſame rents or fee-farms now be, or hereafter ſhall be due, behind and unpaid in the ſaid wives life: then the ſaid husband, after the death of his ſaid wife, his executors and adminiſtrators, ſhall have an action of debt for the ſaid arrearages againſt the tenant of the demeſn that ought to have paid the ſame, his executors or adminiſtrators. (2) And alſo the ſaid husband after the death of his ſaid wife, may diſtrain for the ſaid arrearages, in like manner and form, as he might have done if his wife had been then living, and make avowry upon his matter, as is aforeſaid.

The husbands remedy for rent due in the right and in the life of his wife.
Cok. pl. f. 119.

IV. And likewiſe it is further enacted by the Authority aforeſaid, That if any perſon or perſons which now hath, or hereafter ſhall have any rents or fee-farms for term of life or lives, of any other perſon or perſons, and the ſaid rent or fee-farm now be, or hereafter ſhall be due and behind, and unpaid in the life of ſuch perſon or perſons for whoſe life or lives the eſtate of the ſaid rent or fee-farm did depend or continue, and after the ſaid perſon or perſons do die: then he unto whom the ſaid rent or fee-farm was due in form aforeſaid, his executors and adminiſtrators, ſhall and may have an action of debt againſt the tenant in demeſn, that ought to have paid the ſame when it was firſt due, his executors and adminiſtrators, (2) and alſo diſtrain for the ſame arrearages upon ſuch lands and tenements, out of the which the ſaid rents or fee-farms were iſſuing, and payable, (3) in ſuch like manner and form as he ought or might have done, if ſuch perſon or perſons by whoſe death the aforeſaid eſtate in the ſaid rents and fee-farms was determined and expired, had been in full life, and not dead: And the avowry for the taking of the ſame diſtreſs, to be made in manner and form aforeſaid. Cok. Inſt. 162. a.

The remedy for a rent, the eſtate whereof dependeth upon anothers life being dead.
1 Anderſ. 47.
3 Leonard 59.

CAP. XXXVIII.

For Marriages to ſtand notwithſtanding precontracts.

Whereas heretofore the uſurped power of the Biſhop of Rome hath always intangled and troubled the meer juriſdiction and Regal power of this Realm of England, and alſo unquieted much the Subjects of the ſame, by his uſurped power in them, as by making that unlawful which by Gods word is lawful, both in marriages and other things, as hereafter ſhall appear more at length, and till now of late in our Sovereign Lords time, which is otherwiſe by learning taught then his predeceſſors in times paſt long time have been, hath ſo continued the ſame, whereof yet ſome ſparks be left, which hereafter might kindle a greater fire, and ſo remaining, his power not to ſeem utterly extinct:

Matrimony 1. What marriages are lawful, and what not.

II. Therefore it is thought moſt convenient to the Kings Highneſs, his Lords Spiritual and Temporal, with the Commons of this Realm aſſembled in this preſent Parliament, That two things ſpecially for this time be with diligence provided for, whereby many inconveniences have enſued, and many mo elſe mought enſue and follow: (2) as where heretofore divers and many perſons after long continuance together in matrimony, without any allegation of either of the parties, or any other at their marriage, why the ſame matrimony ſhould not be good, juſt and lawful, and after the ſame matrimony ſolemnized, and conſummate by carnal knowledge, and alſo ſometime fruit of children enſued of the ſame marriage, have nevertheleſs by an unjuſt Law of the Biſhop of Rome, which is, That upon pretence of a former contract made, and not conſummate by carnal copulation, (for proof whereof two witneſſes by that Law were only required) been divorced and ſeparate, contrary to Gods Law, and ſo the true matrimony, both ſolemnized in the face of the Church, and conſummate with bodily knowledge, and confirmed alſo with the fruit of children had between them, clearly fruſtrate and diſſolved: (3) Further alſo, by reaſon of other Prohibitions then Gods Law admitteth, for their lucre by that Court invented, the diſpenſations whereof they always reſerved to themſelves, as in kindred, or affinity between Couſin germanes, and ſo to fourth and fourth degree, carnal knowledge of any of the ſame kin or affinity before in ſuch outward degrees, which elſe were lawful, and be not prohibited by Gods Law, (4) and all becauſe they would get money by it, and keep a reputation to their uſurped juriſdiction, whereby not only much diſcord between lawful married perſons hath (contrary to Gods ordinance) ariſen, much debate and ſuit at the Law, with wrongful vexation and great damage of the innocent party hath been procured, and many juſt marriages brought in doubt, and danger of undoing, and alſo many times undone, and lawful heirs diſherited, whereof there had never elſe, but for his vain-glorious uſurpation, been moved any ſuch queſtion, ſince freedom in them was given by Gods Law, which ought to be moſt ſure and certain. (5) But that notwithſtanding, marriages have been brought into ſuch an incertainty thereby, that no marriage could be ſurely knit and bounden, but it ſhould lie in either of the parties power and arbiter, caſting away the fear of God, by means and compaſſes to prove a precontract, a kindred and alliance, or a carnal knowledge, to defeat the ſame, and ſo under the pretence of theſe Allegations afore rehearſed, to live all the days of their life in deteſtable adultery, to the utter deſtruction of their own ſouls, and the provocation of the terrible wrath of God upon the places where ſuch abominations were uſed and ſuffered: (6) Be it therefore enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority

The enormity of avoiding marriages by precontracts.

The inconveniencies of diſpenſations to marry.

All perſons be lawful to contract marriage that be not prohibited by Gods law. 2 Ed. 6. 23. 1 Eliz. 1.

That marriage is indiſſoluble which is contracted and ſolemnized in the face of the Church, and conſummate with bodily knowledge or fruit of child, notwithſtanding any precontract. Rep. 2 Ed. 6. 22.

Vaughan 206. 30

thority of the ſame, That from the firſt day of the month of July next coming, in the year of our Lord God 1540, all and every ſuch marriages as within this Church of England ſhall be contracted between lawful perſons, (as by this Act we declare all perſons to be lawful, that be not prohibited by Gods Law to marry) (7) ſuch marriage being contracts and ſolemnized in the face of the Church, and conſummate with bodily knowledge, or fruit of children or child being had therein between the parties ſo married, ſhall be by authority of this preſent Parliament aforeſaid, deemed, judged, and taken to be lawful, good, juſt, and indiſſoluble, notwithſtanding any precontract or precontracts of Matrimony not conſummate with bodily knowledge, which either of the parties ſo married, or both ſhall have made with any other perſon or perſons before the time of contracting that marriage which is ſolemnized and conſummate, or whereof ſuch fruits is enſued or may enſue as afore, and notwithſtanding any diſpenſation, preſcription, law, or other thing granted or confirmed by Act or otherwiſe. (8) And that no reſervation or prohibition, Gods Law except, ſhall trouble or impeach any marriage without the Levitical degrees. (9) And that no perſon, of what eſtate, degree, or condition ſoever he or ſhe be, ſhall after the ſaid firſt day of the month of July aforeſaid, be admitted in any of the Spiritual Courts within this the Kings Realm, or any his Graces other Lands and Dominions, to any proceſs, plea, or allegation, contrary to this foreſaid Act. Rep. 1 & 2 P. & M. 8. Rep. 1 El. 1.

CAP. XXXIX.

The Great Maſter of the Kings houſe ſhall have all authority that the Lord Steward had. Rep. 1 M. 4.

CAP. XL.

For Phyſicians and their Priviledge.

Phyſicians 5. Surgeons 2. Priviledges granted to Phyſicians in London.

Co. Inſt. p. 251. Cro. Jac. 1 159. Cro. Car.

IN moſt humble wiſe ſheweth unto your Majeſty, your true and faithful ſubjects and liege men, the Preſident of the Corporation of the Commonalty and Fellowſhip of the Science and Faculty of Phyſick in your City of London, and the Commons of the Fellows of the ſame, that whereas divers of them many times having in cure, as well ſome of the Lords of your moſt Honourable Council, and divers times many of the Nobility of this Realm, as many other your faithful and liege people, cannot give their due attendance to them and other their patients with ſuch diligence as their duty were and is to do, by reaſon they be many times compelled, as well within the City of London, and Suburbs of the ſame, as in other Towns and Villages, to keep Watch and Ward, and be choſen to the Office of Conſtable, and other Offices within the ſaid City and Suburbs of the ſame, as in other places within this your Realm, to their great fatigation and unquieting, and to the peril of their patients, by reaſon they cannot be conveniently attended: (2) It may therefore pleaſe your moſt Excellent Majeſty, with the aſſent of your Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, to enact, ordain, and eſtabliſh, That the ſaid Preſident of the Commonalty and Fellowſhip for the time being; and the Commons and Fellows of the ſame, and every Fellow thereof that now be, or that any time hereafter ſhall be their Succeſſors, and the Succeſſors of every of them, at all time and times after the making of this preſent Act, ſhall be diſcharged to keep any Watch and Ward in your ſaid City of London, or the Suburbs of the ſame or any part thereof; (3) and that they or any of them ſhall not be choſen Conſtable, or any other Officer in the ſaid City or Suburbs. (4) And that if any time hereafter the ſaid Preſident for the time being, or any of the ſaid Commons or Fellows for the time being, by any ways or means be appointed or elected to any Watch or Ward, Office of Conſtable, or any other Office within the ſaid City or Suburbs, the ſame appointment or election to be utterly void and of none effect; any order, cuſtom, or law to the contrary before this time uſed in the ſaid City notwithſtanding.

The Phyſicians in London ſhall be diſcharged to bear certain Offices there.

Four Phyſicians ſhall be choſen yearly to ſearch Apothecary wares in London.

II. And that it may pleaſe your moſt Royal Majeſty, by the authority aforeſaid, That it may be further enacted, ordained, and eſtabliſhed, for the common wealth and ſurety of your loving Subjects of this your Realm, in and for the Adminiſtration of Medicines to ſuch your ſaid Subjects as ſhall have need of the ſame, That from henceforth the ſaid Preſident for the time being, Commons and Fellows, and their Succeſſors, may yearly, at ſuch time as they ſhall think moſt meet and convenient for the ſame, elect and chuſe four perſons of the ſaid Commons and Fellows, of the beſt learned, wiſeſt, and moſt diſcreet, ſuch as they ſhall think convenient, and have experience in the ſaid faculty of Phyſick: (2) And that the ſaid four perſons ſo elected and choſen, after a corporal oath to them miniſtred by the ſaid Preſident, or his Deputy, ſhall and may, by virtue of this preſent Act, have full authority and power, as often as they ſhall think meet and convenient, to enter into the houſe or houſes of all and every Apothecary, now, or at any time hereafter uſing the myſtery or craft of Apothecary within the ſaid City, only to ſearch, view, and ſee ſuch Apothecary wares, drugs and ſtuffs as the Apothecaries, or any of them have, or at any time hereafter ſhall have in their houſe or houſes: (3) And all ſuch wares, drugs, and ſtuffs, as the ſaid four perſons ſhall then find defective, corrupted, and not meet nor convenient to be miniſtred in any Medicines for the health of mans body, the ſame four perſons calling to them the Wardens of the ſaid myſtery of Apothecaries within the ſaid City for that time being, or one of them, ſhall cauſe to be brent, or otherwiſe deſtroy the ſame, as they ſhall think meet by their diſcretion. (4) And if the ſaid Apothecaries, or any of them, at any time hereafter, do obſtinately or willingly refuſe or deny the ſaid four perſons yearly elected and choſen, as is beforeſaid, to enter into their ſaid houſe or houſes for the cauſes, intent and purpoſe before rehearſed; That then they and every of them ſo offending contrary to this Act, for every time that he or they do ſo offend, to forfeit C. s. (5) the one half to your Majeſty, and the other half to him that will ſue for the ſame by Action of Debt, Bill, Plaint, or Information, in any of the Kings Courts, wherein no wager of Law, Eſſoin, or Protection ſhall be allowed: (6) And if the ſaid four perſons or any of them ſo elected and choſen as before is ſaid, do refuſe to be ſworn, or after his ſaid Oath to him or them adminiſtred, do obſtinately refuſe to make the ſaid ſearch and view

The forfeiture of an Apothecary that refuſeth to have his houſe ſearched. Stat. 1 M. 9.

once

The forfeiture of ſuch as being elect, refuſe to be ſworn, or to make ſearch.

once in the year, at ſuch time as they ſhall think moſt convenient by their diſcretions, having no lawful impediment by ſickneſs or otherwiſe to the contrary; That then for every ſuch wilful and obſtinate default, every of the ſaid four perſons making default, to forfeit fourty ſhillings.

Any of the Phyſicians in London may practiſe Surgery.

III. And foraſmuch as the Science of Phyſick doth comprehend, include and contain the knowledge of Surgery, as a ſpecial member and part of the ſame, Therefore be it enacted, That any of the ſaid Company or Fellowſhip of Phyſicians, being able, choſen, and admitted by the ſaid Preſident and Fellowſhip of Phyſicians, may from time to time, as well within the City of London, as elſewhere within this Realm, practiſe and exerciſe the ſaid Science of Phyſick in all and every his members and parts; any Act, Statute, or Proviſion made to the contrary notwithſtanding.

CAP. XLI.

Which Inn-holders may bake Horſe-bread within their houſe, notwithſtanding the Statutes of 13 R. 2. 8. and 4 H. 4. 25. Rep. 21 Jac. 21.

Inholders 2.

CAP. XLII.

For Barbers and Surgeons.

Surgeons 3. The authority and liberties of Barbers and Surgeons in London, being made of one Company.

The King our Sovereign Lord, by the advice of his Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, by all the common aſſents, duly pondering, among other things neceſſary for the common wealth of this Realm, that its very expedient and needful to provide for men expert in the Science of Phyſick and Surgery, for the health of mans body, when infirmities and ſickneſs ſhall happen, for the due exerciſe and maintenance whereof, good and neceſſary Acts be already made and provided: (2) Yet nevertheleſs, foraſmuch as within the City of London, where men of great experience, as well in ſpeculation as in practice of the Science and Faculty of Surgery, be abiding and inhabiting, and have more commonly the daily Exerciſe and Experience of the ſame Science of Surgery, then is had or uſed within any parts of this Realm; and by occaſion thereof many expert perſons be brought up under them as their Servants, Apprentices and others, who by the exerciſe and diligent information of their ſaid Maſters, as well now as hereafter, ſhall exerciſe the ſaid Science within divers other parts of this Realm, to the great relief, comfort and ſuccour of much people, and to the ſure ſafeguard of their bodily health, their limbs and lives: (3) And foraſmuch as within the ſaid City of London there be now two ſeveral and diſtinct Companies of Surgeons, occupying and exerciſing the ſaid Science and Faculty of Surgery, the one Company being commonly called the Barbers of London, and the other Company called the Surgeons of London; (4) which Company of Barbers be incorporated to ſue and be ſued by the Name of Maſters or Governours of the Myſtery or Commonalty of the Barbers of London, by virtue and authority of the Letters Patents under the Great Seal of the late King of famous memory King Edward the fourth, dated at Weſtminſter the four and twentieth day of February, in the firſt year of his Reign, which afterward, as well by our moſt dread Sovereign Lord, as by the right noble and virtuous Prince King Henry the Seventh, Father unto the Kings moſt excellent Highneſs now being, were and be confirmed, as by ſundry Letters Patents thereof made, amongſt other things in the ſame contained, more at large may appear; (5) and the other Company called the Surgeons, be not incorporate, nor have any manner Coporation: (6) Which two ſeveral and diſtinct Companies of Surgeons were neceſſary to be united and made one Body incorporate, to the intent that by their union and often aſſembly together, the good and due order, exerciſe and knowledge in the ſaid Science or Faculty of Surgery, ſhould be as well in Speculation as in Practice, both to themſelves, and all other their ſaid Servants and Apprentices, now and hereafter to be brought up under them, and by their learning, and diligent and ripe informations, more perfect, ſpeedy, and effectual Remedy ſhould be, then it hath been, or ſhould be if the ſaid two Companies of Barbers and Surgeons ſhould continue ſevered aſunder, and not joyned together, as they before this time have been, and uſed themſelves, not medling together: (7) Wherefore in conſideration of the premiſſes, Be it enacted by the King our Sovereign Lord, and by the Lords Spiritual and Temporal, and by the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid two ſeveral and diſtinct Companies of Surgeons, that is to ſay, both the Barbers and the Surgeons, and every perſon of them, being a Freeman of either of the ſaid Companies after the Cuſtom of the ſaid City of London, and their Succeſſors, from henceforth immediately be united, and made one entire and whole Body Corporate, and one Commonalty perpetual, which at all times hereafter ſhall be called by the Name of Maſters or Governours of the Myſtery and Commonalty of Barbers and Surgeons of London for evermore, and by none other Name: (8) And by the ſame Name to implead, and be impleaded before all manner of Juſtices, in all Courts, in all manner of Actions and Suits: (9) And alſo to purchaſe, enjoy and take to them and to their Succeſſors, all manner of Lands, Tenements, Rents, and other Poſſeſſions whatſoever they be: (10) And alſo ſhall have a common Seal, to ſerve for the Buſineſs of the ſaid Company and Corporation for ever. (11) And by the ſame Name, peaceably, quietly, and indefeizably ſhall have, poſſeſs and enjoy, to them and to their Succeſſors for ever, all ſuch Lands and Tenements, and other Hereditaments whatſoever, which the ſaid Company or Commonalty of Barbers have and enjoy, to the uſe of the ſaid Myſtery and Commonalty of Barbers of London: (12) And alſo ſhall peaceably and quietly have and enjoy all and ſingular Benefits, Grants, Liberties, Privileges, Franchiſes, and free Cuſtoms, and alſo all manner of other things at any time given or granted unto the ſaid Companies of Barbers or Surgeons, by whatſoever Name or Names they or any of them were called, and which they or any of them now have, or and of their Predeceſſors have had, by Acts of Parliament, Letters Patents of the Kings Highneſs, or other his moſt noble Progenitors, or otherwiſe by any lawful means had at any time afore this preſent Act, in as large and ample manner

By whom, and at what time the Barbers of London were incorporate.

The benefit like to enſue by joyning the Barbers and Surgeons in one Company.

The Barbers and Surgeons of London made one Company, and incorporated.

and form, as they, or any of them have, had, might, or ſhould enjoy the ſame, this union or conjunction of the ſaid Companies together notwithſtanding: (13) And as largely to have and enjoy the premiſſes, as if the ſame were, and had been ſpecially and particularly expreſſed, and declared with the beſt and moſt cleareſt words and terms in the Law, to all intents and purpoſes: (14) And that all perſons of the ſaid Company now incorporate by this preſent Act, and their Succeſſors that ſhall be lawfully admitted and approved to occupy Surgery, after the form of the Statute in that caſe ordained and provided, ſhall be exempt from bearing of Armour, or to be put in any Watches or Inqueſts: (15) And that they and their Succeſſors ſhall have the ſearch, overſight, puniſhment, and correction as well of freemen as of foreign, for ſuch offences as they or any them ſhall commit, or do againſt the good order of Barbery or Surgery, as afore this time among the ſaid Myſtery and Company of Barbers of London hath been uſed and accuſtomed, according to the good and politick Rules and Ordinances by them made, and approved by the Lords Chancellor, Treaſurer, and two chief Juſtices of either Bench, or any three of them, after the form of the Statute in that caſe after ordained and provided.

The Barbers and Surgeons in London ſhall be exempt from bearing of arms or to be in watches or inqueſts.
5 H. 8. 6.

19 H. 7. 7.

The Surgeons may take yearly four condemned perſons for Anatomies.

II. And further be it enacted by the authority aforeſaid, That the ſaid Maſters or Governors of the Myſtery and Comminalty of Barbers and Surgeons in London, and their Succeſſors yearly for ever, after their ſaid diſcretions, at their free liberty and pleaſure, ſhall and may have and take without contradiction, four perſons condemned, adjudged, and put to death for Felony by the due order of the Kings Laws of this Realm, for Anatomies, without any further ſuit or labour to be made to the Kings Highneſs, his Heirs or Succeſſors for the ſame: (2) And to make inciſion of the ſame dead bodies, or otherwiſe to order the ſame, after their ſaid diſcretions, at their pleaſures, for their further and better knowledge, inſtruction, inſight, learning, and experience in the ſaid Science or Faculty of Surgery: (3) Saving unto all perſons, their heirs and ſucceſſors, all ſuch right, title, intereſt and demand, which they or any of them might lawfully claim to have in or to any of the lands and tenements, with the appurtenances belonging unto the ſaid Company of Barbers and Surgeons, or any of them, at any time afore the making of this Act, in as ample manner and form as they or any of them had or ought to have had heretofore; Any thing in this preſent Act compriſed to the contrary hereof in any wiſe notwithſtanding.

No Barber in London ſhall uſe Surgery.

III. And foraſmuch as all perſons uſing of the Myſtery or Faculty of Surgery, oftentimes meddle, and take into their cure and houſes, ſuch ſick and diſeaſed perſons as been infected with the Peſtilence, great Pocks, and ſuch other contagious infirmities, do uſe or exerciſe Barbery, as waſhing or ſhaving, and other feats thereunto belonging, which is very perillous for infecting the Kings liege people reſorting to their Shops and Houſes, there being waſhed or ſhaven: (2) Wherefore it is now enacted, ordained and provided by the authority aforeſaid, That no manner of perſon within the City of London, Suburbs of the ſame, and one mile compaſs of the ſaid City of London, after the Feaſt of the Nativity of our Lord God next coming, uſing any Barbery or Shaving, or that hereafter ſhall uſe any Barbery or Shaving within the ſaid City of London, Suburbs, or one mile circuit of the ſame City of London, he nor they, nor none other for them, to his or their uſe, ſhall occupy any Surgery, Letting of Blood, or any other thing belonging to Surgery, (Drawing of Teeth only except.) (3) And furthermore in like manner, whoſoever that uſeth the Myſtery or Craft of Surgery within the circuit aforeſaid, as long as he ſhall fortune to uſe the ſaid Myſtery or Craft of Surgery, ſhall in no wiſe occupy nor exerciſe the Feat or Craft of Barbery or Shaving, neither by himſelf, nor by none other for him, to his or their uſe: (4) And moreover, that all manner of perſons uſing Surgery for the time being, as well Freemen as Foreigns, Aliens and Strangers within the ſaid City of London, the Suburbs thereof, and one mile compaſs of the ſame City of London, before the Feaſt of St. Michael the Archangel next coming, ſhall have an open Sign on the Street ſide where they ſhall fortune to dwell, that all the Kings liege people there paſſing by, may know at all times whither to reſort for their Remedies in time of Neceſſity.

No Surgeon in London ſhall uſe the craft of ſhaving.

Every Surgeon in London ſhall have a ſign at his door.

None ſhall be a Barber in London, but a freeman of that Company.

IV. And further be it enacted by the Authority aforeſaid, That no manner of perſon after the ſaid Feaſt of St. Michael the Archangel next coming, preſume to keep any Shop of Barbery or Shaving within the City of London, except he be a Freeman of the ſame Corporation and Company.

Four Wardens ſhall be choſen, and their authority.

V. And furthermore at ſuch times as have been heretofore accuſtomed, there ſhall be choſen by the ſame Company four Maſters or Governours of the ſame Corporation or Company, of the which four, two of them ſhall be expert in Surgery, and the other two in Barbery; (2) which four Maſters, and every of them, ſhall have full power and authority from time to time, during their ſaid Office, to have the overſight, ſearch, puniſhment, and correction of all ſuch defaults and inconveniences as ſhall be found among the ſaid Company uſing Barbery or Surgery, as well of Freemen as Foreigns, Aliens and Strangers, within the City of London, and the Circuits aforeſaid, after their ſaid diſcretions: (3) And if any perſon or perſons uſing any Barbery or Surgery, at any time hereafter offend in any of theſe Articles aforeſaid; then for every Month the ſaid perſons ſo offending, ſhall loſe, forfeit, and pay five pounds, the one moiety thereof to the King our Sovereign Lord, and the other moiety to any perſon that will or ſhall ſue therefore by Action of Debt, Bill, Plaint, or Information in any the Kings Courts, wherein no Wager of Law, Eſſoin or Protection ſhall be admitted or allowed in the ſame.

The forfeitures of the offenders.

VI. Provided, That the Barbers and Surgeons, and every of them, ſhall bear and pay lot and ſcot, and ſuch other charges as they and their Predeceſſors have been accuſtomed to pay within the ſaid City of London; This Act nor any thing therein contained to the contrary hereof in any wiſe notwithſtanding.

Any perſon may keep a Barber or Surgeon as his ſervant.

VII. Provided alway, and be it enacted by authority aforeſaid, That it ſhall be lawful to any of the Kings ſubjects, not being Barber or Surgeon, to retain, have, and keep in his houſe, as his Servant, any perſon being a Barber or Surgeon, which ſhall and may uſe and exerciſe thoſe arts and faculties of Barbery or Surgery, or either of them, in his Maſters houſe or elſewhere by his Maſters licence or commandment; Any thing in this Act above written to the contrary notwithſtanding.

CAP. XLIII.

An Act concerning the County Palatine of Cheſter for Shire days.

WHere it is enacted and eſtabliſhed in the xxvij. year of our Sovereign Lord the King that now is, as well for the increaſe and augmentation of good Rule and Order to be had and done in the County Palatine of Cheſter, and other Shires, as for the Adminiſtration of Juſtice among the Kings Subjects there, That the Lord Chancellor of England, or the Lord Keeper of the Great Seal for the time being, ſhall have authority from time to time, to nominate and appoint Juſtices of Peace, Juſtices of Quorum, and Juſtices of Goal delivery, as well within the ſaid County Palatine of Cheſter, and other Shires, and parts of Wales, by Commiſſion under the Kings Great Seal, (2) which perſons named, ſhall have power and authority to enquire, hear and determine all manner thing and things inquirable, preſentable, or determinable before Juſtices of Peace, Juſtices of Quorum, and Juſtices of Goal-delivery in other Shires of this Realm of England, and to do, uſe, and execute every thing and things as other Juſtices of Peace, Quorum, and Goal-delivery do in other Shires of England, (3) and that they ſhall keep their Seſſions there, as they do in other Shires of England, upon like penalty as hath been ordained for ſuch abuſes in ſuch Juſtices in other Shires of England; any Law, Act, Statute, Uſage, Cuſtom, Priviledge, Preſcription or Liberty to the contrary thereof in any wiſe notwithſtanding, as in the ſaid Statute made in the ſaid xxvij. year amongſt other things more plainly appeareth: (4) By reaſon of which Act it is now uſed to keep Seſſions in the ſaid County Palatine of Cheſter, as it is uſed in other Shires of England: (5) Alſo it is uſed in the ſaid County Palatine of Cheſter, that the Juſticer of the ſame for the time being, hath yearly, time out of mind, uſed to keep the Shires or County days in manner and form following, (that is to ſay) one year viij. Shires or County days, and another ix. Shires or County days, to the which the Gentlemen, Free-holders, and Suiters of the ſaid County, are bounden of ancient cuſtom and duty to appear and give their attendance to ſerve the King, (6) which Shires and County days come very oftentimes in the year, And now by reaſon of the ſaid new Statute of Juſtices of Peace had in the ſaid County, the ſaid Gentlemen, Free-holders, and Suiters of the ſaid County being bounden of their ſaid old Cuſtom and Law, to give their attendance and appearance to the ſaid Shires and County days, are now bounden alſo to give their appearance and attendance at four quarter Seſſions, and other privy Seſſions in the ſaid County: (7) By mean whereof the ſaid appearance and attendance cometh ſo often and thick together, that at many times they cannot depart from the one Court, and attend their buſineſs ſcarcely one day, or ſometimes leſs, but they muſt again ride to ſerve the other Court, which is too painful, chargeable, intolerable and importune for any man to ſuſtain and abide: (8) In conſideration whereof, Be it Enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from henceforth the Law and Adminiſtration of Juſtice, and all other things in the ſaid County in times paſt uſed to be had at the ſaid Shire days, ſhall be holden, had, made, done and executed by the Juſticer of the ſaid County for the time being, at two times in the year only, that is to wit, at the Seſſions next after the Feaſt of St. Michael the Archangel, and at the Seſſions next after Eaſter yearly for ever, during ſo many days at every of the ſaid times as need ſhall require, in like manner and form as it is now uſed and executed in the County Palatine of Lancaſter. (9) And that no Action, Suit or Proceſs, now or hereafter be depending in the ſaid Counties, ſhall be thereby diſcontinued, hurt or impaired, nor any advantage therein to be taken by Error, diſcontinuance of Proceſs, ne otherwiſe, but the ſame to proceed after the ſame new Order: (10) And that from henceforth the ſaid old Order, Rule, and Cuſtom in holding of the ſaid Counties or Shire days, ſhall utterly ceaſe and determine for ever; Any Act, Statute, Preſcription, Grant, Uſage, Cuſtom, Priviledge, Law, Liberty, Conſtitution, or Confirmation heretofore had, made, accuſtomed, or uſed to the contrary in any wiſe notwithſtanding. Stat. 33 Hen. 8. 13.

Cheſter r. 27 H. 8. 5. Seſſions ſhall be kept in Cheſter twice in the year only.

In what manner Shire days in the County of Cheſter had wont to be kept.

Seſſions ſhall be kept in the County of Cheſter twice in the year only.

The old order of keeping the County days ſhall ceaſe.

CAP. XLIV.

The Town of Royſton being before in five Pariſhes, ſhall be reduced into one Pariſh, which ſhall have the Priory Church to their Pariſh Church, and be called the Pariſh of St. John Baptiſt in Royſton: (2) And there ſhall be a Vicar, always to be preſented by the King, his Heirs and Succeſſors; which Vicar may ſue, and be ſued, and purchaſe Lands to him and his Succeſſors: And the Pariſh Church and Town of Royſton ſhall be in the Dioceſs of London. P R.

Royſton, Raſt. 1

CAP. XLV.

There ſhall be erected a Court of Record, commonly called the Court of the Firſt-fruits and Tenths, for the levying and government of the Firſt-fruits and Tenths granted to the King by the Statute of 26 H. 8. 3 which ſhall have a Seal; The Officers whereof ſhall be the Chancellor, the Treaſurer, The Kings Attorney, two Auditors, two Clerks, a Meſſenger, and an Uſher: Their ſeveral Oaths, Charges, and Duties. A L. 1 M. 10. St. 34 H. 8. 17. 7 Ed. 6. 2. 1 El. 4.

Courts, Raſt. 1. Co. Inſt. 4. p. 130.

CAP. XLVI.

The erection of the Court of Wards, and the names and ſeveral duties of the Officers thereof, in the governance of the Kings Wards, and their Eſtates. St. 33 H. 8. 22. & 39. 7 Ed. 6. 2. Rep. St. 12 Car. 2. cap. 24.

Wards 27.

CAP. XLVII.

The Act that the Biſhop of Norwich ſhall be charged with the Collection of the Kings Tenths.

WHere in the Parliament holden in the ſix and twentieth year of our Sovereign Lord the King that now is, amongſt other, it was ordained and enacted, That the Kings Majeſty, his Heirs and Succeſſors, Kings of this Realm, for more augmentation and maintenance of the Royal Eſtate of his Imperial Crown and Dignity of Supream Head of the Church of England, ſhould yearly take, have, enjoy and receive, united and knit to his Imperial Crown for ever, one yearly rent or penſion amounting to the value of the tenth part of

Eccleſiaſtical perſons 28. St. 26 H. 8. 3. The Biſhop of Norwich charged with the collection of the Tenth within his Dioceſs.

all the revenues, rents, farms, tithes, offerings, emoluments, and all other profits, as well called Spiritual as Temporal, then appertaining or belonging, or that after that time ſhould belong to any Archbiſhoprick, Biſhoprick, Abbey, Monaſtery, Priory, Archdeaconry, Deanry, Hoſpital, Colledge, Houſe Collegiate, Prebend, Cathedral Church, Collegiate Church, Conventual Church, Parſonage, Vicarage, Chantry, Free Chappel, or other Benefice or Promotion Spiritual, of what name, nature or quality ſoever they were, within any Dioceſs of this Realm, or in Wales: (2) The ſaid Penſion or annual Rent to be yearly paid for ever to our ſaid Sovereign Lord, to his Heirs and Succeſſors, Kings of this Realm, at the Feaſt of the Nativity of our Lord God, which then ſhould be in the year of our Lord God, MDXXXV, and to be paid yearly by ſuch as ſhould be appointed to have the collection thereof by the ſaid Act, in ſuch manner and form as hereafter ſhould be limited by the ſaid Act, before the firſt day of April yearly next enſuing after the ſaid Feaſt of the Nativity of our Lord God. (3) And that every Archbiſhop and Biſhop then being, and that hereafter ſhould be, ſhould be charged, and chargeable to levy, collect and receive within their proper Dioceſs, as well in places exempt, as not exempt, all ſuch ſums of money wherewith the Dignities, Benefices, and Promotions Spiritual aforenamed within their Dioceſs, chargeable by the ſaid Act, ſhould be ſet, taxed, and charged towards the payment of the ſaid yearly Penſion, (4) and ſhould pay and content the ſaid ſums of money yearly before the firſt day of April, to the Treaſurer of the Kings Chamber for the time being, or to any other perſon or perſons, whom it ſhould pleaſe the Kings Highneſs to appoint to receive the ſame. (5) And that every of the ſaid Archbiſhops and Biſhops, their Executors and Adminiſtrators, and the poſſeſſions of their Dignities and Churches, ſhould ſtand charged, and chargeable for the ſure payment of ſuch ſums of money as they ſhould collect and receive of the ſaid yearly Rent and Penſion, as by the ſaid Act it doth more plainly appear.

Anno 27 H 8. 8. A Statute not imprinted exempteth the Biſhop of Norwich from collecting of tenths in his Dioceſs.

II. And by like Act of Parliament holden in the xxvij. year of our ſaid Sovereign Lords Reign, the Biſhop of Norwich that now is, and his Succeſſors, were clearly acquitted and diſcharged of, and for the collection of the ſaid yearly Tenth, that was then, or ſhould be due and leviable to the Kings uſe within the ſaid Dioceſs of Norwich, of any perſon or perſons, or bodies politick or corporate, chargeable to the yearly payment of the ſaid Tenth, the Act made for the ſame collection of Tenth to the contrary notwithſtanding, as by the ſame Act it will appear. (2) But foraſmuch as the Kings Highneſs in recompence of divers and ſundry Lordſhips and Manors, parcel of the ſaid Biſhoprick, given unto his Grace by Act of Parliament, hath United and knit to the See of the ſaid Biſhoprick of Norwich, the Monaſtery of St. Bennets, with divers other poſſeſſions, being of greater yearly value then the ſaid Lordſhips and Manors ſo to his Grace given there;

The Biſhop of Norwich and his ſucceſſors ſhall collect the tenth of all ſpiritual promotions within his Dioceſs.

III. It may be by authority of this preſent Parliament ordained and enacted, That from henceforth the Biſhop of Norwich that now is, and his Succeſſors, Biſhops there, and in the time of vacation of the ſaid Biſhoprick, the Dean and Chapiter of the Cathedral Church of Norwich, ſhall collect and gather together the ſaid annual Rent or Penſion of all the Promotions Spiritual within the ſaid Dioceſs, as well in places exempt, as not exempt: (2) And all and ſiagular ſuch ſums of money ſo by him or them to be collected and gathered, to pay yearly to the hands of the Treaſurer of the Firſt-fruits and Tenths before the ſaid firſt day of April, and thereof yearly to accompt before the Barons of the Kings Exchequer, and to have like allowance and diſcharge upon the ſame accompt by the acquittance of the ſaid Treaſurer, as other Biſhops and Collectors of the ſaid Tenths have had or ſhall have; this Act made in the ſaid ſeven and twentieth year of our ſaid Sovereign Lords Reign to the contrary in any wiſe notwithſtanding. Stat. 1 El. 4.

CAP. XLVIII.

Dover, Raſt. 2.

The owners of Lands holden of the Caſtle of Dover, which are bound by their tenures to pay their Rents at the ſaid Caſtle upon great Penalties called Surſiſes, ſhall hereafter pay the ſame Rents to the King in the Exchequer, in the day of Simon and Jude, or within fifteen days after; and he that maketh default at that time, ſhall pay double the Rent: But he that is bound to build or repair there, ſhall do it accordingly. During the time that the King ſhall have any of the Lands in his hands for Wardſhip or Primer ſeiſon, no Rent ſhall be paid for Caſtle-ward to Dover. A hundred and ſixty pounds ſhall be quarterly paid every year to the Conſtable of the Caſtle of Dover, at the door of the common Hall in the City of Canterbury, by the Kings general Receiver, to diſcharge Officers and Souldiers. The Conſtable of the Caſtle of Dover ſhall ſurvey and controll the Keepers and chief Officers of the Caſtles, Block-houſes, and Bulwarks in Kent and Suſſex, and all Officers, Souldiers, and Munition there. PR.

CAP. XLIX.

Pardon, Raſt. 42.

A Confirmation by Act of Parliament of the Kings general and free Pardon to all his Subjects, of all Hereſies, Treaſons, Felonies, Offences, &c. ſaving certain perſons and certain offences particularry excepted. Exp.

CAP. L.

Taxes, Raſt. 21.

A grant of a Subſidy, and raiſing a Preſident and Councel in the Weſtern parts, having like Authority as the Councel of Wales, and the North. PR. Exp. Co.Inſt. 4 par. 246.

Anno triceſimo tertio Henrici *octavi.*

HEnry the Eighth by the grace of God, King of England, France, and Ireland, Defender of the Faith, and of the Church of England, and alſo of Ireland, in earth ſupream Head, to the honour of Almighty God, and for the concord, quiet, and wealth of this his Realm, and Subjects of the ſame, held his moſt high Court of Parliament, begun at Weſtminſter the ſixteenth day of January, and continued till the firſt day of April, the three and thirtieth year of his moſt noble and victorious Reign, wherein were eſtabliſhed theſe Acts following.

CAP. I.

A Bill againſt them that counterfeit Letters or privy Tokens to receive Money or Goods in other mens Names.

Counterfeit 1. Puniſhment of him who getteth money into his hands of another perſons, under colour of a falſe token or counterfeit letter.

FOraſmuch as many light and evil diſpoſed perſons, not minding to get their Livings by Truth, according to the Laws of this Realm, but compaſſing and deviſing daily how they may unlawfully obtain, and get into their hands and poſſeſſion, Goods, Cattel, and Jewels of other perſons, for the maintenance of their unthrifty living, and alſo knowing, that if they come to any of the ſame Goods, Cattels and Jewels by ſtealth, that then they being thereof lawfully convict according to the Laws of the Realm, ſhall die therefore, have now of late falſly and deceitfully contrived, deviſed and imagined privy Tokens, and counterfeit Letters in other mens Names, unto divers perſons their ſpecial Friends and Acquaintances, for the obtaining of Money, Goods, Cattels, and Jewels of the ſame perſons, their Friends and Acquaintances, by colour whereof, the ſaid light aad evil diſpoſed perſons have deceitfully and unlawfully obtained and gotten great ſubſtance of Money, Goods, Cattels, and Jewels into their hands and poſſeſſions, contrary to Right and Conſcience:

1 Bulſtr. 149.

II. For reformation whereof, be it ordained and enacted by Authority of this preſent Parliament, that if any perſon or perſons of what Eſtate or Degree ſoever he or they be, at any time after the firſt day of April next coming, falſly and deceitfully obtain, or get into his or their hands or poſſeſſion, any Money, Goods, Cattels, Jewels, or other things, of any other perſon or perſons, by colour and means of any ſuch falſe Token, or counterfeit Letter made in any other mans Name, as is aforeſaid, That then every ſuch perſon and perſons ſo offending, and being thereof lawfully convict, by witneſſes taken before the Lord Chancellor of England for the time being, or by examination of witneſſes, or confeſſion taken in the Star-chamber at Weſtminſter before the Kings moſt honourable Council, or before the Juſtices of Aſſiſe in their Circuits for the time being, or before the Juſtices of Peace within any part of the Kings Dominions in their general Seſſions, or by Action in any of the Kings Courts of Record, (2) ſhall have and ſuffer ſuch correction and puniſhment, by impriſonment of his Body, ſetting upon the Pillory, or otherwiſe by any corporal pain (except pains of death) as ſhall be unto him or them limited, adjudged or appointed, by the perſon and perſons before whom he ſhall be ſo convict of the ſaid Offences, or of any of them.

3 Inſt. 123.

The Juſtices authority touching the ſaid offenders.

III. And be it further enacted by the authority aforeſaid, That as well the Juſtices of Aſſiſe for the time being, as alſo two Juſtices of Peace in every County, whereof the one to be of the Quorum, ſhall have full power and authority to call and convent by Proceſs, or otherwiſe, to the ſaid Aſſiſes or general Seſſions, any perſon or perſons being ſuſpected of any of the Offences aforeſaid, and to commit him or them to Ward, or let him or them to Bail till the next Aſſiſes, or general Seſſions, there to be examined, and further to be ordered by their diſcretions, as is aboveſaid.

The authority of Juſtices of Peace in Cities, &c.

IV. Provided always, and be it further enacted by authority aforeſaid, That Juſtices of the Peace within every City, Borough, Town, and Franchiſe within this Realm, or other the Kings Dominions, ſhall have like juriſdiction, power and authority, at their general Seſſions, and otherwiſe to do and execute all and every thing and things in all points, as other Juſtices of the Aſſiſes in their Circuits, or Juſtices of Peace in the Counties, by virtue of this Act, be limited and appointed to do and execute for the puniſhment and correction of like Offenders, as by this foreſaid Act is ſpecified and declared: (2) Saving to the party grieved by ſuch deceit, ſuch Remedy by way of Action or otherwiſe, of and for the ſame Money, Goods, Cattels, Jewels, or other things ſo obtained, as he might have had, if this Act had never been had ne made, any thing in the ſame contained to the contrary in any wiſe notwithſtanding.

The remedy of the party grieved.

The Kings Council of Calice.

V. Provided always, and be it further enacted by the authority aforeſaid, That the Kings Highneſs Councel of his Town of Calice, or three of them for the time being, ſhall have ſuch and like authority for the examination, bailment, and puniſhment of ſuch offender or offenders, and for ſuch offences hereafter to be committed and done within the Town and Marches of Calice, and County of Guiſnes, as the aforeſaid Juſtices of Aſſiſe, or Juſtices of Peace, have by force of this Act within their Juriſdictions and Authorities.

CAP. II.

Whoſoever ſhall buy any freſh Fiſh (except Sturgeon, Porpoſe, and Seal) of any ſtranger in the parts of Flanders, Zealand, Picardy, or France, or upon the Sea between ſhore and ſhore, or in any place beyond the Sea, to put to ſale to any perſon within this Realm, ſhall forfeit for every time ten pounds: but this ſhall not extend to any perſons which ſhall buy Fiſh in any part of Iſeland, Scotland, Orkney, Shotland, Ireland, or Newland. Exp. Stat. 1 M. 13; St. 23 El. 7. 27 El. 15. 39. El. 10.

Fiſhers, Raſt. 13.

CAP. III.

The Bill for folding of Clothes in North-Wales.

Drapery, 63. Welſh Clothes called Whites, Ruſſets and Kennets, ſhall be folded either in pleats or cuttles.

WHere a certain kind and ſort of Welſh Clothes, called Whites, Ruſſets, and Kennets, made and wrought in North-Wales, and Orceſter Hundred, adjoyning to North-Wales, of long time have been, and be ſo craftily and hard rolled together, that the buyer thereof cannot perceive nor diſcern the untrue making and breadth thereof, to the great hurt, deceit and impoveriſhing of the Kings true and loving Subjects: (2) For remedy whereof be it enacted, ordained and eſtabliſhed, by the King our Sovereign Lord, his Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all and every the ſaid Clothes, from and after the Feaſt of the Nativity of Saint John Baptiſt next coming, that ſhall be brought to any common Markets or Fairs, to be uttered and ſold, ſhall be folded either in pleats or cuttles, as the Clothes of all other Countries of this Realm commonly have been uſed, and be uſed, to the intent that the buyers thereof may plainly ſee and perceive the breadth and goodneſs of ſuch Cloth and Clothes as he ſhall buy. (3) And that every piece of the ſaid Clothes, which after the ſaid Feaſt ſhall be brought to any Market or Fair to be uttered and ſold contrary to the form aforeſaid, ſhall be forfeited, that is to ſay, The moiety or one half thereof to the uſe of our ſaid Sovereign Lord the King, and the other moiety thereof to any of the Kings Subjects which will ſue for the ſame in any of the Kings Courts of Record, by Action of Debt, Bill, Plaint, Information, or otherwiſe, wherein the Defendant ſhall not be admitted to wage his Law, nor any Protection nor Eſſoin, nor any other dilatory Plea admitted or allowed.

CAP. IV.

The Pewterers Bill.

Pewter 6. The goodneſs of Pewter and Braſs, and in what places it ſhall be ſold or changed. St. 25 H. 8. 9. None ſhall buy wares made of Tin out of the Realm.

Where at the Parliament begun at London the third day of November in the one and twentieth year of the Reign of the King our Sovereign Lord, and from thence adjourned to Weſtminſter, and there holden, and from that time continued by divers Prorogations unto the fifteenth day of January, the xxv. year of his moſt noble Reign, it was ordained and eſtabliſhed by the aſſent of the Kings Majeſty, his Lords Spiritual and Temporal, and the Commons in the ſaid Parliament then aſſembled, and by authority of the ſame, That no perſon nor perſons, from that time then inhabiting, or which after that time ſhould inhabit within this Realm, ſhould buy, or otherwiſe take by exchange for other Wares, any manner Wares made, or hereafter to be made out of this Realm, of Tin, or mixt with Tin, as Platters, Diſhes, Saucers, Pots, Baſons, Ewers, Flagons, Goblets, Salt, Saltcellers, Spoons, or any other thing made of Tin or Pewter, as aforeſaid, whatſoever it were, upon pain of forfeiture of the ſame Wares, in whoſe hands ſoever it might be found or taken, and alſo lawful Money current in this Realm, to the full value thereof, the one half of the ſame forfeiture to be to the uſe of the Kings Highneſs, and the other half to be to the uſe of the finders of the ſame.

Searchers of wares made of Tin brought into this Realm.

II. And further it was enacted, That it ſhould be lawful to the Maſter and Wardens of the Pewterers, as well within the City of London, as within every other City, Borough or Town within this Realm, where ſuch Wardens were, and where no ſuch Wardens were, to the head Officer or Governour, head Officers or Governours of the ſame City, Borough or Town for the time being, to appoint divers perſons moſt expert in knowledge of the ſame, to make ſearch and ſeiſure, and to take into their hands and poſſeſſion, all ſuch Wares, as thereafter ſhould be brought contrary to the true intent and effect of the ſaid Act, in whoſeſoever hands or poſſeſſions any ſuch ſhould be found.

No Pewterer ſhall take a ſtranger born to be his Prentice, &c.

No ſtranger born ſhall work any Pewter or Tin.

III. And it was alſo enacted by Authority aforeſaid, That no perſon or perſons occupying the ſaid Craft or Occupation of Pewterers within this Realm, ſhould ſet on work, or retain in his or their ſervice, any perſon or perſons to be his or their Prentice or Journeyman, eſtranger born out of this Realm, upon pain to forfeit for every ſuch Prentice and Journeyman x. li. Sterling: (2) And that no ſtranger born out of this Realm, ſhould occupy, exerciſe or uſe, from the Feaſt of Pentecoſt then next coming, the ſaid Craft of Pewterers, ne work any manner of Veſſels, or other Ware aforeſaid, to be made of Tin or Pewter, within any place or places of this Realm, upon pain of forfeiture of x. li. Sterling, and alſo upon pain of forfeiture of the ſame Pewter or Tin ſo wrought, in whoſe hands ſoever it ſhould be found or taken.

No Pewterer ſhall teach this Trade in a foreign Realm.

IV. And it was further enacted by the ſaid authority, That no perſon or perſons being born within this Realm, then occupying or exerciſing the ſaid Craft of Pewterers, ſhould from thenceforth reſort into any ſtrange Regions or Countreys, there to uſe, teach or exerciſe the ſaid Craft of Pewterers, upon pain to loſe the priviledge and benefit of an Engliſhman: (2) And if in caſe any of the Kings Subjects, at any time dwelling in any ſtrange Countrey or Region, and there occupying the ſaid Craft of Pewterers, did not repair into this Realm within three months next after requeſt and warning to him to be given by Writing, ſealed with the common Seal of the Wardens of the ſaid Craft within the ſaid City of London, and here in this Realm continually from henceforth dwell and inhabit, that then, and from henceforth he ſhould be reputed and taken as no Engliſhman, but ſhould ſtand and be from henceforth out of the Kings protection.

Licences and Placards made to Hawkers of Pewter ſhall be void. 4 H. 8. 7.

Pewter and Braſs ſhall be ſold onely in Fairs or Markets, or in their own houſes.

V. And it was then farther enacted, That where ſundry evil diſpoſed perſons, which commonly were called Hawkers, by authority of the Kings Letters Patents, or Placard, did not only go about from place to place within this Realm, uſing, buying and ſelling of Braſs and Pewter, and by colour and pretence of the ſame Licences or Placards, did not only uſe unlawful and deceivable Weights and Beams, but alſo did uſe to ſell both Braſs and Pewter, which was not good, nor truly or lawfully mixt or wrought, to the great deceit of the Kings true liege people, contrary to the form and effect of a good and laudable Act and Statute, made in the fourth year of the Kings ſaid moſt noble Reign, (2) That all ſuch Licences and Placards afore that time had, made or granted to any ſuch perſon or perſons, contrary to the true meaning, form and effect of the ſaid Eſtatute, ſhould be from thenceforth by the authority of the ſaid Parliament, clearly void and of none effect. (3) And whereas in the ſaid Act of Parliament concerning the ſaid Craft of Pewterers and Braſiers, made in the ſaid fourth year, for divers cauſes and conſiderations in the ſame Act contained, amongſt other things it was expreſſed, That no perſon or perſons, uſing the ſaid Craft of Pewterers or Braſiers, ſhould from henceforth ſell or change any Pewter or Braſs, new or old, at any place or places within this Realm, but only in open Fairs or Markets, or in their own dwelling houſes, except they were deſired by the buyers of ſuch Wares, upon pain of forfeiture of every ſuch default, x. li. (4) And ſo then the ſame forfeiture being to the only uſe of the Kings Highneſs, and the party ſearching and finding the ſame, was not intituled to have any benefit thereby, it was not known that any perſon or perſons had taken any pains to enſearch or make any enquiry thereof, by reaſon whereof, divers and many evil diſpoſed perſons, then uſing, buying and ſelling as well of Braſs as Pewter, and not regarding the ſaid good Act, nor the ſaid penalty, went daily about from village to village, town to town, and from houſe to houſe, to ſell ſuch Pewter and Braſs which was not good, and alſo uſed deceivable Weights and Beams, as they did before the making of the ſaid Act, to the great hurt and deceit of the Kings true liege

Who ſhall have the penalties forfeited by the Statute of 4 H. 8. 7. and 25 H. 8. 9. and by what means they ſhall be recovered.

people and Subjects: (5) Wherefore it was enacted by the authority of the ſaid Parliament, that as well the moiety of the ſaid forfeiture of x. li. limited in the ſaid Statute, made in the ſaid fourth year, as alſo the moiety of all other forfeitures and penalties expreſſed and ſpecified in the ſaid Acts, and every of them, ſhould be to the uſe of the Kings Highneſs, his Heirs and Succeſſors, and the other moiety of the ſame forfeitures and penalties, and every of them, to the uſe of him or them that would ſeiſe, fine or preſent the ſame forfeitures, or any of them, or that would ſue for the ſame in any competent Court or Courts within this Realm, by Action of Debt, Bill, Plaint or Information; wherein the Defendant ſhould in no wiſe be admitted to wage his Law, or any Protection or Eſſoin to any perſon or perſons which ſhould be impeached to have offended contrary to the form and effect of this Eſtatute, ſhould be allowable, as in the ſaid Act more plainly appeareth; (6) which Act was appointed to endure only to the end of the next Parliament then next following: and which Act was after renewed in the Parliament holden at Weſtminſter, in the eight and twentieth year of the Reign of our ſaid Sovereign Lord, to endure to the end of the next Parliament then next following: and which Act was alſo renewed at the Parliament holden at Weſtminſter in the one and thirtieth and two and thirtieth years of our ſaid Sovereign Lords Reign, to endure until the laſt day of the next Parliament then next enſuing.

28 H. 8. 9.

31 H. 8. 7.

The Statute of 25 H. 8. 9. made perpetual.

VI. Prayen therefore in this preſent Parliament, our ſaid Sovereign Lords true and obedient Subjects, the Pewterers of this his ſaid Realm, and other the true Commons of the ſame, becauſe the ſame Act is beneficial and neceſſary for the Commonwealth of this Realm: That it may be enacted by the King our ſaid Sovereign Lord, the Lords Spiritual and Temporal, and other the Commons in this preſent Parliament aſſembled, and by authority of the ſame, for as much as the ſame Act, and every thing therein contained, is good and beneficial to the Commonwealth of this Realm, that all and every the ſaid Acts and Statutes, and all and every Article, Sentence and Clauſe compriſed in the ſame, may from henceforth ſtand, and abide in full ſtrength and effect for evermore from henceforth to endure, according to the purport, tenor and effect of the ſame Act and Acts, as though the ſaid Articles, Sentences and Clauſes were ſpecially limited, recited or declared in this preſent Act.

VII. And that no perſon ne perſons from henceforth buy or take by exchange, or otherwiſe take into, or within this Realm, to the intent to ſell any ſuch things or Wares above rehearſed, made or to be made out of this Realm, upon pain of like forfeitures and penalties, as are and were expreſſed in the ſaid ſeveral Acts; the ſame penalties and forfeitures to be levied as is afore expreſſed.

The penalty for withſtanding or letting of ſearching or ſeiſing of Pewter, &c.

VIII. And that it may be further Enacted by Authority aforeſaid, That if any perſon or perſons do unlawfully withſtand, interrupt, diſturb, or let the Maſter and Wardens, or their Deputies of the ſaid Craft of Pewterers for the time being, or the head Officer or Governour, head Officers or Governours of Cities, Towns and Boroughs within this Realm, wherein no ſuch Maſter and Wardens are, or ſhall be, or any of them, in ſearching, ſeiſing, and taking, into their hands and poſſeſſions, ſuch Wares as ſhall happen to be bought, or brought into this Realm, contrary to the purport and effect of the ſaid Eſtatute made in the ſaid xxv. year of the Reign of our ſaid Sovereign Lord, that then every ſuch perſon and perſons ſo offending in letting, diſturbing, or withſtanding the ſaid ſeiſure or taking of ſuch Wares, as is aforeſaid, ſhall loſe and forfeit for every time ſo doing, the ſum of v. li. Sterling, the one half thereof ſhould be to the Kings uſe, and the other half to him or them that will or ſhall ſue for the ſame, by Action of Debt, Writ, Bill, Plaint or Information in any of the Kings Courts of Record. In which Action or Suit, no Protection, Priviledge, or Wager of Law ſhall be allowed nor admitted.

CAP. V.

How many ſtoned trotting Horſes for the Saddle every man ſhall keep for his degree. Rep. 21 Jac. 28. 4 & 5 P. & M. 2.

Horſes 10.

CAP. VI.

The Bill for Croſs-bows and Hand-guns.

Guns 1. Who may ſhoot in Gun or Croſs-bow, and who not. St. 25 H. 8. 17. Inconveniences enſuing the uſe of Croſs-bows and Hand-guns.

Where in the Parliament holden at Weſtminſter, the fifteenth day of January, in the five and twentieth year of the Kings moſt gracious Reign, and there continued and kept until the thirtieth day of March then next enſuing, among divers and ſundry wholſom and laudable Acts, Statutes and Ordinances, one Statute and Ordinance was made and ordained for the avoiding and eſchewing of ſhooting in Croſs-bows and Hand-guns: (2) Since the making of which Act, divers malicious and evil diſpoſed perſons, not only preſuming wilfully and obſtinately the violation and breach of the ſaid Act, but alſo of their malicious and evil diſpoſed minds and purpoſes, have wilfully and ſhamefully committed, perpetrated and done divers deteſtable and ſhameful murders, robberies, felonies, riots and routs, with Croſs-bows, little ſhort Hand-guns, and little Hagbuts, to the great peril, and continual fear and danger of the Kings moſt loving Subjects, and alſo divers Keepers of Foreſts, Chaſes, and Parks, as well of our ſaid Sovereign Lord, as other his Nobles and Commons: (3) and divers Gentlemen, Yeomen and Serving-men now of late have laid apart the good and laudable exerciſe of the Long-bow, which always heretofore hath been the ſurety, ſafe-guard, and continual defence of this Realm of England, and an ineſtimable dread and terror to the Enemies of the ſame: (4) And now of late the ſaid evil diſpoſed perſons have uſed, and yet do daily uſe to ride and go in the Kings high-ways, and elſewhere, having with them Croſs-bows, and little Hand-guns, ready furniſhed with quarrels, gun powder, fire and touch, to the great peril and fear of the Kings moſt loving Subjects: (5) For reformation whereof, be it enacted, ordained and eſtabliſhed by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame in manner and form following, that is to ſay, That no perſon or perſons, of what Eſtate or Degree he or they be, except he or they in their own right, or in the right of his or their Wives, to his or their own uſes, or any other to the uſe of any ſuch perſon or perſons, have lands, tenements, fees, annuities, or offices, to the yearly value of one hundred pounds, from

St. 2 & 3 E. 6.

or after the laſt day of June next coming, ſhall ſhoot in any croſs-bow, hand-gun, hagbut, or demy-hake, or uſe to keep in his or their houſes, or elſewhere, any croſs-bow, hand-gun, hagbut, or demy-hake, otherwiſe, or in any other manner then is hereafter in this preſent Act declared, upon pain to forfeit for every time that he or they ſo offend contrary to this Act, x. li.

Col. 5 Cro.

Of what length a hand-gun, hagbut, and demy-hake ſhall be.

II. And be it further Enacted by the Authority aforeſaid, That no perſon or perſons, of what eſtate or degree ſoever he or they be, from or after the ſaid laſt day of June, ſhall ſhoot in, carry, keep, uſe or have in his houſe, or elſewhere, any hand-gun, other then ſuch as ſhall be in the ſtock and gun of the length of one whole yard; or any hagbut or demy-hake, other then ſuch as ſhall be in the ſtock and gun of the length of three quarters of one yard, upon pain to forfeit for every time that he or they ſhall ſhoot in, carry, uſe or have any ſuch gun, being not of the length of one whole yard, or hagbut or demy-hake, being not of the length of three quarters of a yard, x. li. Sterling: (2) And that it ſhall be lawful to every perſon and perſons which have lands, tenements, fees, annuities, or offices, to the yearly value of C. li. as is aforeſaid, to ſeiſe and take every ſuch croſs-bow, and alſo every hand-gun being in ſtock and gun ſhorter in length then one whole yard, and every hagbut and demy-hake being ſhorter in length then three quarters of a yard, or any of them, from the keeping or poſſeſſion of every ſuch offender contrary to the form of this Act; and the ſame croſs-bow or croſs-bows to keep and retain to his or their own uſe; (3) and alſo the ſame hand-guns, hagbuts and demy-hakes ſo ſeiſed and taken, within twenty days next after the ſame ſeizure or taking, to break and deſtroy upon pain of xl. s. for every gun ſo ſeized, and not broken and deſtroyed; and the ſame ſo broken and deſtroyed, to keep and retain to his or their own uſe.

He that hath a C. li. by the year, may take the croſs-bow or gun from another.

No perſon ſhall carry a gun charged.

III. And be it further enacted by the authority aforeſaid, That no perſon or perſons, other then ſuch as have lands, tenements, rents, fees, annuities or offices, to the yearly value of C. li. as is aforeſaid, from or after the ſaid laſt day of June, ſhall carry or have in his or their journey, going or riding in the Kings high-ways, or elſewhere, any croſs-bow bent, or gun charged or furniſhed with powder, fire, or touch for the ſame, except it be in time or ſervice of war, upon pain to forfeit for every ſuch offence x. li. this preſent Act, or any thing therein contained to the contrary notwithſtanding.

Shooting in a Market-town with a gun.

IV. And be it further enacted by the authority aforeſaid, That no perſon or perſons, from the ſaid laſt day of June, ſhall in any wiſe ſhoot in or with any hand-gun, demy-hake, or hagbut, at any thing at large, within any City, Borough, or Market-town, nor within one quarter of a mile of any City, Borough, or Market-town, except it be at a butt or bank of earth, in place convenient, or for the defence of his perſon or houſe, upon pain to forfeit for every ſuch ſhoot x. li. this preſent Act, or any thing therein contained to the contrary notwithſtanding.

No man ſhall command his ſervant to ſhoot

V. And be it farther enacted by the authority aforeſaid, That no perſon or perſons, of what eſtate or degree ſoever he or they be, ſhall from or after the ſaid laſt day of June, command any of his or their ſervants to ſhoot in any croſs-bow, hand-gun, hagbut or demy-hake of his or their ſaid Maſters, or of any other perſons, at any Deer, Fowl, or other thing, except it be only at a butt or bank of earth, or in the time of war, as is aboveſaid, upon pain to forfeit for every ſuch offence x. li. The one moiety of all which forfeitures and penalties in this preſent Act above ſpecified, ſhall be to the King our Sovereign Lord, his Heirs and Succeſſors, and the other moiety thereof to the party that will ſue for the ſame by Bill, Plaint, Action of Debt, or Information in any of the Kings Courts of Record, in which Suit no Eſſoin, Protection, nor Wager of Law ſhall be allowed.

Shooting at a butt or bank of earth.

VI. Provided alway, and be it enacted by the authority aforeſaid, That it ſhall be lawful from henceforth to all Gentlemen, Yeomen and Servingmen of every Lord Spiritual and Temporal, and of all Knights, Eſquires and Gentlemen, and to all the Inhabitants of Cities, Boroughs and Market-towns of this Realm of England, to ſhoot with any hand-gun, demy-hake, or hagbut, at any butt or bank of earth, only in place convenient for the ſame, ſo that every ſuch hand-gun, demy-hake, and hagbut be of the ſeveral lengths aforeſaid, and not under. (2) And that it ſhall be lawful to every of the ſaid Lord and Lords, Knights, Eſquires, and Gentlemen, and the Inhabitants of every City, Borough, and Market-town, to have and keep in every of their houſes any ſuch hand-gun or hand-guns of the length of one whole yard, or any hagbut or demy-hake of the length of three quarters of a yard, as is aforeſaid, and not under, to the intent to uſe and ſhoot in the ſame at a butt or bank of earth only, as is aboveſaid, whereby they and every of them by the exerciſe thereof in form aboveſaid, may the better aid and aſſiſt to the defence of this Realm, when need ſhall require; this preſent Act, or any thing therein contained to the contrary notwithſtanding.

Theſe may keep in their houſes guns of a lawful length

He that dwelleth in a houſe ſtanding two furlongs from a Town.

VII. And be it further enacted by the authority aforeſaid, That it ſhall be lawful to every perſon and perſons, which dwelleth and inhabiteth in any houſe ſtanding and being ſet diſtant two furlongs from any City, Borough, or Town, to keep and have in his ſaid houſe, for the only defence of the ſame, hand-guns, hagbuts, and demy-hakes, being of the ſeveral lengths aforeſaid, and not under, and to uſe and exerciſe to ſhoot in the ſame at any butt or bank of earth near to his houſe, and not otherwiſe; any thing contained in this Act to the contrary notwithſtanding.

Placards of licence to ſhoot in croſs-bows, &c. void.

VIII. And furthermore, the Kings moſt loving Subjects, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, moſt humbly do beſeech the Kings Majeſty, that it be further enacted by the authority aforeſaid, That all Letters Patents, Fraternities, and alſo all other Placards, Licences, and Bills aſſigned, heretofore had, made, or ſigned by his Highneſs, or by any other authorized by his Majeſties Letters Patents under his Great Seal to give Licence and Placard to ſhoot in croſs-bows and hand guns, or any of them, ſhall be, from and after the ſaid laſt day of June, fruſtrate,, void, and of none effect.

All ſtatutes for ſhooting in croſs-bows and guns repealed.

IX. And alſo that it may be further enacted by authority aforeſaid, That the ſaid Statute made in the ſaid xxv. year of the Kings moſt gracious Reign, and all other Statutes heretofore made and provided for the avoiding and reſtraint of ſhooting in croſs-bows and hand-guns, or for any of them, or for the uſing and keeping of the ſame, be from henceforth utterly void, and of none effect.

X. Provided always, That every Proceſs, Suit or Information, conceived, commenced, and now depending, for any offence done contrary to the form of the ſaid Statute, made in the ſaid five and twentieth year of the Kings moſt noble Reign, or of any other Statute, made, provided for and concerning the ſhooting in croſs-bows and hand-guns, not repealed, and for the keeping of the ſame, ſhall be as good and effectual to the parties that have commenced the ſame, and ſhall ſtand and be in ſuch form, effect, degree and condition, as if this Act had never been made.

XI. Provided alſo, That this Act, or any thing therein contained, be not in any wiſe hurtful or prejudicial to any perſon or perſons, now being, or that hereafter ſhall be appointed by the Kings Highneſs to keep, receive or take any croſs-bows or hand-guns that ſhall be forfeited or taken within the precinct or liberty of the Kings foreſts, parks, or chaſes; but that he or they may lawfully keep and retain the ſame croſs-bows or hand-guns from time to time, until ſuch time as the further pleaſure of the Kings Highneſs in that behalf be to every ſuch perſons ſhewed and declared.

Receiver of croſs-bows forfeit to the King.

XII. Provided alſo, That this Act extend not to the makers of croſs-bows or hand-guns, but that they may lawfully keep croſs-bows and hand-guns, hagbuts and demy-hakes in their houſes, and ſhoot in the ſame, only for proving and aſſaying of them, at a butt or bank of earth, in the place convenient, and not otherwiſe; ſo that the ſaid hand-guns, hagbuts and demy-hakes be of the ſeveral lengths in ſtock and gun as is above limited.

Croſs-bow and hand-gun makers.

XIII. Provided alſo, That this Act, nor any thing therein contained, extend not, or be prejudicial to any Merchants which have or ſhall have any croſs-bows, hand-guns, hagbuts and demy-hakes, or any of them, to ſell within this Realm, and to none other uſe; ſo that the ſame hand-guns, hagbuts and demy-hakes be of the ſeveral lengths in gun and ſtock, as is above limited, and not under.

Merchants having to ſell croſs-bows, &c.

XIV. Provided alſo, That no manner of perſon run in any danger, or take hurt by reaſon of any penalty or forfeiture contained in this Act, until ſuch time as proclamation be made of the ſame Act within the County where the party that ſhall or may offend contrary to this Act dwelleth, by the ſpace of twenty days next after the making of the ſaid proclamation.

Proclamation made in the county.

XV. Provided alſo, That if any manner of perſon bring or cauſe to be brought with him into his lodging, or in or to any other mans houſe, any croſs-bow or hand-gun, that then the penalty and forfeiture, if any ſuch be or hereafter ſhall be forfeited by reaſon of this Act, to run and be only upon the bringer of the ſaid croſs-bow and hand-gun, and not to the owner of the ſame lodging or houſe, if the ſaid owner of the ſaid lodging or houſe cauſe the bringer thereof to take and to carry away the ſaid croſs-bow or hand-gun again with him at his departing; any thing in this Act made to the contrary notwithſtanding.

One bringing a croſs-bow, or, &c. into anothers houſe.

XVI. And be it alſo enacted by the authority of this preſent Parliament, That if any perſon or perſons from or after the laſt day of June next coming, ſee or find any perſon or perſons offending, or doing contrary to the form and effect of this Act, that then it ſhall be lawful to every ſuch perſon or perſons, perceiving, finding or ſeeing any ſuch perſon or perſons ſo offending contrary to the form of this Act, to arreſt and attach every ſuch offender or offenders, and to bring or convey the ſame to the next Juſtice of the Peace of the ſame County where the ſaid offender or offenders ſhall be found ſo offending: (2) And that the ſame Juſtices of Peace, upon a due examination and proof thereof before him had or made, by his diſcretion, ſhall have full power or authority to ſend or commit the ſame offender or offenders to the next Goal, there to remain till ſuch time as the ſaid penalty or forfeiture ſhall be truly contented and payed by the ſaid offender: (3) The one moiety of the ſame penalty to be payed to the Kings Highneſs, and the other moiety thereof to the firſt bringer or conveyor of the ſaid offender to the ſame Juſtice of Peace.

Any may bring the offender to a Juſtice of Peace.

XVII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, do at any time hereafter obtain, get or purchaſe of the Kings Majeſty, his Heirs or Succeſſors, any placard, licence or bill aſſigned, to ſhoot in any croſs-bow, hand-gun, hagbut, or demy-hake, contrary to the tenor, purport and effect of this preſent Act, that then there ſhall be contained in every ſuch placard, licence and bill aſſigned, at what beaſts, fowls, or other things, the ſaid perſon or perſons ſo obtaining any ſuch placard, licence, or bill aſſigned, ſhall ſhoot at, with any croſs-bow, hand-gun, hagbut, or demy-hake; or elſe that every ſuch placard, licence and bill aſſigned, hereafter to be obtained, gotten or purchaſed, ſhall be clearly void, fruſtrate, and of none effect.

In every placard granted to ſhoot in croſs-bow &c. there ſhall be contained at what beaſts or fowls he ſhall ſhoot;

XVIII. And alſo that every ſuch perſon or perſons ſo obtaining any ſuch placard, licence, or bill aſſigned, before they ſhoot in any ſuch croſs-bow, hand-gun, hagbut, or demy-hake, in any ſuch manner or form as ſhall be mentioned in any ſuch placard, licence, or bill aſſigned, ſhall be bounden in the Kings Court of Chancery by recogniſance, in the ſum of twenty pound, to the Kings uſe, with and upon condition, that he ſo obtaining or having the ſaid licence, placard, or bill aſſigned, ſhall not ſhoot in any croſs-bow, hand-gun, hagbut, or demy-hake, at any other beaſts or fowls then in any ſuch placard, licence or bill aſſigned, ſhall be contained and ſpecified; and elſe all ſuch placards, licences, and bills aſſigned, ſo hereafter to be made to any perſon or perſons, not being ſo bounden by recogniſance in the Court of Chancery, as is aforeſaid, to be utterly void and of none effect.

XIX. And be it further enacted by the authority aforeſaid, That it ſhall be lawful to all Juſtices of the Peace in their Seſſions, and to all Stewards and Bailiffs in their ſeveral Leets and Lawdays, to enquire, hear and determine every ſuch offence, after the ſaid laſt day of June to be committed and done contrary to the tenor of this preſent Act; (2) ſo that always no leſs Fine then ten pounds be aſſeſſed upon every ſuch preſentment and conviction made according to the due courſe of the Law, (3) the ſame Fine ſo by the ſame Juſtices of Peace upon every ſuch preſentment and conviction made before them in their Seſſions, to be paid and levied only to the Kings uſe: (4) and the one moiety of every Fine to be aſſeſſed by the Steward or Bailiffs of any Leet or Lawday upon every preſentment and conviction before them to be made, to be paid and levied to the uſe of the King our Sovereign Lord; and of the other

Who may enquire of and puniſh offenders,

Who ſhall have the forfeitures, and by what means they ſhall receive them.

moiety, the one half to the owner of the ſaid Leet or Lawday, by diſtreſs or action of debt, and the other half of the ſame ſecond moiety of the ſame Fine to be to the party that will purſue for the ſame in any of the Kings Courts, by bill, plaint, information, or action of debt, in the which none eſſoin, protection, nor wager of Law ſhall be allowed.

Wilful concealment of the Jury ſhall be enquired of by another Jury.

XX. And be it further enacted, That if any Jury, being ſworn and charged to enquire for the King our Sovereign Lord, before any Juſtices of the Peace, or Stewards of Leets or Lawdays, of any offences committed or done contrary this preſent Act, do wilfully conceal any of the ſame offences; that then the ſaid Juſtices, Stewards or Bailiffs before whom any concealment ſhall be had and done, ſhall have authority by vertue of this preſent Act, from time to time, to charge and ſwear another Jury of twelve or moe good and ſubſtantial honeſt perſons to enquire of every ſuch concealment: (2) And if any ſuch concealment be found and preſented by the ſaid Jury ſo charged to enquire of the ſame, that then every one of the ſaid firſt Jury that ſo did conceal the ſame, ſhall loſe and forfeit for every ſuch concealment of every ſuch offence, twenty ſhillings; (3) All which forfeitures and penalties of twenty ſhillings, for every ſuch concealment of every ſuch offence, ſo found and preſented before the ſame Juſtices of Peace, ſhall wholly be levied and paid to the Kings uſe. Hob. 45.

XXI. And the moity of all the ſame forfeitures and penalties of twenty ſhillings ſo found and preſented before the Steward or Bailiffs of any Leet or Lawday, ſhall be levied and paid to the uſe of the owner of the ſaid Leet or Lawday, by diſtreſs or action of debt; and the other moiety thereof to be to the party or parties that will ſue for the ſame by action, information, bill, or plaint, in any of the Kings Courts; in the which actions, informations, bills, or plaints, no wager of Law, eſſoin, nor protection ſhall be allowed.

Within what time a ſuit ſhall be commenced againſt an offender, by the King, or any other.

XXII. Provided alway, and it is further enacted by the authority aforeſaid, That if any perſon or perſons hereafter in any part do offend or do contrary to the purview and remedy of this Act, whereupon cauſe of action for the ſame offence ſhall be given to the King, his Heirs or Succeſſors, or to any other perſon or perſons that will ſue by vertue of this Act, for the puniſhment of the ſaid offence or forfeits; That if the King our Sovereign Lord, his Heirs or Succeſſors within one year next and immediately after ſuch offences and forfeits had and made, do not purſue their action or actions ſo given by this Act, or cauſe examination upon ſuch defaults and offences to be had and made before their Council, or other preſentments thereof to be had, according to the meaning of the ſame Act; (2) and every other perſon which hereafter by vertue of this Act may have action or actions, ſuit or information upon this Statute, within half a year next and immediately after ſuch offences or forfeits had and made, do not commence their Suits, informations, actions, or preſentments of, and upon the ſaid forfeits, by action, or otherwiſe, as in this preſent Act is limited and declared: (3) that then as well the King our Sovereign Lord, his Heirs and Succeſſors, after one year next after ſuch offences and forfeits had and made, if no ſuit in his or their name be taken by action or otherwiſe, as is before expreſſed, before the ſame year ended and determined, (4) as every other perſon after half a year next after like offences and forfeits had and done in the form aforeſaid, (5) if no ſuit thereupon be taken by none of them in form above declared, be utterly excluded and debarred of their ſaid ſuits, actions, informations and examinations to them given by vertue of this ſaid Act; and the parties, and every of them ſo offending, ſhall be of all ſuch offences and forfeits clearly diſcharged and quit; any thing in this Act compriſed to the contrary notwithſtanding.

Dwellers within xii. miles of Scotland. Rep. 4 Jac. 1. The inhabitants of certain places privileged.

XXIII. Provided always, and be it enacted by the authority aforeſaid, That this preſent Act, ne any thing therein contained, ſhall in any wiſe extend or be prejudicial unto the Kings Subjects reſident or inhabiting near unto the Coaſts of the Sea, in any part of this Realm, their houſes being not above five miles diſtant from the ſame Coaſts: (2) Nor alſo to any of the Kings ſaid Subjects inhabiting within twelve miles of the borders of Scotland; (3) nor to any the Kings Subjects inhabitants of the Town and Marches of Calice; (4) nor to any of the inhabitants of the Iſles of Gerſey, Gernſey, Angleſey, and the Iſles of Wight and Man; (5) but that it ſhall be lawful for every of the ſaid Inhabitants, at all times hereafter, to have, exerciſe, and uſe their hand-guns, hagbuts, and demy-hakes, of the lengths aboveſaid, within the limits and Iſles aboveſaid, ſo that it be at no manner of Deer, Hearon, Shovelard, Feaſant, Partridge, wild Swine, or wild Elk, or any of them; this preſent Act, or any thing therein contained to the contrary notwithſtanding.

A ſervant charging a gun by the commandment of his maſter.

XXIV. Provided alſo, That this Act, ne any thing therein contained, be in any wiſe hurtful or prejudicial to any ſervant or perſon that hereafter, from the ſaid laſt day of June, ſhall bend, bear, carry, charge, uſe, or aſſay any croſs-bow, or any hand-gun, demy-hake, or hagbut, of the lengths aboveſaid, by the commandment of his Lord or Maſter, ſo that the ſaid ſervant or perſon do not ſhoot at any Fowl, Deer, or other Game, of what kind or nature ſoever they be of: (2) Nor alſo to any ſuch ſervant, perſon or perſons that ſhall after the ſaid laſt day of June, bear or convey any croſs-bow, hand-gun, hagbut, or demy-hake, of the lengths aforeſaid, to any place or places, by the commandment of his Lord or Maſter that may ſhoot by authority of this Act, to be amended, repaired, delivered or aſſayed, ſo that the ſaid ſervant or other perſon ſo bringing or conveying the ſaid croſs-bow, hand-gun, hagbut, or demy-hake have ready to ſhew to every perſon requiring the ſight thereof, one Licence in writing ſealed or ſubſcribed by his ſaid Lord or Maſter, to carry and convey the ſame croſs bow, hand-gun, hagbut, or demy-hake, to the intent to be amended repaired, aſſayed or delivered, as is aforeſaid.

A ſervant having licence in writing, may carry his maſters gun.

The owner of a Ship may keep a gun.

XXV. Provided always, that this Act, or any thing therein contained, ſhall not extend to any owner of any Ship, for having or keeping of any hand-gun, hagbut, or demy-hake, of the ſeveral lengths in this Act expreſſed, or under, only to be had and occupied within any their Ship or other Veſſel, or for the carriage and recarriage of them or any of them on Land, or keeping of them for the only exerciſe and occupying of them within the ſaid Ship or Veſſel; any thing in this Act to the contrary in any wiſe notwithſtanding. Stat. 2 & 3 Ed. 6. 14.

CAP.

CAP. VII.

The Bill for conveyance of Braſs, Latten, and Bell-metal over the Sea.

Braſs 1. 21 H. 8. 10. No man may convey any Braſs, &c. out of the Kings Dominions.

WHere in the Parliament holden at Weſtminſter the third day of November, in the one and twentieth year of the Reign of our Sovereign Lord the King that now is, amongſt other things it was Enacted, That no perſon or perſons ſhould from thenceforth carry or convey any Braſs, Copper, Latten, Bell-metal, Gun-metal, ne Shroff-metal, into any part or parts beyond the Sea, upon pain of forfeiture of the ſaid Metal, as by the ſaid Act more plainly appeareth: (2.) Sith the making of which Eſtatute, divers perſons,, as well Engliſhmen as Strangers, have deceitfully obtained Licences of the Kings Highneſs to carry over Bell-metal, and other broken Metal, ſurmiſing the ſame Metals not to be meet for making of Guns and other Engines of War, nor for Implements neceſſary for Houſhold, which Surmiſe is proved untrue, as the common experience thereof daily declareth: So that all other Realms and Countreys be full of Artillery and Munitions, and this Realm like to lack, if more haſty remedy to ſtop the conveyance of the ſame be not further provided then is in the ſame Act:

II. Wherefore may it pleaſe the Kings Highneſs, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, to Enact, That no perſon and perſons from henceforth ſhall carry or convey by water or otherwiſe, any Braſs, Copper, Latten, Bell-metal, Pan-metal, Gun-metal, nor Shroff-metal, whether it be clean or mixed (Tin and Lead only excepted) into any part beyond the Sea, or into any outward Realm or Dominion whatſoever it be, upon pain to forfeit the double value of the ſame Metal ſo carried and conveyed, the one half thereof to be to the King our Sovereign Lord, and the other to the party that will ſue for the ſame by Writ, Bill, Plaint or Information, in the which no Eſſoin or Protection ſhall be allowed.

III. And further be it Enacted by the Authority aforeſaid, for the true meaning of this Eſtatute, that the arrival, diſcharge and delivery of the ſaid Metals in any parts beyond the Sea, or in any other foreign Realm or Dominion, ſhall be tried and determined within this Realm, in ſuch County or place where the ſaid Metal or Metals were ſhipped, or firſt carried, with like proceſs and determination as all other Informations or Actions be tried and adjudged within this Realm, or as the ſame fact had been done within this Realm and Dominion.

Trial within this Realm of a foreign Act.

IV. And be it further enacted by the Authority aforeſaid, That no perſon or perſons at any time hereafter ſhall ſhip or carry any of the ſaid Metals afore rehearſed, to carry or diſcharge the ſame in any part of this Realm, unleſs ſuch perſon or perſons before the ſhipping thereof, do declare and manifeſt unto the Cuſtomer of ſuch Port or Creek where the ſame Metal ſhall be ſhipped, the true weight of all ſuch Metal as ſhall be ſhipped, (2) and alſo ſhall make a ſufficient Obligation in the Law, in the which he ſhall be bounden to the ſaid Cuſtomer to the Kings uſe, in ſuch ſum as ſhall amount to the double value of the ſame Metal ſo declared and manifeſted, with condition that the ſame ſhall be diſcharged at ſome Port or Creek within this Realm, and in no other place, upon pain to forfeit the ſame in manner and form above rehearſed: (3) And that every ſuch perſon or perſons that ſhall ſhip ſuch Metals, and be and ſhall be bounden as is aforeſaid, ſhall within eight months next after the ſhipping thereof, bring a true Certificate from the Cuſtomer of the Port, Creek or place where he or they ſhall happen to diſcharge the ſame Metal, teſtifying that the ſame Metal ſo ſhipped, and the true weight thereof is there diſcharged: (4) which Certificate the Cuſtomer of ſuch place where the ſaid Metal ſhall be diſcharged, ſhall upon the diſcharge thereof, make and deliver to the party ſo diſcharging, or to his Factor without any delay.

He that carrieth braſs, &c. in any ſhip, ſhall be bound to diſcharge the ſame within this Realm.

V. And be it further enacted, That if any Cuſtomer or his Deputy, by covin, or by any other undue mean, do make any falſe or untrue Certificate concerning the ſaid diſcharging of ſuch Metal, contrary to the true meaning of this Act, that then ſuch Cuſtomer, ſo falſly or untruly certifying as is aforeſaid, ſhall loſe his Office, and alſo the value of the goods ſo concealed out of the ſaid Certificate.

The penalty of a Cuſtomer making a falſe Certificate.

VI. Provided alway, That if the ſaid Metal by tempeſt of weather be drowned, or by Enemies or Pirates robbed and ſpoiled, and that ſufficiently proved without fraud or covin before the Cuſtomer and Comptroller, or their ſufficient Deputies, in the Port where the party or parties ſo ſhipped the Metals aforeſaid, or any of them, by the ſaid party or parties, or their executors, that then he or they ſo bringing ſuch ſufficient proof, ſhall have his obligation to him delivered, or elſe he and his executors thereof to be acquitted and clearly diſcharged; any thing in this Act to the contrary contained notwithſtanding.

A remedy if the metal be drowned or robbed.

VII. Provided alway, and be it enacted by the authority aforeſaid, That this Act ſhall only take his effect, and be put in execution, from and after the firſt day of April next coming. Stat. 2 Ed. 6. 37.

CAP. VIII.

It ſhall be Felony to practiſe, or cauſe to be practiſed Conjuration, Witchcraft, Enchantment, or Sorcery to get money; or to conſume any perſon in his Body, Members or Goods; or to provoke any perſon to unlawful Love; or for the deſpight of Chriſt, or lucre of Money, to pull down any Croſs; or to declare where ſtolen Goods be. Rep. 1 Ed. 6. 12. & 1 M. 1. 5 El. 16. 1 Jac. 12.

Felony, Raſt. 16.

CAP. IX.

The Bill for the maintaining of Artillery, and the debarring of unlawful Games.

Plays 1. Archery 1. Artillery ſhall be maintained, and unlawful games debarred.

MOſt humbly complaining, ſhew unto your Highneſs, your daily Orators, the Bowyers, Fletchers, Stringers, and Arrow-head makers of this your Realm, that where for the advancement and maintenance of Archery, the better to be maintained and had within the ſame, and for the avoiding of divers and many unlawful Games and Plays, occupied and practiſed within this Realm, to the great hurt and let of Shooting and Archery, divers good and lawful Statutes have been deviſed, enacted and made, amongſt which one was made in a Parliament holden at Weſtminſter in the third year of your moſt gracious Reign, and the

3 H. 8. 3. 6 H. 8. 2.

ſame

Several new deviſed Games the cauſe of the decay of Archery.

ſame Act made perpetual in the ſixth year of your ſaid Reign: (2) The which good and laudable Act notwithſtanding, divers and many ſubtil inventative and crafty perſons, intending to defraud the ſame Eſtatute, ſithens the making thereof, have found, and daily find many ſundry new and crafty Games and Plays, as logating in the fields, ſlide-thrift, otherwiſe called ſhove-groat, as well within the City of London, as elſewhere in many other and divers parts of this Realm, keeping houſes, plays and alleys for the maintenance thereof; by reaſon whereof, Archery is ſore decayed, and daily is like to be more and more miniſhed, and divers Bowyers and Fletchers, for lack of work, gone and inhabit themſelves in Scotland, and other places out of this Realm, there working and teaching their Science to the puiſſance of the ſame, the great comfort of Eſtrangers, and detriment of this Realm.

II. And were alſo your Graces ſubjects, Bowyers, Fletchers, and other Artificers afore named, from time to time reſort, repair, and come out of all places of this your Realm unto the City of London for lack of living, and do inhabit nigh the ſame City, or in the Suburbs of the ſame City, and in Streets and Lanes of the ſame City, being no Freemen of the ſame City, nor bearing neither ſcot, lot, nor other charges within your ſaid City, as other Citizens and Free-men of the ſame City do, aud are bound to do, and by their Oaths are ſworn to do, and which Citizens and Free-men of your ſaid City, of the Myſteries and Crafts before rehearſed, which have been brought up as Prentices from their youth, dwelling within the Freedom of your ſaid City of London, are always in readineſs to furniſh your Graces Affairs when they ſhall be commanded: (2) By reaſon of the which reſort and abode of ſuch Foreigners and Strangers, of the Myſteries and Crafts before rehearſed, in the ſuburbs, ſtreets and lanes of the ſame City, other Cities, Towns, Villages and places within this Realm, remain and be unfurniſhed of Artificers and Crafts-men before rehearſed, to the great decay of the Archery of this Realm: (3) And for ſo much as it appeareth by the Preamble of the ſaid Eſtatute enacted the ſaid third year, which was eſtabliſhed and made perpetual in the foreſaid ſixth year of your moſt gracious Reign, that your Highneſs calling to your moſt noble and gracious remembrance, that by the feat and exerciſe of the ſubjects of this your Realm in ſhooting in long Bows, there hath continually grown and bin within the ſame, great number and multitude of good Archers, which hath not only defended this Realm, and the ſubjects thereof, againſt the cruel malice aud danger of their outward Enemies in time heretofore paſt, but alſo with little number and puiſſance and regard, have done many notable Acts and Diſcomfitures of War againſt the Infidels and other, and furthermore ſubdued and reduced divers and many Regions and Countreys to their due obeiſance, to the great honour, fame and ſurety of this Realm and Subjects, and to the terrible dread and fear of all ſtrange Nations, any thing to attempt or do to the hurt or damage of them or any of them: (4) Yet nevertheleſs Archery and ſhooting in long Bows was little uſed, but daily did miniſh, decay and abate more and more, for that much part of the comminalty and poor people of the Realm, whereby of old time the great number and ſubſtance of Archers hath grown and multiplied, were not of power and ability to buy them long Bows of Ewe, to exerciſe ſhooting in the ſame, and to ſuſtain the continual charge thereof, (5) and alſo by means and occaſions of cuſtomable uſage of Tennis-play, Bowls, Cloyſh, and other unlawful games, prohibited by many good and beneficial Eſtatutes by authority of Parliament in that behalf provided and made, great impoveriſhment hath enſued, and many heinous Murders, Robberies and Felonies were committed and done, and alſo the Divine ſervice by ſuch miſ-dowers on holy and feſtival days not heard or ſolemnized, to the high diſpleaſure of Almighty God, as by the foreſaid Preamble more plainly may appear:

The cauſes of the decay of Archery.

Moſt men under the age of threeſcore years ſhall have Bows and Arrows for ſhooting.

III. It may therefore be enacted by your Highneſs, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That every Man, being the Kings Subjects, not lame, decrepit, nor maimed, nor having any other lawful or reaſonable cauſe or impediment, being within the age of threeſcore years, (except Spiritual men, Juſtices of one Bench and of the other, Juſtices of the Aſſiſe, and Barons of the Exchequer) ſhall from the Feaſt of Pentecoſt next coming, uſe and exerciſe ſhooting in long Bows, and alſo have a Bow and Arrows ready continually in his houſe, to uſe himſelf, and do uſe himſelf in ſhooting: (2) And alſo the Fathers, Governors and Rulers of ſuch as be of tender age, do teach and bring up them in the knowledge of the ſame ſhooting. (3) And that every man having a man-child or men-children, in his houſe, ſhall provide, ordain and have in his houſe for every man-child being of the age of ſeven years and above, till he ſhall come to the age of ſeventeen years, a Bow and two Shafts, to induce and learn them, and bring them up in ſhooting, and ſhall deliver all the ſame Bow and Arrows to the ſame young men to uſe and occupy: (4) And if the ſame young men be ſervants, that then their Maſters ſhall abate the money that they ſhall pay for the ſame Bows and Arrows of their wages. (5) And after all ſuch young men ſhall come to the age of xvij. years, every of them ſhall provide and have a Bow and four Arrows continually for himſelf at his proper coſts and charges, or elſe of the gift or proviſion of his friends, and uſe and occupy the ſame in ſhooting, as is before rehearſed. (6) And if the maſter ſuffer any of his ſervants, taking wages, being in his houſhold, and under the age of xvij. years, or the Father ſuffer any of his Sons, being in his houſhold, and under the age of xvij. years, to lack a Bow and two Arrows, contrary to the form of this Eſtatute, by the ſpace of one month together; then the Maſter or Father in whom ſuch negligences ſhall be, ſhall for every ſuch default forfeit ſix ſhillings eight pence. (7) And that every ſervant, paſſing the age of xvij. years, and under the age of lx. years, and taking wages, which can or is able to ſhoot, and ſhall lack a Bow and four Arrows by the ſpace of one month together, ſhall for every ſuch default forfeit and loſe ſix ſhillings eight pence.

Mens children between ſeven years and ſeventeen.

Men about ſeventeen years of age.

Who ſhall ſhoot at Rovers, and not at a ſtanding Prick.

IV. Be it further enacted by the authority aforeſaid, That no man under the age of four aud twenty years, ſhall ſhoot at any ſtanding Prick, except it be for a Rover, whereat he ſhall change at every ſhoot his mark, upon pain for every ſhoot doing the contrary four pence, (2) And that no other perſon above the ſaid age of four and twenty years, ſhall ſhoot at any mark of elevenſcore yards or under, with any prick-ſhaft or flight, under the pain to forfeit for every ſhoot ſix ſhillings eight pence. (3) And that no perſon, under the age of ſeventeen years, except he or his father or mother have lands or tenements to the yearly value of ten pound, or be worth in moveables the ſum of fourty mark ſterling, ſhall ſhoot in any bow of ewe which ſhall be bought for him, after the Feaſt of the Purification of our Lady next coming, under the pain to loſe and forfeit ſix ſhillings eight pence. (4) And alſo that Butts be made on this ſide the Feaſt of S. Michael the Archangel next coming, in every City, Town and place, by the inhabitants of every ſuch City, Town and place, according to the Law of ancient time uſed. (5) And that the inhabitants and dwellers in every of them, be compelled to make and continue ſuch Butts, upon pains to forfeit for every three months ſo lacking, twenty ſhillings. (6) And that the ſaid inhabitants ſhall exerciſe themſelves with long bows in ſhooting at the ſame, and elſewhere, in holy days, and other times convenient.

Shooting in ewe bows.

The inhabitants of every town ſhall cut butts and ſhoot at them.

V. And to the intent that every perſon may have bows of mean price, be it enacted by authority aforeſaid, That every Bowyer, dwelling out of the City and Suburbs of London, ſhall after the ſaid Feaſt of the Purification of our Lady next coming, for every bow that he maketh of ewe, make four other bows meet to ſhoot in, of elm, wich, haſil, aſhe, or other wood apt for the ſame, upon the pain to loſe and forfeit for every ſuch bow ſo lacking, three ſhillings four pence: (2) And every Bowyer dwelling within the ſaid City, or Suburbs of London, ſhall after the ſaid Feaſt of the Purification of our Lady next coming, for every bow of ewe that he ſhall make, ſhall alſo make two other bows apt for ſhooting, of aſhe, elm, wich, haſil, or other wood meet for the ſame, under like pain and forfeiture.

Bows of elm, aſhe, &c. 8 El. 10.

VI. And be it alſo enacted by the authority aforeſaid, That no Bowyer ſhall ſell any bow of ewe, for any perſon being between the age of ſeven years and fourteen years, above the price of twelve pence: (2) And that the ſame Bowyers ſhall have bows of ewe of all prices from ſix pence the piece, to twelve pence the piece, for youth between the ſaid ages of ſeven years and fourteen years: (3) And likewiſe have bows of ewe for youth between the age of fourteen years and one and twenty years, and ſhall ſell the ſame at reaſonable prices. (4) And moreover, that no Bowyer ſhall ſell or put to ſale to any the Kings Subjects, any bow of ewe of the tax called elk, above the price of three ſhillings four pence, under the pain to forfeit twenty ſhillings for every bow ſold to the contrary, above the ſaid price of three ſhillings four pence, as appeareth by a Statute made in the two and twentieth year of the reign of King Edward the fourth, the fourth Chapter. (5) And that all bow-ſtaves of ewe hereafter to be brought into this Realm, ſhall be ſold open, and not in bundles nor cloſe, to the intent the buyers of them may have perfect knowledge of the goodneſs of them, and give the better price for them, if they be ſo worth.

The ſeveral prices of ſeveral ſorts of Bows. Rep. 8 El. 10.

22 Ed. 4. 4. 3 H. 7. 13.

VII. And furthermore, be it enacted by the authority aforeſaid, That Fletchers of London, and the Suburbs of the ſame, may at their liberty ſell ſeaſonable timber to every Fletcher of the Countrey, without falling into any penalty or danger to any of their Wardens for ſo doing, and that all ordinances and other laws made or to be made by their Wardens, or otherwiſe to the contrary, ſhall be from henceforth clearly fruſtrate and void.

Sale of ſeaſonable timber by one Fletcher to another.

VIII. And alſo be it enacted by the authority aforeſaid, That the Bowyers, Fletchers, Stringers, and Arrow-head makers, repairing and reſorting unto the ſaid City or the Suburbs of the ſame, and there making their dwelling or abiding, being not freemen of the ſaid City, bearing neither ſcot nor lot within the ſaid City, ſhall at all times, by the appointment of your Graces moſt honourable Councel, the Lord Chancellor of England for the time being, Lord Treaſurer, or the Lord Privy-ſeal, or one of them, go and inhabit ſuch Cities, Boroughs and Towns, as be deſtitute of ſuch Artificers, and there to exerciſe, occupy and practiſe their ſaid crafts and faculties for the maintenance of Artillery and Archery. (2) And if any ſuch perſon to whom warning ſhall be ſo given by the Kings moſt honourable Councel, the Lord Chancellor, the Lord Treaſurer, or the Lord Privy-Seal, as is aforeſaid, to depart unto other Towns or places of the ſaid Realm of England from the ſaid City of London, the Suburbs, Streets, Lanes, and places near the ſame, refuſe to accompliſh the ſame, that then he or they ſo refuſing, ſhall forfeit for every day that he ſhall make his abode contrary to this Act, fourty ſhillings.

Bowyers and Fletchers, &c. of London upon commandment ſhall dwell elſewhere.

IX. Be it alſo enacted by the authority aforeſaid, That no ſtranger born out of the Kings obeyſance, not being deniſen, ſhall convey, or do to be conveyed, give, ſell or exchange into any parts out of the Kings obeyſance, any long bows, arrows or ſhafts, without the Kings ſpecial licence, upon pain of forfeiture of the ſame, whereſoever they ſhall be taken, or the value thereof, within the Kings power, (2) and upon pain of impriſonment without bail or mainpriſe, until ſuch time as he or they ſo being in ward, have made a reaſonable fine to the King for his or their offences, afore the Juſtices of Peace, or two of them in their Seſſions in the ſame County where he or they ſhall be committed to ward, or find ſufficient ſurety for the payment of the ſame fine.

Aliens ſhall not convey Bows or Arrows beyond the Sea.

X. And that no manner of perſon, not being born within the Kings obeyſance, nor made deniſen, uſe within the Kings obeyſance ſhooting with long bows, without the Kings licence, upon pain of forfeiture of ſuch bows, arrows and ſhafts, as they ſhall be founden ſo ſhooting with; (2) and every of the Kings Subjects may have authority to take and ſeiſe the ſame forfeitures to his own uſe. (3) And that Juſtices of Aſſiſe, of Goal-delivery, Juſtices of Peace, and Stewards of Franchiſes, Leets and Lawdays, have power to enquire of all the premiſſes in their Seſſions, Leets and Lawdays, and hear and determine the ſame, and alſo by their diſcretion examine all perſons lacking and not having bows, ſhafts and arrows, according to the form aforeſaid.

Aliens ſhall not uſe ſhooting in long bows.

Magiſtrates may hear and determine theſe offences.

XI. Be it alſo enacted by the authority aforeſaid, That no manner of perſon or perſons, of what degree, quality or condition ſoever he or they be, from the Feaſt of the Nativity of Saint John Baptiſt now next coming, by himſelf, factor, deputy, ſervant, or other perſon, ſhall for his or their gain, lucre or living, keep, have, hold, occupy, exerciſe or maintain any common houſe, alley or place of bowling, coyting, cloyſh-cayls, half-bowl, tennis, dicing table,

The penalty for maintenance of a houſe for unlawful games.

or carding, or any other manner of game prohibited by any eſtatute heretofore made, or any unlawful new game now invented or made, or any other new unlawful game hereafter to be invented, found, had or made, (2) upon pain to forfeit and pay for every day keeping, having or maintaining, or ſuffering any ſuch game to be had, kept, executed, played or maintained, within any ſuch houſe, garden, alley, or other place, contrary to the form and effect of this eſtatute, fourty ſhillings.

The penalty for reſorting to a houſe of unlawful games.

XII. And alſo every perſon uſing and haunting any of the ſaid houſes and plays, and there playing, to forfeit for every time ſo doing, ſix ſhillings eight pence.

A placard to keep a houſe of gaming.

XIII. And if any perſon hereafter ſue for any placard, to have common gaming in his houſe, contrary to this eſtatute, That then it ſhall be contained in the ſame placard, what game ſhall be uſed in the ſame houſe, and what perſons ſhall play thereat, and every placard granted to the contrary, to be void: (2) and alſo that the party obtaining any ſuch placard, before he put the ſame in execution, ſhall be bound with ſufficient ſureties with him by recogniſance in the Chancery, in a certain ſum, to be appointed by the diſcretion of the Lord Chancellor of England, that he ſhall not uſe the ſaid placard contrary to the form thereof.

Magiſtrates may repreſs unlawful games, and puniſh the offenders.

XIV. Be it further enacted by the authority aforeſaid, That it ſhall be lawful to all and every the Juſtices of Peace in every Shire, Mayors, Sheriffs, Bailiffs, and other head Officers, within every City, Town, and Borough within this Realm, from time to time, as well within liberties as without, as need and caſe ſhall require, to come, enter, and reſort into all and every houſes, places and alleys where ſuch games ſhall be ſuſpected to be holden, exerciſed, uſed, or occupied, contrary to the form of this eſtatute; (2) and as well the keepers of the ſame, as alſo the perſons there haunting, reſorting and playing, to take, arreſt, and impriſon, and them ſo taken and arreſted to keep in priſon, unto ſuch time as the keepers and maintainers of the ſaid plays and games have found ſureties to the Kings uſe, to be bound by recogniſance, or otherwiſe, no longer to uſe, keep, or occupy any ſuch houſe, play, game, alley or place: (3) and alſo that the perſons there ſo found, be in like caſe bound by themſelves, or elſe with ſureties, by the diſcretion of the Juſtices, Mayors, Sheriffs, Bailiffs, or other head Officers, no more to play, haunt, or exerciſe from thenceforth, in, at, or to any of the ſaid places, or at any the ſaid games.

Searching of houſes where unlawful games be kept.

XV. Alſo be it further enacted by the authority aforeſaid, That the Mayors, Sheriffs, Bailiffs, Conſtables, and other head Officers within every City, Borough, or Town within this Realm, where any ſuch Officers ſhall fortune to be, as well within the franchiſes as without, ſhall make due ſearch weekly, or at the furtheſt at all times hereafter once every month, in all places where any ſuch houſes, alleys, plays, or places ſhall be ſuſpected to be had, kept and maintained. (2) And if the ſaid Mayors, Sheriffs, Bailiffs, Conſtables, and other head Officers within their Cities, Boroughs and Towns, as well within franchiſes as without, do not make due ſearch at the furtheſt once every month, if the caſe ſo require, according to the tenor of this Act, and do not execute the ſame in all things according to the purport and force of the ſame: that then every ſuch Mayors, Sheriffs, Bailiffs, Conſtable, or other head Officer, to pay and forfeit for every month not making ſuch ſearch, nor executing the ſame, xl. s.

Perſons prohibited to play at unlawful games out of Chriſtmas.

XVI. Be it alſo enacted by the authority aforeſaid, That no manner of Artificer or Craftman of any handy-craft or occupation, husbandman, apprentice, labourer, ſervant at husbandry, journeyman or ſervant of Artificer, mariners, fiſhermen, watermen, or any ſerving-man, ſhall from the ſaid Feaſt of the Nativity of S. John Baptiſt, play at the tables, tennis, dice, cards, bowls, claſh, coyting, logating, or any other unlawful game, out of Chriſtmas, under the pain of xx. s. to be forfeit for every time; (2) and in Chriſtmas to play at any of the ſaid games in their Maſters houſes, or in their Maſters preſence. (3) And alſo that no manner of perſons ſhall at any time play at any bowl or bowls in open places out of his garden or orchard, upon the pain for every time ſo offending, to forfeit vi. s. viii. d. (4) And that all Juſtices of Peace, Mayors, Bailiffs, Sheriffs, and all other head Officers, and every of them, finding or knowing any manner perſon or perſons uſing or exerciſing any unlawful games contrary to this preſent ſtatute, ſhall have full power and authority to commit every ſuch offender to Ward, there to remain without bail or mainpriſe, until ſuch time that they ſo offending, be bounden by obligation to the Kings uſe, in ſuch ſums of money, as by the diſcretion of the ſaid Juſtices, Mayors, Bailiffs, or other head Officers, ſhall be thought reaſonable, that they or any of them ſhall not from henceforth uſe ſuch unlawful games.

Playing at Bowls.

Certain Officers may commit offenders to priſon.

All other Statutes made againſt unlawful games, and for the maintenance of artillery, repealed.

XVII. Be it further enacted by the authority aforeſaid, That all other ſtatutes made for the reſtraint of unlawful games, or for the maintenance of Artillery, as touching the penalties or forfeitures of the ſame, ſhall be from henceforth utterly void. (2) And that all informations, plaints, actions or ſuits that ſhall be taken or ſued upon any part of this ſtatute, ſhall be commenced within the year after the offence committed and done, or otherwiſe no advantage or ſuit thereof to be taken.

Within what time any ſuit ſhall be proſecuted upon this Statute, and who ſhall have the forfeitures.

XVIII. And where any ſuch forfeitures ſhall happen to be found within the precinct of any Franchiſe, Leet or Lawday, then the Lord of the ſame Franchiſe, Leet or Lawday, to have the one moiety thereof, and the other moiety thereof to any of the Kings ſubjects that will ſue for the ſame in any of the Kings Courts, by action, information, bill, or otherwiſe, in which action or ſuit the defendant ſhall not be admitted to wage his Law, nor any protection nor eſſoin ſhall be allowed: (2) And where ſuch forfeiture ſhall be found out of the precinct of any franchiſe, leet, or lawday, that the moiety of all ſuch forfeitures ſhall be to the King our Sovereign Lord, and the other moiety thereof to any the Kings Subjects that will ſue for the ſame, by bill, plaint, action, information, or otherwiſe, in any the Kings Courts, in which ſuit or action the defendant ſhall not be admitted to wage his Law, nor any protection or eſſoin ſhall be allowed.

XIX. And to the intent that every perſon may have knowledge of this Act, and avoid the danger and penalties of the ſame, Be it enacted by the authority aforeſaid, That all Mayors, Bailiffs, Sheriffs, and all other head Officers, ſhall four times in the year, that is to ſay, every quarter once, make open Proclamation of this preſent Act, in every market to be holden within their ſeveral juriſdictions and authorities.

Proclamation of this ſtatute.

XX. And alſo that the Juſtices of Gaol-delivery, Aſſiſes, and Juſtices of Peace, do cauſe the ſame to be proclaimed in their ſeveral circuits and ſeſſions before them holden, and that this Statute ſhall begin to take his effect concerning the penalties of the ſame, from the ſaid Feaſt of St. John Baptiſt now next coming, and to continue and endure for ever.

XXI. Provided alway, and be it enacted by the authority aforeſaid, That if any perſon or perſons having taken by leaſe, whether it be by word, writing, or otherwiſe, any houſe, alley, or place, wherein any ſuch unlawful game now is, and at the time of ſuch leaſe made, was uſed, that then every ſuch leſſee ſhall at the liberty of him or them to whom ſuch leaſe is made, their executors, adminiſtrators or aſſigns, from the ſaid Feaſt of the Nativity of St. John Baptiſt, be utterly void, except it be for breach of covenants or agreements, or payment of rent due, or to be due at the ſaid Feaſt, or any time before, ſo that then at the ſame Feaſt, or within one month next after the ſame, the ſaid leſſee give knowledge to ſuch leſſor or leſſors, their heirs and aſſigns, that he will no longer occupy the ſame, and that then it ſhall be lawful to the inheritor, leſſor or owner thereof, or to his heirs or aſſigns, in the ſame houſe, alley, or place, to re enter.

Leaſes of houſes where unlawful games be uſed.

XXII. Provided alſo, and be it enacted by the authority aforeſaid, That it ſhall be lawful for every Maſter to licenſe his or their Servants, to play at Cards, Dice, or Tables with their ſaid Maſter, or with any other Gentleman repairing to their ſaid Maſter, openly in his or their houſe, or in his or their preſence, according to his or their diſcretion. (2) And that it ſhall be lawful to every ſuch ſervant, for every time ſo being commanded or licenſed by his ſaid Maſter, as is aforeſaid, to play at Cards, Dice or Tables, with his ſaid Maſter or other Gentlemen ſo to him repairing; any thing in this Act to the contrary notwithſtanding.

The ſervant by licence may play with his Maſter.

XXIII. Provided alſo, and be it enacted by the authority aforeſaid, That it ſhall be lawful to every Nobleman, and other, having manors, lands, tenements, or other yearly profits, for term of life in his own right, or in his Wives right, to the yearly value of a hundred pound or above, to command, appoint or licenſe by his or their diſcretion, his or their ſervants, or family of his or their houſe or houſes, for to play within the precinct of his or their houſes, gardens or orchards, at Cards, Dice, Tables, Bowls or Tennis, as well amongſt themſelves, as other repairing to the ſame houſe or houſes: (2) And that they ſo playing by commandment, appointment, or licence as is aforeſaid, ſhall not incur any danger or penalty contained in this Act for the ſame; this Act or any thing therein contained to the contrary thereof in any wiſe notwithſtanding.

In what caſes ſervants may play at Dice, Cards, Tables, Bowls or Tennis.

XXIV. Provided alway, and be it enacted by the authority aforeſaid, That all informations, actions and ſuits now depending in any of the Kings Courts, for, or concerning any penalty or forfeiture contained in any of the ſaid Statutes, by this Act repealed, and no judgment therein yet given, the ſame informations, actions and ſuits, ſhall be, remain and ſtand as good and effectual in the law, to all intents, conſtructions and purpoſes, as if this Act had never been had ne made; any thing in this Act contained to the contrary thereof in any wiſe notwithſtanding.

Suits depending at this time upon any Statute repealed.

CAP. X.

All Juſtices of Peace within every County, City, Borough, &c. ſhall yearly at the general Quarter Seſſions holden next after Eaſter, divide themſelves, and limiting two at the leaſt into Hundreds, Wapentakes, number of Towns, &c. They ſhall hold one Seſſions for the limits of their diviſions, beſides the Quarter Seſſions, ſix weeks before the Quarter Seſſions, wherein they ſhall inquire of Vagabonds, Retainers, giving of Liveries, Badges, Maintenance, Imbracery, &c. and hear and determine the ſame according to the Statutes for ſuch offences provided. And that they may reform pannels returned before them. Exp. and Rep. 37 H. 8. 7. for the ſix weeks Seſſions.

Juſtices of Peace, 20.

CAP. XI.

A rehearſal and repeal of the Statutes made 24 H. 8. 3. and 25 H. 8. 1. touching ſelling of fleſh by the pound, and at certain prices.

Butchers 3.

CAP. XII.

The Bill for the Houſhold.

Whereas treaſons, miſpriſions of treaſons, murders, manſlaughters, and other malicious ſtrikings, by reaſon whereof bloud is, or ſhall be ſhed againſt the Kings Peace, been often and many times done and committed within the limits of the Kings Palace or houſe, or other houſe or houſes where and when his Majeſty is there demurrant and abiding in his own moſt royal Perſon, which offences when they be done, be beſt known to his Highneſs Officers and Miniſters of his moſt Honourable Houſhold, and by his Majeſties Servants of his Chequer-roll: (2) And if his Majeſty ſhall happen to remove from ſuch his Palace or Houſe, or other Houſe or Houſes where ſuch offences were done, before the trial and determination thereof, then ſuch offences might not lawfully be tried, heard and determined by and before the ſaid Officers, but be remitted to be tried and determined by the orders of the common laws of this Realm; (3) by reaſon whereof, the puniſhment of the ſaid offenders in ſuch caſes hath been long delayed, and ſometimes their offences forgotten, and not remembred, and ſo eſcape unpuniſhed: (4) Be it therefore enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all treaſons, miſpriſions of treaſons, murders, manſlaughters, bloudſheds, and other malicious ſtrikings, by reaſon whereof bloud is, or ſhall be ſhed againſt the Kings Peace, which hath been done ſince the Feaſt of All Saints laſt paſt, or hereafter ſhall be done within any the Palaces or Houſes of his Highneſs or his Heirs, or any other Houſe or Houſes, at ſuch time as his Majeſty hath been ſince the ſaid Feaſt of All Saints, or hereafter ſhall happen to be then demurrant or abiding in his royal Perſon, ſhall be from henceforth inquired of, tried, heard and determined within any the Kings Palaces or Houſes, or other Houſe or Houſes where his Majeſty or his Heirs ſhall hereafter repair unto, or be abiding, in manner and form following; That is to

Fighting 1.
Coroners 18.
Puniſhment of Murder and Bloudſhed within the Kings Court.

Where, and before whom murders, malicious ſtrikings, &c. committed in the Kings houſe, ſhall be tried.
Kelt. pl. 124.

ſay, before the Lord great Maſter, or Lord Steward for the time being, of the Kings moſt honourable houſhold, and of his Heirs and Succeſſors: And in the abſence of the ſaid Lord great Maſter, or Lord Steward of the houſhold, before the Treaſurer and Comptroller for the time being, of the Kings moſt honourable houſhold, and of his heirs and ſucceſſors, and Steward of the Marſhalſey for the time being, or two of them, whereof the Steward of the Marſhalſey for the time being, to be one, by vertue of their Offices, without any commiſſion, or other authority or power, other then by authority of this preſent Act, to be given unto them or any of them; (5) which Steward of the Marſhalſey ſhall be for ever from time to time aſſigned and appointed by writing under the ſeal of the ſaid Lord great Maſter, or Lord Steward for the time being. (6) And where the Kings Majeſty or his Heirs hath, or at any time hereafter ſhall be removed from the Palace, houſe or houſes where ſuch offences were or ſhall be done, or not removed before they be enquired of, tried, heard and determined; yet ſuch offences ſhall by the authority of this Act, always from henceforth be enquired of, tried, heard and determined before the Kings Majeſty and his Heirs, Officers, and Miniſters of his houſhold before named, or two of them, as is aforeſaid, by the inquiſition and verdict of his Highneſs and his Heirs houſhold ſervants, in his or their Check-roll, in manner and form as before and hereafter is expreſſed in this preſent Act, and at ſuch Palace, houſe or houſes where his Majeſty or his Heirs ſhall be at any time hereafter demurrant or abiding.

II. And that all ſuch returns of proceſs, and all executions and judgments concerning the premiſſes, ſhall be had and done by the Officers before and hereafter expreſſed, and in manner and form as before and hereafter in this preſent Act is contained.

Enquiry of perſons ſlain within the Kings houſe, or where he ſhall abide.

III. And that all inquiſitions upon the view of perſons ſlain, or hereafter to be ſlain within any the Kings ſaid Palaces or houſes, or other houſe or houſes aforeſaid, ſhall be by authority of this Act had and taken hereafter for ever, by the Coroner for the time being of the houſhold of our Sovereign Lord the King, or his Heirs, without any adjoyning or aſſiſting of another Coroner of any Shire within this Realm, by the oath of twelve or mo of the Yeomen Officers of the King and his heirs moſt honourable houſhold, returned by the two Clerks Comptrollers, the Clerks of the Check, and the Clerks Marſhals, or one of them for the time being, of the ſaid houſhold to whom the ſaid Coroner of the ſame houſhold ſhall direct his precept; (2) which Coroner of our ſaid Sovereign Lord the Kings houſhold, ſhall be from time to time named, appointed and aſſigned by the ſaid Lord great Maſter, or Lord Steward for the time being, (3) And that the ſaid Coroner of the ſaid houſhold, ſhall from time to time for ever without delay, certifie under his ſeal, and the ſeals of ſuch perſons as ſhall be ſworn before him, all ſuch inquiſitions, indictments and offices, upon the view of all dead bodies being ſlain at any time ſith the Feaſt of All Saints aforeſaid, or which hereafter ſhall be ſlain within any the Kings ſaid Palaces or houſes, or other houſe or houſes aforeſaid, before the ſaid Lord great Maſter, or Lord Steward, and in his abſence, before the Treaſurer, Comptroller, and Stewards of the Marſhalſey aforeſaid, or before two of them, whereof the ſaid Steward of the Marſhalſey to be one: (4) and that ſuch inquiſitions and offices ſo certified, ſhall be deemed, adjudged and taken for ever, as good and effectual in the law, to all intents, conſtructions and purpoſes, as any inquiſition taken upon the view of the body of any perſon being dead, by any Coroner of any County of this Realm hath been, or ſhall be adjudged or taken. Coke f. 46.

Enquiry of murders, bloudſhed, &c. by the Yeomen Officers of the Kings houſe.

IV. And be it further enacted by the authority aforeſaid, That the ſaid two Clerks, Comptrollers, Clerks of the Check, and Clerks Marſhals for the time being of the Kings ſaid houſhold, and of his Heirs, or one of them for ever, upon a precept to them, or to any of them hereafter to be made by the ſaid Lord great Maſter, or Lord Steward, or in the abſence of the ſaid Lord great Maſter or Lord Steward, by the ſaid Treaſurer and Comptroller of the Kings moſt honourable houſhold, and the ſaid Steward of the Marſhalſey, or by two of them, whereof the ſaid Steward of the Marſhalſey to be one, ſhall have full power to ſummon, warn and return the names of xxiv. perſons, being Yeomen officers of the Kings ſaid houſhold, and of his Heirs, in the ſaid Check-roll, to enquire of ſuch treaſons, miſpriſion of treaſons, murders, manſlaughters, and other malicious ſtrikings, by reaſon whereof blood is or ſhall be ſhed againſt the Kings Peace, before the ſaid Lord great Maſter, or Lord Steward, and in his abſence, before the ſaid Treaſurer, Comptroller, and Steward of the Marſhalſey, or before two of them at the leaſt, whereof the Steward to be one.

V. And that it ſhall be lawful to the ſaid Lord great Maſter, or Lord Steward, and in his abſence to the ſaid Treaſurer, Comptroller, and the ſaid Steward aforeſaid, or two of them, whereof the ſaid Steward to be one, before whom ſuch returns ſhall be ſo made, as is aforeſaid, to cauſe ſuch number of the ſaid xxiv. perſons ſo returned above the number of xii. perſons, as to him or them ſhall ſeem expedient, to enquire of ſuch treaſons, miſpriſions of treaſons, murders, manſlaughters, and other malicious ſtrikings, by reaſon whereof, bloud is or ſhall be ſhed againſt the Kings Peace within the ſaid Palaces or houſes, or other the ſaid houſe or houſes, ſith the ſaid Feaſt of All Saints, or at any time hereafter ſhall be committed or done within the ſaid Palace or houſes, or other the ſaid houſe or houſes.

Arraignment of an offender indicted.

VI. And if any perſon or perſons be indicted by the ſaid Jury ſo ſworn before them as is aforeſaid, or by inquiſition before the ſaid Coroner of the ſaid houſhold, and certified before the ſaid Lord great Maſter, or Lord Steward, or in the abſence of the ſaid Lord great Maſter, or Lord Steward, before the ſaid Treaſurer, Comptroller and Steward, or before two of them, whereof the ſaid Steward to be one, as is aforeſaid, that then immediately without delay the ſaid Lord great Maſter, or Lord Steward, and in his abſence the ſaid Treaſurer, Comptroller, and Steward, or two of them, whereof the ſaid Steward to be one, before whom the ſaid preſentment, inquiſition or indictment ſhall ſo be found or certified by the ſaid Coroner of the ſame houſhold, ſhall arraign before them all and every ſuch perſon and perſons ſo indicted, according to the courſe of the common law of this Realm, (2) and forthwith after iſſue joyned between the King our Sovereign Lord, his Heirs or Succeſſors, and the priſoner ſo arraigned, the ſame day and place, or any other day and place, at the pleaſure of the ſaid Lord great Maſter, Lord Steward, and in his abſence, at the pleaſure of the ſaid Treaſurer, Comptroller and Steward of the Marſhalſey, or two of them, as is aforeſaid, ſhall make another precept to the ſaid Clerks, Comptrollers, Clerks of the Check, and Clerks Marſhals for the time being of the ſaid houſhold, or to one of them, to ſummon and return one other Jury of xxiv. perſons, to appear before the ſaid Lord great Maſter, or Lord Steward, and in his abſence, before the ſaid Treaſurer, Comptroller, and Steward of the Marſhalſey, or before two of them, whereof the ſame Steward to be one, at ſuch day, time and place, upon ſuch pain as ſhall be then limited and appointed, of the ſervants and Gentlemen Officers of the Kings Chamber, his Heirs and Succeſſors, and of the ſaid houſhold, which now take, or hereafter ſhall take wages by the Kings Chequer roll. (3) And that the ſaid Lord Grand Maſter, or Lord Steward (if he be there preſent) or in his abſence the ſaid Treaſurer, Comptroller, and Steward of the Marſhalſey, or two of them, whereof the ſame Steward to be one, before whom ſuch Jury ſhall be ſo returned, ſhall cauſe xii. of the ſame Jury to be ſworn, without any manner of challenge to be had or allowed for any manner of cauſe, to any the ſaid Jury, (malice only excepted) truly to try between our ſaid Sovereign Lord the King and his heirs, and ſuch perſon and perſons as ſhall be ſo indicted and arraigned of ſuch treaſons, miſpriſions of treaſons, murders, manſlaughters, and other malicious ſtrikings, by reaſon whereof bloud is or ſhall be ſhed againſt the Kings Peace, or any of them. (4) And if any ſuch perſon or perſons, ſo indicted and arraigned, be found guilty of any Treaſon, miſpriſion of treaſon, murders or manſlaughters, that then all and every ſuch perſon or perſons ſo found guilty, ſhall have judgment of life and member, and ſuffer ſuch pains of death, and ſhall forfeit all their manors, lands, tenements, goods and cattels, in like manner and form as if the ſame perſon and perſons had been found guilty of any the ſaid offences by the order of the Common Laws of this Realm, without allowing to any ſuch perſon or perſons ſo found guilty of any the ſame offences, the benefits of his or their Clergy, or priviledge of any ſanctuary.

1 Bulſtr. 189.

The judgment of an offender found guilty, and his forfeiture.

The judgment for ſtriking in the Kings Palace, whereby bloud ſhall be ſhed.

VII. And if any perſon or perſons ſo arraigned, be found guilty for malicious ſtriking, by reaſon whereof bloud is, hath been, or ſhall be ſhed againſt the Kings Peace, within the ſaid Palace or houſe, or any other houſe, or any other the ſaid houſe or houſes; that then every ſuch perſon or perſons ſhall from henceforth have judgment by the ſaid Lord great Maſter, or Lord Steward (if he be preſent) and in his abſence, by the other aforenamed, before whom ſuch perſon and perſons ſhall be ſo found guilty, to have his right hand ſtricken off before the ſaid Lord great Maſter, or Lord Steward (if he be there preſent) and in his abſence, before the ſaid Treaſurer, Comptroller and Steward of the Marſhalſey, or two of them at the leaſt, whereof the ſaid Steward to be one, and at ſuch place or time as he or they before whom ſuch perſon or perſons ſhall be ſo found guilty, ſhall appoint execution to be done, (2) and the ſame execution to be done by ſuch perſon as the ſaid Lord great Maſter, or Lord Steward (if he be there preſent) and in his abſence, as the ſaid Treaſurer, Comptroller, and Steward of the Marſhalſey, or two of them, whereof the Steward to be one, ſhall name or appoint, (3) and alſo ſhall have judgment to have perpetual impriſonment during his life, and ſhall pay fine and ranſom at the Kings Majeſties pleaſure, his Heirs and Succeſſors.

Who ſhall do execution.

The Kings officers attendant at the execution.

VIII. And for the further declaration of the ſolemn and due circumſtance of the execution appertaining, and of long time uſed and accuſtomed, to and for ſuch malicious ſtrikings, by reaſon whereof bloud is, hath been, or hereafter ſhall be ſhed againſt the Kings Peace: (2) It is therefore enacted by the authority aforeſaid, That the Sergeant or chief Surgeon for the time being, or his Deputy, of the Kings houſhold, his heirs and ſucceſſors, ſhall be ready at the time and place of execution, as ſhall be appointed, as is aforeſaid, to ſear the ſtump, when the hand is ſo ſtricken off.

Chief Surgeon.

IX. And the Sergeant of the Pantry for the time being of the ſame houſhold, or his Deputy, ſhall be alſo then and there ready to give bread to the party that ſhall have his hand ſo ſtricken off.

Sergeant of the Pantry.

X. And the Sergeant of the Cellar for the time being of the ſame houſhold, or his Deputy, ſhall alſo be then and there ready with a pot of red Wine, to give the ſame party drink, after his hand is ſo ſtricken off, and the ſtump ſeared.

Sergeant of the Celler.

XI. And the Sergeant of the Ewry for the time being of the ſame houſhold, or his Deputy, ſhall alſo be then and there ready, with clothes ſufficient for the Surgeon to occupy about the ſame execution.

Sergeant of the Ewry.

XII. And the Yeoman of the Chandry for the time being of the ſame houſhold, or his Deputy, ſhall alſo be then and there, and have in readineſs ſeared clothes, ſufficient for the Surgeon to occupy about the execution.

Yeoman of the Chandry.

XIII. And the Maſter Cook for the time being of the ſame houſhold, or his Deputy, ſhall alſo be then and there ready, and bring with him a dreſſing knife, and ſhall deliver the ſame knife at the place of execution, to the Sergeant of the Larder for the time being of the ſame houſhold, or to his Deputy, who ſhall be alſo then and there ready, and hold upright the ſaid dreſſing knife till execution be done.

The Maſter Cook

The Sergeant of the Larder.

XIV. And the Sergeant of the Poultry for the time being of the ſame houſhold, or his Deputy, ſhall be alſo then and there ready with a Cock in his hand, ready for the Surgeon to wrap about the ſame ſtump, when the hand ſhall be ſo ſtricken off.

The Sergeant of the Poultry.

XV. And the Yeoman of the Scullery for the time being of the ſame houſhold, or his Deputy, to be alſo then and there ready, and prepare and make at the place of execution, a fire of coals, and there to make ready ſearing-irons, againſt the ſaid Surgeon or his Deputy ſhall occupy the ſame.

Yeoman of the Scullery.

XVI. And the Sergeant or chief Ferror for the time being of the ſame houſhold, or his

The chief Ferror.

Where, and before whom mnrders, malicious ſtrikings, &c. committed in the Kings houſe, ſhall be tried. Raſt. pl. 124.

ſay, before the Lord great Maſter, or Lord Steward for the time being, of the Kings moſt honourable houſhold, and of his Heirs and Succeſſors: And in the abſence of the ſaid Lord great Maſter, or Lord Steward of the houſhold, before the Treaſurer and Comptroller for the time being, of the Kings moſt honourable houſhold, and of his heirs and ſucceſſors, and Steward of the Marſhalſey for the time being, or two of them, whereof the Steward of the Marſhalſey for the time being, to be one, by vertue of their Offices, without any commiſſion, or other authority or power, other then by authority of this preſent Act, to be given unto them or any of them; (5) which Steward of the Marſhalſey ſhall be for ever from time to time aſſigned and appointed by writing under the ſeal of the ſaid Lord great Maſter, or Lord Steward for the time being. (6) And where the Kings Majeſty or his Heirs hath, or at any time hereafter ſhall be removed from the Palace, houſe or houſes where ſuch offences were or ſhall be done, or not removed before they be enquired of, tried, heard and determined; yet ſuch offences ſhall by the authority of this Act, always from henceforth be enquired of, tried, heard and determined before the Kings Majeſty and his Heirs, Officers, and Miniſters of his houſhold before named, or two of them, as is aforeſaid, by the inquiſition and verdict of his Highneſs and his Heirs houſhold ſervants, in his or their Check-roll, in manner and form as before and hereafter is expreſſed in this preſent Act, and at ſuch Palace, houſe or houſes where his Majeſty or his Heirs ſhall be at any time hereafter demurrant or abiding.

II. And that all ſuch returns of proceſs, and all executions and judgments concerning the premiſſes, ſhall be had and done by the Officers before and hereafter expreſſed, and in manner and form as before and hereafter in this preſent Act is contained.

Enquiry of perſons ſlain within the Kings houſe, or where he ſhall abide.

III. And that all inquiſitions upon the view of perſons ſlain, or hereafter to be ſlain within any the Kings ſaid Palaces or houſes, or other houſe or houſes aforeſaid, ſhall be by authority of this Act had and taken hereafter for ever, by the Coroner for the time being of the houſhold of our Sovereign Lord the King, or his Heirs, without any adjoyning or aſſiſting of another Coroner of any Shire within this Realm, by the oath of twelve or mo of the Yeomen Officers of the King and his Heirs moſt honourable houſhold, returned by the two Clerks Comptrollers, the Clerks of the Check, and the Clerks Marſhals, or one of them for the time being, of the ſaid houſhold to whom the ſaid Coroner of the ſame houſhold ſhall direct his precept; (2) which Coroner of our ſaid Sovereign Lord the Kings houſhold, ſhall be from time to time named, appointed and aſſigned by the ſaid Lord great Maſter, or Lord Steward for the time being, (3) And that the ſaid Coroner of the ſaid houſhold, ſhall from time to time for ever without delay, certifie under his ſeal, and the ſeals of ſuch perſons as ſhall be ſworn before him, all ſuch inquiſitions, indictments and offices, upon the view of all dead bodies being ſlain at any time ſith the Feaſt of All Saints aforeſaid, or which hereafter ſhall be ſlain within any the Kings ſaid Palaces or houſes, or other houſe or houſes aforeſaid, before the ſaid Lord great Maſter, or Lord Steward, and in his abſence, before the Treaſurer, Comptroller, and Stewards of the Marſhalſey aforeſaid, or before two of them, whereof the ſaid Steward of the Marſhalſey to be one: (4) and that ſuch inquiſitions and offices ſo certified, ſhall be deemed, adjudged and taken for ever, as good and effectual in the law, to all intents, conſtructions and purpoſes, as any inquiſition taken upon the view of the body of any perſon being dead, by any Coroner of any County of this Realm hath been, or ſhall be adjudged or taken.

Coke f. 46.

Enquiry of murders, bloudſhed, &c. by the Yeomen Officers of the Kings houſe.

IV. And be it further enacted by the authority aforeſaid, That the ſaid two Clerks, Comptrollers, Clerks of the Check, and Clerks Marſhals for the time being of the Kings ſaid houſhold, and of his Heirs, or one of them for ever, upon a precept to them, or to any of them hereafter to be made by the ſaid Lord great Maſter, or Lord Steward, or in the abſence of the ſaid Lord great Maſter or Lord Steward, by the ſaid Treaſurer and Comptroller of the Kings moſt honourable houſhold, and the ſaid Steward of the Marſhalſey, or by two of them, whereof the ſaid Steward of the Marſhalſey to be one, ſhall have full power to ſummon, warn and return the names of xxiv. perſons, being Yeomen officers of the Kings ſaid houſhold, and of his Heirs, in the ſaid Check-roll, to enquire of ſuch treaſons, miſpriſion of treaſons, murders, manſlaughters, and other malicious ſtrikings, by reaſon whareof blood is or ſhall be ſhed againſt the Kings Peace, before the ſaid Lord great Maſter, or Lord Steward, and in his abſence, before the ſaid Treaſurer, Comptroller, and Steward of the Marſhalſey, or before two of them at the leaſt, whereof the Steward to be one.

V. And that it ſhall be lawful to the ſaid Lord great Maſter, or Lord Steward, and in his abſence to the ſaid Treaſurer, Comptroller, and the ſaid Steward aforeſaid, or two of them, whereof the ſaid Steward to be one, before whom ſuch returns ſhall be ſo made, as is aforeſaid, to cauſe ſuch number of the ſaid xxiv. perſons ſo returned above the number of xii. perſons, as to him or them ſhall ſeem expedient, to enquire of ſuch treaſons, miſpriſions of treaſons, murders, manſlaughters, and other malicious ſtrikings, by reaſon whereof, bloud is or ſhall be ſhed againſt the Kings Peace within the ſaid Palaces or houſes, or other the ſaid houſe or houſes, ſith the ſaid Feaſt of All Saints, or at any time hereafter ſhall be committed or done within the ſaid Palace or houſes, or other the ſaid houſe or houſes.

Arraignment of an offender indicted.

VI. And if any perſon or perſons be indicted by the ſaid Jury ſo ſworn before them as is aforeſaid, or by inquiſition before the ſaid Coroner of the ſaid houſhold, and certified before the ſaid Lord great Maſter, or Lord Steward, or in the abſence of the ſaid Lord great Maſter, or Lord Steward, before the ſaid Treaſurer, Comptroller and Steward, or before two of them, whereof the ſaid Steward to be one, as is aforeſaid, that then immediately without delay the ſaid Lord great Maſter, or Lord Steward, and in his abſence the ſaid Treaſurer, Comptroller, and Steward, or two of them, whereof the ſaid Steward to be one, before whom the ſaid preſentment, inquiſition or indictment ſhall ſo be found or certified by the ſaid Coroner of the ſame houſhold, ſhall arraign before them all and every ſuch perſon and perſons ſo indicted, according to the courſe of the common law of this Realm, (2) and forthwith after iſſue joyned between the King our Sovereign Lord, his Heirs or Succeſſors, and the priſoner ſo arraigned, the ſame day and place, or any other day and place, at the pleaſure of the ſaid Lord great Maſter, Lord Steward, and in his abſence, at the pleaſure of the ſaid Treaſurer, Comptroller and Steward of the Marſhalſey, or two of them, as is aforeſaid, ſhall make another precept to the ſaid Clerks, Comptrollers, Clerks of the Check, and Clerks Marſhals for the time being of the ſaid houſhold, or to one of them, to ſummon and return one other Jury of xxiv. perſons, to appear before the ſaid Lord great Maſter, or Lord Steward, and in his abſence, before the ſaid Treaſurer, Comptroller, and Steward of the Marſhalſey, or before two of them, whereof the ſame Steward to be one, at ſuch day, time and place, upon ſuch pain as ſhall be then limited and appointed, of the ſervants and Gentlemen Officers of the Kings Chamber, his Heirs and Succeſſors, and of the ſaid houſhold, which now take, or hereafter ſhall take wages by the Kings Chequer roll. (3) And that the ſaid Lord Grand Maſter, or Lord Steward (if he be there preſent) or in his abſence the ſaid Treaſurer, Comptroller, and Steward of the Marſhalſey, or two of them, whereof the ſame Steward to be one, before whom ſuch Jury ſhall be ſo returned, ſhall cauſe xii. of the ſame Jury to be ſworn, without any manner of challenge to be had or allowed for any manner of cauſe, to any the ſaid Jury, (malice only excepted) truly to try between our ſaid Sovereign Lord the King and his heirs, and ſuch perſon and perſons as ſhall be ſo indicted and arraigned of ſuch treaſons, miſpriſions of treaſons, murders, manſlaughters, and other malicious ſtrikings, by reaſon whereof bloud is or ſhall be ſhed againſt the Kings Peace, or any of them. (4) And if any ſuch perſon or perſons, ſo indicted and arraigned, be found guilty of any Treaſon, miſpriſion of treaſon, murders or manſlaughters, that then all and every ſuch perſon or perſons ſo found guilty, ſhall have judgment of life and member, and ſuffer ſuch pains of death, and ſhall forfeit all their manors, lands, tenements, goods and cattels, in like manner and form as if the ſame perſon and perſons had been found guilty of any the ſaid offences by the order of the Common Laws of this Realm, without allowing to any ſuch perſon or perſons ſo found guilty of any the ſame offences, the benefits of his or their Clergy, or priviledge of any ſanctuary.

1 Bulſtr. 189.

The judgment of an offender found guilty, and his forfeiture.

The judgment for ſtriking in the Kings Palace, whereby bloud ſhall be ſhed.

VII. And if any perſon or perſons ſo arraigned, be found guilty for malicious ſtriking, by reaſon whereof bloud is, hath been, or ſhall be ſhed againſt the Kings Peace, within the ſaid Palace or houſe, or any other houſe, or any other the ſaid houſe or houſes; that then every ſuch perſon or perſons ſhall from henceforth have judgment by the ſaid Lord great Maſter, or Lord Steward (if he be preſent) and in his abſence, by the other aforenamed, before whom ſuch perſon and perſons ſhall be ſo found guilty, to have his right hand ſtricken off before the ſaid Lord great Maſter, or Lord Steward (if he be there preſent) and in his abſence, before the ſaid Treaſurer, Comptroller and Steward of the Marſhalſey, or two of them at the leaſt, whereof the ſaid Steward to be one, and at ſuch place or time as he or they before whom ſuch perſon or perſons ſhall be ſo found guilty, ſhall appoint execution to be done, (2) and the ſame execution to be done by ſuch perſon as the ſaid Lord great Maſter, or Lord Steward (if he be there preſent) and in his abſence, as the ſaid Treaſurer, Comptroller, and Steward of the Marſhalſey, or two of them, whereof the Steward to be one, ſhall name or appoint, (3) and alſo ſhall have judgment to have perpetual impriſonment during his life, and ſhall pay fine and ranſom at the Kings Majeſties pleaſure, his Heirs and Succeſſors.

Who ſhall do execution.

The Kings officers attendant at the execution.

Chief Surgeon.

VIII. And for the further declaration of the ſolemn and due circumſtance of the execution appertaining, and of long time uſed and accuſtomed, to and for ſuch malicious ſtrikings, by reaſon whereof bloud is, hath been, or hereafter ſhall be ſhed againſt the Kings Peace: (2) It is therefore enacted by the authority aforeſaid, That the Sergeant or chief Surgeon for the time being, or his Deputy, of the Kings houſhold, his heirs and ſucceſſors, ſhall be ready at the time and place of execution, as ſhall be appointed, as is aforeſaid, to ſear the ſtump, when the hand is ſo ſtricken off.

Sergeant of the Pantry.

IX. And the Sergeant of the Pantry for the time being of the ſame houſhold, or his Deputy, ſhall be alſo then and there ready to give bread to the party that ſhall have his hand ſo ſtricken off.

Sergeant of the Celler.

X. And the Sergeant of the Cellar for the time being of the ſame houſhold, or his Deputy, ſhall alſo be then and there ready with a pot of red Wine, to give the ſame party drink, after his hand is ſo ſtricken off, and the ſtump ſeared.

Sergeant of the Ewry.

XI. And the Sergeant of the Ewry for the time being of the ſame houſhold, or his Deputy, ſhall alſo be then and there ready, with clothes ſufficient for the Surgeon to occupy about the ſame execution.

Yeoman of the Chandry.

XII. And the Yeoman of the Chandry for the time being of the ſame houſhold, or his Deputy, ſhall alſo be then and there, and have in readineſs ſeared clothes, ſufficient for the Surgeon to occupy about the execution.

The Maſter Cook

The Sergeant of the Larder.

XIII. And the Maſter Cook for the time being of the ſame houſhold, or his Deputy, ſhall alſo be then and there ready, and bring with him a dreſſing knife, and ſhall deliver the ſame knife at the place of execution, to the Sergeant of the Larder for the time being of the ſame houſhold, or to his Deputy, who ſhall be alſo then and there ready, and hold upright the ſaid dreſſing knife till execution be done.

The Sergeant of the Poultry.

XIV. And the Sergeant of the Poultry for the time being of the ſame houſhold, or his Deputy, ſhall be alſo then and there ready with a Cock in his hand, ready for the Surgeon to wrap about the ſame ſtump, when the hand ſhall be ſo ſtricken off.

Yeoman of the Scullery.

XV. And the Yeoman of the Scullery for the time being of the ſame houſhold, or his Deputy, to be alſo then and there ready, and prepare and make at the place of execution, a fire of coals, and there to make ready ſearing-irons, againſt the ſaid Surgeon or his Deputy ſhall occupy the ſame.

The chief Ferror.

XVI. And the Sergeant or chief Ferror for the time being of the ſame houſhold, or his deputy, ſhall be alſo then and there ready, and bring with him the ſearing-irons, and deliver the ſame to the ſame Sergeant, or chief Surgeon, or to his deputy, when they be hot.

Groom of the Salcery.

XVII. And the Groom of the Salcery for the time being of the ſame houſhold, or his deputy, ſhall be alſo then and there ready with vinegar and cold water, and give attendance upon the ſaid Surgeon, or his deputy, until the ſame execution be done.

The Sergeant of the Wood-yard.

XVIII. And the Sergeant of the Wood-yard for the time being, of the ſame houſhold, or his deputy, ſhall bring to the ſaid place of execution, a block, with a betil, a ſtaple, and cords to bind the ſaid hand upon the block while execution is in doing.

The party indicted refuſing to anſwer directly, or ſtand mute.

1 Bulſt.

XIX. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſo indicted of treaſon, miſpriſion of treaſon, murder, manſlaughter, or other malicious ſtriking, by reaſon whereof bloud is, hath been, or ſhall be ſhed againſt the Kings Peace, as is aforeſaid, and thereof be arraigned, and obſtinately refuſe to anſwer directly to the ſame offences whereof he or they be ſo indicted, or if ſuch perſon or perſons ſo indicted and arraigned, ſtand mute, and will not ſpeak, then ſuch perſon and perſons ſo refuſing to anſwer, or ſtanding mute, ſhall be convict, judged and deemed guilty of the thing whereof he or they is or ſhall be ſo indicted and arraigned, and ſhall have judgment to have like pains of death, and other pains, puniſhments, executions, forfeitures, loſſes, and ſeizures of lands, tenements, goods, and cattels for the ſame, as he or they ought or ſhould have had for ſuch like offences, if he or they were or ſhould be found guilty thereof by the verdict of xii. men. (2) And be it further enacted by the authority aforeſaid, That the ſaid Clerks, Comptrollers, Clerks of the Check, and Clerks Martial, or one of them for the time being, ſhall from time to time name, aſſign and appoint a Crier to make Proclamations, and to call the Juries, and to do other things as becometh a Crier of a Court to do belonging to that office.

A Crier ſhall be appointed.

XX. Provided always, and be it enacted by the authority aforeſaid, That this Act before rehearſed concerning malicious ſtrikings, by reaſon whereof bloud is, hath been, or ſhall be ſhed againſt the Kings Peace, ne the pains and forfeitures before rehearſed for the puniſhment of the ſame, ſhall not in any ways extend nor be prejudicial or hurtful to any Noble man, ne to any other perſon or perſons that ſhall happen to ſtrike his or their ſervants within their ſaid Palaces or Houſes, or any other houſe or houſes as aforeſaid, or within the limits of the ſame, with his or their hands or fiſts, or with any ſmall ſtaff or ſtick for correction and puniſhment for any offences committed and done, or to be committed and done, (2) ne to any of the Kings Officers or Servants that ſhall ſtrike any perſons within the ſame Palaces or houſe, or any other houſe or houſes as aforeſaid, although by reaſon of the ſaid ſtroke or ſtrokes, there happen to be any bloud ſhed of ſuch perſon as ſhall ſo be ſtricken, except the perſon ſo ſtricken, do die of the ſame ſtroke within one year after the ſame ſtroke ſo given. (3) Provided alſo, and be it enacted by the Authority aforeſaid, That the tryal of Peers of this Realm, for committing or doing any offences in this Act before mentioned, ſhall be as it hath been uſed in time paſt; any thing in this Act contained to the contrary notwithſtanding.

Tryal by Peers.

The liberty of the verge.

XXI. Provided alſo, That the liberty and juriſdiction of the Marſhalſey Court and Circuit of the verge, ſhall be in all points, priviledges and authorities, uſed by the Miniſters and Officers of the ſame, in as full and as ample manner as hath been heretofore lawfully uſed, for murders, felonies, offences, and all treſpaſſes, contracts, and other ſuits whatſoever they be; any thing in this Act to the contrary notwithſtanding.

The Coroner of the Kings houſe.

XXII. And foraſmuch as before this time one Richard Staverton of Lincolns Inn, Gentleman, was commanded and appointed by the Kings Majeſty to occupy the office of the Coroner of his ſaid houſe, by force whereof he hath continued Officer in the ſame by the ſpace of ſixteen years or more: Be it enacted by the Authority aforeſaid, That the ſaid Richard Staverton ſhall have, occupy and enjoy the ſaid Office of Coroner during his life, together with all ſuch profits and commodities as before this time have been due and appertaining in any wiſe to the ſame; (2) And after his deceaſe, the ſaid Coroner always to be made, aſſigned and appointed by the ſaid Lord great Maſter, or Lord Steward for the time being.

XXIII. And for that hereafter it might be doubted, how far the limits and bounds of the ſaid houſe or houſes ſhould extend or be taken, within which limits or bounds any the ſaid offences which have been committed or done ſith the Feaſt of All-Saints, or hereafter ſhall be committed or done, for the which all and every perſon and perſons ſo offending, ſhould have and ſuffer the pains, penalties and forfeitures as is aforeſaid; for plain declaration thereof, and for the aviding of all doubts and queſtions which may hereafter happen to ariſe of, for, or upon the ſame:

The limits and bounds of the Kings houſe.

XXIV. Be it enacted by the authority aforeſaid, That the limits and bounds of the ſaid houſe and houſes, within which any of the offences aforeſaid, now committed or done ſith the ſaid Feaſt of All-Saints, or hereafter to be committed and done, ſhall be puniſhed as is aforeſaid, ſhall extend and be taken within theſe places enſuing, and in none other, that is to ſay, within any Edifices, Courts, Places, Gardens, Orchards, or Houſes within the Porters Ward, of any of the houſe or houſes above rehearſed, or within any Gardens, Privy-walks, Orchards, Tilt-yards, Wood-yards, Tennis-plays, Cock-fights, Bowling-alleys near adjoyning to any of the houſes above rehearſed, and being part of the ſame, or within two hundred foot of the ſtandard of any outward gate or gates of any of the houſes above rehearſed, commonly uſed for paſſage out or from any the houſe or houſes above rehearſed.

XXV. Provided alway, That this Act ſhall not take effect, or be put in execution, till from and after the firſt day of May next enſuing, except only for murders and man-ſlaughters; for the which offences of murder and man-ſlaughter, the ſame to take effect from the Feaſt of All-Saints laſt paſt, according to the tenor and effect of the ſaid Act.

To what ſtrokes given in the Kings houſe whereby bloud ſhall be ſhed, this Statute doth not extend.

XXVI. Provided always, and be it enacted by the Authority aforeſaid, That this Act before rehearſed concerning malicious ſtrikings, by reaſon whereof bloud is, hath been, or ſhall be ſhed againſt the Kings Peace, ne the pains and forfeitures before rehearſed for the puniſhment of the ſame, ſhall not in any wiſe extend, or be prejudicial or hurtful to any Noble-man, ne to any other perſon or perſons that ſhall happen to ſtrike his or their ſervants within the ſaid Palace or houſe, or any other houſe or houſes, place or places aforeſaid, or within the limits of the ſame, with his or their hands or fiſts, or with any ſmall ſtaff or ſtick, for correction or puniſhment for any offences committed and done, or to be committed and done; (2) ne to any of the Kings Officer or Officers, that in executing his or their Office ſhall ſtrike any perſon or perſons with his or their hands or fiſts, or with any ſmall ſtaff or ſtick, or with any ſtaff commonly called a Tip-ſtaff, within the ſame Palace or houſe, or any other Palaces or houſes or places aforeſaid; (3) ne to any other perſon or perſons, that in doing ſervice at any triumph, or any other time of ſervice, by the Kings commandment, or of any of his Graces Council, or other his Graces head Officers, ſhall happen for the executing of their ſaid ſervice, to ſtrike any perſon or perſons with his or their hands or fiſts, or with any ſmall ſtaff or ſtick, or with any ſtaff commonly called a Tip-ſtaff, within the ſame Palace or houſe, or any other Palaces or houſes, or place or places aforeſaid, although by reaſon of the ſame ſtroke or ſtrokes there happen to be any bloud ſhed of ſuch perſon as ſhall be ſtricken, except the perſon ſo ſtricken do die of the ſame ſtroke within one year next after the ſtroke ſo given.

XXVII. And alſo be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall from the firſt day of April next coming, ſteal, or feloniouſly take away any Plate, Jewels, or other goods of our ſaid Sovereign Lord the King, his heirs or ſucceſſors, Kings, of the value of xii. d. or above, or break or enter into any the Kings houſes, to the intent to ſteal any of the Kings goods, his heirs or ſucceſſors, Kings, though his Majeſty be abſent, or any other houſe, while it ſhall fortune the ſame his Majeſty to be lodged or abiding therein; every ſuch offence to be deemed felony, (2) and the perſon or perſons ſo offending, their abettors, procurers, counſellors and receptors thereof lawfully convicted, to ſuffer like penalties, forfeitures and pains of death, as appertaineth to felons, without having benefit of their Clergy or ſanctuary; (3) and every ſuch offender being apprehended within the verge of the Kings houſe, to be arraigned and tried by men of the countrey; as other offenders for offences done within the verge, before the Steward of the ſaid Marſhalſey, and other unto him aſſociated, are to be arraigned and tried in the ſame precinct.

Stealing the Kings goods, or entring his houſe to ſteal, ſhall be felony. Rep. 1 Ed. 6. 12. 1 M. 1.

1 Bulſtr. 198. The trial of the offender.

C A P. XIII.

Certain Lordſhips tranſlated from the County of Denbigh to the County of Flint.

Where in the Parliament holden at Weſtminſter in the xxxii. year of the Reign of our Sovereign Lord King Henry the viii. that now is, it was amongſt other enacted, That notwithſtanding viii. County days in one year, and ix. County days in another year, were before that time holden and kept within the County Palatine of Cheſter, before the Juſticer of the ſame County, that from that time forthward the ſaid Juſticer ſhould hold and keep but only two Seſſions every year within the ſame County, the one whereof to be kept after Michaelmas, and the other after Eaſter, and that from thenceforth all the ſaid County days ſhould clearly ceaſe and determine for ever, as by the ſame Act at large more plainly appeareth: (2) And foraſmuch as within the ſame County Palatine it hath not been uſed nor ſeen, that the Sheriff of the ſame County hath kept any Shire-court for determination of plaints, and calling the exigends, as is commonly uſed in other Shires of this Realm, there was therefore never ſithen the making of the ſaid Act any exigend of felony, or other clauſe proclaimed within the ſaid County, to the no little hindrance of juſtice, and to the great boldneſs of offenders: (3) For reformation whereof, be it enacted by the King our Sovereign Lord, by the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the Sheriff of the ſaid County for the time being, after the Feaſt of Eaſter next coming, ſhall be bound to keep his Shire-court in the Shire-hall of the ſaid County every month for ever, for determination of plaints and actions under xl. s. and for proclamations, and calling of exigends, and other neceſſary cauſes, as is uſed in other Shires of this Realm of England, (4) and that two head Coroners for the body of the ſaid Shire, ſhall be elected and choſen by virtue of the Kings Writ, De Coronatore eligendo, to be awarded out of the Exchequer of Cheſter, which Coroners ſhall be bound to ſit with the ſaid Sheriff at the ſaid Courts, to give judgment upon utlaries, and to do all other things as appertaineth.

Wales 98. See 32 H. 8. 43. Lordſhips in Wales removed from the County of Denbigh to the County of Flint, &c.

When and where the Shire-court in the County of Cheſter ſhall be kept. 31 Ed. 3. 15. Sect. 1. N. 3.

There ſhall be two Coroners choſen for the County of Cheſter.

II. And be it further enacted by the authority aforeſaid, That the ſaid two Seſſions, in form aforeſaid, to be holden within the ſaid County, ſhall and may be holden at ſuch time and times as by the ſaid Juſticer or his Deputy ſhall be appointed, as well before the ſaid Feaſts of Eaſter and Michaelmas, as any other time, according as is moſt commonly uſed in other Shires of this Realm, ſo always open proclamation be thereof made by the ſpace of xv. days at the leaſt before the firſt day of the keeping of the ſame Seſſions.

When the Seſſions for the County of Cheſter ſhall be holden.

III. And where the Lordſhips, Towns and Hamlets of Hope and Aſſaph, have of old time been reputed, accepted, and taken as part and parcel of the County of Flint, and ſo have been continued until now of late, that by an Act of Parliament made in the xxvii. year of the Reign of our moſt dread Sovereign Lord the Kings Majeſty that now is, the ſame were aſſigned to the County of Denbigh: (2) And alſo where parcel of the Pariſh of Hawarden is at this day, and of old time hath been accepted, taken and uſed as part of the ſaid County of Flint, and the reſidue of the ſaid Pariſh of Hawarden is and always hath been without the precinct, limits and juriſdiction of the ſame County: (3) Be it alſo enacted by the authority aforeſaid, That as well the ſaid Lordſhips, Towns and Hamlets of Hope, Aſſaph, and the ſaid whole Pariſh of Hawarden, together with the Lordſhip of the ſame, as alſo the Lordſhips, Towns and Pariſhes of Moldeſdale, Mereford and Oſeley, and all the lands, tenements and hereditaments within the precinct and limits of the ſame, or any of them, ſhall from henceforth be reputed, accepted, taken and adjudged to be within the ſaid County of Flint, as a member, part and parcel of the ſame County of Flint, and not of nor within any other County or Shire; any Statute, Ordinance, Law or Cuſtom heretofore had or uſed to the contrary thereof in any wiſe notwithſtanding.

27 H. 8. 26.

Certain Lordſhips and Pariſhes in Wales annexed to the County of Flint.

IV. Provided always, That the inhabitants and tenants of the ſaid Lordſhips, Towns, Hamlets and Pariſhes of Hope, Aſſaph, Moldeſdale, Mereford and Hawarden, ſhall pay their miſſes and tallages, when, and as oft as the ſame ſhall be due, with the inhabitants of ſuch Shire or Shires as before time have been accuſtomed. (2) And that the ſaid Lordſhips of Hope, Moldeſdale, Mereford, Oſeley, and Hawarden, with the whole and entire Pariſh of Hawarden, and all the Grounds, Lands, Tenements and Hereditaments within the Precinct and Limits of the ſame, ſhall from henceforth be called, taken and accepted, the hundreds of Moldeſdale in the County of Flint. (3) And that the ſaid Lordſhip of Aſſaph, with all the Grounds, Lands, Tenements and Hereditaments within the Precinct and Limits of the ſame, ſhall be taken, accepted and adjudged to be as part and parcel of the hundred of Ruthland in the ſame County. St. 34 & 35 H. 8. 26.

Certain Towns in the County of Flint in Wales aſſigned to be within the hundreds of Moldeſdale and Ruthland.

CAP. XIV.

Felony, Raſt. 18.

It ſhall be felony to declare to another any falſe prophecy, upon occaſion of Arms, Fields, Letters, &c. Rep. 1 Ed. 6. 12. 1 M. 1. 3. and 4 Ed. 6. 15. 5 El. 15.

CAP. XV.

Sanctuary, Raſt. 5.

A repeal of ſo much of the Statute of 32 H. 8. 12. as doth aſſign the Town of Mancheſter to be a place of Sanctuary. But inſtead thereof, the City of Weſtcheſter in the County of Cheſter ſhall be a place of Sanctuary. Rep. 1 Jac. 25. & 21 Jac. 28.

CAP. XVI.

A Bill for Worſted Yarn in Norfolk.

Yarn 1. Who may buy Worſted-yarn in Norwich, and who not, &c.

WHereas for the moſt part in all the Shires and Counties of this Realm of England, there be and have been certain private commodities, growing and ariſing only within the ſaid Shires or Counties, by which only commodities politickly provided for, and continued, the Cities and Towns within the ſaid Shires and Counties, and the inhabitants of the ſame, be and have been, without any foreign aid or ſuccour, plenteouſly and wealthily kept, maintained, defended and preſerved: (2) all which commodities, by the deceit and ſubtile practices, as well of Merchants ſtrangers, as of divers other covetous and evil conſcienced perſons, have been, and be many times clearly deſtroyed and ſubverted, to the great loſs and decay, as well of the ſaid Cities and Towns within every ſuch Shires and Counties, as of the inhabitants of the ſame: (3) Amongſt the which ſaid Cities, Towns, Shires and Counties having private commodities, the City of Norwich, and divers other and many Towns in the County of Norfolk, hath been always heretofore kept, preſerved and maintained, and the poor men, and other dwellers and inhabitants in the ſame, godly, honeſtly and virtuouſly brought up, occupied and exerciſed, by a commodity growing and riſing only within the ſaid County, that is to ſay, by the making and weaving of Worſteds, and other clothes, which hath been made and woven of the Yarn called Worſted-yarn, ſpun of the wooll growing and coming of the ſheep bred only within the County of Norfolk, and in no place elſewhere: (4) And foraſmuch as the ſaid commodity of making and weaving of Worſted within the ſaid City of Norwich and County of Norfolk, by the deceit and crafty practices of the great multitude of regrators and buyers of the ſaid yarn called Worſted-yarn, is wholly decayed and taken away from the ſaid dwellers and inhabitants in the ſaid City and Shire, that is to ſay, in that, that the ſaid regrators do buy the ſaid yarn by ſmall parcels of many men, and after that they have ſo by little and little bought a great quantity of the ſaid yarn, do not cauſe it to be woven, or otherwiſe wrought in the ſaid City or County, but do ſell, ſend, and carry away the ſame yarn out of this Realm of England, into France, Flanders, and ſuch other like places beyond the ſea; (5) where with the ſaid yarn, ſtrangers not being born under the Kings Dominions, do make and weave Sayes, Ruſſels, Worſteds, and divers and ſundry other clothes and things, the which after they have ſo made and woven, the ſaid ſtrangers do ſell again unto us Engliſhmen within this ſaid Realm of England, to their great profit, lucre and advantage, and to the clear decay and deſtruction of the ſaid commodity: (6) by reaſon whereof, the ſaid City of Norwich, and other the ſaid Towns in the ſaid County of Norfolk, are not only moſt likely to be brought to utter ruine and decay, and the poor men, and other dwellers and inhabitants of the ſame, which have been heretofore ſet on work, kept and maintained only by the ſaid commodity, illuded and deceived thereof, but alſo are very likely to be left deſtitute and unprovided of a living, or any manner of art or occupation, by the which they ſhall be able, within the ſaid City or County, to acquire to themſelves, their wives and children, any honeſt way and trade to live: (7) Be it therefore ordained and enacted by the aſſent of the Kings moſt Royal Majeſty, and the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no perſon ne perſons from henceforth ſhall buy, ne cauſe to be bought, within the ſaid City of Norwich, or County of Norfolk, any yarn called Worſted-yarn, the which ſhall be ſpun within the ſaid City or County, but only ſuch perſon or perſons being Weavers, or other Artificers, the which ſhall weave, or otherwiſe work, or cauſe to be woven or otherwiſe wrought, the ſaid yarn ſo bought within the ſaid City and County, in the ſaid City of Norwich, or ſome other Market town or Towns, or elſewhere within the ſaid County of Norfolk, (8) upon the pain of forfeiting for every pound weight of yarn called Worſted-yarn ſo bought within the ſaid City of Norwich or County of Norfolk, and not woven or otherwiſe wrought within the ſaid City or County as is aforeſaid, xl. s. the one half thereof to our Sovereign Lord the King, and the other half to him or them that ſhall ſo take the ſaid yarn, or ſue for the ſame by bill, plaint, information, or otherwiſe; in which ſuit, no eſſoin, protection, ne wager of Law ſhall be allowed or admitted.

Worſted-yarn is the private commodity of the City of Norwich, and the County of Norfolk.

Who only may buy Worſted-yarn in the City of Norwich, or County of Norfolk.

No Worſted-yarn ſhall be tranſported, or ſhipped to be tranſported.

II. And be it further ordained and enacted by authority aforeſaid, That if any perſon or perſons do from or after the firſt day of April next enſuing, ſhip to carry or convey, or cauſe to be ſhipped to carry or convey into the parts beyond the ſea, or elſe do carry and convey, or cauſe to be carried and conveyed into the parts beyond the ſea, any yarn called Worſted-yarn, not wrought or made in cloth, ſo ſuch yarn be ſpun or made within this Realm of

England; that then every perſon and perſons ſo ſhipping, conveying, or carrying, or cauſing ſuch yarn ſo to be ſhipped, carried or conveyed, ſhall forfeit for every pound of Worſted-yarn ſo ſhipped, conveyed or carried, xl.s. the one half thereof to be unto our Sovereign Lord the King, the other half unto him or them that will ſue for the ſame in any Court of Record, by information, bill, plaint, or otherwiſe; wherein no wager of Law, eſſoin or protection ſhall be allowed. (2) This Act to continue and endure until the laſt day of the next Parliament. 1 Ed. 6. 6. made perpetual.

CAP. XVII.

Certain Statutes continued: And where Hemp and Flax ſhall be watered.

A Continuance until the laſt day of the next Parliament, of the Statutes 22 H. 8. 12. touching poor perſons and vagabonds, and 22 H. 8. 7. againſt conveying of horſes out of the Realm, and 26 H. 8. 11. for the puniſhment of Welſhmen, and 21 H. 8. 12. for making of Cables, &c. and 23 H. 8. 17. for the winding of wool, and 24 H. 8. 9. for the killing of Wainlings, and 23 H. 8. 3. for the puniſhment of Perjury, and 24 H. 8. 4. for the ſowing of Flax and Hemp, and 23 H. 8. 2. for the making of Gaols, and 32 H. 8. 30. concerning Jeofails and Attorneys. EXP.

II. Provided always, and be it enacted by the authority of this preſent Parliament, That it ſhall not be lawful to any perſon or perſons, at any time hereafter, to water any manner of Hemp or Flax in any River, running water, ſtream, brook, or other common pond, where Beaſts be uſed to be watered, but only on the ground, or in pits for the ſame ordained, and to be ordained, made and provided, or elſe in other their own ſeveral ponds, upon pain every perſon and perſons offending or doing contrary to the tenor, meaning and purport of this Eſtatute, to loſe and forfeit for every time ſo doing, x.s. the one half thereof to be to our Sovereign Lord the King, and the other half thereof to be to the party grieved, or to any other the Kings ſubjects that will ſue for the ſame forfeiture in any Court of Record, Leet, or Lawday, by action of debt, bill, plaint, information, or otherwiſe, in which ſuit no protection, wager of law, eſſoin, or other delatory plea ſhall be admitted or allowed.

Hemp 1. Hemp or Flax ſhall not be watered in any running ſtream but on the ground.

CAP. XVIII.

So much of the Stat. of 27 H. 8. 12. as doth concern the breadth of Kerſey, repealed, and the reſidue confirmed. Rep 5 Ed. 6. 6.

Drapery. Raſt. 49.

CAP. XIX.

An Expoſition of a certain Statute concerning ſhipping of Clothes.

Where in the Parliament begun and holden at London the third day of November, in the one and twentieth year of the Reign of our moſt dread Sovereign Lord King Henry the eighth, and from thence adjourned to Weſtminſter, and there alſo holden and continued by divers prorogations unto the fourth day of February, in the ſeven and twentieth year of our ſaid Sovereign Lord the Kings Reign, and there then holden until the diſſolution thereof, it was by Act of Parliament ordained and eſtabliſhed, that every white woollen cloth ſold for four pound and under, and every coloured cloth ſold for three pound and under, might be carried and conveyed into the parts of beyond the ſea, there to be ſold at the pleaſure of the buyers of the ſaid cloth and clothes unbarbed, unſhorn, and unrowed; any Act or Acts to the contrary made notwithſtanding.

Drapery 98. Of what value woollen cloth carried over the ſea, may be. 27 H. 8. 13.

II. And by the ſame Act it was further enacted, That if any perſon or perſons did ſend or convey, or cauſe to be ſent and conveyed into the parts beyond the ſea, any white woollen cloth above the value of iv. li. or any coloured cloth above the price of iii. li. unrowed, unbarbed, and unſhorn, in other form then is above mentioned, that then the perſon or perſons ſo offending, ſhall forfeit the value of the ſaid clothes ſo carried and conveyed into the parts beyond the ſea, (2) the one moyety of the ſame forfeiture to be to the uſe of our ſaid Sovereign Lord the King, and the other moyety to any perſon which will or ſhall ſue by bill, writ, or otherwiſe, againſt any perſon for the ſame; (3) and the defendant in any plea upon any ſuch ſuit or action be not admitted to wage his law, nor any protection nor eſſoin for any ſuch defendant be allowed in the ſame, as by the ſame Act more plainly appeareth: (4) upon the interpretation and expounding of certain words within the ſaid Act, diverſity of opinions hath riſen amongſt ſome perſons, That if any perſon or perſons ſend or convey, or cauſe to be ſent or conveyed towards the parts beyond the ſea, any white woollen cloth above the value of iv. li. or any coloured cloth above the value of iii. li. unrowed, unbarbed, or unſhorn, whether the ſame cloth ſo ſent, or the value thereof be forfeited, before the ſame cloth be carried and conveyed into the parts of beyond the ſea: (5) for a plain declaration of the premiſſes, be it ordained and enacted by the authority of this preſent Parliament, That no perſon or perſons from henceforth ſhall carry, or ſhip, or cauſe to be ſhipped in any ſhip, boat, cray, or veſſel, any white woollen cloth above the value of iv. li. or any coloured cloth above the value of iii. li. unrowed, unbarbed, or unſhorn, to the intent to be conveyed into the parts beyond the ſea, upon pain of forfeiture of the ſame cloth or clothes, or the value thereof, the ſame forfeiture to be recovered in ſuch manner and form as is afore mentioned. 3 H. 7. 11. 27 H. 8. 3. 8 El. 6.

Of what value woollen cloth, white or coloured, carried over the ſea, or ſhipped to be carried, may be. St. 3 H. 7. 11. 27 H. 8. 13.

CAP. XX.

How Treaſon committed by a Lunatick ſhall be puniſhed, and in what manner he ſhall be tried.

If any perſon ſhall commit high Treaſon when he is of perfect memory, and after accuſation, examination and confeſſion thereof before any of the Kings Council, ſhall fall into Lunacy, he ſhall be enquired of in any County where the King by his Commiſſion ſhall aſſign; and if he be there indicted, he ſhall be there arraigned without his perſonal preſence, and if he be found guilty, he ſhall ſuffer death, and forfeit, as if he had been of perfect memory. Alt. 1 & 2 P. & M. 10.

Treaſon 14.

II. And be it further enacted by the authority of this preſent Parliament, That if any perſon or perſons ſhall be attainted of High Treaſon by courſe of the common Laws or Statutes of this Realm, that in every ſuch caſe, every ſuch attainder by the common Law, ſhall be of as good ſtrength, value, force and effect, as if it had been done by authority of Parliament: (2) And that the Kings Majeſty, his heirs and ſucceſſors, ſhall have as much benefit

Attainder of Treaſon by the common law, ſhall be of as good force as by Act of Parliament.

Coke pl. f. 389. 422.

and advantage by ſuch attainder, as well of uſes, rights, entries, conditions, as poſſeſſions, reverſions, remainders, and all other things, as if it had been done and declared by authority of Parliament, (3) and ſhall be deemed and adjudged in actual and real poſſeſſion of the lands, tenements, hereditaments, uſes, goods, cattels, and all other things of the offenders ſo attainted, which his Highneſs ought lawfully to have, and which they ſo being attainted, ought or might lawfully loſe and forfeit, if the attainder had been done by authority of Parliament, without any office or inquiſition to be found of the ſame, any law, ſtatute, or uſe of the Realm to the contrary thereof in any wiſe notwithſtanding.

1 Leonard. 21. Moor 312. A ſaving of the right of others.

III. Saving to all and every perſon and perſons, and bodies politick, and their heirs, aſſigns and ſucceſſors, and every of them, (other then ſuch perſon and perſons which hereafter ſhall be attainted of high Treaſon, and their heirs, aſſigns and ſucceſſors, and every of them, and all and every other perſon and perſons, claiming by them, or any of them, or to their uſes, or to the uſes of any of them, after the ſaid Treaſons committed) all ſuch right, title, uſe, poſſeſſion, entry, reverſions, remainders, intereſts, conditions, fees, offices, rents, annuities, commons, leaſes, and all other commodities, profits and hereditaments, whatſoever they or any of them ſhould, might, or ought to have had, if this Act had never been had ne made.

CAP. XXI.

Queen Katherine and her complices attainted of high Treaſon.

Parliament 10. 33 H. 8. 28.

Queen Katherine attainted of Treaſon for her incontinent life, and I. R. T. C. and F.D. her complices, and all their lands and tenements, goods and cattels ſhall be forfeit to the King. It ſhall be lawful for any of the Kings ſubjects, if themſelves do perfectively know, or by vehement preſumption do perceive any will, act, or condition of lightneſs of body in her which ſhall be the Queen of this Realm, to diſcloſe the ſame to the King, or ſome of his Council; but they ſhall not openly blow it abroad, or whiſper it, until it be divulged by the King or his Council. If the King or any of his ſucceſſors ſhall marry a woman which was before incontinent, if ſhe conceal the ſame, it ſhall be high Treaſon: And ſo ſhall it be in any other knowing it, and not revealing it to the King, or one of his Council, before the ſaid marriage, or within twenty days after. If the Queen, or wife of the Prince, ſhall by writing, meſſage, words, tokens, or otherwiſe, move any others to have carnal knowledge with them, or any others ſhall move either of them to that end, then in the offender it ſhall be adjudged high Treaſon. Rep. 1 Ed. 6. 12. and 1 M. 1.

The Kings aſſent to Acts of Parliament by his Letters Patents.

II. Be it declared by authority of this preſent Parliament, That the Kings royal aſſent by his Letters Patents under his great Seal, and ſigned with his hand, and declared and notified in his abſence to the Lords Spiritual and Temporal, and to the Commons aſſembled together in the high houſe, is, and ever was of as good ſtrength and force, as though the Kings perſon had been there perſonally preſent, and had aſſented openly and publickly to the ſame.

III. And be it alſo enacted, That this Royal aſſent, and all other Royal aſſents hereafter to be ſo given by the Kings of this Realm, and notified as is aforeſaid, ſhall be taken and reputed good and effectual to all intents and purpoſes, without doubt or ambiguity; any cuſtom or uſe to the contrary notwithſtanding.

CAP. XXII.

Wards 27.

The Authority of the Officers of the Court of Wards and Liveries. St. 32 H. 8. 46. with ſeveral explanations and moderations. Rep. St. 1. 12 Car. 2 Cap. 24.

CAP. XXIII.

An Act to proceed by Commiſſion of Oyer and Terminer againſt ſuch perſons as ſhall confeſs Treaſon, &c. without remanding the ſame to be tried in the Shire where the offence was Committed.

Treaſon 9. Proceeding againſt confeſſors of Treaſon, &c. by Commiſſion of Oyer and Terminer, without remanding them to the Shire where the offence was committed. The inconveniences enſuing the remanding of ſome ſuſpect perſons into the Counties where they offended, to be tried.

Foraſmuch as divers and ſundry perſons upon great grounds of vehement ſuſpicions, as well of high Treaſon, petty Treaſon, and miſpriſions of Treaſon, as of murders, be many times ſent for from divers the Shires and places of this Realm, and other the Kings Dominions, to the Kings Majeſties great charges and expences, to be examined before the Kings Highneſs Council, upon their offences, to the intent that conviction or declaration of ſuch perſons ſhould ſpeedily enſue, as the merits of their caſes ſhould require: (2) And albeit that after great travel taken in the examinations of ſuch perſons, it appear to the ſaid Council by confeſſion, witneſs, or vehement ſuſpect, that ſuch perſons be rather guilty of ſuch offences whereof they be ſo examined, then otherwiſe; yet nevertheleſs ſuch offenders ſo examined, by the courſe of the common Law of this Realm, muſt be indicted within the Shires or places where they committed their offences, and alſo tried by the inhabitants or free-holders of ſuch Shires and places, although by their confeſſions, or by ſufficient witneſs, their offences be certainly known to the Kings Council: (3) by reaſon whereof, beſide the travel and pains of the Kings Majeſties Council in ſuch caſes, the Kings Highneſs is oftentimes put to great charges and expences, in remanding ſuch perſons to the Countreys where they offended, there to be indicted and tried of their offences: (4) And ſometime the inhabitants and free-holders of the Shires or places where ſuch offences were done, be compelled to appear out of the Shires and place for ſuch cauſes, to their great charges, for the trial or declaration of ſuch offences: (5) And ſometime by occaſion of the charges for remanding of ſuch offenders to be indicted and tried by the courſe of the common Law, ſuch offenders lie ſtill in priſon, and be forgotten, whereby many times, by help of their confederates, they eſcape unpuniſhed, to the great courage and evil example of evildoers: (6) Be it therefore enacted by the King our Sovereign Lord, and by the aſſent of the Lords ſpiritual and temporal, and the Commons of this preſent Parliament aſſembled, and by authority of the ſame, That if any perſon or perſons being examined by the Kings Council, or three of them, upon any manner of Treaſons, miſpriſions of Treaſons, or Murders, do confeſs any ſuch offences, or that the ſaid Council, or three of them, upon ſuch examination, ſhall think any perſon ſo examined, to be vehemently ſuſpected of any Treaſon, miſpriſions of Treaſons, or Murder; that then in every ſuch caſe by the Kings commandment, his Majeſties Commiſſion of Oyer and Terminer, under his Highneſs great Seal, ſhall be made by the Chancellor of England to ſuch perſons, and into ſuch Shires or places as ſhall be

In ſome caſes there ſhall be trial of Treaſon, &c. in any County where the King by Commiſſion will appoint. Alt. 1 & 2 P. & M. 10. for Treaſon. 1 Anderſ. 104, 195.

be named and appointed by the Kings Highneſs for the ſpeedy trial, conviction, or deliverance of ſuch offenders; (7) Which Commiſſioners ſhall have power and authority to enquire, hear and determine all ſuch Treaſons, miſpriſions of Treaſons, and Murders, within the Shires and places limited by their Commiſſion, by ſuch good and lawful perſons as ſhall be returned before them by the Sheriff or his miniſter, or any other having power to return Writs and Proceſs for that purpoſe, in whatſoever other Shire or place within the Kings Dominions, or without, ſuch offences of Treaſons, miſpriſions of Treaſons, or Murders ſo examined, were done or committed, and that in ſuch caſes, no challenge for the Shire or hundred ſhall be allowed.

II. Provided alſo, That upon the trial of ſuch Treaſons, miſpriſions of Treaſons, and Murders, the Challenge to any Juror for lack of free-hold of the yearly value of fourty ſhillings, ſhall be allowed as hath been accuſtomed.

Challenge for want of free-hold.
1 Anderſ. 107.

III. Provided alſo, That if any the Peers of the Realm ſhall happen to be indicted of any the offences aforeſaid, by virtue of any ſuch Commiſſion to be granted by authority of this Act, yet nevertheleſs they ſhall have their trial by Peers, in like manner and form as heretofore hath been uſed, any thing in this Act contained, or any thing to be done by virtue thereof, in any wiſe notwithſtanding. (2) And it is ordained and enacted by authority aforeſaid, That peremptory challenge ſhall not from henceforth be admitted or allowed in any caſes of high Treaſon, nor miſpriſion of high Treaſon. Dyer fo. 132, 286. Cok. l. 11. fo. 63. Co. Inſt. 3. p. 27.

Trial by Peers.

No peremptory challenge in high treaſon, or miſpriſion of treaſon.

C A P. XXIV.

An Act that none ſhall be Juſtice of Aſſize in his own Countrey, &c.

Where in the Parliament holden in the eighth year of King Richard the ſecond, it was enacted, ordained and eſtabliſhed, That no man learned in the Laws of this Realm, ſhould from thenceforth be Juſtice of Aſſiſe in the Countrey where he dwelleth, (2) and that the chief Juſtice of the common place ſhould be from thenceforth aſſigned among other Juſtices, to the taking of the ſaid Aſſiſes; (3) but as to the chief Juſtice of the Kings Bench, there ſhould be done and uſed, as hath been uſed for the moſt part by the ſpace of one hundred years next before, as by the ſaid Act more at large it doth and may appear: (4) Since the making of which ſaid good Act and Law, divers Juſtices and men learned in the Laws of this Realm, have by their own means, induſtry and policy, and for their own commodity and eaſe, obtained contrary to the form of the ſaid Act, to be Juſtices of Aſſiſes in the Countreys and Counties where they were born, or were inhabiting, whereby ſome Jealouſie of their affection and favour toward their kinſmen, alliance and friends within the ſaid Countreys or Counties where they were ſo born or inhabiting, hath been conceived and had againſt them by the Kings moſt loving Subjects of the ſame Countreys and Counties:

Juſtice of Aſſiſe 1.
Clerk of Aſſiſe 1.
8 R. 2. 2.
13 H. 4. 2.

Affection and favour ſuſpected in Juſtices of Aſſiſe toward their kinſmen and friends.

II. For reformation whereof, the Kings moſt loving Subjects, and the Commons in this preſent Parliament aſſembled, moſt humbly beſeech and deſire the Kings Majeſty, that it be enacted by the Kings Majeſty, with the aſſent of the Lords ſpiritual and temporal and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no Juſtice, nor other man learned in the Laws of this Realm, ſhall at any time from or after the Feaſt of Eaſter next coming, uſe nor exerciſe the office of Juſtice of Aſſiſe within any County where the ſaid Juſtice was born, or doth inhabit, (2) upon pain to forfeit for every offence done contrary to the form of this preſent Act, one hundred pounds; the moiety whereof to be to our Sovereign Lord the King, and the other moiety thereof to the party that will ſue for the ſame in any of the Kings Courts, by bill, plaint, information, action of debt, or otherwiſe, in the which ſuit, no protection, eſſoin, nor wager of Law ſhall be admitted nor allowed.

No man ſhall be Juſtice of Aſſiſe in the County where he was born, or doth dwell.

III. Provided alway, and be it further enacted by the authority aforeſaid, That this Act, or any thing herein contained, ſhall not extend, be conſtrued or interpretate to touch or concern any perſon or perſons that now are, or hereafter ſhall be Clerk or Clerks of Aſſiſes, and ſhall be aſſociate to any Juſtice of Aſſiſe, of or in any County, City or Town, within this Realm of England, wherein any perſon or perſons, Clerk or Clerks ſo aſſociate, do dwell or were born, (2) but that all and every Clerk and Clerks of Aſſiſes, which now do exerciſe or occupy, or hereafter ſhall exerciſe or occupy any office of Clerkſhip of Aſſiſes, ſhall and may exerciſe and occupy the ſame in any County, City or Town, wherein the ſame Clerk or Clerks of Aſſizes do dwell or were born; Any thing in this Act contained to the contrary notwithſtanding.

This Statute doth not extend to the Clerk of Aſſiſes.

IV. Provided alſo, That theſe terms, Juſtices of Aſſiſes, or other perſons learned in the laws of the Realm, ſhall not extend, or in any wiſe be interpretate to any Mayors, Sheriffs, Recorders, Stewards, Bailiffs, Sewters or other Officers, being born or dwelling within any City, Borough, or Town within this Realm of England, but that they may be Juſtices of Aſſiſes of freſh force, or of other Aſſiſes in the ſame City, Borough or Town where he or they do or ſhall dwell, or were born, as they or any of them before this time have or might have been to all intents and purpoſes; any thing in this Act contained to the contrary notwithſtanding.

Officers of Cities or corporate Towns.

V. Provided always, That this Act nor any thing therein contained, ſhall be prejudicial to any Juſtice or Juſtices of one Bench or the other, for taking, hearing or determining Aſſiſes in the ſaid Courts, in the one Bench or the other, nor to any Juſtice that ſhall take any Aſſiſe, by or upon adjournment for difficulty of the ſame.

Juſtices of both Benches.

VI. Provided alway, and be it enacted, That any Clerk of Aſſiſe, during the only time of the Seſſion of or for any Aſſiſe or Aſſiſes, or of or for any Niſi prius, ſhall not be of councel with any perſon or perſons within any circuit whereof he ſhall be Clerk of Aſſiſe, otherwiſe then to that office only appertaineth, (2) upon pain to forfeit for every time offending contrary to this Statute, Ten pound: the one moiety thereof to be to the King our Sovereign Lord, and the other moiety to the party grieved, to be ſued in any of the Kings Courts of Record,

No Clerk of Aſſiſe ſhall be of councel with any perſon in that circuit.

Record, by Action of debt, bill, plaint, information or otherwiſe, in which ſuit no eſſoin, protection, wager of law, or other dilatory plea ſhall be admitted or allowed.

The Juſtices, Juſtice Clerks, and Clerks of Aſſiſe in the County of Lancaſter.

VII. Provided alſo, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, extend not unto the Juſtices, Juſtice Clerks, or Clerk of Aſſiſes, within our Sovereign Lord the Kings Dutchy and County Palatine of Lancaſter, nor to any of them that now be, or hereafter ſhall be, but that the ſame Juſtices, Juſtice Clerks, and Clerk, and every of them, ſhall and may execute their offices, and every of them, in ſuch manner and form as they, or any of them have uſed to do before the making of this preſent Act; this Act, or any thing therein contained to the contrary thereof notwithſtanding.

CAP. XXV.

Ability, Raſt. 8.

The children of Thomas Points, William Caſtelin, and John Dimmock, born beyond the ſea, ſhall be reputed the Kings natural Subjects, and enabled to enjoy land by deſcent or purchaſe, to ſue and to be ſued. P. R.

CAP. XXVI.

Shelton, Raſt. 8.

A repeal of certain fraudulent Deeds, Eſtates, Wills, and Conveyances made by Sir John Shelton, of lands in Norfolk and Suffolk, to defeat the King and others of Wardſhip, Primer Seiſon, Relief, &c. and he adjudged to die ſeiſed of ſuch eſtate in thoſe lands, as he was before the ſaid Conveyances made. P R.

CAP. XXVII.

The Bill for Leaſes of Hoſpitals, Colledges and other Corporations.

Corporation 5. Leaſes of Hoſpitals, &c. good, with conſent of the more part.

In Corporations none ſhall have a negative voice.

An oath ſhall not be obſerved which is taken contrary to this ſtatute.

Albeit that by the common laws of this Realm of England, all aſſents, elections, grants and leaſes had, made and granted by the Dean, Warden, Provoſt, Maſter, Preſident, or other Governour of any Cathedral Church, Hoſpital, Colledge, or other Corporation, by whatſoever name they be incorporate or founded, with the aſſent and conſent of the more or greater part of their Chapiter, fellows or brethren of ſuch Corporation, having voices of aſſent thereunto, be as good and effectual in the law to the grantees, and leſſees of the ſame, as if the reſidue or the whole number of ſuch Chapiter, fellows and brethren of ſuch Corporation, having voices of Aſſent, had thereunto conſented and agreed: (2) yet the ſaid common Laws notwithſtanding, divers founders of ſuch Deanries, Hoſpitals, Colledges and Corporations within the ſaid Realm, have upon the foundation and eſtabliſhment of the ſame Deanries, Hoſpitals, Colledges and other Corporations, eſtabliſhed and made amongſt other their peculiar Acts, local Statutes and Ordinances, that if any one of ſuch Corporation, having power or authority to aſſent or diſaſſent, ſhould and would deny any ſuch grant or grants, that then no ſuch leaſe, election, or grant ſhould be had, granted or leaſed, and for the performance of the ſame, every perſon having power of aſſent to the ſame, have been and be daily thereunto ſworn, and ſo the reſidue may not proceed to the perfection of ſuch elections, grants and leaſes, according to the courſe of the common laws of this Realm, unleſs they ſhould incur the danger of perjury: (3) For the avoiding whereof and for the due execution of the Common law univerſally within this Realm, and every place in one conformity of reaſon to be uſed: Be it ordained, eſtabliſhed and enacted by the authority of this preſent Parliament, That all and every peculiar Act, Order, Rule and Eſtatute heretofore made, or hereafter to be made by any founder or founders of any Hoſpital, Colledge, Deanry, or other Corporation, at or upon the foundation of any ſuch Hoſpital, Colledge, Deanry, or Corporation, whereby the grant, leaſe, gift or election of the Governour or Ruler of ſuch Hoſpital, Colledge, Deanry, or other Corporation, with the Aſſent of the more part of ſuch of the ſame Hoſpital, Colledge, Deanry, or Corporation, as have or ſhall have voice or aſſent to the ſame, at the time of ſuch grant, leaſe, gift or election hereafter to be made, ſhould be in any wiſe hindred or let by any one or mo, being the leſſer number of ſuch Corporation, contrary to the form, order and courſe of the common law of this Realm of England, ſhall be from henceforth clearly fruſtrate, void, and of none effect. (4) And that all oaths heretofore taken by any perſon or perſons, of ſuch Hoſpital, Colledge, Deanry, and other Corporation, ſhall be, for and concerning the obſervance of any ſuch Order, Eſtatute or Rule, deemed void and of none effect. (5) And that from henceforth no manner perſon or perſons of any ſuch Hoſpital, Colledge, Deanry, or other Corporation, ſhall be in any wiſe compelled to take an Oath for the obſerving of any ſuch Order, Eſtatute, or Rule, (6) upon the pain of every perſon giving ſuch Oath, to forfeit for every time ſo offending five pound: The one moiety thereof to be to the uſe of our Sovereign Lord the King, and the other moiety thereof to any of the Kings Subjects, which will ſue for the ſame, in any of the Kings Courts of Record, by Action of Debt, Bill, Plaint, Information, or otherwiſe, wherein the defendant ſhall not be admitted to wage his law, nor any protection nor eſſoin, or any other dilatory plea admitted or allowed.

CAP. XXVIII.

An Act for the Chancellor of the Dutchy of Lancaſter, and others, to have Chaplains.

Eccleſiaſtical perſons 22. 21 H. 8. 13.

The Chancellor of Lancaſter, and other Noble men may retain Chaplains.

To the King our Sovereign Lord. Where in the Parliament holden at Weſtminſter in the one and twentieth year of your moſt gracious Reign, it was amongſt other things ordained and provided, That certain honourable perſons, and other of your Highneſs Councellors and Officers, as well ſpiritual as temporal, ſhould and might have Chaplains beneficed with cure, to ſerve and attend upon them in their houſes, (2) which Chaplains ſhall not incur the danger of any penalty or forfeiture made or declared in the ſame Parliament, for non-reſidence upon their ſaid benefices, or for obtaining licences or diſpenſations of Pluralities, (3) in which Act is no proviſion made for any the head Officers of your Graces ſeveral Courts of your Dutchy of Lancaſter, the Courts of Augmentations of the Revenues of your Highneſs Crown, the firſt-fruits and tenths, the Maſter of your Majeſties Wards and Liveries, the general Surveyors of your Graces lands, and other your Graces Courts.

II. In conſideration whereof, it may pleaſe your Majeſty, That it may be enacted by your Highneſs, with the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the Chancellor of the ſaid Court of the Dutchy of Lancaſter, the Chancellor of your Highneſs Court of Augmentations, the Chancellor of your Graces Court of Firſt-fruits and Tenths, the Maſter of your Highneſs Wards and Liveries, and every of your Graces general Surveyors of your Highneſs Lands, the Treaſurer of your Graces Chamber, the Treaſurer of your Highneſs Court of Augmentations, and the Groom of your Graces Stool, and every of them for the time being, ſhall and may retain ſingularly to every of them in his houſe, or attendant unto his Perſon, one Chaplain having one Benefice with cure of ſouls, which may be abſent from the ſaid Benefice, and non-reſident upon the ſame; the ſaid eſtatute made in the ſaid One and twentieth year of your moſt gracious Reign, or any other Eſtatute, Act, or Ordinance made to the contrary in any wiſe notwithſtanding.

Certain perſons which may retain one Chaplain having a benefice with cure of ſouls, that may be abſent from his benefice.

III. Provided alway, and be it enacted by authority aforeſaid, That every of the ſaid Chaplains ſo being Beneficed as is aforeſaid, and dwelling with any the Officers aforenamed, ſhall perſonally repair two times in every year at the leaſt, to his ſaid Benefice and Cure, and there to tarry and abide by the ſpace of eight days, at every ſuch time at the leaſt, to viſit and inſtruct his ſaid Cure, (2) upon the pain to forfeit for every time ſo failing, fourty ſhillings; the one moyety thereof to the King our Sovereign Lord, the other to ſuch as will ſue for the ſame by action of Debt, Bill, Plaint, or Information, in any of the Kings Courts of Record, in which ſuit no eſſoin, protection or wager of Law ſhall be allowed.

Theſe Chaplains muſt ſometimes reſort to their Cure.

CAP. XXIX.

The Bill to enable perſons late Religious to Sue and be Sued.

Where in the Parliament holden at Weſtminſter, the eight and twentieth day of April, in the One and thirtieth year of the Reign of our Sovereign Lord Henry the Eighth, by the Grace of God King of England, France and Ireland, Defender of the Faith, and of the Church of England, and alſo of Ireland, in earth the Supreme Head: It was and is ordained and enacted by the authority of the ſaid Parliament, That all and ſingular ſuch religious perſons, as well men as women profeſſed, of what Order, Rule or Habit ſoever they were, which then were, or after that time ſhould be put at their liberties, from the danger, ſervitude, and condition of their Religion and Profeſſion, whereunto they were profeſſed, by reaſon of ſuppreſſion, diſſolving, forfeiture by attainder, rendring, or otherwiſe giving to the hands of the Kings Majeſty, their Houſes, Monaſteries and Poſſeſſions, ſhould by authority of the ſaid Parliament, from and after the firſt day of the ſame Parliament, and from and after the time that they were or ſhould be put at ſuch liberty, have free liberty to purchaſe to them, and to their heirs, in fee-ſimple, fee-tail, for term of life, for years, or at will, manors, lands, tenements, rents, annuities, and other hereditaments and things whatſoever they were, in like manner and form, as though they or any of them had never been profeſſed, nor entred into any ſuch Religion: (2) and that the ſame Religious perſons, and every of them, by authority of the ſaid Act of Parliament, ſhould be able to ſue, and to be ſued in all manner of actions, plaints and ſuits, whatſoever they were, of and for any matter or cauſe grown ſithence, and after the time of their ſeveral deraignments or departing out of their Religion, in all Courts, Places and Juriſdictions within this Realm of England, as other the Kings Subjects were, (3) and that they and every of them ſhould and might from that time uſe and exerciſe, receive, take, have and enjoy, all and every lawful thing and things from thenceforth to be grown, fallen or happened unto them or any of them, after the ſaid deraignment, or departing out of their Religion, in as large and ample manner, form and condition, as if they had never been profeſſed, nor entred into Religion, this ſame profeſſion or Religion, or any law, cuſtom, or uſe, within the ſaid Realm of England to the contrary thereof in any wiſe notwithſtanding, as by the ſaid Act among other articles, clauſes and proviſions more plainly appeareth.

Ability 3. Raſt. 72. Religious perſons enabled to ſue and be ſued. 31 H. 8. 6.

II. And foraſmuch as divers ambiguities and doubts daily do ariſe, whether the ſaid Act extend unto ſuch late Religious Perſons, as were in divers late Religious Houſes and Monaſteries, which by the Kings Highneſs were immediately tranſported and tranſlated from their Religion and old Corporation, into a new Corporation, and never came and remained in his Gracious hands, neither by ſuppreſſion, diſſolution, forfeiture by attainder, ne ſuch like, according to the words of the ſaid former Act: (2) In avoiding of which ſaid ambiguities and doubts, Be it now ordained and enacted by the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the ſaid Act of Parliament above remembred, made in the ſaid One and thirtieth year, ſhall extend as well to all ſuch perſons which be living, that were Religious perſons in any of the ſaid houſes which were ſo tranſlated and tranſported from one Corporation into another, which at any time was profeſſed, or were Religious perſons in any of the ſaid Houſes within this Realm of England, (3) and that they and every of them from the time of their ſaid ſeveral deraignment and diſcharge of their ſaid profeſſions and religions, ſhall be in like quality, eſtate, condition and degree, and alſo ſhall take, have and enjoy like benefit, commodity, profit and advantage, and with like proviſo only, and not otherwiſe, to every intent and in every thing, as any other religious perſon or perſons may and ſhall have, take and enjoy by virtue of the ſaid former Act above remembred, the ſame profeſſion, or religion, or any cuſtom or uſe to the contrary thereof in any wiſe notwithſtanding.

Religious perſons which were removed from one corporation to another, enabled to inherit, purchaſe, ſue, and be ſued.

CAP. XXX.

All Leaſes, Grants, and other Writings to be made by the Biſhop of Coventry and Lichfield for the time being, in writing under his Seal, of any his Lands, Offices, Fees, &c. and confirmed by the Dean and Chapiter of Lichfield in writing, under their Chapiter Seal, ſhall be good in law, to bind in ſucceſſion the ſucceſſors of the ſaid Biſhop: (2) And the Dean and Chapiter of Lichfield ſhall be for ever the entire and ſole Chapiter of the ſaid Biſhoprick of Coventry and Lichfield, whereof the Prior and Covent of the diſſolved Priory of Coventry were heretofore the moyety or half part. P R.

Leaſes.

CAP. XXXI.

Biſhops, Raſt. 7. The Biſhoprick and Dioceſs of Cheſter, and the Biſhoprick and Dioceſs of Man, in the iſle of Man, and the Archdeaconry of Richmond, and the Biſhop of Cheſters houſe at Weſton, ſhall be annexed to the Biſhoprick of Cheſter; and all the people in the ſame Dioceſs ſhall be united to the Province and Archbiſhoprick of York, and ſhall be diſſevered from the Archbiſhoprick of Canterbury. P R.

CAP. XXXII.

Whitegate, Raſt. 1. The Church of Whitegate in the County of Cheſter, ſhall be a Pariſh Church of it ſelf, and no part of the Pariſh of Over. (2) There ſhall be a Vicar there to be named by the King, &c. which ſhall have perpetual ſucceſſion, and be called Vicar of the Pariſh Church of our bleſſed Lady the Virgin of Whitegate, and by that name ſhall ſue and be ſued. P R.

CAP. XXXIII.

Hull, Raſt. I. A Repeal of the Statute of 27 H. 8. 3. concerning Exactions taken by the Mayor of Kingſton upon Hull; but it ſhall be lawful for the Mayor there, and his Officers, to take of all Fiſhermen for every Laſt of Herring of every perſon priviledged, xx. d. and for every hundred of Salt-fiſh, iv. d. and for every Laſt of Sprats, viii. d. And of every perſon not priviledged, for every Laſt of Herrings, ii. s. iv. d. and for every hundred of Salt fiſh, iv. d. and for every Laſt of Sprats, viii. d. as they did before the ſaid Statute. P R. Stat. 5. El. 5.

CAP. XXXIV.

Lynne, Raſt. 1. A Revocation of two Fairs or Marts, which the King by his Letters Patents dated ſeptimo die Martij, Anno 29. of his Reign, granted unto the Mayor and Burgeſſes of Kings-Lyn in the County of Norfolk. Exp.

CAP. XXXV.

Glouceſter, Raſt. 1. The Mayor of the City of Glouceſter, and the Dean of the Cathedral Church there, may convey water in pipes of Lead, gutters and trenches from Marſtones hill, and from time to time repair them, ſatisfying the owners of the ground there for the digging thereof. P R.

CAP. XXXVI.

Towns 1, &c. The Bill for repairing of certain Towns.

CAP. XXXVII.

Honours, Raſt. 2. The Honour of Ampthill. All Manors, Parks, Meſſuages, Lands, Tenements, Scites of Monaſteries, and other Hereditaments of the Kings, lying in the Towns and Pariſhes of Ampthill, Millbroon, Fleetwick, Maulden, Stipingley, Weſtoning, Houghton, Congeſt, Wiſhamſted, Littelington, Husbondcrauley, Rigemond, cum Sagono, Aſpley, Geys, Cliphill, Caynoo, Shefford, Cranffeild, Pollox Hill, Harlington, Todington, Barton, Shitlington, Chalgrave, Mariſton, Wooburn, Everſhall, Milton, Brain, Warden, Elſtow, Caudewell, Doniſtable, Salford, Holcoote, Bedford, Wotton, Kempſton, and the Manor of Colmeworth, in the County of Bedford, or elſe in the Hamlets, Towns or Pariſhes of Newport Pannel, Tikforth, Molſo, great Lidforth, little Lidforth, Stewkley, little Brickhill, Bow Brickhill, Wavingdon, North Crauley, and Swanburn in the County of Buckingham, ſhall be perpetually annexed to the Manor of Ampthill, and be taken as parcel of the ſame Manor: And the ſame Manor, with the other Manors, Lands, &c. ſhall be called the Honour of Ampthill; which Honour ſhall be within the order and ſurvey of the Court of Augmentations. PR.

CAP. XXXVIII.

Ibid. 3. The Honour of Grafton. The Kings Hundreds of Wimberſley and Alfords How, and his Foreſts of Whittlewood and Sawcey, and his Chaſes of Yardley and Whaddon, and all his Manors, Parks, ſcites of Monaſteries, Lands, Tenements, and Hereditaments, lying within the Towns, Hamlets and Pariſhes of Grafton, Hartwell, Aſhton, Rood, Cortnall, Alderton, Stoke, Brewern, Shittill-anger, Shoreſley, Bliſeworth, Milton, Malleſworth, Tiffeild, Palliſpery, Toſſetour, Eiſton, Hulcot, Abthorp, Foſcot, Greinſnorton, Blackeſley, Wooden, Colchigham, Grimſcot, Graiton, Parſel, Eſcot, Aſcot, Daleſcot, Bugbroke, Ruddiſtrip, Collingthrigh, Hardingſtone, Wotton, Quinton, Slopton, Denſanger, Yardley, Potterſperry, Furthoo, Coſgrove, Caſtle-Aſhby, Wiken, and Delaprey in the County of Northampton; and in the Hamlets, Towns and Pariſhes of Luffeild, Hanſap, Caſtle-thorp, Harſham, Shenly, little Harwood, Snelſoo, and little Lidforth in the County of Buckingham, and elſewhere within the Realm of England, belonging or appertaining to any Manors or Hundred, lying or being in any of the Towns or Pariſhes above mentioned, ſhall be annexed to the Manor of Grafton: And the ſame Manors, and other the premiſſes, ſhall be called perpetually the Honour of Grafton, and ſhall be in the order and ſurvey of the Court of Augmentations: Saving ſo much thereof as is within the Dutchy of Lancaſter, or County Palatine of Lancaſter. P R.

CAP. XXXIX.

The erection of the Court of Surveyors of the Kings Lands, the names of the Officers there, and their Authority.

THe Court of the General Surveyors of the Kings Lands ſhall be a Court of Record, and ſhall have a Privy-Seal; of which Court ſhall be Officers, the Kings General Surveyors, a Treaſurer, viz. the Treaſurer of the Kings Chamber for the time being, an Attorney, the Maſter of the Woods, Auditors, Receivers, a Clerk of the Court, an Uſher, a Meſſenger; their ſeveral Oaths, Duties and Authorities. All lands only mentioned in a Schedule ſigned, or to be ſigned with the Kings Sign Manual, ſhall be in order and governance of the ſaid Court. Alt. 1 M. 10. Co. Inſt.

Accountant 1. 7 Co. 19. 20, & 21. (LI.) II. And where divers and ſundry obligations and ſpecialties heretofore have been made to divers perſons, part of them to the uſe of King Henry the Seventh, Father of our now moſt gracious Sovereign Lord, and part of them to the uſe and behoof of our ſaid Sovereign Lord: (2) Be it enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all obligations and ſpecialties, which after the firſt day of May next coming, ſhall be made for any cauſe or cauſes, touching or in any wiſe concerning the Kings moſt Royal Majeſty or his Heirs, or to his Heirs or their uſe, commodity or behoof, ſhall be made to his Highneſs, and to his Heirs, Kings, in his or their name and names, by theſe words Domino Regi, and to none other perſon or perſons to his uſe, and to be payed to his Highneſs by theſe words, Solvend. eidem Domino Regi, hæred. vel executoribus ſuis, with other words uſed and accuſtomed in common obligations: (3) And that all ſuch obligations and ſpecialties ſo to be made, ſhall be good and effectual in the Law, to all purpoſes and intents, and ſhall be in the ſame nature, kind, quality, force and effect, to all intents and purpoſes, as the writings obligatory taken and knowledged according to the Statute of the Staple at Weſtminſter, hath at any time before the making of this preſent Act, been taken, uſed, exerciſed and executed againſt any Lay perſon or perſons; any law, uſage, or cuſtom to the contrary thereof notwithſtanding.

Wentw. Executors, 148. Godbolt 190. pl. 416 Savil 13. Obligations made to the King ſhall be in the nature of a Statute Staple and ſhall be made Domino Regi. St 14 Car. 2. c. 16. 24 Ed. Prerog.

Who ſhall have the Kings ſpecialties after his death. III. And that all ſuch obligations and ſpecialties, the debt whereof being not payed nor contented in the life of the King, ſhall come, remain, and be to the Heirs or Executors of the King, at the free liberty, diſpoſition, aſſignment and appointment of the ſame King to whom ſuch obligations or ſpecialties ſhall be made as is aforeſaid. And if any perſon or perſons in his or their own proper perſon or perſons, after the ſaid firſt day of May, make or take any obligation or obligations to the uſe of the Kings Majeſty, or of his heirs, Kings, otherwiſe then is before expreſſed; that then ſuch perſon or perſons only, that ſhall ſo offend contrary to this preſent Act, for his or their ſo doing, ſhall have and ſuffer ſuch impriſonment as ſhall be aſſeſſed and adjudged by the King or his honourable Council, daily attendant upon his Highneſs moſt Royal perſon.

IV. And that all Suits to be made after the firſt day of April next coming, for the recovery of, or for any the Kings debts, in any of the Kings Courts mentioned in this Act, of, or upon any obligation or ſpecialty dated or delivered before the making of this preſent Act, or which ſhall be dated and delivered to the King, or to his uſe, after the ſecond day of May next coming, ſhall be taken, ſued and purſued in the name of the King, and in the name of none other perſon or perſons, to whatſoever perſon or perſons the ſaid obligations or ſpecialties, or any of them, be, have been, or ſhall be made to the Kings uſe.

All ſuits for the Kings debts to be in his own name.
2 Leonard. 33. 90.

V. And that all ſuits, proceſs, judgments, decrees and executions hereafter to be taken, purſued or given for the King in any the Kings Courts mentioned in this Act, of or upon any of the ſame obligations laſt aforementioned, ſhall be of the ſame or like ſtrength, force, effect and intent in the Law to all purpoſes, only againſt all and all manner ſuch perſon and perſons as been bounden in ſuch obligations or ſpecialties, as well ſpiritual as temporal, as againſt their heirs, ſucceſſors, executors and adminiſtrators, and every of them, and againſt none other, as writings obligatories taken and acknowledged according to the Statute of the Staple at Weſtminſter, at any time before the making of this preſent Act, have been uſed to be taken, exerciſed and executed againſt any Lay perſon or perſons.

Proceſs, judgment, and execution for the King, to be in the nature of the Statute Staple.

VI. And that the King in all ſuits hereafter to be taken in or upon any obligation or ſpecialties made or hereafter to be made to the King, or any to his uſe, ſhall have and recover his juſt debts, coſts and damages, as other common perſons uſe to do in ſuits and purſuits for their debts. (2) And that all ſuch ſuits as now be depending in the name of any common perſon to his Graces uſe, whereof no verdict is, or before the Feaſt of Eaſter next coming, ſhall be given or paſſed, or no Exigent awarded, ſhall abate, be void, and of none effect. And nevertheleſs, the King by the authority aforeſaid, ſhall have his ſuit and remedy for the ſaid debt ſo being in action and proceſs, in form as is aforeſaid, in any of the Courts in this Act mentioned; any thing in this Act to the contrary thereof notwithſtanding.

The King in all ſuits for debt ſhall recover his coſts and damages.
34 H. 6. 3 pl. Damages, Br. 15.

VII. And it is further enacted by the authority abovesaid, That all and every ſuit and ſuits, which hereafter ſhall be had, made or taken, of, for, or upon any debt or duties, which heretofore hath grown or been due, or that hereafter ſhall grow or be due to the King, in the ſeveral offices and Courts of his Exchequer, Dutchy of Lancaſter, Augmentations of the Revenues of his Crown, Surveyors-general of his manors, lands and tenements, Maſter of the Wards and Liveries, and Court of the Firſt-fruits and Tenths, or in any of them, or by reaſon or authority of any of them, ſhall be ſeverally ſued in ſuch one of the ſaid Courts and Offices, in the which Court and Office, or by reaſon of the which Court and Office the ſame debt or duty did firſt grow, or become to be due, or hereafter ſhall grow or become due, or in the which Office or Court the Recogniſance, Obligation or Specialty is, or ſhall be or remain. (2) And every ſuch ſeveral ſuit and ſuits ſhall be made in every of the ſaid ſeveral Offices and Courts, under the ſeveral Seals of the ſaid ſeveral Courts, by Capias, Extendi facias, Sub-poena, Attachments, and Proclamations of Allegiance, if need ſhall require, or any of them, or otherwiſe, as unto the ſaid ſeveral Courts ſhall be thought by their diſcretions expedient for the ſpeedy recovery of the Kings debts.

Suits for the Kings debts ſhall be in the Courts where they ſhall be due.
Crumpt. Juriſd. 106.

Proceſs that ſhall be awarded in the ſaid ſeveral Courts for the recovery of the Kings debts.

VIII. And that the ſaid Court of Exchequer, and all and every of the ſaid Courts, ſhall have whole and full authority and power to hear and determine all and every ſuch ſuit and ſuits, as hereafter ſhall be taken, commenced and purſued for the intent above ſpecified, and thereupon to award, make, and do execution by and upon the body, lands and goods of the party or parties that ſo ſhall be condemned accordingly:

XI. And alſo ſhall have full power and authority to hear and determine all and all manner of debts, detinues, treſpaſſes, accompts, reckonings, waſtes, deceits, negligences, defaults, contempts, complaints, riots, quarrels, ſuits, ſtrifes, controverſies, forfeitures, offences, and other things whatſoever they ſhall be, which hereafter ſhall grow, be moved, ſtirred, procured, purſued or ariſe, in, for, or upon any matter, cauſe, or other thing aſſigned, committed or appointed, or hereafter to be aſſigned, committed or appointed to the ſeveral directions, orders and governances of the ſame Courts, or any of them, or for or upon any manner of thing or things, which may or ſhall touch, or in any wiſe concern the ſame, wherein the King ſhall be only party. (2) And alſo all manner of ſtates for term of years between party and party concerning the premiſſes, (3) and to correct and puniſh by their diſcretions all and every perſon and perſons, which before them ſhall be convicted of any of the premiſſes, according to the nature. quality and quantity of his or their offence or offences, cauſe or cauſes, matter or matters, all and all manner of treaſons, murders, felonies, eſtates, rights, titles and intereſts, as well of inheritance as of freehold, other then Joynters for term of life only excepted and always reſerved.

The authority of the Courts of Exchequer, Wards and Dutchy.

X. And be it enacted by the authority aforeſaid, That if any perſon or perſons ſhall make, or pretend any claim, right, title, intereſt or poſſeſſion, in, or to any manors, lands, tenements or hereditaments, bargained, ſold or exchanged, or hereafter to be bargained, ſold or exchanged by the King our Sovereign Lord, to any perſon or perſons in fee-ſimple, or fee-tail, by his Highneſs Letters Patents, made or to be made thereof under the Great Seal of England, upon which Letters Patents there is or ſhall be reſerved any annual Rents, or Farms payable to the Kings Highneſs, his Heirs or Succeſſors in his ſaid Court of Augmentations: (2) or demand or ask any rents, annuities, offices, fees, or other profits in, out, or of any ſuch manors, lands, tenements or hereditaments, contained or to be compriſed in any ſuch Letters Patents, made or hereafter to be made, as is aforeſaid: (3) Or if our ſaid Sovereign Lord, his Heirs or Succeſſors, ſhall make or pretend any claim, right, title, intereſt or poſſeſſion, in, or to any manors, lands, tenements or hereditaments, bargained, ſold or exchanged, or to be bargained, ſold or exchanged, by the King, his heirs or Succeſſors, to any perſon or perſons, in fee-ſimple, or fee-tail, by his or their Letters Patents thereof made, or hereafter to be made under his or their great Seal of England, upon which Letters Patents is or ſhall be reſerved any annual Rents, or Farms payable, or which ſhall be payable to the King, his Heirs or Succeſſors, in his ſaid Court of Augmentations:

Title pretended to lands ſold or exchanged by the King.

Demanding any rents or profits out of ſuch lands.

The King pretending title to any lands by him ſold or exchanged.

The King demanding rents or profits out of ſuch lands.

In what cauſes the Court of Augmentations, without other warrant, may make recompence to any perſon that is wronged.

A loſs extending by a decree to the Kings Patentee for life or years.

tions: (4) or if the King, his Heirs or Succeſſors, demand or ask any rents, annuities, or other profits or hereditaments of any eſtate of inheritance, in, of, or out of any manors, lands, tenements or hereditaments contained or compriſed, or to be contained or compriſed, appointed or to be appointed, or aſſigned to the ſaid Court of Augmentations, in any Letters Patents made, or hereafter to be made, as is aforeſaid: (5) That then the Chancellor of the ſaid Court of Augmentations, by the aſſent of the Council of the ſaid Court, or the more part of them, ſhall have power and authority by authority of this Act, to examine all ſuch demands, rights, titles, intereſts and poſſeſſions, rents, annuities, offices, fees, and other profits and hereditaments, whatſoever they ſhall be, and every of them ſo to be demanded, pretended, claimed or asked, as is aforeſaid, and by witneſs, proofs, and otherways and means, by their diſcretions, to hear and determine the ſame: (6) And in caſe the Kings Patentees in any ſuch Letters Patents, as is aforeſaid, or any of them, their heirs, ſucceſſors or aſſigns, ſhall be compelled by the authority of the ſaid Court of Augmentations, by decree or judgment of the ſame Court, to render and yield to any perſon or perſons in fee-ſimple or fee-tail, the lands, tenements or hereditaments compriſed or ſpecified in any ſuch Letters Patents, or any parcel of them, or to ſuffer any perſon or perſons to have and enjoy any offices, rents, annuities, or other profits or hereditaments in fee-ſimple, or in fee-tail, out or of the ſame, or out of any parcel thereof: (7) And that it ſhall appear in the ſaid Letters Patents, that the King, his Heirs or Succeſſors, is or ſhall be bounden, or of right and equity ought to recompenſe and ſatisfie the ſaid Patentees, their heirs, ſucceſſors, executors or aſſigns, or any of them, of and for ſuch manors, lands, tenements or hereditaments, annuities, rents, offices, fees, or other profits recovered in fee-ſimple or fee-tail, by decree or judgment of the ſaid Court, as is aforeſaid, or elſe to diſcharge and acquit the ſaid Patentees, their heirs, ſucceſſors, executors and aſſigns, of or for any rents, annuities, offices, fees, or other profits aforeſaid recovered by decree or judgment in fee ſimple or fee-tail, as is aboveſaid: (8) Or if it ſhall appear unto the ſaid Court of Augmentations, or unto the more part of them, that the King, his Heirs or Succeſſors, of right and equity ought to have, recover or enjoy in fee-ſimple or fee-tail, any manors, lands, tenements or hereditaments, in any ſuch Letters Patents compriſed, or rents, annuities, offices, fees, or other profits, in, out, or of the ſame: (9) That then in all and every ſuch caſe and caſes, the ſaid Chancellor of the Augmentations for the time being, with the aſſent of three or more ſuch perſons as hereafter ſhall be named by the King, his Heirs or Succeſſors, ſhall have full power and authority without any Bill or Warrant to be ſigned or ſued from the King, his Heirs or Succeſſors, for the ſame, as well to recompenſe and ſatisfie the party or parties grieved, ſo much in Money of the Kings Treaſure remaining in the ſaid Court of Augmentations, as the ſaid manors, lands, tenements, rents, annuities, offices, fees, or other profits or hereditaments loſt or recovered by decree or judgment of the ſaid Court of Augmentations, as is aforeſaid, ſhall be worth to be ſold, or otherwiſe diſcharge and acquit ſuch perſon or perſons thereof, according to his or their Letters Patents: (10) as alſo to make and take order, direction, decree and judgment for the King, his Heirs and Succeſſors, for the recovery, attaining, and having of all and ſingular ſuch manors, lands, tenements, rents, annuities, offices, fees, profits and hereditaments, and all and every other thing and things, which the King, his Heirs and Succeſſors, by, and upon ſuch examination and examinations, ought, ſhould, and ſhall be juſtly intituled to have, recover, poſſeſs or enjoy in fee-ſimple or fee-tail: (11) And the ſame decree, direction, order and judgment to be good and effectual in the Law, to bind all parties and privies to the ſame to all intents and purpoſes. (12) And where any decree or judgment ſhall be given in the ſaid Court of Augmentations for any the Premiſſes, extend to the loſs of the Kings Patentee or Patentees, their heirs, ſucceſſors, executors or adminiſtrators, but for term of life or lives of the demaundant or demaundants, plaintiff or plaintiffs, or for term of years, the loſs whereof the King is bounden and ought to recompenſe, diſcharge or acquit by his Letters Patents: then the ſaid Chancellor of the Augmentations ſhall have full power and authority to recompenſe or diſcharge the ſame in Money, as is aforeſaid, or elſe to recompenſe the ſame of the lands, tenements, hereditaments and poſſeſſions limited to the ſurvey and governance of the ſaid Court of Augmentations, to be granted under the Seal of the ſame Court by the diſcretion of the ſaid Chancellor, as ſhall ſeem to him beſt for the Kings profit, without any Bill or Warrant to be Sued, or Signed by, or from the King for the ſame. (13) And that every ſuch recompence, ſatisfaction, and diſcharge to be made by authority of this Act, to any perſon or perſons by the ſaid Chancellor, as is aforeſaid, ſhall be good and effectual againſt the King, his Heirs and Succeſſors; any law, uſage or cuſtom to the contrary notwithſtanding.

The authority of the foreſaid Courts to ſet fines and amerciaments upon offenders.

Trials in the ſaid Courts.

XI. And it is further enacted by the authority aboveſaid, That every of the ſaid Courts ſhall have full power and authority, by force of this Act, to ſet ſuch fines, penalties, and amerciaments upon parties, Sheriffs, Officers, and other perſons, for his and their defaults, contempts, negligences, or miſdemeanors, as unto the ſaid Courts, or unto any of them ſhall be reaſonably conſidered and thought expedient. (2) And that all and every trial and trials, of all and all manner of ſuits, bills, plaints, informations, declarations, complaints, anſwers, replications, allegations, cauſes, matters, and iſſues, or any of them, to be purſued, made or tried in the ſaid ſeveral Courts, or any of them, ſhall be made and tried by due examination of witneſs, writings, proofs, or by ſuch other ways or means as by the ſaid ſeveral Courts, or by any of them ſhall be thought expedient. (3) And that all and every ſuch judgment and judgments, decree or decrees, examination and examinations, ſhall be good, perfect, and in full ſtrength, force and effect in the Law to all intents, conſtructions and purpoſes.

The chief Officers of the foreſaid Courts may diſcharge Recogniſances taken there.

XII. And where divers and ſundry perſons ſtand bounden to the Kings Highneſs in divers great and notable ſums of Money, by Recogniſance or other Bonds in the ſaid ſeveral Courts, for Debts due to the Kings Highneſs, as well for the purchaſe of Lands and Woods, and performance of Conditions, as alſo for divers and ſundry other cauſes: (2) and albeit the ſame perſons have well and truly ſatisfied, contented and paid the ſame debts, or performed the conditions of the ſame Recogniſance, or other Bonds, yet the ſame Recogniſances, or other Bonds cannot be made void without the Kings eſpecial Warrant, which ſhould be much unquietneſs to the Kings Majeſty, and alſo very chargeable to his Graces Subjects, to ſue to his Highneſs from time to time for the ſame: (3) In conſideration whereof, and foraſmuch as the ſaid perſons being ſo bounden by Recogniſance, or in other Bonds, may by divers caſualties loſe their Acquittances, whereby great danger and peril may grow to them, their heirs, executors, and ſucceſſors: (4) Be it therefore enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That upon the ſight of the Acquittances, made or to be made for the payment of the ſaid debt or debts, or ſum or ſums of money, growen or to be growen, or due and ſufficient proof made, or hereafter to be made before the ſaid ſeveral head Officers for the time being of the ſaid ſeveral Courts, as the caſe ſhall riſe or grow, or if the condition of the ſame Recogniſance or Bond be performed or kept: That then every ſuch ſeveral head Officer for that Recogniſance taken or to be taken by him or any of his Predeceſſors, or of any other Bond for that time being within his charge and cure, ſhall have full power and authority to Cancel and make void the ſaid Recogniſance or other Bond, calling to him ſuch of the ſame Court as to him or them ſhall ſeem moſt convenient for the cancellation of the ſame Recogniſance or Bond.

XIII. And be it enacted by the authority aforeſaid, That the ſame cancellation ſo made, ſhall be a ſure and ſufficient diſcharge of the ſame Recogniſance or other Bond, to all and every ſuch perſon or perſons as do or ſhall ſtand bounden in the ſame Recogniſance or Bond ſo Cancelled againſt the Kings Highneſs, his Heirs, Executors, and Succeſſors for ever.

XIV. And be it further enacted by the authority aforeſaid, That the ſame ſeveral head Officers for the time being, in every of their ſaid ſeveral Courts, ſhall have full power and authority to Diſcharge, Cancel, or make void by his or their diſcretion, all and ſingular Recogniſances now made, or hereafter to be made in the ſaid Court, for any appearance or other contempt: and that the ſame head Officer or Officers, and the parties ſo bounden and to be bounden, to be diſcharged againſt the King our Sovereign Lord, his Heirs, Executors, and Succeſſors, for the cancellation of the ſame Recogniſance.

Diſcharging of Recogniſances taken for appearance or contempt.

XV. And where the Kings Majeſty ſithen the making of the ſame Statute in the ſaid Twenty ſeventh year of his noble Reign, of his own meer motion, liberality, and benignity, hath freely given and granted by his ſundry Letters Patents under his Great Seal of England, unto divers and ſundry of the Nobles and Lords, as well Spiritual as Temporal, of this his Realm, and alſo unto divers and many other perſons and bodies politick, to their Heirs or Succeſſors, and to the Heirs of their Bodies, or for term of Life or Lives, divers and many ſundry Honours, Caſtles, Manors, Lands, Tenements, Rectories, Penſions, Portions, and other Hereditaments, which then were in the order, governance and ſurvey of the ſame Court of the Augmentations of the Revenues of his Graces Crown, or out of any other of the ſaid ſeveral Courts, reſerving unto his Majeſty, his Heirs and Succeſſors by the ſame Letters Patents, one yearly Rent in the name of one Tenth, or the tenth part of the yearly value of the ſame Premiſſes, or any other Tenth payable, and to be paid in the ſame Courts, or to the Officers of the ſame Courts deputed and aſſigned for the ſame, at one certain Feaſt or day in the ſame Letters Patents mentioned and declared; (2) which ſaid perſons ſo advanced, notwithſtanding they have ſithen and after the making of the ſame Letters Patents peaceably enjoyed the ſame manors, lands, tenements and hereditaments ſo given, and thereof have quietly perceived and taken the iſſues, revenues, and profits thereof: yet nevertheleſs, divers of the ſame perſons have not at the days and feaſts aſſigned and limited unto them in the ſame Letters Patents, not long time after the ſame days and feaſts of payment thereof, contented and payed in the ſame Courts, or to the Officers of the ſame Courts aſſigned and deputed for the ſame, the ſaid yearly rent or rents ſo reſerved to the Kings Highneſs, contrary to their duties, and againſt all reaſon and good conſcience: (3) In conſideration whereof, Be it therefore now ordained, enacted and eſtabliſhed, by the aſſent of the Kings Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon, of what eſtate, degree or condition ſoever he be, or body politick, to whom the Kings Majeſty hath by his Letters Patents under his Great Seal of England, or under the Great Seal of the ſame Court of Augmentations, given or granted, or hereafter ſhall give or grant, with like reſervation of rent or rents, any manors, lands, tenements, rectories, or other hereditaments whatſoever, which were, or hereafter ſhall be in the order, governance, and ſurvey of the ſame Courts, or any of them, to be had to them, and their heirs or ſucceſſors, or for any other eſtate of inheritance, or for term of life or lives, yielding and reſerving to the ſame our ſaid Sovereign Lord the King, his Heirs or Succeſſors, one yearly rent at one certain day or feaſt in the ſame Letters Patents expreſſed, mentioned, and declared, and to be paid into the ſame Courts: that if the ſame perſons, bodies politick, their heirs, or ſucceſſors, or aſſigns, or any of them, do not truly content or pay, or cauſe to be contented or paid unto the Treaſurer of the ſaid ſeveral Courts, or to the general or particular Receiver of the ſame ſeveral Courts, deputed and aſſigned for the ſame, for the time being, to the uſe of the Kings Highneſs, at the day or feaſt limited by the ſame Letters Patents, or within three months next and immediately after the ſame day or feaſt of payment thereof, all ſuch ſums of money, which been, or hereafter ſhall be due, reſerved to the Kings Majeſty, his Heirs and Succeſſors, by the ſame Letters Patents, or by any of them, or make ſufficient tender thereof to the ſaid Treaſurer, or general or particular Receiver: that then every of the ſame perſons, bodies politick, their heirs, ſucceſſors, or aſſigns, for lack and default of payment of the ſame rent, to forfeit and loſe to the Kings Majeſty, his Heirs and Succeſſors, as much money as the fourth part of the ſame rent ſo reſerved, or hereafter to be reſerved for one year, doth or ſhall amount unto, for, and in the name of one pain, over and above the ſame rent reſerved, or hereafter to be reſerved. (4) And if it happen the ſame perſons, or bodies politick, their heirs, ſucceſſors, or aſſigns, or any of them, do not within one half

27 H. 8. 27.

A remedy for tithes not payed, iſſuing forth of Abbey lands given by the King to others.

The penalty for default of payment at the day aſſigned, or within three months after.

The penalty for default of payment within a year.

year next after the day or feaſt expreſſed in the ſame Letters Patents, content or pay, or lawfully tender unto the ſame Treaſurer, or general and particular Receiver, to the uſe of the Kings Majeſty, his Heirs or Succeſſors, as well the ſaid yearly rent ſo reſerved, or hereafter to be reſerved, as alſo the ſaid money forfeited for and in the name of a pain; that then the ſame perſons, bodies politick, their heirs, ſucceſſors or aſſigns, ſo offending, ſhall forfeit and loſe to the Kings Majeſty, his Heirs and Succeſſors, ſo much money as the moiety or half deal of the ſame rent reſerved, or to be reſerved for one year, doth or ſhall amount unto, over and above the ſaid rent reſerved or to be reſerved, (5) and ſo to forfeit and loſe for every half year after, ſo much money as the whole rent reſerved, or to be reſerved for one whole year doth or ſhall amount unto, until the ſame rent reſerved or to be reſerved, and the arrearages of the ſame, and alſo the ſaid ſums of money ſo forfeited and loſt for a pain, been unto the ſame Treaſurer, or general or particular Receiver, truly ſatisfied, contented and paid, to the uſe of the Kings Highneſs, his Heirs and Succeſſors.

A further remedy for the tenth, and money forfeited in the name of a penalty.

XV. And be it alſo enacted by the authority aforeſaid, That it ſhall be lawful to the ſame Treaſurer, and general or particular Receiver, to diſtrain as well for the ſame rent ſo reſerved or to be reſerved, and for the arrearages of the ſame, as alſo for the ſaid ſums of money ſo forfeited, or to be forfeited and loſt, for and in the name of the pain aforeſaid: (2) And alſo the head Officer or Officers of either of the ſame Courts for the time being, upon Certificate to him made or to be made of the ſame default and contempt, ſhall and may award ſuch proceſs out of the ſame Courts againſt the ſame offender, for not paying of the ſaid rent ſo reſerved, and alſo for the ſame ſums of money forfeited and to be forfeited by this Act, as by his or their diſcretion ſhall ſeem convenient.

Acquittance for the tenth.

XVI. And be it alſo enacted by the authority aforeſaid, That if any perſon or perſons hereafter make lawful payment to any of the ſaid Treaſurers, or general or particular Receivers of any of the ſame Courts, deputed and aſſigned for the ſame, of any ſum or ſums of money due to the Kings Highneſs, his Heirs or Succeſſors, for any yearly rent or tenth, and upon or after ſuch payment, offer unto the ſame Treaſurer, or general or particular Receiver, one lawful and ſufficient Acquittance ready made, to be aſſigned by the ſame Treaſurer, or general or particular Receiver, witneſſing the receipt of the ſaid ſum or ſums of money ſo paid; that then the ſaid Treaſurer, general or particular Receiver, ſhall with his own hand aſſign the ſame Acquittance, without taking any fee or reward for the making of the ſame Acquittance, (2) upon pain to forfeit and loſe for every time offending contrary to this Act xl. ſhillings, one moiety whereof to be to the Kings Highneſs, and the other moiety to the party that will purſue for the ſame; (3) And if the parties which hereafter ſhall happen to pay to the ſame Treaſurer or general or particular Receiver, any ſuch ſum or ſums of money, and do not bring an Acquittance with him to be aſſigned, as is beforeſaid: that then if the ſame Treaſurer, or general or particular Receiver, upon requeſt to him made, ſhall make and deliver unto the ſame party one ſufficient Acquittance, teſtifying the ſame receipt, that then the ſame Treaſurer, or general or particular Receiver, or any of his Clerks, ſhall receive or take of the ſame party for the making the ſaid Acquittance, not above four pence, (4) upon pain to forfeit for every ſuch Acquittance, xx. s. for which he or they ſhall happen to take above the ſaid ſum of four pence, to be recovered as is beforeſaid, that is to ſay, the one moiety thereof to the uſe of the Kings Highneſs, of his Heirs and Succeſſors, and the other moiety thereof to the party that will purſue for the ſame.

XVII. And be it alſo enacted, That the ſame Acquittance ſhall be a ſufficient diſcharge according to the tenor and effect of the ſame.

How much he ſhall pay for an Acquittance which doth receive any annuity.

XVIII. And be it alſo further enacted and ordained by the authority aforeſaid, That if any of the ſame general or particular Receivers which now be, or hereafter ſhall be within any of the ſaid Courts, happen to pay to any perſon or perſons, any annuity, penſion, or other rent, that then if the ſame perſon or perſons upon the receipt thereof, deliver unto the ſame general or particular Receiver, one ſufficient and lawful Acquittance Sealed and Signed, teſtifying the ſame Receipt, that then the ſame general or particular Receiver ſhall receive the ſame Acquittance, without taking or receiving any Fee or Reward for the making of the ſame. (2) And if the ſame party to whom the ſaid general or particular Receiver hath ſo contented and paid any ſuch annuity, penſion or rent, do not bring with him one ſufficient Acquittance Signed and Sealed, teſtifying the receipt of the ſame money, by reaſon whereof the ſame general or particular Receiver by himſelf or his Clerk, maketh one Acquittance for the receipt of the ſame annuity, penſion or rent, that then the ſame Receiver or his Clerk, ſhall not receive or take for the making of ſuch Acquittance, which he ſhall ſo happen to make, not above four pence, upon pain to forfeit for every ſuch Acquittance, which he ſhall happen to refuſe, being ready made, and offered to be delivered to him as is abovesaid, xx. s. (3) and for every Acquittance which he ſhall hereafter happen to make for any the payments aforeſaid, and to receive for the making of the ſame Acquittance above the ſum of four pence, to forfeit xx. s. the one moiety to the King, and the other to the party that will ſue for the ſame: (4) And alſo that the ſame general or particular Receivers, or their Deputies, which hereafter ſhall happen to pay any ſuch annuity, penſion, or rent, ſhall not retain or take of the party to whom he ſhall happen to pay the ſame, in the way of reward or otherwiſe, not above the ſum of four pence for every pound which the ſame general or particular Receiver ſhall ſo happen to pay, (5) upon pain to forfeit vj. s. viij. d. for every peny which he or they ſhall happen to receive above the ſaid ſum of iv. d. for every pound which he or they ſhall ſo happen to pay; the one moiety of the ſame forfeiture to be to the King, and the other moiety to the party that will ſue for the ſame. (6) And that all the ſaid ſuits concerning the ſaid forfeitures may be commenced and purſued by bill, information or action, in which ſuit none eſſoin, protection or wager of Law to be admitted.

The Receiver ſhall take but four pence a pound.

The Auditors Fees for Enrollments.

XIX. And be it further enacted, That if any perſon or perſons hereafter happen to tender or offer unto any of the Auditors of the ſame ſeveral Courts, for the time being, any of the Kings Letters Patents, Decrees of any of the ſame ſeveral Courts, Grants, Indentures of Leaſes, as well for term of Years, as for term of Life or Lives, to be Enrolled before the ſame Auditor, according to his Office: that then the ſame Auditor, upon the ſame tender or offer, ſhall Enroll the ſame, or as much of the ſame Letters Patents, Decrees, Grants, or Indentures, as ſhall appertain to his ſaid Office. (2) And if any of the ſame Auditors, or any of their Clerks, or any other to their uſe, or to the uſe of any of them, receive and take for the Enrollment of any of the ſame Letters Patents, Decrees, Grants or Indentures, or for the allowance of the ſame, above the ſum of Three ſhillings four pence, that then the ſame Auditor or his Clerk ſo offending ſhall forfeit Six ſhillings eight pence for every peny which the ſame Auditor, or any of them, ſhall happen at any time hereafter to receive contrary to the form aforeſaid, the one moiety of the ſame forfeiture to be to the Kings Highneſs, and the other moeity to him that will ſue for the ſame by ſuch manner and form as is aforeſaid.

XX. And be it alſo further enacted by the authority aforeſaid, That every Auditor of every the ſaid ſeveral Courts, yearly in every County within their ſaid ſeveral limits, by the ſpace of twenty days or more before their Audit, ſhall proclaim and declare in four ſeveral Markets, or other places, the place and days where and when they will keep their ſeveral Audits in the ſame Shire, upon pain to forfeit for every time doing the contrary, Five pounds, the one moiety whereof to be to the Kings Highneſs, and the other moiety to the party that will ſue for the ſame in form aforeſaid.

Auditors ſhall cauſe proclamation to be made in four Market towns twenty days before their coming.

XXI. And that alſo every of the Auditors of the ſaid ſeveral Courts being ſeverally aſſigned to their ſeveral limits, and every the particular Receivers of the ſame ſeveral Courts, being alſo ſeverally aſſigned and joyned with the ſame ſeveral Auditors, in their ſaid ſeveral limits, after and between every of the Feaſts of St. Michael the Archangel and Chriſtmas, ſhall direct and award their ſeveral Warrants and Precepts under their Seals, to every of the Receivers, Bailiffs, Reeves, and other Officers whatſoever accomptable before the ſame Auditors, and by the ſame Warrant or Precept to charge and command in the name of our ſaid Sovereign Lord the King, every of the ſaid Receivers, Bailiffs, Reeves, and other Officers, to appear before them at one certain day and place in the ſame Warrant or Precept to them preſcribed, there to declare and make a juſt aud true accompt of all ſuch Receipts whereof they be accuſtomable, and owe to accompt.

Auditors and Receivers ſhall make their precepts to Bailiffs, &c.

XXII. And after if the ſame Auditors and particular Receivers do repair unto the ſame place, and there keep their Audit, according to the ſame Proclamations, Precept and Warrant: that then if any Receiver, Bailiff, Reeve, or other Officer being accomptable of or for any of the manors, lands, tenements or other whatſoever hereditaments now remaining, or which hereafter ſhall be and remain in the order, governance, or ſurvey of any of the ſame ſeveral Courts, be lawfully warned, as well by the ſame Proclamation, or by Precept or Warrant in writing ſealed, and in the name of any of the Auditors of the ſaid ſeveral Courts, perſonally to appear by himſelf, or by his ſufficient and lawful Deputy before the ſame Auditor and Receiver, at one certain day or place, in the ſaid Warrant or Precept preſcribed, there to make and declare a juſt and true accompt of all Receits of his ſaid Office; (2) And if the ſame Receiver, Reeve, Bailiff, and other Officer, ſo being lawfully warned, do not appear before the ſame Auditor and Receiver, at the ſame day and place in the ſaid Warrant expreſſed; or if the ſame Receiver, Bailiff, Reeve, or Officer, do at the ſame day and place to them preſcribed, appear, and will not accompt before the ſame Auditor, according to the tenour and effect of the ſame Precept and Warrant; or if the ſame Receiver, Bailiff, Reeve, or other Officer accomptable, do by himſelf, or by his ſufficient and lawful Deputy appear before the ſame Auditor and Receiver, and then, and there enter into his or their Accompt before the ſaid Auditor, and after the ſame Accompt finiſhed and ended, if the ſame Receiver, Bailiff, Reeve, or other Officer, do not content and pay unto the Treaſurer of the ſame ſeveral Courts, or to the general or particular Receiver of the ſame County for the time being, as the caſe ſhall require, within three weeks next and immediately after the ſame Accompt fully finiſhed and ended, all ſuch ſums of Money which upon the determination of his ſaid Accompt, he ſhall happen to be found in Arrearages, and the ſame default and Accompt being duly proved before the head Officer and Officers of the ſaid ſeveral Courts for the time being, that then every ſuch Receiver, Bailiff, Reeve, or Officer ſo offending, to forfeit and loſe his ſaid Office, and alſo his Fee which he and they had and received for the exerciſing of the ſame Office.

A remedy againſt accomptants which make default of appearance or payment.

XXIII. And be it alſo further enacted by the authority of this preſent Parliament, That if any of the ſaid Receivers, Bailiffs, Reeves, or other Officers, upon the declaration of their ſaid Accompts, do willingly conceal and withdraw any Rent, Revenue, Fine, Heriot or other caſualty whatſoever it be, of the which he ought to have made accompt, and the ſame duly proved before the ſaid head Officer or Officers for the time being: that then every ſuch Receiver, Bailiff, Reeve, or other Officer ſo offending, to forfeit and loſe his ſaid Office and Fee which he had for the exerciſing of the ſame, and alſo three times as much as he hath ſo concealed and withdrawn ? (2) Aud that the ſaid head Officer or Officers of the ſame ſeveral Courts for the time being, immediately upon Certificate to him of the ſame default, contempt or offence, ſhall award Proceſs in nature of Attachment againſt the ſame Receiver, Bailiff, Reeve, or other Officer, as well for the ſame Arrearages remaining in the hands of the ſame Receiver, Bailiff, Reeve or Officer, as alſo for the penalty of their Recognizance or Bond, in which the ſame Receiver, Bailiff, Reeve or Officer ſtandeth bounden to our ſaid Sovereign Lord the King, as alſo for the contempt and pain limited and appointed by this Act.

The penalty if an accomptant do withdraw any rent.

XXIV. And be it further enacted by authority aforeſaid, That in all Actions and Suits to be taken or purſued in any the Courts aforeſaid, for the recovery of any debt or debts, which now be, or that hereafter ſhall happen to appertain, accrue, remain or be to the King, by reaſon of any Attainder, Outlawry, Forfeiture, Gift of the party, or by any other collateral way or means, it ſhall be ſufficient in the Law to ſhew and alledge in the ſaid Suit generally, that

A remedy for debts which grow to the King by attainder, outlawry, forfeiture, gift, &c.

the party to whom the ſaid Debt or Debts was or did belong, ſuch year and day did give the ſame Debt or Debts unto the King, or was Attainted, Outlawed, or other Offence, Forfeiture, Deed, Act or thing committed or done, by reaſon whereof the ſaid Debt or Debts did accrue, and ought to remain, come and be to the King. (2) And that the ſame matter ſo to be ſhewed, alledged or declared in a generality, without ſhewing and declaring the Circumſtance thereof, ſhall be of as good force and effect in the Law to all intents, conſtructions and purpoſes, as if the whole matter thereof had been or were alledged and declared at large in every point, according to the due order of the common Laws of this Realm.

The King ſhall be preferred in ſuit and execution. 9 H. 3. 18.

XXV. And be it alſo enacted by the authority aforeſaid, That if any Suit be commenced or taken, or any Proceſs be hereafter awarded for the King, for the recovery of any of the Kings Debts, that then the ſame Suit and Proceſs ſhall be preferred before any perſon or perſons: (2) And that our ſaid Sovereign Lord, his Heirs and Succeſſors, ſhall have firſt Execution againſt any Defendant or Defendants, of and for his ſaid Debts, before any other perſon or perſons, ſo always that the Kings ſaid Suit be taken and commenced, or Proceſs awarded for the ſaid Debt, at the Suit of our ſaid Sovereign Lord the King, his Heirs or Succeſſors, before judgment given for the ſaid other perſon or perſons.

Tenant in fee-ſimple or tail, chargeable to pay the King his anceſtors debts.

XXVI. And be it enacted alſo by authority aforeſaid, That all manors, lands, tenements, poſſeſſions and hereditaments, the which now be, or that hereafter ſhall come or be, in, or to the hands, poſſeſſion, occupation, or ſeiſon of any perſon or perſons, to whom the ſame manors, lands, tenements or hereditaments have heretofore, or hereafter ſhall deſcend, revert or remain in fee-ſimple or in fee-tail, general or ſpecial, by, from or after the death of any his or their anceſtor or anceſtors as heir, or by gift of his anceſtors whoſe heir he is, which ſaid anceſtor or anceſtors was, is or ſhall be indebted to the King, or to any perſon or perſons to his uſe, by judgment, recogniſance, obligation, or other ſpecialty, the debt whereof is or ſhall not be contented and paid; That then in every ſuch caſe the ſame manors, lands, tenements, poſſeſſions and hereditaments, ſhall be and ſtand by authority of this Act, from henceforth charged and chargeable to and for the payment of the ſame Debt, and of every part thereof.

The Kings debts payable by the heir, though in the bond he be not named.

XXVII. And that our ſaid Sovereign Lord, his Heirs and Succeſſors, at any time hereafter ſhall not be barred, delayed, fore-cloſed or excluded, to demand, have and receive his or their juſt, due and lawful Debts and Duties againſt any of his Subjects, as Heir or Heirs to any perſon or perſons indebted to his Highneſs, or to other perſons to his uſe, or which ſhall be indebted to his Highneſs, his Heirs and Succeſſors, albeit this word Heir be not, or ſhall not be compriſed in ſuch recognizance, obligation or ſpecialty, or that any ſuch perſon or perſons ſhall ſay or alledge, that he or they have not any manors, lands, tenements or hereditaments to them deſcended, but only ſuch manors, lands, tenements or hereditaments, as be or ſhall be entailed or given to them by any their anceſtors to whom they be Heirs; Any Laws, Uſes or Cuſtoms before this time uſed or had to the contrary notwithſtanding.

Lands entailed chargeable.

The King may charge the executors or adminiſtrators.

XXVIII. Provided always, That the Kings Majeſty, his Heirs and Succeſſors, may at his or their liberty and pleaſure demand, have and recover his or their ſaid Debt or Debts, of and againſt any Executor or Executors, Adminiſtrator or Adminiſtrators of any ſuch perſon or perſons, which is, hath been, or ſhall be indebted in manner and form abovesaid, if the ſame Executor or Executors, Adminiſtrator or Adminiſtrators, ſhall have Aſſets in his or their hands, in Deed or in Law; any thing before mentioned to the contrary notwithſtanding.

The lands chargeable to the King recovered.

XXIX. Provided alſo, That if the ſaid manors, lands and hereditaments, or any of them, ſhall hereafter be recovered or evicted out of, or from the poſſeſſion of any ſuch perſon or perſons, by any juſt or former title, without fraud or covin, whoſe manors, lands, tenements or hereditaments, been or ſhall be charged or chargeable, as is abovesaid; that then all and every ſuch manors, lands and hereditaments, ſhall be clearly acquitted and diſcharged of and for the payment of the ſame Debts, and of every part thereof; any thing before mentioned to the contrary notwithſtanding.

Sufficient matter pleaded in diſcharge of the debt.

XXX. Provided alway, and be it enacted by the authority aforeſaid, That if any perſon or perſons, of whom any ſuch Debt or Duty is, or at any time hereafter ſhall be demanded or required, alledge, plead, declare or ſhew in any of the ſaid Courts, good, perfect and ſufficient cauſe and matter in Law, Reaſon or good Conſcience, in bar or diſcharge of the ſaid Debt or Duty, or why ſuch perſon or perſons ought not to be charged or chargeable to or with the ſame, and the ſame cauſe or matter ſo alledged, pleaded, declared or ſhewed, ſufficiently proved in ſuch one of the ſaid Courts, as he or they ſhall be impleaded, ſued, vexed or troubled for the ſame; that then the ſaid Courts and every of them, ſhall have full power and authority to accept, adjudge and allow the ſame proof, and wholly and clearly to acquit and diſcharge all and every perſon and perſons that ſhall be ſo impleaded, ſued, vexed or troubled for the ſame; any thing in this preſent Act before mentioned to the contrary notwithſtanding.

Lands chargeable to the King in ſeveral mens tenures.

XXXI. Provided alſo, and be it enacted by the authority aforeſaid, that if any manors, lands, tenements or hereditaments, which be, or at any time hereafter ſhall be charged, or chargeable to or with the Debt of our ſaid Sovereign Lord, his Heirs or Succeſſors, and be at any time hereafter, or ſhall be in the ſeiſon and poſſeſſion of divers and ſundry perſons, other then the Obligor or Obligors, that then all and ſingular the ſaid manors, lands, tenements and hereditaments, and every parcel of them, ſhall be wholly and entirely, and in no wiſe ſeverally liable and chargeable, to and with the payment and payments of the ſaid Debts, of the ſaid Debt and Duty; any thing before rehearſed to the contrary notwithſtanding.

The liberties of the Dutchy of Lancaſter ſaved.

XXXII. Provided alſo, That this Act, nor any thing therein contained, ſhall in any wiſe extend to miniſh, abrogate or take away any realties, liberties, previledges, franchiſes, preeminences, juriſdictions, fines, iſſues or amerciaments appertaining or belonging to the ſaid Dutchy of Lancaſter, and County Palatine of Lancaſter, or any of them; (2) but that the ſame liberties, realties, privileges, franchiſes, preeminences, juriſdictions, fines, iſſues and amerciaments, and every of them, ſhall ſtill continue, remain and be to the ſaid Dutchy of Lancaſter and County Palatine, and every of them, as fully, wholly and plenarily, as they were before the making of this preſent Act; any thing in the ſame contained to the contrary notwithſtanding.

Proceſs and executions for Debts growing in the Exchequer.

XXXIII. Provided alway, and be it enacted by the authority aforeſaid, That all manner of Proceſs, Proceſſes and Executions for Debts, only coming or growing in the Court of the Exchequer, ſhall be made in the ſame Court of the Exchequer, by ſuch Officer and Officers, Clerk or Miniſter of the ſame Court, as hath been afore this time uſed to be made, after and with ſuch kind of Proceſs, Proceſſes and Executions, as by this Act is limited and declared; any thing in this Act contained to the contrary notwithſtanding. St. 7. Ed. 2.

Anno triceſimo quarto & quinto HENRICI octavi.

ACTS made in the Seſſion of this preſent Parliament holden upon Prorogation at Weſtminſter, the two and twentieth day of January, in the four and thirtieth year of the Reign of our moſt dread Sovereign Lord, HENRY the Eighth, by the Grace of God, King of England, France and Ireland, Defender of the Faith, and of the Church of England, and alſo of Ireland, in Earth the Supreme Head, and there continued and kept to the twelfth day of May, in the Five and thirtieth year of our ſaid Sovereign Lord, to the honour of God, and for the Common-weal and profit of this his Realm.

CAP. I.

Hereſie, Raſt. 3.

Recourrſe muſt be had to the Catholick and Apoſtolick Church, for the deciſion of controverſies, and therefore all books of the Old and New Teſtament in Engliſh, being of Tindals falſe Tranſlation, or compriſing any matter of Chriſtian Religion, Articles of the Faith, or holy Scripture, contrary to the Doctrine ſet forth ſithence Anno Dom. 1540. or to be ſet forth by the King, ſhall be aboliſhed. No Printer or Bookſeller ſhall utter any of the aforeſaid Books. No perſons ſhall play in Enterlude, ſing or rhime contrary to the ſaid Doctrine. No perſon ſhall retain any Engliſh Books or Writings concerning matter againſt the Holy and Bleſſed Sacrament of the Altar, or for the maintenance of Anabaptiſts, or other Books aboliſhed by the Kings Proclamation. There ſhall be no Annotations or Preambles in Bibles or New Teſtaments in Engliſh. The Bible ſhall not be read in Engliſh in any Church. No Women, or Artificers, Prentices, Journeymen, Servingmen, of the degrees of Yeomen or under, Husbandmen nor Labourers, ſhall read the New Teſtament in Engliſh. Nothing ſhall be taught or maintained contrary to the Kings inſtructions. And if any Spiritual perſon Preach, Teach or Maintain any thing contrary to the Kings inſtructions, or determinations made or to be made, and ſhall be thereof convict, he ſhall for his firſt offence recant, for his ſecond abjure and bear a Fagot, and for his third ſhall be adjudged an Heretick, and be burned, and loſe all his goods and chattels. Rep. 1. Ed. 6. 12.

CAP. II.

An Act for Collectors and Receivers.

Accomptant 23, &c. When Collectors and Receivers ſhall pay in their Money received, &c.

Where divers and ſundry high Collectors of the Fifteens and Subſidy to the Kings Highneſs, and divers other his particular and general Receivers of his Revenues, and Duties, being within the ſurvey, rule and order of his Majeſties Court of the Exchequer, the Dutchy of Lancaſter, the Court of the Augmentations of the Revenues of the Crown, the Court of the general Surveyors, the Court of the Wards and Liveries, and the Court of the Tenth and Firſt-fruits, have heretofore, after the Collection, Levying or Gathering of the Kings Fifteens, Subſidies, Rents, Debts, and other his Money and Duties, retained, occupied and converted the ſame to their own ſingular profit and commodity, as in loning or laying out the ſame for gains in purchaſing lands of great value, and in buying of Wolls and other Merchandiſe, whereby the Kings Majeſty hath oft-times loſt great part of his Debts and Duties, and ſometime forborn the ſame by a long ſeaſon, after ſuch time as the ſame have been due and gathered: (2) For reformation whereof, be it enacted, ordained and eſtabliſhed by the Kings Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That every high Collector of any Fifteens, Subſidy, or other Tax or Lone, and all and every other the Kings ſaid particular and general Receivers of any the ſaid ſums of Money, and other Duties belonging to the King, from and after the firſt day of July next coming, ſhall within the ſpace of three months next after ſuch days and times, as any the ſaid Fifteens, Subſidies, Rents, ſums of Money, or other yearly profits, ſhall be due and payable to the King, his Heirs or Succeſſors, by any Statute, Ordinance, or other mean, and by the ſame Collector, particular or general Receiver, or any of them retained or gathered, truly content, deliver and pay the ſame to the Kings uſe, at ſuch place or places, and to ſuch perſon or perſons as be, or ſhall be named, appointed and limited for the ſame, (3) upon pain to forfeit to the King, his Heirs and Succeſſors, for every pound ſo being received, and after that retained, kept, or laid out for gain, and not paid within three months, to the Kings uſe as is aforeſaid, four ſhillings for every month that the ſame Money ſhall be ſo retained, kept or laid out for gain, as is aforeſaid, (4) and ſhall alſo loſe and forfeit his or their ſaid Office, concerning the ſame, and all profits thereunto belonging: (5) And that the King ſhall at his pleaſure charge the ſaid Collector, particular or general Receiver, upon his or their Accompts, with the penalty and forfeitures above rehearſed, or elſe at his pleaſure demand, ask and recover the ſame by action, bill, plaint, or ſuit of debt againſt the ſame Collector or Collectors, particular or general Receiver, their heirs, executors or adminiſtrators; in which action, bill, plaint, or ſuit, no protection, eſſoin or wager of law ſhall be allowed nor admitted.

Within what time any Collector or Receivers of the Kings fifteens, &c. ſhall pay the ſame to the Kings uſe.

The Collector or Receivers payment being tendred, ſufficient though it be not received.

II. Provided alway, That if any of the ſaid Collectors, particular or general Receivers, tender payment of all ſuch Money by them received to the Kings uſe, within the ſaid three months, in ſuch place, and unto ſuch perſon or perſons as be or ſhall be charged with the receipt of the ſame, and do as much as in him or them is, or then ſhall be, for to make true payment thereof, and cannot be thereunto admitted, by reaſon of any importunate buſineſs, or other lawful impediment or cauſe in him or them that ſhould accept or receive the ſame, that in every ſuch caſe the ſame Collector, particular or general Receiver or Receivers, as ſhall ſo make tender of all ſuch Money by him or them received or gathered to the Kings uſe, as is aforeſaid, and cannot be thereunto admitted for any the cauſes aboveſaid, ſhall not be charged with, or incur any danger and penalty contained in this Act; this Act or any thing therein contained to the contrary notwithſtanding.

How far the Collector or Receivers heir ſhall be charged

Hob. 41.

III. Provided always, and be it enacted by authority aforeſaid, That the heir or heirs of any Collector or Receiver aforeſaid, ſhall not be charged or chargeable by reaſon of this Act, but only for and in ſuch lands, tenements or hereditaments, which the ſaid heir or heirs have or ſhall have by deſcent in fee-ſimple, or fee-tail, or by gift, or elſe by any other aſſurance had or made to any ſuch heir or heirs, only by covin from the ſaid Collector or Receiver, or any of them, or any their aſſigns. (2) And that in all and every ſuch caſe and caſes, the Kings Majeſty, his Heirs and Succeſſors, to have execution only, of and in ſuch lands, tenements or hereditaments deſcended, given, or otherwiſe aſſured, as is aforeſaid, until ſuch time as his Majeſty, his Heirs and Succeſſors, be fully ſatiſfied, and paid of all and every ſuch ſum and ſums of Money due or to be due by any ſuch Collector or Receiver.

How far the executors or adminiſtrators of a Collector or Receiver ſhall be charged.

IV. And it is further enacted, That the executor or executors, adminiſtrator or adminiſtrators of every ſuch Collector or Receiver, ſhall not be otherwiſe charged or chargeable by this Act, but as executors and adminiſtrators be, or ſhall be charged and chargeable by the order of the common Laws of this Realm, in action of debt uſed and commenced againſt them, as executors or adminiſtrators.

The heir being charged, ſhall have remedy againſt the executors.

V. Provided alſo, and be it further enacted by the authority aforeſaid, That where the heir and heirs of any of the Kings Receivers or Collectors, or Debtors, is or ſhall be charged, of and for his fathers or anceſtors debts or duties, whoſe heir he is, whereby the lands deſcended or given to him by covin, to defraud the Kings execution of ſuch land unto him or them from the ſaid father or anceſtor is put in execution, that then ſuch heir or heirs ſhall and may have his or their action of debt againſt the executors or adminiſtrators of his ſaid father or anceſtor, and ſhall have execution of the goods and cattels of the ſaid father or anceſtor, being in the hands of the ſaid executors or adminiſtrators, at the time of the ſaid action brought: In which ſaid actions no eſſoin, protection or wager of Law ſhall be admitted or allowed.

The Collector of the Cuſtom of Tonnage and Poundage.

VI. Provided alway, That this Act ſhall not extend to the Collectors of the Kings Cuſtom, and the Subſidy of Tonnage and Poundage, which be accomptable yearly in the Kings Majeſties Exchequer.

Receivers paying fees or penſions, &c.

VII. Provided always, That this Act, or any thing therein contained, ſhall not extend or be prejudicial to any the ſaid general or particular Receiver or Receivers, to or for the payment of any penſions, fees, annuities, rents, or other allowances, by them or any of them paid or to be paid, to any perſon or perſons, according to ſuch allowance, order or decree, as be or hereafter ſhall be allowed, ordered or decreed in any of the ſaid Courts; any thing in this Act to the contrary notwithſtanding. 7 Ed. 6. 1. 1 El. 4.

CAP. III.

Fuel, Raſt. 1.

Of what meaſure, aſſiſe and ſcantling Coals, Talwood, Faggots and Billets ſhall be, and the forfeiture and penalty of them that ſhall not perform the ſame. Rep. 7. Ed. 6. 7.

CAP. IV.

1 Bulſtr. 134.

Bankrupts, Raſt. 1.

The Lord Chancellor, Treaſurer, &c. ſhall take order with Bankrupts bodies, lands and goods, for the payment of their debts. AL. 13 El. 7. 1 Jac. 15. 21 Jac. 19. Bankrupts, Raſt. 1. at large.

CAP. V.

The Bill concerning the Explanation of Wills.

Wards 24. The explanation of the Statute of Wills, &c. 32 H. 8. 1.

Where in the laſt Parliament begun and holden at Weſtminſter the eight and twentieth day of April, in the One and thirtieth year of the Kings moſt gracious Reign, and there by divers Prorogations holden and continued unto the four and twentieth day of July, in the Two and thirtieth year of his ſaid Reign: It was by the Kings moſt gracious and liberal diſpoſition ſhewed toward his moſt humble and obedient Subjects, ordained and enacted, how and in what manner lands, tenements and other hereditaments might by Will or Teſtament in writing, or otherwiſe by any Act or Acts lawfully executed in the life of every perſon, be given, diſpoſed, willed or deviſed, for the advancement of the wife, preferment of children, payment of debts of every ſuch perſon, or otherwiſe at his will or pleaſure, as in the ſame Act more plainly is declared: (2) Sithen the making of which Eſtatute, divers doubts, queſtions and ambiguities have riſen, been moved and grown, by diverſity of opinions, taking in and upon the expoſition of the letter of the ſame Eſtatute.

II. For a plain declaration and explanation whereof, and to the intent and purpoſe, that the Kings obedient and loving Subjects ſhall and may take the commodity and advantage of the Kings ſaid gracious and liberal diſpoſition, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, moſt humbly beſeechen the Kings Majeſty, that the meaning of the letter of the ſame Eſtatute, concerning ſuch matters hereafter rehearſed, may be by the authority of this preſent Parliament enacted, taken, expounded, judged, declared and explained in manner and form following.

Lands wherein one hath eſtate of inheritance, viz. fee-ſimple only may be deviſed.

III. Firſt, where it is contained in the ſame former Statute, within divers articles and branches of the ſame, that all and ſingular perſon and perſons having any manors, lands, tenements or hereditaments, of the eſtate of inheritance, ſhould have full and free liberty, power and authority to give, will, diſpoſe or aſſign, as well by his laſt Will and Teſtament in writing, or otherwiſe by any act or acts lawfully executed in his life, his manors, lands, tenements or hereditaments, or any of them, in ſuch manner and form, as in the ſame former Act more at large it doth appear. Which words of eſtate of inheritance, by the authority of this preſent Parliament, is and ſhall be declared, expounded, taken and judged of Eſtates in fee-ſimple only.

Dy

IV. And alſo that all and ſingular perſon and perſons having a ſole eſtate or intereſt in fee-ſimple, or ſeiſed in fee-ſimple, in copercenary, or in common in fee-ſimple, of and in any manors, lands, tenements, rents, or other hereditaments, in poſſeſſion, reverſion or remainder, or of rents or ſervices incident to any reverſion or remainder, and having no manors, lands, tenements or hereditaments holden of the King, his Heirs or Succeſſors, or of any other perſon or perſons by Knights ſervice, ſhall have full and free liberty, power and authority, to give, diſpoſe, will or deviſe to any perſon or perſons (except bodies politick and corporate) by his laſt Will and Teſtament in writing, or otherwiſe by any Act or Acts lawfully executed in his life, by himſelf ſolely, or by himſelf and other jointly, ſeverally or particularly, or by all thoſe ways, or any of them, as much as in him of right is or ſhall be, all his ſaid manors, lands, tenements, rents and hereditaments, or any of them, or any rents, commons, or other profits or commodities out of, or to be perceived of the ſame, or out of any parcel thereof, at his own free will and pleaſure; any clauſe in the ſaid former Act notwithſtanding.

29 Car. 2, 3. Sect. 12. N. 1.
1 Bulſtr. 62.
Fee-ſimple in copercenary or in common in poſſeſſion, reverſion, remainder.
Moor 38. pl. 124.
Hob. 136.
Deviſing of rent or common out of land.

V. And further be it declared and enacted by the authority aforeſaid, That all and ſingular perſon and perſons, having a ſole eſtate or intereſt in fee-ſimple, or ſeiſed in fee-ſimple in copercenary, or in common in fee-ſimple, of, or in any manors, lands, tenements, rents, or other hereditaments, in poſſeſſion, reverſion or remainder, or of and in any rents or ſervices incident to any reverſion or remainder, holden of the King by Knights ſervice in chief, or of the nature of Knights ſervice in chief, hath, and by the authority of this preſent Parliament, ſhall have full and free liberty, power and authority to give, diſpoſe, will or aſſign to any perſon or perſons (except bodies politick and corporate) by his laſt Will and Teſtament in writing, or otherwiſe by any act or acts lawfully executed in his life by himſelf ſolely, or by himſelf and other jointly, ſeverally or particularly, or by all thoſe ways or any of them, as much as in him of right is or ſhall be, two parts as well of all the ſaid manors, lands, tenements, rents and hereditaments, as of all and ſingular his other rents and hereditaments, or of any of them, or any rents, commons, or other profits or commodities, out of, or to be perceived of the ſame two parts, or out of any parcel thereof in three parts to be divided, or as much thereof as ſhall amount to the full and clear yearly value of two parts thereof, in three parts to be divided, of what perſon or perſons ſoever they be holden, at his free will and pleaſure.

Lands holden of the King by Knights ſervice in chief.
Moor 177. pl. 313. & 314.

VI. And that by the authority aforeſaid, the ſaid Will ſo declared, ſhall be good and effectual for two parts of the ſaid manors, lands, tenements, and hereditaments, although the Will ſo declared be made of the whole, or more then of two parts of the ſame: (2) The ſame diviſion to be made and ſet forth by the diviſor or owner of the ſame manors, lands, tenements and hereditaments, by his laſt Will in writing, or otherwiſe in writing; (3) And in default thereof by a Commiſſion to be granted out of the Kings Court of the Wards and Liveries, upon the inquiry of the true value thereof, by the oaths of twelve men, and return or certificate thereof had in the ſame Court, of the ſaid manors, lands, tenements and hereditaments, diviſion to be made by the Maſter of the Wards and Liveries, if the Maſter of the Wards and Liveries for the time being, and the parties thereunto, cannot otherwiſe agree upon the ſame diviſion: (4) And that the iſſues and profits of the two parts of the ſame manors, lands, tenements and hereditaments, upon every ſuch diviſion to be reſtored to them that ſhall have right or title to the ſame, from the death of the owner or deviſor thereof.

VII. And further be it enacted and declared by the authority aforeſaid, That all and ſingular perſon and perſons having a ſole eſtate or intereſt in fee-ſimple, or ſeiſed in fee-ſimple, in copercenary or in common in fee-ſimple, of, and in any manors, lands, tenements, rents, or other hereditaments, in poſſeſſion, reverſion or remainder, or of, and in any rents or ſervices incident to any reverſion or remainder holden of the King, his Heirs or Succeſſors, by Knights ſervice, and not in chief, or holden of any other perſon or perſons by Knights ſervice, ſhall have full and free liberty, power and authority to give, diſpoſe, will or deviſe to any perſon or perſons, except bodies politick and corporate, by his laſt Will and Teſtament in writing, or otherwiſe by any act or acts lawfully executed in his life by himſelf ſolely, or by himſelf and other jointly, ſeverally or particularly, or by all thoſe ways, or any of them, as much as in him of right is or ſhall be, two parts of all the ſaid manors, lands, tenements and hereditaments, or any of them ſo holden by Knights ſervice, or any rents, common, or other profits or commodities, out of, or to be perceived of the ſame two parts, or out of any parcel thereof in three parts to be divided, or as much thereof as ſhall amount to the full and clear yearly value of two parts thereof in three parts to be divided, at his free will and pleaſure.

Lands holden of the King or others by Knights ſervice, and lands holden in ſoccage.

VIII. And that the ſaid Will ſo declared by authority aforeſaid, ſhall be good and effectual for two parts of the ſaid manors, lands, tenements or hereditaments, although the Will ſo declared be or ſhall be made of the whole lands and tenements ſo holden by Knights ſervice, or of more then of two parts of the ſame: (2) And alſo for the whole of all other ſuch manors, lands, tenements and hereditaments, or any of them, not holden of the King by Knights ſervice in chief, or otherwiſe by Knights ſervice, nor of any other perſon by Knights ſervice, and of any rents, commons, or other profits or commodities, out of, or to be perceived of the ſame, or out of any parcel thereof, at his free will and pleaſure: (3) The ſame diviſion to be made and ſet forth by the owner of the ſaid manors, lands, tenements and hereditaments, by his laſt Will and Teſtament in writing, or otherwiſe in writing: (4) And in default thereof, for as much of the ſame manors, lands, tenements and hereditaments as ſhall concern the Kings intereſt, by Commiſſion to be directed out of the Kings Court of the Wards and Liveries, in manner and form as is aforeſaid, if the Maſter of the Wards and Liveries for the time being, and the parties thereunto cannot otherwiſe agree upon the ſame diviſion: (5) And that reſtitution of the iſſues and profits of the two parts thereof ſhall be had and made in manner and form aboveſaid: (6) And for ſuch of the ſame manors, lands, tenements and hereditaments, as ſhall concern the intereſt of any other Lord or Lords, by Commiſſion

A Will made of the whole ſhall be good for two parts.
1 Anderſ. 347.

How the diviſion of the two parts from the three ſhall be ſet forth.

miſſion to be granted out of the Kings Court of the Chancery, to enquire thereof by the oaths of twelve men, if the ſame Lord or Lords, and the parties thereunto cannot otherwiſe agree upon the ſame diviſion.

An expoſition of the ſavings, reſervings, and proviſions made in this Act, and the Statute of 32 H. 8. 1.

IX. And be it further enacted and declared by authority aforeſaid, That the ſavings, reſervings, and proviſions, concerning ſaving of the cuſtody, wardſhip, relief, and primer ſeiſon to the King, of ſuch manors, lands, tenements and hereditaments, or as much thereof as ſhall appertain unto him by virtue of the ſaid former Act, and by the declaration and expoſition thereof, declared by this preſent Act, during the Kings intereſt therein; And alſo of the cuſtody and wardſhip to other Lords, of as much of ſuch manors, lands, tenements and hereditaments holden of them as ſhall amount and extend to the clear yearly value of the third part thereof, over and above all charges, without any diminution or abridgment of the third part, or of the full profits thereof, compriſed and mentioned in divers Articles in the ſaid former Act contained, by the authority aforeſaid, be and ſhall be intended, expounded and taken as hereafter enſueth: That is to ſay, That the King ſhall have and take for his full third part of all ſuch manors, lands, tenements and hereditaments, whereunto he is or ſhall be intituled by the ſaid former Act, and by this preſent Act, ſuch manors, lands, and tenements, as ſhall by any means deſcend, or come by deſcent, as well of eſtate of inheritance in fee-tail, as in fee-ſimple, or in fee-tail only to the heir of any ſuch perſon that ſhall make any will, gift, diſpoſition, or deviſe by his laſt Will in writing, or by any Act or Acts lawfully executed in his life, immediately after the death of the ſame deviſor or owner thereof.

Deviſe of all the fee-ſimple lands, leaving the third part entailed lands to the King, or other chief Lord.

X. And that the will, gift, and deviſe of every ſuch deviſor or owner, of, and for the two parts of the ſaid manors, lands, tenements and hereditaments reſidue, ſhall by the authority aforeſaid be, and ſtand good and effectual in the Law, albeit the ſame will, gift, or deviſe be had and made of all his fee-ſimple lands, tenements and hereditaments, or of the more part thereof.

A remedy where a full third part is not left for the King or other Lords.

XI. And in caſe the ſame manors, lands, tenements and hereditaments, which after the death of any ſuch owner or deviſor, which ſhall make any ſuch gift, diſpoſition, or deviſe by his laſt Will in writing, or otherwiſe by any Act or Acts lawfully executed in his life, to his wife, children, or therwiſe, as is aforeſaid, which ſhall immediately after his death deſcend, revert, remain, or come to his heir or heirs, as well of eſtate of inheritance in fee-tail, as of eſtate in fee-ſimple, or fee-tail only, be not or ſhall not amount or extend to the full clear yearly value of the full third part with the full profits thereof, of all the ſaid manors, lands, tenements, or other hereditaments of the ſaid deviſor or owner, according to the true intent and meaning of the ſaid former Act, and of this preſent Act: that then the King ſhall and may have and take into his hands and poſſeſſion to make up his full third part, with the full profits thereof according to his intereſt therein, as much of the other manors, lands, tenements or hereditaments, willed, given, diſpoſed, or aſſigned by any ſuch perſon, to his wife, children, or otherwiſe, as is aforeſaid, as with ſuch of the ſame manors, lands, tenements and hereditaments, deſcended, or by any means come unto the heir, as heir of any ſuch deviſor or owner, ſhall make up the clear yearly value of the ſaid full third part with the full profits thereof, of all the ſaid manors, lands, tenements or hereditaments, of every ſuch owner or deviſor, ſo to be had to the King in title of Wardſhip or primer ſeiſon, as the caſe ſhall require: (2) And the diviſion thereof to be had and made, and with the reſtitution of the profits of the two parts of the ſaid manors, lands, tenements and hereditaments, in ſuch manner and form as is above rehearſed. (3) And like benefit and advantage to be given, had and taken by the ſaid authority, to every Lord and Lords, of whom any ſuch manors, lands, tenements or hereditaments, been or ſhall be holden by Knights ſervice, in manner and form as is abovesaid, concerning only his or their third parts thereof, according to their intereſts therein.

A remedy for the King or other Lords, if the third part be entailed.

XII. And be it further enacted by the authority aforeſaid, That if it happen the ſame third part, or any part thereof, left, willed, or aſſigned, to the King or other Lord, at any time during their intereſts therein, to be lawfully evicted or determined: that then the King and the other Lord ſhall have as much of the two parts reſidue, as ſhall accompliſh and make up a full third part in clear yearly value, after the rate and portion of ſuch manors, lands, tenements and hereditaments, as ſhall then happen to remain of the ſame third part, not evicted nor determined: and of the other two parts of ſuch manors, lands, tenements and hereditaments, as the King or other Lord ſhould or ought to have had, by virtue of the ſaid former Act, and this preſent Act: (2) And the ſame to be divided in manner and form above rehearſed, any clauſe in the ſaid former Act notwithſtanding.

XIII. And be it further enacted and declared by the authority aforeſaid, That the ſaving and reſerving for fines, for alienation by any ſuch laſt Will and Teſtament of ſuch manors, lands, tenements or hereditaments, holden of the King by Knights ſervice in chief, or of the nature of Knights ſervice in chief, or by Soccage in chief, or of the nature of Soccage tenure in chief, or for fines for alienation of ſuch manors, lands, tenements or hereditaments whereof there ſhall be any alteration of free-hold, or of inheritance, made by any ſuch laſt Will, compriſed in divers and ſundry Articles mentioned in the ſaid former Act, be and ſhall be intended, expounded, taken, deemed, and adjudged by the authority aforeſaid; that all ſuch perſon or perſons to whom the ſaid manors, lands, tenements or hereditaments, or any of them, be or ſhall be given, diſpoſed, willed or deviſed by any ſuch laſt Will, ſhall be exonerated, acquitted, and diſcharged for ever againſt the King, his heirs and ſucceſſors, for all ſuch fines for alienations, by any ſuch laſt Will or Teſtament without licence, by ſuing forth of the Kings pardon for alienation out of the Kings Court of Chancery, paying to the King, his heirs or ſucceſſors, for the fine of every ſuch alienation, the third part of the yearly value of the ſame manors, lands, tenements or other hereditaments, to him or them willed or deviſed: (2) and this Act from time to time ſhall be a ſufficient Warrant to the Lord Chancellor of England, or Keeper of the Great Seal for the time being, for the granting out of the ſaid pardon or pardons under the Kings Great Seal, as heretofore hath been uſed for pardons for alienations, without any further ſuit to be made to the King for the ſame.

A pardon of alienation muſt be ſued by thoſe to whom lands be deviſed, paying the third part of the yearly value of the lands holden in chief.

XIV. And it is further declared and enacted by the authority aforeſaid, That Wills or Teſtaments made of any Manors, Lands, Tenements, or other Hereditaments, by any woman covert, or perſon within the age of One and twenty years, Idiot, or by any perſon de non ſane memory, ſhall not be taken to be good or effectual in the Law. Hob. 225.

Women covert, perſons within age, idiots, madmen, cannot deviſe their lands.

XV. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, having Eſtate of Inheritance, of, or in Manors, Lands, Tenements, or Hereditaments, holden of the King by Knights ſervice in chief, or otherwiſe of the King by Knights ſervice, or of any other perſon or perſons by Knights ſervice, hath given at any time ſithen the twentieth day of the ſaid month of July, or hereafter ſhall give, will, deviſe, or aſſign, by will or other act executed in his life, his Manors, Lands, Tenements, or Hereditaments, or any of them, by fraud or covin, to any other perſon or perſons for term of years, life or lives, with one remainder over in fee, or with divers remainders over for term of years, life, or in tail, with a remainder over in fee-ſimple, to any perſon or perſons, or to his or their right heirs: (2) or at any time ſithen the ſaid twentieth day of July, hath conveyed or made, or hereafter ſhall convey or make by fraud or covin, contrary to the true intent of this Act, and eſtates, conditions, menalties, tenures, or conveyances, to the intent to defraud or deceive the King of his Prerogative, primer ſeiſon, livery, relief, wardſhip, marriage or rights: (3) or any other Lord of their wardſhips, reliefs, heriots, or other profits, which ſhould or ought to accrue, grow or come unto them, or any of them, by or after the death of his or their tenant, by force, and according to the former Eſtatute, and of this preſent Act and Declaration: (4) and the ſame Eſtates and other Conveyances, being found by Office, to be ſo made or contrived by covin, fraud, or deceit, as is aboveſaid, contrary to the true intent and meaning of the ſaid former Act, and of this Act: (5) that then the King ſhall have as well the wardſhip of the body, and cuſtody of the lands, tenements and hereditaments, as livery, primer ſeiſon, relief, and other profits, which ſhould or ought to appertain to the King, according to the true intent and meaning of the ſaid former Act, and of this preſent Act, as though no ſuch Eſtates or Conveyances by covin had never been had or made, until the ſaid Office be lawfully undone by travers or otherwiſe.

Aſſurances by covin to defraud the King and other Lords of their wardſhips, marriages, &c. St. 52 H. 3. 6.

A remedy for the King to avoid fraudulent conveyances.

XVI. And that the other Lord and Lords, of whom any ſuch Manors, Lands, Tenements or Hereditaments ſhall be holden by Knights ſervice, as is aforeſaid, ſhall have their remedy in ſuch caſes, for his or their Wardſhips of Bodies and Lands, by Writ of right of Ward, (2) and ſhall diſtrain and make avowry or cogniſance by themſelves or their Bailiffs, for their reliefs, heriots and other profits which ſhould have been to them due, by or after the death of their Tenant, as if no ſuch Eſtate or Conveyance had been had or made:

A remedy for other Lords to avoid fraudulent conveyances.

XVII. Saving and reſerving always, by the authority aforeſaid, the right and title of the Donees, Feoffees, Leſſees, and deviſees thereof againſt the ſaid deviſor, and his heirs, after the intereſt and title of the King, or other Lord, therein ended and determined.

The right of the donees, leſſees, &c. ſaved, after the Kings, or other Lords intereſt expired.

XVIII. Provided always, That this Act, Explanation and Declaration, or any of them, or any thing in this ſaid Act, Explanation or Declaration contained, ſhall not extend to the will or deviſe of Sir John Grainsford, late of Crowherſt in the County of Surrey, Knight, deceaſed: Nor to the will or deviſe of Sir Peter Filpot, Knight, deceaſed: Nor to the will or deviſe of Richard Creſwel, late of Mattingly in the County of Southampton, Gentleman, deceaſed: Nor to the will or deviſe of Thomas Unton, late of the County of Berks, Gentleman, deceaſed, Son of Sir Thomas Unton, Knight, alſo deceaſed: (2) or ſhall be in any wiſe prejudicial or hurtful to any perſon or perſons, for or concerning any Manors, Lands, Tenements, or Hereditaments, contained or ſpecified in the ſaid Wills or Deviſes, or in any of them, but that the ſaid laſt Wills and Deviſes, and every of them, ſhall ſtand, abide, remain, and be in the ſame caſe, force and effect in the Law, to all intents, purpoſes and conſtructions, as the ſaid laſt Wills and Deviſes, and every of them were before the making of this Act, Declaration and Explanation, and of none other effect or force; this Act, Declaration and Explanation, or any of them, or any thing therein contained to the contrary thereof in any wiſe notwithſtanding.

Certain perſons to whoſe wills this Statute extendeth not.

XIX. Provided alway, and be it enacted by the authority aforeſaid, That all and every perſon and perſons, from whom the King, or other Lord or Lords, ſhall take any Manors, Lands, Tenements, or Hereditaments, for his or their full third part, or to make up his or their full third part, ſhall and may by authority of this preſent Act, in any of the caſes aforeſaid, upon his or their Bill exhibited in the Kings Court of Chancery, againſt all and every ſuch perſon and perſons, which ſhall be intituled by or under any ſuch Will, Gift, Diſpoſition, or Deviſe, to the other two parts, have ſuch contribution or recompence for the ſame, as by the Chancellor of England, or by the Keeper of the Great Seal of England, for the time being, ſhall be thought good and convenient. Cok. lib. 3. fol. 25. Cok. Inſt. 76. a. 78. a. 111. b.

Contribution for him from whom the King taketh any lands to make up his third part.

CAP. VI.

No perſon ſhall put to ſale any Pins but only ſuch as ſhall be double-headed, and have the heads ſouldered faſt to the ſhank of the Pin well ſmoothed, the ſhank well ſhaven, the point well and round filed, cauted and ſharpened. Rep. 37 H. 8. 13.

CAP. VII.

The Lords authorized by the Statute of 28 H. 8. 14. to ſet the prices of Wines in groſs, may mitigate and enhaunce the prices of Wines to be ſold by retail, as time and occaſion ſhall require. Exp. St. 37 H. 8. 23.

CAP. VIII.

A Bill that perſons being no Common Surgeons, may miniſter Medicines, notwithſtanding the Statute.

Where in the Parliament holden at Weſtminſter, in the Third year of the Kings moſt gracious Reign, amongſt other things, for the avoiding of Sorceries, Witchcrafts, and other inconveniences, it was enacted, That no perſon within the City of London, nor

Surgeons 2. Any perſon being no common Surgeon, may miniſter outward Medicines.

By what means the Surgeons of London have abuſed the Statute of 3 H. 8. 11. for their own gain.

within ſeven miles of the ſame, ſhould take upon him to exerciſe and occupy as Phyſician or Surgeon, except he be firſt examined, approved and admitted by the Biſhop of London and other, under and upon certain pains and penalties in the ſame Act mentioned: (2) Sithence the making of which ſaid Act, the Company and Fellowſhip of Surgeons of London, minding only their own lucres, and nothing the profit or eaſe of the diſeaſed or patient, have ſued, troubled and vexed divers honeſt perſons, as well men as women, whom God hath endued with the knowledge of the nature, kind and operation of certain Herbs, Roots and Waters, and the uſing and miniſtring of them, to ſuch as been pained with cuſtomable diſeaſes: as womens breaſts being ſore, a Pin and the Web in the Eye, Uncomes of hands, Scaldings, Burnings, ſore Mouths, the Stone, Strangury, Saucelim and Morphew, and ſuch other like diſeaſes: And yet the ſaid perſons have not taken any thing for their pains or cunning, but have miniſtred the ſame to poor people only for neighbourhood and Gods ſake, and of pity and charity. (3) And it is now well known, that the Surgeons admitted will do no Cure to any perſon, but where they ſhall know to be rewarded with a greater ſum or reward then the Cure extendeth unto; for in caſe they would miniſter their cunning unto ſore people unrewarded, there ſhould not ſo many rot and periſh to death for lack of help of Surgery as daily do: but the greater part of Surgeons admitted, been much more to be blamed then thoſe perſons that they trouble.

II. For although the moſt part of the perſons of the ſaid Craft of Surgeons have ſmall cunning, yet they will take great ſums of Money, and do little therefore, and by reaſon thereof they do oftentimes impair and hurt their Patients, rather then do them good. (2) In conſideration whereof, and for the eaſe, comfort, ſuccour, help, relief and health of the Kings poor Subjects, inhabitants of this his Realm, now pained or diſeaſed, or that hereafter ſhall be pained or diſeaſed:

It ſhall be lawful for any perſon to cure outward ſores notwithſtanding the Statute of 3 H. 8. 11.

III. Be it ordained, eſtabliſhed and enacted by the authority of this preſent Parliament, That at all time from henceforth it ſhall be lawful to every perſon being the Kings Subject, having knowledge and experience of the nature of Herbs, Roots and Waters, or of the operation of the ſame by ſpeculation or practice within any part of the Realm of England, or within any other the Kings Dominions, to practiſe, uſe and miniſter in and to any outward ſore, uncome, wound, apoſtemations, outward ſwelling or diſeaſe, any herb or herbs, oyntments, baths, pults, and emplaiſters, acccording to their cunning, experience and knowledge in any of the Diſeaſes, Sores and Maladies beforeſaid, and all other like to the ſame, or Drinks for the Stone and Strangury, or Agues, without ſuit, vexation, trouble, penalty, or loſs of their Goods, the foreſaid Statute in the foreſaid third year of the Kings moſt gracious Reign, or any other Act, Ordinance or Statute to the contrary hereof made, in any wiſe notwithſtanding.

CAP. IX.

An Act for the Preſervation of the River of Severn.

Havens. Means to preſerve the River of Severn from rubbiſh or balaſt to be caſt thereinto.

Where divers perſons, as well inhabitants, farmers, and dwellers near unto the Stream of Severn, and unto the Creeks and Pilles of the ſame, from Kingrod upward toward the City and Town of Glouceſter, convey and carry Grain and Corn out of the Realm of England, unto the parts beyond the Sea, where Grains are very dear, and now of late time have made Picards and other great Boats with Fore-maſts, of the burthen of fifteen Tun, and ſo to ſix and thirty Tun, and by reaſon thereof, Wheat, Rye, Beans, Barley, Mault, and other kind of Grains, by ſtealth are conveyed into the utter parts beyond the Sea, ſo that thereby the Kings Majeſty is not only deceived of his Subſidy and Cuſtom for the ſame, but it cauſeth at ſuch times Wheat Grain and other kind of Corn, as is aforeſaid, to be at high prices: And by the ſame means the inhabitants within the ſaid City or Town of Briſtol, are often and ſundry times deſtitute, and ſcant may have Grain or Corn to ſerve the Kings obedient Subjects there dwelling and inhabiting: (2) And alſo by reaſon of having of the ſaid great Boats and Veſſels, oftentimes divers Ships, as well of the parts beyond the Sea, as other of Engliſh Ships lying in Kingrod and Hungrod, (being Ports or Havens of the City or Town of Briſtol aforeſaid, diſtant five miles or thereabouts from the ſaid Town of Briſtol) awaiting and tarrying there the coming of the ſaid great Boats with Corn and Grain down Severn, who there diſcharge the Grain and Corn aboard the ſaid Ships at Kingrod, by reaſon whereof the ſaid Ships and other Veſſels there tarrying for the receit of the ſaid Grain and Corn, do then caſt out their balaſt of ſtones, and other robul of balaſt of their ſaid Ships and Veſſels, into the ſaid Rodes and Havens of Hungrod and Kingrod, and there load the ſaid Grain or Corn in the Ships and Veſſels, to the great deſtruction, and in continuance, to the utter undoing of the ſaid Rodes and Havens: So that the mouth and whole Channel of the ſaid Haven is ſo heaped and quarred with ſtones and robul of balaſt of the Ships and Boats there arriving, that great Ships, which uſe the courſe of Merchandiſe to the ſaid Town of Briſtol from the parts beyond the Sea, and from the ſaid Town laden with Merchandiſe unto the utter parts, may ſcantly or ſafely come unto the Kings ſaid Port and Town of Briſtol, and the River of the ſame, and ſo from the ſaid Port and Town of Briſtol, unto the ſaid Severn, without great danger and peril: And by that means Ships of great burden are like to be deſtroyed, and utterly be caſt away, and if redreſs be not ſooner had therein, it will be to the utter deſtruction of the Haven and Port of the ſaid Town of Briſtol, which ſaid Town of Briſtol is chiefly maintained by courſe of Merchandiſe.

The penalty for caſting of balaſt or robul in Kingrod, or in any part of the Haven unto Briſtol.

II. Wherefore it may pleaſe the Kings Majeſty, the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by authority of the ſame, to enact, make and ordain, That after the laſt day of July next coming, no maſter or maſters, owner or owners of Ship or Ships, or any other Boat or Veſſel, or any other perſon or perſons, do caſt or unload their balaſt or robul at or in the ſaid Road called Kingrod and Hungrod, nor in any of them, ne in any other place from the Road of Kingrod unto the Town of Briſtol, nor in no part of the Haven thereof, but on the land only, above the full Sea-mark, (2) upon pain that every ſuch owner, maſter,

maſter of ſhip, or other boat or veſſel, and of every other perſon or perſons, caſting and laying their balaſt or robul in the ſtream, at the place, or in the River aforeſaid, to forfeit for every time ſo offending, four pound, the one half thereof to be to our Sovereign Lord the King, and the other half thereof to the party that will ſue for the ſame in any of the Kings Courts of Record, as well within Courts of Record within Cities and Towns Corporate, before the Mayor, Aldermen, Sheriffs and Bayliffs, according to their Corporation, as elſewhere in any of the Kings Courts of Record, by bill, plaint, action of debt, information, or otherwiſe, in the which action the defendant ſhall not wage his Law, neither yet no protection nor eſſoin to be allowed.

III. And further, that it may be enacted by the authority aforeſaid, That no perſon or perſons from henceforth ſhall enboat or lade, or cauſe to be enboaten or laden, any Wheat, Mault, Beans, or any other kind of Grain or Corn, whatſoever it ſhall be, in any picard, boat, or other veſſel, at any creek, pill, bank, or elſewhere upon Severn ſtream, between the Key of the City of Glouceſter, and the ſaid City or Town of Briſtol, by the water of Severn, to the intent to be tranſported into utter parts beyond the Sea, out of the Kings Dominion, before that the ſaid owner or lader of the ſaid picard, boat, or other veſſel, hath been with the Kings Cuſtomers of the ſaid Town of Briſtol, and there by himſelf, and one ſufficient ſurety with him, bounden unto the Kings Cuſtomers of the ſaid Port and Town of Briſtol aforeſaid, in ſuch reaſonable ſums of Money to the uſe of our ſaid Sovereign Lord the King, as ſhall amount to the double value of the ſaid Grain or Corn there to be laden, or to be enboated, (2) upon condition that the ſaid owner or maſter of the ſaid picard or boat, or other veſſel, ſhall not repair nor tranſport the ſaid Corn or Grain, nor no part thereof, into any utter part beyond the Sea, out of the Kings Dominion, before the ſaid maſter or owner thereof ſhall come and bring the ſaid Grain and Corn unto the Key of the ſaid Town of Briſtol, and there to be viewed or ſeen the contents thereof, and the contents thereof to be declared unto the Kings Cuſtomers, and to the Mayor of the ſaid Town for the time being. If there be any ſuch licence or lawful cauſe for to convey or tranſport Grain or Corn into the parts beyond the Sea, out of the ſaid Kings Dominion, there to be meaſured and mete by the common Meaſure of the ſaid Town.

None ſhall load corn in any veſſel by the water of Severn to tranſport, before he be bound to the Cuſtomers of Briſtol to bring it thither.

IV. And after the ſaid obligation with condition ſo made, ſealed and delivered unto the ſaid Cuſtomer: Then the ſaid Cuſtomer ſhall deliver a ſufficient Cocket unto the party, owner or owners, or maſter ſo bounden, to convey the ſaid Grain or Corn unto the Key of Briſtol, (2) upon pain that every picard, boat, or other veſſel ſo laden with Grain or other kind of Corn, to be carried or tranſported into the utter parts beyond the Sea, out of the Kings Dominion, to be forfeited as well the ſaid Corn and Grain ſo laden, as the ſaid boat ſo laden contrary to this preſent Act, whereof the King our Sovereign Lord to have the three parts thereof, and the party that will ſue for the ſame the fourth part, before the Kings moſt honourable Council, according to the Kings Proclamation in that behalf made and provided.

The penalty where one bringeth more corn to Briſtol to be meaſured, and thence to be tranſported, then is contained in his Licence.

V. And further be it enacted by authority aforeſaid, That if it ſhall appear upon the meaſuring thereof, unto the Mayor of the ſaid Town of Briſtol, and to the Kings Cuſtomers there for the time being, that there is more Corn or Grain laden to be tranſported into the parts beyond the Sea, within any of the ſaid veſſels, boats, picards or trowes, over and above four Quarters more then is contained in the ſaid Cocket or Licence: that then it ſhall be lawful unto the ſaid Mayor and Cuſtomers there for the time being, to cauſe the owner and conveyor thereof unto the ſaid Town of Briſtol, to make ſale of ſuch Corn and Grain as ſhall be brought, over and above the contents of the ſaid Cocket or Licence, and over and above four Quarters, beſide the Cocket or Licence, according as the prices of ſuch Grain and Corn are commonly worth, and ſold in the open Market of the ſaid Town of Briſtol. (2) The ſame common Meter to have for the meaſuring of every Weigh of Corn, two pence, on pain of every perſon being owner of the ſaid Grain or Corn, or having the charge of the ſame, denying the meaſuring of the ſaid Grain at the Key of Briſtol, to loſe and forfeit for every time ſo denying, five pound, the one half thereof to be to our ſaid Sovereign Lord the King, and the other half thereof to be to the party that will ſue for the ſame in any Court of Record, by action of debt, information, or otherwiſe: In the which Action the Defendant ſhall not wage his Law, nor protection nor eſſoin allowed.

The penalty for denying the meaſuring of Corn at Briſtol.

IV. And be it alſo enacted by the authority aforeſaid, That no perſon or perſons after the firſt day of Auguſt next coming, do caſt or unlade out of any manner of Ship, Crayer, or any other Veſſel, being within any Haven, Rode, Channel or River, flowing or running to any Port-town, or to any City, Borough or Town within this Realm, or any other the Kings Dominions, any manner of balaſt, rubbiſh, gravel, or any other wrack or filth, but only upon the Land above the full Sea-mark, (2) upon pain that every perſon and perſons offending this Act, to loſe and forfeit for every time ſo offending, five pounds, the one half to the King our Sovereign Lord, and the other half thereof to ſuch perſon and perſons as will ſue for the ſame, by bill, plaint, original writ, or information, in any the Kings Courts of Record, in which Action or Suit no wager of Law ſhall be admitted, nor any eſſoin or protection allowed.

The penalty for caſting of rubbiſh into any Channel, Haven, Rode, or River.

CAP. X.

The Bill for making of Coverlets in York.

Whereas the City of York, being one of the moſt ancient and greateſt Cities within the Realm of England, afore this time hath been maintained and upholden by divers and ſundry Handicrafts there uſed, and moſt principally by making and weaving of Coverlets and Coverings for Beds, and thereby a great number of the Inhabitants and poor people of the ſaid City, Suburbs thereof, and other places within the County of York have been daily ſet on work in ſpinning, carding, dying, weaving, and otherwiſe concerning the making of them,

Coverlets 1. The Aſſiſe of Coverlets made in York, and where they ſhall be ſold.

them, to the great commodity of the Inhabitants and poor people of the ſaid City, having thereby honeſt livings, and not made elſewhere in any part of the ſame County: (2) For the true, ſubſtantial, and perfect making whereof, many good and beneficial Ordinances and Orders have been deviſed and made, as well for good ſtuff, concerning the ſaid Coverlets and Coverings, as alſo for the length and breadth of them, and otherwiſe: (3) Of the which Coverlets and Coverings, the beſt ſort ſhould and ought by the ſame Ordinances to contain in length three yards, and in breadth two yards and a quarter at the leaſt: (4) The ſecond ſort to contain in length three yards, and in breadth two yards; (5) And the loweſt or third ſort ſhould contain two yards and a half in length, and in breadth one yard and three quarters, under pain of forfeiture of the ſame, the one half and moyety of the ſaid forfeiture to be to the Mayor and Commonalty of the ſaid City, and the other moyety to be to the Wardens and Company of the ſaid Handicraft of Coverlet-makers.

II. And foraſmuch as the ſame Coverlets and Coverings were well and ſubſtantially made and wrought, the Kings Subjects of divers parts of the Realm, and alſo ſtrangers of other foreign Realms knowing the goodneſs of them, were very deſirous to have and buy the ſaid Coverlets and Coverings: (2) And now of late divers and ſundry evil diſpoſed perſons, Apprentices not expert in the ſame Occupation, withdrawing themſelves out of the ſaid City of York into the County of York, and other places thereabouts, and alſo divers other perſons inhabiting in Villages and Towns within the ſaid County, and nigh to the ſame, intermedling with the ſame Craft or Occupation, having little experience therein, not being bound to the ſaid Rules and Ordinances, do daily make Coverlets and Coverings, neither of good ſtuff nor of good aſſiſe, length or breadth, and for the utterance of the ſame, uſe daily the craft and ſubtilty of hauking abroad in the Countrey, to Villages, and to mens houſes, putting the ſame naughty Ware to ſale ſecretly, not only to the great deceit of the Kings true and faithful Subjects, buying the ſaid Coverlets, and to the great defaming and ſlander of the ſaid Handicraft, but alſo to the impoveriſhing of the Inhabitants of the ſaid City, and utter decay of the ſame, if remedy the ſooner herein be not provided: (3) It may therefore pleaſe our Sovereign Lord the King, with the aſſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, that it may be enacted by the authority of the ſame, That no manner of perſon or perſons, dwelling and inhabiting within the ſaid County of York, or nigh unto the ſame, ſhall after the Feaſt of Saint Michael the Archangel next coming, make any Coverlets or Coverings, to be put to ſale, unleſs ſuch perſon or perſons, after the ſaid Feaſt, be inhabiting or dwelling within the City of York, or within the Suburbs of the ſame, upon pain of forfeiture of every ſuch Coverlet or Covering, made, wrought and put to ſale, contrary to the tenor of this Eſtatute, or the value thereof.

None in Yorkſhire ſhall make Coverlets but they which dwell in York.

In what places only Coverlets made in York ſhall be put to ſale.

III. And be it further enacted by the ſaid authority, That no manner of perſon or perſons of the Occupation of Handicrafts-men of Coverings, or Coverlet-makers, dwelling within the ſaid City of York, or the Suburbs of the ſame, or elſewhere within the ſaid County, ſhall from and after the ſaid Feaſt, uſe the ſaid craft of hauking, or go as haukers, or put to ſale any Coverlets in any other place or places, out of the ſaid City and liberties thereof, but only in the open Markets and Fairs, (2) upon pain of forfeiture of the ſame Coverlets and Coverings, or the value thereof: The one half of the ſaid forfeitures, if it be in any City, Borough, or Town Corporate, to be to the Mayor and Commonalty, Bayliff, Governour, or other Ruler, and Commonalty of every ſuch City, Borough or Town Corporate, authoriſed to have the ſame by grant or preſcription, or otherwiſe lawfully: and the other half thereof to ſuch perſon or perſons as ſhall ſeiſe or ſue for the ſame by bill, plaint, action, information, or otherwiſe, in any Court of Record, wherein no wager of law, dilatory plea, or protection ſhall be allowed or admitted.

IV. And if the ſaid forfeiture happen to be taken or found out of any the ſaid Cities, Towns or Boroughs, having no ſuch authority: then the one moyety of the ſaid forfeiture to be to our Sovereign Lord the King, his Heirs and Succeſſors: and the other moyety to ſuch perſon and perſons as will ſue for the ſame in any of the Kings Courts, in form aforeſaid.

Searching for Coverlets not well wrought, or wanting aſſiſe.

V. And it is alſo enacted by the authority aforeſaid, That the Wardens and Searchers of the ſaid Occupation and Handicraft of Coverlets and Covering-makers, within the ſaid City of York for the time being, and their ſucceſſors, ſhall atter the ſaid Feaſt of Saint Michael have full power and authority by virtue of this Act, to make ſearch in all Fairs and Markets from Trent northward within this Realm of England, for all ſuch Coverlets and Coverings as ſhall be put to ſale, not being well and ſufficiently wrought, and made of ſufficient ſtuff, or not containing the aſſiſes before limited and expreſſed, according to the tenor of this Act, (2) and to ſeiſe and take the ſame as forfeited: The one moyety and half of ſuch forfeiture, if any ſuch ſhall be out of the ſaid Cities, Boroughs, or Towns Corporate, to be to our Sovereign Lord the King, and the other moyety thereof to be to the ſaid Searchers and Wardens that ſhall ſeiſe and take the ſame: to be had and recovered in like manner and form as is aforeſaid.

Coverlets made for themſelves or their Lords.

VI. Provided always, That it ſhall be lawful to every perſon and perſons, dwelling within the County of York, at their free will and pleaſure at all times hereafter, to make Coverlets of what aſſiſe, or of whatſoever ſtuff they will, for their own uſe or ſtore for their houſholds, or for their Lords to whom they be tenants: So always that the ſame Coverlets ſo made ſhall not be put to ſale.

VII. And alſo, That when and as often as the ſaid Searchers or Wardens of the Occupation of Coverlet-makers of the ſaid City of York, ſhall make ſearch in any liberties or franchiſes within the ſaid County, for any the cauſes in the ſaid Act mentioned: That then, and ſo oft they ſhall require the head Officer of the ſame liberties and franchiſes, or his Deputy, to be aiding and aſſiſting, and alſo to go with them to make the ſaid ſearch: (2) And if the ſame officer or his Deputy, upon requeſt ſo made, refuſe or will not ſo do, That then upon ſuch denial and refuſal, the ſame Searchers or Wardens to make ſearch themſelves; any thing in this Act contained to the contrary notwithſtanding.

VIII. Provided alſo, That the Lords of the ſaid Liberties and Franchiſes, where any ſuch ſearches ſhall be made by authority of this Act, ſhall have ſuch Fines and Forfeitures as of right they ought to have by reaſon of any ſuch ſearches, in as large and ample manner as they ought to have had the ſame before the making of this Act, and as if this Act had never been had nor made.

Where Lords of Franchiſes ſhall have the benefit of forfeitures,

CAP. XI.

The weight, length, breadth, and goodneſs of Welſh Frizes and Cottons made in the Shires of Caermarthen, Cardigan and Pembroke in Wales, and the forfeiture for default thereof. Rep. 5 Ed. 6. 6. 8 El. 12.

Drapery. Raſt. 51.

CAP. XII.

Act Act for the Paving of certain Lanes and Streets in London.

Paving, Raſt. 5.

CAP. XIII.

An Act for making of Knights and Burgeſſes within the County and City of Cheſter.

Cheſter 2. Protection 5. Knights and Burgeſſes ſhall have places in Parliament for Cheſter.

TO the King our Sovereign Lord, In moſt humble wiſe ſhewn unto your excellent Majeſty the Inhabitants of your Graces County Palatine of Cheſter, That where the ſaid County Palatine of Cheſter is, and hath been always hitherto exempt, excluded and ſeparated out and from your high Court of Parliament, to have any Knights and Burgeſſes within the ſaid Court: By reaſon whereof, the ſaid Inhabitants have hitherto ſuſtained manifold diſheriſons, loſſes and damages, as well in their lands, good and bodies, as in the good, civil, and politick governance and maintenance of the Commonwealth of their ſaid Countrey: (2) And foraſmuch as the ſaid Inhabitants have always hitherto been bound by the Acts and Statutes made and ordained by your ſaid Highneſs, and your moſt noble Progenitors, by authority of the ſaid Court, as far forth as other Counties, Cities and Boroughs have been, that have had their Knights and Burgeſſes within your ſaid Court of Parliament and yet have had neither Knight ne Burgeſs there for the ſaid County Palatine, the ſaid Inhabitants for lack thereof, have been oftentimes touched and grieved with Acts and Statutes made within the ſaid Court, as well derogatory unto the moſt ancient Juriſdictions, Liberties and Priviledges of your ſaid County Palatine, as prejudicial unto the Commonwealth, quietneſs, reſt, and peace of your Graces moſt bounden Subjects, inhabiting within the ſame: (3) For remedy whereof, it may pleaſe your ſaid Highneſs that it be enacted, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That from the end of this preſent Seſſion, the ſaid County Palatine of Cheſter ſhall have two Knights for the ſaid County Palatine, and likewiſe two Citizens to be Burgeſſes for the City of Cheſter, to be elected and choſen by proceſs to be awarded by the Chancellor of England, unto the Chamberlain of Cheſter, his Lieutenant or Deputy for the time being: (4) And ſo like proceſs to be made by the Chamberlain, his Lieutenant or Deputy, to the Sheriff of the ſaid County of Cheſter: (5) And the ſame Election to be made under like manner and form, to all intents conſtructions and purpoſes, as is uſed within the County Palatine of Lancaſter, or any other County and City within this Realm of England: (6) which ſaid Knights and Burgeſſes, and every of them ſo elected and choſen, ſhall be returned by the ſaid Sheriff into the Chancery of England in due form, and upon like pains as it is ordained that the Sheriff or Sheriffs of any other County within this Realm ſhould make their return in caſe like: (7) And which ſaid Knights and Burgeſſes, and every of them ſo elected and returned, ſhall be Knights and Burgeſſes of the Court of Parliament, and have like voice and authority, to all intents and purpoſes, as any other the Knights and Burgeſſes of the ſaid Court of Parliament have, uſe and enjoy: (8) And in likewiſe ſhall and may take all and every ſuch like Liberties, Advantages, Dignities, Priviledges, Wages, Fees and Commodities concerning this ſaid Court of Parliament, to all intents, conſtructions and purpoſes, as any other the Knights and Burgeſſes of the ſaid Court, ſhall, may or ought to have, take, or enjoy.

The County of Cheſter, ſhall have two Knights for the Shire, and the City of Cheſter two Burgeſſes for the Parliament.

II. And alſo where it is and hath been uſed within the ſaid County Palatine, that upon the ſuggeſtion of any perſon, that is or hath been indebted to any other perſon or perſons coming to the Exchequer within the ſaid County Palatine, and there taking a corporal Oath, That he or they ſhall pay his or their Creditors at ſuch time as he or they ſhall be able thereto, the Officers of the ſaid Exchequer have uſed without Warrant, to grant out of the ſame Exchequer a Writ in nature of a Protection, whereby the ſaid Creditors have been, and be greatly delayed, and in a manner defrauded of their ſaid Debts, to the great impoveriſhment and undoing of the ſaid Creditors: (2) For reformation whereof, it may alſo pleaſe your ſaid Highneſs, that it be enacted by the authority aforeſaid, that no ſuch Writ of courſe, without a ſpecial Warrant from your ſaid Highneſs, your Heirs or Succeſſors, containing any ſuch Protection, be from the firſt day of October, which ſhall be in the year of our Lord God, M.D.XL.III. granted; But that all and every ſuch Writs of courſe after the ſaid day to be granted, to be void and of none effect; Any cuſtom, uſe or priviledge to the contrary hereof notwithſtanding.

No writ of courſe in the nature of a protection ſhall be granted in the County Palatine of Cheſter.

CAP. XIV.

An Act for a Certificate of Convicts to be made into the Kings Bench.

Certificate 1. The names of all perſons outlawed, attainted, and convicted of Felony, ſhall be certified in the Kings Bench.

WHere before this time divers perſons have been Indicted, Arraigned, and Attainted, and ſome of them Clerks convict, and ſome of them Clerks attainted, and ſome of them Outlawed for Murder, Burglary, Robbery, and other Felonies, before Juſtices of the Peace, Juſtices of Goal delivery, and Juſtices of Oyer and Determiner, within divers Cities Counties, Franchiſes and Liberties within this Realm, The Records of all which Attainders, Outlawries and Convictions often and many times by negligence of the Clerk of the Crown, Clerks of Peace, Clerks of Aſſiſe, and ſuch other as have had the order, rule, keeping and governance of the ſame Records, have been imbeſilled, and not ready to be objected againſt ſuch perſons as have been newly arraigned before our Sovereign Lord the King in his Bench, or before other the Kings Juſtices, for like, and ſuch other offences by them committed or done: (2) And for that it hath not been known certainly whither to reſort for the ſame Records, becauſe they were not certified into any place certain: (3) By reaſon whereof ſometime ſuch perſons and like offenders which have been newly arraigned, as is beforeſaid, have had the benefit of his or their Clergy where they ought not, ne ſhould have had the ſame, if the ſaid Records had then been preſent in the ſame place where ſuch perſon or perſons were ſo newly arraigned, or elſe certified into ſome other place certain, where the ſame Records might have been ſeen, ſent for or written for, to have been objected againſt ſuch perſon or perſons ſo newly arraigned: (4) Whereby as well the King our Sovereign Lord, as alſo all other perſons, have many times loſt their Eſcheats, and other advantages and forfeitures that they ſhould have had by mean of the ſaid Attainders, to the great loſſes, both of our ſaid Sovereign Lord the King and other perſons, and alſo the ſame offenders have had their Clergy where they ought not ſo to have had, to the great boldneſs and encouraging of like offenders.

The certificate of the Clerk of Aſſiſe into the Kings Bench of ſuch as be Outlawed, attainted or convicted of Felony.

II. In conſideration whereof, be it enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the Clerk of the Crown, Clerks of the Peace, and Clerks of Aſſiſe for the time being, where any ſuch Attainder, Outlawry or Conviction ſhall ſo be had, ſhall from the Feaſt of Pentecoſt next coming, not only certifie a Tranſcript briefly and in few words, containing the tenor and effect of every ſuch Endictment, Outlawry or Conviction, and Clerk attainted before them ſo to be had, made or pronounced, that is to ſay, the name, ſirname, and addition of every ſuch perſon or perſons as ſhall be ſo indicted, and thereupon Outlawed, Convicted or Clerk attainted, and the certainty of the ſaid Felony, or other offence whereupon he or they ſhall be ſo Outlawed, Convicted or Clerk Attainted, and the day and place of his Outlawry, Conviction and Attainder, and the day and place where and when the ſaid Felony or other offence whereupon the ſaid perſon or perſons ſhall be ſo Indicted, Outlawed, Convicted or Clerk Attainted, ſhall be made and done before the King our Sovereign Lord, in his Bench at Weſtminſter, in the County of Middleſex, there to remain of Record for ever, amongſt other the Kings Records there, within fourty days next after any ſuch Attainder, Conviction or Outlawry ſhall be had, made or pronounced, if the Term be then; and if not, then within twenty days next after the beginning of the Term next following the ſaid fourty days: But alſo ſhall deliver a Tranſcript of every ſuch Endictment whereupon the ſaid perſon and perſons ſhall fortune hereafter ſo to be Convicted, or Clerks Attainted, to the Ordinary to whom the Body of the ſaid perſon or perſons ſhall be committed: (2) The ſaid Ordinary paying to every ſuch Clerk as ſhall write the ſaid Tranſcript, for every Copy of ſuch Endictment, twelve pence for his pains, (3) upon pain that every Clerk of the Crown, Clerk of the Peace, and Clerk of Aſſiſe for the time being, before whom ſuch Endictment, Attainder, Outlawry or Conviction ſhall be ſo had, made, pronounced, or remain, for the non-certifying of every ſuch Record, and not delivering of the Copy of ſuch Endictments to the ſaid Ordinaries, according to this Eſtatute, to loſe and forfeit fourty ſhillings, the one Moiety thereof to be to the King our Sovereign Lord, and the other Moiety to him that will ſue for the ſame by Action of Debt, Bill, Information, or otherwiſe, in any of the Kings Courts of Record, wherein no wager of Law, Eſſoin or Protection ſhall be allowed: (4) And the Clerk of the Crown in the Kings Bench, ſhall receive the ſaid Certificates and Tranſcripts at ſuch time as they ſhall be tendred and proffered unto them by the ſaid Clerks of the Crown, Clerks of the Peace, and Clerks of Aſſiſe, or by their Deputy or Deputies, without taking any thing for the ſame, upon pain of forfeiture of the ſum of fourty ſhillings for every ſuch Certificate by him refuſed.

A tranſcript of an Endictment delivered to the Ordinary.

The Clerk of the Crown ſhall receive the certificates.

No more names certified then are attainted, convict, &c.

III. Provided always, and be it further enacted by the authority aforeſaid, That if there be any more perſons contained, and named in any ſuch Endictment, other then ſuch perſon ſo Attainted, Convicted or Outlawed, that then ſuch Clerk of the Crown, Clerk of Aſſiſe, Clerk of Peace, with whom the Record of ſuch Attainder, Outlawry or Conviction ſhall remain, ſhall within the time before in this Act limited, certifie the Tranſcript of ſuch Endictment, Outlawry or Conviction, only concerning ſuch perſon or perſons ſo Indicted, Attainted, Outlawed or Convicted, into the Kings Bench at Weſtminſter, as is aforeſaid; (2) which Tranſcript ſo certified, ſhall be had and taken as good, effectual and available in Law, to all intents, conſtructions and purpoſes, againſt ſuch perſon and perſons againſt whom it ſhall be ſo objected, alledged or pleaded, as if the very Record thereof whereupon he or they ſo were Indicted were there preſent.

The Clerk of the Crown ſhall certifie the names of convicts to the Juſtices.

IV. And be it enacted by the authority aforeſaid, That the ſaid Clerk of the Crown in the Kings Bench for the time being, ſhall at all ſuch times as the Juſtices of the Goal-delivery, or Juſtices of Peace in every County within this Realm of England, do write unto him for the names of ſuch perſons which be ſo Attainted by Outlawry, or Clerks Attainted or Convict, and certified in the ſaid Bench of our ſaid Sovereign Lord the King, ſhall incontinently without delay certifie the ſaid names and ſirnames of the ſaid perſons, with the cauſes why and wherefore they were Convict or Attainted, unto the Juſtices of Goal-delivery, or Juſtices of Peace, upon the pain and penalty to forfeit for every name of ſuch perſons which ſhall be ſo written for, and not certified by the ſaid Clerk of the Crown in the Kings Bench, to the ſaid Juſtices, xl. s.

Dyer, f.

No certificate out of Wales, Cheſter, Lancaſter, Durham.

V. Provided always, and be it further enacted, That this Act, nor any thing therein contained, ſhall not extend to the Clerks of the Crown, Clerks of the Peace, Clerks of Goal-delivery, neither to any of the Prenotaries within the Counties of Wales and Cheſter, or within the Counties Palatines of Lancaſter and Dureſme, or any of them, to make any tranſcript of any ſuch attainder, conviction or outlawry of any perſon or perſons convicted, attainted, or outlawed before the Kings Juſtices of his Counties of Wales or Cheſter, or County of Lancaſter, Dureſme, or any of them, but that the ſame Records ſhall and may remain and be in the cuſtody and keeping of the ſaid Clerks and Prenotaries, in ſuch manner and wiſe as they are at this day; This Act or any thing therein contained to the contrary notwithſtanding.

CAP. XV.

All Gifts, Grants and Writings to be made by the Biſhop of Bath and Wells, under his Seal, of any his Lands, Offices, Fees, &c. and confirmed by the Dean aud Chapter of Wells in writing under their Chapter Seal, ſhall be good in Law to bind the Succeſſors of the ſaid Biſhop: And the Dean and Chapter of Wells ſhall be for ever the entire and ſole Chapter of the ſaid Biſhoprick of Bath and Wells: whereof the Prior and Convent of the diſſolved Monaſtery of St. Peter and Paul of Bath were heretofore the half part. P R.

Bath and Wells 1.

CAP. XVI.

Sheriffs upon their Accounts made in the Exchequer, ſhall be diſcharged of ſuch ſums of money which they will teſtifie by their Oaths they cannot levy: And they ſhall have allowances for the diet of the Juſtices of Aſſiſe, Clerk of Aſſiſe, and other their reaſonable expences. Exp. St. 37 H. 8. 23. & Rep. 2 Ed. 6. 4.

Sheriffs, Rast. 33.

CAP. XVII.

An Act for Biſhops newly Erected, to pay their Tenths in the Court of the Firſt-fruits and Tenths onely.

1 Ca. 45.

First-fruits, Rast. 6. 26 H. 8. 3. It was enacted, that the King ſhould have a yearly tenth of all Spiritual Promotions.

Where in the Parliament begun and holden at London the third day of November, in the One and twentieth year of the Reign of our moſt dread Sovereign Lord King Henry the Eighth, and from thence adjourned to Weſtminſter, and there holden and continued by divers Prorogations until the Diſſolution thereof, it was among other things Eſtabliſhed and Enacted, that the Kings Majeſty, his Heirs and Succeſſors, for the augmentation and maintenance of the Royal Eſtate of his Imperial Crown and Dignity of Supream Head of the Church of England, ſhould yearly have, take, enjoy and receive, united and knit unto his Imperial Crown for ever, one yearly Rent or Penſion amounting to the value of the tenth part of all the Revenues, Rents, Ferms, Tithes, Offerings, Emoluments, and of all other Profits, as well called Spiritual as Temporal, then appertaining or belonging, or that afterward from thenceforth ſhould belong to any Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, Archdeaconry, Deanry, Hoſpital, Colledge, Houſe Collegiate, Prebend, Cathedral Church, Collegiate Church, Conventual Church, Parſonage, Vicarage, Chauntry, Free Chappel, or other Benefice or Promotion Spiritual, of what name, nature or quality ſoever they were, within any Dioceſs of this Realm, or in Wales, (2) the ſaid Penſion or annual Rent to be yearly paid for ever to our ſaid Sovereign Lord, to his Heirs and Succeſſors, Kings of this Realm, at the Feaſt of the Nativity of our Lord God, as by the ſame Act among divers other things therein contained, more plainly is ſhewed and may appear.

32 H. 8. 5. The Kings Court of Firſt fruits was erected.

II. And where alſo at the Parliament begun at Weſtminſter, the xxviij. day of April, in the xxxj. year of our ſaid Sovereign Lord the Kings moſt gracious Reign, and afterward continued by divers and ſundry Prorogations until the Diſſolution thereof, there was, by authority of the ſaid Parliament, erected and eſtabliſhed a certain Court, called the Court of the Firſt-fruits and Tenths.

Five new Biſhopricks erected by the Kings Letters Patents.

III. And it was further enacted by the authority of the ſaid Parliament, That the ſaid Firſt-fruits and Tenths, and all the Revenues and Profits thereof, which then were, or hereafter from henceforth ſhould grow or be, by any manner of means, ſhould be from henceforth in the order, ſurvey and governance of the ſaid Court of the Firſt-fruits and Tenths, and Miniſters of the ſame, as by the ſame Act among divers other things therein contained, plainly appeareth: (2) Sithen the making of which ſaid Act, our ſaid Sovereign Lord, of his moſt gracious and bleſſed diſpoſition, by his moſt gracious ſeveral Letters Patents hath made, erected, incorporated and eſtabliſhed within this his Realm, divers and ſundry Biſhops and Sees of Biſhops, that is to ſay, John now Biſhop of Cheſter, John now Biſhop of Glouceſter, John now Biſhop of Peterborough, Paul now Biſhop of Briſtol, and Robert now Biſhop of Oxenford: and by the ſame his ſeveral and ſundry Letters Patents, hath ſunderly and ſeverally given and granted unto the ſaid Biſhops divers and ſundry manors, lands, tenements and hereditaments: (3) In which ſaid ſeveral Letters Patents there been reſerved unto his Highneſs, his Heirs and Succeſſors, certain yearly Rents and Penſions, amounting to the Tenth of the ſame manors, lands, tenements and hereditaments ſo ſeverally given to the ſaid ſeveral Biſhops, to be paid and payable yearly in our ſaid Sovereign Lord the Kings Court of Augmentations of the Revenues of his Crown, as in the ſaid Letters Patents more plainly appeareth. (4) And forasmuch as by the ſaid former Eſtatutes, the ſaid Biſhops been compellable every one of them to pay the Tenths of his or their poſſeſſions annexed to their ſeveral Biſhopricks, in our ſaid Sovereign Lord the Kings Court of Firſt-fruits and Tenths, the ſaid Biſhops be and ſhall be double charged and chargeable with the payments of the ſaid Rents and Penſions, reſerved and to be paid as is aboveſaid, for that, that the payments thereof in one of the ſaid Courts, is no diſcharge in the other, contrary to the true intent and meaning of the Kings Highneſs, and to the great hurt and decay of the ſaid Biſhops, and their Succeſſors, if ſpeedy remedy be not therefore provided: (5) For reformation whereof, be it enacted and ordained by authority of this preſent Parliament, That all the yearly Rents, Tenths, and Penſions, as is or be above rehearſed, reſerved in and by all and ſingular the Kings Highneſs ſaid ſeveral Letters Patents, made of any manors, lands, tenements, parſonages appropriate, or other hereditaments whatſoever they be, ſithen the eight and twentieth day of April, in the ſaid One and thirtieth year of the Reign of our ſaid Sovereign Lord, to any of the ſaid ſeveral Biſhops, ſhall from the firſt day of May next coming, be in the rule, governance, and ſurvey of the ſaid Court of Firſt-fruits and Tenths. (6) And that all ſuch and the ſame Rents, Penſions and Tenths, ſhall be from the ſaid firſt day of May, payable and always paid in the ſaid Court of Firſt-fruits and Tenths, and not elſewhere, nor

The Biſhops of Cheſter, Glouceſter, Peterborough and Oxford, ſhall pay their Tenths in the Court of Firſt-fruits. Alt. 1 M. 10.

in any other Court or place, any thing rehearſed in the ſaid ſeveral Letters Patents, or in any of them, or any Act, Statute, or Law had, made or uſed to the contrary thereof notwithſtanding.

IV. And be it further enacted by the authority aforeſaid, That the ſaid Biſhops nor their Succeſſors, ne any of them, ſhall at any time hereafter be Impeached or Sued in the ſaid Court of Firſt-fruits and Tenths, of, or for any Tenth, yearly Rent, or Penſion reſerved in or by any of the ſaid ſeveral Letters Patents, which now is, or before the ſaid firſt day of May next coming ſhall be due unto the Kings Highneſs. (2) And that all and ſingular Proceſs and Suits now had and purſued, or hereafter on this ſide the ſaid firſt day of May, to be had or ſued out of the ſaid Court of Firſt-fruits and Tenths, againſt any of the ſaid Biſhops newly erected and made, as is aforeſaid, of, for, or concerning only any yearly Rent, Penſion or Tenths, reſerved upon or by any of the ſaid Letters Patents, ſhall ceaſe and be clearly void to all intents and purpoſes. 1 El. 4.

CAP. XVIII.

Canterbury, Rat. 1.

A confirmation of all Liberties granted by the King, or any of his Progenitors, to the Mayor and Aldermen of Canterbury, which the King may reſume upon cauſe. No Foreign, not being free of the ſaid City, ſhall buy or ſell any Merchandiſe (ſaving Victual) to another Foreign, nor ſhall keep any Shop, nor uſe any Myſtery within the ſaid City, or the Liberties thereof, without the Licence of the Mayor and Aldermen, or the more part of them in writing under their Seal, upon pain to forfeit vj. s. viij. d. for every offence, to the ſaid Mayor and Aldermen, to be recovered by Action or Diſtreſs, &c. PR.

CAP. XIX.

An Act for the payment of Penſions granted out of the late Abbeys.

Monaſter. 33. Penſions, &c. granted out of Abbies, &c. ſhall be paid ſtill as they were before.

Where the Archbiſhops, Biſhops, Archdeacons, and the other Eccleſiaſtical perſons, of both the Provinces of Canterbury and York, within this Realm of England, have heretofore in the right of their Churches, had and received out of the late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, Houſes of Friers, and other Religious and Eccleſiaſtical Houſes and places now diſſolved, and out of the manors, lands, tenements, and hereditaments belonging to the ſame, divers penſions, portions, corrodies, indemnities, ſynodies, proxies, and other profits: (2) And where alſo in the Parliament begun and holden at Weſtminſter, the eight and twentieth day of April, in the One and thirtieth year of the Reign of our Sovereign Lord Henry the Eighth, by the grace of GOD, King of England, France and Ireland, Defender of the Faith, and of the Church of England, and alſo of Ireland, in Earth the Supream Head, It was ordained and enacted by the authority of the ſame Parliament, That as well the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, Houſes of Friers, and other Religious and Eccleſiaſtical Houſes and places, with the manors, lands, tenements, hereditaments, and other profits belonging unto the ſame late Monaſteries, Abbathies, Priories, and other Religious and Eccleſiaſtical Houſes and places as then were, or then hereafter ſhould come unto the Kings Highneſs hands, ſhould be veſted, deemed and adjudged in the actual and real poſſeſſion and ſeiſon of the Kings Highneſs, his Heirs and Succeſſors:

A rehearſal of the Statute of 31 H. 8. 13. touching the diſſolution of Monaſteries.

II. Saving to all and every perſon and perſons, and bodies politick, and their heirs and ſucceſſors, and the heirs and ſucceſſors of all and every of them, other then the late Abbots, Priors, Abbeſſes, Prioreſſes, and other Eccleſiaſtical Governours and Governeſſes of the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, Houſes of Friers, and other Religious and Eccleſiaſtical Houſes and places, and their Succeſſors, and the Succeſſors of every of them, and ſuch as pretend to be Founders, Patrons or Donors of ſuch Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, Houſes of Friers, and other Eccleſiaſtical Houſes and places, or of any manors, meſſuages, lands, tenements, or other hereditaments belonging to the ſame, or to any of them, their heirs and ſucceſſors, and the heirs and ſucceſſors of every ſuch Founder, Patron or Donor, and the then Abbots, Priors, Abbeſſes, Prioreſſes, and other Eccleſiaſtical Governours and Governeſſes of ſuch Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, Houſes of Friers, and other Religious and Eccleſiaſtical Houſes and places, which then hereafter ſhould happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come to the Kings Highneſs, and ſuch as pretend to be Founders, Patrons or Donors of ſuch Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, Houſes of Friers, and other Eccleſiaſtical Houſes and places, or of any manors, meſſuages, lands, tenements or other hereditaments to the ſame belonging, or to any of them, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them, (2) all ſuch right, title, claim, intereſt, poſſeſſion, rents, charges, annuities, leaſes, ferms, offices, fees, liveries, livings, portions, penſions, corrodies, commons, ſinodies, proxies, and other profits which they or any of them have, claim, ought, may or might have had in or to the premiſſes, or to any part or parcel thereof, in ſuch like manner, form and condition, to all intents, reſpects, conſtructions and purpoſes, as if the ſame Act had never been had ne made, (rents ſervices, rents ſeck, and all other ſervices and ſuits only except) as by the ſame Act among divers other things therein contained more plainly is ſhewed, and may appear.

A rehearſal of the ſaving in the ſaid Stat. of 31 H. 8 ſpecified.

C. k. lib 12. 45. Penſioners, Sinodies, Proxies.

III. And yet notwithſtanding the ſaid general ſaving contained in the ſaid Act, the ſaid Archbiſhops, Biſhops, Archdeacons, and other Eccleſiaſtical perſons of both the ſaid Provinces of Canterbury and York, be, and ſithen the making of the ſaid Act have been diſturbed and denied of the having, receiving and gathering of the ſaid penſions, portions, corrodies, indemnities, ſinodies, and proxies, with other profits belonging unto them, by divers of the fermors and occupiers of great part and parcel of the ſaid manors, lands, tenements and hereditaments of the ſaid late Monaſteries, and other Eccleſiaſtical Houſes and places, or being parcel of the poſſeſſions of them, and have no direct mean to obtain, recover, or come to the ſame, not only to their great hurt and damage, but alſo like to grow, and be to the great loſs and diſheriſon of the Kings Majeſty, concerning his Firſt-fruits and Tenths:

IV. For reformation whereof, be it ordained, eſtabliſhed and enacted by the Kings Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons being fermor or occupier of any manors, lands, tenements, parſonages, benefices, or other hereditaments of any of the ſaid late Monaſteries, or Eccleſiaſtical Houſes or places, or belonging to them, or any of them, by the Kings Highneſs gift, grant, ſale, exchange, or otherwiſe, out of which premiſes any ſuch portions, penſions, corrodies, indemnities, ſinodies, proxies, or any other profits, have been heretofore lawfully going out, anſwered or paid to any of the Archbiſhops, Biſhops, Archdeacons, and other Eccleſiaſtical perſons aboveſaid, do at any time after the firſt day of April next coming, wilfully deny the payment thereof, at the days of payment heretofore accuſtomed, of any of the ſaid penſions, portions, corrodies, indemnities, ſinodies, proxies, or any other profits, whereof the ſaid Archbiſhops, Biſhops, Archdeacons, or other Eccleſiaſtical perſons were in poſſeſſion, at or within ten years next before the time of the diſſolution of any ſuch Monaſteries, or other Eccleſiaſtical Houſes or places, that then it ſhall be lawful for the ſame Archbiſhops, Biſhops, Archdeacons, or other Eccleſiaſtical perſons aforeſaid, being ſo denied to be ſatisfied and paid thereof, and having right to the ſame thing in demand, to make ſuch proceſs as well againſt every ſuch perſon and perſons as ſhall ſo deny payment of the ſame penſions, portions, corrodies, proxies, indemnities, ſinodies, or any other profits which of right ought to be paid, as is aforeſaid, as againſt the Church or Churches charged with the ſame, as heretofore they have lawfully done, and as by, and according to the Laws and Statutes of this Realm they may now lawfully do, for the true payment and recovery thereof: (2) And if the party defendant be lawfully convict in any ſuch ſuit, cauſe or matter, according to the Eccleſiaſtical Laws: then the party plaintiff ſhall have and recover againſt the party defendant the thing in demand, and the value thereof in damages, with his coſts for his Suit.

Penſions, &c. due out of religious lands diſſolved, ſhall be paid to Biſhops, Archdeacons, &c. by the occupiers of the ſame lands.

V. And be it further ordained and enacted by the authority aforeſaid, That if it fortune the cauſe or matter of variance between any of the ſaid parties be determinable at the common Law, that then the party grieved, to Sue for his recovery and remedy therein at the common Law: (2) And if the party defendant fortune to be, by the courſe of the common Law, lawfully condemned to the party plaintiff, then the ſaid party plaintiff ſhall likewiſe have and recover againſt the party defendant the thing in demand, and the value thereof in damages, with his Coſts for his Suit.

The remedy if the matter be determinable at the common Law.

VI. Provided alway, and be it enacted by the authority aforeſaid, That all and ſingular ſuch of the ſaid Archbiſhops, Biſhops, Archdeacons, and other Eccleſiaſtical perſons, which have right or title to claim, demand, or enjoy any of the ſaid penſions, portions, corrodies, indemnities, ſinodies or proxies again any perſon or perſons, to whom the King hath made, or hereafter ſhall make in writing under Seal, any ſale, gift, grant, or leaſe, for term of life or lives, or years, of any of the ſaid manors, lands, tenements, parſonages, benefices, and other hereditaments, charged or chargeable to or with any of the ſaid penſions, portions, corrodies, indemnities, ſinodies or proxies, and alſo hath covenanted, granted, promiſed or agreed, or hereafter ſhall covenant, grant, promiſe or agree, by the ſaid writing to acquit, diſcharge, or ſave harmleſs the ſame perſon or perſons, of all penſions, portions, corrodies, indemnities, ſinodies and proxies, going out of the premiſes or any parcel thereof, as be or ſhall be mentioned in the ſame writings or any of them, ſhall Sue for their remedy and recovery thereof in the Court of the Augmentations of the Revenues of the Kings Crown, and not elſewhere: (2) And that the party defendant having any ſuch diſcharge, being convented, called or ſued to any other Court or place, or before any other Judge, for any the cauſes aboveſaid ſhall be diſcharged and diſmiſſed out of the ſame Court or place without any thing paying for the ſame, by the only ſhewing forth any of the ſaid writings, Sealed under any of the Kings Seals, proving or declaring the King to have covenanted, promiſed or agreed to acquit, diſcharge or ſave harmleſs the ſaid party defendant thereof, as is aforeſaid; Any thing contained in this Act to the contrary notwithſtanding.

The remedy where the King hath demiſed any land with covenant of diſcharge thereof.

CAP. XX.

An Act to embarr feigned Recovery of Lands wherein the King is in Reverſion.

Where divers of the Kings moſt noble Progenitors, and eſpecially the King our Sovereign Lord, moſt liberally above all other, have given and granted, or otherwiſe provided to his and their loving and good Servants and Subjects, as well Nobles as other, manors, meaſes, lands, tenements, rents, ſervices and hereditaments, to them and to their heirs males of their bodies, or to their heirs of their bodies lawfully begotten, minding at the time of ſuch gifts not only to prefer and advance preſently the Donees, but alſo their heirs in bloud of their bodies, according to the limitation of the ſaid gifts: (2) to the intent that recompence for the ſervice of ſuch Donees, ſhould not only be a benefit for their own perſons, but a continual profit and commodity to and for their heirs coming of their bodies, whereby ſuch heirs ſhould have in ſpecial memory and daily remembrance, the profit that they have and take by the ſervice of their Anceſtors done to the Kings of this Realm, and thereby be the better encouraged to do like ſervice to their Sovereign Lord, as to their duties of allegiance appertaineth. (3) And foraſmuch as ſundry ſuch Donees in tail, and their heirs have ſuffered, and daily ſuffer by their conſents, untrue and feigned recoveries to be had againſt them, with common Voucher, or otherwiſe, of manors, meaſes, lands, tenements, or hereditaments, ſo given, granted, or provided in tail, By the Kings Majeſty, or his noble Progenitors, as is aforeſaid, to the intent by fraud, covin, and undue means, not only to bind and defeat their heirs inheritable, by the limitation of ſuch gifts, but alſo the King of his Prerogative, Wardſhip, Primer ſeiſon, and other his rights: (4) whereby queſtions and diverſity of opinions have riſen, and yet be, whether ſuch feigned and untrue recoveries againſt ſuch tenants in tail by their own conſents, of lands tenements, or hereditaments, whereof the reverſion or remainder is in the King at the

Recoveries 2, &c.
Common recoveries of Lands in tail, whereof the King is in reverſion, ſhall be void
The ſpecial reaſons of the Kings gifts of lands to certain perſons in tail.
1 Anderſ. 46, 141, 171.

time of ſuch recovery or recoveries had, ſhould after the death of the tenant in tail bind the heirs in tail, or not.

Moor 115. pl. 258. 2 Roll. 417. Co. Inſt. 372. b. Cro. El. 518. 595. Dyer f. 32. Cok. l. 2. f. 50. 52. l. 8. f. 77. Br. Aſſurances 6. B. diſcont. de poſſeſſion 32. B. formedon 50. B. tailes 41. B. recover. 31. Co. Inſt. 335 a.

II. For plain declaration whereof, and to avoid and extinct from henceforth diverſities of opinions in ſuch caſes, Be it ordained and enacted by authority of this preſent Parliament, That no ſuch feigned recovery, hereafter to be had by aſſent of parties againſt any ſuch tenant or tenants in tail, of any lands, tenements, or hereditaments, whereof the reverſion or remainder at the time of ſuch recovery had, ſhall be in the King, ſhall bind or conclude the heirs in tail, whether any common Voucher be had in any ſuch feigned recovery or not, but that after the death of every ſuch tenant in tail againſt whom any ſuch recovery ſhall be had, the heirs in tail may enter, have and enjoy the lands, tenements, and hereditaments ſo recovered, according to the form of the gift of entail; the ſaid recovery, or any other thing or things hereafter to be had, done or ſuffered by, or againſt any ſuch tenant in tail to the contrary notwithſtanding.

No recompence in value againſt the Voucher.

III. And be it alſo further enacted by authority aforeſaid, That the heirs of every ſuch tenant in tail, again whom any ſuch feigned recovery ſhall be had, ſhall take no advantage for any recompence in value againſt the Voucher or his heirs.

The leſſee of tenant in tail ſhall enjoy his term againſt the heir of the leſſor.

IV. Provided alway, That this Act, nor any thing therein contained, be in any wiſe prejudicial or hurtful to the Leſſee or Leſſees of any ſuch Tenant in Tail, made or to be made by Writing indented of any Manors, Lands, Tenements, Hereditaments for term of One and twenty years, three Lives or under, whereupon the accuſtomable Rent or Rents, or more, is or ſhall be reſerved yearly during the ſaid term and terms: but the ſame Leſſee and Leſſees, ſhall and may have and enjoy his or their term and terms therein againſt the Heir and Heirs of every ſuch Tenant in Tail, according to the tenor, purport, and effect of the Statute made in the Two and thirtieth year of the Reign of our Sovereign Lord King Henry the Eighth; Any thing in this Act contained to the contrary thereof notwithſtanding.

CAP. XXI.

An Act for the confirmation of Lands obtained by the Kings Majeſty, by exchange or otherwiſe of his Graces Subjects, or by his ſaid Subjects of his Highneſs, notwithſtanding miſ-recital either of Name, Place or Date.

Patents 17. A confirmation of Letters Patents, notwithſtanding any miſnaming.

WHere the Kings moſt excellent Highneſs, ſithen the fourth day of February, in the Seven and twentieth year of his Majeſties Reign, hath obtained and purchaſed, as well by exchanges, as by gifts, bargains, fines, feoffments, recoveries, deeds enrolled, and otherwiſe, of divers and ſundry perſons, many ſundry and divers honours, caſtles, manors, lands, tenements, meadows, paſtures, woods, rents, reverſions, ſervices, and other hereditaments, and hath not only paid divers and ſundry great ſums of money for the ſame, but alſo hath given and granted for and in conſideration thereof unto divers perſons late owners thereof, divers and ſundry manors, lands, tenements, and hereditaments, and other recompences in and for full ſatiſfaction of all ſuch honours, caſtles, manors, lands, tenements, rents, reverſions, ſervices, and other his hereditaments by his Highneſs obtained, purchaſed or had, as is aboveſaid: (2) Be it therefore enacted by authority of this preſent Parliament, That our ſaid Sovereign Lord the King, his Heirs and Succeſſors, ſhall have, hold, poſſeſs and enjoy all and ſingular the ſame honours, caſtles, manors, lands, tenements and other hereditaments, which his Highneſs ſith the ſaid fourth day of February, in the Seven and twentieth year aboveſaid hath obtained and had, or at any time during the ſpace of ſeven years next enſuing the making of this preſent Act, ſhall obtain, purchaſe, or have, by way of exchange, bargain, purchaſe, or other whatſoever mean or means, according to the true meaning and intent of his Highneſs bargain, exchange or purchaſe therein; (3) miſ-recital, miſ-naming, or non-recital, or no naming of any of the ſaid honours, caſtles, manors, lands, tenements, or other hereditaments, or of the true names, or certainties of them or any of them compriſed or mentioned in the bargains, or writings made between the Kings Highneſs, or any other party or parties, or of any part or parcel thereof, or of any Towns or Counties where the ſaid honours, caſtles, manors, lands, tenements and hereditaments lie and been, or any other matter or cauſe whatſoever it be in any wiſe notwithſtanding: (4) Saving to all and every perſon and perſons, and to their heirs, bodies politick and corporate, and to their ſucceſſors and every of them (other then ſuch perſon or perſons, and their heirs, and their wives, and the wives of every of them, bodies politick and corporate, and their ſucceſſors and every of them, of whom the Kings Highneſs hath obtained by exchange, gift, bargain, fine, feoffment, recovery, deed enrolled, or otherwiſe, or at any time hereafter during the ſaid ſeven years next coming, ſhall obtain, purchaſe, or have any ſuch honours, caſtles, manors, lands, tenements, or other hereditaments, as is aforeſaid) (5) all ſuch right, title, uſe, intereſt, poſſeſſions, rents, charges, annuities, commodities, fees, and other profits, (rents, ſervices, and rent ſecks only except) which they or any of them have, might, or ought to have had in, or to the premiſſes ſo obtained and had, or into any parcel thereof, in as ample and large manner, form and condition, to all intents and purpoſes, as if this Act had never been had, ne made; this preſent Act, or any thing therein contained to the contrary notwithſtanding.

A confirmation of all aſſurances heretofore made, or at any time within ſeven years to be made by any perſon to the King of any lands, &c. Cro. Jac. 51. 3 Cr. 519. Moor 421. pl. 582

A ſaving of the right of others.

II. And where alſo our ſaid Sovereign Lord the King, ſithen the ſaid fourth day of February, in the ſaid Seven and twentieth year of his Majeſties Reign, as well upon divers and ſundry good conſiderations his Majeſty ſpecially moving, as alſo otherwiſe, hath bargained, ſold, exchanged, Given and Granted by his Graces ſeveral Letters Patents, Indentures, or other Writings ſealed under his Highneſs Great Seal of England, and the Seal of his Dutchy of Lancaſter, and the Seal of Office of the Court of Augmentations of the Revenues of his Crown, or any of them, as well to bodies politick and corporate, as to divers and ſundry other of his loving and obedient Subjects, divers, and ſundry Honours, Caſtles, Manors, Monaſteries,

ſteries, Abbathies, Priories, Lands, Tenements, Rents, Reverſions, Services, Parſonages appropriated, Advowſons, Tithes, Oblations, Penſions, Portions, Franchiſes, Priviledges, Liberties, Offices, and other Hereditaments, Commodities and Profits, in fee-ſimple, fee-tail, for term of life or lives, or for term of years, as in the ſame ſeveral Letters Patents, Indentures, and other Writings is mentioned and declared: (2) And where alſo the Kings Majeſty heretofore ſithen the ſaid fourth day of February by his ſeveral Letters Patents, ſealed under the ſaid Great Seal of England, or otherwiſe, of his accuſtomable goodneſs, hath newly erected, ordained and made divers Biſhops, Deans and Chapters, Colledges, and other bodies politick and corporate, and hath by his ſeveral Letters Patents ſealed under the ſaid Great Seal of England, given and granted as well unto them, as to divers other bodies politick and corporate, and to their ſucceſſors, by ſuch Name or Names as they then were, be or now ſtand Corporate, divers Manors, Lands, Tenements, Parſonages, Tithes, Penſions, Portions, Advowſons, Nominations, Preſentations, and other Hereditaments, and ſuch or like Liberties, and Juriſdiction in the ſame Manors, Lands, Tenements mentioned in any of the ſame Letters Patents, as he to whom any ſuch Letters Patents were, or be made or granted, or his predeceſſors before had or enjoyed in the Manors, Lands, Tenements and Hereditaments departed or appointed to the King, or ſuch as any the late Abbot or Prior of any the late Monaſteries or Priories, or other perſon or perſons whatſoever, or any of them mentioned in any of the ſaid Letters Patents, lawfully had, exerciſed, uſed or enjoyed within the ſaid Caſtles, Manors, Lands, Tenements, and Hereditaments, mentioned in any of the ſaid Leters Patents: (3) In avoiding, diſturbing, hurting or hindring of divers of the ſaid ſeveral Letters Patents, Indentures, and other Writings, and of the Manors, Lands, tenements, Hereditaments, and other things in them contained, ſundry and many ambiguities, doubts and queſtions have, or might hereafter happen to be moved, objected, alledged, invented, procured or ſtirred, as well for miſ-naming, miſ-recital, or non-recital of any of the ſame Honours, Caſtles, Manors, Monaſteries, Abbathies, Priories, Lands, Tenements, and other the Premiſſes, or any parcel thereof: (4) or for lack of finding of Officers or Inquiſitions of and in the Premiſſes, whereby the Title of the Kings Highneſs therein ought to have been found, before the making of the ſame Letters Patents or other Writings: (5) or for miſrecital, or non recital of Leaſes thereof before made, as well of Record as not of Record: (6) or for lack of the certainty, miſcaſting, rating, or ſeting forth of the yearly values and rates of the Premiſſes, or of the yearly rents reſerved of and for the Premiſſes, or any parcel thereof, mentioned or contained in any of the ſaid Letters Patents, or other Writings: (7) or for that the Premiſſes be, or any part thereof is valued to a more or leſs value in the ſaid Letters Patents or Writings, then the ſaid Manors, Lands, Tenements, and other the Premiſſes then were or ſhall be in yearly value: (8) or for miſ-naming of the Towns, Hamlets, Pariſhes or Counties where the ſame Honours, Caſtles, Manors, Monaſteries, Abbathies, Priories, Lands, Tenements, Rents, Hereditaments, and other the Premiſſes, and every parcel thereof, or any parcel thereof, lien or been: (9) or for lack of the true naming of the natures, kinds, ſorts or quantities of the ſaid poſſeſſions or hereditaments, or any parcel thereof: (10) or for lack of the true naming of the Corporation of the ſame: (11) or for lack of atturnment, liberty or ſeiſon: (12) or for miſ-naming of any the late Tenants, or Fermors of the ſame ſo ſold, given or exchanged.

Defects at the Common Law in the Kings Letters Patents, and means to make them void.

III. For remedy and reformation whereof, Be it ordained and enacted by the Kings moſt excellent Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That as well all and every the ſaid Letters Patents, Indentures, and other Writings, and every of them, ſealed with, or under the Seal or Seals abovesaid, or any of them, made or granted by the Kings Highneſs ſithen the ſaid fourth day of February. in the ſaid Seven and twentieth year of his moſt noble Reign, as alſo all and ſingular his Graces Letters Patents, Indentures, and other Writings hereafter during the ſpace of ſeven years next enſuing the making of this preſent Act, to be had, made, or granted with or under any of the Seals abovesaid, to any body politick or corporated, or to any other perſon or perſons, of any Honours, Caſtles, Manors, Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, Houſes of Friers, or other Religious or Eccleſiaſtical Houſes or Places, Sites, Circuits, Precincts, Lands, Tenements, Parſonages, Tithes, Penſions, Portions, Advowſons, Nominations, Preſentations, Franchiſes, Liberties, and other Hereditaments, Commodities, Poſſeſſions and Profits, of what kind, nature or quality ſoever they or any of them be, is or ſhall be, or by whatſoever name or names they or any of them be, is or ſhall be named, known or reputed, ſhall ſtand and be good, effectual, and available in the Law to all intents, reſpect, conſtructions and purpoſes, againſt his Majeſty, his Heirs and Succeſſors, without any confirmation, licence, diſpenſation, or toleration of the Kings Highneſs, his Heirs and Succeſſors, or of any other perſon or perſons whatſoever, any the cauſes or matter above mentioned, contained, or hereafter during the ſaid ſeven years to be contained in any ſuch Letters Patents, Indentures, or Writings to the contrary in any wiſe notwithſtanding.

A confirmation of all Letters Patents, &c. made by the King, or to be made within ſeven years after, notwithſtanding any the defects aforeſaid. St. 36 El. 3.

IV. Provided alway, and be it enacted by the authority aforeſaid, That all and ſingular ſuch Letters Patents which at any time heretofore, ſithen the twenty eighth day of April, in the one and thirtieth year of our ſaid Sovereign Lords Reign, have been granted or made, or hereafter ſhall be made by the Kings Highneſs to any perſon or perſons, of any Office of keeping of any Caſtle, Block-houſe, Park, Chaſe, Foreſt, or keeping of any Manor, or Manſion place, Houſe or Houſes, with an annual Fee or other yearly profits for the exerciſing of the ſame, and after the ſaid Caſtle, Block-houſe, Manor, Manſion-place, Houſe or Houſes, Park, Chaſe or Foreſt happen to be fallen down, to be diſparked, diſforeſted, or deſtroyed, ſo that the cauſe of the exerciſing of ſuch Office is determined: that then the Letters Patents, or Grant of the ſame Office and Offices, with the Fee and Fees, or other Profits for the exerciſing of the ſame, ſhall be from thenceforth clearly determined, and ſtand and remain as void

The King granteth the keeping of a Caſtle, Park, &c. with a fee, which after is diſſolved.

void for ever; any thing in this Act contained to the contrary notwithſtanding.

A grant of an Office made void by Decree, &c.

V. Provided alſo, That this Act or any thing therein contained, ſhall not in any wiſe extend to revive or make good any Letters Patents of the Grant of any Office or Offices heretofore granted or made by our ſaid Sovereign Lord the King, which now is, or be, or at any time heretofore have been annihilated, determined, or made void by authority of Parliament, Judgment, Decree or otherwiſe; Any thing in this Act contained to the contrary notwithſtanding.

The recompence for overplus more then was meant to be granted, ſhall be twenty years purchaſe.

VI. Provided alway, and be it enacted by the authority aforeſaid, That all and ſingular ſuch Patentees, Grantees and Donees, as at any time from henceforth during the ſaid ſeven years now next coming, ſhall fortune to have or obtain any Caſtles, Manors, Lands, Tenements, Tithes, Penſions, Portions or other Hereditaments, of the Gift, Grant, Sale or Exchange of the Kings Majeſty, or of the only Gift of the Kings Majeſty of his moſt liberal diſpoſition, and not ſold, which at the day of the date of the Letters Patents thereof made, ſhall be of more or better yearly value to the King in yearly Rent and Farm then ſhall be contained, mentioned or ſpecified in any ſuch Letters Patents, and particulars thereof made by the Auditor or Auditors, and in ſuch Bill or Bills as ſhall be Signed and Sealed with the hand or hands of the Patentee or Patentees thereof, to be exhibited to the Kings Majeſty, or his Officer or Officers within whoſe ſurvey the ſaid Manors, Lands and Tenements, and other the Premiſſes, or any part thereof ſhall be, or within any of them: which Bill ſhall be Signed, Sealed, had and made as is aforeſaid, before any Bill ſhall be thereof Signed by the Kings Majeſty, that then every of the ſaid Patentees, Grantees and Donees, their Heirs, Executors or Adminiſtrators, within one year next after due proof and decree thereof made and had in the Court within whoſe ſurvey the ſame Caſtles, Manors, Lands, Tenements, and other the Premiſſes, or any parcel thereof then ſhall be, ſhall content and pay unto the King for the ſame overplus and more value for the ſame Manors, Lands, Tenements, Tithes, Penſions, Portions and other Hereditaments to him ſold or exchanged, after ſuch rate as the other Lands and Tenements were before to him ſold or exchanged: (2) and for the overplus and more value of ſuch Lands and Tenements as ſhall happen to be given by the Kings Majeſty, and not ſold as is abovesaid, the ſaid Patentee, his Heirs, Executors or Adminiſtrators, ſhall content and pay to the King after the rate of twenty years purchaſe: (3) ſo that the ſame proof and decree be had and made in form abovesaid, within ten years next after the day of the ſaid Letters Patents.

VII. Provided always, That this Act, or any proviſion, clauſe or article therein contained, ſhall not be underſtood or interpreted to be hurtful or prejudicial to any the Kings Letters Patents, Indentures, or Writings heretofore made, concerning any bargains, covenants, ſales, grants, exchanges, or gifts of any caſtles, manors, lands, tenements or other hereditaments in fee-ſimple or in fee-tail, ſithen the fourth day of February, in the Seven and twentieth year of his Majeſties Reign, and before the eight and twentieth day of April, in the Eight and twentieth year of his Highneſs Reign, under any of the Seals above ſpecified in this Act: nor to any Act or Statute heretofore made for the corroboration of any ſuch Letters Patents, Indentures or Writings. Stat. 7 Edw. 6. 3. 4 & 5 P. & M. 1. 18 El. 2. 42 El. 1.

CAP. XXII.

An Act that Fines in Towns Corporate ſhall be made as the ſame have been in times paſt.

Women 5. 32 H. 8. 28. Fines, &c. (in Incorporate Towns) ſhall be made as before have been.

WHere in the Parliament holden in the Two and thirtieth year of our moſt dread Sovereign Lord King Henry the Eighth, It was enacted by the authority of the ſaid Parliament amongſt other, That no Fine, Feoffment, or other Act or Acts hereafter to be made, ſuffered, or done by the Husband only, of Manors, Lands, Tenements or Hereditaments, being the Inheritance, or the Free-hold of his Wife, during the Coverture between them, ſhall in any wiſe be, or make any diſcontinuance thereof, or be prejudicial or hurtful to the ſaid Wife, or to her Heirs, or to ſuch as ſhall have right, title or intereſt by the ſame by the death of ſuch Wife or Wives: (2) but the ſame Wife and her Heirs, and ſuch other to whom ſuch right ſhall appertain after her deceaſe, ſhall and may then lawfully enter into all ſuch Manors, Lands, Tenements and Hereditaments, according to their Rights and Titles therein, any ſuch Fine, Feoffment, or other Act to the contrary notwithſtanding: (3) Sithence the making of which Act, divers doubts, queſtions and ambiguities have riſen: That is to ſay, whether the Recoveries and Deeds enrolled, which be in nature of Fines, and whereupon women covert have been uſed to be examined, taken, had, or knowledged, as well within the City of London as in many other Cities, Boroughs and Towns within the Realm of England, ſhould bind all ſuch women covert, that ſhould happen to be examined upon the ſame Recoveries and Deeds Enrolled: (4) In avoiding therefore all ſuch ambiguities and doubts, Be it enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all Recoveries, Deeds Enrolled, and Releaſes heretofore acknowledged and taken, or at any time hereafter to be taken and acknowledged before the Mayors, Aldermen, Recorders, Chamberlains, or other head Officer or Officers, as well of the City of London, as of any other City, Borough, or Town corporate within the Realm of England, having power and authority to take and receive the ſame, according to the laudable uſages and cuſtoms of the ſaid Cities, Boroughs and Towns, and every of them ſhall be, ſtand and remain of like force, ſtrength and effect, to all intents and purpoſes, as they, or any of them were before the making of the ſaid Act, in the ſaid Two and thirtieth year of our ſaid Sovereign Lord; any thing in the ſame contained to the contrary in any wiſe notwithſtanding.

The force of recoveries, deeds enrolled, and releaſes acknowledged by women covert in certain corporate Towns.

CAP.

CAP. XXIII.

Judgment may be given againſt any the offenders of the Statutes of 31 H. 8. 8. by nine of the Kings Councel. Exp. and Rep. 1 Ed. 6. 12.

Proclamation, Raſt. 5.

CAP. XXIV.

A Bill for the aſſurance of certain Lands to John Hinde Serjeant at Law, and to his heirs, paying therefore yearly Ten pounds, towards the charges of the Knights of the ſame Shire for the time being.

Cambridge, Raſt. 1.

The Manor of Burlewas lying in Maddingley in the County of Cambridge, aſſured to John Hinde, &c. paying ten pounds yearly, &c.

WHere certain perſons were infeoffed of and in the Manor of Burlewas, otherwiſe called the Shire Manor of the County of Cambridge, lying and being in Maddingley in the ſaid County, and of and in two hundred Acres of land, one hundred Acres of medow, one hundred Acres of paſture, with the appurtenances in Maddingley aforeſaid in the ſame County, being in the whole of the yearly value of ten pounds, and ſo letten to farm at this day, to the uſe and intent, that the profits thereof ſhould yearly be received and taken for and towards the payment of the fees and wages of the Knights of the ſame County of Cambridge, being choſen for the Parliament within the ſame County, at ſuch time and times as it ſhould pleaſe the Kings moſt Royal Majeſty, his Heirs and Succeſſors, to call his or their High Court of Parliament, whereby the ſaid inhabitants within the ſaid County of Cambridge heretofore have been clearly diſcharged for and concerning the payment of the Knights wages for the Parliament. (2) And for the ſure and more perfect continuance thereof, and that the yearly value of the ſame Manor and other the premiſſes may be from henceforth converted to the ſame uſe and purpoſe, and alſo to the intent that it may be perfectly known, what perſon hereafter ſhall be tenant of the premiſſes, and charged to anſwer and pay the ſaid yearly farm or rent of ten pounds yearly for the ſame, and what perſons ſhall likewiſe receive the ſaid rent to the uſes and intents aforeſaid, (3) all the Gentlemen of the ſaid County of Cambridge, as well for themſelves, as for the whole inhabitants of the ſame County, moſt humbly deſire the Kings moſt excellent Highneſs, that it may be enacted by his moſt Royal Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That John Hinde, one of the Kings Serjeants at Law, and his Heirs, ſhall from henceforth have, hold and enjoy to him, his heirs and aſſigns for ever, to the only and proper uſe of the ſaid John Hinde and his Heirs, the ſaid Manor, Lands, Tenements, and all other the premiſſes before rehearſed, and every parcel of the ſame, under the conditions following: That is to ſay, that the ſaid John Hinde, his heirs and aſſigns for ever, ſhall yield and pay yearly for the ſame premiſſes at the Feaſt of St. Michael the Archangel, ten pounds ſterling, to ſuch perſons and their ſucceſſors as ſhall be by this preſent Act incorporated and enabled to receive the ſame.

The Sheriff and two Knights of the Parliament for the County of Cambridge incorporated by the name of the Wardens of the wages, &c.

II. And alſo, that it may be further enacted by the authority aforeſaid, That Edward North Knight, Sheriff of the ſaid Shire, and Thomas Rudſtone Eſquire, Knights of the ſaid Shire of Cambridge for this preſent Parliament, ſhall be one body incorporate, and that they and their Succeſſors, Knights of the ſaid County of Cambridge for the time being, and the Sheriffs of the ſaid County alſo for the time being, ſhall by this preſent Act be incorporated by the name of Wardens of the Fees and Wages of the Knights of the Shire of Cambridge choſen for the Parliament, and ſhall have perpetual Succeſſion for ever in the ſame, and ſhall implead and be impleaded by the ſaid name. (2) Which Knights of the Shire for the time being, and after the Parliament diſſolved, as long as they ſhall be living, until other Knights of the ſaid Shire ſhall be choſen for the Parliament next enſuing, ſhall have and perceive the ſaid yearly rent of ten pound, and convert the ſame to their own proper uſes by equal portions towards the maintenance of their charges. (3) And when any of the ſaid Knights of and for the ſaid Shire choſen ſhall die, then the ſurvivor immediately from time to time ſhall have and perceive the ſaid yearly rent of ten pound to his own ſole and proper uſe, until the time that new Knights of the ſaid Shire ſhall be elected for the Parliament, who immediately after their election ſhall have and perceive the ſaid yearly rent of ten pound. (4) And if both the ſaid Knights of the ſaid Shire ſhall happen to die, then the Sheriff of the ſaid Shire yearly for the time being, ſhall have and perceive the ſaid yearly rent of ten pound to his own uſe, and ſo to continue unto the time that other Knights of the ſaid Shire ſhall be choſen for the Parliament then next following, as is aforeſaid, and ſo to continue after the ſaid rate for ever.

Who ſhall have the x l. rent payable out of the Shire Manor.

The remedy to recover the rent of x l. if it be behind.

III. And alſo be it enacted by the authority aforeſaid, That if it ſhall fortune the ſaid yearly rent of ten pound, or any part thereof to be behind unpaid, if any of the Wardens aforeſaid, or any of their ſervants or aſſigns demand the ſame in the name or names of any of the ſaid Wardens, at any time after the ſaid day of payment expired as is aforeſaid: Then it ſhall be lawful to and for the ſaid Wardens to recover the ſaid rent by action of debt at the Common Law againſt the owners, farmers, tenants, and occupiers of the ſame, or any of them, (2) or elſe at their pleaſure to diſtrain for the ſaid yearly rent of ten pound, and the arrearages of the ſame, in the ſaid manor, and all other manors, meaſes, lands, tenements and other hereditaments whatſoever of the ſaid John Hinde, his heirs and aſſigns in Maddingley aforeſaid, which ſaid Manors, Lands and Tenements ſhall be always chargeable to the diſtreſs of the ſaid Wardens for the time being, for non-payment of the ſaid yearly rent, and the arrearages of the ſame. (3) And that it ſhall be lawful for them the ſame diſtreſſes with them to retain, unto the time that the ſaid yearly rent of ten pound, together with the arrearages and coſts of the ſame, unto the ſaid Wardens for the time being, as their turn ſhall come to have the profits of the ſame, ſhall be well and truly contented and paid. (4) And if it ſhall fortune the ſaid yearly rent of ten pound, or any part thereof to be unpaid by the ſpace of three months next after the day of payment thereof, as aforeſaid: then it ſhall be lawful to and for the ſaid Wardens for the time being, their ſervants and aſſigns, or any of them, into the ſaid manors, lands and tenements in Maddingley aforeſaid, by whatſoever name or names the ſame to be known or called, to enter, and the ſame and the profits thereof continually to retain to their own ſole proper uſes, unto the time that the ſaid yearly rent, together with the arrerages thereof (if any ſhall be) unto the ſaid Wardens, ſhall be well and truly contented aud paid by the ſaid John Hinde, his heirs and aſſigns, or one of them, as is aforeſaid: And ſo from time to time when any ſuch chance ſhall happen, without any vexation, ſuit or trouble of the tenants, farmers, owners, or occupiers of the ſame, the ſaid Wardens ſhall enter, and have and enjoy the ſaid Manor of Burlewas Lands and Tenements aforeſaid, as is afore declared; any thing in this preſent Act contained to the contrary hereof in any wiſe notwithſtanding.

A Remedy for the rent if the lands come to the Kings hands.

IV. And further, that it may be enacted by the authority aforeſaid, That if it ſhall happen that the ſaid manors, lands and tenements, or any part thereof to come to the Kings hands, his Heirs and Succeſſors, by Wardſhip, Primer ſeiſin, Eſcheat, or otherwiſe, that notwithſtanding the ſaid rent ſhall be yearly paid unto the ſaid Wardens for the time being, to the uſes aforeſaid, and by the authority of this preſent Act all Receivers, Bayliffs, and other miniſters to the Kings Highneſs, his Heirs and Succeſſors, and every of them, ſhall have ſufficient warrant to pay the ſaid rent as is aforeſaid, and to be allowed of the payment of the ſame by this preſent Act, without any other warrant from the Kings Highneſs to be made for the ſame.

A remedy for the Wardens of the land recovered by covin.

V. Provided always, and be it further enacted by the authority aforeſaid, That if hereafter it ſhall happen, that the ſaid Manor of Burlewas, and the Lands and Tenements aforeſaid, with the Appurtenances, or any part thereof to be recovered by faint pleader, reddition, or other fraud or covin: then it ſhall be lawful to and for the ſaid Wardens, and every of them all times hereafter, into the ſaid Manor, Lands and Tenements ſo recovered by covin, to re-enter, and the ſame to have and enjoy to them and their Succeſſors for ever; any thing in this preſent Act contained to the contrary hereof in any wiſe notwithſtanding: (2) Saving to every perſon and perſons, bodies politick and corporate, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them (other then the ſaid perſons and their heirs that now be, and hereafter ſhall be ſeiſed or in poſſeſſion of the ſaid Manor of Burlewas Lands and Tenements, and other the premiſſes with the Appurtenances, to the uſes and intents aforeſaid, towards the payment of the Fees, Wages, and other charges of the ſaid Knights of the ſaid Shire of Cambridge, and Sheriffs of the ſaid County for the time being, as afore is rehearſed) (3) all ſuch title, poſſeſſion, right, intereſt, action and condition, as they or any of them hath in and to the ſame, or in or to any part thereof, as fully and wholly as if this preſent Act had never been had or made; any thing contained in this preſent Act to the contrary hereof in any wiſe notwithſtanding.

A Saving of the right of others.

The inhabitants of the County of Cambridge diſcharged of the Knights wages.

VI. And be it further enacted by the authority aforeſaid, That in conſideration of the premiſſes, the County of Cambridge, and the inhabitants of the ſame, ſhall hereafter for ever be diſcharged of all ſuch ſums of money as heretofore hath been accuſtomed to be levied and paid for the fees of the Knights of the Parliament of the ſaid County.

CAP. XXV.

Pool, Raſt. 1.

It ſhall be lawful to the Mayor, Burgeſſes, and Inhabitants of Poole, in the County of Dorſet, and to their Succeſſors, to erect a Windmill in the Kings waſte ground and Common in the Town of Baiter; (2) and a Conduit-head in a place called Tomam, and to have ſixteen foot ſquare for the Conduit-head: and to dig and draw in, by, through, and upon all places meet and convenient in, to and from the ſame, &c. yielding yearly to the King, his Heirs, &c. one Pepper Corn. PR.

CAP. XXVI.

An Act for certain Ordinances in the Kings Majeſties Dominion and Principality of Wales.

Wales 2.

Our Sovereign Lord the Kings Majeſty, of his tender zeal and affection that he beareth towards his loving and obedient ſubjects of his Dominion, Principality and Countrey of Wales, for good rule and order to be from henceforth kept and maintained within the ſame, whereby his ſaid ſubjects may grow and ariſe to more wealth and proſperity, hath deviſed and made divers, ſundry good and neceſſary Ordinances, which his Majeſty of his moſt abundant goodneſs, at the humble ſuit and petition of his ſaid ſubjects of Wales, is pleaſed and contented to be enacted by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, in manner and form as hereafter enſueth.

Laws ſpecially ſhall be made in Wales by the Officers there.

12 Ed. 1. of Rutheland.

Wales divided into twelve Shires.

27 H. 8. 26.

II. Firſt, That his Graces ſaid Dominion, Principality and Countrey of Wales, be from henceforth divided into twelve Shires, (2) of the which, eight hath been Shires of long and ancient time, that is to ſay, The Shires of Glamorgan, Caermarthen, Pembroke, Cardigan, Flint, Caernarvan, Angleſey, and Merioneth: (3) And four of the ſaid twelve Shires be newly made and ordained to be Shires, by an Act made at the Parliament holden at Weſtminſter, in the twenty ſeventh year of our ſaid Sovereign Lords moſt noble Reign: that is to ſay, The Shires of Radnor, Brecknock, Mountgomery and Denbigh, over and beſides the Shire of Monmouth, and divers other Dominions, Lordſhips and Manors in the Marches of Wales, united and annexed to the Shires of Salop, Hereford and Gloceſter, as by the ſaid late Act more plainly appeareth.

Limitation of Hundreds by Commiſſion.

III. Item, That the limitations of the Hundreds of late made within the ſaid Shires, by virtue of his Graces Commiſſions directed out of his high Court of Chancery, and again returned into the ſame, ſhall ſtand in full ſtrength, force and effect, according to the ſaid limitation: Except ſuch of the ſame as ſith that time have been altered or changed, by virtue of any Act or Acts of Parliament already made, or that ſhall be altered or changed, by any Act or Acts in this preſent Seſſion to be made.

Preſident and Councel.

IV. Item, That there ſhall be and remain a Preſident and Councel in the ſaid Dominion and Principality of Wales, and the Marches of the ſame, with all Officers, Clerks and incidents to the ſame, in manner and form as hath been heretofore uſed and accuſtomed: (2) which Preſident and Councel ſhall have power and authority to hear and determine by their wiſdoms and diſcretions, ſuch cauſes and matters as be, or hereafter ſhall be aſſigned to them by the Kings Majeſty, as heretofore hath been accuſtomed and uſed.

V. Item, That there ſhall be holden and kept Seſſions twice in every year, in every of the ſaid Shires in the ſaid Dominion and Principality of Wales: that is to ſay, in the Shires of Glamorgan, Brecknock, Radnor, Caermarthen, Pembroke, Cardigan, Mountgomery, Denbigh, Flint, Caernarvan, Merioneth and Angleſey: The which Seſſions ſhall be called the Kings Great Seſſions in Wales.

Seſſions twice in a year.

VI. Item, That the Juſtice of Cheſter for the time being, ſhall hold and keep Seſſions twice in every year, in the Shires of Denbigh, Flint and Mountgomery, and have nothing but his old fee of an hundred pounds yearly for the ſame.

Juſtice of Cheſter.

VII. Item, That the Juſtice of North-wales ſhall in likewiſe hold and keep Seſſions twice every year, in every of the Shires ot Caernarvan, Merioneth and Angleſey, and ſhall have yearly of the Kings Majeſty a yearly fee of fifty pounds for the ſame.

Juſtice of North-wales.

VIII. Item, That one perſon learned in the Laws of this Realm of England, by the Kings Majeſty to be named and appointed, ſhall be Juſtice of the Shires of Radnor, Brecknock and Glamorgan, and ſhall in likewiſe hold and keep Seſſions twice in every year, in every of the ſame Shires, and ſhall have yearly of the Kings Majeſty fifty pounds for his fee.

Juſtice of Radnor, &c.

IX. Item, That one other perſon learned in the Laws of this Realm, to be appointed as is aforeſaid, ſhall be Juſtice of the Shires of Caermarthen, Pembroke and Cardigan, and ſhall in like wiſe hold and keep Seſſions twice in every year, in every of the ſame Shires, and ſhall alſo have yearly of the Kings Majeſty fifty pounds for his fee.

Juſtice of Caermarthen.

X. Item, That the ſaid perſons or Juſtices, and every of them now being, or that hereafter ſhall be, ſhall have ſeveral Letters Patents and Commiſſions for their Offices, under the Kings Great Seal of England, to be exerciſed by themſelves, or their ſufficient Deputies, according to the purpoſes and intents in theſe Ordinances ſpecified.

Patents under the great Seal.

XI. Provided always, That their Commiſſions to them already granted under the ſaid Great Seal, ſhall ſtand in force and effect, according to the tenor of the ſame: unleſs it ſhall pleaſe the Kings Majeſty hereafter to alter or change them, or any of them; this preſent Article laſt before expreſſed in any wiſe notwithſtanding.

Commiſſions then granted.

XII. Item, That every of the ſaid Juſtices, within the limits of their Commiſſions and authorities to them appointed, as is aforeſaid, ſhall hold all manner of pleas of the Crown, at and in the ſaid Seſſions, in as large and ample manner as the Kings Chief Juſtice of England, and other the Kings Juſtices of the Kings Bench there, or any of them may do in their places, or elſewhere within the Realm of England: (2) and alſo to hold pleas of aſſiſes, and all other pleas and actions real, perſonal and mixt, in as large and ample manner as the Kings Chief Juſtice of the Common place in England, and other Juſtices of the ſame place, or any of them may do in the Realm of England.

Of what things the Juſtices in Wales may hold plea. 18 H. 8.

XIII. Item, That every of the ſaid Juſtices of Wales ſhall have power and authority to enquire of all treaſons, murders, felonies, riots, routs, unlawful aſſemblies, extortions, imbraceries, maintenances, retainers, concealments, contempts, and all other offences and evil deeds, of what natures, names or qualities ſoever they be, done committed or perpetrated within the limits of their Commiſſions and Authorities, againſt the form of the Common law of the Realm of England, or of any the Statutes of the ſame, and to hear and determine the premiſſes, and every of them, (2) and generally to miniſter common Juſtice to all and ſingular the Kings ſubjects, within the limits of their Commiſſions and Authorities, according to the Laws, Statutes and Cuſtoms of the Realm of England, and according to this preſent Ordinance.

XIV. Item, That every of the ſaid Seſſions ſhall be kept and continued by the ſpace of ſix days in every of the ſaid Shires, at either of the ſaid times, as is and hath been uſed within the ſaid three Shires of North-wales: And that the ſaid Juſtices ſhall cauſe open Proclamations to be made in the Shire Towns, what time and place they purpoſe to keep their ſaid Seſſions, fifteen days at the leaſt before they keep the ſame, to the intent the Kings ſubjects may have knowledge thereof.

Seſſions ſhall endure ſix days.

XV. Item, That days ſhall be given in all Pleas, Plaints, Proceſs and Adjournments, from day to day, and Seſſions to Seſſions, by the diſcretion of the ſaid Juſtices within the limits of their authorities, for the good and ſpeedy miniſtration of Juſtice, to all and ſingular the Kings ſubjects, as is or hath been uſed in North-wales.

Days in Court.

XVI. Item, That one original Seal deviſed by the Kings Highneſs for Juſtice to be miniſtred in the ſaid three Shires of North-wales, that is to ſay, the Shire of Merioneth, Caernarvan and Angleſey, ſhall be and remain in the charge, keeping and cuſtody of the Chamberlain of North-wales.

Original Seals in whoſe cuſtody they ſhall be.

XVII. And that one other original Seal deviſed by the Kings Majeſty, for miniſtration of Juſtice to be uſed in the ſaid Shires of Caermarthen, Pembroke and Cardigan, ſhall be and remain in the charge and keeping of the Chamberlain of South-wales.

XVIII. And that likewiſe one other original Seal, deviſed by the Kings Majeſty, for adminiſtration of Juſtice to be uſed in the ſaid three Shires of Brecknock, Radnor, and Glamorgan, ſhall be and remain in the charge and cuſtody of the Steward and Chamberlain of Brecknock.

XIX. And that alſo one other original Seal deviſed by the Kings Majeſty, for miniſtration of Juſtice to be miniſtred within the ſaid Shires of Denbigh and Mountgomery, ſhall be and remain in the charge, keeping and cuſtody of the Steward and Chamberlain of Denbigh.

XX. And that the original Seal of Cheſter, ſhall be and ſtand for the original Seal of Flint, for Juſtice to be miniſtred in the ſaid Shire ot Flint, and ſhall be and remain in the charge, keeping and cuſtody of the Chamberlain of Cheſter.

XXI. Item, That the ſaid Stewards and Chamberlains ſhall ſeal with the ſaid ſeals; that is to ſay, every one of them ſhall ſeal with the ſeal to his charge committed, all manner of original writs and proceſs, returnable before the ſaid Juſtices at the Seſſions to be holden in every of the ſaid Shires, in manner and form as is aforeſaid, (2) and ſhall ſeverally accompt

What ſhall be ſealed with the original ſeals.

The authority of the keepers of the ſeals, and to what only purpoſes they ſhall uſe them.

and anſwer the Kings Majeſty for the profits of the ſame Seal: (3) And that none of the ſaid Stewards, Chamberlains, or Chancellors, having the charge and keeping of the ſaid ſeals, ſhall by occaſion thereof, or by colour of any of their offices, compel, or cauſe any perſon or perſons, inhabiting within any of the ſaid twelve Shires, to appear before themſelves or their deputies, ne ſhall have power and authority to hear or determine any pleas of the Crown, nor other cauſes or matters of Juſtice, otherwiſe then in this ordinance is limited and expreſſed; But ſhall have the charge and keeping of the ſaid ſeals, to ſeal all ſuch original writs and proceſs as ſhall be returnable before the ſaid Juſtices in their ſaid Seſſions, as is before ſpecified, and as hereafter ſhall be declared; (4) which writs and proceſs ſhall be uſed, made, ſealed and returned, in manner and form as hath been uſed before the Juſtice of North-wales.

The keepers of the ſeals may award proceſs againſt accomptants returnable before themſelves.

XXII. Item, That all ſuch perſons as now be, or hereafter ſhall be the Kings Highneſs Stewards, Chamberlains or Chancellors, within any of the ſaid xii. Shires, which by reaſon of their ſaid offices have charges for the receipt, collection or account, of and for the Kings rents, revenues, ferms or profits, to be due to his Majeſty within the ſaid Dominion of Wales, may direct proceſs under the ſaid ſeal, being in their charge and cuſtody, within the limits of their authorities, only againſt Bayliffs, Reeves, Fermors, and other miniſters accomptant, to appear before themſelves to anſwer to and for any the Kings revenues, ferms, rents or profits, and for none other cauſes, nor againſt any other perſon or perſons, in like manner and form as they have been accuſtomed in that cauſe to do.

Stewards of Manors may hold Courts and Leets.

XXIII. Item, That all Stewards of any Lordſhips or Manors in Wales, ſhall and may keep and hold ſuch Leets, Lawdays or Court-barons, as appertaineth and belongeth to the Lordſhips and Manors whereof they be Stewards, (2) and hold pleas by plaint, under the ſum of fourty ſhillings in every ſuch Court-baron, (3) and have and enjoy all other authorities, commodities and profits, as Stewards of Leets, Lawdays and Court barons in England commonly have, and been uſed to have by reaſon of the ſaid offices, and none other; any law, uſage or cuſtom in the ſaid Dominion of Wales, heretofore had to the contrary hereof notwithſtanding.

Stewards or Sheriffs ſhall not enquire of felony.

XXIV. Item, Provided always, and be it enacted, That the ſaid Stewards, nor any of them, nor the Sheriff of the ſaid Counties in Wales, ſhall have any power or authority to enquire of any manner of felony, in any ſuch Leet, Lawday or Tourn, within the ſaid Dominion to be holden.

26 H. 8. 6.

XXV. And that from henceforth no Leet nor Lawday be kept by the Steward or other Officer, of any Lordſhip or Manor in the ſaid Dominion of Wales, but in ſuch Lordſhips and places where it was accuſtomed to be kept, before the making of the Act of Parliament concerning Wales, made in the xxvi. year of our ſaid Sovereign Lords Reign: So always the place where ſuch Court ſhall be kept, be meet and convenient for that purpoſe.

Officers of Corporate Towns may hold pleas and determine actions.

XXVI. Item, That all Mayors, Bayliffs, and head Officers of Corporate Towns in Wales, may hold Pleas, and determine Actions, and do every other thing concerning common Juſtice, according to their lawful Grants and laudable Cuſtoms of ſuch Towns: (2) So always they follow the courſe, trade and faſhion of the Laws and Cuſtoms of the Realm of England, and not of any Welſh Laws or Cuſtoms, (3) And that in every of the ſaid Towns they may try all iſſues joyned, or hereafter to be joyned in any action perſonal, by ſix men, according as heretofore in divers places of the ſaid Countrey it hath been uſed; any thing contained in this Act to the contrary notwithſtanding.

The King may diſſolve Boroughs, and erect others by his Letters Patents.

XXVII. Provided always, and be it enacted by the authority aforeſaid, That foraſmuch as there be divers and many ſmall Boroughs and Towns Corporate within the ſaid Dominion of Wales, whereof many have their commencement by Grants made from Lords Marchers, and ſome by other means: (2) our ſaid Sovereign Lord ſhall from henceforth, by virtue of this Act, have full power and authority, by his Letters Patents, to be enrolled in his Graces high Court of Chancery, at any time within ſeven years hereafter next enſuing the end of this preſent Parliament, to repel, annihilate and diſſolve ſuch, and as many of the ſaid Boroughs and Towns Corporate, and all liberties and cuſtoms of the ſame, as to his Highneſs ſhall be thought expedient: (3) to the intent his Majeſty, at his Graces pleaſure, may duly erect, ordain, and make ſuch and as many other Boroughs and Towns Corporate within the ſaid Dominion, being more apt and convenient for that purpoſe, and endue them with ſuch liberties and franchiſes, as to his moſt excellent wiſdom ſhall be thought neceſſary for the wealth of the ſaid Countrey.

Officers certain fees ſhall continue, but not their caſual fees.

XXVIII. Item, The Kings Majeſty is pleaſed and contented of his moſt gracious goodneſs, That ſuch as have Patents of any Office of Stewardſhips, Chamberlainſhips, Chancellorſhips, or Juſticeſhips within the ſaid Dominion of Wales, for the term of their lives, ſhall have and enjoy their certain, ordinary and annual fees of money, uſed and accuſtomed to be paid and born by the Kings Highneſs, by virtue of any their Letters Patents, during their intereſt therein, but in no wiſe to take or claim any caſual fees claimed by colour of their offices, contrary to this preſent Ordinance; any cuſtom in Wales, or any thing in this Act to the contrary notwithſtanding.

There ſhall be four judicial ſeals, in whoſe cuſtody they ſhall be, and what ſhall be ſealed with them.

XXIX. Item, Over and beſides the ſaid original ſeals, there ſhall be four judicial ſeals, deviſed by the Kings Majeſty, whereof one ſhall remain with the Juſtice of Cheſter, which is appointed by this Act to be Juſtice of the Shires of Flint, Denbigh and Mountgomery, to be uſed within the ſaid Shires, to ſeal all judicial Proceſs and Bills that ſhall be ſued before the ſaid Juſtice, in the Seſſions to be holden within the ſame Shires. (2) And that one other of the ſaid judicial ſeals ſhall likewiſe remain, and be in the charge and cuſtody of the ſaid Juſtice of North-wales. (3) And that the third of the ſaid ſeals ſhall be and remain in the cuſtody and charge of the Juſtice of the three Shires of Glamorgan, Brecknock and Radnor. (4) And the fourth of the ſaid Seals ſhall remain in the charge and cuſtody of the Juſtice of the ſaid three Shires of Pembroke, Caermarthen and Cardigan. (5) And the ſaid Juſtices ſhall ſeal with the ſaid Judicial ſeals, that is to ſay, every of them with the ſeal committed to his charge and cuſtody, as well all Bills, as all other judicial Proceſs that ſhall be ſued before them in the ſaid Seſſions, upon any original Bills or Writs, and all other Proceſs that ſhall be awarded from any of the ſaid Juſtices, ſhall be ſeald with the ſaid judicial Seal.

XXX. Item, That every the ſaid Juſtices ſhall account and anſwer to the Kings Majeſty for the Profits of the ſaid Seal being in his charge and cuſtody, in manner and form as hereafter ſhall be declared.

Account for profit of the Seal.

XXXI. Item, That the Teſte of every Bill and judicial Proceſs that ſhall paſs under the ſaid judicial Seal, ſhall be under the name of ſuch of the ſaid Juſtices from whom ſuch Bill or judicial Proceſs ſhall paſs, in like manner and form as is uſed in the Common place in England.

Teſte of every proceſs.

XXXII. Item, That all Actions real and mixt; Attaints, Conſpiracies, Aſſiſes and Quare impedit, Appeals of Murder and Felony, and all Actions grounded upon any Statutes, ſhall be ſued by original Writs, to be obtained and ſealed with the ſaid original Seal, returnable before the ſaid Juſtices at their Seſſions, within the limits of their Authorities, in manner and form as is aforementioned.

What proceſs ſhall be ſealed with the original ſeal.

XXXIII. Item, That all manner of perſonal Actions, as debt, detinue, treſpaſs, account and ſuch like, amounting to the ſum of fourty ſhillings, or above, ſhall be ſued by Writs original, to be obtained and ſealed as is aforeſaid, or by Bills, at the pleaſure of the party ſuing the ſame, before the ſaid Juſtices within the limits of their Authorities, as is uſed in North-Wales.

Perſonal actions of xl. s. or above.

XXXIV. And that all perſonal Actions under the ſum of fourty ſhillings, That is to ſay, debt, treſpaſs, detinue, account, and ſuch like, ſhall and may be ſued before any of the ſaid Juſtices in the ſaid Seſſions, by Bill, as it is uſed in North-Wales.

Perſonal actions under xl. s.

XXXV. And that every original Bill concerning Actions perſonal, ſhall be ſealed with the Kings judicial Seal, being in the cuſtody of the ſaid Juſtice before whom ſuch perſonal Actions by Bill, ſhall be brought and commenced.

Original bill concerning actions perſonal.

XXXVI. And that ſuch Fees ſhall be paid for the writing and ſealing of ſuch original Writs and Bills, as hereafter ſhall be expreſſed: that is to ſay, For the ſealing of every original Writ to be ſued in and upon the cauſes aforeſaid, and for every Bill to be purſued in Actions perſonal, whereof the debt and damage amounteth to the ſum of fourty ſhillings, or above, the parties purſuing the ſame, ſhall pay for the Seal of every ſuch Writ or Bill, ſix pence: (2) and for every judicial Proceſs to be ſued upon any ſuch original Writ or Bill, the parties purſuing ſuch judicial Proceſs, ſhall pay for the ſealing thereof, ſeven pence; whereof the Kings Majeſty ſhall have ſix pence, and the Juſtice ſealing ſuch judicial Proceſs, ſhall have one peny.

Fees for writing and ſealing of writs and bills.

XXXVII. Item, That every Bill in perſonal Action, whereof the debt, duty or damage amounteth not to fourty ſhillings, and all manner judicial Proceſs to be ſued upon the ſame, ſhall alſo be ſealed with the Kings ſaid judicial Seal, (2) and the parties purſuing the ſame, ſhall pay for the Seal of every ſuch Bill and judicial Proceſs thereupon to be ſued, three pence, whereof the Kings Majeſty to have two pence, and the Juſtice ſealing ſuch Proceſs, to have a peny.

Debt or damage not amounting to xl. s.

XXXVIII. Item, That all Writs of Scire facias, and Writs of good abearing, or for the peace, or Writs of Superſedeas upon the ſame, and all other Proceſs to be ſued from the ſaid Juſtices, upon any record or ſuggeſtion, admitted by any of the ſaid Juſtices within the limits of their Authorities, ſhall alſo be ſealed with the ſaid judicial Seal: (2) and that the parties purſuing for the ſame, ſhall pay for the Seal of every ſuch Writ and Proceſs, ſeven pence; whereof the Kings Highneſs ſhall have ſix pence, and the Juſtice by whom ſuch Proceſs ſhall be ſealed, a peny.

Proceſs ſealed with the judicial ſeal, and the fees.

XXXIX. And that every Exemplification, upon any Record, before any of the ſaid Juſtices, ſhall be ſealed with the Kings judicial Seal; (2) and the parties purſuing the ſame, ſhall pay for the Seal thereof, twenty pence: whereof the Kings Highneſs ſhall have ſixteen pence, and the Juſtice ſealing the ſame, four pence.

XL. Item, That recoveries and fines, concords and warrants of Attorney for the ſame, ſhall and may be taken before every of the ſaid Juſtices, of lands, tenements and hereditaments within his Authority, by force of his general Commiſſion, without any Writ of Dedimus poteſtatem to be ſued for the ſame, in like manner and form as is uſed to be taken before the Kings Juſtice of his Common place in England.

Recoveries, fines, concords, &c. taken before the Juſtices.

XLI. Item, That all Fines hereafter to be levied before any of the ſaid Juſtices, with Proclamation made the ſame Seſſions that the ſaid Fine ſhall be engroſſed, and in two other great Seſſions then next to be holden within the ſame Countrey, ſhall be of the ſame force and ſtrength to all purpoſes, as Fines levied with Proclamations be of, that be levied before the Juſtices of the Common place in England.

Of what force fines levied before the Juſtices ſhall be.

XLII. Item, That every perſon ſuing Writs of Entree in the Poſt, or Writs of Covenant, or any other Writs, for any recovery to be had by aſſent of parties, or otherwiſe, or for any Fine to be levied, ſhall pay ſuch Fines to the Kings uſe for the ſame, as well Fines Pro licentia Concordandi, as all other manner of Fines, as is uſed in the Kings Chancery, or elſewhere in any of the Kings Courts of England, (2) which Fines ſhall be paid to ſuch perſons as ſhall ſeal the original Writs for that purpoſe, and that they ſhall account for the ſame in like form as they ſhall do for the profits of the ſaid original Seal, as is aforeſaid.

Fines to the King upon recoveries of fines.

XLIII. Item, That the Kings Silver, upon every Fine to be levied, ſhall be paid as is uſed in the Common place of England, that is to ſay, two ſhillings: (2) which Kings Silver ſhall be paid to the Juſtice afore whom ſuch Fine ſhall be levied: Whereof the Kings Highneſs ſhall have twenty pence, and the Prenotary entring the ſame, ſhall have two pence, and the Juſtice afore whom ſuch Fine ſhall be levied, other two pence; (3) and that the ſame Juſtice ſhall account for the Kings part thereof, like as he ſhall for the profits of the Kings judicial Seal committed to his charge, in manner and form as is aforeſaid.

Kings ſilver.

XLIV. Item,

There ſhall be four Prenotaries, and upon whom they ſhall attend.

XLIV. Item, There ſhall be four Prenotaries for the making of all judicial Proceſs, and for the entring of all Pleas, Proceſs, and matters of Record, in the Seſſions to be holden before the ſaid Juſtices, whereof one of the ſaid Prenotaries ſhall attend upon the ſaid Juſtice appointed for the three Shires of North-Wales; (2) and one other ſhall attend upon the Juſtice aſſigned for the three Shires of Flint, Denbigh and Mountgomery; (3) and the third ſhall attend upon the Juſtice aſſigned for the three Shires of Caermarthen, Cardigan and Pembroke; (4) and the fourth of the ſaid Prenotaries ſhall attend upon the Juſtice aſſigned for the three Shires of Glamorgan, Brecknock and Radnor: (5) And theſe four Prenotaries, as often as their ſaid Offices ſhall be void, ſhall be named and appointed by the Kings Highneſs, by his Majeſties Letters Patents, under his great Seal of England. (6) And where one John Arnold Gentleman, hath the Office of Prenotary and Clerkſhip of the Crown by the Kings Highneſs Letters Patents, within the ſaid three Shires of North-Wales; and that one John Brekenhead hath the Office of the Prenotary and Clerkſhip of the Crown by the Kings Letters Patents, within the ſaid Shire of Flint; and that likewiſe one John Leonard hath the Office of the Prenotary and Clerkſhip of the Crown, by the Kings Letters Patents, within all the reſidue of the ſaid Dominion of Wales; the Kings Majeſty is pleaſed and contented, that the ſaid three Prenotaries ſhall have, uſe and enjoy their ſaid Offices, according to the effect of the ſaid Letters Patents to them thereof made, doing their duties and attendance by themſelves or their ſufficent Deputies, at every of the ſaid Seſſions to be kept within the Shires whereunto they be ſo appointed.

A Marſhal and a Crier, and their fees.

XLV. Item, There ſhall be a Marſhal and a Crier in every of the Circuits and Limits allotted to the ſaid Juſtices, which ſhall be named by the ſaid Juſtices, within the limits of their Authority and Commiſſion, in like manner and form as Juſtices of Aſſiſe do in England: (2) and the ſaid Officers ſhall attend upon the ſaid Juſtices in their Circuits, in their own proper perſons, and not by their Deputies.

XLVI. And that the Marſhall ſhall have upon every Judgment, and every Fine, four pence, and the Crier a peny: (2) And upon the acquittals of Felons, and of them that ſhall be delivered by Proclamation, or delivered out of common mainpriſe, before any of the ſaid Juſtices, the Marſhall ſhall have four pence, and the Crier one peny.

The Prenotaries fees.

XLVII. Item, That every of the ſaid Prenotaries, within the Limits of their Offices, ſhall take ſuch Fees as hereafter ſhall be expreſſed; That is to ſay, for the writing of Pleas, and engroſſing of Writs of Entry in the Poſt, Writs of Right, Quod ei deforceat, or any other Writs, purſued by the aſſent of the parties, v. s. (2) And if it be with a double Voucher, then vj. s. and viij. d. (3) and for the exemplification thereof, ij. s. (4) and for the engroſſing of fines, to have for every fine iij. s. and iv. d. and if it be with Proclamations, then iv. s.

Bills of debt, detinue, treſpaſs, &c.

XLVIII. Item, For every Bill of Debt, Detinue, Treſpaſs, and all other Actions perſonal, ſued before the ſaid Juſtices in their Circuits, under the ſum of xl. s. the Prenotaries ſhall have for the firſt Bill iv. d. for the ſecond Bill iv. d. and for the third Bill iv. d. (2) and for the entry of every Declaration, Plea and Bar, Replication and Rejoynder, in and upon every ſuch Action, ſo that he do inroll the ſame in Parchment, iv. d. (3) and for every Venire fac', Tales, habeas carpora, & diſtr' in the ſame Actions, iv. d. (4) and for the Judgment, iv. d. (5) and for every Writ of Execution in every ſuch Action, iv. d. (6) and for every Warrant of Attorney in every ſuch Action, as well for the Plaintiffs as for the Defendants, iv. d.

XLIX. Item, In all Actions of Detinue, Treſpaſs, and all other Actions perſonal, wherein the Duties, Debt or Damage amounteth to the ſum of fourty ſhillings, or above, which ſhall be ſued by Bills before the ſaid Juſtices, the Prenotary ſhall have for the firſt Bill, iv. d. for the ſecond Bill, iv. d. for the third, iv. d. (2) and for every of the Declaration, the Anſwer, Replication and Rejoynder, if it be enrolled in Parchment, viij. d. (3) and for the Venire fac', Tales, habeas corpora, & diſtr', for every of them, vi. d. (4) and for the Judgment, viij. d. (5) and for the Warrant of Attorney, iv. d. (6) and for every Writ of Execution upon the Judgments in ſuch Bills, vj. d.

Original writs upon actions perſonal.

L. Item, In original writs ſued upon every action perſonal returnable before the ſaid Juſtices, the Prenotaries ſhall have for every Iterum ſum' vj. d. (2) for every diſtreſs in treſpaſs, vj. d. and for the declaration viij. d. (3) for the anſwer, replication and rejoynder, for every of them, if they be enrolled and engroſſed, as is aforeſaid, xij. d. (4) For the Venire fac', Tales, habeas corpora & diſtr' for every of them, vj. d. (5) And the Prenotaries to have for the entry of the judgments in every ſuch action, xij. d. (6) and for every writ of execution ſued upon the ſame vj. d. (7) for the exemplification of every record in any of the ſaid actions, ii. s. (8) for every warrant of Attorney iv. d. (9) In all actions real and mixt, Aſſiſes, Quare impedit, Appeals of felony, murder or maim, the Prenotary to have for the declaration or plaint, ii. s. (10) and for the plea in bar, replication, rejoynder, ſur-rejoynder, for every of them, if they be inrolled, as is aforeſaid, i. s. (11) and for the writing of every Venire fac', Tales, habeas corp', & diſtr' upon the ſame, for every of them vj. d. (12) and for the entry of the judgment, in every of the ſaid actions and appeals, ii. s. (13) and for the writing of the writs of execution made upon every of the ſaid Actions, appeals and aſſiſes, i. s. (14) and for writs of grand Cape and petty Cape, and writs of view, writs upon Voucher, and all other writs in every ſuch action or actions, xij. d. (15) and for every warrant of Attorney for the defendants, or for the demandants or plaintiffs, in every ſuch action real, aſſiſe, appeal and Quare impedit, iv. d. (16) and for the eſſoins in every ſuch action, iv. d. and for the adjournment ij. d. (17) and for the bail of every perſon of felony, xij. d. and for the bail for treſpaſs vj. d. and for the appearance and bailing of common mainpriſe, ij. d.

Writs of the peace and good abearing.

LI. Item, For writing writs for the peace, and good abearing, granted by any of the ſaid Juſtices in their Seſſions, vj. d. (2) and for the entring of every Recogniſance to be had and taken before the ſaid Juſtices, for every cauſe or cauſes, other then before is expreſſed, xij. d. and if it be with condition, then ij. s. (3) and upon every acquittal and deliverance of felons or murderers, by verdict, or by allowance of pardon, the Prenotaries to have ij. s. and if it be upon indictments certified from the Juſtices of the Peace, afore the Juſtices in the great Seſſions, the Clerk of the Peace to have alſo twelve pence; (4) and upon the delivery of any ſuſpect of Felony or Murder, by Proclamation, the ſaid Prenotary to have twelve pence.

LII. Item, That the Kings Majeſty ſhall have all Fines, Iſſues, Amerciaments and all Forfeitures of Recogniſances loſt or forfeit before any of the ſaid Juſtices, in the Seſſion aforeſaid: (2) And that the ſaid Prenotaries, within the Limits of their Offices, ſhall yearly extreat the ſame into the Exchequer appointed for that Limit, to the intent that Proceſs from thence may be awarded to the Sheriffs, to levy the ſame to the Kings uſe, as appertaineth, (3) which Sheriffs ſhall yearly make their Accounts before the Kings Auditors thereunto to be aſſigned and appointed.

The King ſhall have fines, iſſues, amerciaments.

LIII. Item, Over and beſides the ſaid Preſident and Council, and Juſtices, there ſhall be Juſtices of Peace and Quorum, and alſo one Cuſtos Rotulorum in every of the ſaid twelve Shires.

Preſident and Council be Juſtices of Peace.

LIV. Item, That the ſaid Juſtices of Peace, Juſtices of Quorum, and Cuſtos Rotulorum in the ſaid Shires, ſhall be named and appointed by the Chancellor of England, by Commiſſion under the Kings great Seal of England, by advice of the Preſident, Council, and Juſtices aforeſaid, or three of them, of the which the ſaid Preſident to be one, from time to time, as the caſe ſhall require.

Cuſtos Rotulorum, and by whom appointed.

LV. Item, That there ſhall not exceed the number of eight Juſtices of the Peace in any of the ſaid Shires, over and beſides the Preſident, Council and Juſtices aforeſaid, and the Kings Attorney and Sollicitor, (2) which Preſident, Council, Juſtices, and the Kings Attorney and Sollicitor, ſhall be put in every Commiſſion of Peace, in every of the ſaid twelve Shires.

How many Juſtices of Peace in one Shire.

LVI. Item, That ſuch perſons as ſhall be named to be Juſtices of Peace within every of the ſaid Shires, ſhall be of good name and fame; and after they be aſſigned by Commiſſion, may uſe and exerciſe the Office of the Juſtice of Peace, albeit they may not diſpend twenty pound, or be learned in the Laws of the Lands, without any loſs, damage or penalties, for inſufficiency of their Lands: (2) And that every of the ſaid Juſtices of Peace, before they ſhall execute their Commiſſion, ſhall take their Oaths before the Chancellor of England, or elſe before the ſaid Preſident, or one of the ſaid Juſtices in Wales, by virtue of the Kings Writ of Dedimus poteſtatem, or before any other perſon to be limited by the Lord Chancellor of England for that purpoſe, the contents of which Oath ſhall be after the form, as Juſtices of Peace in England uſe to make.

The Juſtices of Peace oath.

LVII. Item, That the ſaid Juſtices of Peace, or two of them at the leaſt, whereof one to be of the Quorum, ſhall and may keep their Seſſions within the limits of their Commiſſions, four times in the year, and at other times upon urgent cauſes, as Juſtices of Peace in England uſe to do, and ſhall have like power and anthority in all things, and Fees of the Kings Majeſty, for the time of their ſitting, as well for themſelves as for their Clerks: and ſhall be bound to uſe and do their Office in like manner as is uſed in England.

The Juſtices ſeſſions, authority and fees.

LVIII. Item, That no Juſtices of Peace, Clerk of the Peace, nor other Clerk of any Juſtice of Peace in Wales ſhall take for the writing of any Warrant of the Peace, or good abearing, above ſix pence, (2) and for entring of pledges or boroughs to pay the Kings fine upon any endictment, nine pence, and if it be with proteſtation, then to take twelve pence; (3) and for a Superſedeas not above eight pence, (4) and for a Recognizance twelve pence: (5) And that all the ſaid Juſtices of Peace ſhall certifie all Recognizances taken before any of them for the peace or good abearing, into their Seſſions next to be holden after the taking thereof. (6) And Recognizance taken before any of them, for ſuſpicions of any manner of Felony, ſhall be certified before the Juſtices in the great Seſſions next to be holden after the taking thereof, without concealment, detaining or imbeſilling of the ſame, upon ſuch penalties and dangers as be therefore ordained and eſtabliſhed.

The fees of the Juſtices and Clerk of the Peace.

Certificate of Recognizances.

LIX. Item, That all fines and amerciaments before the ſaid Juſtices of Peace, loſt, and hereafter to be loſt, ſhall be taxed and afferred by two Juſtices of the Peace at the leaſt, whereof one to be of the Quorum. And that all ſuch fines and amerciaments ſhall be ſet truly and duly according to the quantity of the offences, without partiality or affection.

Taxing of fines and amerciaments.

LX. Item, That the ſaid Fines and Amerciaments, and alſo all Iſſues loſt before the ſaid Juſtices of Peace, and all Forfeitures of Recognizances, and other Forfeitures before the ſame Juſtices, ſhall be yearly extreated by the Clerks of the Peace, into the Exchequer, appointed for that Limit, to the intent that Proceſs from thence may be awarded, for the levying of the ſame Forfeitures and ſums of Money to the Kings uſe, to the Sheriff of every County as ſhall appertain, who ſhall make thereof their Accompt before ſuch Auditors as thereunto ſhall be aſſigned, ſo that the Kings Majeſty may thereof be truly and duly anſwered and ſatisfied: which Auditors ſhall make due allowance to the ſame Sheriffs, for the Fees of the Juſtices and Clerks of the Peace, upon their ſaid Accompts, as is uſed in the Realm of England.

Fines, forfeitures and amerciaments ſhall be extreated.

Auditors ſhall allow unto Sheriffs the fees of Juſtices and Clerks of the Peace.

LXI. Item, That there ſhall be Sheriffs in every of the ſaid Shires yearly appointed by the Kings Majeſty: (2) And that none of the ſaid Sheriffs ſhall have their Office of Sheriffwick any longer time then is uſed by the Laws and Statutes of England. (3) And for the yearly nomination of the ſaid Sheriffs, the ſaid Lord Preſident, Council, and Juſtices of Wales, or three of them at the leaſt, whereof the ſaid Preſident to be one, ſhall yearly nominate three ſubſtantial perſons in every of the ſaid xij. Shires, to be Sheriffs of the ſame, and ſhall certifie their Names to the Lords of the Kings moſt honourable Council, attending upon his Graces perſon, Craſtino animarum, to the intent the Kings Majeſty, being thereof advertiſed, may appoint one of them in every of the ſaid Shires, to be Sheriff for that year, at his moſt gracious will and pleaſure, like as his Highneſs doth for his Realm of England: (4) and thereupon the ſaid Sheriffs ſhall have their Patents and Commiſſions under the great Seal of England, as Sheriffs of England have, and ſhall make and take oaths and knowledges of Recognizances, before the Preſident and Juſtices, or one of them, by virtue of the

Sheriffs in every Shire of Wales, and how they ſhall be nominated.

Kings Writ of Dedimus poteſtatem to be directed for the ſame, for the due execution of their Offices, and for their juſt and true Accompts before the Kings Auditor or Auditors aſſigned for Wales.

The Sheriffs authority and duty in Wales.

LXII. Item, That every of the ſaid Sheriffs ſhall have full power and authority within the limits of their Sheriffwick, to do and uſe their Offices as Sheriffs in England, and ſhall accompliſh and execute, without any favour, dread or corruption, all manner of Writs, Proceſs, Judgments and Executions, and all manner common Juſtice appertaining to the Offices of Sheriffs, and all lawful Commandments and Precepts of the ſaid Preſident, Council and Juſtices of Wales, and alſo of the Juſtices of the Peace, Eſcheators and Coroners; and every of them, in all things appertaining to their Offices and Authorities.

The Sheriffs duty in adminiſtration of Juſtice.

LXIII. Item, That the ſaid Sheriffs ſhall do, and be bouad to do all and every other thing and things for the miniſtration of Juſtice, and for the conſervation of the Kings Peace, and the apprehenſion and redreſs of Traitors, Murderers, Theves, Felons, and other Offenders, as Sheriffs of England do uſe, and be bound to do within the Realm of England.

The Sheriffs Account and Fee.

LXIV. Item, That the ſaid Sheriffs ſhall yearly accompt before ſuch the Kings Auditor or Auditors, as ſhall be aſſigned and appointed by the Kings Majeſty for his ſaid Dominion of Wales. (2) And that every of the ſaid Sheriffs ſhall have yearly for his Fee, v. l.

All officers and other perſons ſhall be attendant on the Preſident, &c.

LXV. Item, That all Mayors, Sheriffs, Stewards, Bailiffs, and other Miniſters and Officers of Juſtice, of every County, Lordſhip, Town and place within the ſaid Dominion of Wales, and all and ſingular the Kings Subjects of the ſame, ſhall be always obedient, attending and aſſiſting to the ſaid Preſident, Council, and Juſtices of Wales, and every of them, and ſhall obey the Kings Commandments and Proceſs, from them or any of them directed, and all the lawful and reaſonable Precepts of the ſaid Preſident, Council and Juſtices, and every of them, and alſo ſhall be obedient to all the ſaid Juſtices of Peace, Sheriffs and Eſcheators within the limits of their ſaid Authorities, as well for common adminiſtration and due execution of Juſtice, as in all other things appertaining to their Duties and Offices.

Eſcheators ſhall be named in every Shire in Wales.

LXVI. Item, That Eſcheators ſhall be named in every of the ſaid Shires, by the Lord Treaſurer of England, by the advice of the ſaid Preſident, Council and Juſtices, or three of them at the leaſt, whereof the ſaid Preſident to be one; (2) which Eſcheators ſhall make and take their Oaths, and knowledge their Recognizances before the ſaid Preſident, or one of the ſaid Juſtices, by virtue of the Kings Writ of Dedimus poteſtatem to be directed for the ſame, for the due execution of their Offices, and for their true Accompt to be made before the Kings Auditor or Auditors to be aſſigned for the ſame: which Oath and Recognizance ſhall be agreeable to the Oath and Recognizance uſed for the Eſcheators of England; (3) and the Eſcheators ſhall yearly have their Patents and Commiſſions under the Great Seal of England, and ſhall have power and authority to exerciſe their Offices, in like manner and form as Eſcheators in England, and ſhall be bound to all Laws and Statutes of England.

What free-hold an Eſcheator in Wales muſt have.

LXVII. Item, That all ſuch perſons as ſhall be appointed to the ſaid Offices, ſhall and may exerciſe their Offices, if they may diſpend yearly v. l. of Free-hold; any Statutes of England to the contrary thereof notwithſtanding. (2) And that every of the ſaid Eſcheators ſhall make their Accompts yearly before ſuch Auditor or Auditors as ſhall be aſſigned by the Kings Majeſty, to hear and determine his Highneſs Accompt for his Revenues and Profits of the ſaid Dominion of Wales.

Two Coroners in every Shire in Wales.

LXVIII. Item, There ſhall be two Coroners to be elected in every of the ſaid xij. Shires, as is uſed in England, by virtue of the Kings Writ De coronatore eligendo, to be awarded out of the Kings Chancery of England: (2) And that the ſaid Coroners ſhall have like power and authority to do and exerciſe their Offices, and have like Fees as is limited by the Laws and Statutes of England.

LXIX. Provided always, That the Writ De coronatore eligendo, to chooſe the Coroners within the ſaid County of Flint, ſhall be directed out of the Exchequer of Cheſter.

Two Conſtables of the Hundred.

LXX. Item, That the ſaid Juſtices of the Peace, or two of them at the leaſt, whereof one of them to be of the Quorum, ſhall appoint and name in every Hundred within the limits of their Commiſſion, two ſubſtantial Gentlemen or Yeomen to be chief Conſtables of the Hundred wherein they inhabit; (2) which two Conſtables of every Hundred ſhall have a ſpecial regard to the conſervation of the Kings Peace, and ſhall and may do and uſe their Offices in all and ſingular things, as is uſed by the High Conſtables of the Hundreds in England, and ſhall be bound to all things as the High Conſtables of the Hundreds in England be bound to do.

A Goal.

LXXI. Item, That every of the ſaid Sheriffs ſhall have a Goal for Priſoners within ſome convenient place of the Caſtles of the Shire-town where he is Sheriff, or in ſuch other convenient place, as by the ſaid Preſident, Council and Juſtices, or three of them, whereof the ſaid Preſident to be one, ſhall be appointed; any Patent or Grant heretofore made to any perſon or perſons of the Conſtableſhip, or keeping of any of the ſaid Caſtles, in any wiſe notwithſtanding: (2) And that the Sheriff ſhall make the Bailiffs of the Hundreds, and they to attend upon the Juſtices in every of their Courts and Seſſions.

Bailiffs of Hundreds.

LXXII. Provided always, That the Conſtables of the Kings Caſtles within every of the ſaid Shire-towns of Wales, ſhall not be charged with the Goals, and of all the Priſoners that ſhall be committed to their ward, like as they have heretofore been, until ſuch time convenient places for that purpoſe be aſſigned to the ſaid Sheriff.

County Courts. Hundred Courts.

LXXIII. Item, The ſaid Sheriffs ſhall keep their Counties monthly, and their Hundred Courts for pleas under xl. s. as is uſed in England, (2) and ſhall take for the entring of plaints, proceſs, pleas and judgments in the ſaid Shire Courts and Hundreds, ſuch ſmall fees as is uſed to be taken in Shires and Hundreds in England, and not above.

Trial by wager of Law, or ſix men.

LXXIV. Item, That all manner of Trials before them in their ſaid Courts, or before any Stewards in Court-Barons, ſhall be by wager of Law, or verdict of ſix men, at the pleaſure of the party plaintiff or defendant that pleaded the plea.

LXXV. And that every of the ſaid Sheriffs ſhall keep and hold their turns yearly after Eaſter and Michaelmas, as they have been uſed in England.

Sheriffs turns.

LXXVI. Item, The Kings Highneſs ſhall have all manner of fines, iſſues, amerciaments and forfeitures loſt or forfeited in any of the ſaid Counties, Hundreds, Courts and Turns, to his own uſe, and the Sheriff to account for the ſame accordingly.

Fines forfeit in turns, &c.

LXXVII. Item, That the extreats of the ſaid Turns, Counties and Hundreds ſhall be viewed, and the fines, iſſues and amerciaments afferred by the ſaid Juſtices of Aſſiſes of that circuit, before the levying of the ſame amerciaments or other forfeitures: (2) And that no Sheriff, or any of his officers, preſume to gather or levy any ſuch amerciament, or other forfeiture, before the ſaid extreat be ſo afferred, upon pain to forfeit to the Kings uſe, fourty ſhillings: (3) And that the Sheriff upon every judgment had before him in his County, or Hundred Court, in any plaint under xl. s. ſhall and may award a Capias ad ſatisfaciendum, to arreſt the party condemned, or elſe a Fieri fac' at the liberty of the party purſuant.

The extreats afferred by the Juſtices of Aſſiſe.

The Sheriff may award execution.

LXXVIII. Item, That all bills ſued before the ſaid Juſtices in perſonal actions, whereof the debt, duty or damage is under xl. s. the Sheriffs ſhall have for the return of every bill ij. d. (2) and for every Venire fac', Tales, habeas corpora, & diſtr' ij. d. and for writs of execution upon the judgment in any ſuch bill, xii. d.

The Sheriffs fees for executing ſeveral ſorts of writs.

LXXIX. Item, In Bills ſued before the ſaid Juſtices, in actions perſonal, above the ſum of fourty Shillings, the Sheriff ſhall have for the return of every ſuch Bill, iv. d. and for the return of every Venire fac', habeas corpora, diſtr', & Tales, iv. d. and for every writ of execution, ii. s. (2) And in all perſonal actions, ſued by original writs returnable before the ſaid Juſtices, the Sheriff ſhall have for every iterum ſum diſtr' & alias diſtr', iv. d. and for every Venire fac', habeas corpora, diſtr' & Tales, vi. d. and for every writ of execution to be executed upon the judgment in ſuch actions, ij. s. for the ſerving of every writ of Elegit, vi. s. viii. d. (3) And in all real actions or mixt, purſued before the ſaid Juſtices by original writ, for return of every original, ij. s. And for the return of every other writ and judicial proceſs depending upon the ſame before judgment, ij. s. and for every writ of execution after judgment, upon every original, in actions real or mixt, ii. s. and for the ſerving of every writ of haberi fac' ſeiſinam, vj. s. viij. d.

Bills ſued before the Juſtices.

LXXX. Item, For attachments upon Capias, or other proceſs ſued before the ſaid Juſtices by original or judicial writ, if he return Cepi Corpus, ii. s. and a Reddidit ſe, upon an Exigent of felony, in appeal of murder or main, or upon any indictment of felony or murder, ij. s. (2) and upon a Reddidit ſe, upon an Exigent of debt, treſpaſs, detinue, and all other actions perſonal, i. s. (3) and for the making of Replegiar', i. s. and Withernam upon the ſame, i. s. (4) For the return of every writ of appeal of murder or felony, or maim, i. s. and upon all other proceſs grown upon the ſame, as Venire fac', Tales, habeas corpora & diſtr', i. s. (5) and in every action taken before the Sheriff by Juſtices, for the ſummons thereof, iv. d. and for every other proceſs thereupon, iv. d. and for every priſoner delivered by acquital, or by proclamation, for any manner of felony, i. s.

Attachments or other proceſs ſued by original, &c.

LXXXI. Item, That every Sheriff within the limits of his authority, may, and ſhall put ſuch perſons under common mainpriſe, as they have reaſonable cauſe of ſuſpect, according to the ſaid Act made for Wales, binding ſuch as they ſhall ſo put to common mainpriſe with two ſufficient ſureties with them, by Recognizance, to appear before the ſaid Juſtices, within the limits of their authorities, at the next great Seſſions to be holden next after the taking of ſuch bonds, and ſhall certifie the names of them that be bound, before the ſaid Juſtices, at the ſaid Seſſions accordingly, without concealment thereof, at their pleaſure.

Suſpect perſons may be put under common mainpriſe. 27 H. 8. 26.

LXXXII. Item, That every perſon that the Sheriff taketh to common mainpriſe, to appear before the ſaid Juſtices, as is aforeſaid, ſhall pay for his mainpriſe, ii. d. and not above. (2) And the ſaid Sheriffs to put no man to common mainpriſe, but ſuch as be ſuſpect, and as ſhall be returned by them before the ſaid Juſtices at their Seſſions as is aforeſaid. (3) And alſo the ſaid Sheriff ſhall have for the return of a writ of falſe judgment, out of a baſe Court, before the ſaid Juſtices, ij. s. (4) And that the ſaid Sheriffs ſhall take no manner of fee for the return of any of the ſaid writs of execution afore expreſſed, unleſs he return the ſame executed.

The Sheriffs fees for common mainpriſe and ſerving of writs.

LXXXIII. Item, That in all and every ſuch writs, original or judicial, or other proceſs, pleas or writings, which be not expreſſed in this Ordinance, the fees thereof, as well for the ſeals as writing, ſhall be rated by the ſaid Preſident, Council and Juſtices, or three of them, whereof the ſaid Preſident to be one, by their diſcretions from time to time, as the caſe ſhall require; (2) and that they ſhall have full power and authority from time to time to aſſeſs and appoint what fee the ſaid Sheriffs, Eſcheaters and Coroners, and their Miniſters, Prenotaries and their Clerks, and other Miniſters of Juſtice in the ſaid Shires, ſhall have, take and receive of the Kings ſubjects for any manner writs, plaints, pleas, proceſs, returns, or any other matter or thing concerning or belonging to the execution of their offices and rooms, and to augment or diminiſh any fee or fees above declared, as ſhall be thought by their diſcretions to be convenient and meet for the Commonwealth of the Kings ſubjects of thoſe parts of Wales; any thing contained in this Act to the contrary thereof notwithſtanding.

Fees ſhall be rated, augmented and diminiſhed by the Preſident, Council and Juſtices.

LXXXIV. Item, That from henceforth no manner of perſon or perſons, for murder or felony, ſhall be put to his fine, but ſuffer according to the Laws of the Realm of England, except it pleaſe the Kings Majeſty to pardon him or them; (2) And if the ſaid Juſtices ſee cauſe of pity or other conſideration, they may reprieve the priſoner till they have advertiſed the Kings Majeſty of the matter.

No felon put to his fine, but may be reprieved.

LXXXV. Item, That the Act made in the Parliament holden in the xxvj. year of the moſt Royal Reign of the Kings Majeſty, concerning (among other things) inquiſitions and trials of counterfeiting, waſhing, clipping and miniſhing of the Kings coin, murders, felons, and acceſſaries to the ſame, perpetrated or done within Wales, to be had, made and determined in the next Shire or County within England adjoyning, where the Kings

A confirmation of the Statute of 26 H. 8. 6. concerning enquiry of offences done in Wales, in the Counties next adjoyning, Writ runneth, and every Article therein contained, ſhall ſtand in his full ſtrength and force, according to the tenour and effect of the ſame; Any thing in this ſaid Ordinance, or any other Act, cauſe or matter heretofore had or made to the contrary thereof notwithſtanding.

LXXXVI. And albeit the ſame Act as yet was never put in execution for any of the ſaid offences heretofore done or committed within any of the ſaid three Shires of North-Wales, that is to ſay, the Counteys of Angleſey, Caernarvan, and Merioneth, (2) Be it now declared and enacted by the authority aforeſaid, That the ſaid Act, and every Article therein contained, ſhall from henceforth take effect, and be executed in all points, for and concerning any of the ſaid offences perpetrated and done, or that hereafter ſhall be perpetrated or done within the ſaid County of Merioneth, to be enquired of, heard and determined within the County of Salop, in like manner and form as commonly is and hath been uſed for any of the ſame or like offences, committed or done within any other County or place of South-Wales; any matter or cauſe heretofore riſen or grown to the contrary thereof notwithſtanding.

Abertannad annexed to Salop, and within the Hundred of Oſweſtre.

LXXXVII. Item, That the Town or Hamlet of Abertannad, and all the grounds and ſoil within the ſame, which afore this time hath been taken, reputed and uſed as parcel of the ſaid County of Merioneth, ſhall from the Feaſt of Eaſter next coming, by virtue of this Act, be united, annexed and made parcel of the ſaid County of Salop: and ſo from thenceforth to be reputed, taken, and uſed for ever, and not to be of any other Shire or County of Wales: (2) And that the ſame Town or Hamlet, and all the ground and ſoil within the ſame Town or Hamlet, be from and after the ſaid Feaſt accepted and taken as part and parcel of the Hundred of Oſweſtre: (3) and that the inhabitants thereof, from the ſaid Feaſt, ſhall be attendant, and do every thing and things with the inhabitants of the ſaid Hundred of Oſweſtre, as the ſame inhabitants do or be bound to do; any Laws or Cuſtoms to the contrary thereof notwithſtanding.

Foreign plea or voucher, triable in any other Shire in Wales, or England.

LXXXVIII. Item, In caſe any foreign Plea or Voucher be hereafter pleaded or made before any of the ſaid Juſtices of Wales, between party and party, triable in any other Shire within Wales, then where the ſame plea is pleaded or voucher made; that then the ſaid Juſtices afore whom the ſame plea or voucher is or ſhall be pleaded or made, ſhall and may ſend the Kings Writ, with a tranſcript of the Record mentioning the ſame foreign matter of plea or voucher under the ſeal to him committed, unto the Juſtice of the County where the ſame matter is or ſhall be triable, commanding the ſaid Juſtice, by virtue of the ſaid Writ, to proceed to the trial thereof according to the Kings Laws and Statutes; which trial ſo before him had, he ſhall remand with the whole Record unto the Juſtice before whom the ſaid plea or voucher was pleaded or made, who thereupon ſhall proceed to judgment, as the caſe ſhall require.

Savil.

LXXXIX. Item, In caſe the ſame foreign Plea, Voucher, or other matter ſo pleaded, be triable within the Realm of England: that then in every ſuch caſe the Juſtice afore whom the ſame plea or voucher is or ſhall be pleaded, had or made, ſhall and may proceed to the trial thereof, as ſhall appertain, within the ſame Shire of Wales, where the ſame old voucher or matter was pleaded; the ſaid foreign plea, voucher, or any other thing or matter to the contrary notwithſtanding.

No rumors, tumults, unlawful aſſemblies, ſhall be in Wales

XC. Item, That no manner of perſon or perſons from henceforth, without lawful authority, ſhall make any rumors, tumults, unlawful aſſemblies or outcries at any of the ſaid Courts or Seſſions, nor any outcries and unlawful aſſemblies in great numbers, at any other time or times, except it be for the apprehenſion or purſuing of murthers or felons, upon pain of impriſonment, and a grievous fine to be taxed and ſet upon them by the ſaid Preſident and Council, or by the Juſtices or other Officer before whom ſuch miſ-behaviour ſhall happen to be committed.

All lands in Wales ſhall be Engliſh tenure, and not partable.

XCI. Item, That all manors, lands, tenements, meſſuages, and other hereditaments, and all rights and titles to the ſame, in any of the ſaid Shires of Wales, deſcended to any manner perſon or perſons ſith the Feaſt of the Nativity of St. John Baptiſt, in the xxxiij. year of our ſaid Sovereign Lords Reign, or that hereafter ſhall deſcend, be taken, enjoyed, uſed and holden as Engliſh tenure, to all intents, according to the common Laws of this Realm of England, and not to be partable among heirs males, after the cuſtom of Gavelkind, as heretofore in divers parts of Wales hath been uſed and accuſtomed. (2) And that the ſame Law from and after the ſaid Feaſt of St. John Baptiſt, in the ſaid xxxiij. year, be uſed, taken and exerciſed in the ſaid County of Monmouth, and in all ſuch Lordſhips and other places, as by virtue of the ſaid Act made in the ſaid xxvij. year, or by any other Act or Acts, made or to be made, were and ſhall be annexed, united or knit to any of the Shires of Salop, Hereford, Glouceſter, or other Shires; any laws, uſages, or cuſtoms heretofore had or uſed to the contrary thereof notwithſtanding.

27 H. 8. 16.

Mortgages of lands in Wales.

XCII. Item, That no mortgages of lands, tenements or hereditaments, made or had after the ſaid Feaſt of St. John Baptiſt, which was in the ſaid xxxiij. year of the Reign of our ſaid Sovereign Lord, or that hereafter ſhall be had or made within any of the ſaid Shires or places, ſhall be hereafter allowed or admitted, otherwiſe then after the courſe of the common Laws and Statutes of the Realm of England; any uſage or cuſtom heretofore had to the contrary thereof notwithſtanding.

All perſons may ſell their lands, or demiſe them after the manner of England.

XCIII. Item, It ſhall be lawful to all perſons to alien, ſell, or otherwiſe put away their lands, tenements and hereditaments, within the ſaid Countrey or Dominion of Wales, the County of Monmouth, and other places annexed to any of the Shires in England, from them and their heirs, to any perſon or perſons in fee-ſimple or fee-tail, for term of life, or for term of years, after the manner, and according as is uſed by the laws of the Realm of England; any Welſh Law or Cuſtom heretofore uſed in the ſaid Countrey or Dominion of Wales, to the contrary thereof notwithſtanding. This Article to take effect from and after the ſaid Feaſt of the Nativity of St. John Baptiſt, which was in the ſaid xxxiij. year of our ſaid Sovereign Lords Reign.

XCIV. Item, If any perſon or perſons having Lands or Tenements within the ſaid Dominion of Wales, been or hereafter ſhall be bound within the Realm of England, by obligation upon the Statute of the Staple, or by Recogniſance, and pay not the debt, as ſhall appertain: that then upon certificate thereof made unto the Kings Chancery of England, by the Clerk of the Staple, or by any Juſtice of Record before whom ſuch recogniſance ſhall be knowledged, proceſs ſhall be made to the Sheriffs of Wales out of the Chancery of England after the form as is uſed to be made upon Statutes and Recogniſances, by the courſe of the Laws of England, for the due levying and paying of the ſaid debt. id. 29.

Perſons having lands in Wales bound by Statute in England.

XCV. Provided always, and be it enacted by the authority aforeſaid, That for ſuch Recogniſances as be, or hereafter ſhall be taken and knowledged before the Kings Juſtices of his Highneſs Bench or Common place in England, proceſs ſhall be had and purſued immediately out from the ſaid Juſtices, as is uſed upon Recogniſances taken before the ſaid Juſtices by the common courſe of the Laws of England.

Recogniſances taken in the Kings Bench or Common Place.

XCVI. Item, That all ſuch Writs, Bills, Plaints, Pleas, Proceſs, Challenges and Trials, ſhall be uſed throughout all the Shires aforeſaid, before the ſaid Juſtices in their Seſſions, as is uſed in North-Wales, or as ſhall be deviſed by the ſaid Preſident, Council, and Juſtices, or three of them, whereof the ſaid Preſident to be one, for the good miniſtration of Juſtice to be had in every of the ſaid Shires

Writs, Bills, Plaints, &c.

XCVII. Item, Where the Lordſhip of Hope, with divers other Lordſhips, Pariſhes, Towns and Hamlets, were by an Act of Parliament made in the xxxiij. year of the Reign of our ſaid Sovereign Lord appointed and tranſlated from the ſaid County of Denbigh, to the County of Flint, and by the ſame Act were made part, parcel and member of the ſame County of Flint, afore which appointment or tranſlation, divers endictments and preſentments, as well of Felony as other offences, were had and taken for the Kings Highneſs, before the Juſtice of the ſaid County of Denbigh, in the great Seſſions there, and ſome before the Juſtices of the Peace within the ſame County, for offences ſuppoſed to be done within divers of the ſaid Lordſhips ſo tranſlated, and alſo divers Judgments given at the ſuit of the parties before the ſaid Juſtices; and ſome before the Sheriff of the ſaid County of Denbigh, for matters riſen and grown within the precinct of the ſaid Lordſhips or other places, before the tranſlation of the ſame: (2) It is now ordained and enacted, that all the ſaid endictments and preſentments ſhall be heard, tried and determined within the ſaid County of Denbigh, by perſons as well of the ſaid Lordſhip, or place where the ſaid offences were done or committed, as of other place or places within the ſaid County of Denbigh, in manner and form, as though the tranſlations had never been had, ne made: (3) And alſo that the ſaid judgments as before given or had between party and parties, before any Juſtice of Record, or other Officer within the ſaid County of Denbigh, for any matter or cauſe, appearing by record of the ſame to be grown and riſen within any of the ſaid Lordſhips, Pariſhes, Towns or Hamlets ſo tranſlated, ſhall and may be executed by the Sheriff of the ſaid County of Denbigh within any of the ſame Lordſhips, or other place ſo tranſlated, the ſaid tranſlation, or any other cauſe or matter to the contrary thereof notwithſtanding.

33 H. 8. 13.

Indictments or Preſentments made for ſuits depending in Lordſhips that were removed from one County to another.

XCVIII. Item, Like law and order to be kept and Miniſtred upon all other like tranſlations of any other Lordſhips, Manors, Towns, Pariſhes, and other places within Wales, had, made, or done in this preſent Parliament, or any other afore or after the ſame tranſlation, or any other cauſe or matter to the contrary thereof notwithſtanding.

XCIX. Item, Where there ſhall be divers and many ſuits taken before the ſaid Juſtices in pleas perſonal, which (as it is thought) cannot be tried before them in the time of the ſaid great Seſſions, for brevity of time: therefore, and for the ſpeedy trial of theſe matters, the iſſues taken in the ſaid ſuits, ſhall and may be tried at a petty Seſſions, before the deputy Juſtices there, as it is and hath been uſed in the ſaid three Shires of North-Wales; Except ſuch of the ſaid ſuits, as by the diſcretion of the ſaid Juſtices ſhall be thought neceſſary to be tried before themſelves, within their limits; (2) And that there ſhall be no ſuit taken before any of the ſaid Juſtices by Bill, under the ſum of twenty Shillings. id. 31.

Suits tried at a petty Seſſions.

No ſuit by Bill under xx. s.

C. Item, If any murder or felony hereafter be committed or done within Wales, that then the party or parties, to whom any ſuch offence ſhall hap to be committed, ſhall in no wiſe make any end or agreement with the offenders in that behalf, nor with any other in his name or behalf, unleſs the ſaid party firſt make the ſaid Preſident and Council, or one of the ſaid Juſtices privy unto the ſame, (2) upon pain of impriſonment, and grievous fine to be ſet and adjudged, at the diſcretion of the ſaid Preſident, Council and Juſtices, or two of them, whereof the ſaid Preſident to be one: the ſame pain and penalty to extend as well to, and againſt ſuch as ſhall labour, move or procure any ſuch end or agreement made, although the ſame labour, motion or procurement never take effect, to make any end or agreement, as againſt him or them with whom ſuch end or agreement ſhall be made, if the ſame happen to take effect.

No agreement ſhall be made with a felon without conſent of the Preſident, &c.

CI. Item, Where divers Lordſhips Marchers as well in Wales, as in the borders of the ſame, now being by Act of Parliament annexed to divers Shires of England, be lately come to the Kings hands, by ſuppreſſion of houſes, by purchaſe or attainders, and now be under the ſurvey of the Court of Augmentations, or of the Kings general Surveyors, the liberties, franchiſes and cuſtoms of all which Lordſhips, be lately revived by Act of Parliament made the xxxij. year of his moſt gracious Reign; nevertheleſs, his Majeſty willeth and commandeth, that no other liberties, franchiſes or cuſtoms ſhall from henceforth be uſed, claimed or exerciſed within the ſaid Lordſhips, nor any other Lordſhip within Wales, or the County of Monmouth, whoſoever be Lord or owner of the ſame, but only ſuch liberties, franchiſes and cuſtoms as be given and commanded to the Lords of the ſame Lordſhips, by force and virtue of the ſaid Act of Parliament made for Wales, in the ſaid xxvii. year of his Graces Reign, and not altered ne taken away by this Ordinance; the ſaid Act made in the ſaid xxvii. year, or any other Act, Grant, Law or Cuſtom to the contrary thereof notwithſtanding.

32 H. 8. 20.
Franchiſes of Lordſhips in Wales and the Marches of the ſame.
27 H. 8. 26.

CII. Item,

Peaceable poſſeſſion of lands five years.

CII. Item, That if any perſon or perſons, their anceſtors, or they whoſe eſtate the ſame perſon or perſons have or hath in peaceable poſſeſſion of any lands or tenements in Wales, by the ſpace of five years, without let, interruption, or lawful claim: that then the ſame perſon or perſons ſhall ſtill continue their poſſeſſion, until ſuch time as it ſhall be lawfully recovered againſt them by the order of the Kings Laws, or by Decree of the Preſident and Council there.

Jury de circumſtantibus. 5 Eliz. 26.

CIII. Item, In actions perſonal, taken and purſued before the ſaid Juſtices in Wales, by original Writ or Bill, if ix. of the Jury be ſworn to try the iſſue between the party plaintiff and the defendant, and the reſidue of the ſaid Jury make default, or be tried out: then the Sheriffs ſhall and may immediately return other names in the ſaid Jury, de circumſtantibus, unto ſuch time there be xii. men ſworn to try the iſſue between them, as before the Juſtices of North-Wales hath been afore uſed and accuſtomed in ſuch caſes.

No ſale of ſtolen goods ſhall change the property.

CIV. Item, That if any goods or chattels be ſtolen by any perſon or perſons, and ſold in any Fair or Market within the ſaid Dominion of Wales, that no ſuch ſale ſhall change the property thereof from the owner of the ſame, but that he may lawfully ſeiſe, take and have the ſame again, upon proof thereof made, the ſaid ſale notwithſtanding.

None ſhall buy cattel out of the market.

CV. Item, That no perſon or perſons bargain or buy any manner of beaſt or other quick cattle in any place within Wales, out of the Market or Fair, unleſs he can bring forth ſufficient and credible witneſs of the name of the perſon, what place and time he bought the ſame, upon pain and danger of ſuch puniſhment and fine as ſhall be ſet upon him by the ſaid Preſident and Council, or any of the ſaid Juſtices in his circuit, for the ſaid offence, and as he will therefore anſwer at his further peril,

Following of ſtolen goods.

CVI. Item, If any goods or chattels be ſtolen within the limits of any of the ſaid Shires in Wales, that then upon ſuit thereof had and made, the tract ſhall be followed from Townſhip to Townſhip, or Lordſhip to Lordſhip, according to the Laws and Cuſtoms in that behalf heretofore uſed in Wales, upon ſuch penalty and danger as heretofore hath been accuſtomed.

A Freeholder may paſs in any Jury.

CVII. Item, That every perſon that hath any lands or tenements in fee-ſimple or fee-tail, or for term of life, or for term of any other mans life being freehold, ſhall and may paſs in all manner Juries and Trials, as well in caſe of felony or murder, as in all actions real, perſonal and mixt, whatſoever they be, attaint only except; (2) and alſo may be impannelled, and enquire of all concealments, forcible entries, and other cauſes of enquiry for the Kings Majeſty, albeit he may not diſpend xl. s. by the year; (3) ſaving to every man his lawful challenge for any other cauſe, according to the Laws of this Realm of England.

Juror in attaint.

CVIII. Item, That no Juror ſhall paſs in attaint, unleſs he may diſpend xl. s. by the year of eſtate of free-hold.

Tallage at the change of Lords.

CIX. Item, The tenants and reſiants in Wales ſhall pay their tallage at the change of their Lords in ſuch places, and after ſuch form as hath been heretofore accuſtomed in Wales.

Knights for Shires, Burgeſſes. 27 H. 8. 26.

Subſidies and charges.

Fines for redemption of Seſſions remitted.

CX. Item, That all the Kings Subjects and Tenants in Wales, ſhall find at all Parliaments hereafter to be holden in England, Knights for the Shires, and Citizens and Burgeſſes for Cities and Towns, to be named and choſen by authority of the Kings Writ under the Great Seal of England, according to the Act in that caſe provided, (2) and ſhall be charged and chargeable to all ſubſidies and other charges to be granted by the Commons of any of the ſaid Parliaments, (3) and pay all other their rents, farms, cuſtoms, and duties to the Kings Highneſs, as they have been accuſtomed heretofore; fines for Redemption of Seſſions only excepted: which the Kings Majeſty of his moſt gracious goodneſs and liberality is contented and pleaſed to remit at the humble ſuit of his ſaid loving Subjects of his ſaid Dominion of Wales.

Haverford a Burgeſs.

CXI. Item, That the Town of Haverford-weſt ſhall after the end of this preſent Parliament for ever find one Burgeſs for the ſaid Town, at every Parliament after that time to be holden: (2) and the charges of the ſame Burgeſs to be always born by the Mayor, Burgeſſes, and inhabitants of the ſaid Town, and none other.

Felons goods, waifs, ſtrays.

CXII. Item, That the Kings Majeſty ſhall have all felons goods, and goods of perſons outlawed, waifs, ſtrays, and all other forfeitures and eſcheats whatſoever they be, anſwered thereof by the hands of the Sheriffs: ſaving always the right and intereſts of every of his ſubjects having lawful title to have the ſame.

In what Courts Errors in Wales ſhall be redreſſed.

CXIII. Item, That all errors and judgments before any of the ſaid Juſtices at any time of the great Seſſions, in pleas real or mixt, ſhall be redreſſed by Writ of Error, to be ſued out of the Kings Chancery of England, returnable before the Kings Juſtices of his Bench in England, as other Writs of Error be in England, (2) And that all errors in pleas perſonal ſhall be reformed by Bills to be ſued before the ſaid Preſident and Council of Wales, from time to time, as the party grieved will ſue for the ſame. (3) And if in caſe the judgment be affirmed good in any of the ſaid Writs of Error or Bills, then there to make execution, and all other proceſs thereupon; as is uſed in the Kings Bench of England: (4) And that the purſuants in every ſuch Writ of Error or Bill, do pay like fees therefore as is uſed in England. Cro. El.

Falſe Judgment.

CXIV. Item, That no execution of any judgment given, or to be given in any baſe Court, be ſtayed or deferred by reaſon of any Writ of falſe judgment, but that execution ſhall and may be had and made at all times before the reverſal of the ſaid judgment, the purſuit of the ſaid Writ notwithſtanding. (2) And in caſe the ſaid judgment happen after to be reverſed, then the party purſuant to be reſtored to all that he hath loſt by the ſaid judgment, according to the Laws of the Realm.

Proceſs for weighty cauſes.

CXV. Item, That all proceſs for urgent and weighty cauſes ſhall be made and directed into Wales, by the ſpecial commandment of the Chancellor of England for the time being, or any of the Kings Council in England, as heretofore hath been uſed; any thing in this Act to the contrary thereof notwithſtanding.

Bewdley ſhall be within the County of Worceſter.

CXVI. Item, That the Town of Bewdley, which is within the Pariſh of Ribbesford in the County of Wigorn. and all the ground and ſoil of the ſame Town, ſhall from henceforth be united, annexed and made parcel of the County of Wigorn, and to be within the Hundred of Dogintre: (2) And that all the Inhabitants of the ſaid Town and Pariſh, ſhall from henceforth be attendant, and do every thing and things with the Inhabitants of the ſaid Hundred, as the ſame Inhabitants be now bound to do by the Laws of this Realm of England: (3) Saving always to the Burgeſs and Inhabitants of the ſaid Town of Bewdley, all ſuch liberties and franchiſes as they lawfully had and exerciſed within the ſame Town before the making of this Act, in like manner and form, as though this Act had never been had or made.

CXVII. Item, That the Lordſhip of Llanſtiffan, Uſterloys and Langham, and the members of the ſame, and all manors, lands, tenements, and other hereditaments in the ſame Lordſhip, and the members of the ſame, be from henceforth united, annexed, joyned, named, accepted, and taken as part and parcel of the County of Caermarthen, and reputed, joyned, united, named, accepted, and taken as part and parcel of the Hundred of Deries, in the ſaid County of Caermarthen. (2) And that the Tenants and Inhabitants of the ſaid Lordſhips and members, be attendant, and do every thing and things with the Tenants and Inhabitants of the ſaid Hundred of Deries, as the ſaid Inhabitants now be bound to do, according the Laws there uſed.

Llanſtiffan, Langham, and Uſterloys, ſhall be within the County of Caermarthen.

CXVIII. Item, That the County or Shire-Court of the Couuty of Radnor, ſhall from henceforth be holden one time at New Radnor, and one other time at Preſton, alternis vicibus, and never from henceforth to be kept or holden at Rather Gowey; any former Act, or other thing to the contrary thereof notwithſtanding.

County Court of Radnor. 27 H. 8. 26.

CXIX. Item, It is further enacted by the authority aforeſaid, That the Kings moſt Royal Majeſty ſhall and may at all times hereafter from time to time, change, add, alter, order, miniſh and reform all manner of things afore rehearſed, as to his moſt excellent wiſdom and diſcretion ſhall be thought convenient: (2) and alſo to make Laws and Ordinances for the Commonwealth and good quiet of his ſaid Dominion of Wales, and his ſubjects of the ſame, from time to time, at his Majeſties pleaſure; any thing contained in this Act, or in the ſaid Act made for the ſaid Shire-ground of Wales, or any other Act or Acts, thing or things to the contrary thereof heretofore made in any wiſe notwithſtandidg.

The King may add and alter Laws and Ordinances. This branch is repealed, 21 Jac. 10.

CXX. And that all ſuch alterations of the premiſſes, or any part thereof, and all ſuch Laws and Ordinances to be hereafter made, deviſed, and publiſhed by authority of this Act, by the Kings Majeſty, in writing under his Highneſs Great Seal, ſhall be of as good ſtrength, virtue and effect, as if they had been had and made by authority of Parliament.

CXXI. Item, Be it further enacted and ordained by authority aforeſaid, That where the Kings Majeſty that now is, by his Letters Patents bearing date the firſt day of May, in the xxxiv. year of his moſt proſperous Reign, demiſed and granted to William Webbe, the ſubſidy and aulnage of all woollen clothes, made or to be made in the County of Monmouth, and in the twelve Shires in Wales, that is to ſay, in the County of Brecknock, Radnor, Montgomery, Caermarthen, Glamorgan, Pembroke, Cardigan, Angleſey, Flint, Denbigh, Caernarvan, and Merioneth, and in all and ſingular Towns and other places whatſoever they be, within the precinct and limits of the ſaid Counties, and elſewhere within the Dominion of Wales: To have and to hold to the ſaid William Webbe, and his aſſigns for certain years yet enduring, (2) that the ſaid William Webbe, his deputies and aſſigns, ſhall have from henceforth full power and authority by force of this Act, to take for Sealing every Woollen Cloth hereafter to be made in the ſaid twelve Shires, and elſewhere within the ſaid Dominion of Wales, as hereafter is declared, and none otherwiſe; that is to ſay, For every whole piece of Frize, one peny, every half piece of Frize, ob. every piece of Cotten and Lining, being twenty four yards and under, ob. and for every piece of the ſame, being above twenty four yards, one peny, of every Broad Cloth, one peny, of every piece of Kerſie, being eighteen yards and above, one peny, of every piece of Kerſie, being under eighteen yards, ob.

How much the Kings farmer of the Subſidy of woollen clothes in Wales, ſhall take for the Sealing of a cloth.

CXXII. Provided always, That this Act, ne nothing therein contained, extend not to charge any manner of perſon or perſons, being, or that hereafter ſhall be inhabitant in any of the twelve Shires, or elſewhere within the Dominion of Wales, for any Clothes, Frizes, Kerſies or Linings, made, or hereafter to be made and occupied within their houſes, and not put to ſale to any perſon or perſons, but to their ſervants for their wearing.

Clothes made within the owners houſe not put to ſale.

CXXIII. And further be it enacted by the authority aforeſaid, That the ſaid Aulneger in Wales, by himſelf, or by his ſufficient Deputy or Deputies, ſhall in all things to his Office appertaining, do and be bound to do and anſwer in every caſe, like, and according as all and every other Aulneger in the Realm of England doth or ought to do, according to the Laws and Statutes of the Realm of England: And for the contrary doing or exerciſing of the ſaid Office, ſhall in every caſe and degree ſuffer, as by the ſaid Laws and Statutes is ordained, eſtabliſhed or enacted for Aulnegers, under the Lord Treaſurer of England for the time being.

The Aulneger in Wales, bound to the laws of England.

CXXIV. And furthermore the Kings Majeſty is contented and pleaſed, notwithſtanding the Statute made in the Twenty ſeventh year of his moſt gracious Reign, That where there ſhould be but twelve Shires in Wales, that the Town of Haverford-weſt ſhall be a County in it ſelf as it hath been before this time uſed at the will and pleaſure of the Kings ſaid Majeſty: (2) And that it ſhall be ſeparated from the County of Pembroke, at the Kings ſaid pleaſure. (3) And that the Kings High Juſtice of the ſaid County of Pembroke, ſhall be High Juſtice of the ſaid County and Town of Haverford-weſt, and ſhall have like power and authority, to and for the miniſtration of Juſtice within the ſaid County and Town of Haverford-weſt, as is limited and appointed to the ſaid Juſtice to and for the Adminiſtration of Juſtice in the ſaid County of Pembroke: (4) and that the Mayor, Sheriff, Baliffs, and Burgeſſes in the ſaid County and Town of Haverford-weſt, from time to time, ſhall be as well attendant, and obey all Precepts and Commandments of the Preſident and Council of our ſaid Soveraign Lord the King in his Marches of Wales, as alſo ſhall be attendant to all Precepts and Proceſs awarded or directed by the ſaid High Juſtice, unto the Sheriff of the ſaid County and Town of Haverford-weſt, and to make return thereof. (5) And the ſaid She-

Haverford-weſt County in it ſelf.

The judicial Seal of Pembroke, &c.

riff of the ſaid County and Town, ſhall ſerve all Precepts and Proceſs directed from the ſaid High Juſtice, in like manner and form as the Sheriff of the ſaid County of Pembroke is bound to do, and according to the effect and purport of the Kings Ordinances in that behalf had, made and provided: (6) and that it ſhall be lawful unto the ſaid Mayor, Sheriffs, Bailiffs and Burgeſſes of the ſaid County and Town of Haverford-weſt aforeſaid, to uſe and exerciſe all lawful Liberties and Grants, by the Kings Majeſty or his Noble Progenitors to them granted and confirmed at the Kings Majeſties will and pleaſure, according to the Laws of the Realm of England, and not otherwiſe: (7) And that the judicial Seal of the ſaid Shires of Pembroke, Caermarthen and Cardigan, being in the cuſtody and keeping of the Kings High Juſtice there for the time being, ſhall be uſed in the ſaid County and Town of Haverford-weſt, as the original and judicial Seal of the ſame Town and County. (8) and that the ſaid Juſtice of the ſaid Shires of Pembroke, Caermarthen and Cardigan, ſhall have like power and authority, by virtue of the Kings Letters to him made, as well to do all and every thing and things concerning common Juſtice to be miniſtred within the ſaid Town and County of Haverford-weſt, as he hath in his ſaid Letters Patents, within any of the ſaid Shires of Pembroke, Caermarthen and Cardigan.

CXXV. Provided alway, That this Article touching and concerning the County and Town of Haverford-weſt, and all things therein contained, ſhall ſtand and endure but only at the Kings Majeſties will and pleaſure, and none otherwiſe.

This Act prejudicial to no mans inheritance.

CXXVI. Provided alway, That this Act or any thing therein contained, ſhall not be prejudicial nor hurtful to any perſon or perſons, or bodies politick, for or concering any lands, tenements, rents, ſervices, bondmen, tolls or other hereditaments: but that they and every of them, their heirs, ſucceſſors and aſſigns, and the heirs, ſucceſſors and aſſigns of every of them, ſhall have, hold, and enjoy their lands, tenements, rents, ſervices, bondmen, and other their hereditaments, in ſuch like manner, form and condition, as they had the ſame before the making of this Act, and as if this Act had never been had ne made.

Every of the Kings officers may enjoy his office and fee as he did before.

CXXVII. Provided alſo, That this Act, nor any thing therein contained, ſhall be hurtful or prejudicial to any perſon or perſons, for or concerning any Office or Offices, which they or any of them have by virtue of any the Kings Letters Patents, being now in force before the making of this Act, nor to the fees of money uſed and accuſtomed to be paid for the exerciſe of any ſuch Offices: but that every perſon and perſons having ſuch Offices and Fees, and their Subſtitutes and Deputies, ſhall and may have and exerciſe their ſaid Offices, as is limited by this Act, and as they might have done before the making of this Act: and ſhall alſo have and perceive all ſuch Fees for the exerciſe of the ſaid Offices, in as large and ample manner, form and condition, as they might afore the making of this Act, and as if this Act had never been had ne made.

No Gavelkind land, but deſcendable according to the courſe of the Common Law.

CXXVIII. Provided always, That all lands, tenements and hereditaments, within the ſaid Dominion of Wales, ſhall deſcend to the heirs, according to the courſe of the common Laws of the Realm of England, according to the tenor and effect of this Act, and not to be uſed as Gavelkind; any thing contained in theſe Proviſions or any of them to the contrary thereof notwithſtanding.

The offices and fees of George Blunt reſerved.

CXXIX. Provided always, That this Act, ne any Clauſe, Article, or any thing therein contained, be in any wiſe prejudicial or hurtful to George Blunt Eſquire, Son and Heir of Sir John Blunt Knight, deceaſed, for or concerning the Offices of Stewardſhips of the Kings Lordſhips or Manors of Beudly and Clebury, or any other Office or Offices heretofore granted unto the ſaid George Blunt by the Kings Letters Patents, ſealed under the Great Seal of England, for term of life of the ſame George, or for or concerning any fees, wages, rewards, annuities, profits, commodities, advantages or emoluments appertaining or belonging unto the ſaid offices or any of them: but that the ſaid George, his deputy and deputies, ſhall and may at all time and times, during the life of the ſame George, have, hold, exerciſe and enjoy the ſame Offices, and every of them, and alſo perceive, levy and take the fees, wages, rewards, and all other profits and commodities to the ſame Offices, and every of them, or to any of them belonging, or in any wiſe appertaining, in as large and ample manner, form and condition, to all intents, conſtructions and purpoſes, as though this Act had never been had or made, any thing before in this Act contained to the contrary notwithſtanding.

All liberties of the Dutchy uſed as before.

CXXX. Provided always, That all liberties, frachiſes and priviledges of the Dutchy of Lancaſter, or in any wiſe appertaining to the ſame, ſhall be of the ſame force, plight, quality, goodneſs and condition, and may be uſed in as large and ample manner, as they were before the making of this Act, and as if this Act had never been had or made; Any thing in this Act to the contrary thereof notwithſtanding.

HENRY the Eighth, by the Grace of God, King of England, France and Ireland, Defender of the Faith, and of the Church of England, and alſo of Ireland, In Earth the Supream Head, to the honour of Almighty God, and for the concord, quiet, and wealth of this Realm, and Subjects of the ſame, begun this third Seſſion of this moſt High Court of Parliament, at Weſtminſter, the fourteenth day of January, in the five and thirtieth year of his Majeſties moſt noble and victorious Reign, and there held and continued the ſame third Seſſion till the nine and twentieth day of March, in the ſaid Five and thirtieth year, wherein were eſtabliſhed theſe Acts following.

CAP. I.

An Act for the Eſtabliſhment of the Kings Succeſſion.

Crown, Raſt. 5. The Kings Succeſſion in the Crown.

WHere in the Parliament holden at Weſtminſter, the Eighth day of June, in the Eight and twentieth year of the Reign of our moſt dread Sovereign Lord King Henry the Eighth, an Act was had and made for the Eſtabliſhment of the Succeſſion of the Imperial Crown of this Realm of England; by which Act amongſt divers other things, it was enacted, That the Imperial Crown of this Realm, with all Dignities, Honours, Preheminences, Prerogatives, Authorities and Juriſdictions to the ſame annexed or belonging, ſhould be to the

Kings Majeſty and his Heirs of his body lawfully begotten: that is to ſay, to the firſt Son of his body between his Highneſs and his then lawful Wife Queen Jane, now deceaſed, begotten, and to the Heirs of the body of the ſame firſt Son lawfully begotten. And for default of ſuch Heirs, then the ſecond Son of his Highneſs body, and of the body of the ſaid Queen Jane begotten, and to the Heirs of the body of the ſame ſecond Son begotten, with divers other limitations of the eſtates, conveyance, and remainders of the Imperial Crown, and other the premiſſes.

In what ſort the Crown of England was entailed by the Statute of 28 H. 8. 7.

II. And it was alſo enacted further by the ſaid Statute, That for lack of Iſſue of our ſaid Sovereign Lord the Kings body lawfully begotten: That then his Highneſs ſhould and might give, will, limit, aſſign, appoint, or diſpoſe the ſaid Imperial Crown, and other the premiſſes, to what perſon or perſons, and give the ſame perſon or perſons ſuch eſtate in the ſame, as it ſhould pleaſe his Majeſty, by his gracious Letters Patents under the Great Seal, or by his laſt Will in writing, Signed with his moſt gracious Hand, as by the ſame Act amongſt divers other things therein contained more at large it doth appear; (2) Sithen the making of this Act, the Kings Majeſty hath only Iſſue of his body lawfully begotten, betwixt his Highneſs and his ſaid late Wife Queen Jane, the noble and excellent Prince, Prince Edward, whom Almighty God long preſerve. (3) And alſo his Majeſty hath now of late, ſithen the death of the ſaid Queen Jane, taken to his Wife the moſt vertuous and gracious Lady Katherine, now Queen of England, late Wife of John Nevil, Knight, Lord Latimer deceaſed, by whom as yet his Majeſty hath none iſſue, but may have full well, when it ſhall pleaſe God. (4) And foraſmuch as our ſaid moſt dread Sovereign Lord the King, upon good and juſt grounds and cauſes, intendeth by Gods grace to make a voyage Royal, in his moſt Royal Perſon, into the Realm of France, againſt his ancient enemy the French King: (5) his Highneſs moſt prudently and wiſely conſidering and calling to his remembrance, how this Realm ſtandeth at this preſent time in the caſe of Succeſſion, and poiſing and weighing further with himſelf, the great truſt and confidence that his loving Subjects have had, and have in him, putting in his hands wholly the order and declaration of the Succeſſion of this Realm: (6) Recogniſing and knowledging alſo, that it is in the only pleaſure and will of Almighty God, how long his Highneſs or his ſaid entirely beloved Son Prince Edward ſhall live, and whether the ſaid Prince ſhall have Heirs of his Body lawfully begotten, or not, or whether his Highneſs ſhall have Heirs begotten and procreated between his Majeſty and his ſaid moſt dear and intirely beloved Wife Queen Katherine that now is, or any lawful Heirs and Iſſues hereafter of his own body begotten by any other his lawful Wife. (7) And albeit that the Kings moſt excellent Majeſty, for default of ſuch Heirs as be inheritable by the ſaid Act, might by the authority of the ſaid Act give and diſpoſe the ſaid Imperial Crown, and other the premiſſes, by his Letters Patents under his Great Seal, or by his laſt Will in writing, ſigned with his moſt gracious Hand, to any perſon or perſons, of ſuch eſtate therein as ſhould pleaſe his Highneſs to limit and appoint: yet to the intent that his Majeſties diſpoſition and mind therein ſhould be openly declared and manifeſtly known, and notified as well to the Lords Spiritual and Temporal, as to all other his loving and obedient Subjects of this his Realm, to the intent that their aſſent and conſent might appear to concur with thus far as followeth of his Majeſties Declaration in this behalf: (8) His Majeſty therefore thinketh convenient, afore his departure beyond the Seas, that it be enacted by his Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, and therefore be it enacted by the authority aforeſaid. That in caſe it ſhall happen the Kings Majeſty, and the ſaid excellent Prince his yet only Son Prince Edward, and Heir apparent, to deceaſe without Heir of either of their bodies lawfully begotten (as God defend) ſo that there be no ſuch Heir Male or Female of any of their two bodies, to have and inherit the ſaid Imperial Crown, and other his Dominions, according and in ſuch manner and form as in the foreſaid Act and now in this is declared: That then the ſaid Imperial Crown, and all other the premiſſes, ſhall be to the Lady Mary, the Kings Highneſs Daughter, and to the Heirs of the body of the ſame Lady Mary, lawfully begotten, with ſuch conditions as by his Higneſs ſhall be limited by his Letters Patents under his Great Seal, or by his Majeſties laſt Will in writing Signed with his gracious Hand. (9) And for default of ſuch iſſue, the ſaid Imperial Crown and other the premiſſes, ſhall be to the Lady Elizabeth, the Kings ſecond daughter, and to the Heirs of the body of the ſaid Lady Elizabeth, lawfully begotten, (10) with ſuch conditions, as by his Highneſs ſhall be limited by his Letters Patents under his Great Seal, or by his Majeſties laſt Will in writing, Signed with his gracious Hand; any thing in the ſaid Act made in the ſaid Eight and twentieth year of the ſaid Sovereign Lord, to the contrary of this Act notwithſtanding.

The Kings intended voyage into France.

If the King and Prince Edward ſhall die without heirs of either of their bodies, then the Crown ſhall remain to the Lady Mary, &c.

The remainder to the Lacy Elizabeth.

III. Provided alway, and be it enacted by the authority aforeſaid, That if the Lady Mary do not keep and perform ſuch conditions, which the Kings Majeſty ſhall hereafter by his Graces Letters Patents, Sealed under his Great Seal, or by his Majeſties laſt Will in writing, Signed with his Highneſs Hand, declare and limit to her ſaid eſtate, in the ſaid Imperial Crown, and other the premiſſes: That then and from thenceforth, for lack of Heirs of the ſeveral bodies of the Kings Majeſty and the ſaid Prince Edward lawfully begotten, the ſaid Imperial Crown. and other the premiſſes, ſhall be and come to the ſaid Lady Elizabeth, and to the Heirs of her body lawfully begotten, in ſuch like manner and form, as though the ſaid Lady Mary were then dead, without any Heir of her body begotten; any thing in this Act contained to the contrary notwithſtanding.

The eſtate of the Lady Mary tied with conditions.

IV. Provided alway, and be it further enacted by the authority aforeſaid, That if the ſaid Lady Mary do keep and perform ſuch conditions, which the Kings Majeſty ſhall hereafter by his Graces Letters Patents, Sealed under his Great Seal, or by his Majeſties laſt Will in writing, Signed with his Highneſs Hand, declare and limit to her ſaid eſtate, as is aforeſaid, and that the ſaid Lady Elizabeth, for her part do not keep and perform ſuch conditions, which the Kings Majeſty ſhall hereafter by his Graces Letters Patents, Sealed under his

The eſtate of the Lady Elizabeth tied with conditions.

Great Seal, or by his Highneſs laſt Will in Writing, Signed with his moſt gracious Hand, declare and limit to her ſaid Eſtate in form aforeſaid: That then and from thenceforth, for lack of Heirs of the ſeveral Bodies of the Kings Majeſty, the ſaid Lord Prince, and of the ſaid Lady Mary, lawfully begotten, the ſaid Imperial Crown, and other the premiſſes, ſhall be and come to ſuch perſon and perſons, and of ſuch Eſtate and Eſtates, as the Kings Highneſs by his Letters Patents Sealed under his Great Seal, or by his laſt Will in writing, Signed with his Majeſties Hand, ſhall limit and appoint.

A limitation of the Crown, if the Lady Mary do break her conditions, and the Lady Elizabeth die without iſſue.

V. Provided alway, That if the ſaid Lady Mary do not keep and perform ſuch conditions which ſhall be limited and appointed to her ſaid Eſtate in the ſaid Imperial Crown, and other the premiſſes as is aforeſaid, and the ſaid Lady Elizabeth being then dead without any Heir of her Body lawfully begotten; that then and from thenceforth, for lack of Heirs of the ſeveral Bodies of the Kings Majeſty, and the ſaid Lord Prince lawfully begotten, the ſaid Imperial Crown, and other the premiſſes, ſhall be, come and remain to ſuch perſon and perſons, and of ſuch Eſtate and Eſtates, as the Kings Highneſs by his Letters Patents, Sealed under his Great Seal, or by his laſt Will in writing, Signed with his Majeſties Hand, ſhall limit and appoint.

The eſtates of the Lady Mary and Elizabeth, if the King limit no conditions.

VI. Provided always, and be it enacted by authority aforeſaid, That in caſe the Kings Majeſty do not declare and limit by his Letters Patents, or by his laſt Will, in form as is aforeſaid, any condition to the Eſtates and Intereſt afore limited to the ſaid Lady Mary, and Lady Elizabeth, nor to the ſtate or intereſt of any of them: That then every ſuch of the ſaid Lady Mary, and Lady Elizabeth, to whoſe Eſtate or Intereſt no condition ſhall be limited by the Kings Majeſty in form aforeſaid, ſhall have an enjoy ſuch intereſt, eſtate and remainder in the ſaid Imperial Crown, and other the premiſſes, as is before limited by this Act, without any manner of condition; any thing in this preſent Act to the contrary thereof notwithſtanding.

VII. And foraſmuch as it ſtandeth in the only pleaſure and will of Almighty God, whether the Kings Majeſty ſhall have any Heirs begotten and procreated between his Highneſs and his ſaid moſt entirely beloved Wife Queen Katharine, or by any other his lawful Wife, or whether the ſaid Prince Edward ſhall have Iſſue of his Body lawfully begotten, or whether the Lady Mary and Lady Elizabeth, or any of them, ſhall have any Iſſue of any of their Bodies lawfully begotten, and if ſuch Heirs ſhould fail (which God defend) and no proviſion made in the Kings life, who ſhould rule and govern this Realm, for lack of ſuch Heirs, as in this preſent Act is afore mentioned: That then this Realm, after the Kings tranſitory life, and for lack of ſuch Heirs, ſhould be deſtitute of a lawful Governour to Order, Rule and Govern the ſame:

The King by his Will or Letters Patents may aſſure the reverſion or remainder of the Crown to ſuch perſon as he will.

VIII. Be it therefore enacted by the authority of this preſent Parliament, That the Kings Highneſs ſhall have full power and authority to give, diſpoſe, appoint, aſſign, declare and limit by his gracious Letters Patents under his Great Seal, or elſe by his Highneſs laſt Will made in writing, and Signed with his moſt gracious Hand, at his only pleaſure, from time to time hereafter, the Imperial Crown of this Realm, and all other the premiſſes, to be, remain, ſucceed, and come after his deceaſe, and for lack of lawful Heirs of either of the Bodies of the Kings Highneſs and Prince Edward begotten, and alſo for lack of lawful Heirs of the Bodies of the ſaid Lady Mary and Lady Elizabeth, to be procreated and begotten, as is afore limited in this Act, to ſuch perſon and perſons in remainder or reverſion, as ſhall pleaſe his Highneſs, and according to ſuch Eſtate, and after ſuch manner and form, faſhion, order or condition, as ſhall be expreſſed, declared, named and limited in his Highneſs Letters Patents, or by his laſt Will in writing, Signed with his moſt gracious Hand, as is aforſaid; any thing contained in this preſent Act, or in the ſaid former Act, to the contrary thereof in any wiſe notwithſtanding.

IX. And for further corroboration of this preſent Act, and of the ſaid Act made in the ſaid Eight and twentieth year of our ſaid Sovereign Lord, and alſo utterly to exclude the long uſurped power, authority and juriſdiction of the Biſhops of Rome, where in the ſaid Act made for the eſtabliſhment of the Kings Succeſſion, at the ſaid Parliament holden at Weſtminſter the eighth day of June, in the Eight and twentieth year of the Kings Majeſties Reign, there is one Oath limited in the ſaid Act, as in the ſaid Act amongſt other things appeareth.

X. And where alſo at the ſaid Parliament there was another Statute made and ordained againſt ſuch as would both extol and ſtand to the juriſdiction, power and authority of the See and Biſhop of Rome, in which Statute there is compriſed another Oath, in ſuch wiſe as in the ſame Statute amongſt other things is mentioned. (2) Foraſmuch as in both the ſaid Oaths, mentioned in the ſaid ſeveral Acts, there lacketh full and ſufficient words, whereby ſome doubts might riſe: Therefore be it enacted by authority of this preſent Parliament, That from and after the laſt day of this Seſſion, all and every ſuch perſon and perſons, which be ordered and limited by the ſaid ſeveral Acts, to take the ſaid Oaths mentioned in the ſame Act, ſhall from thenceforth, in lieu and place of thoſe two Oaths, take and ſwear this corporal Oath, according to the tenor enſuing. (3) And that they which have already ſworn the other aforeſaid Oaths, or any of them, ſhall take and eſteem it of the ſame effect and force, as though they had ſworn this. (4) Which former Oaths notwithſtanding, becauſe they be not ſo pithy to all effects, nor ſo plainly ſet forth as were convenient: Therefore be it enacted by authority of this preſent Parliament, that after this preſent Seſſion, the ſaid Oaths ſpecified in the ſaid ſeveral Acts, ſhall not thereafter be miniſtred, nor any perſon hereafter be compelled to accept the ſame, and this Oath hereafter mentioned in this Act, to ſtand in force and place of the ſaid two Oaths.

They which have ſworn the foreſaid oaths ſhall eſteem them as if they had ſworn this.

The oath againſt the authority of the Biſhop of Rome, and for the maintenance of the title of the

XI. I A.B. having now the vail of darkneſs of the uſurped power, authority and juriſdiction of the See and Biſhop of Rome clearly taken away from mine eyes, do utterly teſtifie and declare in my conſcience, that neither the See nor the Biſhop of Rome, nor any foreign Poteſtate, hath, nor ought to have any juriſdiction, power or authority within this Realm, neither by Gods Law, nor by any other juſt Law or means. (2) And though by ſufference and abuſe in times paſſed, they aforeſaid have uſurped and vindicated a fained and an unlawful power and juriſdiction within this Realm, which hath been ſupported till few years paſſed; therefore becauſe it might be deemed and thought thereby, that I took or take it for juſt and good, I therefore now do clearly and frankly renounce, refuſe, relinquiſh and forſake that pretended authority, power and juriſdiction, both of the See and Biſhop of Rome, and of all other foreign Powers: (3) And that I ſhall never conſent nor agree that the foreſaid See or Biſhop of Rome, or any of their ſucceſſors, ſhall practiſe, exerciſe, or have any manner of authority, juriſdiction or power within this Realm, or any other the Kings Realms or Dominions, nor any foreign Poteſtate, of what eſtate, degree or condition ſoever he be, but that I ſhall reſiſt the ſame at all times to the uttermoſt of my power: (4) And that I ſhall bear Faith, Truth and true Allegiance to the Kings Majeſty, and to his Heirs and Succeſſors, declared, or hereafter to be declared by the authority of the Act made in the Seſſion of the Parliament holden at Weſtminſter the fourteenth day of January, in the Five and thirtieth year, and in the ſaid Act made in the Eight and twentieth year of the Kings Majeſties Reign: (5) And that I ſhall accept, repute and take the Kings Majeſty, his Heirs and Succeſſors (when they or any of them ſhall enjoy his place) to be the only Supream Head in earth, under God, of the Church of England and Ireland, and of all other his Highneſs Dominions: (6) And that with my body, cunning, wit, and uttermoſt of my power, without guile, fraud, or other undue mean, I ſhall obſerve, keep, maintain and defend all the Kings Majeſties Stiles, Titles and Rights, with the whole effects and contents of the Acts provided for the ſame, and all other Acts and Statutes made, or to be made within this Realm, in and for that purpoſe, and the derogation, extirpation and extinguiſhment of the uſurped and pretended authority, power and juriſdiction of the See and Biſhop of Rome, and all other foreign Poteſtates, as afore: (7) And alſo as well the ſaid Statute made in the ſaid Eight and twentieth year, as the Statute made in the ſaid Seſſion of the Parliament holden the Five and thirtieth year of the Kings Majeſties Reign, for eſtabliſhment and declaration of his Highneſs Succeſſion, and all Acts and Statutes made, and to be made in confirmation and corroboration of the Kings Majeſties Power and Supremacy in earth of the Church of England and of Ireland, and of other the Kings Dominions, I ſhall alſo defend and maintain with my body and goods, and with all my wit and power, (8) and this I ſhall do againſt all manner of perſons, of what eſtate, dignity, degree or condition they be, and in no wiſe do, nor attempt, nor to my power ſuffer, or know to be done or attempted, directly or indirectly, any thing or things privily or apertly, to the let, hinderance, damage or derogation of any of the ſaid Statutes, or of any part of them, by any manner of means, or for or by any manner of pretence. (9) And in caſe any Oath hath been made by me to any perſon or perſons in maintenance, defence or favour of the See and Biſhop of Rome, or his authority, juriſdiction or power, or againſt any the Statutes aforeſaid, I repute the ſame as vain and annihilate, and ſhall wholly and truly obſerve and keep this Oath. So help me God, all Saints, and the holy Evangeliſts.

King and his Heirs. Rep. 1 & 2 Ph. & M. 8.

A former oath reputed vain and void by the party that ſweareth.

XII. And it is alſo enacted by authority aforeſaid, That all and every perſon and perſons, Spiritual and Temporal, ſuing Livery, Reſtitution, or Ouſter le main, out of the Kings, his Heirs or Succeſſors hands, or doing any Fealty to his Highneſs, his Heirs or Succeſſors, or which ſhall be ſworn to the King, his Heirs or Succeſſors, or that ſhall have any Office, Fee or Rowme of the moſt gracious gift of the Kings Majeſty, his Heirs or Succeſſors, or ſhall be received in ſervice with his Grace, his Heirs or Succeſſors, ſhall make, take or receive the ſaid Oath.

Who ſhall take this oath.

XIII. And that alſo all and every other Eccleſiaſtical perſon, at the time of his taking of Orders, (2) and all and every other perſon which ſhall be promoted or preferred to any degree of Learning in any Univerſity within this his Realm, or other of the Kings Dominions, at the time of his or their promotion or preferment, or every of them, ſhall make, take and receive the ſaid Oath by this Act ſet forth and declared, as is aforeſaid, before his or their Ordinary, or the Commiſſary of ſuch Univerſity. (3) And that all and ſingular other the Kings Majeſties Subjects and Reſiants within this his Graces Realm, and other his Majeſties Dominions, at his Highneſs will and pleaſure ſhall accept and take the ſame Oath before ſuch Commiſſioner or Commiſſioners as his Highneſs ſhall appoint for the ſame.

XIV. And it is alſo enacted by the authority aforeſaid, That if any perſon or perſons limited or commanded by the authority of this Act to make and take the ſaid Oath, or commanded by any other perſon or perſons authoriſed by the Kings Highneſs Commiſſion under his great Seal to make the ſaid Oath, obſtinately refuſe that to do: That then every ſuch offence and contempt ſhall be high Treaſon, (2) and the offenders thereof being lawfully convicted, ſhall ſuffer pains of death, and other forfeitures, penalties and loſſes as is limited and accuſtomed in caſes of high Treaſon, by any Laws or Statutes of this Realm heretofore had or made in any wiſe concerning the ſame.

It ſhall be high Treaſon to refuſe to take the aforeſaid oath. Rep. 1 Ed. 6. 12, 1 M. 1.

XV. And be it further enacted by authority aforeſaid, That if any perſon or perſons, of what Eſtate, Degree, Dignity, or Condition ſoever they be, at any time hereafter, by words, writing, imprinting, or by any exterior act or deed, maliciouſly or willingly procure or do, or cauſe to be procured or done directly or indirectly, any thing or things, and for the interruption, repeal, or annullation of this Act, or of any thing therein contained, or of any thing that ſhall be done by the Kings Highneſs, in the limitation and diſpoſition of his Majeſties Crown, and other the premiſſes, by authority of the ſame, or to the peril ſlander or diſinheriſon of any the Iſſues and Heirs of the Kings Majeſty, being limited by this Act, to inherit, and to be inheritable to the Crown of this Realm, in ſuch form as is aforeſaid, or to the interruption or diſheriſon of any perſon or perſons to whom the Imperial Crown of this Realm, and other the premiſſes is aſſigned, limited and appointed by this Act, or ſhall be by the Kings Majeſties Letters Patents under his Highneſs Great Seal, or by his laſt will in writing, ſigned with his moſt gracious Hand, limited and diſpoſed by the authority of this Act, as is aforeſaid, whereby any ſuch Iſſues or Heirs of the Kings Majeſty, or ſuch other perſon or perſons, might be deſtroyed, diſturbed or interrupted in Body or Title, of the inheritance of

The penalty for doing any thing to the interruption of this Act, or of any eſtate limited thereby.

the Crown of this Realm, as to them is limited in this Act, in form above rehearſed, or as to them ſhall be limited or aſſigned by the Kings Highneſs, by virtue and authority of this Act; that then every ſuch perſon and perſons, of what eſtate, degree or condition ſoever he or they be, and their aiders, counſellers, maintainers and abettors, and every of them, for every ſuch offence afore declared, ſhall be adjudged high Traitors, and that every ſuch offence afore ſpecified, ſhall be adjudged high Treaſon, (2) and the offenders therein, their aiders, counſellers, maintainers and abettors, and every of them, being lawfully convict of any ſuch offence, after the laws and cuſtoms of this Realm, ſhall ſuffer pains of death, and loſſes and forfeitures, as in caſes of high Treaſon:

XVI. Saving alway to every perſon and perſons, and bodies politick, to their heirs, aſſigns and ſucceſſors, and to the heirs and ſucceſſors of every of them (other then ſuch perſons as ſhall be ſo convict or attainted, and their heirs and ſucceſſors, and all other claiming to their uſes) (2) all ſuch right, title, uſe, intereſt, poſſeſſion, condition, rents, fees, offices, annuities and commons, which they or any of them ſhall have, in or upon any ſuch manors, lands, tenements, rents, annuities or hereditaments, that ſhall ſo happen to be loſt and forfeit by reaſon of any conviction or attainder for any the Treaſons and Offences above rehearſed, at any time before the ſaid Treaſons and Offences committed. Stat. 25 H. 8. 22. 28 H. 8. 7. 1 Ed. 6. 12. 1 El. 3.

CAP. II.

An Act for the Trial of Treaſons committed out of the Kings Dominions.

Treaſon 10. Where, and before whom Treaſons committed out of the Realm ſhall be tried.

FOraſmuch as ſome doubts and queſtions have been moved, That certain kinds of Treaſons, miſpriſions and concealments of Treaſons, done, perpetrated or committed out of the Kings Majeſties Realm of England, and other his Graces Dominions, cannot, ne may by the Common Laws of this Realm be enquired of, heard and determined within this his ſaid Realm of England; (2) For a plain remedy, order and declaration therein to be had and made, Be it enacted by authority of this preſent Parliament, That all manner of offences, being already made and declared, or hereafter to be made and declared by any the Laws and Statutes of this Realm, to be Treaſons, miſpriſions of Treaſons, or concealments of Treaſons, and done, perpetrated or committed, or hereafter to be done, perpetrated or committed by any perſon or perſons out of this Realm of England, ſhall be from henceforth inquired of, heard and determined before the Kings Juſtices of his Bench, for Pleas to be holden before himſelf, by good lawful men of the ſame Shire where the ſaid Bench ſhall ſit and be kept, (3) or elſe before ſuch Commiſſioners, and in ſuch Shire of the Realm, as ſhall be aſſigned by the Kings Majeſties Commiſſion, and by good and lawful men of the ſame Shire, in like manner and form to all intents and purpoſes, as if ſuch Treaſons, miſpriſions of Treaſons, or concealments of Treaſons had been done, perpetrated and committed within the ſame Shire where they ſhall be ſo enquired of, heard and determined, as is aforeſaid.

1 & 2 P. & M. 70. 1 Roll. 91.

Trial of Peers. 1 Bulſtr. 198. Hull. 131.

II. Provided always, That if any the Peers of this Realm ſhall happen to be indicted of any ſuch Treaſons, or other offences aforeſaid, by the authority of this Act, That then after ſuch Endictment, they ſhall have their Trial by their Peers, in ſuch like manner and form as hath heretofore been accuſtomed. Stat. 26 H. 8. 13. 5 Ed. 6. 11.

CAP. III.

Stile, Raſt. 1.

The Kings Stile ſhall be, Henry the Eighth, by the Grace of God, King of England, France and Ireland, Defender of the Faith, and of the Church of England, and alſo of Ireland, in Earth the Supream Head: which Stile ſhall be united and annexed for ever unto the Imperial Crown of this Realm of England: And it ſhall be High Treaſon to imagine or attempt to deprive the King, or any of his Heirs or Aſſigns of any of their ſaid Stiles or Titles. Rep. 1, 2 P. & M. 8. Dyer fol. 98.

CAP. IV.

Towns 6.

The Bill for decayed Houſes and Tenements in Wales.

CAP. V.

Hereſie, Raſt. 4.

No perſon ſhall be put to his Trial upon an Accuſation concerning any of the offences compriſed in the Statute of 31 H. 8. 14. but only upon ſuch as ſhall be made by the oath of twelve men before Commiſſioners authoriſed: And the preſentment ſhall be made within one year after the offence committed. No perſon ſhall be arreſted or committed to ward for any ſuch offence before he be indicted. If any Preacher or Reader ſhall ſpeak any thing in his Sermon or Reading, contrary to any matter contained in the ſix Articles, he ſhall be accuſed and indicted thereof within fourty days, or elſe be diſcharged of the ſaid offence. REP. 1 Ed. 6. 12.

CAP. IV.

The Bill for the better Appearance in the Niſi prius.

Jurors 19. &c. What kind of Jurors ſhall appear upon a Niſi prius, &c.

FOraſmuch as the Iſſues joyned in every Action, Suit and Demand between party and party at the Common Law, are by the Laws of this Realm for the moſt part tried, and triable by the verdict of twelve men, wherein is daily ſeen great delay, partly for lack of appearance of the perſons returned to try ſuch Iſſues; The occaſion whereof cometh by reaſon of maintenance, imbracery, ſiniſter labour, and corrupt demeanors, and partly by reaſon of the challenges of the parties to the Jury or Jurors ſo returned, to the great coſts, charges and hindrance of the Parties to the ſaid Actions, Suits and Demands, and to the great delay and hindrance of Juſtice:

II. For reformation whereof, and for the more expedition of Juſtice hereafter to be had in ſuch manner trial of Iſſues:

The form of a Venire facias.

III. Be it enacted by the authority of this preſent Parliament, That in every caſe, where ſuch perſons as ſhould paſs upon the trial of any Iſſue joyned in any of the Kings Courts of Record, commonly holden at Weſtminſter, ought by the Law to diſpend fourty ſhillings by the year, of Freehold for term of life, that the Writs of Venire facias, which from and after the firſt day of April next coming, ſhall be awarded and directed for the Impanelling of ſuch perſons as ſhall try the ſame Iſſue, ſhall be in this form, Rex, &c. Precipimus, &c. quod venire fac' coram, &c. xii. liberos & legales homines de vicineto de B. Quorum quilibet habeat quadraginta ſolidat. terræ, tenement. vel reddit. per annum ad minus, per quos rei veritas melius ſciri poterit: Et qui nec, &c. And ſo forth the reſidue of the ſaid Writ, after the ancient form. (2) And in every caſe, where it is not requiſite that the perſons that ſhall paſs upon the trial of any iſſue joyned, in any of the Kings Courts aforeſaid, ſhall diſpend fourty ſhillings by the year of Freehold: that then the Writ of Venire facias that ſhall be awarded after the ſaid firſt day of April, ſhall be made after the form aforeſaid, omitting this clauſe, Quorum quilibet habeat quadraginta ſolidat. terræ, ten. vel reddit. per annum ad minus. (3) And that upon every ſuch Writ and Writs of Venire facias that ſhall have the ſaid clauſe, Quorum quilibet, &c. the Sheriff, or other Miniſter or Miniſters to whom the making of the pannel ſhall appertain, ſhall not return in any ſuch pannel any perſon, unleſs he may diſpend fourty ſhillings by the year at the leaſt, of Eſtate of Freehold out of ancient demean within the County where the Iſſue is to be tried. (4) And alſo ſhall return in every ſuch panel upon the ſame Venire facias, ſix ſufficient Hundredors at the leaſt, if there be ſo many Hundredors within the ſaid Hundred where the Venew lieth, (5) upon pain to forfeit for every perſon being returned in any ſuch pannel, that cannot diſpend fourty ſhillings by the year, as is aforeſaid, twenty ſhillings. (6) And for every Hundredor that ſhall be omitted in ſuch return of the number aforeſaid, twenty ſhillings. (7) And in every Writ of Venire facias, wherein the ſaid clauſe, Quorum, quilibet, &c. ſhall be omitted, the Sheriff, or other Miniſter or Miniſters to whom the making of the pannel ſhall appertain, ſhall not return in any ſuch pannel any perſon, unleſs he may diſpend ſome lands or tenements of Eſtate of Freehold out of ancient demean, within the County where the Iſſue is to be tried; (8) And alſo ſhall return in every ſuch pannel upon the ſame Venire facias, ſix ſufficient Hundredors at the leaſt, if there be ſo many Hundredors within the ſaid Hundred where the Venew lieth, upon like pain as is aforeſaid.

Where each Juror muſt diſpend fourty ſhillings yearly, and where he need not.
27 Eliz. 6.

Six hundredors ſhall be returned by the Sheriff.

IV. And furthermore, be it enacted by authority aforeſaid, That upon every firſt Writ of Habeas corpora, or Diſtringas, with a Niſi prius, delivered of Record to the Sheriff, or other Miniſter or Miniſters to whom the making of the return ſhall appertain, the ſaid Sheriff, and other Miniſter and Miniſters, ſhall from and after the ſaid firſt day of April, return the Iſſues upon every perſon impannelled and returned upon any ſuch Writ, at the leaſt five ſhillings. (2) And at the ſecond Writ of Habeas corpora, or Diſtringas, with a Niſi prius, upon every perſon impanelled and returned upon any ſuch Writ, ten ſhillings at the leaſt. (3) And at the third Writ of Habeas corpora, or Diſtringas, with a Niſi prius that ſhall be further awarded upon every perſon impanelled and returned upon any ſuch Writ, thirteen ſhillings four pence. (4) And upon every Writ that ſhall be further awarded to try any ſuch Iſſue, to double the Iſſues laſt before ſpecified, until a full Jury be ſworn, or the proceſs otherwiſe ceſſed or determined, upon pain to forfeit for every return to be made contrary to the form aforeſaid, five pounds.

What iſſues ſhall be returned upon Jurors.
St. 27 El. 6.

V. And for a more ſpeedy trial of Iſſues to be tried by the verdict of twelve men, hereafter to be had,

VI. Be it further enacted by the authority aforeſaid, That in every ſuch Writ of Habeas corpora, or Diſtringas, with a Niſi prius, where a full Jury ſhall not appear before the Juſtices of Aſſiſes or Niſi prius, or elſe after appearance of a full Jury, by challenge of any of the parties, the Jury is like to remain untaken for default of Jurors: That then the ſame Juſtices, upon requeſt made by the party plaintiff or defendant, ſhall have authority by virtue of this Act, to command the Sheriff, or other Miniſter or Miniſters to whom the making of the ſame return ſhall appertain, to name and appoint as often as need ſhall require, ſo many of ſuch other able perſons of the ſaid County then preſent at the ſaid Aſſiſes or Niſi prius, as ſhall make up a full Jury, which perſons ſo to be named and impanelled by ſuch Sheriff or other Miniſter or Miniſters, ſhall be added to the former panel, and their names annexed to the ſame.

Tales de Circumſtantibus, at the plaintiffs requeſt.
St. 5 El. 25.

VII. And that every of the parties ſhall and may have his or their challenge to the Jurors ſo named, added and annexed to the ſaid former panel by the ſaid Sheriff, or other Miniſter or Miniſters, in ſuch wiſe as if they had been impanelled upon the Venire facias awarded to try the ſaid Iſſue: (2) And that the ſaid Juſtices ſhall and may proceed to the trial of every ſuch Iſſue with thoſe perſons that were before impanelled and returned, and with thoſe newly added and annexed to the ſaid former pannel by virtue of this Act, in ſuch wiſe as they might or ought to have done, if all the ſaid Jurors had been returned upon the Writ of Venire facias awarded to try the ſaid Iſſue.

Challenges of the Tales.

VIII. And that all and every ſuch trial had after the firſt day of April, ſhall be as good and effectual in the Law, to all intents, conſtructions and purpoſes, as if ſuch trial had been had and tried by twelve of the Jurors impanelled and returned upon the Writ of Venire facias awarded to try ſuch Iſſue.

IX. And in caſe ſuch perſons as the ſaid Sheriff, Miniſter or Miniſters ſhall name and appoint, as is aforeſaid, or any of them, after they ſhall be called, be preſent, and do not appear, or after his or their appearance, do wilfully withdraw him or themſelves from the preſence of the Court; That then ſuch Juſtices ſhall and may ſet ſuch Fine upon every ſuch Juror making default, or wilfully withdrawing himſelf, as is aforeſaid, as they ſhall think good by their diſcretion, (2) the ſaid Fine to be levied in ſuch manner and form as Iſſues forfeited and loſt by Jurors, for default of their appearance at the Common Law, have been accuſtomed to be levied.

X. And be it further enacted by the authority aforeſaid, That where any Jury that ſhall be returned by the Sheriff, or other Miniſter or Miniſters, ſhall be made full by the commandment of the ſaid Juſtices, by virtue of this preſent Act, that yet nevertheleſs, ſuch perſons as were returned in the ſaid panel, by the Sheriff, or other Miniſter or Miniſters, to try any ſuch Iſſue, that ſhall not appear, but make default, ſhall loſe the Iſſues upon them returned in ſuch wiſe, as though the ſame Jury had remained for default of Jurors.

The Jurors making Default ſhall loſe Iſſue.

XI. Provided always, and be it enacted, That upon a reaſonable excuſe for the default of appearance of any Juror or Jurors ſufficiently proved before the Juſtices of Aſſiſe or Niſi

Jurors ſhall be diſcharged of Iſſues upon cauſe.

prius, at the day of their appearance, by the Oaths of two lawful and honeſt witneſſes, that the ſame Juſtices ſhall have authority by their diſcretions, to diſcharge every ſuch Juror of every ſuch forfeiture of Iſſues upon him returned. (2) And that the Sheriff and Sheriffs, or other Miniſter or Miniſters, having commandment by the ſaid Juſtices, to omit the returning of ſuch Iſſues as is aforeſaid, upon ſuch Juror or Jurors, ſhall be therein diſcharged of the penalties aforeſaid, for the not returning of the ſaid Iſſues, and that yet notwithſtanding, the ſaid return to be good and effectual in the Law; Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Iſſues diſcharged by the not coming of the Juſtices.

XII. Provided alſo, and be it enacted by the authority aforeſaid, That if the ſaid Juſtices afore whom any ſuch Jury ſhould appear, in the County where ſuch Iſſue is to be tried by virtue of a Writ of Niſi prius, do not come at the day and place appointed, but that the Aſſiſe or Niſi prius for that time ſhall be diſcontinued for not coming of the ſaid Juſtices, or for any other occaſion, other then by default and lack of Jurors; that then every one of the ſame Jurors ſhall de diſcharged for forfeiting of any Iſſues upon him returned in the ſame Writ. (2) And the Sheriff, or other Miniſter or Miniſters, ſhall be likewiſe diſcharged of the penalties of this Eſtatute, for the not returning of ſuch Iſſues as are before limited in this Act; any Article or Sentence herein contained to the contrary notwithſtanding.

Iſſues returned upon a Jury not lawfully ſummoned.

XIII. And be it alſo further enacted by the authority aforeſaid, That if upon any ſuch Writ of Habeas corpora, or Diſtringas, with a Niſi prius,, Iſſues be returned upon any Hundredors, Juror or Jurors, by the Sheriff or other Miniſter or Miniſters to whom the execution of the ſame Writ or Writs ſhall appertain, whereas the ſame Hundredors and Jurors ſhall not be lawfully ſummoned, warned or diſtrained in that behalf; that then every ſuch Sheriff or other Miniſter or Miniſters aforeſaid, ſhall loſe for every ſuch offence ſo committed, double ſo much as the Iſſues returned upon ſuch Hundredors or Jurors not lawfully ſummoned, warned, or diſtrained, ſhall amount unto; (2) the moiety of all which forfeitures contained in this preſent Act, other then the Iſſues to be returned upon the Jurors as is aforeſaid, ſhall be to the King our Sovereign Lord, and the other half to him that will ſue for the ſame by action of debt, bill, plaint or information in any of the Kings competent Courts, in which no wager of Law, eſſoin or protection ſhall be allowed ne admitted: (3) Saving to all manner of perſons, and bodies politick and corporate, their heirs and ſucceſſors, having lawful right, title and intereſt to have ſuch Iſſues to be before any ſuch Juſtices of Aſſiſe or Niſi prius, at any time or times hereafter loſt and forfeited, (4) all ſuch right, title and intereſt, as they or any of them ſhould or might have had to any ſuch Iſſues, to be loſt and forfeited, as though this Act had never been had or made.

The right of others to Iſſues forfeited, ſaved.

This Act ſhall not extend to any Sheriff or Miniſter of a Town-corporate.

XIV. Provided alſo, That this Act, nor any thing therein contained, ſhall not extend to any City or Town corporate, or to any Sheriff, Miniſter or Miniſters in the ſame, for the return of any Inqueſt or Panel to be made and returned of perſons inhabiting in the ſaid Cities or Towns corporate, but that they, and every of them, ſhall and may return ſuch perſons in every ſuch Inqueſt or Panel, as before this time they might and have been accuſtomed to do, and as if this Act had never been had or made: ſo that the ſame Sheriff, Miniſter or Miniſters, return upon ſuch perſons as ſhall be impanelled, like Iſſues as are before mentioned in this Act; any thing in the ſame contained to the contrary notwithſtanding. (2) This Act to endure to the end of the next Parliament. 2 Ed. 6. 32. made perpetual. St. 37 H. 8. 22. 4 & 5 P. & M. 7. 27 Eliz. 6.

CAP. VII.

Fiſhers, Raſt. 11.

A Repeal of a Statute made 25 H. 8. 4. touching the Foreſtalling and Regrating of Fiſh.

CAP. VIII.

Coopers, Raſt 1.

Every Artificer of the Myſtery of Coopers, may take for every Beer-barrel by him ſold, ten pence, and for every Beer-kilderkin, ſix pence. Whoſoever ſhall carry Beer beyond the Sea, ſhall find Sureties to the Cuſtomers of that Port, to bring in Clapboard meet to make ſo much Veſſel as he ſhall carry forth. No man in London, or within two miles compaſs, ſhall cut or diminiſh any Barrels, Kilderkins or Firkins, but for his own Proviſion. No man ſhall tranſport Beer in a greater Veſſel then a Barrel upon paino forfeit ſix ſhillings eight pence for every Veſſel. Exp. St. 23 H. 8. 4. 8 El. 9. 31 El. 8. 35 El. 11. 3 Car. 4.

CAP. IX.

Wapping Marſh, Raſt. 1.

Wapping Marſh in the County of Middleſex, ſhall be divided by certain perſons aſſigned, or by any ſix of them. And Richard Hill of London, Mercer, (the Aſſignee of Cornelius Wanderdelf, who at his own charge inned and recovered the ſame being drowned) ſhall have the one moiety thereof to him and to his Heirs. P R.

CAP. X.

The Bill concerning the Conduits in London.

London, Raſt. 5. The Mayor and Commonalty, &c. at all times needful may make and amend Conduits in and about London.

FOraſmuch as it is very commodious, neceſſary and profitable to all Cities, Towns and Habitations, to have ſweet and wholſom running Waters, and freſh Springs to ſerve the ſame for their Buſineſſes and Neceſſaries, and ſpecially within great Towns and Cities, to be conveyed by Conduits and Fountains, whereunto requireth abundance and copioſity, for the ſerving of the Inhabitants of the ſame, whereof the City of London hath been before this time well furniſhed, and abundantly ſerved, till that now of late, that either for faintneſs of the Springs, or for the drineſs of the Earth, the accuſtomed courſe of the Waters, coming from the old Springs and ancient Heads, are ſore decayed, diminiſhed and abated, and daily more and more be like to appeire and fail, to the great diſcommodity and diſpleaſure, both of the Citizens and Inhabitants within the ſaid City and Suburbs thereof, as to all other perſons having recourſe to the ſame, to the great decay of the ſame City, if ſpeedy remedy the ſooner be not therein had, foreſeen and provided: (2) For remedy whereof, Sir William Boyer Knight, now Mayor of the ſaid City, intending and pondering the ſame Neceſſity, much willing to help and relieve the ſaid City and Suburbs with new Fountains and freſh Springs, for the commodity of the Kings ſaid Subjects, calling to him as well divers grave and expert perſons of his Brethren, and other of the Commonalty of the ſaid City, as other perſons, in and about the conveyance of Water well experimented, hath not only by diligent ſearch and exploration, found out divers great and plentiful Springs, at Hamſtead-Heath, Maribone, Hackney, Muſwel-hill, and divers places within five miles of the ſaid City, very meet, proper and convenient to be brought and conveyed to the ſame, but alſo hath laboured, ſtudied and deviſed the conveyance thereof by Conduits, Vaults and Pipes to the ſaid City, and otherwiſe, to his great travel, labour and pain, and alſo to the great charges and coſts of the Citizens of the ſaid City: which good and profitable purpoſe cannot ſort to concluſion, nor take good effect, without the aid and conſent of the Kings Majeſty, and of his High Court of Parliament: (3) Wherefore may it pleaſe the Kings Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, to eſtabliſh and enact, That it ſhall be lawful to the Mayor and Commonalty of the ſaid City of London for the time being, and to their ſucceſſors, aſſigns and ſervants, at all and every time and times hereafter, to enter into the grounds and poſſeſſions, as well of our ſaid Sovereign Lord the King, his Heirs and Succeſſors, as of every other perſon and perſons, bodies politick and corporate, where they ſhall find or know any ſuch Springs to be, or may be found for the intent aboveſaid, (ſo that it be not into their Houſes, Gardens, Orchards, or places incloſed with ſtone, brick, or mud walls) (4) and there to dig pits, trenches and ditches, to erect Heads, lay Pipes, and make Vaults, and to do all and every ſuch things in the ſame places and grounds which ſhall be meet, propiſe, and neceſſary only for the conveyance of the ſaid Water and Springs to the City, and the Suburbs of the ſame, (5) and alſo to have free ingreſs, egreſs and regreſs in and to all ſuch places where ſuch Heads, Pipes or Vaults ſhall be erected, laid or made, to view and ſee from time to time the ſaid Heads, Pipes, Suſpirals and Vaults, and them to amend, repair, tranſlate, and do all things neceſſary and convenient, as well for the finding of new Springs, as for the conveyance of any Water or Springs new found, or hereafter to be found, to the City and Suburbs aforeſaid, without interruption, let or impediment of the owners of the ground, their leſſees, aſſigns or miniſters, or any other perſon.

The Mayor of London may dig in any perſons ground, and lay pipes, and erect heads to convey water into the City, &c.

II. And further be it enacted by the ſaid authority, That the ſaid Mayor and his Succeſſors, and every of them, for the digging and breaking of any ſuch ſoil or ground, in any place or places for the intent and purpoſe aforeſaid, ſhall within the ſpace of one month next after any ſuch ground ſhall be broken by the miniſters or workmen of the ſaid Mayor or his ſucceſſors, or their aſſigns, for the intents and purpoſes aforeſaid, ſatisfie, content, and pay unto the owners or poſſeſſioners of the ſaid ſoil or ground ſo broken or digged, as much money for the ſame digging and breaking, as ſhall be adjudged and taxed by the determination and judgment of three or four indifferent men, to be aſſigned by the Lord Chancellor of England for the time being, by virtue of the Kings Commiſſion from time to time to them directed at the coſts of the ſaid Lord Mayor and Commonalty, and that to be uſed for evermore hereafter. (2) And that all ſuch ſums as after the ſaid time ſhall be taxed by the ſaid three or four men, by virtue of the ſaid Commiſſion, for ſatisfaction of any ſuch breaking or defacing of the ground, ſhall be paid and ſatisfied to the poſſeſſioner or poſſeſſioners, owner or owners of the ſaid grounds, or to their miniſter, aſſigns or officers by the ſaid Mayor or his ſucceſſors for the time being, within ten days next after the ſaid taxation or judgment ſo made and adjudged, (3) upon pain the ſaid Mayor or ſucceſſors, ſo denying or refuſing the payment thereof, for every ſuch offence to forfeit Thirteen ſhillings four pence, over and above the ſum ſo to be aſſeſſed; the one half of which forfeiture to be to the King our Sovereign Lord, his Heirs and Succeſſors, and the other moyety to the party grieved that will Sue for the ſame in any of the Kings Courts of Record, by Action of debt, bill, plaint, information, or otherwiſe; in which action, bill or plaint, no wager of Law, protection or eſſoin ſhall lie. (4) And nevertheleſs the party whoſe ground hereafter ſhall be ſo broken or digged, for non-payment of all ſuch ſums of money, as by the ſaid three or four men for the time being ſhall be taxed and adjudged, ſhall have an action of debt againſt the ſaid Mayor or his ſucceſſors, by whoſe commandment any ſuch ground ſhall be ſo broken, in any of the Kings Courts of Record, for the recovery of the ſame debt ſo taxed; in which action, no wager of Law, no protection nor eſſoin ſhall lie.

The Mayor, &c. of London ſhall make recompence to the owners of the ground digged.

A remedy for the party whoſe ground is broken to recover the money taxed againſt the Mayor, &c.

III. And if it ſhall happen that the ſaid three or four men ſo named by the Lord Chancellor, in form aforeſaid, do not, nor ſhall not agree in making any ſuch taxation for any digging, trenching, or breaking of ſuch ground within the ſaid time to them limitted, or that the ſaid Mayor or his ſucceſſors for the time being, do not offer or tender to the party ſo grieved a reaſonable amends and ſatiſfaction for the breaking, digging or trenching his or their ſaid ground, that then the party or parties ſo grieved, and whoſe land or ſoil ſhall be ſo hereafter ſubverted and broken, ſhall have his lawful remedy againſt the ſaid Mayor and his ſucceſſors, by whoſe commandment any ſuch ſoil or ground ſhall be for the purpoſe aforeſaid digged or broken, by action of treſpaſs, and to recover damages for the ſame; any thing in this preſent Act contained to the contrary notwithſtanding.

IV. Provided always, and be it enacted by the authority aforeſaid, That if the ſaid Mayor, his ſucceſſors, officers, miniſters or workmen, ſhall be interrupted, moleſted or prohibited at any time hereafter, to dig and trench any grounds for the intents aboveſaid, or for the laying of Pipes, making of Heads, Vaults or Fountains, concerning the conveyance of Waters and Springs to the ſaid City and Suburbs, or for the ſearch, repairing and amendment of the defaults of the ſame, or for the conveyance of any new Springs, or Water, or other things requiſite and neceſſary to be had, made or done at any time or times hereafter concerning the premiſſes or any of them, by any owner, leſſee, miniſter, officer, or other perſon whatſoever he be, then every ſuch perſon, owner, poſſeſſor, or perſons ſo moleſting, reſiſting or letting the ſaid Mayor or his ſucceſſors, or his or their officers, miniſters or workmen, contrary to the true meaning of this Act, ſhall forfeit for every ſuch offence, fourty ſhillings ſterling, the half thereof to be to the King our Sovereign Lord, and the other moyety to the Mayor and Commonalty of the City of London, and their Succeſſors, and the ſame to be recovered by action or plaint of debt, in any of the Kings Courts, in the which no protection, eſſoin, or wager of Law to be admitted or allowed.

The forfeiture of him who letteth the Mayor or any of his workmen to dig.

V. Provided alſo, and be it enacted, That it ſhall not be lawful to the ſaid Mayor nor

No water may be conveyed away that is brought to any perſons houſe.

Commonalty, nor to their ſucceſſors or miniſters, to take away any Water or Spring, now brought, or that hereafter ſhall be brought or conveyed by Pipes, or Trenches to the manſion of any perſon or perſons for the neceſſary uſe of their houſhold: nor that any perſon or perſons, by any way, deceit, mean, or other crafty conveyance, ſhall undermine, miniſh, withdraw or abate any Spring or Springs found, or hereafter to be found, now brought or conveyed, or at any time hereafter to be conveyed, fetched, and brought to the ſaid City, whereby the Water ſhall be miniſhed, ſtopped, abated, or otherwiſe altered from his due courſe and conveyance, upon pain to forfeit to the party grieved treble damages, the ſame to be recovered againſt the party offending, by action or plaint of debt in any of the Kings Courts, in the which no protection, eſſoign, nor wager of Law to be allowed.

No digging in the Kings ground without his licence.

VI. Provided alway, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained, ſhall extend to give any liberty or authority to the ſaid Mayor and Commonalty, or to any of their ſucceſſors, to enter, or dig in any of the Kings grounds, for or concerning the conveying of any Water in or to the ſaid City, without the Kings licence therein firſt had and obtained; any thing in this Act contained to the contrary notwithſtanding.

A pound of pepper ſhall be paid for fetching water from Hamſted-heath.

VII. Provided alway, and be it enacted by the authority aforeſaid, That if the ſaid Mayor and commonalty of the City of London, or their ſucceſſors, at any time hereafter do fetch and convey any Water from any Spring or Springs within the ſaid Heath called Hamſted-heath, unto the ſaid City, and there erect and make Heads and Vaults for the conveyance of the ſame Water, that then they the ſaid Mayor and Commonalty and their ſucceſſors, ſhall for ever yield, bear and pay yearly unto the Biſhop of Weſtminſter for the time being, and to his ſucceſſors, at the Feaſt of St. Michael the Archangel, one pound of Pepper, in and for the acknowledging him and them for the Lords and very owners of the ſaid Heath. (2) And that for the ſure payment thereof unto the ſaid Biſhop for the time being, and to his ſucceſſors, the ſaid Mayor and Commonalty for the time being, ſhall within three months next after the erection and making of any ſuch Heads and Vaults upon the ſaid Heath, make or cauſe to be made to the ſaid Biſhop for the time being, and his ſucceſſors, a ſufficient grant in writing under their common Seal, with clauſe of diſtreſs, within any their lands or tenements within the ſaid City of London, when and as often as it ſhall happen or fortune the ſaid pound of Pepper at any time after the grant thereof to be behind unpaid by the ſpace of ten days after the ſaid Feaſt, above limited for the yearly payment thereof, and it be lawfully asked or demanded by the ſaid Biſhop, or his ſucceſſors, or his or their aſſigns, of the ſaid Mayor and his ſucceſſors, upon any Court-day within the Guild-hall; this preſent Act of Parliament, or any thing therein contained to the contrary notwithſtanding.

A ſpring at the foot of Hamſted-heath.

VIII. Provided alſo, and be it further enacted by authority aforeſaid, That the ſaid Mayor and Commonalty, or their ſucceſſors, ſhall not any time hereafter meddle with the Spring at the foot of the Hill of the ſaid Heath called Hamſted-heath, now cloſed in with Brick, for the eaſe, commodity, and neceſſary uſe of the Inhabitants of the Town of Hamſted, nor do cauſe or procure to be done any thing, act or acts, to the impairing, hurt or diminiſhing of the Water of the ſame Spring at any time hereafter; this Act or any thing therein contained to the contrary notwithſtanding.

IX. And alſo, it ſhall and may be lawful to the ſaid Biſhop and his ſucceſſors, to dig, find and convey, or cauſe to be digged, found and conveyed from any Spring or Springs, in any ground or grounds on the left ſide of the high way leading from the Town of Hamſted aforeſaid towards Hendon, to the manor place of Hamſted aforeſaid, Water ſufficient for the uſe and commodity of the ſaid manor place, the ſaid Act or any thing therein contained to the contrary notwithſtanding.

CAP. XI.

The Bill for Knights and Burgeſſes in Wales, concerning the payment of their Fees and Wages.

Wales 118. By whom the Knights and Burgeſſes in the Parliament in Wales ſhall have their wages paid.

Where the Knights of all and every Shire of this Realm of England and Wales, and the Burgeſſes of all Cities, Towns and Boroughs of the ſame, be named, elected and choſen for their aſſembly in the Kings High Court of Parliament, as by ancient laudable Laws and Cuſtom of this Realm hath been uſed and accuſtomed, at and by the Kings Majeſties high commandments; unto the which Knights and Burgeſſes their Fees and Wages be aſſigned certainly; that is to ſay, to every Knight by the day Four ſhillings, and to every Citizen and Burgeſs by the day Two ſhillings or more, as heretofore hath been accuſtomed, (2) accounting for the ſame ſo many days, as the High Court of Parliament endureth, with addition thereunto of ſo many days as every ſuch Knight and Burgeſs may reaſonably journey and reſort from their habitations or dwelling places, to the ſaid High Court of Parliament, and from the ſaid High Court to return to their habitations, or dwelling places, together with their coſts of Writs, and other ordinary Fees and Charges; (3) which Wages, Fees and Charges, at all times ought to be levied and collected by the Sheriffs, and by the Mayors, Bailiffs, and other head Officers of and in Cities, Boroughs and Towns aforeſaid, wherein ſome of the ſaid Sheriffs, Mayors and Bailiffs, and other head Officers, have been negligent and laches, not endeavouring themſelves in accompliſhment of their Duties in Collection and Payment of the ſame in due form, according to juſtice, to the great hurt, injury and delay of the Kings ſaid Subjects; (4) Be it therefore enacted by the authority of this preſent Parliament, that the Sheriffs for the time being, of every of the twelve Shires in Wales, and in the County of Monmouth, from the beginning of this preſent Parliament, ſhall have full power and authority by force of this Act, to gather and levy, or cauſe to be gathered and levied, the ſaid Knights Fees and Wages, of the Inhabitants of the ſaid twelve Shires, and of the ſaid County of Monmouth which ought to pay the ſame: and the ſame ſo gathered ſhall pay or cauſe to be paid to every ſuch Knight or Knights, or to his or their aſſigns, within the term of two months after that any ſuch Knight or Knights ſhall deliver, or cauſe to be delivered the Kings Writ De ſolutione feodi

23 H. 6. 11.

The Sheriff of every County ſhall gather the wages of the Knights in every County in Wales and in Monmouth.

feodi militis Parliamenti, to any ſuch Sheriff; (5) and every ſuch Sheriff making default of payment of the ſaid fees or wages, in manner and form as is aforeſaid, to loſe and forfeit twenty pound, whereof the one moiety to be to the Kings uſe, and the other to his or their uſe that will ſue for the ſame, in any of the Kings Courts of Record, by Information, Bill or Plaint, or otherwiſe, afore any of the Kings Officers; wherein no Eſſoin, Protection or Wager of Law ſhall be admitted. (6) And if it ſhall happen any Sheriff in any of the ſaid twelve Shires and County of Monmouth, to make default of payment of the ſaid Wages or Fees, by a longer term then two months, then every ſuch Sheriff to forfeit for every month that he or they ſhall make default, twenty pounds, to be forfeited and levied in manner and form as is aforeſaid.

The levying of the wages of the Burgeſſes of the Parliament.

II. And that every Mayor and Bailiffs, and other head Officers of Cities, Boroughs and Towns in every of the ſaid twelve Shires, and in the ſaid County of Monmouth, within like term and ſpace of two months after the Receit of the Kings Majeſties Writ De ſolutione feod. burgent. Parliament. like as is before mentioned, for gathering and levying of the Knights Fees, ſhall levy, gather and pay the Wages and Fees to their Burgeſſes in like manner and form as is aforeſaid, and in and under like pains and forfeitures, as be before mentioned, to be levied of the Goods and Chattels of every ſuch Mayor, Bailiff, and other head Officer to whom the Kings ſaid Writ ſhall be directed for the levying of ſuch Fees, making default of payment of the ſaid Fees and Wages to the Burgeſſes, in manner and form as is aforeſaid.

Who ſhall be chuſers of the Burgeſſes of the Parliament in Wales and Monmouth.

III. And be it further enacted by the authority aforeſaid, foraſmuch as the Inhabitants of all Cities and Boroughs in every the ſaid twelve Shires within Wales, and in the ſaid County of Monmouth, not finding Burgeſſes for the Parliament themſelves, muſt bear and pay the Burgeſſes Wages within the Shire-towns, of and in every the ſaid twelve Shires in Wales, and in the ſaid County of Monmouth, that from the beginning of the ſaid Parliament, the Burgeſſes of all and every of the ſaid Cities, Boroughs and Towns, which be and ſhall be contributary to the payment of the Burgeſſes Wages of the ſaid Shire-towns, ſhall be lawfully admoniſhed, by Proclamation, or otherwiſe by the Mayors, Bailiffs, and other head Officers of the ſaid Towns, or by one of them, to come and to give their Elections for the Electing of the ſaid Burgeſſes, at ſuch time and place lawful and reaſonable, as ſhall be aſſigned for the ſame Intent by the ſaid Mayors, Bailiffs, and other head Officers of the ſaid Shire-towns, or by one of them; in which Elections the Burgeſſes ſhall have like Voice and Authority to Elect, Name and Chuſe the Burgeſſes of every the ſaid Shire-towns, like and in ſuch manner as the Burgeſſes of the ſaid Shire-towns have or uſe.

Rating of Boroughs and inhabitants for the Burgeſſes wages.

IV. Provided always, That two Juſtices of the Peace in every of the Shires in Wales, and in the ſaid County of Monmouth, by force of this Act, ſhall have full power and authority, indifferently to lot and tax every City, Borough and Town within the Shires in Wales wherein they do inhabit, and in the ſaid County of Monmouth, for the portions and rates that every the ſaid Cities and Boroughs ſhall bear and pay towards the ſaid Burgeſſes, within the ſaid Shire-towns of every of the ſaid Shires in Wales, and the County of Monmouth; (2) which Rates ſo rated and taxed in groſs by the ſaid two Juſtices of Peace, as is aforeſaid, ſhall be again rated and taxed on the Inhabitants of every the ſaid Cities and Boroughs by four or ſix diſcreet and ſubſtantial Burgeſſes of every the ſaid Cities and Boroughs in Wales, thereunto named and aſſigned by the Mayor, Bailiffs, or other head Officers of the ſaid Cities, Towns and Boroughs for the time being, and thereupon the Mayors, Bailiffs or other head Officers of every ſuch City, Borough and Town, to collect and gather the ſame, and thereof to make payment in manner and form as is aforeſaid, to the Burgeſſes of the Parliament for the time being, within like time, and upon the like pains and forfeitures as is above mentioned.

CAP. XII.

The Lords and Commons do remit unto the King all ſuch ſums of Money as he hath borrowed of them, or any other by way of Preſt, or Lone, by his Privy Seals, ſithence the firſt day of January, Anno 33 of his Reign. And if the King have paid to any perſon any ſum of Money which he borrowed by ſale of Land, or otherwiſe, the ſame perſon, his Heirs, Executors or Adminiſtrators ſhall repay the ſame again to the King. And if any perſon hath ſold his Privy Seal to another, the ſeller ſhall repay the Money to the buyer thereof. EXP.

Loon, Raſt. 3.

CAP. XIII.

The Kings Manors of Granges, Colinghams, Bots, Fens and Mariſhes, in the County of Norfolk, which ſometimes were parcels of the Poſſeſſions of the late Abbey or Priory of Walſingham, ſhall and may be granted by Copy of Court-roll, in Fee-ſimple for term of Life or Lives, by the Stewards of the ſaid Manors, their under-Stewards or Deputies, for ſuch Rents, Services, Fines, Herriots and Cuſtoms, as in the ſaid Copies ſhall be ſpecified, which Copies ſhall be good againſt the King, his Heirs, Succeſſors and Aſſigns. PR.

Walſingham, Raſt. 1.

CAP. XIV.

The Bill for the reſervation of Rents and Services of Lands holden of the King under the yearly value of fourty ſhillings.

Pleaſeth it your moſt excellent Majeſty, That whereas in the Parliament begun at Weſtminster the third day of November, in the One and twentieth year of your moſt gracious Reign, and by divers Prorogations there continued until the fourth day of February, in the Seven and twentieth year of your ſaid Reign, and then and there it was amongſt other things enacted, ordained and eſtabliſhed by Authority of your High Court of Parliament, That your ſaid Majeſty ſhould have and enjoy to your Highneſs, your Heirs and Succeſſors for ever, all and ſingular ſuch Monaſteries, Priories, and other Religious Houſes of Monks, Canons and Nuns, of what kinds and diverſities of Habits, Rules or Orders ſoever they were then called or named, which then had not in Lands, Tenements, Rents Tithes, Penſions or other Hereditaments, above the clear yearly value of Two hundred pounds, (2) and all the Sites and Circuits of all ſuch Religious Houſes, and all and ſingular the

Tenures 6. Tenures reſerved at the Kings pleaſure upon houſes and lands, being ſometimes Abbey lands under fourty ſhillings a year.

A rehearſal of the Statute of 27 H. 8. 28. which gave to the King the lands of all Abbeys not exceeding CC l. by the year.

the Manors, Granges, Meaſes, Lands, Tenements, Reverſions, Rents, Services, Tithes, Penſions, Advowſons, Patronages, Rights, Entries, Conditions, and other Hereditaments, appertaining and belonging to every ſuch Monaſtery, Priory, and other Religious Houſes, not having, as is aforeſaid, Lands and Tenements above the ſaid clear yearly value of Two hundred pounds, in as large and ample manner, as the Abbots, Priors, Abbeſſes, Prioreſſes, and other Governours of ſuch Monaſteries, Priories, and other Religious Houſes then had, or ought to have had the ſame, in the right of their Houſes. (3) And that your ſaid Highneſs ſhould have to you and your Heirs, all and ſingular ſuch Monaſteries, Abbeys, and Priories, which at any time within one year next afore the making of the ſaid Act, had been granted to your ſaid Majeſty by any Abbot, Prior, Abbeſs or Prioreſs, under their Covent Seals, or that otherwiſe had been ſuppreſſed or diſſolved, and all and ſingular the Manors, Lands, Tenements, Rents, Services, Reverſions, Tithes, Penſions, Portions, Churches, Chappels, Advowſons, Patronages, Rights, Entries, Conditions, and all other Intereſts and Hereditaments to the ſame Monaſteries, Abbeys or Priories, or to any of them then appertaining or belonging, to do and uſe therewith your Highneſs own will. (4) And furthermore by the ſaid Act it was ordained and eſtabliſhed, That all and every the premiſſes ſhould be in the order, ſurvey, and governance of your ſaid Highneſs Court, then erected and called the Court of the Augmentations of the Revenues of your Highneſs Crown, (5) except alway, and reſerved ſuch and as many of the ſame Manaſteries, Priories and Houſes, with all their Hereditaments and Poſſeſſions which your ſaid Highneſs by your Letters Patents under your Great Seal, ſhould then declare and limit to continue and be in their eſſential eſtate, and perſevere in the body and corporation, as they were before the making of the ſaid Act.

A tenure in capite and a yearly rent of the tenth part of the value, reſerved to the King upon every alienation.

II. And where alſo it was then further enacted by the authority aforeſaid, That upon all and ſingular Letters Patents then to be made under the Great Seal of England, of any manors, lands, tenements and hereditaments belonging or appertaining to any of the ſaid houſes compriſed in the ſaid Act, and committed to the ſurvey of the ſaid Court, to any perſon or perſons, or body politick, of any Eſtate of Inheritance, there ſhould be reſerved to your ſaid Highneſs, your Heirs and Succeſſors, a tenure by Knights ſervice in capite, and a yearly rent of the tenth part of the yearly value of the ſame lands, to be compriſed in every ſuch Letters Patents, according to ſuch rate as the ſame manors, lands and tenements given, ſhould be declared and expreſſed to be of yearly value in the ſame Letters Patents; any thing or clauſe contained in any Warrnt to the contrary thereof notwithſtanding: as more plainly at large it may appear by the ſaid Eſtatute; (2) ſince the making whereof, a great number of your moſt bounden, loving and obedient Subjects have purchaſed and obtained of your ſaid Highneſs, by your Graces Letters Patents, divers and ſundry houſes, lands, tenements and hereditaments, parcel of the premiſſes, by ſmall quillets, parcels and portions, according to their powers, abilities and ſubſtance, towards the ſuſtentation of themſelves, their wives and children.

What tenures the King may reſerve upon thoſe Abbey-lands which exceed not the yearly value of xl. s.

III. And foraſmuch as they be not able to maintain their poor family of the yearly iſſues and profits coming and growing of the ſaid ſmall quillets, houſes and tenements, paying and doing the rents and ſervices reſerved for and upon the ſame, in ſuch manner as of right appertaineth, (2) it may therefore pleaſe your ſaid excellent Majeſty, of your moſt abundant Grace, that in conſideration of the premiſſes, and for the eaſe and relief of your Subjects, that it may be enacted, ordained and eſtabliſhed by your Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That from and after the four and twentieth day of April, in the Five and thirtieth year of your moſt noble Reign, that your ſaid Highneſs, your Heirs or Succeſſors, ſhall or may at your will and pleaſure, upon your Letters Patents of any manors, lands, tenements, reverſions, rents, ſervices, tithes, penſions, portions, advowſons, patronages, or other hereditaments, not exceeding the clear yearly value of Fourty ſhillings, which were belonging to any of the ſaid houſes compriſed in the ſaid Act, whereby any Eſtate of Inheritance doth, or ſhall paſs from your ſaid Highneſs, your Heirs or Succeſſors, (houſes, tenements, cottages and gardens, whereunto no lands, tenements or hereditaments do appertain, only excepted) reſerve unto your ſaid Highneſs, your Heirs and Succeſſors either a tenure by Knights ſervice in capite, or elſe a tenure in ſoccage, or free burgage, and not in capite, at your free will and pleaſure, with the yearly rent of the tenth part of the ſaid lands and tenements to be compriſed in every ſuch Letters Patents, according to ſuch rate and value as the ſame manors, lands and tenements ſhall be expreſſed and rated to be of the yearly value in the ſame Letters Patents; (3) and the ſaid rent to be paid to the Officers of your Highneſs ſaid Court of the Augmentations of the Revenues of your Crown, to your ſaid Highneſs uſe, according as other Revenues there be and ſhall be paid by the authority of this Act.

Of houſes and gardens whereunto no land doth belong, no tenth ſhall be reſerved.

IV. And that of houſes, tenements, cottages and gardens, whereunto no lands, tenements or hereditaments do appertain, not being any of the Kings Princely Houſes, reſerved and kept by a Keeper thereof to the Kings uſe, which were belonging to any of the ſaid houſes compriſed in the ſaid Act, upon every the Letters Patents of any of the ſaid houſes, tenements, cottages and gardens to the which no lands do appertain, whereby any Eſtate of Inheritance doth or ſhall paſs therein from your ſaid Highneſs, your Heirs or Succeſſors, to reſerve unto the ſame your Highneſs, your Heirs and Succeſſors, at your own will and pleaſure, either a tenure by Knights ſervice in capite, or elſe a tenure in ſoccage or free burgage, and not in capite, with the yearly rent of the tenth part, as is aforeſaid; any Law, Statute, Cuſtom, Uſage, or any other thing or things heretofore to the contrary thereof in any wiſe notwithſtanding. 37 H. 8. 20. 7 Ed. 6. 3.

CAP.

CAP. XV.

Cambridge. Raſt. 1.

All perſons which have any houſes, lands, gardens, or other grounds in the Town of Cambridge adjoyning upon every high way, ſtreet or lane, in his own right, or the right of his wife; or, &c. ſhall cauſe the ſame to be paved with paving ſtone unto the middle of the ſame ways, and in length as their grounds do extend, and ſo ſhall from time to time maintain them, upon pain to forfeit ſix pence for every yard ſquare not ſufficiently paved, to the King and the Informer. PR.

CAP. XVI.

Spiritual Laws, Raſt. 1.

The King ſhall have authority during his life to name two and thirty perſons, viz. ſixteen Spiritual, and ſixteen Temporal, to examine all Canons, Conſtitutions and Ordinances, Principal and Synodal, and to eſtabliſh all ſuch Laws Eccleſiaſtical, as ſhall be thought by the King and them convenient to be uſed in all Spiritual Courts. Exp. St. 25 H. 8. 12. Sect. 7.

CAP. XVII.

The Bill for the preſervation of Woods.

Woods 1. An Ordinance for preſervation of Woods.

The King our Sovereign Lord perceiving and right well knowing the great decay of timber and woods univerſally within this his Realm of England to be ſuch, that unleſs ſpeedy remedy in that behalf be provided, there is great and manifeſt likelyhood of ſcarcity and lack, as well of timber for building, making, repairing and maintaining of houſes and ſhips, as alſo for fewel and fire-wood, for the neceſſary relief of the whole commonalty of this his ſaid Realm: (2) Wherefore be it ordained and enacted by his Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That in and upon all and ſingular ſeveral woods, commonly called Coppice, woods or under-woods, which from or after the Feaſt of Saint Michael the Archangel, which ſhall be in the year of our Lord God, M. D. XLIIII. ſhall be felled at xxiv. years growing or under, there ſhall be left ſtanding and unfelled for every acre of wood that ſhall be felled within the ſaid coppice, xij. ſtandils or ſtorers of Oak: (3) and if there be not ſo many ſtandils or ſtorers of Oak, that then there ſhall be left ſo many of other kind, that is to ſay, of Elm, Aſh, Aſp, or Beech, as ſhall make up the ſaid number of twelve ſtandils or ſtorers, likely to prove, and to be timber-trees, (4) the ſame ſtandils or ſtorers to be of ſuch ſtandils or ſtorers, as have been left there ſtanding at any the felling of the ſame coppice, woods, or under-woods in times paſt: and in caſe there be no ſuch ſtandils or ſtorers there ſtanding, which were there left at the laſt felling of the ſame coppice or under-woods, then the ſame ſtandils or ſtorers there to be left, ſhall be left, at this now next felling of the ſaid coppice, woods, or under-woods of ſuch moſt likelieſt Oaks: and if there be not ſufficient of Oaks, then of the moſt likelieſt Elms, Aſh, Aſp, or Beech, to prove and to be timber-trees, as ſhall grow within any ſuch ſeveral woods, coppice or under-woods, (5) and that the ſame ſtandils or ſtorers ſo left, ſhall be preſerved and not felled or cut down till they and every of them ſhall be of ten inches ſquare within three foot of the ground, (6) upon pain that every owner of every ſuch ſtandils and ſtorers having an eſtate of inheritance, or an eſtate for term of life of free-hold, or by copy of Court-roll, or for years in the ground or ſoil where the ſame ſtandils or ſtorers ſhall grow, cauſing or commanding any ſuch coppice, woods or under-woods, to be felled or cut down, and not leaving the ſaid ſtandils or ſtorers there ſtanding in form aforeſaid, to loſe and forfeit for every ſtandil or ſtorer ſo not left ſtanding in the ſaid coppice, woods, or under-woods, iij. s. iv. d. (7) And upon pain that every owner, as is aforeſaid, of any ſuch coppice, woods, or under-woods, cauſing or commanding any of the ſaid ſtandils or ſtorers ſo left, as is abovesaid, to be cut down contrary to the form of this Act, to forfeit and loſe for every of the ſaid ſtandils or ſtorers which ſhall be cut down, iij. s. iv. d. (8) the one half of which ſaid forfeitures to be to the King our Sovereign Lord, and the other half to be to the party that will ſue for the ſame in any Court of Record, by action of debt, bill, plaint or information, in which action, bill, plaint, and information, no protection, wager of law, nor eſſoin ſhall be admitted or allowed.

There ſhall be left xij. ſtandils in an acre of wood under twenty four years growth.

Woods preſerved of or under fourteen years growth. Cok. pl. fol. 366.

II. And be it further enacted by the authority aforeſaid, That all and ſingular coppice and under-woods, which after the ſaid Feaſt of Saint Michael the Archangel, ſhall happen to be felled or cut down at the age of xiv. years growth or under, and not being above the ſaid age, from and after the xx. day of April; next after the felling thereof, during the term of four years then next enſuing, ſhall be ſufficiently encloſed, or the ſprings thereof otherwiſe ſaved and preſerved from deſtruction by any manner of cattel or beaſts, by him or them which then ſhall have lawful intereſt and poſſeſſion in the ſaid woods, coppice or under-woods, as is aforeſaid, (2) upon pain of every perſon or perſons ſo bounden to encloſe, fence, ſave, or preſerve the ſaid coppice or under-woods, to forfeit and loſe for every rood thereof ſo not encloſed, fenced, ſaved or preſerved during the ſaid four years, three ſhillings four pence for every month that the ſaid coppice or under-woods ſhall happen to lie or be encloſed, not fenced, ſaved or preſerved, as is aforeſaid. (3) And that all and ſingular coppice or under-woods, which after the Feaſt of Saint Michael the Archangel, ſhall happen to be felled or cut down, being above the age of fourteen years growth, and not above the age of four and twenty years growth, from the twentieth day of April, next after the felling or cutting down thereof, during the term of ſix years enſuing the ſame twentieth day of April, ſhall be ſufficiently encloſed, or the ſprings thereof otherwiſe ſaved and preſerved from the deſtruction thereof by any manner of cattel or beaſts, by and at the coſts of ſuch which then ſhall have lawful intereſt and poſſeſſion in the ſaid woods or coppice, as is beforeſaid, (4) upon pain of every perſon or perſons ſo bounden to encloſe, fence, ſave or preſerve the ſaid coppice or under-woods, as is aforeſaid, to forfeit and loſe for every rood of land ſo not encloſed, fenced, ſaved, or preſerved during the ſaid ſix years, three ſhillings four pence, for every month that the ſame coppice or under-woods ſhall happen to lie or be uncloſed and not fenced, ſaved or preſerved, as is aforeſaid.

Woods above fourteen years growth.

No woods ſhall be converted to tillage or paſture.

III. And be it further enacted by the authority aforeſaid, That no perſon or perſons, after the ſaid Feaſt of St. Michael the Archangel, ſhall convert or turn into paſture or tillage, any ſuch coppice or under-woods, containing in quantity two acres or above, which now be wood or under-wood, and put or reſerved to the uſe or encreaſe of wood or under-wood, and being two furlong diſtant from the houſe of the owner thereof, or from the houſe whereunto the ſaid wood doth lie, appertain or belong: (2) upon pain to forfeit and loſe for every acre of wood ſo to be converted or turned from wood into paſture or tillage, fourty ſhillings.

IV. Provided alway, That this Act ſhall not extend to any coppice, woods or under-woods, deſtroyed or turned into tillage or paſture within twenty years laſt paſt, although the more part of any part thereof be now overgrown with buſhes or under-wood.

Woods above xxiv. years growth.

V. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons, bodies politick and corporate, which have, or hereafter ſhall have any ſeveral woods, or coppice growing and ſet with great trees, being above the age of twenty four years growth, ſhall at the felling or weeding thereof, leave ſtanding within the precinct of the ſaid wood and coppice, for every acre ſo felled, twelve trees of Oak of the ſame ſuch great trees, if there be ſo many trees of Oak there to be left, and for lack of Oaks, then to leave for every acre ſo felled as many other trees of Elm, Aſh, Beech, or Aſp, as ſhall make the full number of xij, of ſuch as ſhall be then there growing, (2) the ſame trees there ſo left, to ſtand, continue, and to be preſerved by ſuch owner or owners as is aboveſaid, during the ſpace of twenty years next after ſuch felling of the ſame woods. (3) And alſo ſhall from the twentieth day of April next after the felling thereof, during the term of ſeven years then next following; ſufficiently encloſe them, or the ſprings thereof otherwiſe ſave and preſerve from the deſtruction thereof by any manner of cattel or beaſts, (4) upon pain that every ſuch perſon or perſons, or bodies politick or corporate, being owners of the ſaid great woods as is aforeſaid, to forfeit and loſe for every ſuch great tree of the ſaid number lacking, and not left ſo ſtanding in the ſaid wood as is aboveſaid, vj. s. viij. d. (5) And upon pain that every owner of the ground or ſoil whereupon ſuch great trees, as is aforeſaid, ſhall be left ſtanding or growing, cauſing or commanding any of the ſaid great trees there ſo left ſtanding as is aforeſaid, to be cut down contrary to the form of this Act, to forfeit and loſe for every of the ſame great trees ſo left, which ſhall be ſo cut down as is aforeſaid, vj. s. viij. d. (6) and upon pain alſo to loſe and forfeit for every rood of ſuch great wood, ſo not encloſed, fenced, ſaved or preſerved during the ſaid ſpace of ſeven years, for every month iij. s. iv. d.

The wood ſhall be encloſed for ſeven years, or preſerved from cattel. Goulbolt. 167. pl. 235.

In what caſes the owners may fell their ſtandils.

VI. Provided alway, That it ſhall be lawful to every owner or owners of any the coppice, woods, under-woods, ſtandils or ſtorers, great woods and trees afore rehearſed, to fell, cut down, and take any of the ſame for building, repairing, encloſing and maintaining of houſes, orchards and gardens, and every of them, and for pailing, railing, or encloſing of Parks, Foreſts, Chaſes, or other grounds, and for making or repairing of water-works, damps, bridges, flood gates, making, repairing or amending of ſhips, and all other veſſels, and for all other things concerning their own uſes or affairs, in ſuch like manner and form, as he or they ſhould or might lawfully have done before the making of this Act; any thing in this preſent Act before mentioned to the contrary thereof notwithſtanding.

The felling of wood wherein others have common.

VII. And further be it enacted by the authority afareſaid, That it ſhall not be lawful to any perſon or perſons, which after the Feaſt of Saint Michael, ſhall have any woods or underwoods, wherein any other perſon or perſons juſtly hath, or hath uſed time out of mans remembrance, to have common of paſture, to fell or cut down the ſaid woods and under-woods there growing or being, or that ſhall grow or be in any ſuch woods or under-woods (except it be to his own uſe and occupation) until ſuch time as the fourth part of ſuch woods or under-woods or grounds, where the ſaid woods now grow, or as much as the fourth part of the ſaid ground or ſoil whereupon ſuch wood is or ſhall be growing, ſhall amount unto, ſhall be by the Lord or Owner for that time being, of the ſaid ground or ſoil, divided, ſet out, meted, bounded, fenced, and encloſed in manner and form as by this Act hereafter ſhall be declared, ordained and provided: That is to ſay, The ſaid Lord that then ſhall be owner of the ſaid ground or ſoil, ſhall call together the tenants and inhabitants being commoners in the ſaid ground or ſoil, or the more part of them, and upon the aſſembly and meeting of the ſaid Lord, tenants and Inhabitants, or the more part of them, the ſaid Lord owner, by the aſſent, conſent and agreement of the ſaid tenants and inhabitants, or of the more part of them, ſhall ſever, divide, ſet out, meet and bound the fourth part of the ſaid woods and underwoods, or ſo much thereof as ſhall amount to the full fourth part thereof. (2) And if the ſaid Lord, and the ſaid tenants and inhabitants, or the more part of them, cannot, will not, or do not aſſent, conſent and agree, for and upon the ſevering, dividing, ſetting out, meting and bounding of the ſaid fourth part of the ſaid woods and under-woods, or of as much thereof as ſhall amount to the full fourth part thereof, that then two Juſtices of the Peace, not being of the kin, alliance, councel or fee of or to the ſaid Lord or Owner, being thereunto appointed by the more number of the Juſtices of the Peace of the Shire where the ſaid ground or ſoil lieth, in their open quarter Seſſions, upon requeſt and ſuit made unto them by the Lord or Owner, or by his or their lawful Deputy or Deputies of the ſaid woods, under-woods, grounds or ſoil, ſhall have full power and authority to call before them, upon ſuch pains and penalties as the ſaid Juſtices ſhall limit and appoint, ſuch twelve of the ſaid commoners and inhabitants, nigh unto the ſame woods or under-woods, as by the diſcretion of the ſaid two Juſtices ſhall be thought meet and convenient: (3) And upon or after the apparance of the ſame Lord, owner, commoners and inhabitants, or the more part of them, the ſame Juſtices ſhall open and declare unto the ſame Lord, owner, commoners and inhabitants, the cauſe of their aſſembly and apparance, and that done, ſhall by the advice and aſſent of the ſaid Lord, owner, commoners and inhabitants, or their lawful deputy or deputies, or of the more part of them, effectually proceed to the ſevering, dividing, meting and bounding of the ſaid fourth part of the ſaid woods and under-woods or of ſo much thereof as ſhall amount to the fourth part thereof. (4) And if the ſame Juſtices, owners, commoners and inhabitants, or the more part of them, cannot or will not agree upon the diviſion, bounding, or ſetting out of the ſaid fourth part thereof, as is aforeſaid: that then the ſaid Juſtices ſhall have full power and authority by this Act, to ſever, divide, and ſet out by mete and bound, the fourth part of the ſaid woods and under-woods, or ſo much thereof under the ſame fourth part of the ſaid woods and under-woods, as ſhall by the diſcretions and wiſdoms of the

Where the wood ſhall be divided by two Juſtices of Peace.

ſaid Juſtices, be thought neceſſary and requiſite to limit and ſet out: (5) And within three months next after ſuch ſeverance and ſetting forth thereof, the owner or owners of the ſame woods or under-woods, in form afore declared, ſhall ſufficiently encloſe the ſame part of the ſaid ground or ſoil ſo ſet forth as is aforeſaid; (6) and after ſuch encloſure made, the ſaid owner of the ſaid woods or under-woods may at his liberty and pleaſure, fell, cut down, and take the ſaid woods and under-woods, being, or that ſhall be in or upon the ſaid coppice, woods, under-woods, ground or ſoil ſo ſet forth or any part thereof.

Within what time the wood divided by the Juſtices ſhall be incloſed.

VIII. Provided alway, and be it enacted by the authority aforeſaid, That there ſhall be left ſtanding and unfelled in and upon the ſaid part of every the ſame woods or under-woods, ground or ſoil ſo ſevered, bounden and ſet out diſtinctly in manner and form as is aforeſaid, at every felling thereof, ſuch and like number of ſtandils or ſtorers of young Oaks, or other young trees of Elm, Aſh, Aſp or Beech, if it be coppice or under-woods, which ſhall be ſo felled or cut down, and if the woods that ſhall be felled, ſhall be great trees or great woods, then ſuch number ſhall be left ſtanding of great trees in or upon the ſaid part to all intents, conſtructions and purpoſes, and upon like and the ſame penalties as is before limited and appointed for not leaving, reſerving and preſerving of ſtandils and ſtorers above appointed to be left ſtanding in ſeveral wood and grounds: (2) And that the ſaid part or parcel ſo ſevered, bounded and ſet out in manner and form aforeſaid, after every felling or cutting down of the coppice, woods or under-woods, for the time being, in or upon the ſame by the authority of this Act, ſhall be ſufficiently encloſed and fenced, and the incloſure thereof ſufficiently and continually kept, made, repaired, preſerved and maintained by the ſpace of ſeven years next after every felling thereof, in like manner and form to all intents and purpoſes, and upon the ſame and like pains and penalties, as is before limited, rehearſed and appointed for the not cloſing or fencing, and for the not keeping, maintaining, repairing and preſerving of the ſaid ſeveral coppice, under-woods and woods. (3) And alſo that the ſtandils, ſtorers, and great trees, limited and appointed to be left ſtanding in or upon the ſaid part, ſhall be there left ſtanding, preſerved and not cut down in ſuch like manner and form, and by all ſuch time, and upon ſuch like penalties, to all intents and purpoſes, as is afore limited, appointed and declared, for the preſervation and not felling of the ſaid ſtandils, ſtorers and great trees, limited and appointed to be left in and upon the ſaid ſeveral coppice, under-woods and woods. (4) And that after the ſaid felling of the ſaid coppice, under-woods and woods, ſtanding, growing or being, or that ſhall ſtand, grow or be in any ſuch part of any the ſaid woods, grounds or places, as is before declared, no beaſts or cattel during the ſpace of ſeven years next after the felling of the ſame woods, ſhall willingly by any perſon or perſons be put in, or ſhall be ſuffered to feed, or to continue in any parcel of any ſuch part ſo ſet forth as is aforeſaid, during the ſaid term of ſeven years next after the felling thereof, (5) upon pain of forfeiture and penalty of iv. d. for the putting in of every beaſt, or wilful ſuffering of every beaſt or cattel to be put into any of the ſaid ſeveral coppice, under woods or woods.

Storers left ſtanding in common woods incloſed and felled.

How long common woods incloſed ſhall be kept ſeveral. Alt, 13. El. c. 25.

Preſerving of ſtandils from cutting down.

How long woods incloſed from the common ſhall be preſerved from cattel.

IX. And if it ſhall happen any perſon or perſons, being owner or owners of any ſuch woods, under-woods or coppice, ſet, lying and being in any waſte ground, as is aforeſaid, to cut down any trees or under-woods, contrary to the form aforeſaid: that then every perſon or perſons, owner or owners ſo offending contrary to this Act, ſhall loſe and forfeit for every tree ſo cut down, vj. s. viij. d. (2) the one half of all the ſaid forfeitures to be to our Sovereign Lord the King, and the other moiety to ſuch perſon that will ſue for the ſame by bill, plaint, action of debt, or information in any of the Kings Courts of Record; in which ſuit no protection, wager of Law, or eſſoin ſhall be allowed nor admitted.

The forfeiture for cutting of wood in waſte ground.

X. Provided alway, and be it enacted by the authority aforeſaid, That foraſmuch as the ſaid tenants, commoners and inhabitants, ſhall be by authority of this Act excluded of their Common in the ſaid part ſo to be ſevered and ſet forth as is aforeſaid, by all the ſaid ſpace and term of ſeven years next after the felling or cutting down of the ſaid coppice, woods, and under woods, that ſhall grow in or upon the ſame part from time to time, that in recompence thereof, the ſame commoners, tenants and inhabitants, ſhall and may uſe, take and have their common for their cattel within the reſidue of the ſaid woods, under-woods, ground and ſoil not being encloſed, in manner and form as if this Act had never been had ne made. (2) And that the Lord being owner of the ſaid ground or ſoil, ſhall be by the authority of this Act excluded and foreclosed, to put or have any cattel or beaſts in or upon the ſame reſidue, or to take any profit of the paſture in or upon the ſaid reſidue, during, and by all the ſaid term and time of ſeven years next after the felling or cutting down of the ſaid coppice, woods or under-woods, being or growing, or that ſhall be or grow in or upon the ſaid part which ſhall be ſo ſevered, divided, ſet out, bounded and encloſed as is aforeſaid: (3) And that from and after the ſaid ſeven years expired and ended, until the next felling or cutting down of the ſaid coppice, woods, or under-woods being upon the ſaid part, being ſo ſevered and divided as is aforeſaid, as well the ſame part as the ſaid reſidue of the ſaid ground and ſoil, ſhall lie and be uſed in common, and the paſture and other profits thereof ſhall and may be uſed and taken as well by the Lord, being owner of the ſaid ground or ſoil, as by the ſaid tenants, commoners and inhabitants, in like manner, form and condition, as it ſhould or ought to have been before the making of this Act, and as if this Act had never been had or made; any thing in this Act contained to the contrary thereof notwithſtanding.

The Lord of the wood excluded of his common and paſture in the reſidue.

XI. Provided alſo, That it ſhall be lawful to every perſon and perſons to fell and to incloſe all their coppice, woods and under-woods in any waſte grounds, which before the making of this Act have been uſed to be encloſed, preſerved and kept for the maintenance of wood and under-wood; any thing in this Act to the contrary notwithſtanding.

Woods uſed to be encloſed.

XII. And whereas peradventure the Lord or owners of the foreſaid woods and under-woods, after that they have encloſed and fenced the fourth part thereof, or as much of the ſame as ſhall be to them limited and aſſigned by the ſaid Juſtices of Peace or Commoners, will not or do not fell the ſame woods and under-woods ſo encloſed or to be encloſed, but ſuffer the ſame to ſtand and grow, whereby the Commoners, who ought to have their common of paſture

The commoners ſhall enjoy their common ſo long as the wood is unfelled.

ſture within the ſame part ſo encloſed, ſhall loſe and be put from their ſaid commons therein: (2) Be it therefore enacted by the authority aforeſaid, That if the ſame part of wood and underwood ſo encloſed be not felled within four months next after the encloſing thereof; that then, and ſo long as the ſame woods ſhall not be felled, it ſhall be lawful to the ſaid Commoners to put their Cattel into the ſame wood and ground ſo encloſed, and that the owner thereof ſhall leave open convenient places within the ſame encloſure, whereby the Commoners beaſts may have acceſs, and come into the ſame wood ſo encloſed, and there to paſture and feed as long as the ſame wood ſhall ſtand and be unfelled; any thing contained in this Act to the contrary notwithſtanding.

Woods growing in the Wilds of Kent, Surrey, or Suſſex.

XIII. Provided alway, and be it enacted by authority aforeſaid, That this Act ne any thing therein contained or expreſſed, extend or be prejudicial to any of the Lords or owners of the woods, under-woods, or wood-lands, growing or being within any of the Towns, Pariſhes or places, commonly called or known to be within the Wilds of the Counties of Kent, Surrey and Suſſex, or of any of them, other then only to the common woods growing and being within any of the ſaid Wilds of the ſaid Counties of Kent, Surrey and Suſſex; any thing in this preſent Act to the contrary notwithſtanding.

Bargains for wood made before the Statute.

XIV. Provided always, That this preſent Act, or any thing therein contained, ſhall not extend, or be prejudicial or hurtful, or extend to charge any perſon or perſons, which before the Feaſt of St. Michael the Archangel, in the four and thirtieth year of the Reign of our Sovereign Lord King Henry the Eighth, have bargained and bought woods or great trees, growing in any the ſame woods, for or concerning the felling and cutting down of the ſame woods or trees, or not leaving of any ſtandils or ſtorers of and in the ſame, according to the tenour of this preſent Act; any thing, penalty or forfeiture in this preſent Act contained to the contrary thereof notwithſtanding.

To what timber trees this Statute extendeth not.

XV. Provided alway, and be it further enacted by the authority aforeſaid, That this Act or any thing therein contained, ſhall not extend to charge any perſon or perſons with any penalty or penalties contained in this preſent Act, for or concerning any timber-trees growing within two miles of the ſea, in the County of Cornwal, or any other timber-trees within the Realm, being ſear and dead in the tops, or any timber-trees to be taken by virtue of the Kings Highneſs Commiſſion within the Realm, or for or concerning any offence done contrary to the tenour of this Act: unleſs the ſame perſon or perſons offending this Act, be ſued for the ſame within one year next after the ſame offence committed or done; any thing in this Act contained to the contrary notwithſtanding.

Within what time the offender muſt be ſued.

The penalty for breaking of wood hedges.

XVI. Provided always, and be it further enacted by the ſaid authority, That if any perſon or perſons do break or deſtroy any ſeveral fences or hedges, made or to be made for the ſaving of the ſame woods, under-woods, grounds or ſoils, that every perſon ſo offending ſhall forfeit and loſe for every ſuch offence, ten ſhillings.

Swine ſhall not go in a wood unringed

XVII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſuffer his Swine, being of the age of ten weeks or above, during ſuch years as the ſaid woods be appointed and ordained by this Act to be encloſed, at any time after the firſt day of Auguſt next coming, to go or run in any common or ſeveral ground or woods, unleſs the ſame ſwine be ſufficiently ringed or pegged, that then the owner or owners of every ſuch ſwine ſhall forfeit and loſe for every ſuch his ſwine that ſhall ſo go or run in any the ſaid grounds, woods or under-woods, and not being ſufficiently ringed or pegged, as is aforeſaid, from and after the ſaid firſt day of Auguſt next coming, four pence: (2) the one half of all and every the ſaid forfeitures, if it be in any of the Kings woods or grounds, to be to his Highneſs, and the other to the finder thereof: And if it be within any other perſon or perſons ſaid grounds, woods or under-woods, then the one half of all and every the ſame forfeitures to be to the owners of the ſoil, and the other part thereof to be to him that will ſue for the ſame by bill, plaint, action, information or otherwiſe, in any Court of Record, wherein no wager of Law, eſſoin or protection ſhall be allowed nor admitted.

The fencing of a Wood in a Park where Deer be.

XVIII. Provided alway, That were any woods or under-woods ſhall after the ſaid Feaſt of St. Michael the Archangel, be felled or cut down in any park or ground encloſed, wherein any Deer ſhall be then kept, that the owner or owners, poſſeſſioner or poſſeſſioners of ſuch Park and Parks, or grounds encloſed for Deer, to be chargeable for the encloſure and preſervation of the ſame, as is aforeſaid, but only for the ſpace of four years after any ſuch time of felling or cutting down of the ſame coppice, woods or under-woods, and not above; any thing contained in this Act to the contrary in any wiſe notwithſtanding.

Where a ſtranger is cauſe of an offence, he only ſhall be puniſhed.

XIX. Provided alſo, and be it enacted by the authority aforeſaid, That if the incloſure or incloſures of any of the ſaid coppice, woods, under-woods or grounds, happen to be broken or pulled down by any perſon or perſons againſt the wills and minds of the owner or owners, poſſeſſioner or poſſeſſioners of the ſame woods or under-woods, whereby cattel or beaſts eſcape into the ſame woods, grounds or under-woods, and deſtroy and hurt the ſpring thereof, or if the ſame woods, grounds or under-woods be by any means deſtroyed, hurted or hindred by any manner of perſon or perſons, or by the cattel or beaſts of any perſon or perſons without the aſſents, minds and wills of ſuch owner or owners, poſſeſſor or poſſeſſors; that then, and in every ſuch caſe, the ſaid penalties contained in this Act, to be extended upon the ſame perſon or perſons in or by whoſe default the ſame ſpring, wood or under-wood ſhall be ſo deſtroyed, hurted or hindred, and not upon the owner or owners, poſſeſſor or poſſeſſors of the ſaid woods, grounds or underwoods; any thing contained in this Act to the contrary thereof in any wiſe notwithſtanding.

Within two years Colts and Calves may be put into fenced woods.
Alt. 13. El. 25.

XX. Provided alſo, and be it furthermore enacted by the authority aforeſaid, That it ſhall and may be lawful to every owner and owners, poſſeſſor and poſſeſſors, their farmors and aſſigns, of all and ſingular the ſaid woods, under-woods, grounds and coppice, after ſuch time as the ſame woods, under-woods, grounds and coppice have been fenced and encloſed, or the ſpring thereof otherwiſe preſerved by the ſpace of two years next after the felling thereof, to put Colts and Calves, being under the age of one year, into the ſaid woods, under-woods, grounds and coppice; any thing contained in this Act to the contrary thereof in any wiſe notwithſtanding.

XXI. And this preſent Act and Acts to endure only by the ſpace of ſeven years next after the ſaid Feaſt of St. Michael the Archangel; and from thence until the end of the next Parliament. 13 El. 25. made perpetual. Co. lib. 8. fol. 138.

CAP. XVIII.

The Kings general Pardon of all Treaſons, Felonies, Robberies, Offences, Contempts, Treſpaſſes, Wrongs, &c. Saving ſuch which be excepted, &c. confirmed by Parliament. EXP.

Pardon, Raſt. 44.

Anno triceſimo ſeptimo HENRICI octavi.

STatutes made in the Parliament holden at Weſtminſter in the ſeven and thirtieth year of the moſt renowned Henry the Eighth, by the Grace of God, King of England, France and Ireland, Defender of the Faith, and of the Church of England, and alſo of Ireland, in Earth Supream Head.

CAP. I.

A Bill for Cuſtos Rotulorum and the Clerk of the Peace.

Clerk of the Peace 1. Who ſhall appoint the Cuſtos Rotulorum, and Clerk of the Peace in every County.

Inconveniences enſuing by the ignorance of the Clerk of the Peace.

WHere before this time the Lord Chancellor of England for the time being, hath by reaſon of his Office of the Chancellorſhip, the nomination and appointment of the Cuſtos Rotulorum within all and every Shire of this Realm of England and Wales, and other the Kings Dominions, Marches and Territories of the ſame, (2) And that in like manner all and every perſons which had and enjoyed the ſaid Office of the Cuſtos Rotulorum, hath had until now of late, the nomination and appointment of the Clerk of the Peace within ſuch Shires where he or they had and enjoyed the ſaid Office of the Cuſtos Rotulorum: (3) And where now of late divers and ſundry perſons within this Realm, being not learned, nor yet meet ne able for lack of knowledge and learning to occupy and exerciſe the ſaid Office of the Cuſtos Rotulorum, and of the Clerkſhip of the Peace, have of late years by labour, friendſhip and means, attained and gotten for term of their lives, of the Kings Majeſty, ſeveral Grants by his Highneſs Letters Patents to them made of the ſaid Clerkſhips of the Peace: By reaſon whereof, and for that the parties to whom the ſaid ſeveral Grants have been ſo made and granted, have not been ſufficiently learned to exerciſe and occupy the ſame Office and Offices, many and ſundry endictments, as well of felony, murder, and other offences and miſoemeanors, and the proceſs awarded upon the ſame endictments, have not only been by reaſon thereof made clearly fruſtrate and void, ſometime by reaſon of the negligent ingroſſing and keeping of the ſaid endictments, and ſometime by reaſon of the imbeſilling or raſure of the ſame endictments, (4) but alſo divers and ſundry bargains and ſales of divers and ſundry manors, lands and tenements had and made between party and party, have been made fruſtrate and void for lack of ſufficient enrollment of the bargains and ſales to be had and made, by the Clerks of the Peace, to the great hindrance of Juſtice, and to the diſinheritance of divers of the Kings moſt loving Subjects.

II. For reformation whereof, to the intent that Juſtice may be the better hereafter preferred, and that the ſame Offices may hereafter be occupied and exerciſed by ſuch perſons learned in the Laws of this Realm, as ſhall be able to exerciſe and ſupply the ſame: (2) Be it enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no perſon or perſons ſhall from henceforth be nominated and appointed to the ſaid Office and Offices of the Cuſtos Rotulorum within any Shire of this Realm of England, Wales, and other the Kings Dominions, Marches or Territories of the ſame, but ſuch as ſhall have a Bill ſigned with the Kings hand for the ſame; (3) which Bill ſigned ſhall be a ſufficient Warrant by the authority aboveſaid, to the ſaid Lord Chancellor of England, and the Lord Keeper of the Great Seal for the time being, to make from time to time Commiſſion or Commiſſions, aſſigning and authorizing thereby the ſame perſon to be Cuſtos Rotulorum, until the King hath by another Bill aſſigned with his own hand, appointed and ordained one other perſon to have, occupy and exerciſe the ſame Office of the Cuſtos Rotulorum, *(4)* and that the ſaid perſon appointed and aſſigned to be Cuſtos Rotulorum, as is aboveſaid, ſhall and may occupy, exerciſe and enjoy the ſame Office of the Cuſtos Rotulorum, by himſelf, or by his ſufficient Deputy, learned in the Laws of this Realm, and meet and able to ſupply the ſaid Office according to the tenor of the ſaid Grant or Commiſſion.

The Cuſtos Rotulorum ſhall be appointed in every County by Bill ſigned with the Kings own hand. Alt. 3 & 4 Ed. 6. 1.

III. And be it further enacted by the authority of this preſent Parliament, That every Cuſtos Rotulorum for the time being, ſhall at all times hereafter in every Shire of this Realm, Wales, and other the Kings Dominions, Marches and Territories of the ſame, nominate, elect, appoint and aſſign all and every perſon and perſons which hereafter ſhall be Clerks of the Peace within any of the ſaid Shires of this Realm of England, Wales, and other the Kings Dominions, Marches and Territories of the ſame, *(2)* and to give and grant the ſaid Office and Offices of Clerkſhip of the Peace, to ſuch able perſon inſtructed in the Laws of this Realm, as ſhall be able to exerciſe and occupy the ſame, to hold and enjoy the ſame during the time that the ſaid Cuſtos Rotulorum ſhall occupy and exerciſe the foreſaid Office of Cuſtos Rotulorum: ſo that the ſaid Clerk demean him in the ſaid Office juſtly and honeſtly: (3) And that it be lawful to every ſuch Grantees of the ſaid Clerkſhip, to occupy and enjoy the ſame Office of the Clerkſhip of the Peace, by himſelf, or by his ſufficient Deputy, inſtructed in the Laws of this Realm, ſo that the ſame Deputy be admitted, taken and reputed by the ſaid Cuſtos Rotulorum, to be ſufficient and able to exerciſe, occupy, keep and enjoy the ſame Office of the Clerkſhip of the Peace.

The Cuſtos Rotulorum ſhall appoint the Clerk of the Peace.

The Clerk of the Peace may make a Deputy by the aſſent of the Cuſtos Rotulorum.

IV. Provided alway, and be it enacted by the authority aboveſaid, That all ſuch as now have any of the ſaid Offices of Cuſtos Rotulorum, or Clerkſhip of the Peace, by the Kings Letters Patents of Commiſſion to them made, ſhall and may enjoy, have and exerciſe their ſaid Offices by virtue of the ſame Letters Patents, or Commiſſion by themſelves, or by their ſufficient and able Deputy inſtructed in the Laws of this Realm; Any thing in this preſent Act had or made to the contrary notwithſtanding.

Perſons having authority to aſſign Cuſtos Rotulorum, or Clerk of the Peace.

V. Provided alſo, and be it enacted by authority abovesaid, That the Archbiſhop of York, the Biſhop of Durham, the Biſhop of Ely, and every of their Succeſſors, and all and every ſuch perſon and perſons, Corporations and bodies corporated, to whom the Kings Majeſty, or any of his noble Progenitors by his or their Letters Patents have given and granted any liberty and authority, or otherwiſe have authority by other lawful means or ways, to ordain, make and conſtitute any of the ſaid Officers of Cuſtos Rotulorum, or Clerk of the Peace within any County Palatine, or other place, ſhall and may have and enjoy the ſame liberty and authority, according as they have had and enjoyed the ſame; Any thing in this preſent Act had or made to the contrary notwithſtanding.

CAP. II.

Hounſlow-heath, Raſt. 1.

Hownſlow-heath in the County of Middleſex, which doth contain four thouſand two hundred fourſcore and thirteen Acres, and one Rood of ground, extendeth into ſeveral Pariſhes: So much thereof as is the Kings Inheritance, and is meet for Tillage, Paſture, Meadow, or other ſeveral ground, ſhall be of the nature and condition of copy-hold Land: Or the ſame may be letten by the Steward of the Manor at will, or for xxj. years, which Leſſee ſhall or may improve it. P R.

CAP. III.

High-ways, Raſt. 2.

Huntington Lane near the City of Cheſter, being in length two miles and an half, ſhall be from time to time repaired by one that ſhall dwell in the ſaid Lane, and ſhall have Paſture for five Kine or Beaſts in the high-way from Bothil to Butterback Bridge. Sir William Stanley and Sir Hugh Calvely, and their Heirs males being of full age, and in default of them, rhe Mayor and Aldermen of Cheſter, ſhall appoint the ſame party, and remove him if he be negligent in repairing any part of the ſaid way.

CAP. IV.

A Bill for Colledges, Chantries, &c.

Monaſt. 14. That all Chappels, &c. ſhall be in the Kings diſpoſition. 3 Bulſtr. 152.

IN their moſt humble wiſe ſhewen unto your Royal Majeſty your loving Subjects, the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, That where there have been divers Colledges, Free Chappels, Chantries, Hoſpitals, Fraternities, Brotherhoods, Guilds, and ſtipendary Prieſts, having perpetuity for ever within this your Realm of England, Wales, and the Marches of the ſame, of which, ſome of them by the licence of your gracious Highneſs, or of your noble Progenitors, and ſome of them by Feoffments and Wills thereupon declared, and ſome of them by other deviſes, conveyance and aſſurance, have been incorporated, eſtabliſhed, founded, erected, had or made by divers names, ſirnames, degrees and corporations, to have had a perpetual continuance forever: (2) ſithence which time divers and many of the donors, founders or patrons, or ſuch as pretend to be donors, founders or patrons, of the ſame Colledges, free Chappels, Chantries, Hoſpitals, Fraternities, Brotherhoods, Guilds, and ſtipendary Prieſts, and divers other, of their avaricious and covetous minds, and of their own authority, without your gracious licence, have of late entred into the manſion houſes, manors, lands, tenements, and other hereditaments, to the ſame Colledges, free Chappels, Chantries, Hoſpitals, Fraternities, Brotherhoods, Guilds, and ſtipendary Prieſts belonging and appertaining, and have expulſed the Prieſts, Wardens, Maſters, Miniſters, Rulers, Governours and Incumbents of the ſame, out and from the poſſeſſion thereof, and they, their heirs and aſſigns, do occupy and enjoy the ſaid manſion houſes, manors, lands, tenements and hereditaments, and do receive, take and employ, and convert the rents, iſſues, revenues and profits of the ſame to their own proper uſes: (3) And ſome of the ſaid Prieſts, Wardens, Maſters, Miniſters, Rulers, Governours and Incumbents of the premiſſes, by covin between them and the patrons, donors or founders of the ſame, or of ſuch as pretend to be patrons, donors or founders of the ſame, or other, have alſo of their own authority, without your Graces licence, bargained and ſold all, or part of their manors, lands and tenements annexed, united, pertaining or belonging to their ſaid Colledges, free Chappels, Chantries, Hoſpitals, and other the ſaid promotions: (4) and ſome of the ſaid Prieſts, Wardens, Maſters, Miniſters, Rulers, Governours and Incumbents, by the aſſent and conſent of their patrons, donors, founders, or ſuch other as have had intereſt in the ſame: and ſome of the ſaid Prieſts, Rulers, Governours and Incumbents, of their own authority, without the aſſent of their patrons, donors or founders, or of ſuch other as have had intereſt in the ſame, have now of late made leaſes for term of life or lives, or for term of years of their ſaid free Chappels, Chantries, Hoſpitals, Fraternities, Brotherhoods, Guilds, or other the ſaid promotions, or of the manors, lands, tenements, and other the premiſſes, or of part thereof, and have not reſerved the cuſtomable rent and farm that the ſame hath been uſed to be letten for: (5) And ſome of them by covin have ſuffered recoveries, levied fines, and made feoffments, and other conveyances of all or part of their ſaid poſſeſſions, by reaſon whereof divers of the ſaid free Chappels, Chantries, Hoſpitals, and other promotions abovesaid, been clearly diſſolved, extinct or determined, contrary to the wills, minds, intents and purpoſes of the founders, donors or patrons of the ſame, and to the great contempt of your Majeſty, and of your Authority Royal. (6) And we your Graces moſt loving, humble and obedient Subjects right well knowing and perceiving the exceeding great and ineſtimable charges, coſts and expences which your Majeſty hath had and ſuſtained, and daily doth ſuſtain, as well for the maintenance of theſe preſent wars againſt the Realms of France and Scotland, and for the preſervation and defence of us your ſaid Subjects, againſt the invaſions and malice of your enemies the Frenchmen and Scots, (who daily do ſtudy, deviſe and attempt to grieve, annoy and hurt your ſaid Subjects) as alſo for the maintenance of your moſt Royal eſtate, honour, dignity, and eſtimation, which all your ſaid loving Subjects of natural duty been bound to conſerve and increaſe by all ſuch ways and means as they can deviſe: do therefore with our whole voice, petition and interceſſion, moſt humbly beſeech your Majeſty, that it may be edacted, ordained and enabliſhed by your Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, by the authority of the ſame, in manner and form following, that is to ſay:

The ſeveral means whereby the lands of Colledges, Chantries, &c. have been abuſed by the Governours thereof, and others.

Several cauſes of the Kings great expences and charges.

II. Be

All Colledges, Chantries, Hoſpitals &c. made to have continuance for ever, and all their manors, lands, and hereditaments given to the King.

II. Be it enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and ſingular the ſaid Colledges, free Chappels, Chantries, Hoſpitals, Fraternities, Brotherhoods, Guilds, and other the ſaid Promotions had or made to have continuance in perpetuity for ever, and being, or that hath or ought to be contributary or chargeable to the payment of the Firſt-fruits and Tenths, according to the Laws and Statutes in that behalf had and made, by what Name, Surname, Degree or Corporation, they or any of them were founded, ordained, eſtabliſhed, erected, named, called or known, and all and ſingular the Manſion Houſes, Manors, Orchards, Gardeus, Lands, Tenements, Paſtures, Woods, Waters, Rents, Reverſions, Services, Commons, Tithes, Penſions, Portions, Churches, Chappels, Advowſons, Nominations, Patronages, Annuities, Rights, Intereſts, Entries, Conditions, Leets, Courts, Liberties, Priviledges, Franchiſes, and other Hereditaments whatſoever they be, appertaining or belonging, or that did appertain or belong, or were aſſigned or appointed to any ſuch Colledge, free Chappel, Chantry, Hoſpital, Fraternity, Brotherhood, Guild, ſtipendary Prieſt, or other the ſaid Promotions, or to any of them, or accepted, known, or taken as part, parcel, or member of them, or of any of them, and to the ſaid Colledges, Chantries, free Chappels, Hoſpitals, Fraternity, Brotherhood, Guild, ſtipendary Prieſt, or other Promotions, or to any of them united or annexed, which between the fourth day of February, in the ſeven and twentieth year of the Reign of our ſaid Sovereign Lord the King, and the five and twentieth day of December, in the ſeven and thirtieth year of the ſaid Kings Reign, by reaſon of any ſuch Entry, Expulſion, Bargain, Sale, Feoffment, Fine, Recovery, Leaſe, or other Conveyance thereof had or made, been diſſolved, determined, relinquiſhed or extincted by any of the ways, means or conveyances aforeſaid, or otherwiſe, other then ſuch of them as now be, or were in the poſſeſſion of our ſaid Sovereign Lord the King, or that been granted or aſſured by his Highneſs licence, agreement, conſent or Letters Patents, to any other perſon or perſons, or have been lawfully obtained, or recovered by any perſon, by any former right or title, without fraud or covin, or by the Kings licence, ſhall from henceforth (by authority of this Act) be adjudged and deemed, and alſo be in the very actual and real poſſeſſion and ſeiſon of the King our Sovereign Lord, and of his Heirs and Succeſſors for ever, (2) in as large and ample manner as the ſaid Prieſts, Wardens, Maſters, Miniſters, Governours, Rulers, or other Incumbents, or any of them, or the patrons, donors, or founders of them, or of any of them, at any time ſithence the ſaid fourth day of February, in the ſeven and twentieth year aforeſaid, had, occupied or enjoyed, or now hath, occupieth or enjoyeth the ſame, and as though all and ſingular the ſaid Colledges, Chantries, Hoſpitals, free Chappels, Fraternities, Brotherhoods, Guilds, and other the ſaid promotions, and the ſaid manors, lands, tenements, hereditaments, and other the premiſſes whatſoever they be, and every of them, were in this preſent Act ſpecially, particularly and certainly rehearſed, named and expreſſed by expreſs words, names, ſurnames, corporations, titles and faculties, and in their natures, kinds and qualities, the ſaid entries, expulſions, bargains, ſales, fines, feoffments, recoveries, or other aſſurance or conveyance whatſoever they be, had or made (except before excepted) to the contrary notwithſtanding.

Rents or annuities granted by other in conſideration of any bargain of the ſaid lands.

III. And be it further enacted by the authority aforeſaid, That all covenants, bonds, and grants of any rent or annuity, made by any perſon or perſons to any Chantry Prieſt, or other, having any of the ſaid promotions, for and in conſideration of any bargain, grant, or other aſſurance made of any of the ſaid promotions, or any part of them, ſhall be void and fruſtrate.

He that hath ſold and taken money for any Chantry, Colledge &c. lands, ſhall repay the ſame money again.

IV. And over that it is ordained and enacted by the authority aforeſaid, That all and every perſon and perſons, being in life, which have or hath for any ſum of money to him or them paid, bargained or ſold any manors, lands, tenements, or other hereditaments, that did belong or appertain to any of the ſaid Colledges, Chantries, free Chappels, Hoſpitals, Fraternities, Guilds, or other promotions aforeſaid, diſſolved, relinquiſhed or determined after the ſaid fourth day of February, as is abovesaid, ſhall repay to ſuch perſons as ſo bought any of the ſaid manors, lands, tenements, or other hereditaments, or to his executors or aſſigns, upon a requeſt therefore made, as much money as he or they received for the ſale of the thing ſo by him or them ſold: (2) and for non-payment thereof, ſuch perſon and perſons as purchaſed or bought the ſaid lands, tenements, and other the premiſſes, or any parcel thereof, ſhall be enabled by the authority aforeſaid, to ſue and maintain an action of debt at the Common Laws of this Realm, againſt ſuch perſon or perſons as ſo bargained or ſold to him or them, or to their Teſtator, any of the premiſſes belonging to any Colledge, Chantry, free Chappel, Hoſpital, Fraternity, Guild, or other promotion aforeſaid; in which action of debt, no eſſoin, protection, or wager of Law ſhall be admitted or allowed.

Aſſurances made to the King of the lands of any Colledge, Chantry, &c. ſhall be good.

V. And be it further enacted by the authority aforeſaid, That all and every gifts, grants, ſurrenders, and all and every other aſſurances, had, made or done to the Kings Highneſs of any of the ſaid Colledges, Chantries, and other the ſaid promotions, or of any manors, lands, tenements, or other hereditaments to any of them annexed, united or belonging, at any time between the ſaid fourth day of February, in the ſaid ſeven and twentieth year of our ſaid Sovereign Lord the Kings Reign, and the ſaid five and twentieth day of December, in the ſeven and thirtieth year of his moſt gracious Reign, ſhall be by the ſaid authority taken, judged and deemed good and perfect, to all intents, conſtructions and purpoſes, as well againſt the ſaid Chantry Prieſts, Maſters, Wardens, Miniſters, Governours, Rulers, and other having any the ſaid promotions, their ſucceſſors and aſſigns, and the ſucceſſors and aſſigns of every of them, as againſt all and every founder, donor and patron thereof, and every of them, and the heirs and ſucceſſors of them, and every of them.

All letters patents granted by the King, & all aſſurances made by his conſent of any Colledges and Chantries, &c. ſhall be good.

VI. And be it further enacted by the authority aforeſaid, That all and every Letters Patents made by the Kings Highneſs to any perſon or perſons of any of the ſaid Colledges, Chantries, Guilds, Fraternities, or other the ſaid promotions, or of any part or parcel of the ſaid Colledges, Chantries, Hoſpitals, Guilds, Fraternities, Brotherhoods, or other the ſaid promotions: and that all fines, feoffments, recoveries, and all other aſſurances and conveyances thereof had or made by the Kings aſſent, conſent, licence or agreement, to any perſon or perſons, by any Chantry Prieſt, Maſter, Warden, Miniſter, Ruler, Governout, or other having any the ſaid promotions, of any the ſaid Colledges, Chantries, Hoſpitals, Guilds, Fraternities, Brotherhoods, or any of the ſaid promotions, or of any manors, lands, tenements or hereditaments, belonging, annexed or united to any of them, or of any part, parcel or member of the ſame, ſhall ſtand and be in their forces and effects according to their tenors, forms and effects, and ſhall be by the authority of this Act, good, perfect, and available, as well againſt the ſaid Chantry Prieſts, Wardens, Maſters, Rulers, Governours, and other having any of the ſaid promotions, and their ſucceſſors, and the ſucceſſors of every of them, as againſt the founders, donors and patrons of the ſame, and the ordinary of them, and every of them, and the heirs and ſucceſſors of every of them; any Law, Statute, Ordinance, or other thing to the contrary thereof notwithſtanding.

The rents and lands of Hoſpitals, Chantries, &c. be not employed to ſo good uſes as they were given for.

VII. And where alſo at this preſent time there be a great number of Chantries, Hoſpitals, Colledges, free Chappels, Fraternities, Brotherhoods, Guilds, and ſtipendary Prieſts, having perpetuity for ever, and being charged or chargeable to the payment of the Firſt-fruits and Tenths, according to the Statute in that behalf had and provided, and all Colledges, as well chargeable or not chargeable to the payment of the Firſt-fruits and Tenths, ſet, lying and being within this Realm of England, Wales, and other the Kings Dominions, or the Marches of the ſame, having divers manors, lands, tenements, poſſeſſions, and other hereditaments, to the ſame aſſigned, appointed, limited, united or annexed, by the patrons, donors or founders of them which have been eſtabliſhed, ordained, founded, had or made by the ſaid patrons, donors or founders, for ever, to the intent that alms to the poor people, and other good, virtuous and charitable deeds might be made, done and executed by the Wardens, Maſters, Miniſters, Governours, Brothers and Incumbents of the ſame: (2) And for ſo much as it is right well known, that the ſaid Governours, Wardens, Maſters, Miniſters, Brothers and Incumbents, or the greateſt number of them, hitherto have not, ne yet do uſe, exerciſe, order and uſe their ſaid Chantries, Hoſpitals, Colledges, free Chappels, and other the ſaid promotions, nor the manors, lands, tenements and hereditaments to the ſame belonging, ne yet do beſtow, expend and employ the iſſues, rents, revenues and profits of the ſame, in alms, and other deeds of charity, according to ſuch vertuous and godly intents and purpoſes as the ſaid Chantries, free Chappels, Colledges, Hoſpitals, and other the ſaid promotions, were firſt founded, eſtabliſhed, erected, ordained, had, made or incorporated, to the great diſpleaſure of Almighty God, and to the diſcontentation of the King our Sovereign Lord: (3) And for that the Kings Highneſs, of his moſt godly and bleſſed diſpoſition, intendeth to have the premiſſes uſed and exerciſed to more godly and virtuſus purpoſes, and to reduce and bring them into a more decent and convenient order, for the commodity and wealth of this his Realm, and for the ſurety of his Subjects of the ſame:

The King may grant a Commiſſion to certain perſons to enter into the Hoſpitals, Chantries, &c. and their lands, &c. and to ſeiſe them to his uſe.

VIII. Be it further enacted by the authority aforeſaid, That the Kings Majeſty ſhall and may at his Highneſs will and pleaſure, from time to time hereafter, during his natural life (which Almighty God long preſerve) make and direct his Graces Commiſſion or Commiſſions, under his Great Seal (every ſuch Commiſſion to be had and made upon a Warrant ſigned with his Graces hand) to ſuch number of perſons, and into ſuch Counties, Shires and places, as by his Highneſs ſhall be thought expedient and requiſite, (2) giving unto the ſaid Commiſſioners, or to two of them at the leaſt, full power and authority by virtue of the ſame Commiſſion or Commiſſions, for and in his Highneſs name, to enter into all and ſingular ſuch and ſo many Chantries, free Chappels, Hoſpitals, Colledges, and other the ſaid promotions, and into all and ſingular ſuch manors, manſion houſes, meaſes, lands, tenements, paſtures, woods, waters, rents, reverſions, ſervices, poſſeſſions, and other hereditaments whatſoever they been, or into any part and parcel thereof, for and in the name of ſeiſin and poſſeſſion, of all the hereditaments annexed, united, belonging or appertaining to any Chantry, Hoſpital, free Chappel, Colledge, Fraternity, Brotherhood, Guild, or any other the ſaid promotions, or whereof any Prieſts, Provoſts, Governours, Rulers, or other Incumbents of them or any of them, by what name, ſirname, degree, title, or corporation they and every of them, or any of them been founded, erected, ordained, eſtabliſhed, named, called or known, now hath or enjoyeth, or hereafter ſhall have and enjoy, to the ſaid Chantries, Hoſpitals, free Chappels, Colledges, Fraternities, Brotherhoods, Guilds, or other the ſaid proportions being chargeable to the payment of the Firſt-fruits and Tenths, and all Colledges chargeable or not chargeable to the ſaid payment of Firſt-fruits and Tenths, as is aforeſaid, or to any of them, as ſhall be named, expreſſed and appointed in the ſaid Commiſſion or Commiſſions, (3) and to ſeize and take the ſame Chantries, Hoſpitals, Colledges, free Chappels, Fraternities, Brotherhoods, Guilds, and other the ſaid promotions, manors, lands, tenements, and other the premiſſes mentioned in the ſaid Commiſſion and Commiſſons, and every of them, and every part, parcel, and member of the ſame, into the Kings poſſeſſion and hands: (4) To have and to hold the ſame to the Kings Highneſs, and to his heirs and ſucceſſors for ever: (5) And that the ſaid Commiſſioners, or two of them at the leaſt, may enter into any part or parcel of the ſaid Chantries, Hoſpitals, free Chappels, Colledges, and other the ſaid promotions, manors, lands, tenements and hereditaments mentioned in any ſuch Commiſſion, for and in the name of all the Chantries, Colledges, free Chappels, and other the ſaid Promotions, manors, lands, tenements and hereditaments whatſoever they be, annexed, united, belonging or appertaining to any of the ſaid Chantries, Colledges, Chappels, or other the ſaid promotions, and expreſſed, mentioned and named in any ſuch Commiſſion: (6) which entry ſo had and made into any part or parcel, for and in the name of all the premiſſes mentioned in any ſuch Commiſſion, ſhall by the authority of this Act be of as good force, value and effect in Law, to all intents,

The Commiſſioners may ſeiſe to the Kings uſe any Hoſpitals, Chantries, &c. and their lands named in their Commiſſions.

reſpects, conſtructions and purpoſes, as if the ſaid Commiſſioners, or two of them at the leaſt, had entred into all and every part and parcel of the ſame Chantries, Hoſpitals, free Chappels, Colledges, and other the ſaid promotions, manors, lands, tenements and hereditaments mentioned in any ſuch Commiſſion, although the ſaid Chantries, and other the ſaid promotions, manors, lands, tenements and hereditaments expreſſed within any ſuch Commiſſion, ſhall happen to be in ſundry and ſeveral Towns, Places, Shires or Counties within this Realm, Wales, and other the Kings Dominions: (7) And that upon and by any ſuch entry had and made by the ſaid Commiſſioners, or by any two of them at the leaſt, into all, or into any part or parcel, in the name of all the manors, lands, tenements, poſſeſſions and hereditaments to the ſaid promotions, or any of them united, annexed, pertaining, or in any wiſe belonging, and mentioned in the ſaid Commiſſion, all and ſingular the ſaid Chantries, Hoſpitals, free Chappels, Colledges, and other the ſaid promotions, manſion houſes, manors, orchards, gardens, lands, tenements, medows, paſtures, woods, waters, rents, reverſions, ſervices, tithes, penſions, portions, parſonages appropriate, Churches, Chappels, advowſons, nominations, patronages, annuities, rights, intereſts, entries, conditions, commons, leets, courts, liberties, priviledges, franchiſes, and other hereditaments, whatſoever they be, to the ſaid promotions mentioned in the ſaid Commiſſion, or to any of them belonging, or appertaining, united or annexed, ſo entred into, ſeiſed or taken, ſhall forthwith, and immediately after ſunch entry had and made (as is aboveſaid) by authority of this Act, be veſted, adjudged and deemed, and alſo be in the very actual and real poſſeſſion and ſeiſon of our ſaid Sovereign Lord the King, and of his heirs and ſucceſſors for ever, (8) as though all and ſingular the ſaid Chantries, Hoſpitals, Colledges, free Chappels, and other the ſaid promotions, and the ſaid manors, lands, tenements, hereditaments, and other the premiſſes whatſoever they be, and every of them, were adjudged and deemed by expreſs words, ſentences and terms in this Act, to be hereafter in the actual and real poſſeſſion and ſeiſon of our ſaid Sovereign Lord the King, and were in this preſent Act ſpecially, particularly and certainly rehearſed, named and expreſſed by expreſs words, names, ſurnames, corporations, titles and faculties, and in their natures, kinds and qualities, without any inquiſition by the oaths of twelve men, office or other entry, or further circumſtance thereof to be had or made: (9) And that the ſaid Commiſſioners, or two of them at the leaſt, after ſuch entry and ſeiſure ſo by them had and made by virtue of the ſaid Commiſſion or Commiſſions ſo to them directed, ſhall certifie and return the ſaid Commiſſion and Commiſſions, and every of them (making mention in writing of their doings in the ſame, according to the words and authority to them given by the ſaid Commiſſion) into the Kings Court of the Chancery, at ſuch day as ſhall be limited in the ſaid Commiſſion or Commiſſions, there to remain of Record for ever.

After the Commiſſioners entry into any lands ſpecified in their Commiſſion, the ſame ſhall be veſted in actual poſſeſſion of the King.

The Commiſſioners ſhall return their Commiſſion into the Chancery.

IX. And be it further enacted by the authority aforeſaid, That as well all and every the ſaid Chantries, Hoſpitals, Colledges, free Chappels, and other the ſaid promotions, and all the manſion houſes, manors, lands, tenements, poſſeſſions and hereditaments, and other the premiſſes whatſoever they be, and every part and parcel of them, which (by authority and virtue of this Act) been veſted, adjudged and deemed, and alſo ſhall be in the Kings poſſeſſion and hands, as alſo all other the ſaid Chantries, Hoſpitals, Colledges, free Chappels, and other the ſaid promotions, and all the manors, manſion houſes, lands, tenements, poſſeſſions and hereditaments, whatſoever they be, to them or any of them belonging or appertaining, and every part and parcel thereof, which hereafter ſhall happen to come to his Highneſs hands and poſſeſſion by any ſuch entry, ſeiſure or taking into his Graces hands, by Commiſſion or Commiſſions, as is aboveſaid, from and after the ſaid entry, ſeiſure and taking into his Majeſties hands, ſhall be in the order, rule, ſurvey, and governance of our Sovereign Lord the Kings Court of Augmentations of the Revenues of his Crown, (2) and to be granted, letten and ſet to farm by the Chancellor, Officers and Miniſters of the ſame Court, in ſuch manner and form as other manors, lands and tenements appointed to the ſaid Court of the Augmentations of the Revenues of his Graces Crown, been to be granted or letten: (3) and that all the farms, iſſues, revenues and profits coming and growing of the premiſſes, or of any part thereof, ſhall be taken and received to the Kings uſe by the Officers and Miniſters of the ſame Court, in ſuch manner and form as is uſed and had of other manors, lands and tenements, and of the iſſues, revenues and profits of the ſame, committed to the order, rule, ſurvey and governance of the ſaid Court of Augmentations; any Act, Statute, Ordinance, Cuſtom or uſe heretofore had, made or uſed to the contrary notwithſtanding.

All Chantiles, Colledges, Fraternities, &c. and their lands ſhall be in the Order and ſurvey of the Court of Augmentations.

X. And be it further enacted by the authority aforeſaid, That all matters, variances, demands, ſuits, contentions and debates to be had or made of or for any matter or thing, whereby the manors, lands, tenements and hereditaments ſo appointed to the ſaid Court of the Augmentations, ſhall be charged, asked, demanded or challenged, to the hurt, detriment or prejudice of the King, ſhall be heard, examined, tried, ended and determined by and in the ſaid Court of Augmentations, in ſuch form, manner and condition as other matters and cauſes appointed to the ſaid Court, be ſued, heard, examined and determined, or by ſuch other ways and means as to the ſaid Court ſhall ſeem convenient and meet for the adminiſtration of juſtice indifferently between the Kings Highneſs and his Subjects.

All ſuits for the lands of Chantries, &c. ſhall be heard and determined in the Court of Augmentations.

XI. And be it further ordained and enacted by the ſaid authority, That all other matters, variances, contentions, ſuits, claims and demands, to be had, made or done between any of the Kings Subjects, of, for or concerning the ſaid manors, lands, tenements and other the premiſſes, or any part thereof, or for any treſpaſs or other offence touching the ſame, ſhall be ſued, asked, demanded, tried and determined at and by the Common Laws of this Realm, and according to the rules, orders and judgment of the Common Laws and Statutes of this Realm, and not in the ſaid Court of the Augmentations of the Revenues of the Kings Crown; any Law, Statute, Ordinance, or other thing had, made or done to the contrary notwithſtanding, and as though the ſaid Court of the Augmentations of the Revenues of the Kings Crown had never been had ne made.

Suits between one of the Kings ſubjects and another, touching the ſaid lands, ſhall be determined by the Common Law.

All aſſurances made by the Governours of the ſaid Chantries, &c. of any of their lands without the Kings aſſent, ſhall be void.

XII. And be it further enacted by the authority aforeſaid, That all recoveries, fines, feoffments, and other conveyances to be hereafter had, made, done or ſuffered, for or of any eſtate of inheritance or free-hold, without the Kings Majeſties aſſent, conſent, or agreement, by any of the ſaid Chantry Prieſts, Wardens, Maſters, Miniſters, Governors, Rulers, or other, having any of the ſaid promotions of the ſaid Chantries, Colledges, Guilds, Fraternities, Hoſpitals, and other the ſaid promotions, or of any manors, lands, tenements or other hereditaments, to the ſaid Chantries, Colledges, and other promotions united, annexed, belonging or appertaining, or to any part or parcel of them, and being not had, made, done or ſuffered to the Kings Highneſs, ſhall be utterly void, fruſtrate, and of none effect, as well againſt the Kings Majeſty, as againſt the ſucceſſor and ſucceſſors of every ſuch Chantry Prieſt, Governors, Rulers, and any other having any of the ſaid promotions, and every of them:

The right of others ſaved, except, &c.

XIII. Saving to all and every perſon and perſons, bodies politick and corporate, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them, other then the Maſters, Wardens, Miniſters, Governors, Rulers, Prieſts and Incumbents of the ſaid Chantries, Hoſpitals, Colledges, free Chappels, Fraternities, Brotherhoods, Guilds, and other having any of the ſaid promotions, or any of them, and the ſucceſſors of them and of every of them: and other then ſuch as be and pretend to be founders, patrons, or donors of the premiſſes, or of any of them, or of any part or parcel thereof, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them; And other then ſuch perſon and perſons, and their heirs, ſucceſſors and aſſigns, as claim or pretend to have any eſtate, right, title, intereſt, uſe, poſſeſſion, or condition, of, in or to the premiſſes, or any part or parcel thereof, by reaſon of any feoffment, fine, bargain and ſale, or by any other ways, means or conveyance to them made of any eſtate of free-hold, or inheritance, without the Kings aſſent, conſent or agreement, by any of the ſaid Maſters, Wardens, Miniſters, Governours, Rulers, Prieſts and Incumbents, or by the founders, donors or patrons of them, or any of them, (2) all ſuch right, title, claim, poſſeſſion, intereſt, rents, annuities, commodities, commons, offices, fees, leaſes, liveries, livings, penſions, portions, ſinodies, proxies, debts, duties, and other profits, which they or any of them have, claim, ought, may, or might have had, in, of or to any of the premiſſes, or in, of or to any part or parcel thereof, in ſuch like manner and condition, to all intents, reſpects, conſtructions and purpoſes, as if this Act had never been had nor made, and as though the ſaid Chantries, Hoſpitals, Colledges, and other the ſaid promotions had ſtill continued and remained.

Leaſes of lands reſerved for the maintenance of hoſpitality, made within one year before, &c.

XIV. And it is further enacted by the authority aforeſaid, That if any of the ſaid Maſters, Wardens, Miniſters, Rulers, Governours, Prieſts, Incumbents, or owners of any ſuch Chantry, Hoſpital, free Chappel, Colledge, Fraternity, Brotherhood, Guild, or other the Promotions aforeſaid, or of any of them, within one year next before the three and twentieth day of November, in the ſeven and thirtieth year of our ſaid Sovereign Lord the Kings Reign, have made, or hereafter ſhall make any Leaſe or Grant under his or their common Seal, or other Seal, or otherwiſe for term of years, life or lives, of their ſaid Chantries, Hoſpitals, Colledges, free Chappels, Fraternities, Brotherhoods, Guilds, and other the ſaid Promotions, or of any part thereof, or of any manors, lands, tenements, poſſeſſions or hereditaments whatſoever they be, to them or any of them united or annexed, belonging or appertaining, or to them or any of them limited or appointed, which manors, meaſes, lands, tenements, poſſeſſions, or other hereditaments whatſoever they be, were not before the ſaid Leaſe for the more part of twenty years laſt paſſed ſet, nor let to ferm, but kept and reſerved in manurance, tillage or occupation, or now be in the manurance of the ſaid Maſters, Wardens, Miniſters, Rulers, Governours, Prieſts, or Incumbents of the premiſſes, for the maintenance of hoſpitality and good houſe-keeping: (2) Or within one year next before the ſaid three and twentieth day of November, hath made, or hereafter ſhall make any Leaſe, or Grant for term of lives, or for term of years, of any of the ſaid manors, meaſes, lands, tenements, poſſeſſions, hereditaments, and other the premiſſes whatſoever they be, whereof and in the which any eſtate or intereſt for term of life, year or years, at the time of the making any ſuch Grant or Leaſe, then had, or ſhall have his being or continuance, and then was or ſhall not be determined, finiſhed, or expired: (3) Or within one year next before the ſaid three and twentieth day of November, hath made, or hereafter do make any Leaſe or Grant for term of life, or for term of years, of any of the ſaid manors, meaſes, lands, tenements, poſſeſſions, or other hereditaments whatſoever they be, upon which Leaſes and Grants, the uſual and old rents and ferms accuſtomed to be yielden and reſerved by the ſpace of twenty years next before the ſaid three and twentieth day of November, be not or ſhall not be thereupon reſerved and yielden: (4) Or if any of the ſaid Prieſts, Maſters, Wardens, Miniſters, or other the ſaid Governours or Rulers ſithence the ſaid xxiij. day of November, hath made any bargain or ſale of his or their woods, which woods be yet growing and ſtanding, (5) that then all and every ſuch Leaſe and Grant of any of the premiſſes, and every ſuch bargain and ſale of wood or woods, ſhall be utterly void and of none effect.

Leaſes of land in leaſe for life or years made within one year.

Leaſes whereupon the old rent is not reſerved made within one year before, &c.

Woodſales of woods yet growing.

Lands or leaſes whereof the Governours were ſeiſed or poſſeſſed to their own private uſes.

XV. Provided alway, and be it further enacted by the authority aforeſaid, That this Act or any thing therein contained, ſhall not extend to any manors, lands, tenements, poſſeſſions, or hereditaments, which the ſaid Maſters, Wardens, Miniſters, Chantry Prieſts, Incumbents, or other the ſaid Governours or Rulers of the premiſſes, or of any of them, hath, or is, or hereafter ſhall have, or be poſſeſſed or ſeiſed of, in fee-ſimple, fee-tail, general or ſpecial, for term of life, term of years, or otherwiſe, to his or their own proper uſes by inheritance or purchaſe, and not being united or annexed to his or their ſaid Colledges, Hoſpitals, free Chappels, or other the ſaid Promotions, nor to any manors, lands, tenements, poſſeſſions, rents, annuities, or yearly penſion or penſions of any yearly ſum or ſums of money, heretofore given or granted, or hereafter to be given or granted by the King our Sovereign Lord, to any of the ſaid Maſters, Wardens, Miniſters, Chantry Prieſts, Incumbents, Governours, or Rulers of the premiſſes, or of any of them, for term of life only, under his

Penſions given by the King for term of life.

Great Seal of England, or under the Seal of the Augmentation of the Revenues of the Kings Crown: (2) But that all and every the ſaid Maſters, Wardens, Miniſters, Chantry Prieſts, Incumbents, and other the Governours and Rulers aforeſaid, and every of them, ſhall and may have, hold, poſſeſs, enjoy and keep, to their own proper uſes, all and ſingular ſuch manors, lands, tenements, poſſeſſions and hereditaments, rents, annuities, and yearly penſions, not being annexed or united to his or their ſaid Promotions, according to ſuch Intereſt, Eſtate, Title and Inheritance, as they or any of them hath, or ſhall have, of, and in the ſame; any thing contained in this Act to the contrary notwithſtanding, and as though this Act had never been had ne made.

XVI. Provieed alſo, and be it enacted by the authority aforeſaid, That every of the ſaid Maſters, Wardens, Miniſters, Chantry Prieſts, Incumbents, and other the ſaid Governours and Rulers, from whom the Kings Highneſs, by virtue of this Act, ſhall have, take or ſeiſe any of his or their manors, lands, tenements, poſſeſſions, or other hereditaments, by any of the ways or means aforeſaid, without giving or aſſuring any recompence for the ſame, that they and every of them from thenceforth ſhall yearly be defaulked, abated, and allowed out of their yearly tenths hereafter to be paid, and alſo of their firſt fruits, as they ſhall happen hereafter to be due to the King in his Court of firſt fruits and tenths, ſo much money, and after ſuch rate and portion, as the ſame manors, lands, tenements, and other hereditaments, which by authority of this Act ſhall come to the Kings hands and poſſeſſion by any of the ways or means aforeſaid, were aſſeſſed, valued, rated and taxed at, in and by the taxation of the tenths and firſt-fruits now remaining of record in the ſaid Court of firſt-fruits and tenths, by force of the Statute thereof made, had and provided.

They from whom the King ſhall take any lands, ſhall be abated of their Tenths and Firſt-fruits.

XVII. Provided alway, and be it ordained by the authority aforeſaid, That all and every perſon and perſons that before the making of this Act had or enjoyed any manner of annuity or rent to be taken or had of any of the ſaid Chantries, Hoſpitals, Colledges, or other promotions aforeſaid, ſhall have and enjoy the ſame in like manner and form as they ſhould or ought to have done if the ſaid Chantries, Hoſpitals, Colledges, and other the ſaid promotions had ſtill remained and continued in eſſe, and full being; any thing in this Act mentioned to the contrary in any wiſe notwithſtanding.

A proviſion for ſuch as had annuities or rents out of the lands of the Chantries, &c.

XVIII. Provided alſo, and be it further enacted by the authority aforeſaid, That if any perſon or perſons have juſtly and truly, without fraud and covin, paid or given any ſums of money to any ſuch Maſter, Warden, Miniſter, Governour, Ruler, or to any other having any of the ſaid promotions, for the bargain and ſale of any woods growing in and upon any of the premiſſes, and not yet felled (as is aforeſaid) which bargain and ſale by this Act is made void and of none effect, that the ſame buyers, their executors or aſſigns, upon requeſt by him or them made to the Chancellor of the Court of Augmentations, for the time being, ſhall be well and truly contented and repaid of and with the Kings treaſure remaining in the hands of the Treaſurer of the ſaid Court of Augmentations, for the time being, by the hands of the ſaid Chancellor, Treaſurer, or other Officers of the ſame Court of Augmentations, within one year after any ſuch requeſt, and after the diſſolution of the ſaid Chantries, Colledges, Hoſpitals, and other the ſaid promotions, or after the ſeverance of any part of them: or elſe the ſaid bargainers and buyers of the ſaid wood ſhall have and enjoy, cut, take, and carry away the ſame woods ſo being by him or them bought; any thing above mentioned to the contrary in any wiſe notwithſtanding.

He that hath bought and paid for any wood, ſhall have his money again, or the ſame wood.

XIX. Provided alſo, and be it enacted by authority aforeſaid, That if any ſuch Governour, Ruler, Warden, Maſter, Miniſter, or other having any the ſaid ſpiritual promotions, have or ſhall compound for their firſt-fruits for any ſuch ſpiritual promotions, according to the Laws and Statutes of this Realm, and the days of payment of any part thereof at the entry and ſeiſure thereof, as is abovesaid, ſhall not then be expired or paſt, that all ſums of money ſo to be payable at any day or days then to come, ſhall ceaſe, and be not payed, asked or demanded; any Bond, Recognizance, Surety, or other thing had or made to the contrary notwithſtanding.

A remedy for any Governour that hath compounded for his firſt-fruits.

XX. Provided alway, and be it enacted, That all ſuch Rents, Services, Iſſues, Profits, and other ſums of money due and payable for any cauſe or matter concerning the premiſſes, or any of them, in the Kings Court of Exchequer, ſhall continue, and be continually and yearly levied, charged and payed in the ſame Court, in ſuch manner and form as heretofore have been uſed; any Law, Cuſtom, unity of poſſeſſion in the Kings Highneſs, or other thing to the contrary notwithſtanding, and as though the ſaid promotions, manors, lands, tenements, and other the premiſſes, had not come to the Kings hand or poſſeſſion. Stat. 1 Ed. 6. 14.

Money due out of the premiſſes in the Exchequer ſhall be payable as before.

CAP. V.

The Bill for them that be in value in Goods of 400 Marks in London, to paſs upon Attaints.

Humbly beſeechen your moſt excellent Majeſty your obedient Subjects, the Mayor and Commonalty of your City of London, That whereas amongſt divers and ſundry Liberties and Franchiſes, granted by your moſt noble Progenitors to the City of London, for divers reaſonable reſpects and conſiderations in their Charters expreſſed and mentioned, one Liberty is, That all Inquiſitions to be taken by the Juſtices and Miniſters of your Highneſs, of the Citizens of London, ſhall be taken at Saint Martin the Grand, or at the Guild Hall of the ſaid City of London, and not elſewhere, except Inquiſitions before the Juſtices in Eyre at the Towre of London, and for delivery of the Goal of Newgate, as in the Charters of your ſaid Noble Progenitors, to the ſaid Citizens of London granted, and by your Majeſty confirmed, plainly appeareth; (2) which Liberties the ſame Citizens have continually ſince the ſaid Grants thereof to them made, exerciſed, uſed and enjoyed accordingly, as by divers matters of Record in your High Courts of Weſtminſter evidently appeareth:

Attaint 14. What perſons ſhall paſs upon trial of an Attaint in London; and where the ſame ſhall be tried. Where the Kings Juſtices ſhall take Inquiſitions in London.

II. And where alſo an Act of Parliament concerning Perjury and puniſhment of untrue Verdicts, was made and eſtabliſhed in the xxiij. year of your moſt gracious Reign, amongſt 23 H. 8. 3.

other then and there made and ordained, that upon every untrue Verdict made after the ſaid Act, between party and party, in any ſuit, plaint or demand made, and Verdict thereupon given, extending to the value of xl. l. and not concerning the jeopardy of mans life, the party grieved by the ſame verdict ſhall have a writ of attaint againſt every perſon which after the ſaid Act would give an untrue verdict: (2) And that in the ſaid attaint there ſhould be awarded againſt the petit Jury, the party, and the grand Jury, Proceſs of Sum. Resum. and diſtreſs infinite: (3) which grand Jury ſhould be in like number as the grand Jury is now in attaint, and that every of them that ſhall paſs in the ſame, ſhall have lands and tenements of the value of xx. marks by the year of free-hold out of ancient demean. (4) And alſo it was then further enacted and eſtabliſhed, That all attaints afterwards to be taken, ſhould be taken before your Majeſty in your Bench, or afore your Juſtices of your Common Place, and in none other Court: (5) And that the Nisi prius ſhould be granted by the diſcretion of the Juſtices, upon the diſtreſs.

III. And foraſmuch as the ſaid Act cannot be duly put in execution by the Citizens of the ſaid City for lack of ſufficient perſons having lands and tenements to the clear yearly value of xx. marks, out of ancient demean, according to the tenor of the ſaid Act, and alſo that the appearance of the ſaid Citizens, to be had out of the ſaid City, is againſt the Liberties and Franchiſes of the ſame City, and no Proviſo made within the ſaid Act for the ſame Citizens to enjoy their ancient Liberties and Priviledges before rehearſed: (2) It may therefore pleaſe your Majeſty, of your moſt abundant Grace, to condeſcend, that it may be enacted by your Highneſs, and by the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all and every manner perſon and perſons, being Citizens of your ſaid City, and being in value of goods and cattels to the ſum of CCCC. marks, may be impanelled and returned by the Sheriff of your ſaid City in every attaint hereafter to be brought by virtue of the ſaid Eſtatute, upon Verdicts hereafter to be given by your ſaid Citizens, without any Challenge for the inſufficiency of free-hold of any of them, to be made by any of the ſaid parties, in any ſuch Attaint, upon ſuch Verdicts hereafter to be given. (3) And that the Juſtices for the time being, ſhall ſit only at the Guild-hall of the ſame City, or at ſome convenient place within the ſame City, and there to ſwear the grand Jury, and to take the Verdicts in ſuch Attaints hereafter to be taken. (4) And that the ſaid Citizens hereafter be not compelled nor diſtrained to appear in any ſuch Attaint hereafter to be taken upon any untrue Verdict given, or hereafter to be given in London, but only within the limits of the ſaid City, of and for the trial of the ſame; the ſaid former Act, or any thing therein contained to the contrary in any wiſe notwithſtanding.

Of what eſtate thoſe perſons muſt be which ſhall paſs upon an attaint in London. 11 H. 7. 22.

Trial of attaints ſhall be in London, notwithſtanding the ſtatute of 23 H. 8. 3.

CAP. VI.

The Bill for the Burning of Frames.

Burning 1. Conduits 1. Burning of a frame of timber prepared for the building of an houſe, &c. made felony.

Several new and wicked devices tending to the damnifying of others.

WHere divers and ſundry malicious and envious perſons, being men of evil and perverſe diſpoſitions, and ſeduced by the inſtigation of the Devil, and minding the hurt, undoing and impoveriſhment of divers of the Kings true and faithful Subjects, as enemies to the Commonwealth of this Realm, and as no true or obedient Subjects unto the Kings Majeſty, of their malicious and wicked minds, have of late invented and practiſed a new damnable kind of vice, diſpleaſure and damnifying of the Kings true Subjects, and the Commonwealth of this Realm, as in ſecret burning of Frames of Timber prepared and made by the owners thereof, ready to be ſet up and edified for houſes, cutting out of heads and dams of pools, motes, ſtews, and ſeveral waters: cutting of conduit-heads, or conduit-pipes: burning of wains and carts loaden with coals or other goods: burning of heaps of wood, cut, felled and prepared for making of coals: cutting out of beaſts tongues: cutting of the ears of the Kings Subjects: barking of apple-trees, pear-trees, and other fruit-trees: and divers other like kinds of miſerable offences, to the great diſpleaſure of Almighty God, and of the Kings Majeſty, and to the moſt evil and pernicious example that hath been ſeen in this Realm:

It ſhall be felony, unlawfully and ſecretly to burn or cut a frame of timber prepared for the making a houſe. Rep. 1 Ed. 6. 12. 1 M. 1.

II. For remedy whereof, be it enacted by authority of this preſent Parliament, That if any perſon or perſons, at any time after the firſt day of May next enſuing, maliciouſly, unlawfully, willingly and ſecretly burn, or cauſe to be burned, cut, or cauſe to be cut or deſtroyed, any frame or frames of timber of any perſon or perſons, made and prepared, or hereafter to be made or prepared, for or towards the making of any houſe or houſes, ſo that the ſame ſhall not be able for the purpoſe for the which it was prepared: that then every ſuch act and acts ſo to be committed, perpetrated and done by any perſon or perſons, ſhall be deemed and adjudged Felony, and the offender or offenders therein being lawfully convicted or attainted, ſhall have and ſuffer pains of death, (2) and ſhall loſe and forfeit goods and cattels for ever, and the profits of their lands, tenements and hereditaments for term of his life or their lives.

This felony doth not make the wife loſe her dowry, nor any corruption of blood in the heir.

The offenders heir ſhall ſatisfie the party grieved.

III. Provided always, That ſuch Attainder ſhall be no avoiding of any womans Dower, ne corruption of blood againſt the heir or heirs of ſuch offender or offenders, (2) but be it enacted, That the wife and wives of ſuch offender or offenders ſhall have their Dowers: and that ſuch heir and heirs ſhall after the deceaſe of the ſaid offender, have and enjoy the ſaid lands, tenements, and hereditaments of ſuch offender and offenders, in like manner and form as they ſhould have had, if this Act, or any ſuch Attainder had never been had ne made. (3) And that the heir or heirs having the ſaid lands, tenements or hereditaments of any eſtate of inheritance, ſhall yield unto the party grieved for ſuch offence or offences, his damages of the profits of the ſaid lands, tenements or hereditaments of ſuch offender or offenders, whereunto he ſhall be inheritable by action of debt, to be taken in the common Bench at Westminster; in which Action no wager of Law, eſſoin, ne protection ſhall be allowed.

The penalty for cutting the head of any ſeveral waters. ALT. 5 El. 1.

IV. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, after the ſaid firſt day of May, maliciouſly, wilfully and unlawfully cut, or cauſe to be cut out of the head or heads, dam or dams of any ponds, pools, motes, ſtews, or other ſeveral waters, or the head or heads, pipe or pipes of any conduit or conduits of any other perſon or perſons: (2) or maliciouſly, willingly and unlawfully, after the ſaid firſt day of May, burn or cauſe to be burned any wain or wains, cart or carts laden, or to be laden with coals, or any other goods or merchandiſes of any other perſon or perſons: (3) or maliciouſly, willingly and unlawfully, after the ſaid firſt day of May, do burn, or cauſe to be burned any heap or heaps of wood of any other perſon or perſons, prepared, cut and felled, or to be prepared, cut or felled, for making of coals, billets or talwood: (4) or maliciouſly, unlawfully and willingly, after the ſaid firſt day of May, cut out, or cauſe to be cut out the tongue or tongues, of any tame beaſt or beaſts of any other perſon or perſons, the ſaid beaſt then being in life: (5) or maliciouſly, willingly or unlawfully, after the ſaid firſt day of May, cut or cauſe to be cut off the ear or ears of any of the Kings Subjects, otherwiſe then by authority of the Law, chance-medly, ſudden affray, or adventure: (6) or after the ſaid day, maliciouſly, willingly or unlawfully bark any apple-trees, pear-trees, or other fruit-trees of any other perſon or perſons: (7) that then every ſuch offender and offenders ſhall not only loſe and forfeit unto the party grieved, treble damages for ſuch offence or offences, the ſame to be recovered by action of treſpaſs to be taken at the Common Law, but alſo ſhall loſe and forfeit to the Kings Majeſty, and his Heirs, for every ſuch offence x. l. ſterling in name of a fine.

Burning a cart loaden.

Burning a heap of wood prepared for coals.

Cutting out the tongue of a beaſt.

Cutting off the ears of another.

Barking of fruit-trees.

CAP. VII.

A rehearſal of the Statute of 33 H. 8. 10. concerning the eſtabliſhment of the ſix weeks Seſſions, and a repeal of the ſame. Exp. And all the offences in the ſame Statute mentioned ſhall be enquired of, puniſhed and reformed at a quarter Seſſions.

Juſtices of Peace, 20.

CAP. VIII.

The Act of Vi & Armis left out of any Indictment lacking theſe words, Vi & Armis, ſhall be good.

Where before this time it was, and yet is commonly uſed in all Indictments and Inquiſitions of Treaſon, Murder, Felony, Treſpaſs, and divers other, to have compriſed and put in every the ſame Indictments and Inquiſitions theſe words, vi & armis, and in divers of the ſame Indictments, to declare the manner of the force and arms, that is to ſay, vi & armis, videlicet, baculis, cultellis, arcubus & ſagittis, or ſuch other like words in effect, where of truth the parties ſo indicted had no manner of ſuch weapons at the time of the ſaid offence committed and done: (2) yet in default and lack of the ſame words, the ſaid Indictments were, and yet be taken as void in the Law, for to put any perſon to anſwer thereunto: (3) and the party and parties ſo indicted, for lack of the ſame words, not being compriſed and put in the ſaid Indictments, have taken advantage thereof, and have avoided the ſame Indictments by Writ, or Writs of Error, or by Plea upon his or their apparance, as the ſame caſe did require: (4) For reformation whereof, be it enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from the Feaſt of the Nativity of our Lord God next coming, theſe words, vi & armis, viz. cum baculis, cultellis, arcubus & ſagittis, or ſuch other like, ſhall not of neceſſity be put or compriſes in any Inquiſition or Indictment: (5) nor that the party or parties being hereafter indicted of any offence, ſhall have or take any advantage by Writ or Writs of Error, Plea, or otherwiſe, to adnul or avoid any ſuch Inquiſition, or Indictment for that, that the ſaid words, vi & armis, viz. baculis, cultellis, arcubus & ſagittis, or any of the ſame or like words, ſhall not be put or compriſed in the ſaid Inquiſitions or Indictments: (6) But that the ſame Inquiſitions or Indictments, and every of them, lacking the ſaid words, vi & armis, videlicet, baculis, cultellis, arcubus & ſagittis, or any of them, ſhall from henceforth, by the authority aforeſaid, be taken, deemed and adjudged, to all intents, conſtructions and purpoſes, as good and effectual in the Law, as the ſame Inquiſitions and Indictments, having the ſame words, vi & armis, videlicet, baculis, cultellis, arcubus & ſagittis, compriſed and put in every of the ſame Inquiſitions and Indictments were, or heretofore have been taken, deemed or adjudged; any Law, Uſage or Cuſtom heretofore had and uſed to the contrary notwithſtanding.

Clergy 13. Indictments lacking vi & armis ſhall be good in Law; and Clergy ſhall not be granted to Horſe ſtealers. The words cum baculis, cultellis, arcubus & ſagittis ſhall not of neceſſity be put in an Indictment.

II. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, at any time after the ſaid Feaſt of the Nativity of our Lord God next coming, do ſteal any Horſe, Gelding, Mare, Fole or Filly, and thereof be found guilty by the verdict of twelve men, or by his own confeſſion, be attainted; (2) or otherwiſe be indicted for the ſtealing of any Horſe, Gelding, Mare, Fole or Filly, and thereupon arraigned, and do ſtand mute of malice or froward mind, (3) or challenge peremptory above the number of twenty, (4) or elſe will not anſwer directly to the ſame Indictment or Felony whereupon he is ſo arraigned, (5) that then every ſuch perſon and perſons ſhall not from henceforth be admitted to have the benefit of his or their Clergy, but utterly be excluded thereof, and ſhall ſuffer death in ſuch manner and form, as they ſhould have, if they were no Clerks.

He that is attainted for the ſtealing of a Horſe, ſhall not have the benefit of Clergy. 1 Ed. 6. 12.

CAP. IX.

A Bill again Uſury.

Where before this time divers and ſundry Acts, Statutes and Laws have been ordained, had and made within this Realm, for the avoiding and puniſhment of Uſury, being a thing unlawful, and of other corrupt bargains, ſhifts and chevilances, (2) which Acts, Statutes and Laws been ſo obſure, and dark in ſentences, words and terms, and upon the ſame ſo many doubts, ambiguities and queſtions have riſen and grown, and the ſame Acts, and Statutes, and Laws been of ſo little force or effect, that by reaſon thereof little or no puniſhment hath enſued to the offenders of the ſame, but rather hath encouraged them to uſe the ſame: (3) For reformation whereof, Be it enacted by the King our Sovereign Lord, by the aſſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every the ſaid Acts, Statutes and Laws heretofore made, of, for or concerning uſury, ſhifts, corrupt bargains and chevilences, and every of them, and all pains, forfeitures and penalties concerning the ſame, and every part thereof, ſhall from henceforth be utterly void and of none effect to all intents, conſtructions and purpoſes.

Uſury 1. How offenders in Uſury ſhall be puniſhed. 3 Bulſtr. 71.

All Statutes concerning uſury repealed. 20 H. 3. 5. 3 H. 7. 5. 6. 11 H. 7. 8.

II. And

Selling of wares, and buying them again.

II. And be it further enacted by the authority aforeſaid, That no perſon or perſons, of what Eſtate, Degree or Condition ſoever he or they be, from and after the laſt day of January next coming, ſhall by himſelf, Factor, Attorney, Servant or Deputy, ſell his Merchandiſes or Wares to any perſon or perſons, and within three months next after by himſelf, Factor or Attorney, Deputy, or by any other perſon or perſons to his uſe and behoof, buy the Merchandiſes or Wares, or any part or parcel thereof, upon a lower price, knowing them to be the ſame Wares or Merchandiſes that he before did ſo bargain and ſell, upon the pains and forfeitures hereafter limited in this Eſtatute.

No perſon ſhall take above x. l. for the forbearance of an C. l. for one year. Al. 21 Jac. 17. Cok. pla. f. 168. 435. Rast. pla. f. 689.

III. And be it alſo enacted by the ſame authority, That no perſon or perſons, of what eſtate, degree, quality or condition ſoever he or they be, at any time after the ſaid laſt day of January next coming, by way or mean of any corrupt bargain, lone, eſchange, chevīſance, ſhift, intereſt of any Wares, Merchandiſes, or other thing or things whatſoever, or by any other corrupt or deceitful way or mean, or by any covin, engin, or deceitful way or conveyance ſhall have, receive, accept or take in lucre or gains for the forbearing or giving day of payment of one whole year of and for his or their money or other things that ſhall be due for the ſame Wares, Merchandiſe, or other thing or things, above the ſum of ten pound in the hundred, and ſo after that rate, and not above, of and for a more or leſs ſum, or for a longer or ſhorter time, and no more or greater gain or ſum thereupon to be had, upon the pains and forfeitures hereafter in this Act mentioned and contained.

There ſhall not be taken above x. l. in the C. l. upon ſale or mortgage of lands.

IV. And be it further enacted by authority aforeſaid, That if any perſon or perſons, at any time after the ſaid laſt day of January, do bargain and ſell, or lay to mortgage by any way or mean any Manors, Lands, Tenements or Hereditaments to any perſon or perſons, upon condition of payment or non-payment of any ſum or ſums of money to be had, payed or made at any day certain, or before any ſuch day by him that ſhall ſo bargain, ſell or lay to mortgage the ſame Manors, Lands, Tenements or Hereditaments, that the ſame perſon or perſons, to whom any ſuch Manors, Lands, Tenements or Hereditaments ſhall be ſo bargained, ſold or laid to mortgage, ſhall not by reaſon thereof have, ne take in lucre or gains of the Iſſues, Revenues and Profits of the ſame Manors, Lands, Tenements or Hereditaments, above the ſum of ten pound in the hundred for one whole year, and ſo after the rate abovesaid for a more or a leſſer ſum, or for a longer or ſhorter time, and no more, nor otherwiſe, upon the pains, forfeitures and penalties hereafter in this preſent Eſtatute limited and expreſſed.

The forfeiture of the offenders in the premiſſes.

V. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, of what eſtate, degree, quality or condition ſoever he or they be, at any time after the ſaid laſt day of January next coming, ſhall do any act or acts, thing or things, contrary to the tenour, form, and effect of this Eſtatute, or of any Clauſe, Article or Sentence contained in the ſame, that then all and every offender and offenders therein, or in any part thereof, ſhall forfeit and loſe for every ſuch offence the treble value of the Wares, Merchandiſes, and other thing or things ſo bargained, ſold, eſchanged or ſhifted, (2) and the treble value of the Iſſues and Profits of the ſaid Manors, Lands, Tenements and Hereditaments, ſo had, taken or received by reaſon of any ſuch bargain, ſale or mortgage, (3) and alſo ſhall have and ſuffer impriſonment of his body, and make fine and ranſom at the Kings will and pleaſure: (4) The moiety of which forfeiture of the ſaid treble value ſhall be to the King, and the other moiety to him or them that will ſue for the ſame in any of the Kings Courts, by action of debt, bill, plaint or information, in which action, bill, plaint or information, no wager of Law, eſſoin or protection ſhall be admitted or allowed.

To what bands and aſſurances this Statute extendeth not.

VI. Provided alway, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained, ſhall not in any wiſe extend to any lawful obligation indorſed with a condition, or to any Statute or Recogniſance made, and to be made for the payment of a leſſer ſum, ſo that the ſame Obligation, Statute or Recogniſance be made for a true, juſt and perfect Debt, or for the performance of any other true Covenants, made or to be made upon a juſt and true intent had between the parties, other then in caſes of uſury, intereſt, corrupt bargains, ſhift, or chevīſance; (2) ne yet ſhall extend to any recovery, fine, feoffment, releaſe, confirmation or grant made or to be made upon condition with a true intent, other then to ſuch recoveries, fines, feoffments, releaſes, confirmations and grants, as ſhall be made upon condition extending to uſury, intereſt, corrupt bargains, ſhifts or chevīſance; any thing in this Statute contained, or any Law, Statute or Ordinance heretofore had, uſed or made to the contrary notwithſtanding. Stat. 5 Ed. 6. 20. 13 Eliz. 8. 31 Eliz. 5. 39 Eliz. 18. 21 Jac. 17.

CAP. X.

Felony, Raſt. 20.

If any perſon ſhall deviſe or make any Writing, compriſing that another hath ſpoken or committed high Treaſon, and the ſaid Writing ſhall caſt or leave in an open place whereby it may be found, and ſhall not ſubſcribe his name to the ſame, and within twelve days after perſonally appear before the King and his Councel, and affirm the contents of the ſame to be true, then he ſhall be judged a Felon. Rep. 1. Ed. 6. 12.

CAP. XI.

Greenwich. Raſt. 1.

Every perſon which ſhall be owner of Comb Mariſhes, in the Pariſh of Eaſt Greenwich in the County of Kent, ſhall be contributary towards the reparation of the ſaid Mariſhes from time to time, after the rate of the acre, as other owners be charged: And when any Tax ſhall be made, it ſhall be lawful to the Expenditors and Collectors, or one of them, to diſtrain the goods of ſuch perſons which ſhall refuſe to pay after that rate, and the ſame diſtreſs to retain and uſe, according to the Laws of Romney Marſh. PR,

CAP. XII.

An Act for Tythes in London.

Tithes 19. In what manner they ſhall be puniſhed who refuſe to pay Tithes due to be paid in London.

WHere of late time contention, ſtrife and variance hath riſen and growen within the City of London, and the Liberties of the ſame, between the Parſons, Vicars and Curates of the ſaid City, and the Citizens and Inhabitants of the ſame, for and concerning the payment of Tythes, Oblations, and other Duties within the ſaid City and Liberties: For appeaſing whereof, a certain Order and Decree was made thereof by the moſt Reverend Father in God, Thomas Archbiſhop of Caterbury, Metropolitane, Chief Primate of all

England, Thomas Audley Knight, Lord Audley of Walden, and then Lord Chancellor of England, now deceaſed, and other of the Kings Majeſties moſt honourable Privy Councel, and alſo the Kings Letters Patents and Proclamation was made thereof, and directed to the ſaid Citizens concerning the ſame, whereupon it was after enacted in the Parliament holden at Weſtminſter by Prorogation the fourth day of February in the xxviij. year of the Kings Majeſties moſt noble Reign, by authority of the ſame Parliament, that the Citizens and the Inhabitants of the ſame City ſhould at Eaſter then next coming, pay unto the Curates of the ſaid City and Suburbs, all ſuch and like ſums of money for Tithes, Oblations and other Duties, as the ſaid Citizens and Inhabitants by the order of the ſaid late Lord Chancellor, and other the Kings moſt honourable Councel, and the Kings ſaid Proclamation, payed or ought to have payed by force and vertue of the ſaid Order at Eaſter, which was in the year of our Lord God, M. D. XXXV. (2) and the ſame payments ſo to continue from time to time, until ſuch time as any other Order or Law ſhould be made, publiſhed, ratified and confirmed by the Kings Highneſs, and the two and thirty perſons by his Grace to be named, as well for the full eſtabliſhment concerning the payment of all Tithes, Oblations, and other duties of the Inhabitants within the ſaid City, Suburbs and Liberties of the ſame, as for the making of other Eccleſiaſtical Laws of this Realm of England, (3) and that every perſon denying to pay, as is aforeſaid, ſhould by the commandment of the Mayor of London for the time being, be committed to Priſon, there to remain until ſuch time as he or they ſhould have agreed with the Curate or Curates for their ſaid Tithes, Oblations and other Duties, as is aforeſaid, as in the ſaid Act more plainly appeareth: (4) Sithen which Act divers variances, contentions and ſtrifes are newly riſen and grown between the ſaid Parſons, Vicars and Curates, and the ſaid Citizens and Inhabitants touching the payment of the Tithes, Oblations and other Duties, by reaſon of certain words and terms ſpecified in the ſaid Order, which are not ſo plainly and fully ſet forth, as is thought convenient and meet to be: for appeaſing whereof, as well the ſaid Parſons, Vicars and Curates, as the ſaid Citizens and Inhabitants have compromitted and put themſelves to ſtand to ſuch Order and Decree touching the premiſſes, as ſhall be made by the ſaid Right Reverend Father in God, Thomas Archbiſhop of Canterbury, Metropolitane and Primate of England, the right honourable Sir Thomas Wryotheſly Knight, Lord Wryotheſly, and Lord Chancellor of England, the right honourable Thomas Duke of Norfolk, Lord Treaſurer of England, the right honourable Sir William Paulet Knight, Lord St. John, Lord Preſident of the Councel, and Lord great Maſter of the Kings moſt honourable Houſhold, the right honourable Sir John Ruſſel Knight, Lord Ruſſel and Lord Privy Seal, the right honourable Edward Earl of Hertford, Lord great Chamberlain of England, the right honourable John Vicount Liſle, high Admiral of England, Sir Richard Liſter Knight, chief Juſtice of England, Sir Edward Mountague Knight, chief Juſtice of the Common Bench at Weſtminſter, and Sir Roger Cholmely Knight, chief Baron of the Exchequer, for a final end and concluſion to be had and made touching the premiſſes for ever. (5) And to the intent to have a full peace and perfect end between the ſaid parties, their Heirs and Succeſſors, touching the ſaid Tithes, Oblations, and other duties for ever, Be it enacted by authority of this preſent Parliament, That ſuch end, order and direction, as ſhall be made, decreed, and concluded by the fore-named Archbiſhops, Lords and Knights, or any ſix of them, before the firſt day of March next enſuing, of, for and concerning the payments of the Tithes, Oblations, and other Duties within the ſaid City, and the Liberties of the ſame, and enrolled in the Kings high Court of Chancery of Record, ſhall ſtand, remain and be as an Act of Parliament, and ſhall bind as well all Citizens and Inhabitants of the ſaid City and Liberties for the time being, as the ſaid Parſons, Vicars, Curates and their Succeſſors for ever, according to the effect, purport and intent of the ſaid Order and Decree ſo to be made and enrolled; (6) And that every perſon denying to pay any of his or their Tithes, Oblations or other Duties contrary to the ſaid Decree to be made, ſhall by the commandment of the Mayor of London for the time being, and in his default or negligence, by the Lord Chancellor of England for the time being, be committed to priſon, there to remain till ſuch time as he or they have agreed with the Curate and Curates for his or their ſaid Tithes, Oblations and other Duties, as is aforeſaid.

A rehearſal of the Statute of 27 H. 8 21. concerning the payment of Tithes in London.

Arbitrators choſen between the Parſons, Vicars and Curates of London, and the Citizens and Inhabitants of the ſame, touching the payment of Tithes.

The penalty of them which refuſe to pay their tithes according to the Arbitrators Decree.

The Decree.

II. As touching the payment of Tithes in the City of London, and the Liberties of the ſame, It is fully ordered and decreed by the moſt Reverend Father in God, Thomas Archbiſhop of Canterbury, Primate and Metropolitane of England, Thomas Lord Wryotheſly, Lord Chancellor of England, William Lord St. John, Preſident of the Kings Majeſties Councel, and Lord great Maſter of his Highneſs houſhold, John Lord Ruſſel, Lord Privy Seal, Edward Earl of Hertford, Lord great Chamberlain of England, John Viſcount Liſle, high Admiral of England, Richard Liſter Knight, chief Juſtice of England, and Roger Cholmely Knight, chief Baron of his Graces Exchequer, this preſent xxiv. day of February, Anno Domini, ſecundum curſum & computationem Eccleſiæ Anglicanæ, milleſimo quingenteſimo quadrageſimo quinto, according to the Statute in ſuch caſe lately provided, (2) That the Citizens and Inhabitants of the ſaid City of London, and Liberties of the ſame, for the time being, ſhall yearly without fraud or covin for ever pay their Tithes to the Parſons, Vicars and Curates of the ſaid City, and their Succeſſors for the time being, after the rate hereafter following, that is to wit, Of every ten ſhilling Rent by the year of all and every Houſe and Houſes, Shops, Ware-houſes, Cellars, Stables, and every of them within the ſaid City and Liberty of the ſame, ſixteen pence ob. (3) And of every twenty ſhillings Rent by the year of all and every ſuch Houſe and Houſes, Shops, Ware-houſes, Cellars and Stables, and every of them within the ſaid City and Liberties, two ſhillings and nine pence. And ſo above the Rent of twenty ſhillings by the year, aſcending from ten ſhillings to ten ſhillings according to the rate aforeſaid.

London.

Parſons, Vicars, Curates Tithes.

Co. Inſt. 2 par. 659.

III. Item, That where any Leaſe is, or ſhall be made of any dwelling houſe or houſes, ſhops, ware-houſes, cellars or ſtables, or any of them, by fraud or covin, reſerving leſs rent then hath been accuſtomed, or is, or that any ſuch Leaſe ſhall be made without any rent reſerved upon the ſame, by reaſon of any fine or income payed beforehand, or by any other fraud or covin: that then in every ſuch caſe the tenant or fermor, tenants or fermors thereof ſhall pay for his or their tithes of the ſame, after the rate aforeſaid, according to the quality of ſuch rent or rents, as the ſame houſe or houſes, ſhops, ware-houſes, cellars or ſtables, or any of them were laſt letten for without fraud or covin, before the making of ſuch Leaſe.

IV. Item, That every owner or owners, inheritor or inheritors of any dwelling houſe or houſes, ſhops, ware-houſes, cellars or ſtables, or any of them, within the ſaid City and Liberties, inhabiting, or occupying the ſame himſelf, or themſelves, ſhall pay after ſuch rate or tithes as is aboveſaid, after the quantity of ſuch yearly rent as the ſame was laſt letten for, without fraud or covin.

Meaſes.

V. Item, If any perſon or perſons have taken, or hereafter ſhall take any meaſe or manſion place by Leaſe, and the taker or takers thereof, his or their executors or aſſigns, doth or ſhall inhabit in any part thereof, and have or hath within eight years laſt paſt before this order, or hereafter will or ſhall let out the reſidue of the ſame; that then in ſuch caſe the principal fermor or fermors, or firſt taker or takers thereof, his or their executors or aſſigns, ſhall pay his or their tithes after the rate aforeſaid, according to his or their quantity therein, and that his or their executors, aſſignee or aſſignees, ſhall pay his or their tithes after the rate aboveſaid, according to the quantity of their rent by year.

VI. And if that any perſon or perſons have, or ſhall take divers manſion houſes, ſhops, ware-houſes, cellars or ſtables, in one Leaſe, and letteth, or ſhall let out one or more of the ſaid houſes, and keepeth or ſhall keep one or more in his or their own hands, and inhabiteth or inhabit in the ſame; that then the ſaid taker or takers, and his or their executors or aſſigns ſhall pay his or their tithes after the rate aboveſaid, according to the quantity of the yearly rent of ſuch manſion houſe or houſes, retained in his or their hands: And that his aſſignee or aſſignees, of the reſidue of the ſaid manſion houſe or houſes, ſhall pay his or their tithes after the rate aboveſaid, according to the quantity of their yearly rents.

VII. Item, If ſuch fermor or fermors, or his or their aſſigns of any manſion-houſe or houſes, ware-houſes, ſhops, cellars or ſtables, hath at any time within eight years laſt paſt, or ſhall hereafter let over all the ſaid manſion houſe or houſes contained in his or their Leaſe, to one perſon, or to divers perſons: that then the inhabitants, leſſees or occupiers of them, and every of them, ſhall pay their tithes, after the rate of ſuch rents as the inhabitants, leſſees or occupiers, and their aſſignee or aſſignees have been or ſhall be charged withall, without fraud or covin.

VIII. Item, In any dwelling houſe within eight years laſt paſt, was, or hereafter ſhall be converted into a ware-houſe, ſtore-houſe, or ſuch like, or if a ware-houſe, ſtore-houſe, or ſuch like, within the ſaid eight years, was, or hereafter ſhall be converted into a dwelling houſe: that then the occupiers thereof ſhall pay tithes for the ſame, after the rate above declared of manſion houſe rents.

IX. Item, That where any perſon ſhall demiſe any Dye-houſe or Brew-houſe, with implements convenient and neceſſary for Dying or Brewing, reſerving a rent upon the ſame, as well in reſpect of ſuch implements, as in reſpect of ſuch Dye-houſe or Brew-houſe: that then the tenant ſhall pay his tithes after ſuch rate as is aboveſaid, the third peny abated: (2) And that every principal houſe or houſes, with Key or Wharf, having any Crane or Gibit belonging to the ſame, ſhall pay after the like rate of their rents, as is aforeſaid, the third peny abated; (3) and that other Wharfs belonging to houſes having no Crane or Gibit, ſhall pay for his tithes as ſhall be payed for manſion houſes, in form aforeſaid.

X. Item, That where any manſion houſe with a ſhop, ſtable, ware-houſe, wharf with crane, timber-yard, teinter-yard, or garden belonging to the ſame, or as parcel of the ſame, is or ſhall be occupied together, that if the ſame be hereafter ſevered or divided, or at any time within eight years laſt paſt were ſevered or divided: that then the fermor or fermors, occupier or occupiers thereof, ſhall pay ſuch tithes as is aboveſaid, for ſuch ſhops, ſtable, ware-houſes, wharf with crane, timber-yard, teinter-yard, or garden aforeſaid, ſo ſevered or divided, after the rate of their ſeveral rents thereupon reſerved.

XI. Item, That the ſaid citizens and inhabitants ſhall pay their tithes quarterly, that is to ſay, at the Feaſt of Eaſter, the Nativity of St. John Baptiſt, the Feaſt of St. Michael the Archangel, and the Nativity of our Lord, by even portions.

XII. Item, That every houſholder paying ten ſhillings rent or above, ſhall for him or her ſelf, be diſcharged of their four Offering days: But his wife, children, ſervant or others of their family, taking their rights of the Church at Eaſter, ſhall pay two pence for their four Offering-days yearly.

XIII. Provided always, and it is decreed, That if any houſe or houſes which hath been or hereafter ſhall be letten for ten ſhillings rent by year, or more, be, or hath at any time within eight years laſt paſſed, or hereafter ſhall be divided and leaſed into ſmall parcels or members, yielding leſs yearly rents then ten ſhillings by year; that then the owner or owners, if he or they dwell in any part of ſuch houſe, or elſe the principal leſſee and leſſees, if the owner or owners do not dwell in ſome part of the ſame, ſhall from henceforth pay for his or their tithes after ſuch rate of rent as the ſame houſe was accuſtomed to be letten for, before ſuch diviſion or dividing into parts or members: (2) And the under-fermor and fermors, leſſee and leſſees to be diſcharged of all tithes for ſuch ſmall parcels, parts or members, rented at leſs yearly rent then ten ſhillings by year without fraud or covin, paying two pence a piece yearly for four Offering-days.

XIV. Provided alway, and it is decreed, That for ſuch gardens as appertain not to any manſion houſe, and which any perſon or perſons holdeth or ſhall hold in his or their hands, for pleaſure, or to his own uſe: that the then perſon ſo holding the ſame, ſhall pay no tithes for the ſame:

But if any perſon or perſons, which holdeth, or ſhall hold any ſuch garden, containing half an acre or more, doth or ſhall make any yearly profit thereof by way of ſale: that then he or they ſhall pay tithes for the ſame, after ſuch rate of his rent, as is herein firſt above ſpecified.

XV. Provided alſo, That if any ſuch gardens now being of the quantity of half an acre, or more, be hereafter by fraud or covin divided into leſs quantity or quantities, then to pay tithe according to the rate aboveſaid.

XVI. Provided alway, That this Decree ſhall not extend to the houſes of great men, or noble men, or noble women, kept in their own hands, and not letten for any rent, which in times paſt hath payed no tithes, ſo long as they ſhall ſo continue unletten: (2) Nor to any Halls of Crafts or Companies, ſo long as they be kept unletten, ſo that the ſame Halls in times paſt have not uſed to pay any tithes.

XVII. Provided always, and it is decreed, That this preſent Order and Decree ſhall not in any wiſe extend to bind or charge any ſheds, ſtables, cellers, timber-yards, ne teinter-yards, which were never parcel of any dwelling houſe, ne appertaining or belonging to any dwelling houſe, ne have accuſtomed to pay any tithes: but that the ſaid Citizens and Inhabitants ſhall thereof be quit of payment of any tithes, as it hath been uſed and accuſtomed.

XVIII. Provided alſo, and it is decreed, That where leſs ſum then after ſixteen pence half peny in the ten ſhillings rent, or leſs ſum then two ſhillings nine pence in the twenty ſhillings rent, hath been accuſtomed to be paid for tithes: that then in ſuch places the ſaid Citizens and Inhabitants ſhall pay but only after ſuch rate as hath been accuſtomed.

XIX. Item, It is alſo decreed, That if any variance, controverſie or ſtrife, do or ſhall hereafter ariſe in the ſaid City for non-payment of any tithes: or if any variance or doubt ariſe upon the true knowledge or diviſion of any rent or tithes, within the liberties of the ſaid City, or of any extent or aſſeſſment thereof, or if any doubt ariſe upon any other thing contained within this Decree: that then upon complaint made by the party grieved, to the Mayor of the City of London for the time being, the ſaid Mayor by the advice of Councel, ſhall call the ſaid parties before him, and make a final end in the ſame, with coſts to be awarded by the diſcretion of the ſaid Mayor and his Aſſiſtants, according to the intent and purport of this preſent Decree.

XX. And if the ſaid Mayor make not an end thereof within two months after complaint to him made, or if any of the ſaid parties find themſelves agrieved; that then the Lord Chancellor of England for the time being, upon complaint to him made within three months then next following, ſhall make an end in the ſame, with ſuch coſts to be awarded as ſhall be thought convenient, according to the intent and purport of the ſaid Decree.

XXI. Provided always, That if any perſon or perſons take any tenement for a leſs rent then it was accuſtomed to be letten for, by reaſon of great ruine or decay, brenning, or ſuch like occaſions or misfortunes: that then ſuch perſon or perſons, his executors or aſſigns, ſhall pay tithes only after the rate of the rent reſerved in his or their leaſe, and none otherwiſe, as long as the ſame leaſe ſhall endure.

CAP. XIII.

A Repeal of the Statute 34 H. 8. 6. ordained for the making of Pins. Pins, Raſt. 1.

CAP. XIV.

There ſhall be a Corporation or Body Politick of two perſons, to be called for ever the Maſters or Keepers of the Pier or Key of Scarborough in the County of York, who ſhall have authority to govern the Works of the ſame Key or Pier, to hire Workmen, buy Stuff, and make proviſion for every thing thereunto belonging, which ſhall receive yearly of every owner of any meſſuages, lands, tenements and hereditaments, or rents within the liberties of Scarborough, the fifth part of the yearly value of the ſame, towards the reparation of the ſaid Pier: For the which the ſaid Maſters or Keepers may diſtrain. PR. Scarborough, Raſt. 1.

CAP. XV.

No perſon, other then Merchants of the Staple, and their Factors and Servants, to be ſhipped onely to the Staple, and other then ſuch as ſhall convert the ſame into Yarn, Hats, Girdles or Cloth, (and not to ſell again) ſhall buy or take promiſe of bargain of any Woolls of the growing in the Shires of Kent, or 27 Shires, upon pain of forfeiture of the double value thereof, but every perſon may bring his own Wooll to the open Market, and ſell it. No perſon ſhall buy or bargain for any Wooll for any Merchant Stranger, upon pain of forfeiture. EXP. Stat. 4 Ed. 4. 4. 4 H. 7. 11. 22 H. 8. 1. 1 Ed. 6. 6. 5 Ed. 6. 7. Woolls, Raſt. 43.

CAP. XVI.

The Lordſhip of Rippon, with ſeveral other Lands, to be annexed to the Dutchy of Lancaſter. Biſhops, Raſt. 8.

CAP. XVII.

A Bill that Doctors of Civil Law being married may exerciſe Eccleſiaſtical Juriſdiction.

Eccleſ. perſ. 44. Doctors of the Civil Law, married or unmarried, may exerciſe all manner of Eccleſiaſtical Juriſdiction. The authority of the King as Supream Head of the Church.

In moſt humble wiſe ſhew and declare unto your Highneſs your moſt faithful, humble and obedient Subjects, the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, That where your moſt Royal Majeſty is, and hath always juſtly been by the Word of God, Supream Head in Earth of the Church of England, and hath full power and authority to correct, puniſh and repreſs all manner of Hereſies, Errors, Vices, Sins, Abuſes, Idolatries, Hypocriſies and Superſtitions, ſprung and growing within the ſame, and to exerciſe all other manner of Juriſdictions, commonly called Eccleſiaſtical Juriſdiction: (2) Nevertheleſs the Biſhop of Rome and his Adherents, minding utterly as much as in him lay to aboliſh, obſcure and delete ſuch power given by God to the Princes of the Earth, whereby they might gather and get to themſelves the government and rule of the World, have in their Councils and Synods Provincial, made, ordained, eſtabliſhed and decreed divers Ordinances and Conſtitutions, that no Lay or married man ſhould or might exerciſe or occupy any Juriſdiction Eccleſiaſtical, nor ſhould be any Judge or Regiſter in any Court, commonly called Eccleſiaſtical Court, leſt their falſe and uſurped power, which they pretended and went about to have in Chriſts Church, ſhould decay, wax vile, and be of no reputation, as by the ſaid Councils and Conſtitutions Provincial appeareth: which ſtanding and remaining in their effect, not aboliſhed by your Graces Laws, did ſound to appear to make greatly for the ſaid uſurped power of the ſaid Biſhop of Rome,

The cauſe why no married man ſhould exerciſe Eccleſiaſtical Juriſdiction.

and to be directly repugnant to your Majeſty as Supream Head of the Church, and Prerogative Royal, your Grace being a Lay-man.

25 H. 8. 19. Sect. 7. The Clergy have no Eccleſiaſtical juriſdiction, but by and under the King. 27 H. 8. 20. Sect. 4. N. 1. 32 H. 8. 7. Sect. 5. N. 1.

II. And albeit the ſaid Decrees, Ordinances and Conſtitutions by a Statute made in the Five and twentieth year of your moſt noble Reign, be utterly aboliſhed, fruſtrate, and of none effect: yet becauſe the contrary thereunto is not uſed, nor put in practice by the Archbiſhops, Biſhops, Archdeacons, and other Eccleſiaſtical perſons, who have no manner of juriſdiction Eccleſiaſtical, but by, under and from your Royal Majeſty, it addeth, or at the leaſt may give occaſion to ſome evil diſpoſed perſons, to think, and little to regard the proceedings and cenſures Eccleſiaſtical made by your Highneſs and your Vicegerent, Officials, Commiſſaries, Judges and Viſitators, being alſo Lay and married men, to be of little or none effect or force, whereby the people gathereth heart and preſumption to do evil, and not to have ſuch reverence to your moſt godly injunctions and proceedings as becometh them.

III. But foraſmuch as your Majeſty is the onely and undoubted Supream Head of the Church of England, and alſo of Ireland, to whom by holy Scripture all authority and power is wholly given to hear and determine all manner cauſes Eccleſiaſtical, and to correct vice and ſin whatſoever, and to all ſuch perſons as your Majeſty ſhall appoint thereunto: That in conſideration thereof, as well for the inſtruction of ignorant perſons, as alſo to avoid the occaſion of the opinion aforeſaid, and the ſetting forth of your Prerogative Royal and Supremacy.

Doctors of the Civil Law if they be laymen, being married or unmarried may exerciſe Eccleſiaſtical juriſdiction.

Cro. El. Cro. Ca 12 Co. Poph.

IV. It may therefore pleaſe your Highneſs, that it may be ordained and enacted by authority of this preſent Parliament, That all and ſingular perſons, as well Lay as thoſe that be now married, or hereafter ſhall be married, being Doctors of the Civil Law, lawfully create and made in any Univerſity, which ſhall be made, ordained, conſtituted and deputed to be any Chancellor, Vicar-General, Commiſſary, Official, Scribe or Regiſter by your Majeſty, or any of your Heirs or Succeſſors, or by any Archbiſhop, Biſhop, Archdeacon, or other perſon whatſoever having authority under your Majeſty, your Heirs and Succeſſors, to make any Chancellor, Vicar-General, Commiſſary, Official or Regiſter, may lawfully execute and exerciſe all manner of Juriſdiction, commonly called Eccleſiaſtical Juriſdiction, and all Cenſures, and Coertions appertaining, or in any wiſe belonging unto the ſame, albeit ſuch perſon or perſons be Lay, married or unmarried, ſo that they be Doctors of the Civil Law, as is aforeſaid; any Law, Conſtitution or Ordinance to the contrary notwithſtanding. Stat. 1 & 2 P. & M. 8. 1 El. 1.

C A P. XVIII.

Honours, Raſt. 1.

The King during his life may by his joynt or ſeveral Letters Patents under the Great Seal and Proclamation, make the City of Weſtminſter one Honour, the Town of Kingſton upon Hull another, his Caſtle of Donington in the County of Berks a third, and St. Oſith in the County of Eſſex a fourth Honour: And alſo ſo many Honours as he will, and annex to them ſuchlands of his as he will. The Free-holders and Copy-holders ſhall hold their lands as they did before. Exp.

C A P. XIX.

The Bill for Fines levied in the County Palatine.

Fines 12.

FOraſmuch as divers good and beneficial Statutes, for the Commodity of the Kings Subjects within this Realm, have heretofore been made by authority of Parliament, concerning the levying of Fines with Proclamation, both for avoiding of ſtrife, and alſo for the ſurety of the Kings Subjects, to be had of and in lands, tenements and hereditaments, by them purchaſed or obtained; which good and beneficial Statutes do not extend to Fines levied in the County Palatine of Lancaſter:

Fines levied in Lancaſter, are of like force as fines acknowledged before the Juſtices of the Common Pleas.

II. Be it therefore ordained and enacted by the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame Parliament, That all and ſingular Fines, which at any time hereafter ſhall be levied or knowledged before the Juſtices of our Sovereign Lord the King, or of his Heirs or Succeſſors of the County Palatine of Lancaſter, commonly called Juſtices of Aſſiſe at Lancaſter, or before one of them, of any lands, tenements, or other hereditaments, lying or being within the County Palatine of Lancaſter, (2) which ſhall be openly read and proclaimed three ſeveral days in the open Seſſions, in the preſence of the Juſtices of Aſſiſe at Lancaſter, or of one of them for the time being, at the ſame Seſſions, that the ſame Fine ſhall fortune to be ingroſſed, and alſo that ſhall be openly read and proclaimed in the preſence of the Juſtices of Aſſiſe at Lancaſter, or of one of them for the time being, at the two next general Seſſions that ſhall be holden in the ſaid County Palatine of Lancaſter, before the Juſtices of the ſame County, commonly called Juſtices of Aſſiſe at Lancaſter, or before one of them, next after the levying or ingroſſing of ſuch ſaid Fine, at three ſeveral days in either of the ſaid two Seſſions, after ſuch manner and form as is commonly uſed in the Kings Court of his Common Place at Weſtminſter, (3) ſhall be of like force, ſtrength and effect in the Law to all intents, conſtructions and purpoſes, as Fines being duly levied with proclamations before the Kings Juſtices of his Common Place, be or ought to be of.

C A P. XX.

The Tenure of Lands of fourty ſhillings by year or under.

Tenures, Raſt. 10.

Tenures of lands under fourty ſhillings which are granted by the Kings Letters Patents, reſerved. 35 H. 8. 14.

37 H. 8. 28.

WHere in the Parliament holden at Weſtminſter, the fourteenth day of January, in the Five and thirtieth year of the King our moſt gracious Sovereign Lords Reign, it was among other things enacted, ordained and eſtabliſhed, That from the four and twentieth day of April then next following, the ſame our Sovereign Lord the Kings Highneſs, his Heirs or Succeſſors, upon any Letters Patents of any manors, lands, tenements, or other hereditaments, not exceeding the clear yearly value of fourty ſhillings, belonging to any of the late Monaſteries or Religious houſes, which came to his gracious hands by the Act of Parliament made at Weſtminſter in the ſeven and twentieth year of his moſt gracious Reign: And upon any of his or their Letters Patents made of any houſes, tenements, cottages or gardens, whereunto no lands or hereditaments did appertain, not being

ing any of the Kings Princely houſes, reſerved and kept by a keeper thereof to his Graces uſe, which were belonging to any of the ſaid late Monaſteries or Religious houſes compriſed in the ſaid Act made in the ſaid ſeven and twentieth year of our ſaid Sovereign Lord the Kings Reign, by which Letters Patents, any Eſtate of Inheritance ſhould or might paſs from the Kings Highneſs, his Heirs or Succeſſors, might reſerve upon the ſame Letters Patents to his Highneſs, his Heirs and Succeſſors, at his and their own will and pleaſure, either a Tenure by Knights ſervice in capite, or elſe a Tenure in ſoccage or free burgage, and not in capite: any law, cuſtom, uſage, or any other thing to the contrary thereof notwithſtanding, as by the ſame Act made in the ſaid five and thirtieth year of our ſaid Sovereign Lord the Kings Reign, amongſt other things more plainly appeareth: (2) Foraſmuch as divers and ſundry ambiguities and doubts have riſen and grown ſithen the making of the ſaid Act in the ſaid five and thirtieth year of our ſaid Sovereign Lord the Kings Reign, as well upon the expoſition of the words contained in the ſaid Act, in that the ſaid Act doth not extend to any lands or tenements, other then ſuch as be expreſſed in the ſaid Act, made in the ſaid ſeven and twentieth year of our ſaid Sovereign Lord the Kings Reign, as alſo upon the the Tenures of divers manors, lands, tenements and hereditaments by his Highneſs given and granted ſithen the ſaid four and twentieth day of April, in the ſaid five and thirtieth year of his moſt noble Reign:

II. Be it therefore now ordained and enacted by authority of this preſent Parliament, That all manors, lands, tenements, rents, revenues, parſonages, tithes, and other hereditaments, not being at the time of the making of any ſuch Letters Patents heretofore made ſithen the ſaid four and twentieth day of April, above the clear yearly value of fourty ſhillings: and all houſes, meſſuages, cottages, curtilages, orchards, yards and gardens, whereunto no other lands, tenements or hereditaments were belonging or appertaining, not being any of the Kings Princely houſes, reſerved and kept by a keeper thereof to his Graces uſe, by whatſoever title or titles they or any of them came unto his Majeſties hands, heretofore given or granted by his Majeſty to any perſon or perſons, or bodies politick, ſithen the ſaid four and twentieth day of April, in the ſaid ſeven and twentieth year of his Reign, by his Letters Patents, whereby any Eſtate of Inheritance hath paſſage from his Highneſs, to hold the ſame of his Highneſs, his Heirs and Succeſſors, by fealty only, and not in capite, or in ſoccage, or free burgage, or by fealty only in free and common ſoccage, and not in capite, or by any manner of ſuch like words in effect, or to hold the ſame by fealty, as of any of his Graces honours, manors or lands, or by fealty only, as of any of his Graces honours, manors or lands, and not in capite, or by any ſuch like words in effect: ſhall from the date of every ſuch Letters Patents be adjudged, taken and deemed to all intents and purpoſes, to be holden in ſoccage, or burgage, and not in capite, according to the very expreſs and plain words contained in any ſuch Letters Patents, without any farther implication, conſtruction or explanation of the Law thereof to be made or had by any perſon or perſons againſt the ſame, and in no manner wiſe to be deemed, adjudged, or to be taken to be holden in capite; any ambiguity, doubt, or other thing heretofore riſen or moved, or hereafter to be moved, ſtirred or ſet forth to the contrary notwithſtanding.

III. And be it further enacted by the authority aforeſaid, That the Kings Highneſs, his Heirs or Succeſſors, at any time or times within five years next after the firſt day of November laſt paſt, ſhall and may at his or their own wills and pleaſure, upon any Letters Patents made, or hereafter to be made of any manors, lands, tenements, rents, reverſions, ſervices, parſonages, tithes, portions, penſions, and other hereditaments, not being rated or valued at the time of the making of any ſuch Letters Patents above the ſum of fourty ſhillings by year, whereby any ſtate of Inheritance hath, or ſhall paſs from his Highneſs, his Heirs or Succeſſors (houſes, meſſuages, cottages, orchards, yards and gardens, whereunto no other lands, tenements or hereditaments do appertain, only except:) And alſo ſhall and may upon any like Letters Patents hereafter to be made within the ſaid five years, of any houſes, meſſuages, cottages, orchards, yards, curtilages or gardens, whereunto none other lands, tenements or hereditaments do appertain, (not being any of the Kings Princely houſes, reſerved and kept by a keeper thereof to his Graces uſe), by whatſoever title or titles the ſaid manors, lands, tenements, rents, reverſions, ſervices, parſonages, tithes, portions, penſions, houſes, tenements, cottages, gardens, and other the premiſſes, or any of them, ſo to be given or granted, become, or hereafter ſhall come to his Graces hands, his Heirs or Succeſſors, reſerve either a tenure by Knights ſervice in capite, or elſe a tenure by fealty, or in ſoccage or burgage, and not in capite. (2) And that all and ſingular the ſaid general tenures, as well heretofore reſerved and made ſithen the ſaid four and twentieth day of April, in the ſaid five and thirtieth year of our Sovereign Lord the Kings Reign, as hereafter within the ſaid five years next after following to be reſerved or made, and having theſe words, Et non in capite, ſhall from the date of every ſuch Letters Patents be deemed, adjudged and taken to be tenures in ſoccage or burgage, and not in capite.

The King during five years may reſerve other tenures and not in capite, upon lands not exceeding the yearly value of xl. s.

IV. And that the Patentees of the ſame manors, lands, tenements and other the premiſſes, or any part thereof, their heirs and aſſigns and every other perſon and perſons having the ſame, or any part thereof, ſhall hold the ſame manors, lands, tenements, houſes, cottages, and other hereditaments compriſed in any ſuch Letters Patents, of our ſaid Sovereign Lord the King, his Heirs and Succeſſors, having the ſaid words, Et non in capite, by the ſervice of fealty, in ſoccage or burgage, according to the expreſs words contained in any ſuch Letters Patents, and ſhall not hold the ſame, or any part thereof, of our ſaid Sovereign Lord, his Heirs or Succeſſors in chief, or in capite, nor ſhall be compelled by reaſon only of the ſame, to ſue any livery, make fine for alienation, or ſue any licence or pardon for any alienation only thereof: (2) And the heir and heirs of every ſuch Patentees, or of their heirs and aſſigns, or of any other having any eſtate, right or title, of, in or to the ſame manors, lands, tenements or hereditaments, and having no other lands, tenements,

A Patent of land granted by the King with theſe words, Tenendum de nobis, &c. Et non in capite.

or hereditaments, holden of the Kings Highneſs in capite, ſhall and may freely and lawfully after the death of ſuch Patentee, their heirs and aſſigns, or other perſon or perſons having any ſuch eſtate, right or title, enter into the ſaid manors,, lands, tenements, houſes, cottages, and other hereditaments, compriſed, or to be compriſed in any ſuch Letters Patents, without ſuing of Livery, Ouſter le main or any fine or fee to be paid for any Livery only thereof, to our ſaid Sovereign Lord the King, his Heirs or Succeſſors for the ſame, by reaſon only of ſuch tenure in ſoccage or burgage, expreſſed or to be expreſſed in any of the ſaid Letters Patents; any Law, Cuſtom or Uſage heretofore had or uſed to the contrary thereof notwithſtanding. Stat. 27 H. 8. 27. 35 H. 8. 14. 7 Ed. 6. 3.

CAP. XXI.

The Bill for the Union of Churches.

Eccleſ perſ. 31. Two Churches not being above a mile diſtant, and one of them being not above the yearly value of ſix pounds, may be united into one.

Where in divers and ſundry places within this Realm of England, there be many and ſundry Parſonages, the glebes, tithes and yearly revenues and profits whereof be not ſufficient to find a Prieſt or Curate to ſerve or miniſter to the Pariſhioners thereof, within a mile or leſs of the Church of which poor Parſonages, there is in many places another Church pertaining to another Pariſh, ſtanding as neceſſary and commodiouſly for the acceſs of the Pariſhioners of the other poor Pariſh, as their own doth:

II. And foraſmuch as the charges for the maintenance of ſuch two Churches and Chappels, with all manner of Reparations, Ornaments, and other accuſtomed Duties pertaining to a Church, be much greater then may be well raiſed or born amongſt ſuch poor Pariſhioners, and might and ſhould be eaſed and remedied by the uniting and knitting of ſuch two Churches in one:

12 Co. 7. Dyer 259. pl. 19.

III. It may therefore pleaſe the Kings Royal Majeſty, with the aſſent of his Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that it may be enacted and eſtabliſhed, That an union or conſolidation of two Churches in one, or of a Church and Chappel in one, the one of them not being above the yearly value of ſix pounds, as it is rated and valued at to the Kings Highneſs, in his Court of the Firſt-fruits and Tenths, and not diſtant from the other above one mile, in any place or places within this Realm of England, may be from henceforth had or made by the aſſent of the Ordinary and Ordinaries of the Dioceſs where ſuch Churches and Chappels ſtandeth, and by the aſſents of the Incumbents of them, and of all ſuch as have a juſt right, title and intereſt to the Patronages of the ſame Churches and Chappels, being then of full age: (2) And that all ſuch unions and conſolidations had or made of two Churches in one, or of a Church and Chappel in one, as is aforeſaid, ſhall be good, ſufficient, lawful, firm, ſtable and available in the Law, to remain, endure and continue for ever united and knit in one, in ſuch manner and form, as by writing and writings under the Seals of ſuch Ordinaries, Incumbents and Patrons, it ſhall be declared and ſet forth.

A confirmation of all unions heretofore made.

IV. And be it further enacted by the authority aforeſaid, That all unions and conſolidations of all Churches and Chappels, which have heretofore been united or knit together in one by the aſſent of the Ordinaries, Incumbents, and true and lawful Patrons in fee-ſimple of them, as is aforeſaid, ſhall alſo remain and be from henceforth adjudged and deemed in the Law to endure and continue for ever united and knit in one, without any diſſolution, undoing, unknitting, or repeal of them or any of them by any manner of means or way:

The Kings Tenths and Firſt-fruits reſerved.

V. Saving unto the Kings Majeſty, his Heirs and Succeſſors, all the Tenths and Firſt-fruits of all ſuch Churches and Chappels as be heretofore united or conſolidated in one, or that hereafter ſhall be united and conſolidated in one, according to the ſame, or ſuch like rates and valuations as the ſame Churches and Chappels, or any of them now are rated or valued at to the Kings ſaid Majeſty, in his ſaid Highneſs Court of the Firſt-fruits and Tenths.

Unions ſhall not be in corporate Towns without conſent of the chief Magiſtrates thereof. 17 Car. 2. 3.

VI. Provided alway, That all unions and conſolidations, and every of them hereafter to be had or made of any Church or Chappel within any City or Town-corporate, within this Realm of England, without the aſſent of the Mayor, Sheriffs and Commonalty of the City where ſuch Churches, Church or Chappel be or ſhall be, or without the aſſent of ſuch bodies corporate of other Towns-corporate, where ſuch Churches, Church or Chappel be or ſhall be, by the names of their Corporations in writing under their common Seal, ſhall be clearly void and of no force ne effect; any thing before expreſſed, or any Ordinance, Law, Cuſtom or Statute to the contrary thereof in any wiſe notwithſtanding.

The union avoided upon a competent living aſſured.

VII. Provided alſo, That where the Inhabitants of any ſuch poor Pariſh, or the more part of them, within one year next after the union or conſolidation of the ſame Pariſh, by their writing ſufficient in the Law, ſhall aſſure the Incumbent of the ſaid Pariſh for the yearly payment of ſo much money, as with the ſum that the ſaid Pariſh is rated and valued at in the Kings Highneſs ſaid Court of the Firſt-fruits and Tenths, ſhall amount to the full ſum of eight pound ſterling, to be levied and paid yearly by the ſaid Inhabitants to the ſaid Incumbent and his ſucceceſſors, that then all ſuch unions or conſolidations hereafter to be had or made of any ſuch poor Pariſh, as is aforeſaid, ſhall be void and of none effect; any thing ſtatuted or ordained to the contrary hereof in any wiſe notwithſtanding.

VIII. Provided always, That this ſaid Proviſo ſhall not extend to any union or conſolidation of any Church or Chappel had or made before the making of this Eſtatute; any thing in the ſaid Proviſo mentioned to the contrary thereof notwithſtanding. Stat. 1 El. 4. Sect. 12. N. 1.

CAP. XXI.

An Act to fill up the Jury de circumſtantibus.

Jurors, Raſt. 17. A Tales may be granted de circumſtantibus, where a full Jury doth not appear.

BE it enacted and eſtabliſhed by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and the authority of the ſame, That the Act for non-appearance in Juries to have de circumſtantibus, made at Weſtminſter at the Parliament holden the five and thirtieth year of our ſaid Sovereign Lords Reign, ſhall continue and remain unto the end of the next Parliament, in his full force and ſtrength, in as ample manner as in the ſaid Act purported. 2 Ed. 6. 32. made perpetual.

The Statute 35 H. 8. 6 continued until the end of the next Parliament.

CAP. XXIII.

Certain Statutes concerning the prices of Wines, &c. and alſo certain other Statutes continued.

THE Statutes made Anno 22 H. 8. 12. touching the relief of the poor, and the puniſhment of vagabonds. Anno 22 H. 8. 7. for reſtraint of conveying of Horſes and Mares out of this Realm. Anno 21 H. 8. 12. for the making of Cables, &c. Anno 23 H. 8. 17. for the true winding of wooll. Anno 24 H. 8. 9. againſt the killing of Weanlings. Anno 23 H. 8. 3. for the puniſhment of perjury upon untrue verdicts. Anno 24 H. 8. 4. concerning the ſowing of Flax and Hemp. Anno 23 H. 8. 2. for the making of Gaols in divers Shires. Anno 32 H. 8. 30. for the reformation of Miſpleadings, Jeofails and Attornies. Anno 22 H. 8. 2. for buying of Fiſh upon the Sea. Anno 32 H. 8. 16. for the making of Worſted-yarn in Norfolk. Anno 34 H. 8. 7. for the ſetting of the prices of Wine. Anno 34 H. 8. 16. concerning the ordering and diſcharge of Sheriffs by their oaths upon their accompts, ſhall continue until the laſt day of the next Parliament. EXP. Stat. 1 El. 18.

II. And whereas in the ſaid Act concerning the ſetting of prices of Wines, it is contained, that the Lord Chancellor of England, Lord Treaſurer, Lord Preſident of the Kings Councel, Lord Privy Seal, and the two Chief Juſtices, or five, four, or three of them, ſhould have power and authority by their diſcretions to ſet the prices of all kinds of Wines, as by the ſame Act more plainly appeareth: (2) Be it now ordained and enacted by the authority of this preſent Parliament, That the ſaid Lord Chancellor, Lord Treaſurer, Lord Preſident, Lord Privy Seal, and the two Chief Juſtices, or five, four, or three of them, ſhall yearly ſet the prices of all kinds of the ſaid Wines mentioned in the ſaid former Act, between the twentieth day of November and the laſt day of December, and at no other time or times; (3) and that all and every perſon ſelling in groſs or by retail, any of the ſaid Wines mentioned in the ſame Act, ſhall not ſell any of the ſame Wines above the prices ſo by them ſet, upon ſuch pains and forfeitures as be made and provided in the ſame Statute made at Weſtminſter the eight and twentieth year of the Reign of our moſt dread Sovereign Lord the King.

Wines 1. At what time the prices of wines ſhall be ſet by the Lords, according to the Statute of 28 H. 8. 14. 12 Car. 2. c. 25.

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons now have, or hereafter ſhall have any manner of Wines to ſell in groſs within any City, Borough Town Corporate, or any other Haven, corporate Town or Towns within this Realm, or within any the Kings Dominions, or Territories of the ſame, and do at any time hereafter refuſe to ſell any kind of the ſame Wines, according as the price is now, or at any time hereafter ſhall be limited and appointed by the ſaid Lord Chancellor, Lord Treaſurer, Lord Preſident, Lord Privy Seal, and other the ſaid Chief Juſtices, or by any five, four, or three of them: that then it ſhall be lawful for the Mayor of the City of London, Recorder of the ſame City, and two of the ancient Aldermen of the ſame City, being no Vintners, for the time being, and to the Mayor, Bailiffs, Aldermen, and other the head Officers, or to any two of them, whereof the Mayor, or chief Alderman, or Bailiff to be one, within all and every other City, Borough, and Port-town within this Realm, wherein any Wines now be, or hereafter ſhall be ſo ſold, to enter into the houſes, cellars and places of all and every ſuch owner and owners of the ſame Wines, in any the ſaid Cities, Boroughs, and Port-towns, and the ſame Wines lawfully to ſell to the uſe of the owners of the ſame Wines, to any perſon and perſons willing to buy the ſame, according to ſuch prices and rate as by the ſaid Lord Chancellor, Lord Treaſurer, Lord Preſident, Lord Privy Seal, and the ſaid two Chief Juſtices, or by any five, four, or three of them is, or hereafter ſhall be ſet, limited and aſſigned, according to the tenor of the ſaid Act made in the ſaid eight and twentieth year of the Kings Majeſties Reign.

In what caſes chief Officers of Cities or Corporate towns may ſell other mens Wines. 24 H. 8. 6.

CAP. XXIV.

A confirmation of a Subſidy granted to the King by the Clergy of the Province of Canterbury, of ſix ſhillings in the pound, to be paid in two years. EXP. Co. Inſt. 4 par. 44.

Taxes, Raſt. 24.

CAP. XXV.

A Subſidy by the Temporalty.

GOD SAVE THE KING.

Anno primo EDWARDI Sexti.

Statutes made in the Parliament begun at *Weſtminſter* the fourth day of *November*, in the firſt year of the Reign of our moſt dread Sovereign Lord, *Edward* the ſixth, by the Grace of God, King of *England*, *France* and *Ireland*, Defender of the Faith, and of the Church of *England*, and alſo of *Ireland*, in Earth the Supream Head: and from thence continued to the twenty fourth day of *December* then next enſuing; that is to ſay, in the firſt Seſſion of the ſame Parliament, as followeth.

CAP. I.

An Act againſt ſuch as ſhall unreverently ſpeak againſt the Sacrament of the Altar, and of the Receiving thereof under both kinds.

THE Kings moſt excellent Majeſty minding the governance and order of his moſt loving Subjects to be in moſt perfect unity and concord, in all things, and in eſpecial, in the true Faith and Religion of God, and wiſhing the ſame to be brought to paſs with all clemency and mercy on his Highneſs part towards them, as his moſt Princely Serenity and Majeſty hath already declared by evident proof, to the intent that his moſt loving Subjects provoked by clemency and goodneſs of their Prince and King, ſhall ſtudy rather for love then for fear to do their duties, firſt to Almighty God, and then to his Highneſs and the Commonwealth, nouriſhing concord and love amongſt themſelves: (2) yet conſidereth and perceiveth that in a multitude all be not on that ſort, that reaſon and the knowledge of their duties, can move them from offence, but many had need have ſome bridle of fear, and that the ſame be men moſt contentious and arrogant for the moſt part,

Sacraments 1. The penalty for unreverend ſpeaking againſt the Sacrament of the Body & Bloud of Chriſt, or againſt the receiving thereof in both kinds. The King mindeth to have unity in Religion by clemency.

or

The bleſſed Sacrament inſtituted by Chriſt himſelf, and by what words of his.

The cauſes of the abuſe of the bleſſed Sacrament.

The penalty for ſpeaking unreverently of the moſt bleſſed Sacrament.

or elſe moſt blind and ignorant: (3) by the means of which ſort of men, many things well and godly inſtituted, and to the edification of many, be perverted and abuſed, and turned to their own and others great loſs and hinderance, and ſometime to extream deſtruction: the which doth appear in nothing more or ſooner, then in matters of Religion, and in the great and high Myſteries thereof, as in the moſt comfortable Sacrament of the Body and Bloud of our Saviour Jeſus Chriſt, commonly called the Sacrament of the Altar, and in Scripture, the [a] Supper and [b] Table of the Lord, the [c] Communion and [d] partaking of the Body and Bloud of Chriſt: (4) which Sacrament was inſtituted of no leſs Authour then of our Saviour, both God and Man, when at his laſt Supper amongſt his Apoſtles, he did take the Bread in his holy hands, and did ſay, [e] Take you and eat this my body, which is [f] given and [g] broken for you. And taking up the [h] Chalice or [i] Cup did give thanks and ſay, [k] This is my Bloud of the New Teſtament, which is ſhed for [l] you, and for [m] many, for the [n] remiſſion of ſins, that [o] whenſoever we ſhould do the ſame, we ſhould do it in the remembrance of him, and to declare and ſet forth his death and moſt glorious paſſion, until his coming. Of the which [p] Bread whoſoever eateth, or of the which Cup whoſoever drinketh unworthily, eateth and drinketh condemnation and judgment to himſelf, making no difference of the Lords Body. (5) The inſtitution of which Sacrament being ordained by Chriſt, as is beforeſaid, and the ſaid words ſpoken of it here before rehearſed, being of eternal, infallible and undoubted truth: yet the ſaid Sacrament (all this notwithſtanding) hath been of late marvellouſly abuſed by ſuch manner of men before rehearſed, who of wickedneſs, or elſe of ignorance and want of learning, for certain abuſes heretofore committed of ſome, in miſuſing thereof, have condemned in their hearts and ſpeech the whole thing, and contemptuouſly depraved, deſpiſed or reviled the ſame moſt holy and bleſſed Sacrament, and not only diſputed and reaſoned unreverently and ungodly of that moſt high Myſtery, but alſo in their Sermons, Preachings, Readings, Lectures, Communications, Arguments, Talks, Rimes, Songs, Plays or Jeſts, name, or call it by ſuch vile and unſeemly words, as Chriſtian ears do abhor to hear rehearſed: (6) For reformation whereof, Be it enacted by the Kings Highneſs, with the aſſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That whatſoever perſon or perſons, from and after the firſt day of May next coming, ſhall deprave, deſpiſe, or contemn the ſaid moſt bleſſed Sacrament, in contempt thereof, by any contemptuous words, or by any words of depraving, deſpiſing or reviling: or what perſon or perſons ſhall adviſedly in any otherwiſe contemn, deſpiſe or revile the ſaid moſt bleſſed Sacrament, contrary to the effects and declaration aboveſaid, that then he or they ſhall ſuffer impriſonment of his or their bodies, and make fine and ranſom at the Kings will and pleaſure. (7) And for full and effectual execution of the premiſſes before deviſed, ordained and enacted by this Act, Be it furthermore enacted by the authority of this preſent Parliament, That immediately after the firſt day of May next coming, the Juſtices of Peace, or three of them at the leaſt, whereof one of them to be of the Quorum, in every Shire of this Realm, and Wales, and all other places within the Kings Dominions, ſhall have full power and authority by virtue of this Act, as well to take information and accuſation by the Oaths and Depoſitions of two able, honeſt and lawful perſons at the leaſt, (8) and after ſuch accuſation, or information ſo had, to enquire by the Oaths of xij men, in every their four quarter Seſſions yearly to be holden, of all and ſingular ſuch accuſations or informations to be had, or made of any of the offences aboveſaid, to be committed or done, after the ſaid firſt day of May, within the limits of their Commiſſion: (9) And that upon every ſuch accuſation and information, the offendor and offendors ſhall be enquired of, and indicted before the ſaid Juſtices of Peace, or three of them at the leaſt, as is aforeſaid, of the ſaid contempts and offences, by the verdict of twelve honeſt and indifferent men, if the matter of the ſaid accuſation and information ſhall ſeem to the ſaid Jury good and true.

a 1 Cor. 20.
b 1 Cor. 21.
c 1 Cor. 16.
d 1 Cor. 17.
e Mat. 26.
f Luke 22.
g 1 Cor. 24.
h Mat. 26.
i Mar. 14.
k Mar. 14.
l Luke 22.
m Mar. 14.
n Mat. 26.
o 1 Cor.
p 1 Cor.

Juſtices of Peace may enquire of offenders.

Examination of the accuſers.

II. And it is alſo further enacted by the authority aforeſaid, That the ſaid Juſtices of Peace, or three of them at the leaſt, as is aforeſaid, before whom any ſuch preſentment, information and accuſation ſhall be made or taken, as is aforeſaid, ſhall examine the accuſers what other witneſs were by and preſent at the time of the doing and committing of the offence, whereof the information, accuſation and preſentment ſhall be made, and how many others then the accuſers have knowledge thereof, (2) and ſhall have power and authority by their diſcretions, to bind by recogniſance to be taken before them, as well the ſaid accuſers, as all ſuch other perſons whom the ſaid accuſers ſhall declare to have knowledge of the offences by them preſented and informed, every of them in five pounds to the King, to appear before the ſaid Juſtices of Peace before whom the offendor or offendors ſhall be tried at the day of trial and deliverance of ſuch offendors.

What proceſs ſhall be awarded againſt the perſons indicted.

III. And it is further enacted by the authority aforeſaid, That the ſaid Juſtices of Peace, or three of them at the leaſt, as is aboveſaid, by virtue of this Act, ſhall have full power and authority to make proceſs againſt every perſon and perſons ſo indicted, by two Capias, and an exigent, and by Capias utlagatum, as well within the limits of their Commiſſion, as into all other Shires and places of this Realm, Wales, and other the Kings Dominions, as well within Liberties as without, and the ſame Proceſs to be good and effectual in the Law to all intents, conſtructions and purpoſes, (2) and upon the appearance of any of the offendors, ſhall have full power and authority by virtue of this Act, and the Commiſſion of Peace, to determine the contempts and offences aforeſaid, according to the Laws of this Realm, and effects of this Act: (3) And that the ſaid Juſtices of Peace, or three of them at the leaſt, as is aboveſaid, ſhall have full power and authority to let any ſuch perſon or perſons ſo endicted, upon ſufficient ſureties by their diſcretions, to bail for their appearance, to be tried according to the tenor, form, and effect of this Act.

Juſtices of Peace may determine the offences.

Bailment of perſons indicted.

IV. Provided always, and be it enacted, That the ſaid Juſtices of Peace, or three of them at the leaſt, at their quarter Seſſions, where any offendor or offendors ſhall be or ſtand endicted of any of the contempts or offences aboveſaid, ſhall direct and award one Writ in the

Kings name to the Biſhop of the Dioceſs wherein the ſaid offence or offences are ſuppoſed to be committed or done, willing and requiring the ſaid Biſhop to be in his own perſon, or by his Chancellor, or other his ſufficient Deputy learned, at the quarter Seſſions in the ſaid County to be holden, when and where the ſaid offender ſhall be arraigned and tried, appointing to them in the ſaid Writ the day and place of the ſaid arraignment; (2) which Writ ſhall be of this form: Rex, &c. Epiſcopo L. ſalutem. Præcipimus tibi quod tu, Cancellarius tuus, vel alius deputat. tuus ſufficienter eruditus, ſitis cum Juſtic. noſtris ad pacem in com. noſtro B. conſervand. aſſignat. apud D. tali die, ad ſeſſionem noſtram, ad tunc & ibm. tenend. ad dand. conſilium & adviſament. eiſdem Juſticiariis noſtris ad pacem, ſuper arraignment. & Deliberationem offendent. contra form. ſtatuti, concernen. ſacroſanct. Sacramentum Altaris.

A writ directed by the Juſtices to the Biſhop.

V. Provided always, and be it enacted by the authority abovesaid, That no perſon or perſons ſhall be endicted of any of the contempts or offences abovesaid, but only of ſuch contempts or offences as ſhall be informed or preſented within three months next after the ſaid offences or offence ſo committed or done.

No indictment but within three months after the offence.

VI. And be it further enacted by the authority aforeſaid, That in all trials, for any ſuch offenders before the ſaid Juſtices, as is aforeſaid, the perſon or perſons being complained on and arraigned, ſhall be admitted to purge or try his or their innocency, by as many, or more witneſſes in number, and of as good honeſty and credence, as the witneſſes be which depoſed againſt him or them, or any of them.

The defendant may try his innocency by witneſſes.

VII. And foraſmuch as it is more agreeable, both to the firſt inſtitution of the ſaid Sacrament of the moſt precious Body and Blood of our Saviour Jeſus Chriſt, and alſo more conformable to the common uſe and practice both of the Apoſtles, and of the Primitive Church, by the ſpace of 500. years and more after Chriſts Aſcenſion, that the bleſſed Sacrament ſhould be miniſtred to all Chriſtian people under both the kinds of Bread and Wine, then under the form of Bread only: (2) and alſo it is more agreeable to the firſt Inſtitution of Chriſt, and to the uſage of the Apoſtles, and the Primitive Church, that the people being preſent ſhould receive the ſame with the Prieſt, then that the Prieſt ſhould receive it alone: (3) therefore be it enacted by our Sovereign Lord the King, with the conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid moſt bleſſed Sacrament be hereafter commonly delivered and miniſtred unto the people within this Church of England and Ireland, and other the Kings Dominions under both the kinds, that is to ſay, of Bread and Wine, except neceſſity otherwiſe require: (4) and alſo that the Prieſt which ſhall miniſter the ſame, ſhall, at the leaſt one day before, exhort all perſons which ſhall be preſent, likewiſe to reſort and prepare themſelves to receive the ſame. (5) And when the day prefixed cometh, after a godly exhortation by the miniſter made, (wherein ſhall be further expreſſed the benefit and comfort promiſed to them which worthily receive the holy Sacrament, and danger and indignation of God threatned to them which ſhall preſume to receive the ſame unworthily, to the end that every man may try and examin his own Conſcience before he ſhall receive the ſame) (6) the ſaid Miniſter ſhall not without a lawful cauſe deny the ſame to any perſon that will devoutly and humbly deſire it; any Law, Statute, Ordinance or Cuſtom contrary thereunto in any wiſe notwithſtanding: not condemning hereby the uſage of any Church out of the Kings Majeſties Dominions. Exp. 1 M. 2. Reviv. 1 Eliz. 1. Stat. 5 Ed. 6. 1.

The bleſſed Sacrament ſhall be delivered unto the people under both kinds of Bread and Wine.

The uſage of other Churches not condemned.

CAP. II.

An Act for the Election of Biſhops.

Foraſmuch as the Elections of Archbiſhops and Biſhops by the Deans and Chapters within the Kings Majeſties Realms of England and Ireland, at this preſent time, be as well to the long delay, as to the great Coſt and Charges of ſuch perſons as the Kings Majeſty giveth any Archbiſhoprick or Biſhoprick unto: (2) And whereas the ſaid Elections be in every deed no Elections, but only by a Writ of Conge d'eſlire, have Colours, Shadows or Pretences of Elections, ſerving nevertheleſs to no purpoſe and ſeeming alſo derogatory and prejudicial to the Kings Prerogative Royal, to whom only appertaineth the Collation and Gift of all Archbiſhops and Biſhopricks, and Suffragan Biſhops within his Highneſs ſaid Realms of England and Ireland, Wales, and other his Dominions and Marches: (3) For a due reformation hereof, be it therefore enacted by the Kings Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That from henceforth no Conge d'eſlire be granted, nor Election of any Archbiſhop or Biſhop by the Dean and Chapter made: (4) but that the King may by his Letters Patents at all times, when any Archbiſhoprick or Biſhoprick is void, confer the ſame to any perſon whom the King ſhall think meet. (5) The which Collation ſo by the Kings Letters Patents made, and delivered to the perſon to whom the King ſhall confer the ſame Archbiſhoprick or Biſhoprick, or to his ſufficient Proctor and Attorney, ſhall ſtand to all intents, conſtructions and purpoſes, to as much and the ſame effect, as though Conge d'eſlire had been given, the Election duly made, and the ſame confirmed. (6) And thereupon the ſaid perſon to whom the ſaid Archbiſhoprick, Biſhoprick, or Suffraganſhip is ſo conferred, collated, or given, may be conſecrated, and ſue his Livery or Ouſter le main, and do other things as well as if the ſaid Ceremonies and Elections had been done and made.

Biſhops, Raſt. 9. Wingat Sect. 15. Elections of Biſhops belong only to the King. St. 25 H. 8 20.

None but the King ſhall collate to a Biſhoprick.

II. Provided always, and be it enacted by the authority aforeſaid, That every ſuch perſon to whom any Collation and Gift of any Archbiſhoprick, Biſhoprick or Suffraganſhip ſhall be given or collated by the King, his Heirs or Succeſſors, ſhall pay, do and yield to all and every perſon all ſuch Fees, Intereſts and Duties, as of old time have been accuſtomed to be done; any thing in this Act, or in any other to the contrary hereof in any wiſe notwithſtanding.

A Biſhop collated by the King, ſhall pay the uſual fees.

III. And whereas the Archbiſhops and Biſhops, and other Spiritual perſons in this Realm,

do

All Proceſſes Eccleſiaſtical ſhall be in the Kings name: but the Teſte in the Biſhops name.

do uſe to make and ſend out their Summons, Citations and other Proceſs, in their own names, and in ſuch form and manner as was uſed in the time of the uſurped power of the Biſhop of Rome, contrary to the form and order of the Summons and Proceſs of the Common Law uſed in this Realm (ſeeing that all Authority of Juriſdiction Spiritual and Temporal is derived and deducted from the Kings Majeſty, as Supream Head of theſe Churches and Realms of England and Ireland, and ſo juſtly acknowledged by the Clergy of the ſaid Realms) That all Courts Eccleſiaſtical within the ſaid two Realms, be kept by no other power or authority, either foreign or within the Realm, but by the authority of his moſt excellent Majeſty: (2) Be it therefore further enacted by the authority aforeſaid, That all Summons and Citations, or other Proceſs Eccleſiaſtical, in all Suits and Cauſes of inſtance betwixt party and party, and all Cauſes of Correction, and all Cauſes of Baſtardy or Bigamy, or Inquiry de jure patronatus, Probates of Teſtaments, and Commiſſions of Adminiſtrations of perſons deceaſed, and all Acquittances of and upon Accounts made by the Executors, Adminiſtrators, or Collectors of Goods of any dead perſon, be from the firſt day of July next following, made in the name, and with the ſtyle of the King, as it is in Writs original or judicial at the Common Law: (3) And that the Teſte thereof be in the name of the Archbiſhop or Biſhop, or other having Eccleſiaſtical Juriſdiction, who hath the Commiſſion and Grant of the Authority Eccleſiaſtical immediately from the Kings Highneſs, and that his Commiſſary, Official or Subſtitute exerciſing juriſdiction under him, ſhall put his Name in the Citation or Proceſs after the Teſte.

Every Biſhops, &c. ſeal of office ſhall have the Kings Arms ingraven upon it.

IV. Furthermore be it enacted by the authority aforeſaid, That all manner of perſon or perſons, who have the exerciſe of Eccleſiaſtical Juriſdiction, ſhall have from the firſt day of July before expreſſed in their Seals of Office, the Kings Highneſs Arms decently ſet, with certain Characters under the Arms for the Knowledge of the Dioceſs, and ſhall uſe no other Seal of Juriſdiction, but wherein his Majeſties Arms be ingraven, (2) upon pain that if any perſon ſhall uſe Eccleſiaſtical Juriſdiction (after the day before expreſſed) in this Realm of England, Wales, or other his Dominions or Territories, and not ſend or make out the Citation or Proceſs in the Kings name, or uſe any Seal of Juriſdiction other then before limited; that every ſuch offender ſhall incur and run in the Kings Majeſties diſpleaſure and indignation, and ſuffer impriſonment at his Highneſs will and pleaſure.

Uſual fees ſhall be taken.

V. Provided that no more, nor other Fees be taken or paid for the Seal and Writing of any Citations or other Proceſs then was heretofore accuſtomed.

The Archbiſhop of Canterbury may uſe his own ſeal.
St. 35 H. 8. 21.
In what caſes other Biſhops may uſe their own ſeals.
St. 32 H. 8. 45.

VI. Provided alſo, and be it enacted by the authority aforeſaid, That the Archbiſhop of Canterbury for the time being, ſhall uſe his own Seal, and in his own Name, in all Faculties and Diſpenſations, according to the tenor of an Act thereof made: (2) And that the ſaid Archbiſhops and Biſhops ſhall make, admit, order and reform their Chancellors, Officials, Commiſſaries, Advocates, Proctors and other their Officers, Miniſters and Subſtitutes, and Commiſſions of Suffragan Biſhops, in their own Names, under their own Seals, in ſuch manner and form as they have heretofore uſed: (3) And ſhall certifie to the Court of Tenths their Certificates under their own Names and Seals, as heretofore they have uſed, and according to the Statute in that caſe made and provided: (4) And likewiſe ſhall make Collations, Preſentations, Gifts, Inſtitutions and Inductions of Benefices, Letters of Order, or Dimiſſories, under their own Names and Seals, as they have heretofore accuſtomed; any thing in this Act contained to the contrary notwithſtanding.

Certificates into a Court of Record ſhall be in the Kings name, Teſte the Biſhop.

VII. Provided always, and be it enacted by the authority aforeſaid, That all Proceſs hereafter to be made or awarded by any Eccleſiaſtical perſon or perſons, for the trial of any Plea or Pleas, or matters depending, or that hereafter ſhall depend in any of the Kings Courts of Record at the Common Law, and limited by the Laws and Cuſtoms of this Realm, to the Spiritual Courts to try the ſame, that the Certificate of the ſame, after the trial thereof, ſhall be made in the Kings Name for the time being, and with the ſtile of the ſame King, and under the Seal of the Biſhop, graved with the Kings Arms, with the Name of the Biſhop or Spiritual Officer, being the Teſte of the ſame Proceſs and Certificate, and to every of them. REP. 1 M. 2. But ſee 1 Jac. 25. which Repeals 1 M. 2. Stat. 25 H. 8. 20. 31 H. 8. 9. 8 El. 1.

Cok. lib. 12. 8.

C A P. III.

Vagabonds, Faſt. 1.

A Repeal of all Statutes heretofore made for the puniſhment of Vagabonds, and of all Articles compriſed in the ſame. (2) If any perſon ſhall bring to two Juſtices of Peace any Runnagate Servant, or any other which liveth idlely and loiteringly by the ſpace of three days, the ſaid Juſtices ſhall cauſe the ſaid idle and loitering Servant or Vagabond to be marked with an hot Iron on the Breaſt with the mark of V. (3) and adjudge him to be ſlave to the ſame perſon that brought and preſented him, to have to him, his Executors or Aſſigns, for two years after, who ſhall take the ſaid ſlave, and give him bread, water, or ſmall drink, and refuſe meat, and cauſe him to work by beating, chaining, or otherwiſe, in ſuch work and labour as he ſhall put him unto, be it never ſo vile: (4) And if ſuch ſlave abſent himſelf from his ſaid Maſter within the ſaid term of two years, by the ſpace of fourteen days, then he ſhall be adjudged by two Juſtices of Peace to be marked on the Forehead, or the Ball of the Cheek, with an hot Iron, with the ſign of an S. and further ſhall be adjudged to be ſlave to his ſaid Maſter for ever: (5) And if the ſaid ſlave ſhall run away the ſecond time, he ſhall be adjudged a Felon. (6) No Clerk convict ſhall make his purgation, but ſhall be a ſlave for one year to him who will become bound with two Sureties in twenty pound to the Ordinary, to the Kings uſe, to take him into ſervice: And he ſhall be uſed in all reſpects as is aforeſaid like to a Vagabond. (7) A Clerk attainted or convict, which by the Law cannot make his purgation, may by the Ordinary be delivered to any man, who will become bound with two ſufficient Sureties, to keep him as his ſlave five years: And then he ſhall be uſed in all reſpects as is aforeſaid for a Vagabond, ſaving for burning in the Breaſt. (8) It ſhall be lawful to every perſon to whom any ſhall be adjudged a ſlave, to put a Ring of Iron about his Neck, Arm or Leg. (9) A Juſtice of Peace and Conſtable may bind a Beggar mans child Apprentice to the age of fourteen years, and a woman-child to the age of twenty years, to any that will require them. (10) And if the ſaid child run away, then his Maſter may retain and uſe him for the term aforeſaid, as his ſlave. (11) All impotent, maimed and aged perſons, who cannot be taken for Vagabonds, ſhall have convenient Houſes provided for them, and otherwiſe be relieved in the Cities, Boroughs and Towns where they were born, or were moſt converſant by the ſpace of three years, by the willing and charitable diſpoſition of the Pariſhioners: And none other ſhall be ſuffered to beg there. EXP. & REP. 3 & 4 Ed. 6. 16. & 39 El. 4.

CAP. IV.

An Act for Tenures holden in capite.

WHere before this time ambiguities, queſtions and doubts have been moved and ſtirred in divers and ſundry the Kings Courts of Record, whether ſuch honours, caſtles, manors, lands, tenements, and other hereditaments, are holden of the King in capite, which any his loving Subjects do hold by Knights ſervice, ſoccage, or other ſervices of the King, as of his Dutchies, Earldoms, Baronies, Honours, Caſtles, Manors, Lands, Tenements, Fees and Seigniories, which have come to the hands and poſſeſſion of divers of his Highneſs moſt noble Progenitors by attainder of Treaſon, miſpriſion of Treaſon, attainders of Præmunire, and proviſion had and done by Act of Parliament, by verdict, confeſſion, conviction or utlagary, and Offices or no Offices thereupon found, or by the diſſolution, ſurrender, or giving up to the King, or to any his noble Progenitors, of any Religious or Eccleſiaſtical Houſes or Places, or of any manors, lands, tenements, or other hereditaments to any of the ſame Religious or Eccleſiaſtical Houſes or Places in any wiſe appertaining or belonging, or no: by means of which doubt ſo moved, his ſaid humble and obedient Subjects and Tenants have been heretofore much unquieted, moleſted and grieved: (2) Wherefore the King our Sovereign Lord minding, and entirely deſiring the quietneſs of his ſaid Subjects, and that the certainty of the Laws in that behalf might be known and declared to his ſaid loving Subjects, (3) for a plain declaration and reſolution to be had, of, for and concerning the premiſſes, at the humble petition and ſuit of the Lords and Commons in this preſent Parliament aſſembled, doth ordain, declare and enact, by the aſſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, (4) That all ſuch honours, caſtles, manors, lands, tenements and other hereditaments, and every of them, which now be, or at any time hereafter ſhall be holden of the King, or of any of his Heirs or Succeſſors, by any of his ſaid Subjects, by Knights ſervice, ſoccage or otherwiſe; as of any of his or their Dukedoms, Earldoms, Baronies, Caſtles, Manors, Lands, Tenements, Fees or Seigniories, which be come to the King, or his moſt noble Progenitors, or hereafter ſhall come to the King, his Heirs or Succeſſors, by means of any ſuch attainder, conviction, utlagary, or of any ſuch diſſolution, ſurrender, or giving up of any Religious or Eccleſiaſtical Houſes or Places, or of any manors, lands, tenements or hereditaments, to any of the ſaid Religious or Eccleſiaſtical Houſes or Places in any wiſe belonging or appertaining, ſhall not from henceforth be adjudged, deemed, taken or conſtrued to any intent conſtruction or purpoſe, to be holden in capite, or as tenure in capite; any ambiguity, queſtion or doubt heretofore moved to the contrary notwithſtanding.

Tenures I. Lands coming to the Kings hands, by attainder, diſſolution or ſurrender, &c. ſhall not be holden in capite.

Stat. 9 H. 3. 31.
Stat. 1 Ed. 3. 13.

II. Provided always, and be it enacted by the authority aforeſaid, That this Act or any thing therein contained, ſhall not in any wiſe be prejudicial, ne hurtful to the King, his heirs or ſucceſſors, to, for, or concerning any wardſhip, livery, primer ſeiſon, fine or alienation, or to or for any other profit or advantage, which now is come, or hereafter ſhall or may come, fall or grow to the King, his Heirs or Succeſſors, by or from any perſon or perſons, which doth, or hereafter ſhall hold any honours, ſeigniories, caſtles, manors, lands, tenements, or other hereditaments, of the King in chief, as of his perſon, or of any other his ancient poſſeſſions, and being not come to the King by any ſuch attainder, confeſſion, conviction, utlagary, diſſolution, giving up, or ſurrender as be abovesaid.

Tenure of the King as of his perſon or ancient poſſeſſions.

III. Provided alſo, and be it enacted by the authority aforeſaid, That this preſent Act, or any thing therein contained or ſpecified, ſhall not in any wiſe, or by any means give any advantage, liberty or profit to any tenant or owner in fee-ſimple, of any honours, manors, lands, tenements, or other hereditaments, which have heretofore ſued any ſpecial or general livery, or Ouſter le maine, out of the hands of the King, or of any of his noble Progenitors, of any honours, manors, lands, tenements or other hereditaments, by what tenure or ſervice they were, or be holden, or that have, or ſhall confeſs by any matter of Record, any Tenure in chief of the King, but that they, their heirs and aſſigns, ſhall have and hold the ſame manors, lands, tenements, and other hereditaments, in like manner and form, as they did before the making of this preſent Act, and as though this preſent Act had never been had ne made; any thing above declared and enacted to the contrary notwithſtanding. Rep. 12 Car. 2. cap. 24.

Concluſion of tenure by matter of record.

CAP. V.

An Act for not conveying of Horſes out of this Realm.

WHere before this time divers of the Kings Subjects, and namely of the North parts of this Realm, as well in time of Peace as of War, have conveyed, ſold, given and delivered out of this Realm, as well into Scotland, as into other foreign Realms beyond the Sea, many and divers great multitudes of Horſes, Geldings and Mares, which have been thought as well great accaſion, ſtrength and boldneſs to the Scottiſh men, and other the Kings foreign Enemies, having in poſſeſſion the ſame Horſes, Geldings and Mares, in time of War to invade this Realm, as alſo a great decay of the good breed of Horſes and Mares which before time hath been within this Realm, to the great detriment and hinderance of the Kings poor Subjects, towards the defence of this Realm and other his Dominions: (2) For remedy whereof, be it therefore enacted by our Sovereign Lord the King, and by the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons after the firſt day of January next coming, do ſell, exchange, give, convey or deliver into the Realm of Scotland, to the uſe of any Scottiſh man, (3) or do carry, give, exchange, ſell, ſend, convey or deliver in any place beyond the Sea, out of this Realm, or the Dominions of the ſame, any Horſe, Gelding or Mare, without ſpecial licence therefore to be obtained of the Kings Highneſs, or of his Heirs, under the Great Seal of this Realm, or under the Privy Signet: (4) or if any perſon or perſons after the ſaid firſt day of January, do ſell, exchange, give or deliver to any Scot-

Horſes 14. None may convey horſes out of England without licence.

The penalty of the conveying of Horſes into Scotland, or other foreign Countries, without the Kings licence.

Stat. 23 H. 8. 16.
Stat. 1 El. 7.
Stat. 4 Jac. 1.

tiſh man within this Realm of England or Wales, the Town of Berwick, or the Marches of the ſame, to the intent to be conveyed into Scotland, any Horſe, Gelding or Mare, (5) or do convey or carry any Horſe, Mare or Gelding into any foreign parts beyond the Sea, without like ſpecial licence obtained of the Kings Highneſs, or of his Heirs, under the Great Seal, or Privy Signet, as is aforeſaid: (6) that then the ſame perſon and perſons ſo offending contrary to this Act, ſhall loſe and forfeit to our Sovereign Lord and his Heirs, the ſame Horſe, Mare or Gelding ſo carried and conveyed, (7) and alſo ſhall loſe and forfeit the ſum of fourty pound, for every ſuch Horſe, Gelding or Mare ſo to be conveyed and carried in form aforeſaid: whereof the one moiety to be to the King, and the other moiety to him or them that will ſue for the ſame by information, action of debt or detinue, in any of the Kings Courts of Record; in which ſuit no wager of law, eſſoin, ne protection ſhall be allowed. (8) And that alſo all and every perſon and perſons ſo offending contrary to this Act, ſhall ſuffer impriſonment by the ſpace of one whole year.

The Wardens in their Courts, and Juſtices of Peace may enquire of offenders.

II. And be it further enacted by the authority aforeſaid, That it ſhall be lawful, as well to the Warden and Wardens of the Eaſt, Weſt, and middle Marches for the time being, in their Warden Courts, as alſo to all and every the Kings Juſtices of Peace in every Shire, as well in England as in Wales, in their Quarter Seſſions, to enquire of all and every offence or offences hereafter to be perpetrated, committed or done contrary to this Act: (2) And that it ſhall be lawful to all and every perſon and perſons being the Kings Subjects, to arreſt and impriſon every Scottiſh man, and all and every other perſon or perſons, which ſhall lead or convey, contrary to the meaning of this Act, any ſuch Horſe, Gelding or Mare, out of this Realm into the ſaid Realm of Scotland, or into any other foreign place beyond the Sea, other then ſuch perſons as hereafter ſhall have ſufficient warrant by or from the Kings Highneſs, or his Heirs, under his or their Great Seal, or Privy Signet, according to the meaning of this Act.

The Kings Licence to tranſport horſes and licence to give licence.

III. Provided always, and be it enacted by the authority aforeſaid, That if the King our Sovereign Lord, his Heirs or Succeſſors, at any time hereafter, under his Great Seal or Privy Signet, do give licence to any perſon or perſons to carry or convey any Horſes, Mares or Geldings into Scotland, or into any parts beyond the Sea, or elſe do give authority, power or commandment to any perſon or perſons, by warrant under the Kings Great Seal, to licenſe any other perſon or perſons to carry and convey any Horſes, Mares or Geldings into Scotland, or into any parts beyond the Sea: that then it ſhall be lawful, as well to all and ſingular perſon and perſons having ſuch licence under the Kings Great Seal, or Privy Signet, as to all and every other perſon and perſons having licence in writing under the Seal of ſuch perſon or perſons to whom the King ſhall give authority, power or commandment in form abovesaid, to licenſe other perſon or perſons to carry or convey any Horſes, Mares or Geldings into Scotland, or into any parts beyond the Sea, to carry and convey ſuch number of Horſes, Geldings or Mares, or any of them into Scotland, or into any of the parts beyond the Sea, as ſhall be mentioned in any ſuch licence, as is before ſpecified; any thing mentioned in this Act to the contrary in any wiſe notwithſtanding.

Carrying of horſes to ſerve the King in his Wars.

IV. Provided always, and be it enacted by the authority aforeſaid, That this Act, ne any thing therein contained, ſhall in any wiſe extend to any perſon or perſons, which at any time hereafter ſhall carry or convey any Horſe, Mare or Gelding into Scotland, or into any other foreign parts beyond the Sea, to ſerve the King in his Wars, with the ſame Horſes, Mares or Geldings; any thing mentioned in this Act to the contrary in any wiſe notwithſtanding.

Licences ſhall be ſhewed to the Wardens of the Marches.

V. And to the intent the Kings Majeſty ſhall not hereafter be deceived in the number of ſuch Horſes, Mares or Geldings which hereafter ſhall be carried or conveyed into Scotland, ye that the parties which hereafter ſhall obtain any licence by force of this Act, for the carriage or conveyance of any Horſes, Mares or Geldings to be carried or conveyed into Scotland, (2) Be it therefore enacted by the authority aforeſaid, That all and every ſuch perſon and perſons which hereafter ſhall be licenſed according to this Act, to carry or convey any Horſes, Mares or Geldings into Scotland, ſhall before the ſame carriage or conveyance, upon the pain or forfeiture of the ſaid Horſe, Mare or Gelding, or the double value thereof, (whereof the one moiety to be to the King, and the other moiety to him or them that will ſue for the ſame by ſuch like action, as before is limited in this Act) ſhew his or their ſaid licence to one of the three Wardens of the three Marches of England, to the intent that one of the ſaid Wardens ſhall cauſe the number of the ſaid Horſes, Mares or Geldings ſo licenſed to be conveyed into Scotland, not only to be kalendred in a book, to remain in his own cuſtody, but alſo to be endorſed, and written on the backſide of the ſaid licence, and the ſame endorſement to be ſigned with the hand of the ſaid Warden.

Every perſon that goeth beyond the Sea, may take a horſe with him for his own uſe. Rep. 5. El. 19.

VI. Provided always, That it ſhall be lawful to every of the Kings Subjects that ſhall paſs over beyond the Sea, to ſhip or carry with them Horſes or Geldings, for their own occupation in their journeys, and not to the intent to ſell the ſame beyond the Sea: (2) and that intent to be judged by the oath of him or them that ſo will carry over any Horſe or Gelding: which oath ſhall be taken before the Cuſtomers or their Deputies, or Searcher of every ſuch Port where the ſame Horſe or Gelding ſhall be ſhipped, before the ſhipping thereof.

The Warden of the 5 Ports may give certain horſes.

VII. Provided always, That the Warden of the five Ports now being, or hereafter to be, may yearly at his pleaſure, give ſix Horſes or Geldings, and no more, within one year, at one or divers times, upon like pain as is aforeſaid, to any perſon or perſons, in the parts beyond the Seas, being in amity with the Kings Highneſs, or his ſucceſſors; this Act, or any thing therein to the contrary notwithſtanding.

The Maſter of the Kings horſes.

VIII. Provided alſo, That this Act, nor any thing therein mentioned, be in any wiſe hurtful or prejudicial to the Maſter of the Kings Horſes, now, and hereafter to be, for ſuch things and commodities as ſhall and do concern his office; any thing in this Act to the contrary notwithſtanding.

Tranſporting a Mare not ex-

IX. Provided alſo, That it ſhall be lawful to any of the Kings Subjects, to carry or ſend into any parts beyond the Sea, any Mares, whereof the price of any one Mare ſo to be carried, doth not exceed Ten ſhillings, in ſuch and like manner as Mares being of the price of ſix ſhillings eight pence, have been, or might have been conveyed over the Seas before the making of this Act; any thing in this Act, or in any other Act or Acts heretofore made to the contrary hereof notwithſtanding.

ceeding x s. in price. 11 H. 7. 13.

CAP. VI.

The Bill for the continuance of making of Worſted Yarn in Norfolk.

Where the greateſt, and almoſt the whole number of the poor Inhabitants of the County of Norfolk, and the City of Norwich be, and have been heretofore for a great time maintained, and gotten their living by Spinning of the Woolls growing in the ſaid County of Norfolk, upon the Rock into Yarn, and by all the ſaid time have uſed to have their acceſs to common Markets within the ſaid County and City, to buy their Woolls there to be Spun, as is aforeſaid, of certain perſons called Retailers of the ſame Woolls, by eight peny worth, and twelve peny worth at one time, or thereabout, and have not uſed to buy, ne can buy their ſaid Woolls of the breeders of the ſame Woolls by ſuch ſmall parcels, as well for that the ſaid breeders of the ſaid Woolls will not ſell their ſaid Woolls by ſuch ſmall parcels, as alſo for that the moſt part of the ſaid poor perſons dwell far off from the ſaid breeders of the ſaid Woolls: (2) And foraſmuch as by an Act of Parliament made in the Thirty ſeventh year of the Reign of the noble King of famous memory, Henry the Eighth, all perſons be reſtrained upon a great pain, to buy any Woolls to ſell the ſame again, except Merchants of the Staple, for the only proviſion of the Staple, as in the ſaid Act, among other things more at large is contained: therefore the ſaid Retailers of Woolls in the ſaid County of Norfolk and City of Norwich, which heretofore have uſed to buy Woolls, and to ſell them again to the ſaid poor perſons in overt Markets, as is aforeſaid, have ſince the making of the ſaid Statute in eſchewing the danger and pain provided by the ſame, ceaſed and left to buy the ſaid Woolls, for the relief of the ſaid poor perſons: by reaſon whereof, the ſame poor perſons inhabiting within the ſaid County of Norfolk and City of Norwich, that have heretofore been Spinners, and maintained by Spinning of the ſaid Woolls, be now unoccupied and unſet a work, and a great number of them enforced to beg for lack of work, to the utter decay and ruine of the poor people of the ſaid County and City, and the inhabitants thereof, unleſs ſome remedy be therein provided: (3) In conſideration whereof, it may pleaſe the Kings moſt Royal Majeſty, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all and every perſon and perſons dwelling and inhabiting within the ſaid County of Norfolk and City of Norwich, or in either of them, by him, or themſelves, or by his or their Factors, ſervant or ſervants, may lawfully from henceforth, without pain, forfeiture, danger or breach of any Law or Ordinance, to buy and bargain Woolls, and take and make proviſion to buy and bargain Woolls growing, or that ſhall grow only within the ſaid County of Norfolk, in as large and like manner and form, as the ſame inhabitants within the ſaid County and City might and did uſe to do before the making of the ſaid Act of Parliament, and as if the ſaid Act of Parliament had never been had or made, ſo that the ſame perſon and perſons ſo buying or bargaining, or taking promiſe to buy or bargain the ſaid Woolls, do ſell or retail the ſame again in the common Market, or other open place within the ſaid County of Norfolk, or City of Norwich, to any perſon and perſons at their pleaſure and liberty that will buy the ſame, or any parcel thereof, dwelling and inhabiting within the ſaid County and City of Norwich, or any of them, that ſhall or will Spin the ſame within the ſaid County of Norfolk, and the City of Norwich, or any of them; the ſaid former Act, or any article, clauſe or ſentence therein contained, or any other Act or Acts, Law or Ordinance, heretofore made to the contrary thereof in any wiſe notwithſtanding.

Wooll 4. Yarn 1. How and by whom Worſted Yarn is to be made in Norfolk.

By the Statute of 37 H. 8. 15. all perſons reſtrained to buy wooll to ſell again, except, &c.

Every perſon dwelling in Norwich or Norfolk may buy and ſell again Norfolk wooll in open market, notwithſtanding the Stat. of 37 H. 8. 15.

II. And where in the Parliament holden at Weſtminſter the Three and thirtieth year of the Reign of our late Sovereign Lord the King, it was amongſt other things enacted thus, as enſueth, or like in effect, that is to ſay, That no perſon or perſons from henceforth ſhould buy, ne cauſe to be bought within the ſaid City of Norwich, or County of Norfolk, any Yarn Spun of the Rock, called Worſted Yarn, the which ſhould then after that be Spun within the ſaid County or City, but ſuch perſon or perſons being Weavers of Worſted, Ruſſels, Stamine, Says, and ſuch other like Clothes within the ſaid City or County, that ſhould weave or work, or cauſe to be woven or wrought in Worſted, Stamine, Ruſſels, Says, and ſuch other like Clothes, the ſaid Yarn ſo bought or cauſed to be bought within the ſaid City or County, in the ſaid City of Norwich, or in ſome Market Town within the ſaid County: (2) upon the pain and forfeiture, for every pound weight of the ſaid Yarn called Worſted Yarn, ſo bought within the ſaid County or City, and not woven or wrought, as is aforeſaid, within the ſaid City or County, fourty ſhillings; the one half thereof to be to the King our Sovereign Lord, and the other half thereof to be to him or them that ſhould then after that ſue for the ſame by bill, information, action of debt, or otherwiſe in any Court of Record, in which ſaid action, bill or information, no eſſoin, wager of Law, foreign plea or protection ſhould be allowed.

Stat. 33 H. 8. 16.

Who may buy worſted yarn ſpun in Norwich or Norfolk, and who not.

III. And where it is alſo ordained in the ſaid Act, That if any perſon or perſons did after the firſt day of April then next after the ſaid Act enſuing, ſhip, or carry, or convey, or cauſe to be ſhipped to carry or convey into the parts beyond the Sea, or did carry or convey into the parts beyond the Sea, any Yarn called Worſted Yarn, not made or wrought in Cloth, ſo that ſuch Yarn were Spun within this Realm, that then every perſon and perſons ſo ſhipping, conveying and carrying, or cauſing ſuch Yarn ſo to be ſhipped, carried and conveyed, ſhould forfeit for every pound of Worſted Yarn ſo ſhipped, conveyed or carried, fourty ſhillings, the one half thereof to be to our ſaid Sovereign Lord the King, and the other half thereof to him or them that ſhould ſue for the ſame by bill, information, or action of debt, in any of the Kings Courts of Record, as in the ſaid Act, the ſame, or the like in effect, more plainly doth

No worſted yarn not made into cloth ſhall be tranſported.

The Stat. of 33 H. 8. 16. rehearſed and made perpetual.

and may appear. (2) And foraſmuch as the ſaid Act was made and ordained to continue and endure until the Parliament then after that next enſuing, and hath been ſithence by other general Acts continued until this preſent Parliament, and was not by any of the ſaid Acts ordained to continue for ever: It may now pleaſe the Kings moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all the afore recited Act for Yarn, with all the words, forfeitures, pains and ſentences before recited, as the ſame is before recited and declared, may from henceforth be enacted to continue, and to be taken for an Act to continue for ever, to all intents and purpoſes, according to the ſaid words, ſentences, and the purport thereof before in this Act recited.

Hatmakers may buy Middle-wooff yarn.

IV. Provided always, That it ſhall be lawful to every perſon and perſons, being a Hatmaker or Hatmakers, dwelling within the ſaid City of Norwich, to buy ſuch of the ſaid Worſted Yarn, as is called and known by the name of Middle-woof-yarn, as they and every of them have heretofore done and uſed to do, ſo that the ſame Middle-woof-yarn ſo bought by the ſaid Hatmakers or Hatmaker, be wrought in Hats, or employed to Hat-making within the ſaid City; any thing before recited to the contrary thereof notwithſtanding. Stat. 5 Ed. 6. 7.

CAP. VII.

The Continuation of Actions after the death of any King.

Diſcontinuance 1. The death of the King ſhall not diſcontinue any ſuit &c. 3 Bulſt. 314.

Where the Kings Subjects heretofore have to their great coſts, charges and expences, proſecuted and ſued divers and ſundry Actions, as well real and perſonal, as all other Actions mixt or otherwiſe, in the Kings Majeſties Courts, and other Courts of Record, not only by Writs, but alſo by plaint or bills; which actions, ſuits, bills and plaints, by the death or demiſe of the Kings of this Realm, have been diſcontinued, (2) and the parties in every ſuch actions, ſuits, bills and plaints, thereby have been put without day, whereby the demandants, plaintiffs and actors in every ſuch action and ſuit, were compelled and driven by the order and laws of this Realm, for their further remedy, to commence and begin again his or their ſaid actions, ſuits or plaint, or elſe to proſecute and ſue reſummons, attachments, Scire facias, or ſuch other like proceſs, to revive his or their ſaid actions, ſuits or plaints, (3) which was not only to their great coſts, charges, expences, hinderances and delay of their cauſes and ſuits, but alſo a great let and hinderance of juſtice: (4) For reformation whereof, be it ordained, eſtabliſhed and enacted by the King our Sovereign Lord, and the Lords, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from thenceforth by the death or demiſe of the Kings Majeſty that now is, (whoſe life Almighty GOD long preſerve, keep and maintain in his moſt Royal eſtate) nor by the death or demiſe of any that hereafter ſhall be King of this Realm, any action, ſuit, bill or plaint, now, or that hereafter ſhall depend between party and party, in any of the Courts aforeſaid, ſhall not in any wiſe be diſcontinued or put without day: (5) But that the proceſs, pleas, demurs and continuances in every action, actions, ſuits, bills or plaints, which now or that hereafter ſhall depend, ſhall ſtand good and effectual, and be proſecuted and ſued forth, in ſuch manner and form, and in the ſame eſtate, condition and order, as if the ſame King had lived or continued in full life, the death or demiſe hereafter of any King of this Realm notwithſtanding. (6) And that all, and all manner of judicial proceſs that hereafter ſhall be had or purſued in the time of the Reign of any other King, then reigning at the time of the purſuit of the original, or other former proceſs, ſhall be made in the name of the King that for the time ſhall reign and be King of this Realm, and that variance touching the ſame proceſs between the names of the Kings ſhall not be in any wiſe material, as concerning any default to be alledged or objected therefore.

Variance between the original and judicial proceſs ſhall not be prejudicial.

Suits not diſcontinued by death, new commiſſion, or aſſociation, or not coming of Juſtices.

II. And alſo be it further eſtabliſhed and enacted by the authority aforeſaid, That all and every Aſſiſe of Novel diſſeiſin, Aſſiſe of Mortdanceſtor, Juris utrum, and attaint, which at any time hereafter ſhall be arraigned, commenced or ſued before any of the Kings Juſtices of Aſſiſe, ſhall not from henceforth be diſcontinued, or put without day, by reaſon of death, new commiſſion, aſſociation, or not coming of the ſame Juſtices of Aſſiſe, or any of them; but ſhall ſtand good and effectual in the Law, to all intents, conſtructions and purpoſes, the death, new commiſſion, aſſociation, or not coming of the ſame Juſtices, or any of them, in any wiſe notwithſtanding.

Preferment of the plaintiff to a name or dignity.

III. And over that, be it ordained and enacted by the authority aforeſaid, That albeit any demandant or plaintiff in any manner of action, bill or ſuit, ſhall fortune to be made or created Duke, Archbiſhop, Marqueſs, Earl, Vicount, Baron, Biſhop, Knight, Juſtice of the one Bench or of the other, or Sergeant at the Law, depending the ſame action, bill or ſuit, yet that notwithſtanding, that no writ, action or ſuit ſhall for ſuch cauſe in any wiſe be abatable or abated, but ſhall remain in like force, goodneſs or ſtrength as the ſame was before; any law or uſage to the contrary in any wiſe notwithſtanding.

Preferment of a Juſtice or Commiſſioner to a name of dignity.

IV. And alſo be it ordained and enacted by the authority aforeſaid, That albeit any perſon or perſons, being Juſtice of Aſſiſe, Juſtice of Gaol-delivery, or Juſtice of Peace within any of the Kings Dominions, or being in any other of the Kings Commiſſions whatſoever, ſhall fortune to be made or created Duke, Archbiſhop, Marqueſs, Earl, Vicount, Baron, Biſhop, Knight, Juſtice of the one Bench or of the other, or Sergeant at Law, or Sheriff, yet that notwithſtanding, he and they ſhall remain Juſtice and Commiſſioner, and have full power and authority to execute the ſame, in like manner and form, as he or they might or ought to have done before the ſame.

New Juſtices may give judgment of a priſoner found guilty of felony and reprieved. Cok. Inſt. 4. p. 691.

V. And be it ordained and enacted by the authority aforeſaid, That in all caſes where any perſon or perſons heretofore have been, or hereafter ſhall be found guilty of any manner of treaſon, murder, manſlaughter, rape, or other felony whatſoever, for the which, judgment of death ſhould or may enſue, and ſhall be reprieved to priſon without judgment at that time given againſt him, her, or them ſo found guilty, that thoſe perſons that at any time hereafter

after ſhall by the Kings Letters Patents be aſſigned Juſtices to deliver the Gaol where any ſuch perſon or perſons found guilty ſhall remain, ſhall have full power and authority to give judgment of death againſt ſuch perſons ſo found guilty, and reprieved, as the ſame Juſtices (before whom ſuch perſon or perſons was or were found guilty) might have done, if their Commiſſion of Gaol delivery had remained and continued in full force and ſtrength.

VI. And over that, That no manner of proceſs or ſuit made, ſued or had before any Juſtices of Aſſiſe, Gaol-delivery, Oyer and Terminer, (Juſtices of Peace) or other of the Kings Commiſſioners, ſhall, ne in any wiſe be diſcontinued by the making and publiſhing of any new Commiſſion or Aſſociation, or by altering of the names of the Juſtices of Aſſiſe, Gaol-delivery, Oyer and Terminer, (Juſtices of Peace) or other the Kings Commiſſioners, (2) but that the new Juſtices of Aſſiſe, Gaol delivery, and of the Peace, and other Commiſſioners, may proceed in every behalf, as if the old Commiſſions and Juſtices, and Commiſſioners had ſtill remained and continued not altered. Stat. 1 M. 8.

No ſuit before Juſtices ſhall be diſcontinued by a new Commiſſion. Stat. 11 H. 6. 6. 2 & 3 P. & M. 18.

CAP. VIII.

An Act for the Confirmation of Letters Patents.

Where the Kings moſt excellent Highneſs ſithence the xxviii. day of January, in the firſt year of His Majeſties Reign, as well upon divers and ſundry good conſiderations, His Majeſty ſpecially moving, as alſo otherwiſe, hath bargained, ſold, exchanged, given, reſtored and granted by his Graces ſeveral Letters Patents, Indentures, or other writings ſealed under his Highneſs Great Seal of England, the Seal of his Dutchey of Lancaſter, and the Seal of the Court of Augmentation of the Revenues of his Crown, or any of them, as well to bodies politick and corporate, as to divers and ſundry of his loving and obedient ſubjects, divers and ſundry honours, caſtles, manors, lands, tenements, rents, reverſions, ſervices, parſonages appropriated, advowſons, tithes, oblations, penſions, portions, franchiſes, priviledges, liberties and other hereditaments, commodities and profits in fee-ſimple, fee-tail, for term of life or lives, or for term of years, as in the ſame ſeveral Letters Patents, Indentures, and other writings is mentioned and declared; (2) in avoiding, diſturbing, hurting or hindring of the ſaid ſeveral Letters Patents, Indentures, and other writings, and of the ſaid manors, lands, tenements, hereditaments, and other things in them contained, ſundry and many ambiguities, doubts and queſtions have or might hereafter happen to be moved, objected, alledged, invented, procured or ſtirred, as well for miſnaming, miſ-recital, or non recital of any of the ſame honours, caſtles, manors, lands, tenements, and other the premiſſes, or any parcel thereof; (3) or for lack of finding of offices, or inquiſitions of and in the premiſſes, whereby the title of the Kings Highneſs therein ought to have been found before the making of the ſame Letters Patents, or other writing; (4) or for miſ-recital, or non-recital of Leaſes thereof before made, as well of Record as not of Record; (5) or for lack of the certainty, miſ-caſting, rating or ſetting forth of the yearly values and rates of the premiſſes, or of the yearly rents reſerved of and for the premiſſes, or any parcel thereof mentioned, or contained in any of the ſaid Letters Patents, or other writings; (6) or for that the premiſſes be, or any part thereof is valued to a more or leſs value in the ſaid Letters Patents or writings, then the ſaid honours, manors, lands, tenements, and other the premiſſes then were, or ſhall be in yearly value; (7) or for miſnaming of the Towns, Hamlets, Pariſhes or Counties where the ſame honours, caſtles, manors, lands, tenements, rents, hereditaments, and other the premiſſes, and every parcel thereof, or any parcel thereof lien or been; (8) or for lack of the true naming of the natures, kinds, ſorts and quantities of the ſaid poſſeſſions or hereditaments, or any parcel thereof; (9) or for lack of the true naming of the corporation of the ſame bodies politick or corporate, (10) or for lack of attornment, livery or ſeiſon, (11) or for miſnaming of any of the late tenants or fermors of the ſame premiſſes ſo ſold, given, granted or exchanged; (12) as for divers and ſundry other ſuggeſtions and ſurmiſes, not compriſed in the ſaid Letters Patents, which hereafter might happen to be moved, ſurmiſed or procured againſt the ſame Letters Patents.

Patents or Letters Patents made by the King ſince viceſimo octavo Januarii laſt or to be hereafter made of any Manors, &c. notwithſtanding any miſnaming or miſ-recital, &c. confirmed.

Several things which be requiſite by the common Law to make the Kings Letters Patents available, and which wanting, do avoid them.

II. For remedy and reformation whereof, be it ordained and enacted by the Kings moſt excellent Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That as well all and every the ſaid Letters Patents, Indentures and other writings, and every of them ſealed with or under the ſeal or ſeals above-named, or any of them made or granted by the Kings Highneſs, ſithence the eight and twentieth day of January laſt paſt, as alſo all and ſingular his Graces Letters Patents, Indentures, and other writings hereafter during his Highneſs life (which our Lord long continue) to be had, made or granted with or under any of the ſeals aboveſaid, to any body politick or corporate, or to any other perſon or perſons, of any honours, caſtles, manors, lands, tenements, rents, reverſions, ſervices, parſonages, tithes, penſions, portions, advowſons, nominations, preſentations, franchiſes, liberties and other hereditaments, commodities, poſſeſſions and profits, of what kind, nature or quality ſoever they or any of them be, is, or ſhall be, or by whatſoever name or names they or any of them be, is, or ſhall be named, known or reputed, ſhall ſtand and be taken, reputed and judged good, ſure, perfect, effectual and available in the Law, during the Statutes in them limited and ſpecified, to all intents, reſpects, conſtructions and purpoſes, againſt the King, his heirs and ſucceſſors, without any confirmation, licence, diſpenſation, or toleration of the King, his heirs or ſucceſſors; any the cauſes or matters abovementioned, contained, or hereafter during his ſaid Highneſs life to be contained, had or made in any ſuch Letters Patents, Indentures, or other writings by the King our Sovereign Lord to the contrary in any wiſe notwithſtanding.

A confirmation of all Letters Patents, &c. made by the King, or to be made during his life, of any lands, &c. notwithſtanding miſnaming, &c.

III. Provided alway, That this Act, ne any thing therein contained, ſhall not in any wiſe extend to revive or make good any Letters Patents made of any Office or Offices to any Controller, Cuſtomer, Aulneger or Searcher, (2) ne to any Letters Patents of the grant

To which Letters Patents the Statute doth not extend.

of any other Office or Offices heretofore granted or made by our ſaid Sovereign Lord the King which now is, or be, or at any time heretofore have been annihilated, determined, or made void by judgment, by authority of Parliament, or Decree; (3) nor to any Patent to be made to any perſon or perſons for term of years, or during the minority of an heir, of or in any manors, lands or tenements whereof any travers hereafter ſhall be tendred within three months after any Office found and certified into any of the Kings Courts of Record: (4) ne to any leaſes or grants of any manors, lands or tenements of our ſaid Sovereign Lords, hereafter to be made under any the ſeals of the Courts aforeſaid, contrary to the limitation, ordinance, proviſion, eſtabliſhment and authority of the ſame Courts; any thing in this Act contained to the contrary notwithſtanding.

IV. Provided alſo, and be it enacted, That this Act, nor any thing therein contained, ſhall not extend to make any Letters Patents of any Office or Offices, to be of any other effect, force or ſtrength then the ſame Letters Patents were, or ſhould have been before the making of this Act.

Recompence to the King for the overplus of that which ſhall not be contained in the Letters Patents and particulars.

1 Rol.

V. Provided alway, and be it enacted by the authority aforeſaid, That all and ſingular ſuch Patentees, Grantees, Donees, as any time hereafter during the life of our ſaid Sovereign Lord (which Almighty God long preſerve) ſhall fortune to have or obtain any caſtles, manors, lands, tenements, tithes, penſions, portions, or other hereditaments, of the gift, grant, ſale or exchange of the Kings Majeſty, or of the only gift of the Kings Majeſty, of his moſt liberal diſpoſition, and not ſold, which at the day of the date of the Letters Patents thereof made, ſhall be of more or better yearly value to the King in yearly rent and ferm, then ſhall be contained, mentioned and ſpecified in any ſuch Letters Patents, and particulars thereof made by the particular Surveyor or Surveyors thereof, and in ſuch bill or bills as ſhall be ſigned and ſealed with the hand or hands of the Patentee or Patentees thereof, to be exhibited to the Kings Majeſty, or his Officer or Officers, within whoſe ſurvey the ſaid manors, lands and tenements, and other the premiſſes, or any part thereof ſhall be, or within any of them, which bill ſhall be ſigned, ſealed, had and made as is aforeſaid, before any bill ſhall be thereof ſigned by the Kings Majeſty: that then every of the ſaid Patentees, Grantees and Donees, their Heirs, Executors or adminiſtrators, within one year next after due proof and decree thereof made and had in the Court, within whoſe ſurvey the ſame caſtles, manors, lands, tenements, and other the premiſſes, or any parcel thereof, before the ſaid gifts and grants were, ſhall content and pay to the King for the ſame overplus, and more value of the ſame manors, lands, tenements, tithes, penſions, portions and other hereditaments to him ſold or exchanged, after ſuch rate as other lands and tenements were before to him ſold or exchanged, (2) and for the overplus and more value of ſuch lands and tenements as ſhall happen to be given by the Kings Majeſty, and not ſold, as is aboveſaid, the ſaid Patentee, his heirs, executors or adminiſtrators, ſhall content and pay to the King after the rate of twenty years purchaſe, (3) ſo that the ſame proof and decree be had and made in manner and form aboveſaid, within ten years next after the date of the ſade Letters Patents. Stat. 27. H. 8. 27. 7 Ed. 6. 3.

C A P. IX.

The Bill for the City of York.

Union. Raſt. 3. Certain Churches within York united and drawn into a fewer number.

Where in the ancient City of York and Suburbs of the ſame, there are many Pariſh Churches, which heretofore, the ſame being well inhabited and repleniſhed with people, were good and honeſt livings for learned Incumbents, by reaſon of the privy tithes of the rich Merchants, and of the offerings of a great multitude, which livings be now ſo much decayed by the ruine and decay of the ſaid City, and of the trade of merchandiſe there, that the revenues and profits of divers of the ſame Benefices are at this preſent not above the clear yearly value of ſix and twenty ſhillings and eight pence, (2) ſo that a great ſort of them are not a competent and honeſt living for a good Curate; yea, and no perſon will take the Cure, but that of neceſſity there is ſome Chantry Prieſt, or elſe ſome late Religious perſon being a Stipendary, taken and appointed to the ſaid Cure and Benefice, which for the moſt part are unlearned, and very ignorant perſons, not able to do any part of their duties; (3) By reaſon whereof the ſaid City is not only repleniſhed with blind Guides and Paſtors, but alſo the people much kept in ignorance, as well of their duties towards God, as alſo towards the Kings Majeſty and the Commonwealth of this Realm, and to the great danger of their ſouls: (4) In conſideration whereof, and for the better relief and order of the ſaid City, it may pleaſe the Kings Majeſty, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from henceforth it ſhall be lawful to the Mayor and Recorder of the ſaid City, and to the Ordinary or his Deputy, and ſix Juſtices of Peace in the ſaid City, to unite and knit together the ſaid Pariſhes into fewer number, that is to wit, ſo many of the ſaid Pariſhes into one Pariſh, as to them ſhall be thought convenient to be a living for one honeſt Incumbent, ſo the clear yearly value of one Pariſh exceed not xx. l. by year, and ſo to proceed thorow the ſaid City and Suburbs of the ſame.

It ſhall be lawful to the Mayor of York, &c. to unite ſo many of the Pariſhes in York, as to them ſhall ſeem convenient.

Pulling down of Churches, and beſtowing them.

II. And that it ſhall be lawful for the ſaid Mayor, Recorder and Aldermen, to pull down the Churches which they ſhall think ſuperfluous in the ſaid City and Suburbs of the ſame, and to beſtow the ſame toward the reparations and enlargement of the other Churches, and the Bridges of the ſaid City, and to the relief of the poor people. (2) And further, That the ſaid Mayor, Recorder, Ordinary or his Deputy, and ſix Juſtices of Peace being Aldermen, ſhall allot and appoint the preſentment and patronage of the Church ſo united, to the Patrons of all the Churches ſo knit in one Pariſh, that they may make their preſentments by turn, every one according to their quantity of his former patronage.

A proviſion for the Incumbents of the Churches pulled down.

III. Provided always, and be it enacted by the authority aforeſaid, That all ſuch Incumbents of the Churches aforeſaid, that ſhall be put down by virtue of this Act, ſhall have the yearly value of their Benefices, after the rate they do pay tenths, during their lives, ſo they will do ſervice therefore in the Church called the Pariſh Church, according to their former duties. And if they refuſe to ſerve, then they only during their lives, to have the third part of the value, as is aforeſaid, and to be payed at the hands of the Incumbent of the Pariſh Church to be appointed.

By whom the tenth to the King ſhall be paid, and how levied.

IV. Provided alſo, and be it enacted by the Authority aforeſaid, That the Incumbents of every ſuch Church, which by virtue of this Act ſhall be made and ordained for the Pariſh Church, and whereunto any other Pariſh or Pariſhes ſhall be united, ſhall after the union thereof, yearly pay the tenths to be due for the ſame. to the Kings Majeſty, his heirs and ſucceſſors, of the ſame Church, and of all other Churches thereunto united and annexed. (2) And the ſaid Incumbent of the Pariſh Church ſo united, to have his allowance of the Incumbents of the Churches ſo united thereunto, during their ſeveral lives, according to the rate and portion of the Churches ſo united, as ſhall be aſſigned by the aboveſaid perſons having authority by this Act to unite the ſame. (3) And the ſucceſſor and ſucceſſors of every ſuch Incumbent of every ſuch Church as ſhall be made the Pariſh Church, and whereunto any Church or Pariſh ſhall be united by force of this Act, ſhall pay or compound for the firſt-fruits thereof at every avoidance, before his induction to the ſame, according to ſuch yearly value as ſuch Church or Churches as ſhall be made a Pariſh Church, and whereunto any Church or Churches, Pariſh or Pariſhes ſhall be united by force of this Act, ſhall be of, at the time of the union thereof, and as if it had been of ſuch like yearly value at the time of making of the Statute for firſt-fruits and tenths, and of no greater value; any ordinance, ſtatute or law to the contrary notwithſtanding.

Who ſhall pay the firſt-fruits, and according to what value.

CAP. X.

The Bill for Exigents and Proclamations in Wales, and in the County Palatine of Cheſter.

Exigent 6, &c. 27 H. 8. 26.

Exigents and Proclamation ſhall be awarded out of the Kings Bench and Common place, againſt any perſon dwelling in Wales or Cheſter.

Where in the high Court of Parliament holden at Weſtminſter the Seven and twentieth year of the moſt proſperous reign of the late famous King Henry the eighth, by the aſſent of the Lords Spiritual and Temporal, and the Commons aſſembled in the ſaid high Court of Parliament, it was enacted and eſtabliſhed by authority of the ſame Parliament, That his Highneſs Dominion and Principality of Wales, and all manors, lands, tenements, and other Dominions within the ſaid Dominion and Principality of Wales, ſhould be divided into twelve Shires or Counties, that is to ſay, the Shires or Counties of Glamorgan, Radnor, Brecknock, Caermarthen, Pembroke, Cardigan, Merioneth, Montgomery, Flint, Caernarvan, Angleſey and Denbigh, (2) in every of which ſaid Counties and Shires, amongſt the Officers yearly appointed, it was then ordained, that there ſhould be diſtinct and ſeveral Sheriffs yearly; (3) and alſo where the Counties Palatine of Cheſter, and of the City of Cheſter, be ancient and ſeveral Counties Palatine of themſelves, in all which ſaid Counties the Kings Writ hath not, nor yet doth run; ſo that the Proclamation awarded upon any Exigent againſt any perſon or perſons in any action wherein proceſs of Outlawry doth lie, according to the Statute made in the ſixth year of the reign of the ſaid late King, cannot be directed unto the Sheriff or Sheriffs of any of the ſaid Shires or Counties, but unto the Sheriff of the County next adjoyning: (4) So that the party dwelling in any of the ſaid Shires or Counties againſt whom any ſuch Exigent and Proclamation ſhall be ſo awarded, ſhall not, nor can have any knowledge of the ſame ſuit or proceſs, by reaſon whereof many of the perſons inhabiting in the ſaid Shires and Counties, without knowledge or cauſe of ſuit, have been wrongfully and unjuſtly outlawed to their utter undoing:

St. 6 H 8 4.

II. Be it therefore, and for divers other good conſiderations, by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, enacted, ordained and eſtabliſhed, That if and whenſoever any writ of Exigent, at any time after the firſt day of April next coming, ſhall be awarded at the ſuit of the King, or of any other perſon or perſons, plaintiff or plaintiffs, in any action or ſuit, in any of the courts of our ſaid Sovereign Lord the King, his heirs or ſucceſſors, commonly called the Kings Bench, and the common Place, againſt any perſon or perſons dwelling in any of the aforeſaid Counties in Wales, or in the ſaid Counties Palatine of Cheſter, or the City of Cheſter, or in any of them, That then immediately upon the awarding of every ſuch Exigent, the Juſtice or Juſtices before whom any ſuch writ or Exigent, upon ſuch ſuit or action ſhall be ſued, ſhall have full power and authority to award one writ of Proclamation according to the tenor and effect of Proclamations awarded upon Exigents, directed out of any of the ſaid Courts in London, againſt any perſon dwelling in any other Shire where the Kings Writ is currant, according to the order and form of the ſaid Statute made in the ſixth year of the ſaid late King, to be directed to ſuch of the aforeſaid Sheriffs of any of the aforeſaid Counties in Wales, and of the Counties Palatine of Cheſter, and of the City of Cheſter for the time being, where it ſhall happen to the ſaid defendant, againſt whom any ſuch action ſhall be ſued as is aforeſaid, to be dwelling: (2) And that every ſuch Writ of Proclamation ſhall have the ſame Teſte, and day of return, as the Exigents, whereupon every ſuch Writ of Proclamation ſhall be awarded, ſhall have; (3) and that every ſuch Sheriff to whom any ſuch Writ of Proclamation ſhall be directed, ſhall make Proclamation of the ſaid Writ of Proclamation, according to the tenor of the ſame, and ſhall make true return of the ſame in ſuch Court, and before ſuch Juſtices as the tenor of the ſame Writ ſhall require and demand. (4) And that all outlawries hereafter to be promulged, or pronounced againſt any perſon or perſons upon any ſuch Exigent or Exigents awarded againſt any perſon or perſons dwelling in any of the ſaid Counties of Wales, and the Counties Palatine of Cheſter, and of the City of Cheſter, and no Writ of Proclamation awarded in form aboveſaid, to the Sheriff or Sheriffs of the County where the party defendant ſhall be as is aboveſaid dwelling, or not returned, to be clearly void and of none effect nor force in the Law.

III. And be it further enacted by the authority aforeſaid, That all and every Sheriff and

Every Sheriff in Wales, and of Cheſhire, and Cheſter ſhall have Deputies in the Kings Bench and Common place. 23 H. 6. 10.

Sheriffs of every of the ſaid Counties of Wales, and of the Counties Palatine of Cheſter, and of the City of Cheſter aforeſaid, ſhall have in every of the Courts of the Kings Bench, and of the Common place, one ſufficient Deputy at the leaſt, to receive all Writs directed to ſuch the Sheriff or Sheriffs for whom the ſame Deputy or Deputies ſhall be appointed, in like manner and form, and upon like pains as by the former Statutes and Laws of this Realm, other Sheriffs of other Shires or Counties within this Realm of England, be bounden to have in either of the ſame Courts. (2) And that all Writs of Proclamation aforeſaid, ſhall be delivered unto every ſuch Deputy of Record in the ſame Courts, (3) and alſo like fees ſhall be paid for making every ſuch Writ of Proclamation, and for enrolling the ſame of Record, as is limited in the ſaid Statute made in the ſaid Sixth year of the Reign of our ſaid late Sovereign Lord King Henry the eighth.

To whom proceſs againſt any perſon outlawed ſhall be directed.

IV. And be it further enacted by the authority aforeſaid, That if any perſon dwelling in any of the ſaid Counties of Wales, after the aforeſaid firſt day of April, ſhall be outlawed in any ſuit or action aforeſaid, That then Writs of ſpecial Capias utlegatum, ſingle Capias utlegatum, non moleſtand. and all other proceſs, for or againſt any perſon outlawed, ſhall and may from thenceforth be directed to the Sheriff of any of the ſaid Counties in Wales, as immediate officers to the Kings ſaid Courts of the Kings Bench, or Common place in that behalf: (2) and that every ſuch Writs may be delivered of Record to the Deputy of ſuch of the ſaid Sheriffs to whom any ſuch Writ or Proceſs ſhall be directed, and that every ſuch Sheriff ſhall make execution and return of every ſuch Writ or Proceſs to him directed, upon like pain and penalty as is above limited.

The Sheriffs forfeiture for not returning of a Writ of Proclamation.

V. And be it further enacted and eſtabliſhed, That if any ſuch writ or writs of Proclamation hereafter directed to any of the Sheriffs of any of the ſaid Shires in Wales, or Counties Palatine of Cheſter, or of the City of Cheſter, be delivered unto any of the ſaid Sheriffs for the time being, or to his or their Deputy, in manner and form aforeſaid, and the ſame Sheriff or Sheriffs do not make true return, of every ſuch writ and writs of Proclamation, unto ſuch Court and Courts out of which the ſaid writ or writs of Proclamation ſhall be awarded; that for every ſuch fault or non-return, every ſuch Sheriff for the time being ſhall loſe and forfeit five pound, the one half thereof ſhall be to our Sovereign Lord the King, his heirs and ſucceſſors, the other half to any ſuch perſon or perſons as will ſue for the ſame in an action of debt grounded upon this Act, in any of the Kings Courts of Record, wherein no eſſoin, protection, or wager of Law ſhall be allowed or admitted.

A reſervation of other liberties in Wales, &c.

VI. Provided always, this Act, or any thing therein contained, ſhall not in any wiſe extend or be prejudicial to the ſame Counties of Wales, or to the ſaid Counties Palatine of Cheſter, or of the City of Cheſter, for or concerning ſuch liberties, franchiſes or priviledges, as belong to them or any of them, or to any miniſters or officers of them or any of them otherwiſe, or in any other manner, then by the true meaning of this Act is before provided and declared; any thing in this Act mentioned to the contrary notwithſtanding.

The liberties of the Lord Marchers reſerved.

VII. Provided always, and be it enacted by the authority aforeſaid, That this Act, ne any thing therein contained, ſhall not in any wiſe be prejudicial or hurtful to any Lord Marcher in Wales; but that they and every of them, and their heirs, and the heirs of every of them, ſhall and may have like liberty, intereſt and preheminence, as they and every of them had, might, or ought to have had before the making of this Act, and as though this Act had never been had ne made; any thing in this Act mentioned to the contrary in any wiſe notwithſtanding. 5 Ed. 6. 26.

CAP. XI.

Repeal, Raſt. 8.

A Repeal of the Statute of 28 H. 8. 17. which gave authority to the King after his age of four and twenty years, to repeal by his Letters Patents all former Statutes made during his minority. An Authority given to the ſaid King Edward the ſixth, and to every heir of the late King Henry the eighth, and to every perſon to whom the Crown ſhall deſcend, remain or come by appointment of the ſaid late King Henry the eighth, to repeal all Statutes made before his full age of four and twenty years, ſaving this Statute, and all Pardons granted by Parliament: So that the ſaid repeal contain all ſuch Acts as ſhall be repealed, and three ſeveral days be openly proclaimed in the Chancery in Term-time, &c. and once in every County at the Aſſiſes. EXP.

CAP. XII.

An Act for the Repeal of certain Statutes concerning Treaſons and Felonies, &c.

Clergy 13, &c. Statutes concerning Treaſons, &c. repealed.

Nothing being more Godly, more ſure, more to be wiſhed and deſired betwixt a Prince, the ſupream head and ruler, and the ſubjects, whoſe governour and head he is, then on the Princes part, great clemency and indulgency, and rather too much forgiveneſs and remiſſion of his Royal power and juſt puniſhment, then exact ſeverity and Juſtice to be ſhewed; and on the ſubjects behalf, that they ſhould obey rather for love, and for the neceſſity and love of a King and Prince, then for fear of his ſtrait and ſevere laws; (2) yet ſuch times at ſome time cometh in the Commonwealth, that it is neceſſary and expedient for the repreſſing of the inſolency and unrulineſs of men, and for the foreſeeing and providing of remedies againſt rebellion, inſurrection, or ſuch miſchiefs (as God ſometime with us diſpleaſed, for our puniſhment doth inflict and lay upon us, or the Devil at Gods permiſſion, to aſſay the good and Gods elect, doth ſow and ſet amongſt us) the which Almighty God with his help and mans policy, hath always been content and pleaſed to have ſtayed, that ſharper laws, as a harder bridle ſhould be made, to ſtay thoſe men and facts that might elſe be occaſion, cauſe and authors of further inconvenience, (3) the which thing cauſed the Prince of moſt famous memory, King Henry the eighth, father to our ſaid Sovereign Lord the King, and other his Highneſs Progenitors, with the aſſent of the Nobles and Commons, at divers Parliaments in their ſeveral times holden, to make an enact certain laws and ſtatutes, which might ſeem and appear to men of exterior Realms, and many of the Kings Majeſties ſubjects, very ſtrait, ſore, extream and terrible, although they were then, when they were made, not without great conſideration and policy, moved and eſtabliſhed, and for the time, to the avoidance of further inconvenience, very expedient and neceſſary: (4) But as in tempeſt or winter, one courſe and garment is convenient, in calm or warm weather, a more liberal

Sometimes ſharp, and ſometimes milder laws be made according to the peoples inclination.

liberal caſe, or lighter garment, both may and ought to be followed and uſed; ſo we have ſeen divers ſtrait and ſore Laws made in one Parliament (the time ſo requiring) in a more calm and quiet Reign of another Prince, by the like authority and Parliament repealed and taken away: (5) The which moſt high clemency and Royal example of his Majeſties moſt noble Progenitors, the Kings Highneſs of his tender and godly nature, moſt given to mercy and love of his Subjects, willing to follow, and perceiving the hearty and ſincere love that his moſt loving Subjects, both the Lords and Commons, do bear unto his Highneſs, now in this his Majeſties tender age, willing alſo to gratifie the ſame therefore, and minding further to provoke his ſaid Subjects with indulgency and clemency ſhewed on his Highneſs behalf, to more love and kindneſs toward his Majeſty (if it may be) and upon truſt that they will not abuſe the ſame, but rather be encouraged thereby more faithfully, and with more diligence (if it may be) and care for his Majeſty, to ſerve his Higneſs now in this his tender age, is contented and pleaſed, that the ſeverity of certain Laws here following be mitigated and remitted.

II. Be it therefore ordained and enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from henceforth no act, deed, or offence being by Act of Parliament or Statute made Treaſon, or petit Treaſon, by words, writing, ciphering, deeds, or otherwiſe whatſoever, ſhall be taken, had, deemed and adjudged to be high Treaſon, or petit Treaſon, but only ſuch as be Treaſon or petit Treaſon, in or by the Act of Parliament, or Statute made in the Five and twentieth year of the reign of the moſt noble King of famous memory, King Edward the Third, touching or concerning Treaſon, or the Declarations of Treaſon, and ſuch offences as hereafter ſhall by this preſent Act be expreſſed and declared to be Treaſon or petit Treaſon, and none other, (2) nor that any pains of death, penalty or forfeiture in any wiſe enſue, or be to any of the offendors for the doing or committing any Treaſon or petit Treaſon, other then ſuch as be in the ſaid Statute made in the ſaid Twenty fifth year of the Reign of the ſaid King Edward the Third, or by this preſent Statute ordained and provided; Any Act or Acts of Parliament, Statute or Statutes had or made at any time heretofore, or after the ſaid Twenty fifth year of the Reign of the ſaid late King Edward the Third, or any other Declaration or matter to the contrary in any wiſe notwithſtanding.

No offence made treaſon by any ſtatute ſhall be ſo adjudged, but ſuch as were made treaſon by the ſtatute of 25 E. 3. 2. St. 5. 1 H. 4. 10. 1 M. 1. 2 H. 4. 15.

III. And alſo be it further enacted by the authority aforeſaid, That all Acts of Parliament, and Statutes touching, mentioning, or in any wiſe concerning Religion or Opinions, that is to ſay, as well the Statute made in the Fifth year of the Reign of the Kings noble Progenitor, King Richard the Second; (2) and the Statute made in the Second year of the Reign of King Henry the Fifth; (3) and the Statute alſo made in the Twenty fifth year of the Reign of King Henry the Eighth, concerning puniſhment and reformation of Hereticks and Lollards, and every proviſion therein contained; (4) and the Statute made for the aboliſhment of diverſity of Opinions in certain Articles concerning Chriſtian Religion, commonly called the Six Articles, made in the Parliament begun at Weſtminſter, The Twenty Eighth day of April, in the One and thirtieth year of the Reign of the moſt noble victorious Prince of moſt famous memory, King Henry the Eighth, Father to our moſt dread Sovereign Lord the King that now is; (5) and alſo the Act of Parliament and Statute made in the Parliament begun at Weſtminſter the ſixteenth day of January, in the Three and thirtieth year of the Reign of the ſaid late King Henry the Eighth, and after that Prorogued unto the Two and twentieth day of January, in the Four and thirtieth year of the Reign of the ſaid late King Henry the Eighth, touching, mentioning, or in any wiſe concerning Books of the Old and New Teſtament in Engliſh, and the Printing, uttering, ſelling, giving, or delivering of Books or Writings, and retaining of Engliſh Books or Writings, and Reading, Preaching, Teaching, or Expounding of Scripture, or in any wiſe touching, mentioning, or concerning any of the ſame matters; (6) And alſo one other Statute made in the Parliament holden at Weſtminſter in the Five and thirtieth year of the Reign of the late King Henry the Eighth, concerning the qualification of the Statute of Six Articles, (7) and all and every other Act or Acts of Parliament concerning Doctrine, or matters of Religion, (8) and all and every branch, article, ſentence and matter, pains and forfeitures contained, mentioned, or in any wiſe declared in any of the ſame Acts of Parliament, or Eſtatutes, ſhall from henceforth be Repealed, and utterly void and of none effect.

5 R. 2. 8.
2 H. 5. 7.
25 H. 8. 14.
31 H. 8. 14.
34 H. 8. 1.

35 H. 8. 5. A repeal of the before ſpecified 7 Statutes, and of every other act concerning Doctrine and matter of Religion.

IV. And be it further ordained and enacted by the authority aforeſaid, That all offences made Felony by any Act or Acts of Parliament, Statute or Statutes made ſithence the Twenty third day of April, in the Firſt year of the Reign of the ſaid late King Henry the Eighth, not being felony before, and alſo all and every the branches and articles mentioned, or in any wiſe declared in any of the ſame Statutes concerning the making of any offence or offences to be felony, not being felony before, and all pains and forfeitures concerning the ſame, or any of them, ſhall from henceforth be Repealed and utterly void and of none effect.

All Statutes made ſithence the firſt year of H. 8. to make any thing felony, repealed; Bulſtr. 247.

V. And be it alſo ordained and enacted by the authority aforeſaid, That one Act made in the Parliament holden at Weſtminſter, in the One and thirtieth year of the Reign of the ſaid late King Henry the Eighth, that Proclamations made by the Kings Highneſs, by the advice of his honourable Council, ſhould be obeyed and kept, as though they were made by authority of Parliament; and alſo one other Act made in the Parliament holden in the xxxiv. year of the Reign of the ſaid late King Henry the Eighth, for the due execution of the ſaid Proclamations; and alſo all and every branch, article and matter in the ſame Statutes, and every of them mentioned or declared, ſhall from henceforth be Repealed, and utterly void and of none effect.

A repeal of the St. of 31 H. 8. 8. and 34 H. 8. 23. touching the authority of the Kings Proclamations.

VI. And be it enacted by the authority aforeſaid, That if any perſon or perſons, at any time after the firſt day of March next coming, by open Preaching, expreſs words or ſayings, do affirm or ſet forth, that the King, his Heirs or Succeſſors Kings of this Realm, for the time being, is not, or ought not to be Supream Head in earth of the Church of England, and Ireland, or any of them, immediately under God, (2) or that the Biſhop of Rome, or any other perſon or perſons,

The penalty for affirming by words, that the King is not ſupream head of the Church, or that any other is: or to compaſs to depoſe him, or to affirm that he ought not to be King. Rep. 1 & 2. P. & M. 8. for ſo much as concerns the ſupremacy.

The puniſhment for the ſecond offence, being once before convicted.

The puniſhment for the third offence, being twice convicted.

ſons, other then the King of England for the time being, is, or ought to be by the Laws of God, Supream Head of the ſame Churches, or of any of them, (3) or that the King, his Heirs or Succeſſors Kings of this Realm, is not, or ought not to be King of England, France and Ireland, or of any of them; (4) or after the ſaid firſt day of March do compaſs or imagine by open preaching, expreſs words or ſayings, to depoſe or deprive the King, his Heirs or Succeſſors Kings of this Realm, from his or their Royal Eſtate or Titles to or of the Realms aforeſaid; (5) or do openly publiſh, or ſay by expreſs words or ſayings, that any other perſon or perſons, other then the King, his heirs or Succeſſors Kings of this Realm, of right ought to be Kings of the Realms aforeſaid, or of any of them, or to have and enjoy the ſame, or any of them; (6) that then every ſuch offender being thereof duly convicted, or attainted by the Laws of this Realm, their aidors, comfortors, abettors, procurors and counſellors, for his or their ſuch firſt offence, ſhall loſe and forfeit to the King all his and their goods and chattels, and alſo ſhall have and ſuffer Impriſonment of his and their bodies, at the Kings will and pleaſure. (7) And if any perſon being once convicted or attainted of any of the ſaid offences, ſhall after his conviction or attaindor eftſoons commit, or perpetrate any of the offences before mentioned, other then ſuch as be expreſſed in the ſaid Eſtatute made in the ſaid Twenty fifth year of King Edward the Third, and ſhall be thereof duly convicted and attainted by the Laws of this Realm; then every ſuch offendor, their aidors, comfortors, abettors, procurors, and counſellors, for his or their ſaid ſecond offence or offences, ſhall loſe and forfeit to the King, the whole iſſues and profits of all his and their lands, tenements, and other hereditaments, benefices, prebends, and other Spiritual promotions, for term of life, of ſuch offendor or offendors; and ſhall alſo loſe and forfeit to the King all his and their goods and chattels, and alſo ſuffer during his and their lives, perpetual impriſonment of his and their bodies: (8) And if any perſon being two times hereafter convicted or attainted of any of the ſame offences, ſhall after his ſaid ſecond conviction or attainder, eftſoons commit or perpetrate again any of the ſaid offences, and be thereof duly convicted or attainted according to the Laws and Statutes of this Realm; that then every ſuch third offence or offences, ſhall be deemed and adjudged high Treaſon, and the offendor or offendors, their aidors, comfortors, abettors, procurors, and counſellors, being therein convicted or attainted, according to the Laws and Statutes of this Realm, ſhall be deemed and adjudged high Traitors, and ſhall ſuffer pains of death, and loſe and forfeit all their goods and chattels, lands and tenements to the King, as in caſes of high Treaſon.

It ſhall be high Treaſon to affirm by writing, printing or deed, that the King is not ſupream head of the Church, or that any other is, or &c. Rep. 1 & 2. P. & M. 8. St. 13 El. 1. St. 26 H. 8. 13.

VII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, at any time after the ſaid firſt day of March next coming, by Writing, Printing, overt-deed or act, do affirm or ſet forth, That the King of this Realm for the time being, is not, or ought not to be Supreme Head in earth of the Church of England and Ireland, or of any of them, immediately under God; (2) or ſhall by Writing, Printing, overt-deed or act, after the ſaid firſt day of March affirm, or ſet forth, that the Biſhop of Rome, or any other perſon or perſons other then the King of England for the time being, is, or ought to be by the Laws of God or otherwiſe, the Supreme Head in earth of the ſame Churches, or any of them, (3) or do after the ſaid firſt day of March compaſs or imagine by Writing, Printing, overt-deed or act, to depoſe or deprive the King, his Heirs or Succeſſors Kings of this Realm, from his or their Royal Eſtate, or Titles of the King of England, France or Ireland, or of any of them, (4) or by any Writing, Printing, overt-deed or act, do affirm, that any other perſon or perſons, other then the King, his Heirs and Succeſſors, is, or of right ought to be King of the Realms of England, France or Ireland, or to have and enjoy the ſame, or any of them, (5) that then every ſuch offence and offences ſhall be deemed and adjudged high Treaſon, and the offendor and offendors, their aidors, comfortors, abettors, procurors, and counſellors, therein convicted or attainted, according to the Laws and Statutes of this Realm, ſhall be deemed and adjudged high Traitors, and ſhall ſuffer pains of death, and loſe and forfeit all their goods and chattels, lands and tenements to the King, as in caſes of high Treaſon.

To which Acts of Parliament this Statute extendeth not.

St. 27. H. 8. 2.

VIII. Provided always and be it enacted by the authority aforeſaid, That this Statute or any thing therein contained, ſhall not in any wiſe extend to repeal, annul, or make fruſtrate or void, any Act or Acts of Parliament, Statute or Statutes made concerning the counterfeiting or forging of any of the Coins of this Realm, (2) or the Coin of any other Realm or Realms, currant within this Realm, (3) or for clipping, waſhing, or filing any of the ſaid Coins, (4) or for, or concerning the bringing into this Realm, of counterfeit Money or Coin; (5) ne to any Statute made in the xxvij. year of the ſaid late King Henry the Eighth, concerning the falſe forging and counterfeiting of the Kings Signs Manual, privy Signet, or privy Seal, (6) ne to their counſellors, procurors, aidors and abettors, (7) nor to any article or branch concerning the ſame offences, or any of them, contained in the ſame Statutes or any of them.

It ſhall be high Treaſon to interrupt any perſon to whom the Crown is limited by the Statute of 35 H. 8. 1.

IX. And be it further enacted by the authority aforeſaid, That if any the Heirs of the King our ſaid Sovereign Lord that now is, or any perſon or perſons to whom the Crown and Dignity of this Realm is limited and admitted by Act of Parliament made in the Five and thirtieth year of the Reign of the ſaid late King Henry the Eighth, or the Heirs of any of them, do at any time hereafter uſurp the one of them upon the other, in the Crown of this Realm, or demand, challenge or claim the ſame otherwiſe, or in any other form or degree of deſcent or ſucceſſion, or in any courſe, form, degree or condition, but only in ſuch manner and form as is declared by the ſaid Statute; or if any of the ſaid Heirs or perſons aforeſaid, do interrupt, or let the Kings Highneſs that now is, peaceably and quietly to keep, have and enjoy the ſaid Imperial Crown; that then all and ſingular the offendors, their aidors, comfortors, abettors, procurors, and the counſellors therein, ſhall be deemed and adjudged high Traitors, and ſhall ſuffer and incur the pains of death, loſs and forfeitures, as is aforeſaid, in caſes of high Treaſon.

The offendors in theſe felonies ſhall be excluded of their Clergy and ſanctuary.

X. And it is further ordained and enacted by the authority aforeſaid, That no perſon or perſons that heretofore hath been, or at any time hereafter ſhall be in due form of the Laws, attainted or convicted of murder, of malice prepenſed; or of poyſoning, of malice prepenſed; (2) or of breaking of any houſe by day or by night, any perſon being then in the ſame houſe where the ſame breaking heretofore hath been, or hereafter ſhall be committed, and heretofore hath been or hereafter ſhall be thereby put in fear or dread; (3) or of, or for robbing of any perſon or perſons in the high-way, or near to the high-way; or for felonious ſtealing of Horſes, Geldings or Mares; (4) or of felonious taking of any goods out of the Pariſh Church, or other Church or Chappel; (5) or being indicted or appealed of any of the ſame offences, and thereupon found guilty by verdict of twelve men, or ſhall confeſs the ſame upon his or their arraignment, or will not anſwer directly, according to the Laws of this Realm, or ſhall ſtand wilfully, or of malice mute, (6) ſhall not be admitted to have or enjoy the priviledge or benefit of his Clergy or Sanctuary, but ſhall be put from the ſame: (7) And that in all other caſes of Felony other then ſuch as are before mentioned, all and ſingular perſon and perſons, which after the firſt day of March next coming, ſhall be arraigned or found guilty upon his or their arraignment, or confeſs the ſame, or ſtand mute, in form aforeſaid, or will not anſwer directly in form aboveſaid, ſhall have and enjoy the priviledge and benefit of his or their Clergy, the liberty and priviledge of Sanctuary, in like manner and form, as he or they ought or ſhould have done, before the four and twentieth day of April, in the Firſt year of the Reign of the ſaid late King Henry the Eighth.

St. 2 Ed. 6. 33. 5 Ed. 6. 9, 10. St. 37. H. 8. 8.

Clergy allowed in all other caſes of felony. 1 Jac. 25. Sanctuaries extinct.

XI. Provided always, and be it enacted by the authority aforeſaid, That all clauſes, articles, and ſentences mentioned or ſpecified in any Act or Acts of Parliament, Statute or Statutes made in the time of the Reign of the ſaid late King Henry the Eighth, touching or in any wiſe concerning any manner of challenge for the County, Hundred, or peremptory challenge, or any of them, or touching, or in any wiſe concerning any manner of trial of foreign pleas pleaded by murderers, felons, or other offendors, ſhall, as concerning the ſaid challenges and trials, remain in their force and ſtrength not repealed; any thing in this Act mentioned, ſounding or ſeeming to the contrary in any wiſe notwithſtanding.

Statutes made during the reign of King H. 8. touching challenges and foreign pleas, confirmed. St. 3. H. 8. 6. 4 H. 8. 2. 22 H. 8, 2.

XII. Provided alſo, and be it ordained and enacted by the authority aforeſaid, That this Act of Parliament, or any thing therein mentioned as concerning the repeal of any Eſtatute or Eſtatutes made touching Treaſon, or miſpriſion of Treaſon, ſhall not in any wiſe give any manner of benefit, advantage or commodity to any perſon or perſons, being the laſt day of October laſt paſt, arreſted or impriſoned for Treaſon, petit Treaſon, or miſpriſion of Treaſon, or to any perſon or perſons heretofore being indicted of Treaſon, petit Treaſon, or miſpriſion of Treaſon, or to any other perſon or perſons being likewiſe convicted, outlawed or attainted of Treaſon, petit Treaſon, or miſpriſion of Treaſon; or being fled beyond the Seas, or into Scotland, before the ſaid laſt day of October laſt paſt, for any Treaſon, petit Treaſon, or miſpriſion of Treaſon, but that they and every of them ſhall ſuffer ſuch pains of death, loſſes, and forfeiture of lands and goods, as in caſes of Treaſon, as though this Act had never been had or made; any thing in this Act to the contrary in any wiſe notwithſtanding; and that the Laws and Statutes repealed by this Act, ſhall ſtand againſt them, and every of them, in full ſtrength, virtue, force and effect, concerning all and every offence by them, or any of them heretofore committed or done.

This Statute ſhall not extend to thoſe that be arreſted, impriſoned, indicted, convicted, outlawed, attainted, or fled for Treaſon.

XIII. Provided alſo, and be it ordained and enacted by the authority aforeſaid, That all wilful killing, by poyſoning of any perſon or perſons that at any time hereafter ſhall be done, perpetrated or committed, ſhall be adjudged, taken and deemed wilful murder of malice prepenſed; (2) and that the offendors therein, their aidors, abettors, procurors and counſellors ſhall ſuffer death, and forfeit in every behalf, as in other caſes of wilful murder of malice prepenſed.

Wilful killing by poyſoning ſhall be adjudged murder. 1 Bulſtr. 87.

XIV. And over that, be it enacted by the authority aforeſaid, That in all and every caſe and caſes, where any of the Kings Majeſties Subjects ſhall and may upon his prayer have the priviledge of Clergy as a Clerk convict, that may make purgation in all thoſe caſes, and every of them, and alſo in all and every caſe and caſes of felony, wherein the priviledge and benefit of Clergy is reſtrained, excepted, or taken away by this Statute or Act (wilful murder, and poyſoning of malice prepenſed only excepted) the Lord and Lords of the Parliament, and Peer and Peers of this Realm, having place and voice in Parliament, ſhall by virtue of this preſent Act of common Grace, upon his or their requeſt or prayer, alledging that he is a Lord or Peer of this Realm, and claiming the benefit of this Act, though he cannot read, without any burning in the hand, loſs of inheritance, or corruption of his bloud, be adjudged, deemed, taken, and uſed for his firſt time only, to all intents, conſtructions, and purpoſes, as a Clerk convict, and ſhall be in caſe of a Clerk convict, which may make purgation without any further or other benefit or priviledge of Clergy, to any ſuch Lord or Peer, from thenceforth at any time after, for any cauſe to be allowed, adjudged, or admitted; any Law, Statute, Uſage, Cuſtom, or any other thing to the contrary in any wiſe notwithſtanding.

A Lord of the Parliament ſhall have his Clergy for the firſt offence of felony, though he cannot read, and without burning.

XV. Provided always, That if any of the ſaid Lords of the Parliament, or any of the Peers of this Realm for the time being, ſhall fortune to be endicted of any of the offences limited in this Act; that then they and every of them, ſhall have his or their Trial by their Peers, as it hath been uſed heretofore in caſes of high Treaſon.

Tryal by proceſs of a Lord of the Parliament.

XVI. And be it further enacted by the authority aforeſaid, That if any perſon or perſons that by this Statute, or by any other Statutes or Laws of this Realm ought to have, or be admitted to the benefit of his or their Clergy; that the ſame perſon and perſons ſhall be from henceforth admitted and allowed to his or their Clergy, although they or any of them have been divers and ſundry times Married to any ſingle woman, or ſingle women, or to any widow or widows, or to two wives or mo; any Law, Statute, or Uſage to the contrary in any wiſe notwithſtanding.

Bigamus allowed his Clergy. St. 1 Jac. 11.

XVII. And over that, it is ordained and enacted by the authority aforeſaid, That albeit any perſon or perſons of what eſtate, condition, or degree he or they be, ſhall hereafter fortune to be attainted, convicted, or outlawed of any Treaſon, petit Treaſon, miſpriſion of Treaſon, Murder, or Felony whatſoever, yet that notwithſtanding, every woman that is, or ſhall

St. 4 E. 2. 5. The wife ſhall be endowed though her husband be attainted of Treaſon, Murder, or Felony.

fortune

ALT. 5 Ed. 6. 11. For high Treaſon.

fortune to be Wife of the perſon ſo attainted, convicted or outlawed, ſhall be endowable and enabled to demand, have, and enjoy her Dowry in like manner and form as though her huſband had not been attainted, convicted, or outlawed; any ſtatute, law, uſage or cuſtom to the contrary in any wiſe notwithſtanding: (2) Saving to all and every other perſon and perſons, bodies politick and corporate, their heirs and ſucceſſors, and to every of them (other then to ſuch offendor or offendors as ſhall be attainted, convicted or outlawed) all ſuch right, title, intereſt, entry, leaſes, poſſeſſion, condition, profit, commodity, and hereditaments, as they or any of them had or ſhould, or of right ought to have, before or at the time of the ſaid attainder, conviction, or utlagary.

A confirmation of the Stat. of 27 H. 8. 17. concerning a ſervant taking his maſters goods. Rep. 2 M. 1. St. 21 H. 8. 7. 5 El. 10.

XVIII. Provided alſo, and be it enacted by the authority aforeſaid, That one Act made at the Parliament holden at Weſtminſter, upon divers Prorogations, the fourth day of February, in the Twenty ſeventh year of the ſaid late King Henry the Eighth, and there continued and kept until the Twenty fourth day of April then next enſuing, concerning and touching the felonious taking away by any ſervant, the goods or chattels of the Maſter or Miſtreſs, and all articles and ſentences contained in the ſame Act, ſhall ſtand, be and remain in full ſtrength, force and effect, in ſuch manner and form as it did before the making of this preſent Act; the repeal, or revocation of the Acts aboveſaid to the contrary notwithſtanding.

Within what time after the offence committed, the offendor muſt be accuſed.

XIX. Provided alway, and be it enacted by the authority aforeſaid, That no perſon or perſons ſhall in any wiſe be impeached, or put to anſwer for any of the offences aboveſaid, concerning Treaſons, by open preaching, or words only, unleſs the party offendor or offendors be thereof accuſed within thirty days next after the ſame open preaching, or word ſo ſpoken or declared, if the accuſers ſhall fortune to be within this Realm, during the ſaid ſpace of thirty days next after the ſaid offence committed or done: (2) And if the accuſers ſhall happen to be out of this Realm, during the ſaid ſpace of thirty days; then the party or parties ſo offending, ſhall be accuſed as is aforeſaid, within ſix months next after the ſame preaching, or words ſpoken or declared; or elſe the party or parties ſo offending, their aiders, comfortors, abettors, and counſellors, or any of them, not to be impeached, or put to anſwer for any ſuch offence or offences; (3) and that the ſame accuſation or accuſations ſo to be had, made and declared, ſhall be made to one of the Kings Council, or to one of the Kings Juſtices of Aſſiſe, or elſe to one of the Kings Juſtices of Peace, being of the Quorum, or to two Juſtices of the Peace within the Shire where the ſame offence or offences ſhall happen to be done or committed; any thing contained in this Act to the contrary in any wiſe notwithſtanding.

To whom the accuſation muſt be made.

Keeping ſecret of high Treaſon is miſpriſion of Treaſon.

XX. Provided alſo, and be it declared and enacted by the authority aforeſaid, That concealment or keeping ſecret any high Treaſon, ſhall be from henceforth adjudged, deemed and taken miſpriſion of Treaſon, and the offendor therein ſhall forfeit and ſuffer as in caſes of miſpriſion of Treaſon. as heretofore hath been uſed; any thing above mentioned to the contrary notwithſtanding.

The French King or King of France may be ſo called.

XXI. Provided alſo, and be it declared and enacted by the authority aboveſaid, That this Act, or any thing therein contained, ſhall not extend, or charge, or make any perſon or perſons to be offendor or offendors in any of the Articles aboveſaid, for Calling, Naming, Saying, Writing or Printing the French King for the time being, by the name of the King of France, or French King, any thing above declared and enacted to the contrary in any wiſe notwithſtanding.

No indictment or arraignment without two witneſſes or confeſſion. 5 Ed. 6. 11. Sect. 2. N. 1. 1 & 2 P. & M. 10. Sect. 8.

3 Inſt. 25.

XXII. Provided always, and be it enacted by the authority aforeſaid, That no perſon or perſons, after the firſt day of February next coming, ſhall be indicted, arraigned, condemned, or convicted, for any offence of Treaſon, petit Treaſon, miſpriſion of Treaſon, or for any words before ſpecified to be ſpoken after the ſaid firſt day of February, for which the ſame offendor, ſpeaker, offendors or ſpeakers, ſhall in any wiſe ſuffer any pains of death, impriſonment, loſs or forfeiture of his goods, chattels, lands or tenements; unleſs the ſame offendor, ſpeaker, offendors or ſpeakers, be accuſed by two ſufficient and lawful witneſſes, or ſhall willingly without violence confeſs the ſame.

CAP. XIII.

Taxes, Raſt. 26.

A Subſidy of Tonnage and Poundage granted to the King during his life. EXP. Co. Inſt. 4. Par. 33.

CAP. XIV.

The Act for Chantries Collegiate.

Monaſteries 15. All Chantries, &c. be granted to the King

Cro Jac. Hob. 12 Moor 8 1 Roll. 15 417. 2 Roll. 16 Golsb. 9

THe Kings moſt loving Subjects, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, conſidering that a great part of Superſtition and Errors in Chriſtian Religion, hath been brought into the minds and eſtimations of men, by reaſon of the ignorance of their very true and perfect Salvation, through the death of Jeſus Chriſt, and by deviſing and phantaſying vain opinions of Purgatory, and maſſes ſatisfactory, to be done for them which be departed; the which Doctrin and vain Opinion, by nothing more is maintained and upholden, then by the abuſe of Trentals, Chantries, and other proviſions made for the continuance of the ſaid blindneſs and ignorance: (2) And further conſidering and underſtanding, that the alteration, charge and amendment of the ſame, and converting to good and godly uſes, as in erecting Grammar Schools to the education of Youth in virtue and godlineſs, the further augmenting of the Univerſities, and better proviſion of the poor and needy, cannot in this preſent Parliament be provided and conveniently done, nor cannot, ne ought to any other manner perſon be committed, then to the Kings Highneſs, whoſe Majeſty, with and by the advice of his Highneſs moſt prudent Council, can and will moſt wiſely and beneficially, both for the honour of GOD, and the weal of his Majeſties Realm, order, alter, convert and diſpoſe the ſame: (3) And calling further to their remembrance, that in the Parliament holden at Weſtminſter, the Seven and thirtieth year of the Reign of our late Sovereign Lord King Henry the Eighth, Father to our moſt Dread and Natural Sovereign Lord the King that now is, it was ordained, enacted and eſtabliſhed amongſt other things, That all and ſingular Colledges, Free-Chappels, Chantries, Hoſpitals, Fraternities,

A rehearſal of the Statute of 37 H. 8 touching the diſſolution of Chantries, &c. Stiles 36, 82.

Brotherhoods, Guilds, and other promotions mentioned in the ſaid former Act, had or made to have continuance in perpetuity for ever, and then being, or that had or ought to be contributory or chargeable to the payment of the Firſt-fruits and Tenths, according to the Laws and Statutes in that behalf had and made, by what name, ſirname, degree or corporation, they or any of them were founded, ordained, eſtabliſhed, erected, named, called or known: and all and ſingular the Manſion houſes, Manors, Orchards, Gardens, Lands, Tenements, Paſtures, Woods, Waters, Rents, Reverſions, Services, Commons, Tithes, Penſions, Portions, Churches, Chappels, Advowſons, Nominations, Patronages, Annuities, Rights, Intereſts, Entries, Conditions, Leets, Courts, Liberties, Priviledges, Franchiſes, and other Hereditaments whatſoever, then appertaining or belonging, or that did appertain or belong, or were aſſigned or appointed to any ſuch Colledge, Free-chappel, Chantry, Hoſpital, Fraternity, Brotherhood, Guild, ſtipendary Prieſt, or other the ſaid promotions, or to any of them, or accepted, known, or taken as part, parcel or member of them, or of any of them: and to the ſaid Colledges, Chantries, Free-chappels, Hoſpitals, Fraternities, Brotherhoods, Guilds, ſtipendary Prieſt, or other the ſaid promotions, or to any of them, or accepted, known or taken as part, parcel, or member of them, or of any of them: and to the ſaid Colledges, Chantries, Free-chappels, Hoſpitals, Fraternities, Brotherhoods, Guilds, ſtipendary Prieſts, or other promotions, or to any of them united or annexed, which between the Fourth day of February, in the ſeven and twentieth year of the ſaid late Kings Reign, and the five and twentieth day of December, in the ſeven and thirtieth of his Graces Reign, by reaſon of any Entrie, Expulſion, Bargain, Sale, Feoffmnent, Fine, Recovery, Leaſe, or other Conveyance thereof made, were diſſolved, determined or relinquiſhed by any of the ways, means or conveyances mentioned in the ſaid Act, or otherwiſe, other then ſuch of them as then were in the poſſeſſion of the ſaid late King, that were granted or aſſured by his Licence, Agreement, Conſent, or Letters Patents to any perſon or perſons, or then had been lawfully obtained or recovered by any perſon by any former right or title, without fraud or covin, or by the Kings Licence, ſhall from thenceforth by authority of the ſame former Act, be adjudged and deemed, and alſo be in the very actual and real poſſeſſion and ſeiſon of the ſaid late King, and of his heirs and ſucceſſors for ever, (4) in as large and ample manner as the ſaid Prieſts, Wardens, Maſters, Miniſters, Governours, Rulers, or other Incumbents, or any of them, or the Patrons, Donors or Founders of any of them, at any time ſithence the ſaid fourth day of February, in the ſeven and twentieth year aforeſaid, had occupied or enjoyed, or then had occupied or enjoyed the ſame, and as though all and ſingular the ſaid Colledges, Chantries, Hoſpitals, Free-chappels, Fraternities, Brotherhoods, Guilds, and other the ſaid promotions, and the ſaid manors, lands, tenements, hereditaments, and other the premiſſes whatſoever they be, and every of them, had been in the ſaid former Act ſpecially, particularly, and certainly rehearſed, named and expreſſed by expreſs words, names, ſirnames, corporations, titles and faculties, and in their natural kinds and qualities; the ſaid entrees, expulſions, bargains, ſales, fines, feoffments, recoveries, or other aſſurance and conveyance whatſoever they were, had or made (except before in the former Act excepted) to the contrary notwithſtanding.

1 Bulſtr. 120.

II. And where alſo it was enacted and granted by the ſaid late King, by the ſaid former Act, That the ſame late King during his natural life, might make and direct his Commiſſion and Commiſſions under his Great Seal, to enter into all and ſingular ſuch, and as many Chantries, Free-chappels, Hoſpitals, Colledges, and other the promotions mentioned in the ſaid former Act, and into all and ſingular ſuch manors, manſions, houſes, meaſes, lands, tenements, paſtures, woods, waters, rents, reverſions, ſervices, poſſeſſions, and other hereditaments whatſoever, or into any part or parcel thereof, in the name, ſeiſin and poſſeſſion of all the hereditaments, annexed, united, belonging or appertaining to any Chantry, Hoſpital, Free-chappel, Colledge, Fraternity, Brotherhood, Guild, or other the ſaid promotions, or whereof any Prieſts, Provoſts, Governours, Rulers, or other Incumbents of them, or of any of them, by what name, ſirname, degree, title or corporation, they and every of them, or any of them were founded, erected, ordained, eſtabliſhed, named, called or known, then had or enjoyed, or that hereafter ſhould have or enjoy, to the ſaid Chantries, Hoſpitals, Free-chappels, Colledges, Fraternities, Brotherhoods, Guilds and other the ſaid promotions that then were chargeable to the payment of the Firſt-fruits and Tenths, and all Colledges that were chargeable, or not chargeable to the ſaid payment of the Firſt-fruits and Tenths, as is aforeſaid, or to any of them, as ſhould be named, expreſſed and appointed in the ſame Commiſſion or Commiſſions, (2) and to ſeiſe and take the ſame Chantries, Hoſpitals, Colledges, Free-chappels, Fraternities, Brotherhoods, Guilds, and other the ſaid promotions, manors, lands, tenements, and other the premiſſes mentioned in the ſaid Commiſſion or Commiſſions, and in every of them, and every part, parcel and member of the ſame, into the Kings poſſeſſion and hands, to have and to hold the ſame to the ſaid late King, and to his heirs and ſucceſſors for ever, as by the ſaid former Act, amongſt other things, more at large appeareth: (3) It is now ordained and enacted by the King our Sovereign Lord, with the aſſent of the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all manner of Colledges, Free-chappels and Chantries, having being, or in eſſe, within five years next before the firſt day of this preſent Parliament, (which were not in actual and real poſſeſſion of the ſaid late King, nor in the actual and real poſſeſſion of the King our Sovereign Lord that now is, nor excepted in the ſaid former Act in form aboveſaid, other then ſuch as by the Kings Commiſſions in form hereafter mentioned, ſhall be altered, tranſpoſed or changed) and all manors, lands, tenements, rents, tithes, penſions, portions, and other hereditaments and things above mentioned, belonging to them or any of them: (4) And alſo all manors, lands, tenements, rents, and other hereditaments and things above mentioned, by any manner of aſſurance, conveyance, will, deviſe, or otherwiſe had, made, ſuffered knowledged or declared, given, aſſigned, limited or appointed, to the finding of any Prieſt, to have continuance for ever, and wherewith, or whereby any Prieſt was ſuſtained, maintain-

The Kings Commiſſions to certain perſons to enter into Chantries, &c. and their lands.

1 Leonard. 38.
3 Bulſtr. 151.

Moor 263. pl. 413. 693. pl. 960.

Moor 129. pl. 277.
3 Leonard. 114.

Colledges, Free-chappels, Chantries, and their lands given to the King.
Coke pla. f. 200.

Lane 113: 115.

Lands and annual rents aſſigned to the finding of a Prieſt to have continuance for ever given to the King.

ed or found, within five years next before the firſt day of this preſent Parliament, (which were not in the actual and real poſſeſſion of the ſaid late King, nor in the actual and real poſſeſſion of our Sovereign Lord the King that now is) (5) and alſo all annual rents, profits and emoluments, at any time within five years next before the beginning of this preſent Parliament, imployed, payed or beſtowed, toward or for the maintenance, ſupportation or finding of any ſtipendary Prieſt, intended by any act or writing to have continuance for ever, (6) ſhall by the authority of this preſent Parliament, immediately after the Feaſt of Eaſter next coming, be adjudged and deemed, and alſo be in the very actual or real poſſeſſion and ſeiſon of the King our Sovereign Lord, and his Heirs and Succeſſors for ever, without any office or other inquiſition thereof to be had or found (7) and in as large and ample manner and form as the Prieſts, Wardens, Maſters, Miniſters, Governours, Rulers or other Incumbents of them or any of them, at any time within the five years next before the beginning of this preſent Parliament, had, occupied or enjoyed, or now hath, occupieth or enjoyeth the ſame, (8) and as though all and ſingular the ſaid Colledges, Free-chappels, Chantries, Stipends, Salaries of Prieſts, and the ſaid Manors, Lands, Tenements, Hereditaments and other the premiſſes whatſoever they be, and every of them, were in this preſent Act ſpecially, particularly and certainly rehearſed, named and expreſſed by expreſs words, names, ſurnames, corporations, titles and faculties, and in their natures, kinds and qualities.

Where lands have been given to the finding of Prieſts for years.

III. And over that, be it ordained and enacted by the authority of this preſent Parliament, that where any Manors, Lands, Tenements, Tithes, Penſions or Portions, Rents, Profits or other Hereditaments, by any manner of aſſurance, conveyance, will, deviſe or otherwiſe, at any time heretofore had, made, ſuffered, knowledged or declared, were given, aſſigned or appointed, to or for the maintenance, ſuſtentation or finding of one Prieſt, or of divers Prieſts, for term of certain years yet continuing, and that any Prieſt hath been maintained, ſuſtained or found with the ſame, or with the revenues or profits thereof within five years laſt paſt, that the King from the ſaid Feaſt of Eaſter next coming, ſhall have and enjoy in every behalf, for and during all ſuch time to come, every ſuch and like things, Tenements, Hereditaments, profits and Emoluments, as the Prieſt or Prieſts ought, or ſhould have had, for or toward his or their maintenance, ſuſtenance or finding, and for no longer or further time, nor for any other profit, advantage or commodity thereof to be taken.

He in reverſion may enter after the years expired.

IV. Provided always, and it is ordained and enacted by the authority of this preſent Parliament, that when and aſſoon as the time aſſigned for the maintenance, ſuſtentation or finding of the Prieſt or Prieſts, ſhall be expired and run; that then it ſhall be lawful to every perſon and perſons, to whom any Manors, Lands, Tenements, Tithes, Portions, Penſions, Rents, and other Hereditaments, or any of them, ſhould have belonged or appertained, if the ſaid former Act and this Act had never been had or made, to enter into, take, perceive, have and enjoy the ſame, without any manner of livery, Ouſter le maine, petition, or other ſuit to be made to the King, in like manner, form and condition, to all intents, conſtructions and purpoſes, as though the ſaid former Act, and this Act had never been had or made, and as though the King had never had any ſeiſon or poſſeſſion thereof; Any thing in the ſaid former Act, or in this Act to the contrary in any wiſe notwithſtanding.

Lands wholly given to the maintenance of an Obit, &c. Co.pl.f.209.377. Godb. lt 309. pl. 417.

V. And be it ordained and enacted by the authority of this preſent Parliament, that the King our Sovereign Lord, his heirs and ſucceſſors, from the ſaid Feaſt of Eaſter next coming, ſhall have, hold, perceive and enjoy for ever, all Lands, Tenements, Rents and other Hereditaments, which by any manner of Aſſurance, Will, Wills, Deviſe or otherwiſe, at any time heretofore had, made, ſuffered, knowledged or declared, were given, aſſigned or appointed to go, or be employed wholly to the finding or maintenance of any Anniverſary or Obit, or other like thing, intent or purpoſe, or of any light or lamp, in any Church or Chappel, to have continuance for ever, which hath been kept or maintained within five years next before the ſaid firſt day of this preſent Parliament.

Part of the iſſues of lands imployed to the finding of a Lamp, Obit, &c.

VI. And alſo that where but part of the iſſues or revenues of any manors, lands, tenements, rents or other hereditaments, hath by any of the ways or means aboveſaid been given, aſſigned or appointed to be beſtowed or imployed to the finding or maintenance of any Anniverſary or Obit, or other like thing, intent or purpoſe, or of any light or lamp, in any Church or Chappel, to have continuance for ever: that then our Sovereign Lord the King ſhall from the ſaid Feaſt of Eaſter next coming, for ever have, perceive and enjoy every ſuch ſums of money, that in any one year within five years next before the firſt day of this preſent Parliament, hath been expended and beſtowed about the finding or maintenance of any ſuch Anniverſary or Obit, or other like thing, intent or purpoſe, of any light or lamp, to him his Heirs and Succeſſors for ever, as a rent-charge to be paid yearly at the Feaſt of Saint Michael the Archangel, and the Annunciation of our Lady Saint Mary the Virgin, by even portions in the Kings Court of the Augmentations and Revenues of his Crown, or in any other Court or Courts, as the King hereafter ſhall appoint. (2) And that it ſhall be lawful to our ſaid Sovereign Lord the King, his Heirs and Succeſſors, for non-payment of any ſuch ſum or ſums of money, to diſtrain in the ſaid Manors, Lands and Tenements, of the iſſues and revenues, whereof the ſaid Anniverſary or Obit, or other like thing, or any ſuch light or lamp was found, ſuſtained or maintained: (3) And that for lack of ſufficient diſtreſs, in or upon any the premiſſes, whereof any of the ſaid yearly rents, or ſums of money ſhould be paid by the ſpace of one month next after that any of the ſaid rents ſhould be paid, and be not paid within the ſaid month; That then it ſhall be lawful to and for our Sovereign Lord the King, his Heirs and Succeſſors, by virtue of this preſent Act, to enter into, and to have, and poſſeſs as much of the Lands, Tenements and Hereditaments whereof the ſaid rent or rents ſhould be levied or paid, as the rent or rents that ſhould be levied or paid out of the ſame, doth or ſhall amount or come to in yearly value, and the ſame Lands, Tenements and hereditaments, to hold and keep, and to have to our ſaid Sovereign Lord the King, his Heirs and Aſſigns for ever, or for ſuch eſtate as our Sovereign Lord the King, his Heirs or Succeſſors, had or ought to have had, of or in the ſaid rent or rents.

The Kings diſtreſs for the rent, and entry for default thereof.

VII. And it is alſo ordained and enacted by the authority of this preſent Parliament, That our Sovereign Lord the King, ſhall from the ſaid Feaſt of Eaſter next coming, have, perceive and enjoy, all and ſingular ſuch ſums of Money, Profits, Commodities and Emoluments, which by virtue of any manner of Aſſurance, Conveyance, Compoſition, Will, Deviſe or otherwiſe, heretofore have been given, aſſigned, limited or appointed to have continuance for ever, which in any one year within five years next before the beginning of this preſent Parliament, have been paid, beſtowed or employed by any manner of Corporations, Guilds, Fraternities, Companies or Fellowſhips of Myſteries or Crafts, or any of them, being in England, Wales, and other the Kings Dominions, or by the Maſters, Wardens, Governours, or other Officers or Miniſters, or by the Maſter, Warden, Governour, or other Officer or Miniſter of them, or any of them, toward or about the finding, maintenance or ſuſtentation of any Prieſt or Prieſts, of any Anniverſary or Obit, Lamp, Light or Lights, or other like thing, as is aforeſaid, to our ſaid Sovereign Lord the King, his Heirs and Succeſſors for ever, to be paid yearly as a Rent-charge, at the Feaſt of S Michael the Archangel, and the Annunciation of our Lady, by even portions, in the Kings Court of Augmentations and Revenues of his Crown, or in any other Court or Courts, as the King hereafter ſhall appoint.

Money given to the finding of a Prieſt, Obit, Lamp, Light, by a Corporation.

VIII. And that it ſhall be lawful to our ſaid Sovereign Lord the King, his heirs and ſucceſſors, for non-payment of any ſuch ſum or ſums of money, profit, commodity or emolument, or for non-payment of any of them, to diſtrain in all the manors, lands and tenements of every ſuch Crafts, Corporations, Guilds, Fraternities, Companies or Fellowſhips of Myſteries or Crafts, or any of them, by whom, or by the Maſters, Wardens, Governours or other Officers or Miniſters, or Maſter, Warden, Governour or Miniſter, of the which any ſuch ſum or ſums of money, profit, commodity or emolument, have or hath been paid, beſtowed or employed: (2) And that all and every of the ſaid ſums of money, profits, commodities and emoluments, ſhall from the Feaſt of Eaſter next coming, without any manner of inquiſition or office to be had or found, be judged and deemed to be in the actual and real poſſeſſion of our ſaid Sovereign Lord the King, in like manner and form to all intents, conſtructions and purpoſes, as if the ſame had been particularly and ſpecially mentioned in this preſent Act.

The King may diſtrain for the money or profit.

IX. And furthermore be it ordained and enacted by the authority aforeſaid, That the King our Sovereign Lord, ſhall from the ſaid Feaſt of Eaſter next coming, have and enjoy to him, his Heirs and Succeſſors for ever, all Fraternities, Brotherhoods and Guilds, being within the Realm of England and Wales, and other the Kings Dominions: and all manors, lands, tenements and other hereditaments, belonging to them or any of them (other then ſuch Corporations, Guilds, Fraternities, Companies and Fellowſhips of Myſteries or Crafts, and the manors, lands, tenements and other hereditaments pertaining to the ſaid Corporations, Guilds, Fraternities, Companies, and Fellowſhips of Myſteries or Crafts above mentioned) (2) and ſhall by virtue of this Act be judged and deemed in the actual and real poſſeſſion of our ſaid Sovereign Lord the King, his Heirs and Succeſſors, from the ſaid Feaſt of Eaſter next coming, for ever, without any inquiſition or office thereof to be had or found.

Fraternities, Brotherhoods, and Guilds given to the King.

X. And alſo be it ordained and enacted by the authority aforeſaid, that our ſaid Sovereign Lord the King, his Heirs and Succeſſors, at his and their will and pleaſure, may direct his and their Commiſſion and Commiſſions under the Great Seal of England, to ſuch perſons as it ſhall pleaſe him: (2) And that the ſaid Commiſſioners, or two of them at the leaſt, ſhall have full power and authority by virtue of this Act, and of the ſaid Commiſſion, as well to ſurvey all and ſingular Lay-Corporations, Guilds, Fraternities, Companies and Fellowſhips of myſteries, or Crafts incorporate, and every of them, as all other the ſaid Fraternities, Brotherhoods and Guilds within the limits of their Commiſſion to them directed, (3) and all the Evidences, Compoſitions, Books of Accompts, and other Writings of every of them, to the intent thereby to know what money and other things was paid or beſtowed to the finding or maintenance of any Prieſt or Prieſts, Anniverſary or Obit, or other like thing, Light or Lamp, by them or any of them: (4) as alſo to enquire, ſearch and try by all ſuch ways and means as to them ſhall be thought meet and convenient, what manors, lands, tenements, rents, and other hereditaments, profits, commodities, emoluments and other things, be given, limited, or appointed to our ſaid Sovereign Lord the King by this Act, within the limits of their Commiſſion.

Commiſſions ſhall be directed to ſeveral perſons, and what their authority ſhall be to do thereby.

XI. And alſo that by the ſame Commiſſioners, or two of them at the leaſt, by virtue of this Act, and of the Commiſſion to them directed, ſhall have full power and authority to aſſign, and ſhall appoint (in every ſuch place where Guild, Fraternity, the Prieſt or Incumbent of any Chantry in eſſe, the firſt day of this preſent Parliament, by the Foundation, Ordinance, or the firſt Inſtitution thereof, ſhould or ought to have kept a Grammar-School, or a Preacher, and ſo hath done ſithen the Feaſt of Saint Michael the Archangel laſt paſt) lands, tenements and other hereditaments of every ſnch Chantry, Guild and Faternity, to remain and continue in ſucceſſion to a School-maſter or Preacher for ever, for and toward the keeping of a Grammar-School, or Preaching, and for ſuch godly intents and purpoſes, and in ſuch manner and form as the ſame Commiſſioners, or two of them at the leaſt, ſhall aſſign or appoint: (2) And alſo to make and ordain a Vicar to have perpetuity for ever, in every Pariſh Church, the firſt day of this preſent Parliament, being a Colledge, Free-chappel or Chantry, or appropriated, annexed or united to any Colledge, Free-chappel or Chantry, that ſhall come to the Kings hands by virtue of this Act, and to endow every ſuch Vicar ſufficiently, having reſpect to his Cure and Charge, the ſame Endowment to be to every ſuch Vicar, and to his ſucceſſors for ever, without any other Licence or Grant of the King, the Biſhop or other Officers of the Dioceſs. (3) And alſo the ſaid Commiſſioners, or two of them at the leaſt, ſhall have authority by forcce of this Act, to aſſign in every great Town or Pariſh, where they ſhall think neceſſary to have moe Prieſts then one, for the miniſtring of the Sacraments within the ſame Town or Pariſh, lands and tenements belonging to any Chantry, Chappel, or Stipendary Prieſt, being within the ſame Town or Pariſh the firſt day of this preſent Parlia-

2 Brant. 18. pl. 47.

Lands aſſigned towards the maintenance of a Preacher or Schoolmaſter.

Endowment of a Vicar.

Aſſigning one or more Prieſts in a Pariſh and lands for their maintenance.

The Commiſſioners ſhall aſſign yearly penſions to every governour, fellow and ſervant of every Chantry, &c. diſſolved.

ment, to be to ſuch perſon and perſons, as the ſaid Commiſſioners, or two of them at the leaſt, ſhall aſſign or appoint to continue in ſucceſſion for ever, for and towards the ſufficient finding and maintenance of one or more Prieſts within the ſame Town or Pariſh, as by the ſaid Commiſſioners, or two of them, ſhall be thought neceſſary or convenient: (4) And as well to make Ordinances and Rules concerning the ſervice, uſe and demeanour of every ſuch Prieſt and Schoolmaſters, as is aforeſaid, to be appointed, as alſo by what name or names he and they ſhall from henceforth be named and called. (5) and alſo that the Commiſſioners, or two of them at the leaſt, ſhall have full power and authority by virtue of this Act, and of the ſaid Commiſſion to them directed, to aſſign as well to every Dean, Maſter, Warden, Provoſt, and other Incumbent, and Miniſter of any of the ſaid Colledges, Free-chappels or Chantries, being within the limits of their Commiſſion, which hereafter ſhall be diſſolved or determined by virtue of this Act, as to every Stipendary Prieſt, and other Prieſt, whoſe Salary the King ſhall be intituled unto by this Act, as to every Fellow and poor Parſon having yearly Relief out of the ſaid Colledges, Free-chappels or Chantries being within the limits of their Commiſſion, ſuch yearly Annuities, Penſions, or other Recompences during their ſeveral Lives, as to the ſame Commiſſioners, or two of them, ſhall be thought meet and convenient.

Money or yearly benefit aſſured to certain perſons out of a Chantry, &c. ſhall be ſo continued and paid.

Lands aſſigned towards the maintenance of the walls and banks of the Sea.

XII. And over that, the ſaid Commiſſioners, or two of them at the leaſt, ſhall have full power and authority by virtue of this Act, and of the Commiſſion to them directed, to require and try by ſuch ways and means as they ſhall think meet and convenient, what money, profit and benefit any poor perſon and perſons by virtue of any conveyance, aſſurance, compoſition, will, deviſe, or otherwiſe, heretofore had or made, intended or meant to have continuance for ever, had or enjoyed within five years next before the beginning of this preſent Parliament, out of any Colledge, Free-chappel or Chantry, and other the premiſſes, given, limited or appointed to the King by this Act, being within the limits of their Commiſſion: (2) And thereupon to make aſſignments and orders, in ſuch manner and form as all and ſingular ſuch ſaid money, profit and commodity ſhall be paid to poor people for ever, according to ſuch ſaid aſſurance, compoſition, will, deviſe, or other thing had or made for the ſame: and to aſſign and appoint lands, tenements, or other hereditaments, parcel of the premiſſes, for the maintenance and continuance of the ſame for ever: (3) and alſo to appoint to Fraternities, Brotherhoods, Guilds, lands, tenements and hereditaments, parcel of the premiſſes, towards and for the maintenance of piers, jutties, walls or banks, againſt the rages of the ſea, havens and creeks. (4) And that all and ſingular annuities, penſions, and other recompences ſhall be half yearly paid to the perſons to whom the ſame ought to be paid by the Kings Receiver for the time being, of his lands commonly called the ſuppreſſed lands, or other his revenues, lying in the County or City where ſuch Colledge, Free-chappel, or Chantry, or other the premiſſes, given, limited and appointed to the King by this Act, the firſt day of this preſent Parliament, were or remained without any fee or reward therefore to be payed: The firſt payment to be begun at the Feaſt of St. Michael the Archangel next coming: (5) And that every ſuch receiver, upon his accompt, ſhall have full and due allowance of all ſuch annuities, penſions and other recompences by him paid, by virtue of any ſuch aſſignment to be made by the ſaid Commiſſioners, or two of them at the leaſt.

The Commiſſioners oath for the favourable execution of the Commiſſion towards the Deans, &c.

The force of the Commiſſioners aſſignments and ordinances.

XIII. And it is ordained and enacted by the authority of this preſent Parliament, That the ſaid Commiſſioners, and every of them, that ſhall take upon him the execution of any of the ſaid Commiſſions, ſhall be bound, as he will anſwer before GOD, to execute the Commiſſion to him and other directed, beneficially towards the Deans, Maſters, Wardens, Provoſts, and other Incumbents and Miniſters aforeſaid, and towards the poor people, concerning the ſaid aſſignments, and alſo towards the maintenance of piers, jutties, walls or banks, againſt the rages of the ſea, havens and creeks. (2) And that all manner of aſſignments and ordinances to be made by the ſaid Commiſſioners, or two of them at the leaſt, and certified under their ſeals, or the ſeals of two of them at the leaſt, into the Kings Court of the Augmentations and Revenues of his Crown, or to any other Court or Courts, by the Kings Majeſty to be made or aſſigned, ſhall be by virtue of this Act and of the ſaid Commiſſions, be as good and effectual in the Law, to all intents, conſtructions and purpoſes, as though the ſame had been aſſigned and ordained by authority of this preſent Parliament, by expreſs and apt words, terms and ſentences.

No officers, annuity or penſion, ſhall extend to more then it did before.

XIV. Provided alſo, That ſuch annuities, or penſions, or other recompences, that the ſaid Commiſſioners, or any of them, ſhall aſſign or appoint to be paid yearly to any ſuch Dean, Maſter, Warden, Governour, or other Incumbent, Fellow or Miniſter, ſhall not extend to any more clear yearly value, then ſuch Dean, Maſter, Warden, Provoſt, Governour, or other Incumbent, Fellow or Miniſter, or his Predeceſſor, lawfully had, or enjoyed in money, meat, drink, livery or allowance of the ſame yearly, within five years next before the beginning of this preſent Parliament.

His penſion ſhall ceaſe that is promoted to a better living.

XV. Provided alſo, That if any the ſaid Maſters, Wardens, Provoſts, Governours or other Incumbents, Fellow or Miniſter, ſhall at any time hereafter during his life, be promoted by the King to any Benefice, or other Spiritual Promotion, being of a better clear yearly value then his ſaid annuity or penſion, or other recompence ſhall be of: that then the annuity, penſion, or other recompence, that any ſuch Dean, Maſter, Warden, Governour, Provoſt or other Incumbent, Fellow or Miniſter that ſo ſhall be promoted ſhall have, ſhall immediately after ſuch promotion had, ceaſe and utterly determine.

The Commiſſioners certificate of lands aſſigned to the uſes aforeſaid.

XVI. And be it ordained and enacted by the authority of this preſent Parliament, That the ſaid Commiſſioners, or two of them at the leaſt, to whom any Commiſſion by vertue or mean of this Act ſhall be directed and delivered, ſhall be bounden upon the forfeiture, every of them, of an hundred pound, to make certificate under their Seals, or the Seals of two of them at the leaſt, into the ſaid Court of the Augmentations and Revenues of the Kings Crown, or into any other Court, as is aforeſaid, within one year next after the Commiſſion to them directed, of all manors, lands, tenements, rents, tithes, portions, penſions, hereditaments, and

recompences

recompencies by the ſame commiſſioners or two of them, aſſigned or appointed to any of the uſes, intents or purpoſes above mentioned.

XVII. And alſo be it ordained and enacted by the authority of this preſent Parliament, That our Sovereign Lord the King, ſhall have and enjoy all ſuch goods, chattels, jewels, plate, ornaments and other moveables, as were or be the common goods of every ſuch Colledge, Chantry, Free-chappel, or Stipendary Prieſt, belonging or annexed to the furniture or ſervices of their ſeveral foundations, or abuſed of any of the ſaid Corporations, in the abuſes aforeſaid, the property whereof was not altered nor changed before the eighth day of December, in the year of our Lord God, M. D. XLVII.

The King ſhall have the goods of every Colledge, Chantry, &c.

XVIII. And it is alſo ordained and enacted by the authority of this preſent Parliament, that all ſuch debts and ſums of money as ought or ſhould without fraud or covin hereafter be paid, of the money or goods of any of the ſaid Colledges, due or payable by reaſon of any contract, ſpecialty or promiſe had or made before the ſame eighth day, ſhall truly and fully be paid by the Treaſurer of the Kings Court of the Augmentations and Revenues of his Crown, or by the Treaſurer or Receiver of any other Court to which any of the premiſſes ſhall be appointed, of the Kings Treaſurer, being in his or their hands, with as convenient ſpeed as the ſame may be payed.

The debts of Colledges ſhall be paid by the King.

XIX. Provided always, and be it ordained and enacted by the authority aforeſaid, that this Act, or any article, clauſe, or matter contained in the ſame, ſhall not in any wiſe extend to any Colledge, Hoſtel or Hall, being within either of the Univerſities of Cambridge and Oxford, (2) nor to any Chantry founded in any of the Colledges, Hoſtels or Halls, being in the ſame Univerſities; (3) nor to the Free-chappel of S. George the Martyr, ſituate in the Caſtle of Windſor; (4) nor to the Colledge called S. Maries Colledge of Wincheſter, beſides Wincheſter, of the Foundation of Biſhop Wickham; (5) nor to the Colledge of Eaton, (6) nor to the Pariſh Church commonly called the Chappel in the Sea in Newton, within the Iſle of Ely, in the County of Cambridge; (7) nor to any manors, lands, tenements or hereditaments, to them or to any of them pertaining or belonging; (8) nor to any Chappel made or ordained for the eaſe of the people dwelling diſtant from the Pariſh Church, or ſuch like Chappel, whereunto no more lands or tenements then the Church-yard, or a little houſe or cloſe doth belong or pertain; (9) nor to any Cathedral Church or Colledge where a Biſhops See is, within this Realm of England, or in Wales, nor to the manors, lands, tenements, or other hereditaments of any of them, other then to ſuch Chantries, Obits, Lights and Lamps, or any of them, as at any time within five years next before the beginning of this peſent Parliament, have been had, uſed or maintained within the ſaid Cathedral Churches, or within any of them, or the iſſues, revenues or profits of any of the ſaid Cathedral Churches, to which Chantries, Obits, Lights and Lamps, it is enacted by the authority aforeſaid, that this Act ſhall extend.

To which Colledges &c. this Act ſhall not extend.

Cathedral Churches wherein any Chantries, Obits, Lamps or Lights have been maintained.

XX. And it is ordained and enacted by the authority aforeſaid, that our Sovereign Lord the King, at any time during his life (which God long preſerve) may at his will and pleaſure alter and change the name or names of all and ſingular Chantries, and the Foundations of the ſame, being in any of the Colledges, Hoſtels or Halls of any the ſaid Univerſities, according as to his godly wiſdom ſhall be thought meet and convenient.

Cok pl. f. 365. The King may altar the names of Chantries.

XXI. Saving to all and every perſon and perſons, bodies politick and corporate, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them (other then the Maſters, Wardens, Miniſters, Governours, Rulers, Prieſts, Incumbents, Fellows and Brethren of the ſaid Colledges, Chantries, Free-chappels, and other the premiſſes, given, limited or appointed to the King by this Act, and the ſucceſſors of them, and every of them, (2) and other then ſuch as be, or pretend to be Founders, Patrons or Donors of the premiſſes, or any of them, or of any part or parcel thereof, and the heirs, ſucceſſors and aſſigns of every or any of them; (3) and other then ſuch as be, or were feoffers, recoverees, coniſees, grantees, or deviſees of any of the premiſſes, to, or for any of the uſes, purpoſes or intents above mentioned, or to the uſe of any of the ſaid Colledges, Free-chappels, Chantries, or other the premiſſes, given, limited or appointed by this Act to the King, or to the intent to imploy the rents or profits thereof to the uſe of the Maſters, Rulers, Incumbents or Miniſters of them, or any of them; (4) and other then ſuch perſon and perſons, and bodies politick and corporate, their heirs, ſucceſſors and aſſigns, as claim or pretend to have eſtate, right, title, intereſt, uſe, poſſeſſion or condition, of, in, or to the premiſſes, or any part or parcel thereof, by reaſon of any feoffment, fine, bargain and ſale, or by any other ways, means or conveyance to them made, of any eſtate of inheritance, without the ſaid late Kings licence, aſſent, conſent or agreement, and without the licence, aſſent or agreement of the Kings Majeſty that now is, by any of the ſaid Deans, Maſters, Wardens, Miniſters, Governours, Rulers, Prieſts or Incumbents, or by the Founders, Donors or Patrons of them, or of any of them) (5) all ſuch right, title, claim, poſſeſſion, intereſt, rents, annuities, commodities, commons, offices, fees, leaſes, liveries, livings, penſions, portions, debts, duties, and other profits, which they, or any of them lawfully have, or of right ought to have, or might have had, in, of or to any of the premiſſes, or in, of or to any part or parcel thereof, in ſuch like manner, form and condition, to all intents, reſpects, conſtructions and purpoſes, as if this Act had never been had nor made, and as though the ſaid Chantries, Colledges, and other the ſaid promotions, had ſtill continued and remained in their full being; (6) and ſaving to all and every Patron, Donor, Founder or Governour of any ſuch Colledge, Chantry, Free-chappel, Stipendary Prieſts, and other the premiſſes, given, limited or appointed to the King by this Act, and the Donor, Feoffer and Giver of the foreſaid lands, tenements or hereditaments, to them or any of them, or to any uſes or purpoſes before mentioned, (7) all ſuch rents, ſervices, rents ſeck, rents charge, fees, annuities, profits and offices; and alſo leaſes for term of life, lives and years, whereupon the accuſtomed rent, or more is reſerved, as they or any of them lawfully had, perceived and enjoyed in, out, or of any the ſaid promotions, or out of any of the ſaid lands, tenements or hereditaments, before the firſt day of this preſent Parliament.

The right of ſtrangers ſaved.

Certain rents and duties ſaved to every Donor, Founder, and Governour of a Colledge, Chantry, &c.

Every perſon that hath ſold any lands due to the King by this Act, ſhall repay the money.

XXII. And over that, it is ordained and enacted by the authority of this preſent Parliament, that all and every perſon and perſons being in life, which have or hath for any ſum of money to him or them payed, bargained or ſold, any manors, lands, tenements, or other hereditaments aforeſaid, whereunto the King our Sovereign Lord is intituled, by virtue of this Act, ſhall repay to ſuch perſon as ſo bought any of the ſaid manors, lands, tenements or other hereditaments, or to his executors or aſſigns, upon a requeſt therefore made, or within three months then next enſuing the ſame requeſt, as much money as he or they received for the ſale of any thing ſo by him or them ſold; (2) And for non-payment thereof, ſuch perſon and perſons as purchaſed or bought the ſaid lands, tenements, and other the premiſſes, or any parcel thereof, and their executors and adminiſtrators, ſhall be enabled by the authority of this preſent Parliament, to ſue and maintain an action of debt at the Common Law of this Realm, againſt ſuch perſon or perſons as ſo bargained or ſold to him or them, or to their teſtator, any of the premiſſes belonging to any Colledge, Chantry, Free-Chappel, or other promotion ſpiritual; in which action of debt, none eſſoin, protection or wager of Law ſhall be admitted or allowed.

All Chantry, Free-Chappel, &c. lands ſhall be in the order of the Court of Augmentations.

XXIII. And be it further enacted by the anthority aforeſaid, that all and every of the ſaid Chantries, Colledges and Free-Chappels, and other the premiſſes given, limited or appointed to the King by this Act, and all the manſion-houſes, manors, lands, tenements, poſſeſſions and hereditaments, and other the premiſſes whatſoever they be, given, limited and appointed to the King by this Act, and every part and parcel of them, which by authority and virtue of this Act been veſted, adjudged and deemed, or ſhall be in the Kings Majeſties poſſeſſion and hands, or which the King ſhall be intituled unto by virtue of this Act, ſhall be in the order, ſurvey, and governance of our Sovereign Lord the Kings Court of the Augmentations and Revenues of his Crown, or in ſuch other Court as the King at any time hereafter ſhall aſſign, name or appoint, and ſo ſhall and may be granted, letten and ſet to farm by the Chancellor, Officers and Miniſters of the ſame Court, or of any other Court ſo to be appointed, in ſuch manner and form as other manors, lands and tenements appointed to the ſame Court of Augmentations and Revenues of his Graces Crown, or other Court ſo to be appointed, been to be granted, or letten: (2) And that all the farms, iſſues, revenues, and profits coming and growing of the ſame premiſſes, and of every part thereof, ſhall be taken and received to the Kings uſe, by the Officers and Miniſters of the ſame Court or Courts, in ſuch manner and form as is uſed and had of other manors, lands and tenements, and of the iſſues, revenues and profits of the ſame, committed to the order, rule, ſurvey and governance of the ſaid Court of the Augmentations and Revenues of the Kings Crown, or any other Court ſo to be appointed; Any Act, Statute, Ordinance, cuſtom or Uſe heretofore had, made or uſed to the contrary notwithſtanding.

Leaſes made by the Governours not reſerving the old rent ſhall be void.

XXIV. And it is further enacted by the authority aforeſaid, that if any of the ſaid Maſters, Wardens, Miniſters, Rulers, Governours, Prieſts, Incumbents, or owners of any ſuch Colledge, Chantry, Free-Chappel, or of any the premiſſes given, limited or appointed to the King by this Act, or of any of them ſithence the three and twentieth day of November, in the xxxvij. year of the Reign of the ſaid late King, have made any Leaſe under his or their common Seal or otherwiſe, for term of years, life or lives, of their ſaid Colledges, Chantries, Free-Chappels, or other of the ſame premiſſes, or of any part thereof, or of any manors, lands, tenements, poſſeſſions or hereditaments whatſoever they be, to them or to any of them united or annexed, belonging or appertaining, upon which Leaſes the uſual and old rents and farms accuſtomed to be yielden and reſerved, or more, by the ſpace of twenty years next before the ſaid three and twentieth day of November, be not reſerved and yielden, ſhall be utterly void and of none effect: (2) and that all Leaſes and Grants heretofore made of any of the premiſſes given, limited or appointed to the King by this Act, ſhall be as good, available and effectual in the Law, to all intents, conſtructions and purpoſes, as if this Act had never been had or made; any thing in this Act, or any other Act heretofore had or made, to the contrary thereof in any wiſe notwithſtanding.

Lands whereof the Governours of any Colledges, &c. were ſeiſed to their own uſes.

XXV. Provided always, and be it further ordained and enacted by the authority aforeſaid, that this Act or any thing therein contained, ſhall not extend to any manors, lands, tenements, poſſeſſions or hereditaments, which the ſaid Maſters, Wardens, Miniſters, Chantry Prieſts, Incumbents, or other the ſaid Governours, Officers, Miniſters or Rulers of the premiſſes, or of any of them, hath or is, or hereafter ſhall have or be poſſeſſed or ſeiſed of in fee-ſimple, fee-tail, general or ſpecial, for term of life, term of years, or otherwiſe, to his or their own proper uſes, by inheritance or purchaſe; and not being at any time united or annexed to his or their ſaid Colledges, Free-Chappels, Chantries, or other the premiſſes given, limited or appointed to the King by this Act: (2) Nor ſhall extend to any manors, lands, tenements, poſſeſſions, rents, annuities, and yearly penſion or penſions, or to any yearly ſum or ſums of money, being united, or parcel of any the ſaid Colledges, and other the premiſſes aforeſaid, or any of them, heretofore given or granted by the ſaid late King, or given or granted, or hereafter to be given and granted by the King our Sovereign Lord, to any of the ſaid Deans, Maſters, Wardens, Miniſters, Chantry Prieſts, Incumbents, Governours or Rulers of the premiſſes, or of any of them, for term of life only, under his great Seal of England, or under the Seal of the Court of the Augmentations and Revenues of the Kings Crown, or any other of the Kings Seals of any of his Courts; any thing contained in this Act to the contrary in any wiſe notwithſtanding.

Lands, annuities, &c. not united to the ſaid Colledges, &c. but granted by King H. 8. or by the King that now is.

Every perſon which had rent or yearly profit out of the lands of any Chantry, &c. ſhall enjoy them.

XXVI. Provided alway, and be it enacted by the authority aforeſaid, That as well all and every Patron, Donor, Founder and Giver of any of the ſaid promotions or premiſſes, or giver, donor or feoffer of any their lands, tenements, poſſeſſions, or other hereditaments, as all and every perſon and perſons, bodies politick and corporate, which before the making of this Act lawfully without fraud or covin, had or enjoyed any manner of rent, or other yearly profits to be taken, perceived or had of any Chantries, Colledges, Free-Chappels, or other the premiſſes given, limited or appointed to the King by this Act, or out of any manors, lands, tenements, or other poſſeſſions of them, or any of them, ſhall have and enjoy the ſame in like manner and form as they ſhould or ought to have done, if the ſaid Colledges, Chantries, Free-Chappels, and other the premiſſes given, limited or appointed to the King by this Act, had ſtill remained and continued in eſſe and full being; Any thing in this Act mentioned to the contrary notwithſtanding.

XXVII. Provided alſo, and be it enacted by the authority aforeſaid, That if any ſuch Governour, Ruler, Warden, Maſter, Incumbent, Miniſter, or other, having any of the ſaid Spiritual Promotions, or Incumbents, have or ſhall compound for the Firſt-fruits of any ſuch Spiritual Promotions, according to the Laws and Statutes of this Realm, and the days of payment of any part thereof, not expired before the firſt day of this Parliament, that all ſums of money ſo to be due and payable ſithence the ſaid firſt day of this Parliament, ſhall ceaſe and be not paid, asked or demanded; any Bond, Recogniſance, Surety or other thing had or made to the contrary notwithſtanding.

If a Governour have compounded for his firſt-fruits, the payment thereof ſhall ceaſe.

XXVIII. Provided always, and be it enacted by the authority aforeſaid, That all ſuch rents, ſervices, iſſues, profits, and other ſums of money payable out of, or for any of the premiſſes, or any of them, in the Kings Court of his Exchequer, ſhall continue, and be continually and yearly levied, charged, or payed in the ſame Court, in ſuch manner and form as heretofore hath been uſed; any law, cuſtom, unity or poſſeſſion in the Kings Highneſs, or other thing to the contrary notwithſtanding, and as though the ſaid promotions, manors, lands, tenements, and other the premiſſes had not come to the kings hands or poſſeſſion.

Money payable out of the premiſſes yearly into the Exchequer.

XXIX. And be it further enacted by the authority aforeſaid, That all and every Letters Patents made by the ſaid late King Henry the eighth, or by the Kings Majeſty that now is, or hereafter to be made by his Highneſs to any perſon or perſons, or to any Archbiſhop or Biſhop, of any the ſaid Colledges, Chantries, Free-Chappels, or other the premiſſes, or any part or parcel of them, or of any lands, tenements or hereditaments belonging or appertaining, or that did belong or appertain to them, or to any of them, and all fines, gifts, grants, feoffments, recoveries, and all other aſſurances and conveyances thereof had or made by the aſſent, conſent, or licence under the great Seal of England, of the ſaid late King Henry the eighth, or of the Kings Majeſty that now is, to any perſon or perſons, bodies politick or corporate, by any Chantry Prieſt, Maſter, Warden, Miniſter, Ruler, Governour, or other having any of the ſaid Promotions of any the ſaid Colledges, Chantries, Free-Chappels, or other the premiſſes, or any of them, or of any part, parcel or member of the ſame, ſhall ſtand and be in their forces and effects, and ſhall be good and effectual in the Law, for ſuch eſtates and intereſts given, granted, limited or appointed in any of the gifts, grants, aſſurances or conveyances thereof had or made according to their purport, form and manner, and according to the true intent and meaning of the ſame aſſurances, (2) and ſhall be by authority of this Act good, perfect and available, as well againſt the King, his Heirs and Succeſſors, as againſt the ſaid Chantry Prieſts, Wardens, Maſters, Rulers, Governours, and other having any of the ſaid promotions, and their ſucceſſors, and the ſucceſſors of every of them; as alſo againſt the Founders, Donors, and Patrons of the ſame, and the Ordinary of them, and every of them, and the heirs and ſucceſſors, of every of them; any Law, Statute, Ordinance or other thing to the contrary thereof notwithſtanding.

Aſſurances made by King H. 8. or King Ed. 6. or by the licence of either of them, of any Colledges, &c. or their lands.

XXX. And where divers and ſundry Biſhops, Deans, Archdeacons, Treaſurers, Prebendaries, Chantry Prieſts, Maſters, Provoſts, Rulers, Governours of any Deanaries, Archdeanaries, Treaſurerſhips, Prebends, Free-Chappels, Chantries, or Colledges within this Realm of England, and other the Kings Majeſties Dominions, or any of the Patrons, Founders, Donors of any of the Biſhopricks, Treaſurerſhips, Deanaries, Chantries, Free-Chappels, or other the ſaid Spiritual Promotions, of their voluntary wills or minds, for divers good and reaſonable cauſes and conſiderations, by Deed or Deeds Enrolled, or by other writings or conveyances heretofore given and granted to the late King of famous memory, Henry the eighth late King of England, and to his Heirs, or to our Soveraign Lord the King that now is, and to his Heirs, Divers of their Deanaries, Archdeanaries, Treaſurerſhips, Prebends, Chappels, Chantries and Colledges, or any other Eccleſiaſtical or Spiritual Promotions laſt before remembred; and all or ſome part of the manors, lands, tenements, tithes, penſions, annuities, rents, reverſions, and other revenues, hereditaments, poſſeſſions, emoluments, and profits to the ſame Biſhopricks, Deanaries, Colledges, and other like Promotions, Benefices, Offices and Dignities, or to any of them belonging, appertaining, united or annexed, or which the ſaid Biſhops, Deans, Archdeacons, Treaſurers, Chantry Prieſts, Maſters, Provoſts, Rulers, Governours, and other Eccleſiaſtical or Spiritual Officers or Miniſters, or any of the ſaid Patrons, Donors or Founders, or any of them, had or enjoyed in the right, or by reaſon of any of the ſame Promotions, Offices or Dignities.

XXXI Be it enacted by the authority aforeſaid, That all and every Gifts and Grants heretofore made to the ſaid late King, and to his Heirs, or to our Sovereign Lord the King that now is, and to his Heirs, by any Archbiſhop, Biſhop, Dean, Archdeacon, Treaſurer, Prebendary, Maſter, Provoſt, Governour, or other the ſaid Eccleſiaſtical or Spiritual perſon or perſons, or by any Patrons, Donor or Founder of any of the ſaid Deanaries, Chantries, or other of the ſaid Spiritual or Eccleſiaſtical Promotions, of all or any of the manors, lands, tenements, tithes, rents, reverſions, penſions, portions, annuities, or other hereditaments, revenues, emoluments, profits or commodities, to any of the ſaid Benefices, Offices, Prebends, Promotions or Dignities belonging, appertaining, united or annexed, or which any of the ſame Archbiſhops, Biſhops, Deans, Archdeacons, Treaſurers, Maſters, Provoſts, Prebendaries, Rulers, Governours, Officers or Miniſters, Patrons, Founders, or Donors, had or enjoyed, or have or enjoy, or ought to have or enjoy in the right, or by reaſon or means of any of the ſame Promotions, Offices or Dignities, ſhall be good and effectual in the Law, to all intents and purpoſes: (2) Saving to all and every perſon and perſons, and bodies politick and corporate, their heirs, ſucceſſors and aſſigns,

A confirmation of all Grants made to the King, of any ſpiritual promotions by the Governours thereof.

A ſaving of the right of others.

aſſigns, and to the heirs, ſucceſſors, and aſſigns of every of them (other then the Archbiſhops, Biſhops, Deans, Archdeacons, Treaſurers, Prebendaries, Rulers, Governours, Wardens, Provoſts, Givers and Granters of any the premiſſes; and their heirs, ſucceſſors and aſſigns; and other then ſuch Eccleſiaſtical or Spiritual perſon, bodies politick or corporate, as are, or pretend to be Founders, Donors, Patrons, or Ordinaries of the premiſſes, or any of them) (2) all ſuch rights, titles, intereſts, claims, entries, rents, reverſions, remainders, fees, offices, annuities, lands, tenements, hereditaments, profits, commodities, and emoluments, as they or any of them have or ſhould or ought to have had, of, in or to the premiſſes next above mentioned, or any part thereof, as if this Act had never been had or made; any thing in this Act to the contrary in any wiſe notwithſtanding.

This Act extendeth not to a Parſon or Vicar.

XXXII. Provided always, That this Act, or any thing therein contained, ſhall not in any wiſe extend to make good or effectual any gift, grant, bargain, ſale, or alienation made by any Parſon or Vicar of their Parſonages or Vicarages, or of any part or parcel thereof, or of any thing to them, or any of them belonging or appertaining.

Lord Cobham for the Colledge of Cobham.

XXXIII. Provided alſo, That this Act, or any thing therein contained, ſhall not in any wiſe extend to hinder or prejudice George Brook, Knight, Lord Cobham, his Heirs or Aſſigns, for or concerning the late Colledge of Cobham, in the County of Kent, or the manors, lands, tenenents or poſſeſſions thereof; any thing above mentioned to the contrary in any wiſe notwithſtanding.

This Act ſhall not extend to the Corporation of a City, Borough or Town.

XXXIV. Provided alſo, and be it enacted by the authority aforeſaid, That this preſent Act, nor any thing therein contained, ſhall in any wiſe extend or be prejudicial or hurtful to the general Corporation of any City, Borough or Town within this Realm, or any other the Kings Dominions, ne ſhall extend to any the lands, or hereditaments of them or any of them; any thing therein contained to the contrary in any wiſe notwithſtanding.

Colledges, Chantries, &c. within the Dutchy of Lancaſter.

XXXV. Provided alſo, and be it enacted by the authority aforeſaid, That all ſuch of the ſaid Colledges, Free-Chappels, Chantries, or other the premiſſes, being appointed and given to the Kings Highneſs by the authority of this Act, as be within the Dutchy of Lancaſter, and all Manors, Lands, Tenements, and Hereditaments pertaining or belonging to the ſame Colledges, Free-Chappels and Chantries, ſhall after the ſaid Feaſt of Eaſter next coming, be within the Survey and Order of the Court of the Dutchy of Lancaſter, in ſuch manner and form as other the Premiſſes be aſſigned or appointed by authority of this Act, to be in the Survey and Order of the Court of Augmentations and Revenues of the Kings Crown, or other Court by the King to be aſſigned; (2) and that all Commiſſions that hereafter ſhall be awarded by virtue and force of this Act, concerning ſuch Colledges, Free-Chappels, Chantries, and other the Premiſſes, as be within the ſaid Dutchy of Lancaſter, ſhall be awarded under the great Seal of England, and ſhall be certified into the ſame Court of the Dutchy of Lancaſter, any thing aboveſaid to the contrary in any wiſe notwithſtanding.

Dyer, C

The Colledge or Chantry of Attlebourgh in Norfolk.

XXXVI. Provided always, and be it enacted by the authority aforeſaid, That this Act, ne any thing therein contained, ſhall extend to the Colledge or Chantry of Attlebourgh in the County of Norfolk, which the ſaid late King Henry the Eighth gave to Robert, late Earl of Suſſex, and to his Heirs; but that Henry now Earl of Suſſex, Son and Heir to the ſaid late Earl, his Heirs and Aſſigns, ſhall and may by the authority of this Act, have and enjoy the ſaid Colledge and Chantry, and all manors, lands, tenements, advowſons, tithes, penſions, portions, and other hereditaments thereunto belonging or appertaining, any thing in this Act to the contrary in any wiſe notwithſtanding.

Altering the nature and condition of Obits.

XXXVII. Provided always, and by the authority aforeſaid be it enacted, That the Kings Majeſty at any time when it ſhall ſeem to him good, may give authority to certain his Graces Commiſſioners, to alter the nature and condition of all manner of Obits, as well within the Univerſities of Cambridge and Oxford, as in any other place within this his Graces Realm of England and Wales, being not ſuppreſſed, ne annihilate by virtue of this preſent Act, and the ſame Obits ſo altered, to diſpoſe to a better uſe, as to the relief of ſome poor men being Students, or otherwiſe.

No perſon ſhall take advantage of any condition for not finding of any Prieſt, Obit, Light, &c.

XXXVIII. Provided alſo, and be it enacted by authority aforeſaid, That it ſhall not be lawful to any perſon or perſons, bodies politick and corporate, by reaſon of any remainder, uſe or condition to enter into, claim, or challenge any lands, tenements or hereditaments for the non-doing, not naming or non-finding of any ſuch Prieſt or Prieſts, or poor folks as is aforeſaid, Obit, Anniverſary, Light or Lamp from henceforth to be founded or done; any thing herein contained to the contrary in any wiſe notwithſtanding.

This Statute ſhall give no copyhold land to the King.

XXXIX. Provided always, That this Act nor any thing therein contained, ſhall in any wiſe extend to any lands, tenements, poſſeſſions, or hereditaments whatſoever, that any Maſter, Dean, Prebendary, Warden or Chantry, or any Stipendary Prieſt, of any Colledge, Chantry, Prebend, Fraternity, Guild, or any other Corporations have, or held of any perſon or perſons, by any Copy of Court-roll, or at will, according to the Cuſtom of any manor or manors; nor give or grant any Copyhold-lands to the Kings Highneſs.

Who ſhall have the copy-hold lands.

XL. And alſo provided, That the Kings Highneſs, his Heirs or Succeſſors, ſhall not in any wiſe have, hold, enjoy or take, by virtue of this Act, or any Article therein contained, any manner of copy-hold-lands, tenements, poſſeſſions or hereditaments whatſoever they be; but that all and every of the ſaid perſons and incumbents ſhall have, hold and enjoy the ſame during their lives, towards their penſions and yearly living, paying their rents, and doing their cuſtoms and ſervices thereof due and accuſtomed; any thing in this Act to the contrary notwithſtanding.

Lands, recovered from a Chantry Prieſt by good title.

XLI. Provided, That this Act ſhall not extend to any lands, tenements or hereditaments aſſigned, appointed or intended for the finding and maintenance of any Chantry Prieſt, or Stipendary Prieſt, which by any former right and good title, without fraud or covin, were lawfully recovered from the poſſeſſion of any ſuch Chantry Prieſt, or Stipendary Prieſt before the firſt day of October, in the ſaid ſeven and thirtieth year of the Reign of the ſaid late King

Henry the Eighth, which lands, tenements and hereditaments were not charged, nor chargeable to the payment of the perpetual tenth; any thing in this Act to the contrary hereof notwithſtanding.

A confirmation of Letters Patents made by King H. 8. or King Ed. 6. of any Chantry, &c. lands united to them.

XLII. Provided always, and be it enacted by the authority aforeſaid, That all and ſingular Grants, Licences, Confirmations and Letters Patents, which our late Sovereign Lord King Henry the Eighth, or our Sovereign Lord the King that now is, have made under the Great Seal of England, to any perſon or perſons, bodies politick or corporate, of any Colledge, Chappel or Chantry now being in eſſe or ſtanding, or now not being in eſſe or not ſtanding, or of any lordſhips, manors, lands, tenements and hereditaments annexed, united, belonging or appertaining to any Colledge, Chappel or Chantry, now being in eſſe or ſtanding, or now not being in eſſe or not ſtanding, or of any other thing or things mentioned or expreſſed in this Act, and all and every matter and thing mentioned, expreſſed or contained in any ſuch Grant, Licence, Confirmation, or Letters Patents, ſhall from henceforth be deemed, taken, expounded and judged good and effectual in the Law, according to the words, ſentences, meanings, intents, form and effects of the ſame Grants, Licences, Confirmations and Letters Patents, to all intents, conſtructions and purpoſes, as if this Act, and the ſaid Act made in the ſaid ſeven and thirtieth year of the ſaid late King Henry the Eighth, had never been had or made: (2) And that this Act, or the ſaid Act made in the ſaid ſeven and thirtieth year of the Reign of our ſaid late Sovereign Lord King Henry the Eighth, or any Clauſe, Article, Sentence, or other thing therein contained, ſhall not extend to any Colledges, Chappels, Chantries, or other thing or things mentioned in this Act now being in eſſe or ſtanding, or now not being in eſſe or not ſtanding, or to any manors, lands, tenements, poſſeſſions, revenues, or hereditaments annexed, united, belonging or appertaining to any Colledge, Chappel, Chantry, or other thing mentioned in this Act now being in eſſe or ſtanding, or now not being in eſſe or not ſtanding, or to any other thing or things mentioned or expreſſed in this Act, which any perſon or perſons, bodies politick or corporate have had or obtained by the Aſſent, Licence, Confirmation, Grant or Letters Patents of the ſaid late King, or the Kings Majeſty that now is; nor ſhall extend to any manors, lands, tenements, revenues, poſſeſſions, hereditaments, or other thing or things mentioned, expreſſed or contained in any ſuch Licence, Confirmation, Grant, or Letters Patents; (3) but that every ſuch perſon and perſons, bodies politick and corporate, their heirs, ſucceſſors and aſſigns, and the heirs, ſucceſſors and aſſigns of every of them, ſhall have, hold and enjoy, all and every the ſame Colledges, Chappels, Chantries, manors, lands, tenements, revenues, poſſeſſions and hereditaments, and all and every other thing and things whatſoever, ſo by them had or obtained, by the Aſſent, Licence, Confirmation, Grant, or Letters Patents of the ſaid late King, or of the Kings Majeſty that now is, according to the words, ſentences, form, effect, meaning and intent of the ſame Licences, Confirmations, Grants, and Letters Patents; this Act, or the ſaid Act made in the ſaid ſeven and thirtieth year of the Reign of the ſaid late King Henry the Eighth, or any Clauſe, Article, Sentence, matter or thing mentioned, expreſſed or contained in any of the ſame Acts to the contrary thereof in any wiſe notwithſtanding.

CAP. XV.

The Kings general and free Pardon confirmed by Parliament, except, &c.

Anno ſecundo & tertio EDWARDI *ſexti.*

Pardon, Raſt. 45.

ACTS made in the Seſſion of this preſent Parliament, holden upon Prorogation at Weſtminſter the fourth day of November, in the ſecond year of our moſt dread Sovereign Lord, Edward the Sixth, by the Grace of God, King of England, France and Ireland, Defender of the Faith, and of the Church of England, and alſo of Ireland, in Earth the Supream Head, and there continued and kept to the fourteenth day of March, in the third year of our ſaid Sovereign Lord, as followeth.

CAP. I.

An Act for Uniformity of Service, and Adminiſtration of the Sacraments throughout the Realm.

Service, Raſt. 1. The penalty for not uſing uniformity of Service, and adminiſtration of Sacraments, &c.

Where of long time there hath been had in this Realm of England, and in Wales, divers forms of common Prayer, commonly called the Service of the Church; That is to ſay, the uſe of Sarum, of York, of Bangor, and of Lincoln; and beſides the ſame now of late, much more divers and ſundry forms and faſhions have been uſed in the Cathedral and Pariſh Churches of England and Wales, as well concerning the Mattens, or Morning Prayer, and the Evenſong, as alſo concerning the holy Communion, commonly called the Maſs, with divers and ſundry Rites and Ceremonies concerning the ſame, and the Adminiſtration of other Sacraments of the Church: (2) And as the doers and executors of the ſaid Rites and Ceremonies, in other form then of late years they have been uſed, were pleaſed therewith: So other not uſing the ſame Rites and Ceremonies, were thereby greatly offended: (3) And albeit the Kings Majeſty, with the advice of his moſt entirely beloved Uncle, the Lord Protector, and other of his Highneſs Council, hath heretofore divers times aſſayed to ſtay Innovations, or new Rites concerning the premiſſes; yet the ſame hath not had ſuch good ſucceſs as his Highneſs required in that behalf, whereupon his Highneſs by the moſt prudent advice aforeſaid, being pleaſed to bear with the frailty and weakneſs of his Subjects in that behalf, of his great clemency hath not been only content to abſtain from puniſhment of thoſe that have offended in that behalf, for that his highneſs taketh that they did it of a good zeal; but alſo to the intent a uniform, quiet, and godly Order ſhould be had concerning the premiſſes, hath appointed the Archbiſhop of Canterbury, and certain of the moſt learned and diſcreet Biſhops, and other learned men of this Realm, to conſider and ponder the premiſſes, (4) and thereupon having as well eye and reſpect to the moſt ſincere and pure Chriſtian Religion taught by the Scripture, as to the uſages in the Primitive Church, ſhould draw and make one convenient and meet order, rite and faſhion of common and open

Innovators not puniſhed, for that they did it upon good zeal.

Prayer,

The Book of Common Prayer, by the aid of the holy Ghoſt, is ſet forth by the Biſhops, and learned men of the Realm.

The penalty for not uſing the Book of Common Prayer, and other Rites and Ceremonies, according to the Uſe of the Church of England.

Uſing any other manner of Prayer.

The penalty for depraving the Book or any thing contained therein.

The penalty for the firſt offence.

The penalty for the ſecond offence.

The penalty for the third offence.

Prayer, and Adminiſtration of the Sacraments, to be had and uſed in his Majeſties Realm of England, and in Wales; the which at this time, by the aid of the holy Ghoſt, with one uniform agreement, is of them concluded, ſet forth and delivered to his Highneſs, to his great comfort and quietneſs of mind, in a Book intituled, The Book of Common Prayer, and Adminiſtration of the Sacraments, and other Rites and Ceremonies of the Church, after the Uſe of the Church of *England.* (5) Wherefore the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, conſidering as well the moſt godly travel of the Kings Highneſs, of the Lord Protector, and of other his Highneſs Council, in gathering and collecting the ſaid Archbiſhop, Biſhops, and learned men together, as the godly Prayers, Orders, Rites and Ceremonies in the ſaid Book mentioned, and the conſiderations of altering thoſe things which be altered, and retaining thoſe things which be retained in the ſaid Book, and alſo the honour of God, and great quietneſs, which by the grace of God ſhall enſue upon the one and uniform rite and order, in ſuch common Prayer and Rites, and extreme Ceremonies to be uſed throughout England, and in Wales, at Calice, and the Marches of the ſame, do give to his Highneſs moſt hearty and lowly thanks for the ſame, (6) and humbly prayen, That it may be ordained and enacted by his Majeſty with the aſſent of the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and ſingular perſon and perſons that have offended concerning the premiſſes, other then ſuch perſon and perſons as now be and remain in Ward in the Tower of London, or in the Fleet, may be pardoned thereof; (7) and that all and ſingular Miniſters in any Cathedral or Pariſh Church, or other place within this Realm of England, Wales, Calice, and the Marches of the ſame, or other the Kings Dominions, ſhall from and after the Feaſt of Pentecoſt next coming, be bounden to ſay and uſe the Mattens, Evenſong, celebration of the Lords Supper, commonly called the Maſs, and adminiſtration of each the Sacraments, and all their common and open Prayer, in ſuch order and form as is mentioned in the ſame Book, and none other, or otherwiſe. (8) And albeit that the ſame be ſo godly and good, that they give occaſion to every honeſt and conformable man moſt willingly to embrace them, yet leſt any obſtinate perſon who willingly would diſturb ſo godly order and quiet in this Realm, ſhould not go unpuniſhed, That it may alſo be ordained and enacted by the authority aforeſaid, That if any manner of Parſon, Vicar, or other whatſoever Miniſter that ought or ſhould ſing or ſay Common Prayer mentioned in the ſaid Book, or miniſter the Sacraments, ſhall after the ſaid Feaſt of Pentecoſt next coming, refuſe to uſe the ſaid Common Prayers, or to miniſter the Sacraments in ſuch Cathedral or Pariſh Church, or other place as he ſhould uſe or miniſter the ſame, in ſuch order and form as they be mentioned and ſet forth in the ſaid Book, (9) or ſhall uſe, wilfully and obſtinately ſtanding in the ſame, any other rite, ceremony, order, form or manner of Maſs openly or privily, or Mattens, Evenſong, adminiſtration of the Sacraments, or other open Prayer then is mentioned and ſet forth in the ſaid Book: (open Prayer in and throughout this Act, is meant that Prayer which is for other to come unto or hear, either in common Churches, or private Chappels or Oratories, commonly called the Service of the Church) (10) or ſhall preach, declare or ſpeak any thing in the derogation or depraving of the ſaid Book, or any thing therein contained, or of any part thereof, (11) and ſhall be thereof lawfully convicted, according to the Laws of this Realm, by verdict of twelve men, or by his own confeſſion, or by the notorious evidence of the fact, (12) ſhall loſe and forfeit to the Kings Highneſs, his Heirs and Succeſſors, for his firſt offence, the profit of ſuch one of his Spiritual Benefices or Promotions as it ſhall pleaſe the Kings Highneſs to aſſign or appoint, coming and ariſing in one whole year next after his conviction: (13) And alſo that the ſame perſon ſo convicted, ſhall for the ſame offence ſuffer impriſonment by the ſpace of ſix months, without bail or mainpriſe: (14) And if any ſuch perſon once convict of any ſuch offence concerning the premiſſes, ſhall after his firſt conviction eftſoons offend, and be thereof in form aforeſaid lawfully convict, that then the ſame perſon ſhall for his ſecond offence ſuffer impriſonment by the ſpace of one whole year, (15) and alſo ſhall therefore be depriſed ipſo facto of all his Spiritual Promotions; (16) and that it ſhall be lawful to all Patrons, Donors, Grantees of all and ſingular the ſame Spiritual Promotions, to preſent to the ſame any other able Clerk, in like manner and form, as though the party ſo offending were dead: (17) And that if any ſuch perſon or perſons, after he ſhall be twice convicted in form aforeſaid, ſhall offend againſt any of the premiſſes the third time, and ſhall be thereof in form aforeſaid lawfully convict, that then the perſon ſo offending, and convicted the third time, ſhall ſuffer impriſonment during his life. (18) And if the perſon that ſhall offend, and be convict in form aforeſaid, concerning any of the premiſſes, ſhall not be Beneficed, nor have any Spiritual Promotion, that then the ſame perſon ſo offending and convict, ſhall for the firſt offence ſuffer impriſonment during ſix months, without bail or mainpriſe: (19) And if any ſuch perſon not having any Spiritual Promotion, after his firſt conviction ſhall eftſoons offend in any thing concerning the premiſſes, and ſhall in form aforeſaid be thereof lawfully convicted, that then the ſame perſon ſhall for his ſecond offence ſuffer impriſonment during his life.

The penalty by Plays, Songs, or Tunes, to deprave the Book of Common Prayer, or to compel any to uſe other prayer.

II. And it is ordained and enacted by the authority abovesaid, That if any perſon or perſons whatſoever, after the ſaid Feaſt of Pentecoſt next coming, ſhall in any Enterludes, Plays, Songs, Rhimes, or by other open words declare or ſpeak any thing in the derogation, depraving or deſpiſing of the ſame Book; or any thing therein contained, or any part thereof; (2) or ſhall by open fact, deed, or by open threatnings compel, or cauſe, or otherwiſe procure or maintain any Parſon, Vicar, or other Miniſter, in any Cathedral or Pariſh Church, or Chappel, or in any other place, to ſing or ſay any common and open Prayer, or to miniſter any Sacrament otherwiſe, or in any other manner or form then is mentioned in the ſaid Book; (3) or that by any of the ſaid means ſhall unlawfully interrupt or let any Parſon, Vicar, or other Miniſters in any Cathedral or Pariſh Church, Chappel or any other place, to ſing or ſay common and open Prayer, or to miniſter the Sacraments, or any of them, in ſuch manner and form as is mentioned in the ſaid Book, (4) That then every perſon being thereof lawfully convicted in form aforeſaid, ſhall forfeit to the King our Sovereign Lord, his Heirs and Succeſſors, for the firſt offence, ten pounds. (5) And if any perſon or perſons, being one convicted of any ſuch offence, eftſoons offend againſt any of the premiſſes, and ſhall in form aforeſaid be thereof lawfully convict, that then the ſame perſon ſo offending and convict ſhall for the ſecond offence forfeit to the King our Sovereign Lord, his Heirs and Succeſſors, twenty pound: (6) And if any perſon after he in form aforeſaid, ſhall have been twice convict of any offence concerning any of the premiſſes, ſhall offend the third time, and be thereof in form aboveſaid lawfully convict, that then every perſon ſo offending and convict, ſhall for his third offence forfeit to our Sovereign Lord the King, all his goods and chattels, and ſhall ſuffer impriſonment during his life: (7) And if any perſon or perſons, that for his firſt offence concerning the premiſſes, ſhall be convict in form aforeſaid, do not pay the ſum to be paid by virtue of his conviction, in ſuch manner and form as the ſame ought to be paid, within ſix weeks next after his conviction, that then every perſon ſo convict, and ſo not paying the ſame, ſhall for the ſame offence, inſtead of the ſaid ten pound, ſuffer impriſonment by the ſpace of three months without Bail or mainpriſe. (8) And if any perſon or perſons, that for his ſecond offence concerning the premiſſes, ſhall be convict in form aforeſaid, do not pay the ſum to be paid by virtue of his conviction, in ſuch manner and form as the ſame ought to be paid, within ſix weeks next after his ſaid conviction, that then every perſon ſo convicted and not ſo paying the ſame, ſhall for the ſame ſecond offence, in the ſtead of the ſaid twenty pound, ſuffer impriſonment during ſix months, without Bail or Mainpriſe.

The penalty for the firſt offence.

The penalty for the ſecond offence.

The penalty for the third offence.

III. And it is ordained and enacted by the authority aforeſaid, That all and every Juſtices of Oyer and Determiner, or Juſtices of Aſſiſe, ſhall have full power and authority in every of their open and general Seſſions, to enquire, hear and determine all and all manner of offences that ſhall be committed or done contrary to any Article contained in this preſent Act, within the limits of the Commiſſion to them directed, and to make proceſs for the execution of the ſame, as they may do againſt any perſon being indicted before them of treſpaſs, or lawfully convicted thereof.

Juſtices of Oyer Determiner and Aſſiſe, ſhall have power to hear and determine thoſe offences.

IV. Provided always, and be it enacted by the authority aforeſaid, That all and every Archbiſhop and Biſhop ſhall or may at all time and times at his liberty and pleaſure, joyn and aſſociate himſelf by virtue of this Act, to the ſaid Juſtices of Oyer and Determiner, or to the ſaid Juſtices of Aſſiſe, at every of the ſaid open and general Seſſions to be holden in any place within his Dioceſs, for, and to the enquiry, hearing and determining of the offences aforeſaid.

A Biſhop may joyn with the Juſtices.

V. Provided always, That it ſhall be lawful to any man that underſtandeth the Greek, Latine and Hebrew tongue, or other ſtrange tongue, to ſay and have the ſaid prayers heretofore ſpecified of Mattens and Evenſong, in Latine or any ſuch other tongue, ſaying the ſame privately as they do underſtand.

Who may uſe Prayers in another language.

VI. And for the further encouraging of learning in the tongues, in the Univerſities of Cambridge and Oxford, to uſe and exerciſe in their common and open Prayer in their Chappels (being no Pariſh Churches) or other places of Prayer, the Mattens, Evenſong, Litany, and all other Prayers (The holy Communion, commonly called the Maſs, excepted) preſcribed in the ſaid Book, in Greek, Latine or Hebrew; Any thing in this preſent Act to the contrary notwithſtanding.

When the Service-Books ſhall be gotten.

VII. Provided alſo, that it ſhall be lawful for all men, as well in Churches, Chappels, Oratories, or other places, to uſe openly any Pſalms or Prayer taken out of the Bible, at any due time, not letting or omitting thereby the ſervice, or any part thereof mentioned in the ſaid Book.

VIII. Provided alſo, and be it enacted by the authority aforeſaid, That the Books concerning the ſaid Services, ſhall at the coſt and charges of the Pariſhioners of every Pariſh and Cathedral Church, be attained and gotten before the Feaſt of Pentecoſt next following, (2) and that all ſuch Pariſhes and Cathedral Churches, or other places where the ſaid Books ſhall be attained and gotten before the ſaid Feaſt of Pentecoſt, ſhall within three weeks next after the ſaid Books ſo attained and gotten, uſe the ſaid Service, and put the ſame in ure according to this Act.

IX. And be it further enacted by the authority aforeſaid, That no perſon or perſons ſhall be at any time hereafter impeached, or otherwiſe moleſted, of or for any of the offences above mentioned, hereafter to be committed or done contrary to this Act, unleſs he or they ſo offending be thereof indicted at the great general Seſſions to be holden before any of the Juſtices of Oyer and Determiner, or Juſtice of Aſſiſe next after any offence committed or done contrary to the tenour of this Act.

X. Provided always, and be it ordained and enacted by the authority aforeſaid, That all and ſingular Lords of the Parliament, for the ſaid offences above mentioned, ſhall be tried by their Peers.

XI. Provided alſo, and be it ordained and enacted by the authority aforeſaid, That the Mayor of London, and all the Mayors, Bailiffs, and other head Officers of all and ſingular Cities, Boroughs, and Towns corporate within this Realm, Wales, Calice, and the Marches of the ſame, to the which Juſtices of Aſſiſe do not commonly repair, ſhall have full power and authority by virtue of this Act, to enquire, hear and determine the offences aboveſaid, and every of them yearly, within fifteen days after the Feaſt of Eaſter, and Saint Michael the Archangel, in like manner and form as Juſtices of Aſſiſe, and Oyer and Determiner may do.

Chief Officers of Cities and Corporate-Towns may hear and determine theſe offences.

XII. Provided always, and be it ordained and enacted by the authority aforeſaid, That all and ſingular Archbiſhops and Biſhops, and every of their Chancellors, Commiſſaries, Archdeacons, and other Ordinaries, having any peculiar Eccleſiaſtical Juriſdiction, ſhall have full power and authority by virtue of this Act, as well to inquire in their Viſitations, Synods, and elſewhere within their Juriſdiction, at any other time and place, to take occaſions and informations of all and every the things above mentioned, done, committed or

These offences enquirable and puniſhable by the eccleſiaſtical Juriſdiction.

perpetrate within the limits of their Juriſdiction and authority, and to puniſh the ſame by Admonition, Excommunication, Sequeſtration, or Deprivation, and other Cenſures and Proceſs, in like form as heretofore hath been uſed in like caſes, by the Kings Eccleſiaſtical Laws.

But once puniſhed for one offence.

XIII. Provided always, and be it enacted, That whatſoever perſon offending in the premiſſes, ſhall for the firſt offence receive puniſhment of the Ordinary, having a teſtimonial thereof under the ſaid Ordinaries Seal, ſhall not for the ſame offence eftſoons be convicted before the Juſtices; and likewiſe receiving for the ſaid firſt offence, puniſhment by the Juſtices, he ſhall not for the ſame offence eftſoons receceive puniſhment of the Ordinary; any thing contained in this Act to the contrary notwithſtanding.

This Statute was repealed by 1 M. 2. ſeſſ. 2. But the ſame 1 M. being repealed by 1 Jac. 25. this preſent Statute ſtands now in force, ſave that it is in part altered by 5 Ed. 6. 1. and by 1 El. 2.

CAP. II.

An Act for the Reformation of Captains and Soldiers ſerving in the Wars.

Captains 1. Captains and Soldiers not doing their true ſervice, and neglecting their Offices ſhall be puniſhed.

Where before this time divers of the Kings Majeſties loving and obedient Subjects according to their bounden duties, have aſſigned, appointed and ſet forth, as well in the parts beyond the ſeas, and to the ſeas, as alſo into Scotland, and other places, divers times both within this Realm, and without this Realm, many able Perſons or Soldiers well furniſhed with good Horſes and harneſſes meet to ſerve the King in Wars, to their great charges and coſts; yet ſome of the ſaid Soldiers ſo ſent to ſerve, contrary to their Maſters, expectation, and contrary to their bounden duties to the Kings Highneſs, have ſold, loſt, exchanged or altered their Maſters Horſe and Harneſs, or otherwiſe by deceit or covin, converted the ſame; by mean whereof the Kings Highneſs hath not only been deſtitute of the ſame Soldiers in time of need, but alſo the owners of the ſaid Horſes and Harneſs, who ſent them thither, have been untruly deceived of their Horſes and Harneſs, being thereby leſs able to re-furniſh other the like Soldiers with Horſe and Harneſſes, at ſuch time as they ſhall be thereunto commanded by the Kings Highneſs:

II. And ſometime the Captains of ſuch Soldiers departed, have demanded, had and taken of the Kings Highneſs, wages for the ſame Soldiers ſo departed, by mean whereof the Kings Majeſty hath ſuſtained and born great payments, and yet his Majeſty hath not been truly ſerved for the ſame, not a little to the diſpleaſure of the King, and to the great charge of the poor Subjects being commanded to ſet forth ſuch Soldiers:

The penalty of a ſoldier that maketh away his horſe or harneſſes. Stat. 4 & 5 P. & M. 2.

III. For remedy whereof, be it enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any Soldier hereafter ſerving the King in his Wars in any his Dominions, or on the Seas, or beyond the Seas, or in Scotland, after the firſt day of April next coming, do ſell, give away, or willfully purloyn, or otherwiſe exchange, alter or put away any horſe, gelding or mare, or any harneſs wherewith he ſhall be ſet forth; that then every ſuch Soldier ſo offending, upon due proof or teſtimony to be taken before the Lieutenant, high Admiral, the Kings Deputy, Vice-admiral, Warden or Captain, and in their abſence, before any of their Deputies, ſhall be impriſoned by the ſame Lieutenant, or any other before named, there to remain without Bail or Mainprize, until he have ſatisfied to the party owner of the horſe, gelding, mare, or harneſs ſo by him ſold, purloyned, exchanged, wilfully loſt, altered, or otherwiſe made away.

IV. And if ſuch Soldiers ſo offending, fortune to eſcape from the Lieutenant, and other the foreſaid perſons, without the puniſhment and reſtitution aforeſaid, That then the ſame Soldier upon complaint made by the party grieved, or his executors or adminiſtrators, upon due proof thereof to be made to any Juſtice or Juſtices of Peace, in the parts where ſuch Soldiers ſo offending ſhall be found, ſhall be by ſuch Juſtice or Juſtices committed to ward, there to remain without Bail or Mainpriſe, until he have ſatisfied the party grieved, his executors or adminiſtrators, of and for ſuch horſes, geldings or mares, and harneſs ſo by any ſuch Soldier wilfully loſt, exchanged, altered, or otherwiſe purloyned.

A remedy if the horſe or harneſs be loſt, or appointed to another.

V. Provided alway, That if the ſaid Soldier bring any ſufficient warrant or teſtimony before the ſaid Juſtice, from the ſaid Lieutenant, or any of the perſons above named, in writing under the ſeal of any of them, teſtifying that the ſame horſe or harneſs were loſt in the Kings Service, againſt the will of the ſaid Soldier, or that the ſame horſe or harneſs was taken by the ſame Lieutenant, or any of the others before named, from the ſaid Soldier, for any reaſonable reſpect, and appointed to ſome other, to ſerve in the place and ſtead of the ſaid Soldier; that then every ſuch Soldier not bringing to the owner the ſaid horſe and harneſs, ſhall be diſcharged thereof againſt the owner thereof: And that then every ſuch Soldier to whom the ſaid horſe or harneſs ſhall be appointed, as is aforeſaid, not bringing home to the owner the ſaid horſe and harneſs, after he ſhall be diſcharged, to ſuffer like pain as is aforeſaid.

It ſhall be felony for a ſoldier to depart from his captain without licence. Stat. 18 H. 6. 19. 5 El. 5. 1 Jac. 25. 4 & 5 P. & M. 3.

VI. And be it alſo further enacted by the authority aforeſaid, That if any Soldier ſerving as is aforeſaid, depart without licence of his Lieutenant, or any of the other abovenamed, with booty or otherwiſe, being in the enemies Countrey, or elſewhere in the Kings ſervice, or out of any Gariſon where he or they ſhall be appointed to ſerve, that then every ſuch Soldier ſo departing without licence, to be taken and judged as a felon, and to be executed as in caſe of felony, without having any advantage of his Clergy or Sanctuary, (2) and that the Juſtices of every Shire where any ſuch Soldier ſhall be taken, ſhall have full power to enquire, hear and determine all and every the ſaid offences concerning every ſuch departure, as they do and may in other caſes of felony committed in the Shire where ſuch Soldiers ſhall be taken.

VII. And be it alſo further enacted by the authority aforeſaid, That if any Commiſſioner or Captain, to whom the King ſhall direct his Commandment by Commiſſion or Letters, for the levying or ſetting forth of any man to ſerve the King in his wars, ſhall at any time

after

The penalty of a Commiſſioner licenſing a ſouldier to depart, and aſſigning another for gain.

after the ſaid firſt day of April, for any gain, reward or other lucre, diſcharge any perſon or perſons by him appointed to ſerve the King as a Captain, Souldier, or Pioneer, of his ſervice ſo appointed, and do aſſign any other perſon or perſons in his or their ſtead, for any lucre or gain as is aforeſaid, That then every Commiſſioner or other perſon ſo offending, ſhall forfeit to the King for every ſuch default of every man ſo diſcharged, twenty pound, to be levied of his goods and chattels.

A Captain licenſing one in his retinue to depart.

VIII. And be it alſo enacted by the authority aforeſaid, That if any Captain being appointed to have the order of any number of Souldiers under any other higher Officer, do for any cauſe licence any Souldier in his Retinue to depart from the Field or Fortreſs where they ſhall be appointed to ſerve, without the ſpecial aſſent and licence in writing of the Lieutenant, or the others before named, he ſhall forfeit and loſe for every ſuch Souldier ſo by him licenced to depart, twenty pound, to be levied as is aforeſaid, to the uſe of the King.

A Captain demanding more wages for his ſouldiers, then there is cauſe.

IX. And be it alſo enacted by the authority aforeſaid, That if any Lieutenant, or any other before named, having the order of any number of Souldiers ſerving as is aforeſaid, upon the Sea or Land, do at any time after the firſt day of April, demand, receive, or take of the Kings Highneſs, or any of his Treaſurers, any wages for any more Souldiers then ſerved in ſuch manner and form as the wages was paid for, or for any more days then ſuch Souldiers ſerved, and do not note the day of every Souldiers entry into wages, and day of his death and departure, and deliver the ſame to ſuch Treaſurers as ſhall pay the ſaid wages every month, in writing, ſo as the truth of the number of the Souldiers may appear to the Kings Treaſurer, and Maſter of the Kings Muſters for the time being, in that behalf, that then every ſuch Lieutenant, and other before named, ſo offending, ſhall forfeit and loſe to the King for every ſuch default, five pound, to be levied as is aforeſaid, to the uſe of the King, and to be impriſoned by the ſpace of one month, and to loſe his Room and Office.

None but the Lieutenant ſhall give a ſouldier licence to depart.

X. And be it enacted by the authority aforeſaid, that no Captain after the ſaid firſt day of April, ſhall give to any of his ſouldiers, appointed to ſerve under him in any Town or Fortreſs, kept with gariſons of Souldiers, any licence or paſports to depart from his ſervice, but only the Lieutenant, or any others, as is aforeſaid, upon pain of impriſonment, as well of the Captain as Souldier ſo offending, at the diſcretion of the ſaid Lieutenant, or the others before named.

Proclamation of this Act.

XI. And be it further enacted by the authority aforeſaid, That every Lieutenant, and other before named, upon the pain of ten pound, ſhall cauſe to be proclaimed the whole effect and contents of this Act, that is to ſay, every Lieutenant of an army, in every field under his charge, to proclaim this Act every month, and that every of the Kings Deputies of every Fortreſs, and Captain of any other Fortreſs, to proclaim this Act within his charge once every quarter of a year.

Reward for informing of offences.

XII. And alſo be it enacted by the authority aforeſaid, for the better execution of the premiſſes, that every perſon or perſons, giving to the Lieutenant, or the others above named, true information of any of the offences above remembred, ſhall have for his labour one months wages of him that ſhall be found faulty, to be paid by the hand of the Treaſurer, upon warrant of the ſaid Lieutenant, or any of the others aforeſaid.

XIII. Provided always, that nothing herein contained, ſhall in any wiſe extend to touch or infringe any Orders eſtabliſhed for the government of Calice, and the Marches of the ſame, or any other place of the Kings, now governed, or hereafter to be governed by the ſame Orders, or by ſuch Orders as may pleaſe his Grace hereafter to ſet forth for the ſame.

Retaining of wages.

XIV. Provided always, and be it enacted by the authority aforeſaid, That it ſhall be lawful for all and every of the ſaid Lieutenants, and other the ſaid perſons, to retain in his or their own hands, to their own uſe, of the wages of his or their Souldiers, the ſums following, that is to ſay, ſix ſhillings eight pence for the Livery or Coat of every yeoman Souldier, and thirteen ſhillings four pence for the Livery or Coat of every Gentleman Souldier for one whole year.

In what caſes a Lieutenant ſhall not be prejudiced for lack of his number.

XV. Provided always and be it further ordained and enacted by the authority aforeſaid, That no manner of Lieutenant, or any other the ſaid perſons, ſhall hereafter be charged or prejudiced by virtue of this Act, or any thing therein contained, for lack of his or their number retained, as is aforeſaid, for or concerning any Souldier or Souldiers, as ſhall happen to die during his ſervice, or to be ſick by the viſitation of God, or that ſhall depart againſt the will of his Lieutenant, or other before named, unleſs it ſhall be in the default of any of them.

Houſhold-ſervants ſhall not be compriſed in this Act.

XVI. Provided always, that this Act be not prejudicial or hurtful to the ſaid Lieutenant, or any other the ſaid perſons, or any other having under them retinue of Souldiers, nor any of them, for non-payment of the Kings wages, to their houſhold-ſervants and other, to whom they ſhall daily find and give meat and drink, during the ſaid ſervice of war.

Relief of tenants or friends.

Stat. 4 & 5. P. & M. 3.

XVII. Provided alway, That this Act, nor nothing therein contained, ſhall extend to charge any perſon or perſons for the taking or receiving of any gift or reward, of any of his or their tenants or friends, towards the relief, aid, or help of the ſame perſons, being commanded by the Kings Majeſty to ſerve in wars, or otherwiſe to find men on horſeback or on foot, as well within this Realm as without: (2) Nor for the gift, reward, aid, or help, reſerved or covenanted to be paid or given to any perſon appointed to ſerve in wars, or to find horſe or men to ſerve by reaſon of any grant, covenant, reſervation, cuſtom or tenure.

Lawful cauſes of detaining wages from ſouldiers.

XVIII. Provided, that this Act, nor any thing therein contained, ſhall not extend to charge any Lieutenant or others above named, for detaining or retaining any part of any the ſaid Souldiers wages, toward, or for the payment of victuals, harneſs, weapons, or for any preſt money provided and delivered to any ſuch Souldier.

CAP. III.

No Purveyor, or other perſon, by authority of any Commiſſion or other Warrant, ſhall, during three years next; purvey, or take for the proviſion of the Kings houſhold, his ſiſters, or any other perſons, any Corn, Beeves, Muttons, &c. Wood, Coal, Straw, Hay, or any kind of victuals, without the full conſent of the owner, and at ſuch price for ready money, as the Owner and Purveyor can agree: or ſhall take for any of the Kings affairs, or the Wars, or otherwiſe, any goods, Chattels, or other things whatſoever (ſaving Barges, Ships, Carts, and things neceſſary for Carriages) without the conſent of the Owner, and at ſuch prices for ready money, as the Owner and Purveyor can agree, except Poſt-horſes, for which ſhall be paid a Peny a mile.) And if any Taker, or other perſon ſhall offend in any point contrary to the Ordinance aforeſaid, he ſhall forfeit to the party grieved treble the value of the thing taken, ſuffer impriſonment a quarter of a year, and make fine at the Kings pleaſure. The King will allow to the owner of every Cart taken for his Houſhold, four pence a mile, and for the wars, and other carriages, three pence a mile. EXP.

CAP. IV.

An Act for the Sheriffs of England to have certain allowances upon their Accompts.

Sheriffs 38. Sheriffs upon their accounts in the Exchequer, upon their Oath taken, ſhall be diſcharged of all ſuch moneys as they cannot levy, and ſhall have their due allowances.

MOſt humbly beſeechen the Kings moſt excellent Majeſty, his true and faithful Subjects, the Commons in this preſent Parliament aſſembled, that where in the Parliament begun at Weſtminſter the ſixteenth day of January, in the Three and thirtieth year of the Reign of our late Sovereign Lord of famous memory, King Henry the Eighth, and by Prorogation holden at Weſtminſter the two and twentieth day of January, in the Four and thirtieth year of the Reign of our ſaid late Sovereign Lord, and there continued until the twelfth day of May, in the Five and thirtieth year of the Reign of the ſaid late King, upon divers and ſundry conſiderations, there was enacted and made an Act by the authority of the ſame Parliament, concerning the Account or Accounts of Sheriffs, to be made in the Exchequer, as in the ſame Act more plainly at large it is contained:

II. And albeit it was meant, at the time of the making the ſaid Act, as it may appear by the words of the ſaid Act, that Sheriffs ſhould not be charged upon their Accounts, but only with ſuch ſums of Money as they might lawfully levy; (2) And alſo that the ſaid Sheriffs ſhould have allowance, not only for all ſuch charges and expences as they ſhall ſuſtain and bear for the diets and charges of the Juſtices of Aſſiſe, but alſo for other neceſſary charges and expences by them ſuſtained in and about the exerciſing of their ſaid Office: (3) Yet nevertheleſs, the ſaid Sheriffs are and have been ſithen the making of the ſaid Act, more and ſorer charged, vexed and troubled then they were before, to the great impoveriſhment of men of worſhip, and Gentlemen within this Realm, that have been Sheriffs, and ſo is very like to be to all ſuch as hereafter ſhall be Sheriffs, if remedy be not provided in this behalf:

The Statute of 33 H 8. 16. touching Sheriffs, rehearſed and repealed.

(4) It may therefore pleaſe the Kings moſt excellent Majeſty, that it may be enacted and eſtabliſhed, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this Preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid former Act, and all Clauſes and Sentences in the ſame contained, ſhall be from henceforth clearly fruſtrate and void, to all intents and purpoſes, other then hereafter in this Act ſhall be ſpecified.

Every Sheriff ſhall have tailes of reward.

III. And that it may be enacted by this preſent Parliament, That the Sheriffs which ſhall be made from henceforth within all the Shires of England, and alſo ſuch as have not made or finiſhed their Account or Accounts, ſhall have ſuch and like tailes of reward, and all ſuch other allowances as they had before the making of the ſaid former Act, (2) or elſe the ſame Sheriffs which ſhall be, or heretofore have been, to be at their election and choice to account, and all other things to do, according to the aforeſaid former Act: (3) And that they, and every of them that ſo ſhall account, and take no taile of reward, ſhall be in, and by all things intreated in the Kings Exchequer, as though the ſaid former Act were and ſhould continue in his full ſtrength and effect, any thing before ſpecified notwithſtanding.

IV. And that the ſame tailes of reward, and every of them by force of this preſent Act, without any further Warrant or Warrants to be obtained for the ſame, ſhall be levied or ſtricken at the Receipt of the Kings Majeſties Exchequer, in due manner and form, with ſuch like Letters or Writings upon the ſame tailes, and every of them, as before the making of the ſaid former Act were and have been accuſtomed to be levied and ſtricken.

V. And that the ſame tailes ſo hereafter there to be levied and ſtricken, ſhall be delivered unto every of the ſame Sheriffs, or their ſufficient Attorney, for them, without preſt, or other charge to be ſet upon them for the ſame.

VI. And that this Act ſhall be a ſufficient warrant and diſcharge unto the Treaſurer of England, and all other Officers within the ſaid Receipt, for ſtriking, levying and delivery of the ſaid tailes and every of them.

Sheriffs allowances that have no tailes or reward.

VII. And further, That all thoſe Sheriffs that hereafter ſhall be made within thoſe Shires of England, whereas no tailes of reward have heretofore been by the Kings Majeſties moſt noble Progenitors given and granted, and ſuch Sheriffs as ſhall hereafter take no taile of reward, ſhall in conſideration of their great coſts, charges and expences which they ſhall bear and ſuſtain, as well by the Diets of the Juſtices of Aſſiſes, as by any other means, have upon the end of their Accounts, and of every of them, ſuch allowances upon a Petition to be made by the ſame Sheriffs and every of them, in a Bill to be brought in by the ſame Sheriffs and every of them, of their ſaid coſts and charges, upon which Bills the ſame Sheriffs to be ſworn in their own proper perſons, or by their under-Sheriffs, or lawful Attorney, thereunto admitted to be true, without warrant or taile ſuing for the ſame.

VIII. And alſo that all Sheriffs which herafter ſhall take no taile of reward, and every of them, ſhall be diſcharged upon their accounts of all ſuch ferms, goods, chattels, profits, caſualties, and ſums of money, which they might or ſhould be charged with upon their accounts in the ſaid Exchequer, by what Title or Name ſoever they be named, or upon whatſoever perſon or perſons they ſhall be ſtreated, or out of whatſoever lands and tenements they ſhall be going forth, as they cannot levy or come by.

Sheriffs allowances for ſuch Vicountels concerning poſſeſſions as be come to the Kings hands by unity of poſſeſſion.

IX. And that all other Sheriffs which hereafter ſhall take any taile of reward, ſhall in like manner be diſcharged of all ferms and ſums of money aforeſaid (except only of the Vicountels of their Shires wherewith they ſhall be charged, and anſwerable as they were before the making of the foreſaid former Act.) (2) And alſo the ſame Sheriffs of every Shire of England that now be, or heretofore have been, or that hereafter ſhall be, and every of them, ſhall have plain deduction and allowance in their ſaid Accounts of all ſuch ſum and ſums of money as they or any of them ſhall make, or have made true Petition of, for, or concerning ſuch Poſſeſſions and hereditaments as become unto, or were in the Kings Majeſties hands, or any his Progenitors, by unity of poſſeſſion, or by any mean, out of the which any part or parcel of the foreſaid Vicountels, were at any time heretofore leviable or levied. (3) And that the Lord Treaſurer, Chamberlain, Chancellor and Barons of the ſaid Exchequer, or in the abſence of the ſaid Lord Treaſurer, Chamberlain, and Chancellor, the ſaid Barons ſhall by authority of this Act, give and make allowance, deduction and exoneration to every of the ſaid Sheriffs, of the ſaid ferms, and of all other things, without any other warrant.

The Sheriff ſhall be ſworn to bring into the Exchequer Rolls of parchment of money which he hath or might have levied.

X. Provided alway, That every of the ſaid Sheriffs at his day of prefixion, immediately after that he or his Deputy or Attorney is ſworn to account for the iſſues and profits of his Office of Sheriffwick, ſhall by himſelf or by his Attorney or Deputy, ſworn for him, when he ſhall anſwer before the Lord Treaſurer, Chamberlains, Chancellor and Barons of the ſaid Exchequer, or in the abſence of the ſaid Lord Treaſurer, Chamberlain or Chancellor, or of any of them: then before ſuch of the ſaid Lord Treaſurer, Chamberlains, or Chancellor, and of the ſaid Barons, as then ſhall happen to be preſent in the ſaid Court of Exchequer, to bring in and deliver into the ſaid Court, Rolls or Cedules of Parchment, containing in them truly, without omiſſion or concealment, all ſuch particular ſums of money which he hath levied, or lawfully might have levied, to his witting or knowledge within his Bailiwick, as part or parcel, as well of the ſaid ferms called Vicountels, in the ſaid former Act expreſſed, as of all other ferms, of what name or title ſoever they be called, being ſtreated, written, or otherwiſe charged to any of the ſaid Sheriffs, out of the ſaid Court of Exchequer, (2) making expreſs and diſtinct mention in the ſame Rolls or Cedules, as nigh as he or they can or may, of what perſon, and what Lands and Tenements, and for what cauſe the ſame particular ſums of money, and every of them be levied or leviable: (3) and that after the ſame Rolls or Cedules ſo delivered, and the particular ſums of money in them contained, appertaining to their proper ferms, caſt and rated in the ſaid Court, the ſaid Lord Treaſurer, Chamberlain, Chancellor and the ſaid Barons, in the abſence of the ſaid Treaſurer, Chamberlains or Chancellor or any of them for the time being, ſhall have full power and authority by this Act, for the levying and recovery of ſuch parcels belonging to any the ſaid ferms, called Vicountels, or any other ferms, by what name or title ſoever they ſhall be called, being omitted out of the ſaid Rolls or Cedules, and for ſaving of other the Kings ancient Rights and Inheritances, anſwerable in the ſaid Exchequer, which be now wrongfully withdrawn, or unjuſtly withholden from the Kings Majeſty his poſſeſſions: (4) and ſhall have power and authority from time to time to award ſuch progreſs, and uſe ſuch convenient ways and means by Commiſſion or otherwiſe, according to the courſe of the ſaid Exchequer, and further as ſhall be deviſed by their diſcretion: ſo that the Kings Majeſty, his Heirs and Succeſſors, may be truly anſwered of the iſſues and profits of the ſame; this Act, or any other Statute, Act, Ordinance, or uſe heretofore, to the contrary had, made or uſed in any wiſe notwithſtanding.

Proceſs ſhall be awarded out of the Exchequer to enquire of the Kings debt.

XI. And furthermore, That the ſaid Treaſurer, Chamberlains, Chancellor, and Barons of the ſaid Exchequer, or the ſaid Barons in the abſence of the ſaid Treaſurer, Chamberlains, or Chancellor, or any of them for the time being, ſhall have full power and authority by their diſcretions, from time to time, to give and allow unto all and every ſuch Commiſſioner or Commiſſioners as they ſhall aſſign and appoint by their diſcretion, to enquire of the ſaid ferms, and other the Kings Rights withdrawn, their reaſonable coſts and charges, as from time to time to them ſhall ſeem good and convenient.

Allowance made to Commiſſioners for their coſts.

CAP. V.

Such fee-ferms and ſums of money paid for fee-ferms, as by any City, Borough, or Town corporate within England or Wales or by the bodies corporate or politick, Officers or Miniſters of the ſame, ought to be due and payable to the King, &c. during three years next enſuing, ſhall ceaſe, and not be due: and ſhall be beſtowed about repairing of Walls, Bridges, ſetting poor on work, or other good deeds in every ſuch city, &c. But if the King hath granted the fee-ferm to any other, he ſhall enjoy it. Exp. St. 3 Ed. 6. 18.

Fee-ferms, Raſt. 2.

CAP. VI.

An Act that the Admiral of England, or any of his Officers, ſhall not exact any ſums of money for Licence to traffique to Ireland, &c.

Fiſh, 2. No Officer ſhall exact any money of any merchant or fiſherman travelling into Ireland for fiſh.

Foraſmuch as within theſe few years now laſt paſt, there hath been levied, perceived and taken, by certain of the Officers of the Admiralty, of ſuch Merchants and Fiſhermen as have uſed and practiſed the Adventures and Journeys into Iſland, New-found-land, Ireland, and other places commodious for Fiſhing, and the getting of Fiſh, in and upon the Seas or otherwiſe, by way of Merchandiſe in thoſe parts, divers great exactions, as ſums of money, doles, or ſhares of Fiſh, and ſuch other like things, to the great diſcouragement and hindrance of the ſame Merchants and Fiſhermen, and to no little damage to the whole Commonweal;

II. And whereas alſo great complaints have been made, and informations alſo yearly to the Kings Majeſties moſt honourable Council: for reformation whereof, and to the intent alſo the ſaid Merchants and Fiſhermen may have occaſion the rather to practiſe and uſe the ſame trade of Merchandiſe and fiſhing freely without any ſuch charges or exactions, as is before limited, whereby it is to be thought, that more plenty of Fiſh ſhall come into this Realm, and thereby to have the ſame at more reaſonable price:

III. Be it therefore enacted by the King our Sovereign Lord, and the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That neither the Admiral nor any officer or miniſter, officers or miniſters of the Admiralty for the time being, ſhall in any wiſe hereafter exact, receive or take by himſelf, his ſervant, deputy, ſervants or deputies, of any ſuch merchant or fiſherman, any ſum or ſums of money, doles or ſhares of fiſh, or any other reward, benefit or advantage whatſoever it be, for any licence to paſs this Realm to the ſaid voyages or any of them: nor upon any reſpect concerning the ſaid voyages or any of them, (2) upon pain to forfeit for the firſt offence, treble the ſum, or treble the value of the reward, benefit or advantage, that any ſuch officer or miniſter ſhall hereafter have or take of any ſuch merchant or fiſherman; for the which forfeiture the party grieved, and every other perſon or perſons, whatſoever he or they be, ſhall and may ſue for the ſame, by information, bill, plaint, or action of debt, in any of the Kings Courts of Record, the King to have the one moiety, and the party complaining the other moiety: in which ſuit no eſſoin, protection, or wager of law ſhall be allowed: (3) and for the ſecond offence, the party ſo offending, not only to loſe or forfeit his or their office or offices in the Admiralty, but alſo to make fine and ranſom at the Kings will and pleaſure.

CAP. VII.

Penſions, Raſt. 3.

Thoſe Penſioners that by the crafty practices of others, did ſell them ſuch Penſions as by the Kings Patents were granted unto them out of Abby and religious lands, for life, ſhall have their Penſions again, ſo that they pay or tender ſo much money as they received for their ſaid Penſions. Exp.

CAP. VIII.

An Act for finding of Offices before Eſcheators.

Office 1. Livery 3. Traverſe 2. Tenures 4. Wards 17. How offices in ſome caſes ſhall be found before Eſcheators. 1 Inſt. 77. Leſſees for years or copyholders being put forth of poſſeſſion by the King, by the Common Law ſhall have no remedy.

Where many and divers perſons holding, or that have holden lands, tenements, or hereditaments, ſome for term of years, and ſome by copy of Court-Roll, have been expulſed and put out of their terms and holds, by reaſon of inquiſitions or Offices founden before Eſcheators, Commiſſioners and other, containing tenures of the King in Capite, intituling the King to the Wardſhip or cuſtody of ſuch lands or tenements, and ſometime intituling the King to the ſame upon attainders of Treaſon, Felony or otherwiſe, by reaſon that ſuch Leaſes for term of years, or intereſt by Copy of Court-Roll of ſuch perſons, have not been found in ſuch inquiſitions or offices: (2) after which expulſion, or putting out, the ſaid perſons have been without remedy for the obtaining of the ſaid terms and holds during the Kings poſſeſſion therein, (3) and can have no traverſe, Monſtrance de droit, ne other remedy for the ſame, becauſe their ſaid intereſt is but a chattel in the Law or cuſtomary hold, and no eſtate of freehold.

II. And alſo where any perſon or perſons hath any rent, common, office, fee, or other profit Apprendre, of any Eſtate of freehold, or for years, or otherwiſe, out of ſuch lands or tenements ſpecified in ſuch offices or inquiſition, the ſaid rent, common, office, fee, or profit Apprendre not found in the ſame office or offices, ſuch perſons are in like manner without remedy, to obtain or have the ſaid rent, common, office, fee or profit Apprendre, by any traverſe or other ſpeedy mean, without great and exceſſive charges, during the Kings intereſt therein, by force of ſuch inquiſition or office.

The intereſt of others ſhall be ſaved though they be not found by office.

III. For remedy whereof, be it enacted by authority of this preſent Parliament, That where any ſuch office or inquiſition is or ſhall be founden, omitting ſuch titles, intereſts or matters, as is aforeſaid, that in all ſuch caſes, every Leſſee, tenant for term of years, or copy-holder, and every ſuch perſon or perſons that have or ſhall have any intereſt to any rent, common, or profit Apprendre, for term of years, life, or otherwiſe, out of any of the lands, tenements or hereditaments contained in ſuch office or inquiſition, where the King, his Heirs or Succeſſors is or ſhall be entituled, as is aforeſaid, to any ſuch lands, tenements or hereditaments, ſhall have, hold, enjoy and perceive all and every their Leaſes and Intereſts for term of years, or by Copy of Court-Roll, rents, commons, offices, fees and profit Apprendre, in ſuch manner, form, ſtate and condition, as they and every of them ſhould or might have done in caſe there had been no ſuch office or inquiſition founden, and as they ſhould, or lawfully might or ought to have done, in caſe ſuch Leaſe, intereſt by Copy of Court-Roll, rent, common, office, fee or profit Apprendre had been found in ſuch office or inquiſition; any law, cuſtom, or uſage to the contrary heretofore uſed in ſuch caſes, in any wiſe notwithſtanding.

IV. And alſo where it is or ſhall be founden for the King, his Heirs or Succeſſors, That the heir or heirs of his tenant or tenants, is or ſhall be within age, where indeed ſuch heir or heirs, is or ſhall be at the ſame time of full age, or of a more or greater age then is or ſhall be contained within ſuch office,

A remedy where an heir of full age ſhall be found within age.

V. Be it further enacted by the authority aforeſaid, That in every ſuch caſe, ſuch heir and heirs ſhall and may at his or their very full age, or after, proſecute a Writ of Ætate proband. and ſue his or their liberty, or ouſter le main, as his or their caſes ſhall lie, and have the profits of his or their lands, tenements or hereditaments, from the time of his or their very full age; any ſuch untrue office or inquiſition, or any law or cuſtom to the contrary in any wiſe notwithſtanding.

VI. Alſo where one perſon or mo, is or ſhall be founden heir to the Kings tenant, by office or inquiſition, where any other perſon is or ſhall be heir, (2) or if one perſon or mo, be or ſhall be founden heir by office or inquiſition in one County, and another perſon or perſons is or ſhall be found heir to the ſame perſon in another County, (3) or if any perſon be or ſhall be untruly founden lunatick, ideot or dead: (4) Be it enacted by the authority aforeſaid, That every perſon and perſons, grieved or to be grieved by any ſuch office or inquiſition, ſhall and may have his or their traverſe to the ſame, immediately, or after, at his or their pleaſure, and proceed to trial therein, and have like remedy and advantage, as in other caſes of traverſe upon untrue inquiſitions, or offices founden; any law, uſage or cuſtom to the contrary in any wiſe notwithſtanding.

Traverſe to an untrue office found after the death of the Kings tenant, or upon attainder of Treaſon, felony, &c. Goldsb. 304. pl. 417

A traverſe though the King be entituled by double matter of record.

VII. And where it is or ſhall be hereafter untruly founden by office or inquiſition, That any perſon or perſons attainted, or that ſhall be attainted of Treaſon, Felony, or Præmunire, is or ſhall be ſeiſed of any lands, tenements or hereditaments, at any time of ſuch Treaſon, Felony, or offence committed or done, or any time after, whereunto any other perſon or perſons hath, or ſhall have any juſt title or intereſt of any Eſtate of free-hold, that then in every ſuch caſe, every perſon and perſons grieved thereby, ſhall have his or their traverſe, or Monſtrance de droit to the ſame, without being driven to any petition of right, and like remedy and reſtitution upon his or their title, found or judged for him or them therein, as hath been accuſtomed and uſed, in the caſes of traverſe, although the Kings Majeſty, his Heirs or Succeſſors, be or ſhall be in ſuch caſe entituled to any ſuch lands, tenements, or hereditaments, by double matter of Record; any law, cuſtom or uſage to the contrary in any wiſe notwithſtanding.

Traverſe to an office. 13 H. 7. 11. b. Office devant. Br. 59.

VIII. And be it further enacted by the authority aforeſaid, That where any inquiſition or office is or ſhall be founden by theſe words, or like, Quod de quo vel de quibus, tenementa præd. tenent. Jurat. prædict. ignorant. or elſe founden, holden of the King, Per quæ ſervic. ignorant. or ſuch like, that in ſuch caſe ſuch tenure ſo uncertainly founden, De quo vel de quibus tenementa prædict. tenentur ignorant. ſhall not be taken for any immediate tenure of the King, nor ſuch tenure ſo founden of the King Per quæ ſervic. ignorant. ſhall not be taken any tenure in capite, but in ſuch caſes a Melius inquirend. to be awarded, as hath been accuſtomed in old time; any uſage of later time to the contrary notwithſtanding.

IX. And be it further enacted by the authority aforeſaid, That where it is or ſhall be founden by any office or inquiſition, that any lands, tenements or hereditaments, are or ſhall be deſcended, remained, or come unto any heir within age, and in the Kings Ward, or that ought to be in the Kings Ward, and that ſuch lands, tenements or hereditaments, are holden of the King immediately, where indeed the ſame are or ſhall be holden of ſome other common perſon, and not of the King immediately: that in ſuch caſe, ſuch heir or heirs ſhall and may have their traverſe to the ſame, within age, and like remedy and reſtitution upon his or their title found or judged for him or them therein, as hath been accuſtomed and uſed in other caſes of traverſes; any law, uſage or cuſtom to the contrary in any wiſe notwithſtanding.

Traverſe to an office where a wrong tenure is found.
29 Ed. 1. pag. 66.

X. Alſo where the Kings Majeſty by his Prerogative ought to have as well ſuch lands and tenements as be holden of other perſons, as holden of himſelf immediately, whereof his tenant holding of him in chief dieth ſeiſed, his heir being within age, until ſuch time as livery be ſued by ſuch heir, and that the mean Lords of whom the ſaid other lands and tenements of ſuch heir be holden, uſed to ſpare the rents due to them for the ſame lands or tenements holden of them during the Kings poſſeſſion: (2) And when ſuch heir hath ſued his or their livery, they uſe by diſtreſs or otherwiſe to compel the ſaid heir to pay to them the arrearages of ſuch rents, for ſuch time as the ſaid lands and tenements were in the Kings poſſeſſion by ſuch minority, where they ſhould have ſued by petition to the Kings Majeſty to have obtained the ſame out of the Kings hands, if they would have the ſame, which is to the great detriment, loſs and hindrance of ſuch heir and heirs: (3) For redreſs whereof, be it enacted by the authority of this preſent Parliament, That from henceforth ſuch mean Lords, during ſuch minority, ſhall have, receive and take the ſaid rents by the hands of ſuch the Kings Officers as ſhall be appointed to have, receive and take the iſſues, revenues and profits of the ſame lands and tenements ſo holden of ſuch mean Lords, during the minority and non-age of ſuch heir and heirs, and until ſuch heir and heirs ſue his or their livery, (4) and that ſuch heir and heirs until ſuch time as he or they ſhall have ſued their livery, or might conveniently have ſued their livery, ſhall be thereof clearly diſcharged.

A remedy for the rents of the mean Lords, where the King hath the wardſhip.

XI. And that ſuch Officer or Officers ſhall upon requeſt made, pay the ſame to ſuch mean Lords (they giving to ſuch Officer and Officers a ſufficient Acquittance or Acquittances for the receipt of the ſame:) (2) And that ſuch payment thereof made, with Acquittance or Acquittances thereof ſhewed, ſhall be to ſuch Officers a ſufficient diſcharge againſt the Kings Majeſty and his Heirs, upon his or their account in that behalf; any law, uſage or cuſtom heretofore had or uſed to the contrary hereof in any wiſe notwithſtanding.

XII. Provided always, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not in any wiſe extend to any inquiſition or office taken or founden at any time before the twentieth day of March next coming, nor to hinder, prejudice, or take away the title, intereſt, or poſſeſſion of our Sovereign Lord the King, or of any other perſon or perſons grown or come by virtue, mean, or occaſion of any inquiſition or office taken or found before the ſame day, (2) but that as well our ſaid Sovereign Lord the King, as all other perſon and perſons having any title, intereſt, or poſſeſſion by virtue, mean or occaſion of any inquiſition or office found before the ſame day, ſhall and may have, hold and enjoy the ſame in like manner and form, as though this Act had never been had or made; any thing in the ſame Act to the contrary in any wiſe notwithſtanding.

An office found before the xx. day of March next being, Anno Dom. 1548.

XIII. Provided alſo, and it is enacted by the authority aforeſaid, That in all ſuch caſes as any perſon or perſons ſhall be enabled by this Act to have any traverſe, and ſhall purſue his or their traverſe: That then he or they that ſhall purſue ſuch traverſe, ſhall ſue one Writ or ſeveral Writs of Scire facias, (as the caſe ſhall require) againſt all and ſingular ſuch perſon and perſons as ſhall have intereſt by the King, or by his Patent or Patents, in like manner and form as is requiſite upon traverſes or petitions heretofore purſued: (2) And that in every ſuch Scire facias, the Patentees or other Defendants ſhall have like pleas and advantage, as they had in any Scire facias before this time awarded again any Patentee in any caſe of petition: (3) And alſo that upon every traverſe that ſhall be purſued by virtue or mean of this Act, in ſuch caſe as the party or parties that ſhall purſue any ſuch traverſe, ſhould by the order of the Common Laws of this Realm, have been put to ſue by petition to the King, there ſhall be two Writs of ſearch granted in manner and form, as like Writs have been granted upon petitions made to the King.

Upon a traverſe a Scire facias ſhall be awarded againſt the Kings Patentees.

Writs of ſearch upon a traverſe.

XIV. Provided alſo, and it is enacted by the authority abovesaid, That if after any judgment ſhall be given upon any traverſe, that ſhall be tendred or ſued by virtue or mean of this Act, it ſhall appear by any matter of Record, that the King hath any other former title, right or intereſt, to the manors, lands, tenements, or other hereditaments mentioned in the ſame traverſe, that then the ſame title, right and intereſt, ſhall be ſaved to the King, the ſaid traverſe and judgment thereupon given, in any wiſe notwithſtanding. Cok. Inſt. 77. b. 243. a.

Notwithſtanding a traverſe, the Kings former right ſhall be reſerved.

CAP. IX.

A confirmation of all former Statutes made concerning Tanners, Curriers and Cordwainers. The ſeveral duties of Curriers. Cordwainers, Coblers, Sadlers, Girdlers, Leatherſellers, &c. in uſing, cutting, making or ſelling of their wares, and of ſearchers to view, ſearce and ſeal the ſame. The penalty of tranſporting of Leather. Of what quantity a Tanner ſhall cut his ſole leather. Rep. El. 8. 1 Jac. 22. St. 3 & 4 Ed. 6. 6.

Cordwainers, Raſt. 21.

CAP. X.

The Bill for true making of Malt.

Where divers and ſundry perſons taking upon them the Art and Myſtery of Malt making, and tendring more their own private lucre, gain and profit, then the wholſom victualing of the Kings Majeſty, the Nobility of this Realm, and other his Graces Subjects, have now of late by their unſatiable, covetous and greedy minds, accuſtomably and commonly made much Malt unpure and unſeaſonable, for that they have made the ſame Malt in eight or nine days, where indeed the ſame cannot be well and perfectly made, unleſs it have the time and ſpace of twelve days in the making thereof: (2) And where alſo divers

Malt 1.
In what manner Malt ſhall be made and uſed.
Several unlawful practices uſed in the making and ſelling of Malt.

and ſundry of the ſaid makers of Malt, commonly have, and do ſlackly and deceitfully dry the Malt ſo by them made, for that they would have an inordinate increaſe thereof by the ſwelling of the ſaid Malt, whereby the ſame Malt not being ſufficiently dryed, cannot be kept any long time or ſpace, but it will be muſty and full of weavels, whereby no wholſom drink for mans body can by any means be thereof made, which is not only to the great peril and danger of the Nobility, and other the Kings Highneſs Subjects within this Realm, and alſo to the great loſs and decay of the Common-wealth of the ſame, but alſo an utter impoveriſhment of the Brewers of this ſaid Realm, for that the ſaid Brewers (over and beſides the unwholſomneſs of the drink which is commonly made thereof) cannot make ſo much drink of fifty quarters of Malt, being ſo evil dried and made, as they might and can make of fourty quarters being well and truly made: (3) And alſo foraſmuch as divers and ſundry perſons minding and ſeeking their own private and exceſſive gain and profit, forgetting thereby their duty, and the order or charity towards the Common-wealth and their neighbours in this behalf, do commonly uſe to put and mix good Malt and evil Malt together, and after put the ſame Malt to ſale as good Malt, whereby many of the Kings Subjects have been, and are like to be very often deceived; to their great loſs and hindrance, contrary to the honeſt, ſeemly and godly buying, ſelling, and commutation that ſhould or ought to be amongſt Chriſtian people, ſpecially in things concerning the ſuſtentation and ſuſtenance of mans body:

How long time Malt ſhall be in the fat, floor, ſteeping and drying.

II. For remedy whereof, it may pleaſe the Kings Majeſty, with the advice of his Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, That it may be eſtabliſhed and enacted by the authority of the ſame, That no ſuch perſon or perſons at any time after the firſt day of March next coming, ſhall make any Barley-malt (the months of June, July and Auguſt only excepted) but that the ſame ſhall have in making thereof, that is to ſay, in the fat, floor, ſteeping, and ſufficient drying of the ſaid Malt, three weeks at the leaſt: (2) and that no ſuch perſon or perſons at any time within the ſaid months of June, July and Auguſt, ſhall make any Barley-malt, except the ſame have in the fat, floor, ſteeping, and ſufficient drying, the time and ſpace of ſeventeen days at the leaſt, under and without which time and times, the ſaid Malt cannot be well and perfectly made, nor wholſom for mans body, (3) upon pain to forfeit and loſe for every quarter of Malt which ſhall be made by any perſon or perſons, contrary to the tenor, purport, and true meaning of this Act, two ſhillings. (4) And

None ſhall mingle good Malt with evil to ſell.

be it further enacted by the authority aforeſaid, That no perſon or perſons, after the firſt day of March next coming, ſhall mingle or put together any Malt, not being well and ſufficiently made, or being made of Mow-burnt or ſpired Barley, with other good Malt, and after put the ſame ſo mingled to ſale, upon pain to forfeit and loſe for every quarter ſo mingled and put to ſale, two ſhillings.

Malt ſhall be well troden, rubbed, and fanned. St. 17 R. 2. 4.

III. And be it alſo further enacted by the authority aforeſaid, That if any perſon or perſons after the laſt day of January next coming, ſhall put to ſale any Malt which ſhall not be ſufficiently and well troden, rubbed, and well fanned, whereby there may be conveniently fanned out of one quarter thereof half a Peck of duſt or more, That then the perſon ſo putting the ſame to ſale, ſhall forfeit and loſe for every quarter ſo put to ſale, twenty pence. (2) The moiety of all which forfeitures to be to the King our Sovereign Lord, and the other moiety thereof to the party that will Sue for the ſame by action of debt, bill, plaint, or information, in any of the Kings Courts, wherein no protection, wager of Law, or eſſoin, nor injunction ſhall be admitted or allowed.

Juſtices, Stewards of Leets, and officers of Towns, ſhall puniſh offenders.

IV. And be it further enacted by the authority aforeſaid, That the Juſtices of Peace in every of their Seſſions, and alſo the Steward in every Leet, ſhall have full power and authority by virtue of this Act, to enquire, hear and determine, as well by preſentment of twelve men, as by accuſation or information of two honeſt witneſſes, of, for and upon all and every the offences and forfeitures aforeſaid, as well for the King, as for the party that ſhall ſue, procure or cauſe the ſame to be preſented, as is beforeſaid. (2) And that the Bayliffs and Conſtables of every Borough or Market Town, or other Town where any ſuch Malt ſhall be made, or put to ſale, ſhall have full power and authority from time to time, to view, ſearch, and ſurvey all ſuch Malt, as ſhall be made or put to ſale within any of the ſaid Towns: (3) And if any of them ſhall thereupon find any Malt ſo put to ſale, being evil made, or mingled with evil Malt, contrary to the tenour and true meaning of this preſent Act: that then the ſaid Bayliff or Conſtable ſo finding any ſuch Malt evil made, or mingled as is aforeſaid, with the advice of one Juſtice of Peace within the ſame Shire, ſhall cauſe the ſame to be ſold to ſuch perſon or perſons, and at ſuch a reaſonable price or prices, and under the common price of the Market, as to his diſcretion ſhall ſeem neceſſary and expedient.

Malt made for a mans own proviſion.

Within what time an offendor ſhall be preſented.

V. Provided alway, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained, ſhall not extend to charge, or be to the making of Malt for any mans own proviſion for his own houſe or family, neither prejudicial to any perſon or perſons, for, or concerning any of the offences or forfeitures aforeſaid; except he or they ſo offending, ſhall happen to be ſued, preſented and accuſed for the ſame, in manner and form aforeſaid, within one year next after any ſuch offence or offences to be done or committed; any thing in this preſent Act to the contrary notwithſtanding. (2) This preſent Act to continue until the end of the next Parliament. 27 El. 14. 1 Jac. 25. 21 Jac. 28. & 3 Car. 4. continued.

CAP. XI.

Cordwainers, Raſt. 14.

No Tanner ſhall put any tanned Leather to ſale (ſaving Calves skins) tanned and mixed with Aſhen-bark, Tapworth, Meal or Culver dung, and unleſs it hath lien in the Tan-ozes ſufficiently wrought three quarters of the year at leaſt: Nor ſhall overburn with lime any hides, nor ſhall ſet his fats in Tan-hills, or ſhall put any hot liquor or ozes in the fats wherein hides ſhall be put to tanning: or ſhall practiſe any other way for the over-ſpeedy tanning of hides, or whereby they ſhall be burned or ſcalled: or ſhall cut any hide of Steer or Cow to make clout-leather thereof: or ſhall tan any Sheep-skins, upon pain to forfeit the ſame Leather, &c. and vj. s. viij. d. for every hide. EXP. St. 1 M. 13. 1 El. 9.

CAP. XII.

Somerſet, Raſt. 1.

A confirmation of all leaſes and grants by copy of contract for life or lives, not exceeding iij. lives of any lands of the Duke of Somerſets, called Bartons lands, or demeſne lands, made or to be made by the ſaid Dukes Aſſigns to any perſon. PR.

CAP. XIII.

An Act for payment of Tithes.

WHere in the Parliament holden at Westminster the fourth day of February, in the Twenty ſeventh year of the Reign of the late King of moſt famous memory, King Henry the Eighth, there was an Act made concerning payment of Tithes predial and perſonal: (2) And alſo in another Parliament holden at Weſtminſter the four and twentieth day of July, in the Two and thirtieth year of the Reign of the ſaid late King Henry the Eighth, another Act was made concerning true payment of Tithes and Offerings; (3) in which ſeveral Acts many and divers things be omitted and left out, which were convenient and very neceſſary to be added to the ſame: (4) In conſideration whereof, and to the intent the ſaid Tithes may be hereafter truly paid, according to the mind of the makers of the ſaid Act, be it ordained and enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That not only the ſaid Acts, made in the ſaid Seven and twentieth and two and thirtieth years of the Reign of the ſaid late King Henry the Eighth, concerning true payment of Tithes, and every Article and Branch therein contained, ſhall abide and ſtand in their full ſtrength and virtue, (5) but alſo be it further enacted by the authority of this preſent Parliament, That every of the Kings Subjects ſhall from henceforth truly and juſtly, without fraud or guile, divide, ſet out, yield and pay, all manner of their predial Tithes, in their proper kind, as they riſe and happen, in ſuch manner and form as hath been of right yielded and payed within fourty years next before the making of this Act, or of right or cuſtom ought to have been paid: (6) And that no perſon ſhall from henceforth take or carry away any ſuch or like Tithes, which have been yielded or paid within the ſaid fourty years, or of right ought to have been paid, in the place or places Titheable of the ſame, before he hath juſtly divided or ſet forth for the Tithe thereof the tenth part of the ſame, or otherwiſe agreed for the ſame Tithes with the Parſon, Vicar, or other owner, proprietory or fermor of the ſame Tithes, (7) under the pain of forfeiture of treble value of the Tithes ſo taken or carried away.

Prohibition 10. In what manner Tithes ought to be paid. 27 H. 8. 20. 32 H. 8. 7.

Co. Inſt. 2 par. 648. March 21.

2 Bulſtr. 85, 109, 183. 1 Bulſtr. 108.

Every perſon ſhall ſet forth and pay his predial Tithes. Co. Inſt. 2 p. 649.

Latch. 8. 24. Co. Inſt. 2 p. 611. Art. 17. 3 Leonard. 204.

II. And be it alſo enacted by the authority aforeſaid, That at all times whenſoever, and as often as the ſaid predial Tithes ſhall be due at the Tithing time of the ſame, it to be lawful to every party to whom any of the ſaid Tithes ought to be paid, or his deputy or ſervant, to view and ſee the ſaid Tithes to be juſtly and truly ſet forth and ſevered from the nine parts, and the ſame quietly to take and carry away: (2) And if any perſon carry away his Corn or Hay, or his other predial Tithes, before the Tithe thereof be ſet forth, (3) or willingly withdraw his Tithes of the ſame, or of ſuch other things whereof predial Tithes ought to be paid; (4) or do ſtop or let the Parſon, Vicar, Proprietory, owner or other their deputies or fermors, to view, take, and carry away their Tithes as is aboveſaid, (5) by reaſon whereof the ſaid Tithe or Tenth is loſt, impaired or hurt, that then upon due proof thereof made before the Spiritual Judge, or any other Judge to whom heretofore he might have made complaint, the party ſo carrying away, withdrawing, letting or ſtopping, ſhall pay the double value of the Tenth or Tithe ſo taken, loſt, withdrawn or carried away, over and beſides the coſts, charges, and expences of the Suit in the ſame: (6) the ſame to be recovered before the Eccleſiaſtical Judge, according to the Kings Eccleſiaſtical Laws.

The penalty for carrying of corn or hay before Tithe be ſet forth, or for letting the Parſon to carry it. Cok. pl. f. 161. 2 Bulſtr. 228, 285. 3 Bulſtr. 278.

Godbolt. 245. pl. 342.

III. And be it further enacted by the authority aforeſaid, That all and every perſon which hath, or ſhall have any beaſts, or other cattel Titheable, going, feeding, or depaſturing in any waſte or common ground, whereof the Pariſh is not certainly known, ſhall pay their Tithes for the increaſe of the ſaid cattel ſo going in the ſaid waſte or common, to the Parſon, Vicar, Proprietory, Portionary, owner, or other their fermors, or deputies of the Pariſh, Hamlet, Town, or other place where the owner of the ſaid cattel inhabiteth or dwelleth.

Tithe of cattel feeding in a waſte where the Pariſh is not known.

IV. Provided always, and be it enacted by the authority aforeſaid, That no perſon ſhall be ſued, or otherwiſe compelled, to yield, give or pay any manner of Tithes, for any mannors, lands, tenements or hereditaments, which by the Laws and Statutes of this Realm, or by any priviledge or preſcription, are not chargeable with the payment of any ſuch Tithes, or that be diſcharged by any compoſition real. 32 H. 8. 7. Sect. 5. N. 1.

Lands diſcharged of Tithe by preſcription or compoſition. Cok. l. 2. f. 44. Plow. f. 277, 349. 8 Ed. 4. f. 13. Fitz. N.B. f. 43. k.

V. Provided always, and be it enacted by the authority aforeſaid, That all ſuch barren Heath or waſte ground, other then ſuch as be diſcharged for the payment of Tithes by Act of Parliament, which before this time have layen barren, and paid no Tithes by reaſon of the ſame barrenneſs, and now be, or hereafter ſhall be improved and converted into arable ground or medow, ſhall from henceforth, after the end and term of ſeven years next after ſuch improvement fully ended and determined, pay Tithe for the Corn and Hay growing upon the ſame; any thing in this Act to the contrary in any wiſe notwithſtanding.

The Tithe of barren heath or waſte ground. 1 El. Dyer f. 170. Coke pl. f. 462.

VI. Provided always, and be it enacted by the authority aforeſaid, That if any ſuch barren, waſte or Heath ground, hath before this time been charged with the payment of any Tithes, and that the ſame be hereafter improved or converted into arable ground or medow, that then the owner or owners thereof, ſhall during the ſeven years next following, from and after the improvement, pay ſuch kind of Tithe as was paid for the ſame before the ſaid improvement; any thing in this Act to the contrary in any wiſe notwithſtanding.

VII. And be it alſo further enacted by the authority aforeſaid, That every perſon exerciſing merchandiſes, bargaining and ſelling, clothing, handicraft, or other art or faculty, being ſuch kind of perſons, and in ſuch places as heretofore within theſe fourty years have accuſtomably uſed to pay ſuch perſonal Tithes, or of right ought to pay (other then ſuch as been common Day-labourers) ſhall yearly at or before the Feaſt of Eaſter, pay for his perſonal Tithes, the tenth part of his clear gains, his charges and expences, according to his Eſtate, condition or degree, to be therein abated, allowed and deducted.

Who ſhall pay their perſonal Tithes.

Handicrafts men having uſed to pay Tithes.

VIII. Provided always, and be it enacted, That in all ſuch places where handicrafts men have uſed to pay their Tithes within theſe fourty years, the ſame cuſtom of paiment of Tithes to be obſerved and to continue; any thing in this Act to the contrary notwithſtanding.

The Ordinary may examine him that refuſeth to pay his Tithe.

IX. And be it alſo enacted by the Authority aforeſaid, That if any perſon refuſe to pay his perſonal Tithes in form aforeſaid, That then it ſhall be lawful to the Ordinary of the ſame Dioceſs where the party that ſo ought to pay the ſaid Tithes is dwelling, to call the ſame party before him, and by his diſcretion to examine him by all lawful and reaſonable means, other then by the parties own corporal Oath, concerning the true paiment of the ſaid perſonal Tithes.

Payment of Offerings.

X. Provided always, and be it enacted by the authority aforeſaid, That all and every perſon and perſons which by the Laws or Cuſtoms of this Realm ought to make or pay their Offerings, ſhall yearly from henceforth well and truly content and pay his or their Offerings, to the Parſon, Vicar, Proprietory, or their deputies or fermors of the pariſh or pariſhes where it ſhall fortune or happen him or them to dwell or abide: and that at ſuch four Offering-days, as at any time heretofore within the ſpace of four years laſt paſt, hath been uſed and accuſtomed for the payment of the ſame, and in default thereof to pay for the ſaid Offerings at Eaſter then next following.

Tithe of Fiſh.

XI. Provided alſo, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend to any pariſh which ſtands upon, and towards the Seacoaſts, the Commodities and occupying whereof conſiſteth chiefly in Fiſhing, and have by reaſon thereof uſed to ſatisfie their Tithes by Fiſh; but that all and every ſuch pariſh and pariſhes, ſhall hereafter pay their Tithes according to the laudable cuſtoms, as they have heretofore of ancient time within theſe fourty years uſed and accuſtomed, and ſhall pay their Offerings as is aforeſaid.

Payment of Tithe by houſes.

XII. Provided always, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend in any wiſe to the Inhabitants of the City of London and Canterbury, and the Suburbs of the ſame, ne to any other Town or place that hath uſed to pay their Tithes by their houſes, otherwiſe then they ought or ſhould have done before the making of this Act; any thing contained in this Act to the contrary in any wiſe notwithſtanding. Latch.

Suits for withholding of Tithes ſhall be in the Eccleſiaſtical Court.
1 Bulſtr. 67.

XIII. And be it further enacted by authority aforeſaid, That if any perſon do ſubſtract, or withdraw any manner of Tithes, Obventions, Profits, Commodities, or other duties before mentioned, or any part of them, contrary to the true meaning of this Act, or of any other Act heretofore made, that then the party ſo ſubſtracting or withdrawing the ſame, may or ſhall be convented and ſued in the Kings Eccleſiaſtical Court, by the party from whom the ſame ſhall be ſubſtracted or withdrawn, to the intent the Kings Judge Eccleſiaſtical ſhall and may, then and there, hear and determine the ſame according to the Kings Eccleſiaſtical Laws: (2) And that it ſhall not be lawful unto the Parſon, Vicar, Proprietory, Owner, or other their fermors or deputies, contrary to this Act, to convent or ſue ſuch withholder of Tithes, Obventions, and other duties aforeſaid, before any other Judge then Eccleſiaſtical. (3) And if any Archbiſhop, Biſhop, Chancellor, or other Judge Eccleſiaſtical, give any ſentence in the foreſaid cauſes of Tithes, Obventions, Profits, Emoluments, and other duties aforeſaid, or in any of them, (and no appeal ne prohibition hanging) and the party condemned do not obey the ſaid ſentence, that then it ſhall be lawful to every ſuch Judge Eccleſiaſtical to excommunicate the ſaid party ſo as afore condemned and diſobeying; (4) in the which ſentence of excommunication, if the ſaid party excommunicate wilfully ſtand and endure ſtill excommunicate by the ſpace of fourty days next after, upon denunciation and publication thereof in the pariſh Church, or the place or pariſh where the party ſo excommunicate is dwelling, or moſt abiding, the ſaid Judge Eccleſiaſtical may then at his pleaſure ſignifie to the King in his Court of Chancery, of the ſtate and condition of the ſaid party ſo excommunicate, and thereupon to require proceſs De excommunicato capiendo to be awarded againſt every ſuch perſon ae hath been ſo excommunicate.

Excommunication of the party condemned.

A copy of the Libel ſhall be delivered to the Judge before a prohibition granted.
1 Leon. 286.
2 Leon. 212.
3 Leon. 257.

XIV. Be it further enacted by the authority aforeſaid, That if any party at any time hereafter, for any matter or cauſe before rehearſed, limited or appointed by this Act, to be ſued or determined in the Kings Eccleſiaſtical Court, or before the Eccleſiaſtical Judge, do ſue for any prohibition in any of the Kings Courts where prohibitions before this time have been uſed to be granted, that then in every ſuch caſe the ſame party, before any prohibition ſhall be granted to him or them, ſhall bring and deliver to the hands of ſome of the Juſtices, or Judge of the ſame Court where ſuch party demanded prohibition, the very true Copy of the Libel depending in the Eccleſiaſtical Court, concerning the matter wherefore the party demandeth prohibition, ſubſcribed or marked with the hand of the ſame party; and under the Copy of the ſaid Libel ſhall be written the ſuggeſtion wherefore the party ſo demandeth the ſaid prohibition: (2) and in caſe the ſaid ſuggeſtion by two honeſt and ſufficient witneſſes at the leaſt, be not proved true in the Court where the ſaid prohibition ſhall be granted, within ſix months, next following after the ſaid prohibition ſhall be ſo granted and awarded, that then the party that is letted or hindred of his or their Suit in the Eccleſiaſtical Court by ſuch prohibition, ſhall upon his or their requeſt and ſuit, without delay, have a conſultation granted in the ſame caſe in the Court where the ſaid prohibition was granted, (3) and ſhall alſo recover double coſts and damages againſt the party that ſo purſued the ſaid prohibition, the ſaid coſts and damages to be aſſigned or aſſeſſed by the Court where the ſaid conſultation ſhall be ſo granted; (4) for which coſts and damages, the party to whom they ſhall be awarded, may have an action of debt by bill, plaint or information in any of the Kings Courts of Record, wherein the Defendant ſhall not wage his or their Law, nor have any eſſoin or protection allowed or admitted.

7 El. Dyer f. 242.
Cro. El. 736.
Cro. Car. 208.
A conſultation granted for default of proving a ſuggeſtion.

Of what things a Judge Eccleſiaſtical ſhall not hold plea.

XV. Provided always, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend to give any Miniſter or Judge Eccleſiaſtical, any juriſdiction to hold plea of any matter, cauſe or thing, being contrary or repugnant to or againſt the effect, intent or meaning of the Statute of Weſtminſter ſecond, the fifth Chapter, the Statutes of Articuli cleri, circumſpecte agatis, Silva ſedua, the Treatiſe, De regia prohibitione, ne againſt the ſtatute of Anno primo Edwardi tertii, the tenth Chapter, or any of them, ne yet hold plea in any matter whereof the Kings Court of right ought to have juriſdiction; any thing therein contained to the contrary notwithſtanding.

13 Ed. 1. 5. 9 Ed. 2. 13. Ed. 1. 45 Ed. 3. 3. 1 Ed. 3. 11. Co. Inſt. 2 p. 663.

XVI. Provided nevertheleſs, where heretofore ſuch a cuſtom hath been in many parts of Wales, that of ſuch cattel and other goods as hath been given with the marriage of any perſon, their tithes have been exacted and levied by the Parſons and Curates in thoſe parts: (2) which cuſtom being diſſonant from any part of this Realm, as it ſeemed when the ſaid Countrey of Wales was through civil diſſention uncuited, for want of other ſufficient profits that might otherwiſe grow to the Curates and Miniſters there, to have been for that time tolerable: ſo now the Countrey being well manured and husbanded, and the Tithe is duly paid there, of Corn, Hay, Wooll and Cheeſe, and of other increaſe of all manner of Cattel, as it is commonly in all other parts of this Realm, the ſame cuſtom ſeems to be grievous and unreaſonable, ſpecially where the Benefices are elſe ſufficient for the finding of the ſaid Miniſters and Curates: (3) that it be therefore enacted by the authority aforeſaid, That from and after the firſt day of May next coming, no ſuch Tithes of marriage goods be exacted or required of any perſon within the ſaid Dominion of Wales, or Marches of the ſame; any thing in this Act contained, or any other Act, cuſtom, preſcription had or made to the contrary hereof notwithſtanding. Cok. Inſt. 159. a.

No Tithes of marriage goods ſhall be paid in Wales, &c.

CAP. XIV.

An Act againſt the ſhooting of hail-ſhot.

Whereas an Act was made in the Three and thirtieth year of the late King of famous memory Henry the Eighth, for ſome liberty to ſhoot in Hand guns, Haques and Harquebuts, by which Act nevertheleſs it was provided, That no perſon ſhould ſhoot in any of the abovesaid pieces, but at a bank of earth, and not at any Deer or Fowl, unleſs the party might diſpend an hundred pound by the year: (2) foraſmuch as the ſaid Act having been deviſed, as it was then thought, for neceſſary exerciſe tending to the defence of the Realm, is grown ſithen to the maintenance of much idleneſs, and to ſuch a liberty, as not only dwelling-houſes, Dove-cotes and Churches are daily damaged by the abuſe thereof, by men of light converſation, but that alſo there is grown a cuſtomable manner of ſhooting of Hail-ſhot, whereby an infinite ſort of Fowl is killed, and much Game thereby deſtroyed, to the benefit of no man, whereby alſo the meaning of the ſaid Statute is defrauded, for that the ſaid uſe of Hail ſhot utterly deſtroyeth the certainty of ſhooting, which in Wars is much requiſite: (3) Be it therefore enacted, That no perſon under the degree of a Lord of the Parliament, ſhall from henceforth ſhoot in any Hand-gun, within any City or Town, at any Fowl or other Mark, upon any Church, Houſe or Dove-cote: (4) neither that any perſon ſhall ſhoot in any place any Hail-ſhot, or any more Pellots then one at one time, (5) upon pain to forfeit for every time that he or they ſhall ſo offend contrary to this Act, ten pound, and impriſonment of his body during three months.

Guns 4. &c. No perſon may ſhoot with an hand-gun in City or Town, at a mark, or elſe ſhoot with hail-ſhot. Anno 33 H 8. 6.

II Provided always, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained, ſhall extend or be prejudicial to any perſon or perſons authoriſed by value of land, to ſhoot in any Hand-gun or Croſs-bow, but that they may ſo do in ſuch form and order as they ſhould do, and might have done before the making of this Act, (Hail ſhot excepted) as indeed that kind of ſhot in the ſaid Act was not meant: (2) and that all and every other perſon or perſons authoriſed to ſhoot, or otherwiſe, if he inhabit in any Town Corporate, be preſented to the Mayor or other Officer of the ſame, and inhabiting in the Countrey, be preſented within one month after the publiſhing of this Act, to the next Juſtice of Peace adjoyning; (3) in which caſes the ſaid Mayor, Juſtice, or other Officer ſo taking their names as is aforeſaid, ſhall again preſent and record the ſame before a Juſtice of the Peace at the next Quarter Seſſions, to the intent the Clerk of the Peace of the County may keep a certain book or Roll of the names of all ſuch perſons, by the which the Kings Majeſty may from time to time be aſcertained, how many meet and able men exerciſed in that feat, be in every County, that the ſame may be employed in his Graces ſervice, as need and occaſſion ſhall require, (4) upon pain that every perſon offending in this Act, in preſuming to ſhoot in any Hand-gun or half-haque, without the preſenting of his name, as is aforeſaid, ſhall forfeit for every ſhot the ſum of twenty ſhillings, the one moiety whereof to be to our Sovereign Lord the King, and the other moiety to him or them that will ſue for the ſame, by bill, action, plaint, information, or otherwiſe: The Officer that ſhould take their names, and preſent the ſame, as is aboveſaid, to incur for the lack of his duty in this part, for every time ſo offending, like pain.

The names of thoſe that ſhoot in hand-guns ſhall be preſented to a Juſtice, and Recorded.

CAP. XV.

The Bill of Conſpiracies of victuallers and craftſmen.

Foraſmuch as of late divers ſellers of Victuals, not contented with moderate and reaſonable gain, but minding to have and to take for their Victuals ſo much as luſt them, have conſpired and covenanted together to ſell their Victuals at unreaſonable prices: (2) And likewiſe Artificers, Handicrafs-men and Labourers, have made confederacies and promiſes, and have ſworn mutual Oaths, not only that they ſhould not meddle one with others work, and perform and finiſh that another hath begun, but alſo to conſtitute, and appoint how much work they ſhall do in a day, and what hours and times they ſhall work, contrary to the Laws and Statutes of this Realm, and to the great hurt and impoveriſhment of the Kings Majeſties Subjects: (3) For reformation thereof, it is ordained and enacted by the King our Sovereign Lord, the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any Butchers, Brewers, Bakers, Poulterers,

Artificers 1. Victuallers conſpiring to ſell their victuals but at certain prices, and labourers conſpiring touching their works, ſhall be puniſhed.

The puniſhment of the Labourers conſpiring touching the times or manner of their work. St. 5 El. 4.

terers, Cooks, Coſtermongers or fruiterers, ſhall at any time from and after the firſt day of March next coming, conſpire, covenant, promiſe or make any oaths, that they ſhall ʒon ſell their victuals but at certain prizes; (4) or if any Artificers, Workmen or Labourers, do conſpire, covenant or promiſe together, or make any oaths, that they ſhall not make or do their works, but at a certain price or rate, or ſhall not enterpriſe or take upon them to finiſh that another hath begun, or ſhall do but a certain work in a day, or ſhall not work but at certain hours and times, (5) that then every perſon ſo conſpiring, covenanting, ſwearing or offending, being lawfully convict thereof by witneſs, confeſſion or otherwiſe, ſhall forfeit for the firſt offence ten pound to the Kings Highneſs, and if he have ſufficient to pay the ſame, and do alſo pay the ſame within ſix days next after his conviction, or elſe ſhall ſuffer for the ſame offence, twenty days impriſonment, and ſhall only have bread and water for his ſuſtenance. (6) And for the ſecond offence ſhall forfeit twenty pound to the King, if he have ſufficient to pay the ſame, and do pay the ſame within ſix days next after his conviction, or elſe ſhall ſuffer for the ſecond offence puniſhment of the Pilory. (7) And for the third offence, ſhall forfeit fourty pound to the King, if he have ſufficient to pay the ſame, and alſo do pay the ſame within ſix days next after his conviction, or elſe ſhall ſit on the Pilory, and loſe one of his Ears, and alſo ſhall at all times after that be taken as a man infamous, and his ſayings, depoſitions or oath not to be credited at any time in any matters of Judgment.

A conſpiracy by a Society or Company of Victuallers.

II. And if it fortune any ſuch conſpiracy, covenant or promiſe to be had and made by any Society, Brotherhood or company of any Craft, Myſtery or Occupation, of the Victuallers above mentioned, with the preſence or conſent of the more part of them, that then immediately upon ſuch Act of conſpiracy, covenant or promiſe, had or made, over and beſides the particular puniſhment before in this Act appointed for the offendor, their Corporation ſhall be diſſolved to all intents, conſtructions and purpoſes.

Which Magiſtrates may inquire of and puniſh offendors.

III. And it is further ordained and enacted by the authority aforeſaid, That all and ſingular Juſtices of Aſſiſe, Juſtices of Peace, Mayors, Bailiffs, and Stewards of Leets, at all and every their Seſſions, Leets and Courts, ſhall have full power and authority to enquire, hear and determine all and ſingular offences committed againſt this Statute, and to puniſh, or cauſe to be puniſhed the offendor, according to the tenor of this Statute.

None of theſe Occupations ſhall be prohibited to work in any Town, though he doth not dwell therein. &c. 3 & 4 Ed. 6. 20.

IV. And it is ordained and enacted by the authority aforeſaid, That no perſon or perſons ſhall at any time after the firſt day of April next coming, interrupt, deny, let or diſturb any free Maſon, rough Maſon, Carpenter, Bricklayer, Plaiſterer, Joyner, Hardhewer, Sawyer, Tiler, Pavier, Glaſier, Lime-burner, Brick-maker, Tile-maker, Plummer, or Labourer, born in this Realm, or made Deniſen, to work in any of the ſaid Crafts in any City, Borough or Town Corporate, with any perſon or perſons that will retain him or them, albeit the ſaid perſon and perſons ſo retained, or any of them, do not inhabit or dwell in the City, Borough or Town Corporate where he or they ſhall work, nor be free of the ſame City, Borough or Town; any Statute, Law, Ordinance, or other thing whatſoever had or made to the contrary in any wiſe notwithſtanding; (2) and that upon pain of forfeiture of five pound for every interruption or diſturbance done contrary to this Statute, the one moiety of every ſuch forfeiture to be to the King, and the other moiety thereof to be to him or them that will ſue for the ſame in any of the Kings Courts of Record, by bill, plaint, action of debt, or information, wherein no wager of Law, eſſoin nor protection ſhall be allowed.

CAP. XVI.

Caſtles. Raſt. 4.

The King ſhall have authority to remove ſuch as have by Letters Patents the keeping of Caſtles, Fortreſſes or Bulwarks, giving to them as good fees, wages and profits, and of ſuch like eſtate, and as good aſſurance in the ſame as they had in the other. EXP.

CAP. XVII.

Attainders, Raſt. 7.

A confirmation of the attainder of Sir William Sherrington, who was indicted and attainted by confeſſion, of high Treaſon, for the counterfeiting of Teſtons to the value of xij. M. li. PR.

CAP. XVIII.

Ibid. 8.

Sir Thomas Seymor, Lord Seymor, Lord Admiral, attainted of high Treaſon, for attempting to get into his cuſtody the perſon of the King, and the government of the Realm, for obtaining many Offices, retaining many men into his ſervice, for making great proviſion of money and victuals, and for endeavouring to marry the Lady Elizabeth the Kings ſiſter, and for perſwading the King in his tender age to take upon him the rule and order of himſelf. All perſons ſhall be paid ſuch debts as the ſaid Lord Seymor did owe them. PR.

CAP. XIX.

An Act touching abſtinence from Fleſh in Lent, and other uſual times.

Holidays 4. Eating of fleſh on certain days and times forbidden.

ALbeit the Kings Subjects now having a more perfect and clear light of the Goſpel, and true Word of GOD, through the infinite mercy and clemency of Almighty GOD, by the hands of the Kings Majeſty, and his moſt noble Father of famous memory, promulgate, ſhewed, declared and opened, and thereby perceiving, that one day, or one kind of meat of it ſelf is not more holy, more pure, or more clean then another, for that all days and all meats be of their nature of one equal purity, cleanneſs and holineſs, and that all men ſhould by them live to the glory of GOD, and at all times, and for all meats give thanks unto him, of which meats none can defile Chriſtian men, or make them unclean at any time, to whom all meats be lawful and pure, ſo that they be not uſed in diſobedience or vice: (2) Yet foraſmuch as divers of the Kings Subjects, turning their knowledge therein to ſatisfie their ſenſuality, where they ſhould thereby increaſe in virtue, have of late time more then in times paſt, broken and contemned ſuch abſtinence, which hath been uſed in this Realm upon the Fridays and Saturdays, the Embring days, and other days, commonly called Vigils, and in the time commonly called Lent, and other accuſtomed times: (3) the Kings Majeſty conſidering that due and godly abſtinence is a mean to virtue, and to ſubdue mens bodies to their ſoul and ſpirit, and conſidering alſo that Fiſhers, and men uſing the trade of living by fiſhing in the Sea, may thereby the rather be ſet on work, and that by eating of Fiſh much Fleſh ſhall be ſaved and increaſed, (4) and alſo for divers other conſiderations and commodities of this Realm, doth ordain and enact, with the aſſent of the Lords Spiritual and Temporal,

Embring days, Lent.

and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all manner of Statutes, Laws, Conſtitutions and Uſages, concerning any manner of faſting or abſtinence from any kinds of meats, heretofore in this Realm made or uſed, ſhall from the firſt day of May next enſuing, loſe their force and ſtrength, and be void and of none effect.

All laws concerning faſting repealed.

II. And alſo that no perſon or perſons, of what eſtate, degree or condition he or they be, ſhall at any time after the firſt day of May, in the year of our Lord God MDXLIX. willingly and wittingly eat any manner of Fleſh, after what manner of kind or ſort it ſhall be ordered, dreſſed or uſed, upon any Friday or Saturday, or the Embring days, or in any day in the time commonly called Lent, nor at any ſuch other day as is or ſhall be at any time hereafter commonly accepted and reputed as a Fiſh-day, within this Realm of England, wherein it hath been commonly uſed for to eat Fiſh and not Fleſh, (2) upon pain that every perſon eating any manner of Fleſh upon any of the ſaid days or times prohibited by this Act, to forfeit for the ſaid firſt offence ten ſhillings of lawful money of England, and alſo to ſuffer impriſonment by the ſpace of ten days, and during the time of his or her ſaid Impriſonment, to abſtain from eating any manner of fleſh.

The penalty for eating of fleſh upon any day uſed commonly as a fiſh-day, 5 El. 5. 27 El. 11.

III. And if any perſon, after he ſhall be lawfully convict of any offence contrary to this Act, doth eftſoons offend contrary to this Act, and be thereof lawfully convict, that then every perſon ſo offending the ſecond time, ſhall for his ſecond offence forfeit twenty ſhillings of lawful money of England, and alſo ſuffer impriſonment by the ſpace of twenty days, and during the time of his or her ſaid Impriſonment to abſtain from eating of any manner of Fleſh, and ſo like pain and impriſonment as often as he or ſhe afterwards ſhall offend.

The penalty for the ſecond offence.

IV. And furthermore it is ordained and enacted by the authority aforeſaid, That Juſtices of Goal-delivery, and Juſtices of Peace, in all and ſingular Counties, Cities, Towns-corporate and other places within this Realm of England, and other the Kings Dominions, ſhall have full power and authority to enquire, hear and determine all and all manner offences that ſhall be committed or done contrary to this Act, in like manner and form as they may enquire, hear and determine any treſpaſs, or other offence againſt the Kings Peace committed or done within the limits or place where they then ſhall be Juſtices of Goal-delivery, or Juſtices of Peace: (2) And the moiety of every ſuch forfeiture ſhall be eſtreated into the Court of Exchequer, in like manner and form as fines for any treſpaſs, or other offence committed againſt the Kings Peace, ought or ſhould be eſtreated: and the other moiety of the ſaid forfeiture ſhall be to him that will ſue for the ſame by bill, plaint, information or otherwiſe, in any of the Kings Courts of Record, in which no eſſoin, protection, or wager of Law ſhall be allowed.

Juſtices of Goal delivery and Peace ſhall determine theſe offences.

V. Provided always, and be it ordained and enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not in any wiſe extend to any perſon or perſons that heretofore hath, or hereafter ſhall have obtained any licence of our Sovereign Lord the King, his Heirs or Succeſſors, (2) nor to any perſon being in great age, and in debility and weakneſs thereby, (3) nor to any perſon being ſick or notably hurt, without fraud or covin, during the time of his or her ſaid ſickneſs, (4) nor to any woman being with child, or lying in child-bed, for eating of ſuch one kind of fleſh as ſhe ſhall have great luſt unto: (5) nor to any perſon being in priſon, for any other offence then for any offence contrary to this Act; (6) neither to any that is, or hereafter ſhall be the Kings Highneſs Lieutenant, Deputy or Captain of any his Majeſties Army, Hold or Fortreſs: but the ſame themſelves may eat Fleſh and licence and permit their Souldiers to do the ſame in times prohibited, upon the want and lack of other kind of victual: (7) neither ſhall extend to St. Laurence Even, St. Marks day, or any other day or even being abrogate, (8) neither to any ſuch as heretofore have obtained any licence in due form of the Archbiſhop of Canterbury.

To what perſons this Statute ſhall not extend.

St. Laurence even, and St. Marks day.

VI. And further be it Enacted by authority aforeſaid, That all Archbiſhops, Biſhops, Archdeacons, and other Officers, or the Officers of any of them, ſhall have power to enquire of the offendors in the premiſſes, and preſent the ſame to ſuch from time to time, as by virtue of this Act have authority to hear and determine the ſame.

VII. Provided always, and be it enacted, That no manner of perſon or perſons be impeached, moleſted or troubled, or ſhall incur any pain, penalty or forfeiture for any offence contrary to the Act before rehearſed, committed or done, except he or they be accuſed, convented or indicted, of and for the ſaid offence, according to the tenour of this Statute, within three months next after the committing of the ſaid offence. 5 & 6 Ed. 6. 3.

Within what time the offendors ſhall be indicted.

CAP. XX.

An Incumbent, for not paying of his Tenths due to the King, the ſame being demanded, ſhall be deprived of that benefice.

WHere in the Parliament holden upon Prorogation at Weſtminſter, the third day of November, in the Six and twentieth year of the Reign of the moſt excellent Prince, King Henry the Eighth, Father to our Sovereign Lord the Kings Majeſty that now is, amongſt other things concerning the Payment of one annual penſion of the tenth part of all poſſeſſions of the Church, Spiritual and Temporal, granted to the Kings Highneſs and his Heirs, it was enacted, ordained and eſtabliſhed, That every Eccleſiaſtical perſon and other, having any Eccleſiaſtical promotion or dignity, ſpecified in the ſaid Act, which did not duly pay the ſaid tenth part, and by reaſon thereof were certified by the Archbiſhop, Biſhop, or other authoriſed in the ſaid Act, ſhould upon ſuch certificate made according to the tenor of the ſaid Act, be judged deprived ipſo facto of all ſuch dignities and promotions Spiritual, that any ſuch Incumbent, making ſuch default, had at the time of any ſuch Certificate made, or at any time after, as by the ſaid Act more plainly may appear.

Eccleſiaſtical perſons 29.

II. Foraſmuch as the pain limitted in the ſaid Statute, in ſuch form and manner as in the ſame is expreſſed, is very ſore and dangerous unto all the Kings faithful and obedient Subjects of the Clergy, whereof divers ſithen the making of the ſaid Statute, intending none other

The inconveniences enſuing by the Stat. of 26 H. 8. 3.

touching deprivation of all a mans Spiritual livings for lack of payment of the Tenth of one.

otherwiſe then moſt willingly and with good heart that payment ſhould be made of the ſaid Tenth by them due, without fraud or delay, to ſuch Officers, and at ſuch time as by the ſaid Statutes is appointed and declared, by the default and negligence of their farmors, and other whom they have truſted to make payment thereof, and by divers other ſiniſter means being certified, or making default of payment thereof, have incurred the pain and danger of the ſaid Statute, with the loſs or deprivations of all the Spiritual promotions whereof they were then Incumbents, being alſo made unable to take any other, to the utter undoing of ſuch perſons and the like peril and danger of many other the Kings moſt humble and faithful Subjects of the Clergy, againſt whom the like things may be practiſed and attempted hereafter: (2) for the moderation of which pain, and to the end that the Kings Majeſty, our Sovereign Lord that now is, and his Heirs and Succeſſors, may be truly anſwered and ſatisfied of the ſaid yearly Penſion or annual Rent of the tenth part, united and knit to his Imperial Crown in manner and form as in the ſaid Act is contained:

The penalty for default of payment of tenths, ſhall be the forfeiture of that only Benefice out of the which the ſame is due.

III. The Kings ſaid faithful and moſt obedient Subjects, the Clergy of this Realm, do moſt humbly beſeech his Majeſty, that it may be enacted and eſtabliſhed by his Highneſs, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any ſum of the ſaid Annual Penſion, being once due, and demanded according to the manner and form ſpecified in the ſaid Act, be not truly contented and paid unto ſuch Archbiſhop or Biſhop, or their Miniſters and Officers, or to ſuch other perſon or perſons, or their miniſters or ſervants, as ſhall have the charge and collection thereof every year yearly at the time of the ſaid Act expreſſed, and thereupon Certificate made into the Kings Majeſties Court of firſt fruits and Tenths, in Writing under the Seals of any Archbiſhop or biſhop, or of ſuch as be limitted and charged to the collection of the ſaid Penſion, by the ſaid former Act, then every Incumbent ſo making default and certified, ſhall be judged deprived *ipſo facto* of that only Dignity, Benefice, or other Eccleſiaſtical promotion, by what name ſoever it be called, whereof ſuch Certificate ſhall be made; (2) So that ſuch Dignity, Benefice, or other Eccleſiaſtical promotion, whereof any Incumbent making ſuch default of payment, ſhall be judged deprived, as is aforeſaid, ſhall be clearly void and deſtitute of Incumbent in the Law, to all intents and purpoſes, as if ſuch Incumbent making ſuch default of payment, were dead indeed.

IV. And that no Incumbent making ſuch default of payment, ſhall be therefore made unable to take or enjoy any other Benefice or promotion Spiritual, or incur any penalty, forfeiture or loſs to be paid by them, their Executors or Aſſigns for the ſame default, other then in this preſent Act is heretofore expreſſed; any thing in the ſaid former Act, or any other Statutes or Acts contained to the contrary notwithſtanding.

V. Provided alway, That the ſaid former Act concerning the payment of the ſaid yearly Rent and Penſion, amounting to the tenth part of every ſuch Dignity, Benefice or promotion Spiritual, and every other Act touching the ſame, and all Articles, Clauſes and Sentences in them, or any of them mentioned, expreſſed or contained, now being in his or their force and effect, other then ſuch as by this preſent Act be already qualified or moderated, ſhall ſtand and abide in all his or their full ſtrength, effect and virtue; any thing in this preſent Act contained notwithſtanding. 1 El. 4.

CAP. XXI.

An Act to take away all poſitive Laws made againſt Marriage of Prieſts.

Matrimony 2. All Laws prohibiting Spiritual perſons to marry, who by Gods Law may marry, ſhall be void.

The benefits which would enſue if Prieſts and Miniſters did live chaſte ſole and unmarried.

ALthough it were not only better for the eſtimation of Prieſts, and other miniſters in the Church of God, to live chaſte, ſole and ſeparate from the company of women, and the bond of marriage, but alſo thereby they might the better intend to the adminiſtration of the Goſpel, and be leſs intricated and troubled with the charge of houſhold, being free and unburdened from the care and coſt of finding wife and children, and that it were moſt to be wiſhed, that they would willingly and of their ſelves endeavour themſelves to a perpetual chaſtity and abſtinence from the uſe of women: (2) yet foraſmuch as the contrary hath rather been ſeen, and ſuch uncleanneſs of living, and other great inconveniencies, not meet to be rehearſed, have followed of compelled chaſtity, and of ſuch Laws as have prohibited thoſe (ſuch perſons) the godly uſe of marriage: It were better and rather to be ſuffered in the Commonwealth, that thoſe which could not contain, ſhould after the counſel of Scripture live in holy marriage, then feignedly abuſe with worſe enormity outward chaſtity or ſingle life:

II. Be it therefore enacted by our Sovereign Lord the King, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every Law and Laws poſitive, Canons, Conſtitutions and ordinances heretofore made by authority of man only, which do prohibit or forbid marriage to any Eccleſiaſtical or Spiritual perſon or perſons, of what eſtate, condition, or degree they be, or by what name or names ſoever they be called, which by Gods Law may lawfully marry, in all and every Article, Branch and Sentence, concerning only the prohibition for the marriage of the perſons aforeſaid, ſhall be utterly void and of none effect, (2) And that all manner of Forfeitures, Pains and Penalties, Crimes or Actions which were in the ſaid Laws contained, and of the ſame did follow, concerning the prohibition for the marriage of the perſons aforeſaid, be clearly and utterly void, fruſtrate and of none effect, to all intents, conſtructions and purpoſes, as well concerning marriage heretofore made by any of the Eccleſiaſtical or Spiritual perſons aforeſaid, as alſo ſuch which hereafter ſhall be duly and lawfully had, celebrate and made betwixt the perſons, which by the Laws of God may lawfully marry.

marriage
ut asking
Church.
Tract.
02. b.
6.

Ma
with
in the
Bract. 4.
cap. 8. fol.
Sect. 4.
Perk. 61. pl. 3

III. Provided always, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend to give any liberty to any perſon to marry without Asking in the Church, or without any Ceremony being appointed by the Order preſcribed and ſet forth in the Book intituled, The Book of common Prayer, and Adminiſtration of the Sacraments, &c. any thing above mentioned to the contrary in any wiſe notwithſtanding. 2 Ed. 6.

F.N.B.1
Dower 1

IV. Provided alſo, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend to alter, change, revoke, repeal, or otherwiſe to diſannul any decree, judgment, ſentence or divorce heretofore had or made, but that all and every ſuch decree, judgment, ſentence and divorce, ſhall remain and be of ſuch like force, effect, ſtrength and degree, to all intents, conſtructions and purpoſes, as they were in before the making of this Act, and as though this Act had never been had ne made; This Act, or any thing therein contained to the contrary in any wiſe notwithſtanding. Stat. 1 Mar. 2. 1 Jac. 25. 5 Ed. 6. 12. Decrees and divorces heretofore made.

C A P. XXII.

An Act concerning colouring of Cuſtoms in other mens names, to the deceit of the King.

Where at the Parliament holden at Weſtminſter, in the firſt year of the Reign of the noble King of famous Memory, Henry the Eighth, it was ordained, eſtabliſhed and enacted by the authority of the ſaid Parliament, That it ſhould be lawful from thenceforth, that every Engliſhman, and all other the Kings Subjects, might in every Port or Haven within this Realm of England, Ireland, and Wales, and the Marches of the ſame, and in the Town of Berwick, where it ſhould happen any merchandiſe to arrive, or to be charged and carried out to cuſtom in his name, all manner of goods and merchandiſe of another Engliſhman, or the Kings Subject: (2) and in like form every merchant ſtranger to cuſtom in his name any goods or merchandiſe of any other merchant ſtranger, ſo that the ſaid merchant ſtranger that cuſtoms the goods of another merchant ſtranger, and the very owner or proprietary of the goods ſo cuſtomed, be charged with like cuſtom, ſubſidy, and other things, ſo that the Kings Grace were not defrauded of his right. Cuſtoms 19.

II. And if any merchant ſtranger or denizen, or any other the Kings ſubject, cuſtom any goods or merchandiſe of any other ſtranger or denizen, or of any other the Kings ſubject, whereby the Kings Grace ſhould loſe his cuſtom, ſubſidy, or other his right or duty; that then the ſaid merchant ſtranger or denizen, or any other the Kings ſubject that ſo taketh upon him or them to do, ſhould forfeit to the King the goods or merchandiſe ſo cuſtomed, (2) and over that, to forfeit to the party or parties in that behalf grieved, as much money as the goods or merchandiſe of the merchant ſtranger, denizen or other the Kings ſubject ſo cauteloſly cuſtomed, amounted unto. A confirmation of the Statute of 1 H. 8. 5. touching cuſtoming of goods in the name of others.

III. And that no Citizen of London, or other the Kings ſubjects inhabiting in the Cinque-ports, or any other being free of Priſage or Butlarage of Wines, by grant, cuſtom, or otherwiſe, ſhould cuſtom no Wines of any perſon or perſons, not being free of any Priſage or Butlarage. (2) And if any perſon free of the ſaid Priſage or Butlarage ſo did; that then the ſaid perſon or perſons that ſo did, ſhould forfeit to the King the double value of the Priſage of the ſaid Wines ſo cuſtomed. (3) And further, that it ſhould be lawful to any perſon and perſons grieved contrary to the ſaid Act, to have an action of debt againſt any perſon or perſons that ſo cuſtomed the goods or merchandiſe in his name, and not in the owners name, of the ſum of the value of the ſaid merchandiſe ſo cuſtomed and forfeited: in the which action no eſſoin or protection ſhould lie, nor the defendant to wage his Law, as by the ſaid former Act more at large doth appear: (4) Sithence the making of which Act, divers perſons, as well ſtrangers and denizens, as the Kings ſubjects, forgetting their bounden duties, to the Kings Highneſs, and nothing fearing the penalties and forfeitures mentioned in the ſaid former Act, do daily deceive the King as well in his cuſtoms and ſubſidies, by payment of cuſtoms and ſubſidies in the names of ſuch perſons, other then ſuch as be the very owners or proprietaries of the goods, wares and merchandiſe of the Priſage or Butlarage of Wines due to the King.

IV. Wherefore be it ordained and enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any ſtranger born, denizen or not denizen, or any the Kings ſubjects, do at any time from or after the laſt day of March next coming, any thing or Act contrary to the true meaning, tenour and purport of the ſame former Act and Statute, that then he and they ſo offending, ſhall loſe and forfeit all his and their own goods and chattels perſonal for ever: (2) the moiety of which forfeiture ſhall be to the King, and the other moiety to him or them that will ſue for the ſame by bill, plaint, action of debt or information, in which bill, plaint, action or information, no wager of Law, eſſoin or protection ſhall be admitted or allowed. The penalty for cuſtoming of other mens goods, whereby the King loſeth his duty.

V. Provided always, and be it enacted by the authority abovesaid, That every ſuch bill, plaint, action or information, ſhall be had and purſued within three years next enſuing any ſuch offence committed or done, or elſe the offenders to be clearly free and diſcharged thereof; any Law or Statute to the contrary had or made notwithſtanding. St. 1 H. 8. 5. 3 H. 7. 7. 1 El. 11.

C A P. XXIII.

The Repeal of an Act made in the 32 year of King Henry the Eighth, which was made, That Marriage contracted in the face of the Church, and conſummate with bodily knowledge, to be deemed lawful, any former Contract notwithſtanding.

Whereas in the two and thirtieth year of the Reign of the late King of famous memory, King Henry the Eighth, becauſe that many inconveniences had chanced in this Realm, by breaking and diſſolving of good and lawful marriages, yea, whereupon alſo ſometime iſſue and children had followed, under the colour and pretence of a former contract made with another, the which contract divers times was but very ſlenderly proved, and often but ſurmiſed by the malice of the party who deſired to be diſſolved from the marriage which they liked not, and to be coupled with another, There was an Act made, That all and every ſuch marriages as within the Church of England ſhould be contracted and ſolemnized in the face of the Church, and conſummate with bodily knowledge, or fruit of chil- Matrimony. Part of the Statute of Pre-contracts repealed. 2 & 3 Ed. 6. 2 Sect. 3. N. 1.

dren or child being had between the parties ſo married, ſhould be by the authority of the ſaid Parliament deemed, judged and taken to be lawful, good, juſt and indiſſoluble, notwithſtanding any pre-contract or pre-contracts of matrimony, not conſummate with bodily knowledge, which either of the perſons ſo married, or both, had made with any other perſon or perſons, before the time of contracting that marriage which is ſolemnized or conſummated, or whereof ſuch fruit is enſued or may enſue, as by the ſame Act more plainly may appear: (2) Sithence the time of which Act, although the ſame was godly meant, the unrulineſs of men hath ungodly abuſed the ſame, and divers inconveniences (intolerable in manner to Chriſtian ears and eyes) followed thereupon, women and men breaking their own promiſes and faiths made by the one unto the other, ſo ſet upon ſenſuality and pleaſure, that if after the contract of matrimony, they might have whom they more favoured and deſired, they could be content by lightneſs of their nature to overturn all that they had done afore, and not afraid in manner, even from the very Church door and marriage-feaſt, the man to take another ſpouſe, and the eſpouſe to take another husband, more for bodily luſt and carnal knowledge, then for ſurety of faith and truth, or having God in their good remembrance, contemning many times alſo the commandment of the Eccleſiaſtical Judge forbidding the parties having made the contract to attempt or do any thing in prejudice of the ſame:

A repeal of ſo much of the Statute of 32 H. 8. 38. as maketh that marriage indiſſoluble which is ſolemnized in the Church, and conſummated with bodily knowledge, and fruit of child.

II. Be it therefore enacted by the Kings Highneſs, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, That as concerning pre-contracts, the ſaid former Statute ſhall from the firſt day of May next coming, ceaſe, be repealed, and of no force or effect, and be reduced to the eſtate and order of the Kings Eccleſiaſtical Laws of this Realm, which immediately before the making of the ſaid Eſtatute in this caſe were uſed in this Realm: (2) ſo that from the ſaid firſt day of May, when any cauſe or contract of marriage is pretended to have been made, it ſhall be lawful to the Kings Eccleſiaſtical Judge of that place, to hear and examine the ſaid cauſe: and (having the ſaid contract ſufficiently and lawfully proved before him) to give ſentence for matrimony, commanding ſolemnization, cohabitation, conſummation and tractation, as it becometh man and wife to have, with inflicting all ſuch pains upon the diſobedients and diſturbers thereof, as in times paſt before the ſaid Statute the Kings Eccleſiaſtical Judge by the Kings Eccleſiaſtical Laws ought and might have done, if the ſaid Statute had never been made; any clauſe, article or ſentence in the ſaid Statute to the contrary in any wiſe notwithſtanding.

III. Provided always, and be it enacted, That this Act do not extend to diſanul, diſſolve, or break any marriage that hath or ſhall be ſo ſolemnized and conſummated before the ſaid firſt day of May next enſuing, by title or colour of any pre-contract, but that they be, and be deemed of like force and effect, to all intents, conſtructions and purpoſes, as if this Act had never been had ne made; any thing in this preſent Act notwithſtanding.

A confirmation of the reſidue of the ſaid Statute of 32 H. 8. 38.

IV. Provided alſo, That this Act do not extend to make good any of the other cauſes, to the diſſolution or diſanulling of matrimony, which be in the ſaid Act ſpoken of and diſanulled, but that in all other cauſes and other things there mentioned, the ſaid former Act of the two and thirtieth year of the late King of famous memory, do ſtand and remain in his full ſtrength and power; any thing in this Act notwithſtanding. Sta. 1 El. 1.

CAP. XXIV.

An Act for Trial of Murders and Felonies committed in ſeveral Counties.

Trials 1. Trials of murders may be in ſeveral Counties.

Foraſmuch as the moſt neceſſary office and duty of Law is to preſerve and ſave the life of man, and condignly to puniſh ſuch perſons that unlawfully and wilfully murder, ſlay, or deſtroy men, and alſo that another office and duty of Law is, to puniſh robbers and thieves, which daily endeavour themſelves to rob and ſteal, or give aſſiſtance to the ſame, and yet by craft and cautele do eſcape from the ſame without puniſhment:

No indictment by the Common Law of the death of him who is ſtricken in one County, and dieth in another.

II. And where it often happeneth and cometh in ure in ſundry Counties of this Realm, That a man is feloniouſly ſtricken in one County, and after dieth in another County: in which caſe it hath not been founden by the laws and cuſtoms of this Realm, that any ſufficient indictment thereof can be taken in any of the ſaid two Counties, for that by the cuſtom of this Realm, the Jurors of the County where ſuch party died of ſuch ſtroke, can take no knowledge of the ſaid ſtroke being in a foreign County, although the ſame two Counties and places adjoyn very near together: ne the Jurors of the County where the ſtroke was given cannot take knowledge of the death in another County, although ſuch death moſt apparently come of the ſame ſtroke: ſo that the Kings Majeſty within his own Realm, cannot, by any Laws yet made or known, puniſh ſuch murderers or manquellers, for offences in this form committed and done; (2) nor any appeal at ſome time may lie for the ſame, but doth alſo fail, and the ſaid murderers and manquellers eſcape thereof without puniſhment, as well in caſes where the Counties where ſuch offences be committed and done, may joyn, as otherwiſe where they may not joyn. (3) And alſo it is a common practice amongſt arrant thieves and robbers in this Realm, that after they have robbed or ſtoln in one County, they will convey their ſpoil, or part thereof ſo robbed and ſtoln, unto ſome of their adherents, into ſome other County, where the principal offence was not committed ne done, who knowing of ſuch felony, willingly and by falſe covin receiveth the ſame: (4) In which caſe, although the principal felon be after attainted in the one County, the acceſſary eſcapeth, by reaſon that he was acceſſary in another County, and that the Jurors of the ſaid other County, by any Law yet made, can take no knowledge of the principal felony, ne attainder in the firſt County, and ſo ſuch acceſſaries eſcape thereof unpuniſhed, and do often put in ure the ſame, knowing that they may eſcape without puniſhment: (5) For redreſs and puniſhment of which offences, and ſafeguard of mans life, Be it enacted by the authority of this preſent Parliament, That where any perſon or perſons hereafter ſhall be feloniouſly ſtricken, or poyſoned in one County, and die of the ſame ſtroke or poyſoning in another County, that then an indictment thereof founden by Jurors of the County where the death ſhall happen, whether it

The trial of a manqueller, that poiſoneth or ſtriketh a man in one County, which dieth thereof in another ſhall be founden before the Coroner, upon the ſight of ſuch dead body, or before the Juſtices of Peace, or other Juſtices, or Commiſſioners which ſhall have authority to enquire of ſuch offences, ſhall be as good and effectual in the Law, as if the ſtroke or poiſoning had been committed and done in the ſame County where the party ſhall die, or where ſuch indictment ſhall be ſo founden; any law or uſage to the contrary notwithſtanding.

Raſt. pla. f. 51. Co. Inſt. 3. par. 133.

III. And that the Juſtices of Goal-delivery, and Oyer and Terminer, in the ſame County where ſuch Indictment at any time hereafter ſhall be taken, and alſo the Juſtices of the Kings Bench, after ſuch indictment ſhall be removed before them, ſhall and may proceed upon the ſame in all points, as they ſhould or ought to do, in caſe ſuch felonious ſtroke and death thereby enſuing, or poiſoning and death thereof enſuing, had grown all in one and the ſame County: (2) And that ſuch party to whom appeal of murder ſhall be given by the Law, may commence, take and ſue appeal of murder in the ſame County where the party ſo feloniouſly ſtricken or poiſoned ſhall die, as well againſt the principal or principals, as againſt every acceſſary to the ſame offences, in whatſoever County or place the acceſſary or acceſſaries ſhall be guilty to the ſame. (3) And further, the Juſtices before whom any ſuch appeal ſhall be commenced, ſued and taken, within the year and day after ſuch murder and manſlaughter committed and done, ſhall proceed againſt all and every ſuch acceſſary and acceſſaries in the ſame County where ſuch appeal ſhall be ſo taken in like manner and form, as if the ſame offence or offences of acceſſary or acceſſaries had been committed or done in the ſame County where ſuch appeal ſhall be ſo taken, as well concerning the trial by the Jurors, or twelve men of ſuch County where ſuch appeal or appeals ſhall be hereafter taken upon the plea of Not guilty pleaded by ſuch offender or offenders, as otherwiſe.

Where an appeal of murder in the caſe aforeſaid ſhall be purſued. 3 Leonard. 146.

Appeal againſt the acceſſary.

IV. And further be it enacted by authority aforeſaid, That where any murder or felony hereafter ſhall be committed and done in one County, and another perſon or mo ſhall be acceſſary or acceſſaries in any manner of wiſe to any ſuch murder or felony in any other County, that then an indictment found or taken againſt ſuch acceſſary and acceſſaries upon the circumſtance of ſuch matter before the Juſtices of the Peace, or other Juſtices or Commiſſioners, to enquire of felonies in the County where ſuch offences of acceſſary or acceſſaries in any manner of wiſe ſhall be committed or done, ſhall be as good and effectual in the Law, as if the ſaid principal offence had been committed or done within the ſame County where the ſame indictment againſt ſuch acceſſary ſhall be found: (2) And that the Juſtices of Goal-delivery, or Oyer and Terminer, or two of them, of, or in ſuch County where the offence of any ſuch acceſſary ſhall be hereafter committed and done, upon ſuit to them made, ſhall write to the Cuſtos Rotulorum, or keepers of the Records where ſuch principal ſhall be hereafter attainted or convict, to certifie them whether ſuch principal be attainted, convicted, or otherwiſe diſcharged of ſuch principal felony; who upon ſuch writing to them, or any of them directed, ſhall make ſufficient certificate in writing under their ſeal or ſeals to the ſaid Juſtices, whether ſuch principal be attainted, convicted, or otherwiſe diſcharged, or not: (3) And after that they ſo ſhall have the cuſtody of ſuch Records, do certifie that ſuch principal is attainted, convicted, or otherwiſe diſcharged of ſuch offence by the Law: That then the Juſtices of Goal-delivery, or of Oyer and Terminer, or other there authorized, ſhall proceed upon every ſuch acceſſary, in the County where ſuch acceſſary or acceſſaries became acceſſary, in ſuch manner and form, as if both the ſaid principal offence and acceſſary had been committed and done in the ſaid County where the offence of acceſſary was, or ſhall be committed or done: (4) And that every ſuch acceſſary, and other offenders above expreſſed, ſhall anſwer upon their arraignments, and receive ſuch trial, judgment, order and execution, and ſuffer ſuch forfeitures, pains and penalties, as is uſed in other caſes of felony; any law or cuſtom to the contrary heretofore uſed in any wiſe notwithſtanding.

Trial of an acceſſary in one County to a felony done in another. 1 Leonard. 27. 3 Inſt. 48.

CAP. XXV.

A Bill for keeping of County-Courts.

Where heretofore in the moſt part of all Shires and Counties within this Realm, the County-court is and hath been uſually kept and holden from month to month, and ſo at every months end, one County: yet albeit in ſome Countries (though not many) the ſaid County-courts are holden from ſix weeks to ſix weeks, by force whereof, the Officers award out proceſs as well for the King, as proceſs for the Peace out of the Kings Bench, as alſo other common proceſs betwixt party and party, and the Atturneys and Solicitors (who ſue the ſame) not knowing the private cuſtom of their particular Shires, which have and uſe their Counties to be holden every ſix weeks, give their proceſs like return as in thoſe Shires which have common cuſtom to hold and keep County-courts every month, whereby the Kings Suits be not only deferred, the Plaintiffs and Demandants delayed of their lawful Actions and Demands, but alſo the ſaid Plaintiffs and Demandants thereby put to double coſt and charge, to the great ignominy and ſlander of the Law, incouraging of the offenders and tranſgreſſors, and the continual impoveriſhing of all thoſe who have cauſe of Suit:

County r. Sheriffs ſhall keep their County-courts monthly.

II. In conſideration whereof, be it enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of October next enſuing this preſent Seſſion of Parliament, no County-court or Courts hereafter to be kept within this Realm, ſhall be longer deferred but one month from Court to Court, and ſo the ſaid Courts from henceforth ſhall be kept every month, and none otherwiſe; Any uſage, cuſtom, ſtatute or law heretofore had or made to the contrary in any wiſe notwithſtanding.

County-courts ſhall be kept monthly.

III. And be it further enacted by the authority aforeſaid, That the Sheriff of Northumberland, from thenceforth ſhall keep the County-court of that Shire in the Town or Caſtle of Alnewick, and in none other place; any latter uſe lately begun and brought in to the contrary notwithſtanding.

Where the County-court of Northumberland ſhall be kept.

C A P. XXVI.

An Act againſt the carrying of White Aſhes out of the Realm.

White Aſhes I. White Aſhes ſhall not be ſhipped or carried over the Sea.

CONſidering that white Aſhes made within the Realm, and other the Kings Dominions and Territories, are very neceſſary and expedient for the making of Sope and Salt-Petre, and for the whiting of Linen Cloth, dying and ſcowring of Woollen Cloth, and for other needful things in the Realm, and that the ſame Aſhes now of late have been commonly conveyed over the Seas, and thereby enhanced in price, and ſo ſcarce, that the Kings loving Subjects cannot have ſufficient of the ſame for any convenient prices: (2) Wherefore be it ordained and enacted by the Kings Highneſs, with the aſſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons after the firſt day of April next coming, ſhall ſhip, lade, carry or convey any White Aſhes towards the parts beyond the Seas, upon pain of forfeiture of ſix ſhillings eight pence for every buſhel of ſuch Aſhes ſo to be ſhipped or laded to be carried or conveyed into the parts beyond the Seas: (3) The moiety of which forfeiture ſhall be to the King, and the other moiety to him or them that will ſue for the ſame in any of the Kings Courts of Record, by Action, Bill, Plaint, or Information, in the which Action, Bill, Plaint, or Information, no wager of Law, Eſſoin or Protection ſhall be admitted or allowed.

The penalty.

C A P. XXVII.

The Bill againſt falſe forging of Iron Gadds, inſtead of Gadds of Steel.

Steel I. None may forge nor ſell Gadds of Iron like in faſhion to Gadds of Steel.

WHere divers perſons of late have deceitfully forged and made of certain Iron called Bilbow Iron, like to the faſhion and manner of Gadds of Steel, and have ſold the ſame ſo forged to divers of the Kings ſubjects for Steel, whereby the greateſt part of edged Tools, Weapons, and other neceſſary things having edges, are of little or no value or goodneſs, to the great hurt of the Kings loving ſubjects: (2) For reformation whereof, be it enacted by the Kings Highneſs, by the aſſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon after the firſt day of May next coming, do forge or make any ſuch Gadds of Iron, or do utter or put to ſale any ſuch Gadds of any Iron, he ſhall forfeit for every Gadd ſo forged, or uttered, or put to ſale, four pence: (3) The moiety of which forfeiture ſhall be to the King, and the other moiety to him or them that will ſue for the ſame in any of the Kings Courts of Record, by action, bill, plaint, or information, in the which action, bill, plaint, or information, no wager of Law, protection or eſſoin ſhall be allowed or admitted.

The penalty.

C A P. XXVIII.

For Fines with Proclamation in the County Palatine of Cheſter.

Fines 13. The force of fines levied of lands in Cheſhire, before the high Juſtice of Cheſter, or the Deputy or Lieutenant.

IN humble wiſe ſhewn unto your Excellent Majeſty, your true and faithful ſubjects and liege men, the inhabitants of your Graces County Palatine of Cheſter, That whereas heretofore by authority of Parliament, divers neceſſary and beneficial Statutes have been made for and concerning the levying of fines with proclamation, which are not only neceſſary for the preſervation of quietneſs and concord amongſt your loving ſubjects, and for the avoiding of ſtrife and contention, but alſo for the great and perfect aſſurance of all ſuch perſons to whom any ſuch fines are levied of any lands, tenements and hereditaments, which ſaid beneficial and neceſſary Statutes do not extend to any fines to be levied within your ſaid County Palatine of Cheſter: (2) In tender conſideration whereof, pleaſeth it your moſt Excellent Majeſty, that it may be enacted by your Highneſs, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and ſingular fines, which at any time hereafter are to be levied or knowledged before the High Juſtice of our Sovereign Lord the King, or of his Heirs and Succeſſors, of his County Palatine of Cheſter for the time being, or before the Deputy or Lieutenant Juſtice there for the time being, of any lands, tenements, or other hereditaments, lying or being within the ſaid County Palatine of Cheſter, (3) which ſhall be openly read and proclaimed three ſeveral days in the open Seſſions, in the preſence of the Juſtice of the ſaid County Palatine of Cheſter for the time being, or before the Deputy or Lieutenant Juſtice there at the ſame Seſſions that the ſame fine ſhall fortune to be ingroſſed, and alſo that ſhall be openly read and proclaimed in the preſence of the Juſtice of the ſaid County Palatine of Cheſter, or before the Deputy or Lieutenant Juſtice there for the time being, at the two next general Seſſions that ſhall be holden in the ſaid County Palatine of Cheſter, before the Juſtice of the ſaid County Palatine, or before the Deputy or Lieutenant Juſtice there, next after the levying and ingroſſing of ſuch ſaid fine, at three ſeveral days in either of the ſaid two Seſſions, after ſuch manner and form as is commonly uſed in the Kings Court of Common Pleas at Weſtminſter, (4) ſhall be of like force, ſtrength and effect in the Law, to all intents, conſtructions and purpoſes, as fines being duly levied with proclamations before the Kings Juſtices of his Common Pleas be, or ought to be of. 43 El. 15.

The force of fines levied before the high Juſtice of Cheſter, of lands in Cheſhire.

C A P. XXIX.

Felony, Raſt. 14. An offender in buggery being attainted by confeſſion, verdict or outlawry, ſhall ſuffer death as a felon, without loſs of lands or goods, or corruption of blood. Rep. 1 M. 1.

C A P. XXX.

Rie, Raſt. 1. The Mayor and Jurates of Rie and Winchelſey in the County of Suſſex, ſhall appoint convenient places to lay on all ballaſt that ſhall be caſt out of any ſhip or other veſſel which ſhall come within the Road, there to receive any Loading: And all ballaſt caſt out of any ſhip, ſhall be laid upon the ſaid appointed place, upon pain of forfeiture of fourty ſhillings for every ton of ballaſt caſt out contrary to the ſame form aforeſaid, PR.

CAP. XXXI.

In the City of Cheſter touching the taking of Recogniſance of Statute Merchant or Acton Burnel.

In their moſt humble wiſe ſhewen unto your Highneſs, your true, faithful and obedient Subjects, the Mayor, Aldermen, Sheriffs and Commonalty of your Graces City of Cheſter, That where before this time the Mayors of the City of Cheſter were appointed and authoriſed to take and receive before the ſaid Mayors, Recogniſances according to the Statutes Merchant, and of Acton Burnel, whereupon were delivered unto the ſaid Mayor, by the Kings Majeſties Progenitors that than were, a ſpecial Seal concerning the ſame; by force whereof the Mayors and other Officers there appointed (time out of mind) have continually uſed and practiſed to take Recogniſances before them, of Statutes Merchant, and Acton Burnel, and enrolled the ſame, which ever hitherto was allowed, permitted, and taken to be good and effectual in the Law; (2) until now of late that ambiguity and doubt hath riſen, by means of certain ſiniſter perſons, more for the defrauding of right, equity and juſtice, then upon any good ground or matter, for their private commodity, becauſe that in all points it doth not follow and agree, according to all the ſtrait words of the Statutes Merchant, and Acton Burnel, as well to the great hurt and ſlander of the ſaid City, as alſo to the decay of the Merchants which have and ſhall lend their Livings, Wares and Money, and great boldneſs of the Debtors to detain the ſame in their hands, to the great decay of the City: (3) Wherefore for the inconvenience thereof, and alſo for the avoiding of the ſaid ambiguity and doubt, It may pleaſe your Highneſs, that it may be by your Grace, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, ordained, and be it enacted by the authority of the ſame, That all and every ſuch Recogniſance of Statutes Merchant, and Acton Burnel, which after the firſt day of May next coming ſhall be taken, knowledged, enrolled, had and ſealed with the ſaid Seal appointed to the ſaid City of Cheſter, before the Mayor of the ſame City for the time being, in like manner as heretofore the Predeceſſors Mayors, and other Officers in the ſaid City have accuſtomed to take, and enroll, and ſeal, ſhall be as good, effectual, and of force in the Law, to all intents, conſtructions and purpoſes, as if the taking of ſuch Recogniſance did fully agree and accord to all intents and purpoſes, with the ſtrait words of the ſaid Statutes of Acton Burnel, and the Statute Merchant: (4) And that upon all Certificates of the ſaid Mayors hereafter, like Proceſs and Execution to be awarded and directed out of the High Court of Chancery and Common place, to all Sheriffs, Mayors, Bailiffs, or other Officers in England or Wales, in as ample manner and form as is uſed elſewhere within this Realm, for any Recogniſance taken upon any of the Statutes aforeſaid; any Law, Statute, Liberty, Franchiſes or Uſage had or uſed to the contrary notwithſtanding.

Statutes 1. Recogniſances acknowledged before the Mayor of Cheſter, ſhall be good.

All Recogniſances of Statute Merchant, &c. acknowledged before the Mayor of Cheſter, ſhall be good in Law.

CAP. XXXII.

An Act to continue certain Statutes.

Where in the Parliament begun and holden at Weſtminſter the xxxj. year of the Reign of our late moſt dread Sovereign Lord King Henry the Eighth, and there by divers Prorogations continued until the xxiv. day of July, in the xxxij. year of the Reign of the ſaid late King Henry the Eighth, there was one Act made and eſtabliſhed for and concerning the reformation of Miſpleading, Jeofailes, and Attorneys, which ſaid Act with the proviſo were made to endure until the laſt day of the next Parliament: (2) And where alſo at the Parliament holden at Weſtminſter in the xxxv. year of the Reign of our ſaid late moſt dread Sovereign Lord, one Act was made, that for non-appearance in Juries, to have de Circumſtantibus: (3) and in the Parliament holden at Weſtminſter in the xxxvij. year of the Reign of our ſaid late moſt dread Sovereign Lord King Henry the Eighth, the ſaid Acts and either of them were continued until the end of the next Parliament: (4) Be it enacted and eſtabliſhed by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the Acts aforeſaid, and either of them, and all Clauſes, Articles and Proviſions in them and every of them contained, ſhall continue and endure in their force and ſtrength for ever. Stat. 4 & 5 P. & M. 7.

Jeofayles 1. Attorney 12. Statute concerning Jeofayles, Miſpleading, Attorneys, and of granting a Tales de Circumſtantibus, at the plaintiffs requeſt ſhall be continued.

CAP. XXXIII.

A Bill for Horſe and Horſe-ſtealers.

Foraſmuch as it is and hath been ambiguous and doubtful upon the words mentioned in one Act of Parliament, made in the firſt year of the Reign of our Sovereign Lord the King, Whether that any perſon being in due form of the Laws found guilty, or othewiſe attainted or convicted for felonious ſtealing of one Horſe, Gelding or Mare, ought to be admitted to have or enjoy the priviledge and benefit of his Clergy and Sanctuary; (2) Therefore it is declared and enacted by the King our Sovereign Lord, and the Lords and Commons in this preſent Perliament aſſembled, and by the authority of the ſame Parliament, That all and ſingular perſon and perſons feloniouſly taking or ſtealing any Horſe, Gelding or Mare, ſhall not be admitted to have or enjoy the priviledge or benefit of his or their Clergy or Sanctuary, but ſhall be put from the ſame, in like manner and form as though he or they had been indicted or appealed for felonious ſtealing of two Horſes, two Geldings, or two Mares, or any other, and thereupon found guilty by verdict of twelve men, or confeſſed the ſame upon their arraignment, or ſtand wilfully, or of malice mute. 37 H. 8. 8. 1 Ed. 6. 12. 5. 10.

Clergy 13. Whoſoever ſtealeth an horſe, &c. ſhall loſe his Clergy.

CAP. XXXIV.

An Act touching the Sheriff of Northumberland to be accomptable for his Office, as other Sheriffs be.

Sheriffs 39.

FOraſmuch as the Sheriffs of the County of Northumberland, which have been named now of long time paſſed, have not accounted to the Kings Highneſs of the iſſues and profits of their Bailiwick in the Kings Highneſs Exchequer, or elſewhere, as other Sheriffs of the ſaid County in old time paſſed have done, nor as the Sheriffs of other Counties of this Realm do at this time, but do yearly receive and take the whole profits thereof to their own uſes, to the great detriment and loſs of the King our Sovereign Lord, both of his Vicountels, and other Ferms anſwerable by the hands of the ſaid Sheriff, and of all other debts, iſſues, fines and amerciaments within the ſaid County, and of all alienations and intruſions, wards, marriages, relief, and ſuch other:

The Sheriff of Northumberland ſhall put in ſureties in the Exchequer for his accompt, as other Sheriffs do.

II. Wherefore be it enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from henceforth all and every ſuch perſon and perſons as ſhall be hereafter named to be Sheriff of the ſaid County of Northumberland, forthwith before he receive his Patent, and before he do exerciſe any part of the ſaid Office, ſhall put in ſufficient ſureties by himſelf, or by his ſufficient deputy or deputies, into the Kings Exchequer, there to enter in Recogniſances in ſuch ſum, and upon ſuch conditions, as to the Lord Treaſurer, and Barons of the ſaid Exchequer ſhall ſeem convenient, in manner and form as all other Sheriffs of other Counties of this Realm do, upon pain of every ſuch Sheriff making default, to forfeit to the Kings Majeſty an hundred pound, to be levied of his goods and chattels, lands and tenements, whereſoever they may be found, to the Kings Highneſs uſe: (2) And that the ſaid Barons from time to time, ſhall cauſe ſuch Proceſs to be made for the King, for the levying of the ſaid hundred pound ſo to be forfeited, to be directed to ſuch perſon and perſons, and in ſuch nature and ſort as to them ſhall ſeem beſt for the King, for the levying thereof; Any thing in this Act, or any other Law, Statute, Uſe, Proviſion or Cuſtom to the contrary notwithſtanding.

How far the Sheriff of Northumberland ſhall be charged.

III. Provided always, and be it enacted by the ſaid authority, That any ſuch Sheriff being ſo bounden as is aboveſaid, ſhall not be accomptable but for his own time, and for the year of his Sheriffwick only, neither ſhall be charged in or upon his Accouut, by any Proceſs, with any Arrearages or Duties due to the Kings Majeſty by any his Predeceſſors in the ſaid Office of Sheriff; Any thing in this Act, or any Law or Uſage, or Prerogative to the contrary notwithſtanding.

CAP. XXXV.

Taxes, Raſt. 27.

A Confirmation of a Subſidy of ſix ſhillings in the pound, granted by the Clergy to the King, to be taken in three years.

CAP. XXXVI.

Ibid. 28.

A Confirmation of a Relief granted to the King by the Temporalty, out of Sheep, Clothes, Goods, Debts, &c, to be paid in three years. EXP. & AL. 3 & 4 Ed. 6. 23.

CAP. XXXVII.

An Act for carrying of Bell-metal out of the Realm.

Braſs 1. No perſon ſhall carry bell-metal, &c. out of this Realm. 33 H. 8. 7.

WHere in the Parliament holden at Weſtminſter, in the three and thirtieth year of our late Sovereign Lord of famous memory, King Henry the Eighth, it was enacted, That no perſon or perſons ſhould carry or convey by water or otherwiſe, any braſs, copper, latton, bell-metal, pan-metal, or gun-metal, or ſhroff-metal, whether it be clean or mixed (tin and lead only excepted) into any part beyond the ſea, or into any outward Realm or Dominion whatſoever it be, upon pain of forfeiture of double the value thereof: (2) And where alſo by the ſaid Statute it was likewiſe enacted, That no perſon or perſons ſhould at any time ſhip or carry any of the ſaid metals, to carry or diſcharge the ſame in any part of this Realm, unleſs ſuch perſon or perſons before the ſhipping thereof did declare and manifeſt unto the Cuſtomers of ſuch a Port or Creek where the ſame metal ſhould be ſhipped, the true weight of all ſuch metal as ſhould be ſhipped, (3) and ſhould alſo make a ſufficient obligation in the Law, in the which he ſhould be bounden to the ſaid Cuſtomer, to the Kings uſe, in ſuch ſum as ſhould amount to the double value of the ſaid metal ſo declared and manifeſted, with condition that the ſame ſhould be diſcharged at ſome Port or Creek within this Realm, and in no other place, upon pain to forfeit the ſame, in manner and form above rehearſed, as by the ſaid Act, amongſt other things, more plainly appeareth.

The penalty for carrying, or for ſhipping to carry any braſs, latton, &c. beyond the ſea.

II. Foraſmuch as the pains and forfeitures in the ſaid Eſtatute are not great enough, and foraſmuch alſo as divers covetous and greedy perſons, having no reſpect or obedience to the Laws, have craftily, and by all ſiniſter means practiſed to defraud the ſaid Eſtatute, ſome by bribing and rewarding the Searchers, Maſters, Purſers, or other Officers of Ships, ſome by ſecret conveying thereof in ſmall Creeks, Sugar-cheſts, Hogſheads or otherwiſe: (2) Be it therefore ordained and enacted, That from and after the Feaſt of Eaſter next coming, no perſon or perſons ſhall carry or convey, or ſhip, to the intent to carry or convey any braſs, copper, latton, bell-metal, pan-metal, gun-metal, or ſhroff-metal, whether it be clear or mixed, (tin and lead only excepted) into any part beyond the ſea, or into any outward Realm or Dominion whatſoever it be, (3) upon pain to forfeit the double value thereof, and ten pound for every thouſand weight of the ſame metal ſo carried and conveyed, or ſhipped, to the intent to be carried or conveyed; the trial whereof ſhall be in like manner and form as in the ſaid former Act is expreſſed.

What he muſt do that ſhippeth metals into one Port of this Realm, to carry to another.

III. And be it further enacted, That no perſon or perſons after the ſaid Feaſt, ſhall ſhip or carry any of the ſaid metals prohibited by this Statute, to carry or diſcharge the ſame in any part of this Realm, unleſs ſuch perſon or perſons before the ſhipping thereof, do declare and manifeſt to the Cuſtomer of ſuch Port or Creek where the ſame metal ſhall be ſhipped, the true weight of all ſuch metals as ſhall be ſhipped, and ſhall alſo before the ſhipping thereof, make a ſufficient obligation in the Law, in which he ſhall be bounden to the ſaid Cuſtomer to the Kings uſe, in ſuch ſum as ſhall amount to the double value, and x. l. for every M. weight ſo declared and manifeſted, with condition, as in the ſaid Statute is appointed and enacted, and ſhall make certificate of the diſcharge thereof, in like manner as in the ſaid Statute is further ordained and enacted.

The penalty of a Cuſtomer offending.

IV. And be it further enacted, That if any Cuſtomer, Comptroller, or their Deputy or Deputies, by covin, or by any other undue mean, will ſuffer any perſon after that the metal is ſhipped or carried, contrary to the meaning of this Act, to make obligation or obligations without dates, for the diſcharge and certificate of their metal, as is aforeſaid, that then ſuch Cuſtomer ſo ſuffering, or receiving ſuch obligation or obligations, ſhall loſe his Office, and the value of the metal, ſo ſhipped or carried.

The penalty of the Maſter of a ſhip which carrieth the metal.

IV. And be it further enacted, That if any Maſter, Owner, Purſer, or Boatſwain of any Ship, do willingly permit or ſuffer any of the metals aboveſaid to be ſhipped contrary to the tenor of this Act, or elſe perceiving any ſuch metals to be ſhipped, do not diſcloſe the ſame within three days after knowledge had, to the Cuſtomer or Comptroller of the ſame Port, or his or their Deputy or Deputies where the ſame is ſhipped, that then every ſuch Owner, Maſter, Purſer or Boatſwain, ſo willingly putting the ſame metal to be ſhipped, or concealing the ſame when he perceiveth it to be ſhipped, ſhall forfeit the double value of the ſame metal ſo ſhipped or carried: (2) And if any Cuſtomer or Searcher do willingly ſuffer any of the metals aforeſaid, to be ſhipped contrary to the meaning of this Act, or elſe having knowledge that it is ſecretly ſhipped or carried, do not ſeiſe the ſame to the Kings uſe, then every Cuſtomer or Searcher ſo offending, ſhall loſe his Office, and the value of the metal ſo ſhipped or carried.

No metal ſhall be laden but where there is a Cuſtomer.

VI. And be it further enacted, That no perſon or perſons ſhall after the ſaid Feaſt, lade, ſhip, or carry into any part beyond the ſea, any of the metals aforeſaid, but only out of ſuch Port or Creek where the Cuſtomer or his Deputy is reſident and dwelling, upon pain of forfeiture of the ſaid metal, and ten pound for every thouſand weight ſo ſhipped or carried; (2) the moiety of all which forfeitures ſhall be to our Sovereign Lord the King, and the other moiety to him or them that will ſue for the ſame by bill, plaint, information, action of debt, or otherwiſe, in any of the Kings Courts, in which no eſſoin, protection, or wager of Law ſhall be admitted or allowed.

A confirmation of the Statute of 33 H. 8 7.

VII. And be it further enacted, That the ſaid Eſtatute made in the ſaid three and thirtieth year of the Reign of the ſaid late King Henry the Eighth, and every Article and Proviſion, being not altered by this Eſtatute, ſhall be good and effectual. 21 H. 8. 10.

CAP. XXXVIII.

The Streets, Lanes, Ways and Cauſeys in Calice, ſhall be paved, and all the Houſes there ſhall be covered with Tiles or Slats. PR.

Paving, Raſt. 5.

CAP. XXXIX.

The Kings general and free Pardon confirmed by Parliament. Except, &c. Exp.

Pardon, Raſt. 46.

Anno tertio & quarto EDWARDI *Sexti.*

ACTS made in the Seſſion of this preſent Parliament, holden upon prorogation at Weſtminſter the fourth day of November, in the third year of the Reign of our moſt dread Sovereign Lord, Edward the Sixth, by the Grace of God, King of England, France and Ireland, Defender of the Faith, and of the Church of England, and alſo of Ireland, in Earth the Supream Head, and there continued and kept till the firſt day of February, in the fourth year of the Reign of our ſaid Sovereign Lord, as followeth.

CAP. I.

An Act that the Lord Chancellor or Lord Keeper of the Great Seal for the time being, to name and appoint the *Cuſtos Rotulorum* throughout all Shires of England, according as in time paſt hath been accuſtomed.

Cuſtos Rotulorum 1. The Lord Chancellor, &c. ſhall name the Cuſtos Rotulorum in every Shire of England and Wales. 37 H. 8. 1.

WHere in the Parliament holden at Weſtminſter in the ſeven and thirtieth year of the Reign of the moſt excellent Prince of famous memory, King Henry the Eighth, it was enacted, that no perſon or perſons ſhould from the making of the ſaid Act, be nominated and appointed to the Office or Offices of Cuſtos Rotulorum, within any Shire of this Realm of England, Wales, or other the Kings Dominions, Marches or Territories of the ſame, but ſuch as ſhould have a Bill ſigned with the Kings hand for the ſame, (2) which Bill ſigned ſhould be a ſufficient Warrant by Authority of the ſaid Act, to the Lord Chancellor of England, and Lord Keeper of the Great Seal for the time being, to make from time to time Commiſſion or Commiſſions aſſigning and authoriſing thereby, the ſame perſon to be Cuſtos Rotulorum, until the King had by another Bill aſſigned with his own hand, appointed and ordained another perſon to have, occupy and exerciſe the ſame Office of Cuſtos Rotulorum, (3) and that the ſaid perſon appointed and aſſigned to be Cuſtos Rotulorum, as is aboveſaid, ſhould and might occupy, exerciſe and enjoy the ſaid Office of Cuſtos Rotulorum by himſelf, or by his ſufficient Deputy learned in the Laws of this Realm, and meet and able to ſupply the ſaid Office, according to the tenor of the ſaid Grant or Commiſſion, as by the ſame Act, among other things, more at large it doth and may appear.

Reaſons why the Cuſtos Rotulorum ſhould be aſſigned by the Lord Chancellor, and not by the King.

II. Since the making of which Statute, divers and many perſons being in the ſaid Offices of Cuſtos Rotulorum, in divers Shires of the Realm, have departed this preſent life, and died, ſo that there hath not come to the hands of the Chancellor of England, or Lord Keeper of the Geat Seal, any bill or bills aſſigned with the Kings Majeſties hand, for the naming, appointing or aſſigning of any new Cuſtos Rotulorum, in the ſame Shires, and ſo the ſaid Offices have remained void for a long time, to the great let of Juſtice; (2) and alſo for that it ſhall be very tedious and much to the moleſting of the Kings Majeſty upon every avoidance of ſuch Cuſtos Rotulorum, by death or otherwiſe, to move his Majeſty for the ſigning of bills for other perſons to be elected, named, choſen and appointed to ſupply the ſaid Offices of Cuſtos Rotulorum, being void: (3) And for that the nomination and appointing of the ſaid Office of Cuſtos Rotulorum, long before the making of the ſaid Statute laſt before rehearſed, did appertain and belong to the Office of the Chancellor of England, or Lord Keeper of the Great Seal for the time being:

The L. Chancellor, or, &c. ſhall appoint the Cuſtos Rotulorum in every Shire.

III. Be it therefore enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that the Chancellor of England, or Lord Keeper of the Great Seal for the time being, ſhall at all time and times hereafter, and from time to time without any bill or bills to be aſſigned with the Kings hand, name, elect, aſſign and appoint ſuch perſon and perſons to be Cuſtos Rotulorum within every Shire of this Realm of England, Wales, and other the Kings Dominions, Marches and Territories of the ſame, or by any of them, as by the diſcretion of the ſaid Lord Chancellor, or Lord Keeper of the Great Seal for the time being, ſhall be thought able and meet to have and exerciſe the ſame: (2) and that the ſaid perſon and perſons ſo to be appointed, elected, named, and aſſigned by the ſaid Lord Chancellor or Lord Keeper of the Great Seal for the time being, ſhall and may occupy, exerciſe and enjoy the ſame Office of Cuſtos Rotulorum, by himſelf, or by his ſufficient Deputy or Deputies, in as ample and large manner and form, as if the ſaid Act had never been had ne made; the before rehearſed Act, or any thing therein contained to the contrary hereof in any wiſe notwithſtanding.

Cuſtos Rotulorum may exerciſe his office by himſelf or his deputy.

IV. Provided alway, and be it enacted by the authority aforeſaid, That all ſuch as now have any of the ſaid Offices of Cuſtos Rotulorum, by the Kings Letters Patents, or Commiſſion to them or any of them made, ſhall and may enjoy, have and exerciſe their ſaid Offices by virtue of the ſame Letters Patents or Commiſſion, by himſelf, or his ſufficient and able Deputy, inſtructed in the Laws of this Realm; any thing in this preſent Act had or made to the contrary notwithſtanding.

The right of other ſaved which have authority to name the Cuſtos Rotulorum,

V. Provided alſo, that it be enacted by the authority aforeſaid, That the Archbiſhop of York, the Biſhop of Durham, the Biſhop of Ely, and every of their Succeſſors, the Chancellor of the Dutchy of Lancaſter for the time being, and all and every perſon and perſons, Corporations and bodies corporated, to whom the Kings Majeſty, or any of his noble Progenitors, by his or their Letters Patents, or Act of Parliament, have given and granted any liberty and authority, or otherwiſe have authority by other lawful means or ways, to ordain, make and conſtitute any of the ſaid Officers of Cuſtos Rotulorum, within any County Palatine or other place, ſhall and may have and enjoy the ſame liberty and authority, according as they have had and enjoyed the ſame; any thing in this preſent Act had or made to the contrary notwithſtanding.

CAP. II.

An Act for true making of Woollen Clothes.

Drapery 45. &c. In Towns not corporate, Juſtices of Peace ſhall appoint Overſeers for the true making of woollen Cloth, &c. The Clothier ſhall ſet his ſeal of lead to his cloth.

FOraſmuch as by the ſleight and ſubtile making of Clothes and Colours within divers parts of this Realm now of late practiſed and uſed, not only great infamies and ſlanders have grown to the ſame Realm, but alſo the Kings Majeſties faithful and true Subjects have ſuſtained great loſs in the uſe and wearing of the ſame Clothes ſo ſleightily and ſubtilly made: (2) For remedy and reformation whereof, be it ordained and enacted by the Kings moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That every Clothier and Cloth-maker, ſhall from the Feaſt of the Annunciation of our Lady next coming, ſet his Seal of Lead to his Cloth, declaring thereby the juſt lengths thereof to be tried by the water.

Stretching of cloth.

II. And that no perſon ſhall from the ſaid Feaſt, ſtrain or ſtretch any ſet Clothes, or any other Cloth above one yard and an half in length, and a quarter of a yard in breadth, upon pain to forfeit xl. s. for every default.

Alt. 5 Ed. 6. 6. 39 El. 20. 43 El. 10. Shrinking of cloth.

III. And that no perſon or perſons ſhall from the ſaid Feaſt, upon pain laſt before remembred, put to ſale any Cloth, which when it ſhall be wet, ſhall ſhrink more then one yard and an half in all the length, and a quarter of a yard in the breadth: (2) and that narrow Streits and Kerſies ſhall not from the ſaid Feaſt be ſtretched above a yard in length, and half a quarter of a yard in breadth, (3) upon the pain for every default therein, xx. s. (4) nor ſhall put to ſale any Cloth, narrow Streit, or Kerſie, the pieces whereof being wet, ſhall ſhrink more then after the ſame ſeveral rates in the whole piece, upon pain to forfeit for every ſuch offence, xx. s.

Dying of cloth.

IV. And further, That no perſon or perſons occupying the Feat of Dying, ſhall dye or alter into Colours, or cauſe to be dyed or altered into Colours, any woollen Clothes, as brown Blews, Pewks, Tawnies or Violets, except the ſame woollen Clothes be perfectly boyled, greined or maddered upon the Woad, and ſhot with good and ſufficient Cork or Orchal, after a due, ſubſtantial and ſufficient manner of workmanſhip, according to the ancient workmanſhip in time paſt uſed, upon pain for every default to forfeit xx. s.

Dying of wooll.

V. Nor that any perſon ſhall from the ſaid Feaſt, dye any wooll to be converted into Cloth, called ruſſets, muſters, marbles, grays, ropes, and ſuch like colours, or to be converted and made into Hats or Caps, unleſs the ſame wooll be perfectly woaded, boyled and maddered according to the true and ancient uſage, upon the pain of forfeiture for the falſe dying of every ſuch Cloth, or of as much wooll as ſhall ſerve for the making of every Cloth contrary to the true meaning hereof, xl. s. (2) Nor ſhall dye with Braſel, to the intent to make a falſe Colour in Cloth or Wooll, Hats nor Caps, upon pain for every default to forfeit xx. s.

No deceivable thing ſhall be put upon cloth.

VI. And that no perſon or perſons ſhall after the ſaid Feaſt, put any flocks, chalk, flower or ſtertch, or any other deceivable thing, upon any ſet Cloth, or upon any other Cloth or Clothes coloured or uncoloured, upon pain to forfeit for every ſuch offence, xl. s.

No iron cards or picards.

VII. And that no perſon ſhall from the ſaid Feaſt, occupy any Iron Cards, or Picards, in rowing of any ſet Cloth, or any manner of woollen Cloth, upon pain to forfeit as well the ſaid Iron Cards, or Picards, as alſo the ſum of xx. s. for every ſuch offence.

Meaſure of cloth. 6 H. 8. 6.

VIII. Nor that any perſon ſhall from the ſaid Feaſt, ſell any Cloth by any leſs meaſure then after the true content thereof, to be meten and meaſured by the yard, adding to every yard one inch of the rule, according to the Statute made in the ſixth year of the Reign of the moſt worthy Prince of moſt famous memory, King Henry the Eighth, Father unto our

Sovereign

Preſſed cloth.

Sovereign Lord the King that now is, upon pain to forfeit for every yard of cloth ſo put to ſale by any leſs meaſure, ſix ſhillings eight pence: (2) And that no perſon ſhall from the ſaid Feaſt, put to ſale here within the Realm, either by retail or otherwiſe, any cloth being preſſed, to be occupied and worn here within the Realm of England, Wales, or Ireland, upon pain of forfeiture of the ſame cloth, or the value thereof, that have been ſo preſſed and put to ſale, as is laſt before remembred.

Overſeers appointed by Juſtices of Peace, or chief Governours of Corporate Towns.

IX. And for the better execution of this Statute, Be it enacted by the authority aforeſaid, That in every Town, Village or Hamlet, being not corporate, where any cloth ſhall be made or ſold, the Juſtices of the Peace of the ſame Shire where any ſuch Town, Village or Hamlet is, or two of them at the leaſt; and in every City, Borough or Town-corporate, the head Officer or Officers of every of the ſame City, Borough or Town-corporate, together with the Wardens of the Cloth workers, or two of them at the leaſt, ſhall have full power and authority by virtue of this Act, once every year to convent, and call before them by their precept or otherwiſe, two, four, ſix, eight or more, as they ſhall think good by their diſcretion, of the moſt honeſt, diſcreet, and indifferent men of every ſuch City, Borough, Town, Village or Hamlet where any cloth ſhall be made or ſold, and them ſhall conſtitute, ordain and appoint to be Overſeers for one whole year then next following, within the City, Borough, Town, Village or Hamlet where the ſame Overſeers ſhall be dwelling, charging them alſo upon their Oaths, and as they do tender the honour of the Realm, and the Commonwealth of the ſame, that they do endeavour themſelves for that year, as much as in them ſhall lie, to ſee that this Statute be truly obſerved and kept within the limits of their charge in every part thereof.

The Overſeers duty.

The forfeiture for defaults in cloth, and who ſhall have them.

X. And that the ſame Overſeers, or two of them, ſhall every quarter of the ſaid year at the leaſt, or ſo often as need ſhall require, by their diſcretions, by force hereof, viſit, and go into every Clothiers, Drapers, Clothworkers, Dyers, and Preſſors Houſes, Shops, and other places where cloth or dyed wooll ſhall be, and there to make due ſearch, and to view the clothes and woolls made or dyed, or remaining to be ſold, and to ſearch and try, as well whether the ſaid clothes be drawn or ſtrained, or falſly dyed, as alſo of all other the defaults before ſpecified, committed or done contrary to the true meaning of this Act: (2) And if upon the ſearch, the clothes be found drawn or ſtrained, or the cloth or woolls falſly dyed or coloured, or any other of the ſaid faults committed or done contrary to the true meaning of this ſtatute; that then the ſaid ſeveral forfeitures to incur upon the party or parties which ſhall offend in the ſame or in any of them; (3) the one half of all which forfeitures to be unto the King our Sovereign Lord, his Heirs or Succeſſors, and the other half to ſuch of the ſaid Overſeers as doth find the ſaid defaults or cauſes of forfeitures, and that will ſue for the ſame in any of the Kings Courts of Record, or before the Juſtices of Peace within any ſuch City, Borough or Town-corporate, or before the Juſtices of Peace within any Shire where any ſuch forfeitures ſhall be had out of any City, or Town-corporate; the ſame ſuit to be purſued by Bill, Plaint, Action of Debt, Information, or otherwiſe; and in which ſuit no Wager of Law, Eſſoin or Protection ſhall be allowed for the Defendant.

XI. And if the ſaid Overſeers ſhall be negligent, and will not ſue for the ſame forfeitures by the ſpace of one half year next after the cauſe of the ſame forfeitures committed and done, that then the one half of the ſame forfeiture to be unto our Sovereign Lord the King, his Heirs or Succeſſors, and the other half for him which will ſue for the ſame, as is aforeſaid, within one other half year next after ſuch default be had by the ſaid Overſeers.

The forfeiture of him which refuſeth to be Overſeer.

XII. And if any the ſaid perſons ſo commanded to appear to be made Overſeers, as is aforeſaid, and having no reaſonable excuſe do refuſe to come, and to take upon him or them to be an Overſeer, as is aforeſaid, that then every ſuch perſon refuſing, and having no reaſonable excuſe ſo to do, to forfeit for every ſuch refuſing, fourty ſhillings, the one half thereof to be to the King our ſaid Sovereign, his Heirs or Succeſſors, and the other half to the Juſtices of Peace, or other head officer or officers by whoſe commandment he was commanded to appear, or to be an Overſeer, (2) and the ſame Overſeer ſo offending, to remain in the ward of the Sheriff, until ſuch time as he have made payment of the ſaid forfeiture, or otherwiſe put in ſufficient bond for the ſatisfaction of the ſame. (3) And if the ſame Overſeers, or two of them at the leaſt, do not once every quarter of the year, make due ſearch for the true executing of this Statute; That then every of the ſaid Overſeers to forfeit for every ſuch default ten pound, the one half to be to the Kings Highneſs, his Heirs or Succeſſors, and the other half to him that will ſue for the ſame by Bill, Plaint, Action of Debt, Information, or otherwiſe; In which ſuit no Eſſoin or Protection ſhall be allowed for the Defendant. (4) And if the ſaid Overſeers ſhall be interrupted, and, and not ſuffered to enter into the ſaid Houſes, Shops, or other places where any ſuch clothes or woolls ſhall be made or dyed, or any other of the ſaid defaults ſhall happen to be done or committed, there to make ſearch for the better executing of this Statute, that then every one that ſo ſhall make any ſuch interruption, ſhall forfeit twenty pound, the one half of which forfeiture to be to our ſaid Sovereign Lord the King, his Heirs or Succeſſors, and the other half thereof to be to the ſaid Overſeers to whom any ſuch interruption ſhall be made, and the ſame to be obtained and purſued for, in ſuch manner and form as before in this Act is expreſſed, for the recovery of other the ſaid forfeitures.

The forfeiture for the interruption of the Overſeers.

XIII. Provided always, and be it enacted by the authority aforeſaid, That it ſhall and may be lawful to every perſon and perſons, to put to ſale any Cloth or Clothes, made, dyed, or preſſed, which before the ſaid Feaſt of the Annunciation of our Lady, ſhall be made, dyed, or preſſed at any time within one year next after the ſaid Feaſt of the Annunciation of our Lady, ſo as the Aulnager or his Deputy, or other head Officer in any ſuch City, Borough, Town, Village or Hamlet, do put ſome notorious mark to every ſuch Cloth, whereby the ſame may be known to be made before the ſaid Feaſt of the Annunciation of our Lady next coming.

XIV. Provided alſo, That no manner of perſon ſhall take any advantage of any of the ſaid

for-

Within what time the forfeiture ſhall be taken.

forfeitures by reaſon of this Statute, unleſs the ſame perſon doth commence his ſuit within one year next after the ſaid offences and forfeitures committed.

Clothes ſhall be marked with the letter E crowned.

XV. And to the intent that all ſuch clothes as ſhall be made within this Realm, or any other of the Kings Dominions, after the ſaid Feaſt, ſhall be the better known from the other clothes made before the ſame time, Be it therefore enacted by the authority aforeſaid, That every Clothier ſhall before ſuch time as he ſhall put his cloth to ſale, being made after the ſaid Feaſt, cauſe every cloth to be marked with a letter E crowned, wrought in the cloth, upon pain of forfeiture for every cloth ſo being ſold, and not marked with the ſaid letter E by any ſuch clothier, xx. s. the one half of which forfeiture to be to our Sovereign Lord the King, his Heirs or Succeſſors, and the other half to him that will ſue for the ſame in manner and form before rehearſed.

CAP. III.

An Act concerning the Approvements of Moors and waſte grounds.

Approvements 5. Every perſon bringing an Aſſiſe upon any branch of either of the ſtatutes touching approvement of waſtes, &c. ſhall have treble damages. 20 H. 3. 4.

WHere in the Parliament holden at Merton in the twentieth year of the Reign of King Henry the third, it is contained, That for becauſe many great men of England which had enfeoffed Knights, and other their free Tenants of ſmall Tenements in their great Manors, did complain that they might not make their profits of the reſidue of their Manors, as of waſte Woods and Paſtures, where the ſame Feoffees had ſufficient Paſture, as much as belonged unto their tenements, (2) it was provided and granted, That whatſoever perſons ſo enfeoffed, brought Aſſiſe of novel diſſeiſin, of their common of paſture, and before the Juſtices it were Recognized, that they had as much paſture as did ſuffice unto their tenements, (3) and that they had free ingreſs and egreſs into and from their tenements unto their paſture, that then they ſhould therewith be contented, and that they upon whom they had complained, ſhould depart quiet with that, that they might make their profit of their Lands, Waſtes, Woods and Paſtures; (4) and if it were ſaid that they had not ſufficient Paſture, or ſufficient ingreſs and egreſs, as much as doth belong unto their Tenements, as is aboveſaid, that then the truth thereof ſhould be enquired by Aſſiſe; (5) and if it were recognized by the Aſſiſe, that their ingreſs and egreſs were in any thing letted by the ſame deforciators, or that they had not ſufficient paſture, and ſufficient ingreſs and egreſs, as is aboveſaid, that then they ſhould recover their ſeiſin by view of the Jurors, ſo that by the diſcretion and oath of them, the complainants ſhould have ſufficient paſture, and ſufficient ingreſs and egreſs, in form aforeſaid, and that the diſſeiſors ſhould be in amerciament of the King, and ſhould yield damages as they were wont to do before the ſame proviſion: (6) And if it were recognized by the Aſſiſe, that the complainants had ſufficient paſture, with free ingreſs and egreſs, as is above mentioned, That then the other might lawfully do their profit of the reſidue, and ſhould go quit from the ſame Aſſiſe, as in the ſaid Eſtatute more plainly appeareth:

By the Stat. 13 Ed. 1. c. 46. Lords of manors may approve againſt their neighbours.

II. And where alſo in the Parliament holden at Weſtminſter after Eaſter, the thirteenth year of the Reign of King Edward the firſt, it was ordained, That where in the ſtatute made at Merton, it was agreed, That Lords of Waſtes, Woods and Paſtures, might approve themſelves of their Waſtes, Woods and Paſtures, notwithſtanding the gainſaying and contradiction of their tenants, while the ſame tenants had ſufficient paſture to their tenements, with free ingreſs and egreſs into and from the ſame; (2) And for that no mention was made between neighbour and neighbour, many Lords of Waſtes, Woods and Paſtures, unto that time were let by contradiction or gainſaying of neighbours, having ſufficient Paſture: (3) And forasmuch as foreign tenants have no greater right of commoning in the Wood, Waſte or Paſture of any Lord, then the proper tenants of the ſame Lord, (4) it was from henceforth ordained, That the ſaid ſtatute provided at Merton, between the Lord and his tenants, ſhould have place from thenceforth between the Lords of Waſtes, Woods and Paſtures, and Neighbours; ſaving ſufficient paſture to their men and neighbours, ſo that the Lords of the ſame Waſtes, Woods and Paſtures, may approve themſelves of the reſidue, (5) and that the ſame ſhould be obſerved of them that claim paſture, as pertaining to their tenements; (6) But if any man claim common of paſture by ſpecial Feoffment or Grant, to a certain number of Beaſts, or otherwiſe then of common right he ought to have it, where covenant doth abrogate the law, he ſhall have ſuch recovery as he ought to have by form of the grant to him made: (7) And that by occaſion of a Windmill, Sheephouſe, Dairy, augmentation or increaſe of any Court neceſſary, or Curtilage, from thenceforth no man ſhould be grieved by Aſſiſe of novel diſſeiſin of common paſture. (8) And forasmuch as it happeneth ſometime, that ſome man having right to approve to himſelf, hath made or levied a ditch or a hedge, and other by night, or ſuch other time, when they believe their deed ſhould not be known, do or will caſt down the ſame ditch or hedge, and that it cannot be known by verdict of Aſſiſe or Jury, who did caſt down the ſame ditch or hedge, nor the men of the next Town will indict them that be guilty of the ſame deeds, then the next Townſhip adjoyning about the ſame ſhall be diſtrained to levy and make up the ſame ditch or hedge at their proper coſts, and to yield damages, as in the ſaid eſtatute amongſt other things more plainly appeareth:

For what cauſes any may approve common. A ditch or hedge of ground approved, caſt down by perſons unknown.

A confirmation of the foreſaid Stat. of Merton and Weſt. 2.

III. And forasmuch as the aforeſaid eſtatutes been thought beneficial for the Common wealth of this Realm of England, Be it enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every the ſaid Statutes, and all branches, clauſes, articles, ſentences, matters and points contained and ſpecified in them, and every of them, now not repealed, ſhall from henceforth be good and effectual, and alſo ſtand and be in their full ſtrength, force and effect.

Treble damages upon an Aſſiſe of common of paſture, &c.

IV. And becauſe that ſuch perſons as ſhall bring an Aſſiſe of novel diſſeiſin upon the ſaid eſtatutes, or upon any of them, ſhall by force of the eſtatute, recover but only ſingle damages, which is thought to be a ſmall recompence for the ſame: (2) Therefore be it enacted by the authority aforeſaid, That ſuch perſon and perſons as ſhall at any time hereafter bring Aſſiſe upon any branch or article of the ſaid eſtatutes, or any of them, and have judgment to recover, ſhall have his or their damages trebled by the judgment of the Court where ſuch Aſſiſe and judgment ſhall be had.

V. And where in divers Countries of this Realm, there hath been builded upon Commons or waſte grounds, certain neceſſary houſes with ground, under the quantity of three acres, and not above three acres encloſed to and with the ſame; and in ſome place there is encloſed a Garden, Orchard or Pond, out of, or in ſuch waſtes or grounds, which exceed not the quantity of two acres, or thereabouts, which doth no hurt, and yet is much commodity to the owner thereof, and to others, (2) Be it therefore enacted by the authority aforeſaid, That the two former Acts, nor any of them, nor any thing in them contained, ſhall extend to any ſuch houſe, ground, or other thing ſo incloſed, as is laſt herein before mentioned, ne ſhall cauſe any perſon or perſons to loſe or forfeit any pain, damage or penalty for the ſame.

Houſes builded upon waſtes with three acres of ground.

VI. Provided always, and be it enacted, That if any ſuch houſe hath been heretofore builded upon any ſuch waſte ground as is aforeſaid, and that there be above the number of three acres encloſed to the ſame, that then the ſaid houſe and three acres, parcel of the ſame encloſure, ſhall ſtill remain, ſtand, abide and continue in like, and the ſame form and degree as it now doth, and that the overplus of the ſaid three acres ſo encloſed, as is aforeſaid, ſhall and may be laid open by the owner or owners of the ſame waſtes; Any thing in this Act, or in any of the ſaid former Acts to the contrary in any wiſe notwithſtanding.

The overplus above three acres ſhall be laid open.

CAP. IV.

An Act concerning Grants and Gifts made by Patentees out of Letters Patents.

Where the right Noble and famous King of full worthy memory, King Henry the Eighth, Father to our moſt dread and now natural Sovereign liege Lord, ſithence the fourth day of February, in the ſeven and twentieth year of his late Reign, and alſo the Kings moſt excellent Majeſty, by their ſeveral Letters Patents, have given, granted, bargained, ſold and exchanged, to and with divers and ſundry the Subjects of this Realm, bodies politick and corporate, in fee-ſimple, fee-tail, for term of life or years, divers honours, caſtles, manors, lands, tenements, and other hereditaments and offices; (2) after and ſince which grants, bargains, ſales and exchanges, divers of the ſaid Patentees, their heirs, ſucceſſors or aſſigns, have bargained, ſold, given, exchanged, or demiſed divers particular parts, parcels or portions of the ſaid Honours, Caſtles, Manors, Lands, Tenements, Hereditaments and Offices, or other things thereunto appertaining or belonging, to other perſon or perſons, bodies politick or corporate, that is to ſay, to ſome of them in fee-ſimple, to ſome other in fee-tail, for term of life or years, or otherwiſe, (3) and after the ſame Patentees, for conſiderations them moving, have ſurrendred or given up their ſaid Letters Patents into the Chancery, or otherwiſe the ſame Letters Patents have been forfeited by attainder, loſt, cancelled, imbeziled, or by other ways or means have come to the hands of the Kings Majeſty his late Father; (4) And thereupon oft-times the enrollment of the ſame hath been made void and fruſtrate, ſometime in part, and ſometime in the whole, (5) by reaſon whereof ſuch perſons, bodies politick or corporate, as have had intereſt or title in or to the ſame caſtles, manors, or particular portions or parcels of the ſame ſo to them given and granted, have been in times paſt, and in time to come are like to be diſherited, or in danger of loſs of their intereſt, in or to the ſame, to their no little hinderance and peril:

Exemplification I. Grants made by Patentees, out of Patents, ſhall be good.

II. For remedy whereof, be it ordained, eſtabliſhed and enacted by the Authority of this preſent Parliament, That all and every perſon and perſons, bodies politick or corporate, which lawfully ſhall or may claim by force of any Patent or Patents made ſithence the fourth day of February, or hereafter to be made by the Kings Majeſty, his heirs or ſucceſſors Kings of this Realm, or by any of them, (2) and all other that now have, or hereafter ſhall happen to have any good or lawful eſtate, right, title, rent, profit, intereſt or poſſeſſion, of, in, to (3) or out of any Honours, Manors, Lands, Tenements, Hereditaments, or Offices, or of other things, to any of the premiſſes appertaining or belonging, or to any part, parcel or member of them or any of them, by, from or under any ſuch Patentee or Patentees, or any of them, or by, from, or under the heirs, ſucceſſors or aſſigns of them or any of them, (4) or by, from, or under the eſtate of any others which had, have, or hereafter ſhall have the eſtate, title, or intereſt of any ſuch Patentee or Patentees, or by any other means under the date of ſuch Letters Patents, (5) ſhall and may at all times hereafter, in any the Kings Courts, his heirs or ſucceſſors, and elſewhere, by virtue of this preſent Act, make and convey unto themſelves Title by way of Declaration, Plaint, Avowry, Title, Barr, or otherwiſe, as well againſt the Kings Highneſs, his heirs and ſucceſſors, and every of them, as againſt any other perſon or perſons, unto the ſaid Honours, Caſtles, Manors, Lands, Tenements, Offices, and other the premiſſes, or any part or parcel of the ſame, unto them, or any their predeceſſors or anceſtors, or others whoſe eſtate they have in the ſame, by, from or under the ſaid Patentees, or any of them, or the heirs, anceſtors or aſſigns of any of them, or otherwiſe under the date of the ſaid Letters Patents, compriſed and contained in any exemplification or conſtat thereof made or to be made, by the ſhewing forth of the ſaid exemplification or conſtat of the Roll, or of ſo much thereof as ſhall ſerve for the matter in variance, under the great Seal of England: (6) And the ſame exemplification or conſtat of the ſaid enrollment ſo (as is aforeſaid) pleaded and ſhewed, ſhall be of like and the ſame force and effect, to all intents and conſtructions in the Law, as the ſaid firſt Letters Patents were and ſhould be of, if the ſame were or ſhould be pleaded or ſhewed. 13 El. 6.

3 Leonard. 165. An exemplification of the Kings Letters Patents under the great Seal, ſhall be of as good force as if the ſame Letters Patents were ſhewed.

CAP. V.

It ſhall be high Treaſon for twelve perſons or above, being aſſembled together, to attempt to kill or impriſon any of the Kings Council, or to alter any laws, and to continue together by the ſpace of an hour, being commanded by a Juſtice of Peace, Mayor, Sheriff, &c. to return. And it ſhall be Felony for twelve perſons or above, to practiſe to deſtroy any Park, Pond, Conduit, or Dove-houſe, or to have common or way in any ground: Or to pull down any Houſes, Barns or Mills: Or to

Riots, Raſt. 8.

burn any ſtack of Corn: Or to abate the Rents of any Lands, or the prices of any Victual, and to continue together an hour, being commanded by a Juſtice of Peace, Sheriffs, Bailiff, &c. by Proclamation, to return, EXP. St. 7 Ed. 6. 11. & REP. 1 M. 12.

CAP. VI.

Cordwayners, Raſt. 21.

All Artificers uſing the cutting of Leather, may buy and ſell all tanned Leather, ſo that they convert the ſame into made wares, notwithſtanding the Statute of 2 & 3 Ed. 6. 9. EXP. St. 1 M. 13.

CAP. VII.

An Act for the Repeal of the Statute made in the 25th of King Henry the Eighth, touching the taking of Wild Fowl at certain times of the year.

Wild Fowl, Raſt. 1. Part of the Statute concerning taking of Wild Fowl with nets and other engines, repealed. 25 H. 8. 11.

Whereas in the five and twentieth year of the reign of your Majeſties Father, of moſt famous memory, King Henry the Eighth, an Act was made containing two branches, whereof the one was againſt the taking of Wild Fowl between the laſt day of May and the laſt day of Auguſt, with any nets or engines, upon a pain limited thereupon, as in the ſaid Statute more largely doth appear: (2) Foraſmuch as the occaſion of the ſaid branches appeareth ſithen to have riſen but upon a private caſe, and that no manner of common commodity is ſithen perceived to be grown of the ſame, being notably by daily experience found and known, that there is at this preſent leſs plenty of fowl brought unto the markets then was before the making of the ſaid Act, which is taken to come of the puniſhment of God, whoſe benefit was thereby taken away from the poor people that were wont to live by their ſkill in taking of the ſaid fowl, whereby they were wont at that time to ſuſtain themſelves, with their poor houſholds, to the great ſaving of other kinds of victual, of the which aid they are now deſtitute, to their great and extream impoveriſhing. (3) Humbly beſeeching your Grace your Majeſties true and faithful Subjects, eſpecially ſuch as have their places of Habitation nigh unto the Fens, that all that branch of the ſaid Act, made in the ſaid five and twentieth year of your Graces ſaid Father of moſt noble memory, touching the taking of Wild Fowl, in manner as is aboveſaid, may be from henceforth by your Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, repealed, and utterly void and of none effect, with all and every article, ſentence, matter, pains and forfeitures contained, or otherwiſe mentioned in the ſaid branch, as if the ſame Act had never been had ne made.

No perſon ſhall deſtroy or take away the eggs of any Wild Fowl.

II. Provided, and be it enacted by the authority aforeſaid, That one other branch contained in the ſaid Act, concerning ſuch perſons as ſhall preſume by day or night willingly to withdraw, purloyn, take, deſtroy, or convey any manner of eggs of any kind of Wild Fowl, from or in any neſt, place or places where they ſhall chance to be layed by any kind of Wild Fowl, with every article, ſentence, matter, pains, forfeitures and proviſions contained or mentioned in this ſaid laſt branch, ſhall ſtand in full ſtrength and effect, to all purpoſes, intents and conſtructions, as if this preſent Act had never been had nor made.

CAP. VIII.

An Act for continuance of the Statute of Sewers.

Sewers, 1. 8, 19 The Statute of Sewers ſhall be continued 23 H. 8. 5.

Where in the Parliament holden at Weſtminſter by Prorogation, the fifteenth day of January, in the three and twentieth year of the moſt victorious Reign of our late Sovereign Lord King Henry the Eighth, among other things, one general Act concerning Commiſſions of Sewers, to be directed into all parts within this Realm, was enacted and made to continue and endure for twenty years then next following, as by the ſame Act more at large it doth and may appear: (2) And foraſmuch as the ſame Act is thought good and beneficial for the Common-wealth of this Realm, Be it therefore enacted and ordained by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid Act, and all clauſes, articles and proviſions in the ſame contained, ſhall continue and endure in their force and ſtrength, and to be obſerved and kept for ever, in ſuch manner and form as ſhall and may ſtand with the ſequel and additions hereafter mentioned.

All ſums of money rated by force of the Commiſſion of Sewers, upon any of the Kings Land, ſhall be leviable by diſtreſs.

II. And be it further enacted and eſtabliſhed by the authority aforeſaid, That all ſcots, lots, and ſums of money hereafter to be rated and taxed by virtue of ſuch Commiſſion of Sewers, upon any of the Lands, Tenements, or Hereditaments of our Sovereign Lord the King, his heirs or ſucceſſors, for any manner of thing or things concerning the articles of the ſaid Commiſſion of Sewers, ſhall be gathered and levied by diſtreſs, or otherwiſe, in like manner and form as ſhall or may be done in the Lands, Tenements and Hereditaments of any other perſon or perſons; (2) And that all Bills of Acquittance, ſigned with the hand or hands of ſuch Collector or Receiver as ſhall have the Collection thereof by the appointment of the ſaid Commiſſioners, or ſix of them, ſhall be as well a ſufficient diſcharge to the Tenants, Fermors, and Occupiers of the ſame grounds ſo to be charged for the ſaid ſum wherewith their grounds ſhall be ſo charged, as alſo ſufficient warrant to all and every the Receivers, Auditors, and other whatſoever Officer or Officers of our ſaid Sovereign Lord the King, his heirs and ſucceſſors, for the allowance to ſuch Tenant, Fermor, or Occupier for the ſame: (3) Adding moreover unto this Act, by the authority of this preſent Parliament, That ſuch and like Fees, and none other nor more, ſhall be at any time paid or demanded for any Commiſſion or Commiſſions, or Writs of dedimus poteſtatem, hereafter to be ſued out, or obtained under the Seal of the Dutchy, but only ſuch and like Fees as been mentioned in the ſaid former Act, to be paid in the Chancery, for Commiſſions and Writs of dedimus poteſtatem, to be obtained from the ſame Court of Chancery: (4) Adding moreover thereunto by the authority aforeſaid, That every Commiſſion and Commiſſions hereafter to be awarded for Sewers, ſhall continue and endure for term of five years next after the Teſte of ſuch Commiſſion, unleſs the ſame Commiſſion and Commiſſions ſhall be otherwiſe diſcharged within the ſame, by Superſedeas; any thing or things mentioned or contained in the ſaid former Act, contrary to the additions before mentioned, or any of them, in any wiſe notwithſtanding.

What fees ſhall be paid for the Commiſſion of Sewers, ſued out under the Seal of the Dutchy.

How long the Commiſſion of Sewers ſhall endure. Alt. 13 El. 9.

CAP.

CAP. IX.

No perſon ſhall buy any raw Hides, or Calves skins to ſell again untanned, upon pain to forfeit for every skin ſix ſhillings eight pence. Rep. 5 El. 8. & 1 Jac. 22.

Cordwayners, Raſt. 15.

CAP. X.

An Act for aboliſhing and putting away diverſe Books and Images.

Books, Raſt. 3. Certain Books and Images ſhall be aboliſhed.

2 & 3 Ed. 6. c. 1. St. 3 Jac. 5.

WHere the Kings moſt excellent Majeſty hath of late ſet forth, and eſtabliſhed by authority of Parliament, an uniform, quiet and godly Order of Common and open Prayer, in a Book Entituled, The Book of Common Prayer, and Adminiſtration of the Sacraments, and other Rites and Ceremonies after the Church of England, to be uſed and obſerved in the ſaid Church of England, agreeable to the Order of the Primitive Church, much more comfortable unto his loving Subjects, then other diverſity of Service, as heretofore of long time hath been uſed, being in the ſaid Book ordained nothing to be read but the very pure Word of God, or which is evidently grounded upon the ſame, (2) and in the other, things corrupt, untrue, vain, and ſuperſtitious, and as it were a preparation to Superſtition: which for that they be not called in, but permitted to remain undefaced, do not only give occaſion to ſuch perverſe perſons, as do impugn the order and godly meaning of the Kings ſaid Book of Common Prayer, to continue in their old acccuſtomed ſuperſtitious Service, but alſo miniſter great occaſion to diverſity of Opinions, Rites, Ceremonies and Services: (3) Be it therefore enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, That all Books called Antiphoners, Miſſales, Grailes, Proceſſionals, Manuals, Legends, Pies, Portuaſſes, Primers, in Latin and Engliſh, Couchers, Journals, Ordinals, or other Books or Writings whatſoever heretofore uſed for Service of the Church, Written or Printed in the Engliſh or Latin Tongue, other then ſuch as ſhall be ſet forth by the Kings Majeſty, ſhall be by authority of this preſent Act clearly and utterly aboliſhed, extinguiſhed, and forbidden for ever to be uſed or kept in this Realm, or elſewhere within any the Kings Dominions.

Images taken out of, or yet remaining in Churches, ſhall be deſtroyed.

II. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, of what degree, eſtate or condition ſoever he, ſhe or they be, bodies politick or corporate, that now have, or hereafter ſhall have in his, her, or their cuſtody, any the Books or Writings of the ſorts aforeſaid, or any Images of ſtone, timber, alabaſter or earth, graven, carved or painted, which heretofore have been taken out of any Church or Chappel, or yet ſtand in any Church or Chappel, and do not before the laſt day of June next enſuing, deface and deſtroy, or cauſe to be defaced and deſtroyed the ſame Images, and every of them, and deliver, or cauſe to be delivered all and every the ſame Books to the Mayor, Bailiff, Conſtable or Church wardens of the Town where ſuch Books then ſhall be, to be by them delibered over openly within three months next following after the ſaid delivery, to the Archbiſhop, Biſhop, Chancellor, or Commiſſary of the ſame Dioceſs, to the intent the ſaid Archbiſhop, Biſhop, Chancellor, or Commiſſary, and every of them, cauſe them immediately after, either to be openly burnt, or otherwiſe defaced and deſtroyed, ſhall for every ſuch Book or Books willingly retained in his, her, or their hands or cuſtody within this Realm, or elſewhere within any the Kings Dominions, and not delivered, as is aforeſaid, after the ſaid laſt day of June, and be thereof lawfully convict, forfeit and loſe to the King our Sovereign Lord, for the firſt offence, ten ſhillings, and for the ſecond offence ſhall forfeit and loſe (being thereof lawfully convict) four pounds: and for the third offence, ſhall ſuffer impriſonment at the Kings will.

Popiſh Books ſhall be firſt delivered to the Mayor, &c. and then by him to the Biſhop, &c. to be burnt, or otherwiſe defaced.

The penalty of Mayor, &c. or Biſhop, &c. omitting their duty herein.

III. And be it further enacted by the authority aforeſaid, That if any Mayors, Bailiffs, Conſtables, or Church-wardens, do not within three months after receit of the ſame Books, deliver, or cauſe to be delivered ſuch Books ſo by them received, to the Archbiſhop, Biſhop, Chancellor, or Commiſſary of their Dioceſs; (2) And if the ſaid Archbiſhop, Biſhops, Chancellor, or Commiſſaries, do not within fourty days after the receit of ſuch Books, burn, deface and deſtroy, or cauſe to be burned, defaced, or deſtroyed the ſame Books, and every of them, (3) that then they and every of them ſo offending, ſhall loſe and forfeit to our Sovereign Lord the King, being thereof lawfully convict, fourty pounds: (4) The one half of all which forfeitures ſhall be to any of the Kings Subjects that will ſue for the ſame in any of the Kings Courts of Record, by bill, plaint, action of debt, or information; in which action no eſſoin, protection, wager of law, or other delay ſhall be allowed.

Juſtices of Aſſiſe and Peace ſhall hear and determine theſe offences.

IV. And for better execution of the ſaid Act, be it enacted by the authority aforeſaid, That as well Juſtices of Aſſiſe in their Circuits, as Juſtices of Peace within the limits of their Commiſſion in the general Seſſions, ſhall have full power and authority to enquire of the offences aforeſaid, and to hear and determine the ſame, in ſuch form as they may do in other ſuch like caſes.

Images upon Tombs ſhall ſtill remain.

V. Provided always, That this Act, or any thing therein contained, ſhall not extend to any Image or Picture, ſet or graven upon any Tomb in any Church, Chappel, or Church-yard only for a Monument of any King, Prince, Noble man, or other dead perſon, which hath not been commonly reputed and taken for a Saint, but that all ſuch Pictures and Images may ſtand and continue in like manner and form, as if this Act had never been had nor made; any thing in this Act to the contrary in any wiſe notwithſtanding.

Primers ſet out by H. 8. being purged may be ſtill retained.

VI. Provided alſo, and be it enacted by the authority aforeſaid, That any perſon or perſons may uſe, keep, have and retain any Primers in the Engliſh or Latin tongue, ſet forth by the late King of famous memory, King Henry the Eighth, ſo that the ſentences of Invocation, or Prayer to Saints in the ſame Primers, be blotted, or clearly put out of the ſame; any thing in this Act to the contrary notwithſtanding. Rep. 1 M. 2. but ſee 1 Jac. 25. which repeals 1 M. 2.

CAP. XI.

The King during three years ſhall have authority, by the advice of his Council, to name two and thirty perſons to examine the Eccleſiaſtical Laws, and to gather and compileſuch Laws as ſhall be thought to him, his Council, and them convenient to be practiſed within this Realm in all Spiritual Courts: ſo that any Law to be ſet forth be not contrary to any Common Law or Statute of this Realm. Exp. 25 H. 8. 19. 27 H. 8. 15. 35 H. 8. 16.

Spiritual Laws, Raſt. 3.

C A P. XII.

Biſhops, Raſt. 10 Such form and manner of making and conſecrating of Archbiſhops, Biſhops, Prieſts, Deacons, and other Miniſters of the Church, as by ſix Prelates, and ſix other men of this Realm learned in Gods Law, by the King to be appointed and aſſigned, or by the moſt number of them ſhall be deviſed for that purpoſe, and ſet forth under the great Seal before the firſt of April next coming, ſhall be lawfully exerciſed and uſed, and none other. Exp. St. 1 M. 2. 1 Jac. 25. 5 Ed. 6. 1. 13 El. 12.

C A P. XIII.

Attainder, Raſt. 8. Sir William Sherrington before attainted of Treaſon, pardoned of all Treaſons and Offences, and reſtored in Blood and Freedom. PR.

C A P. XIV.

Ibid. 8. Mary Seimour the ſole Daughter and Heir of Thomas Lord Seimour, attainted of high Treaſon, reſtored in Blood, but not her Fathers Lands. PR.

C A P. XV.

Propheſies, Raſt. 1. The penalty for publiſhing any falſe Prophecy upon occaſion of Arms, Fields, &c. to the intent to make diſſenſion, &c. ſhall be for the firſt Offence, one years Impriſonment, and the forfeiture of x. l. and for the ſecond Offence, the forfeiture of all his Goods, and Impriſonment during his Life. Exp. St. 7 Ed. 6. 11. St. 33 H. 8. 14. 5 Eliz. 15.

C A P. XVI.

Vagabonds, Raſt. 5. A Repeal of ſo much of the Statute of Anno 1 Ed. 6. 3. as tendeth to make Vagabonds Slaves. The Stat. of 22 H. 8. 12. ſhall be revived, that doth appoint how impotent and aged perſons ſhall be relieved, and vagabonds puniſhed: and all other Statutes made for the puniſhment of vagabonds, ſlaves, aged and impotent perſons, ſhall be Repealed. Common Labourers in Husbandry which do loiter and be idle, when they have reaſonable wages offered them, ſhall be puniſhed as vagabonds. Maimed, ſore, aged, and impotent perſons, ſhall be relieved and cured, and habitations provided for them by the devotion of good people of that City, Town or Village where they were born, or have dwelt three years. A beggers child above five years of age, may be taken into ſervice by any that will. Rep. 14 El. 5. & 21 Jac. 28. St. 2 & 3 P & M. 5.

C A P. XVII.

Felony, Raſt. 15. The Stat. of 31 H. 8. 12. touching the wrongful hunting or entry into any Foreſt, Chaſe, or Park of the Kings, or into any other ground of his, uſed for the nouriſhing of Deer, and of 32 H. 8. 11. concerning the unlawful killing of any Deer within any Park, Chaſe, &c. revived for three years. Exp. St. 4 & 5. Fd. 6. 17.

C A P. XVIII.

Fee-farm, Raſt. 1. A Rehearſal of the Stat. of 2 & 3 Ed. 6. 5. concerning the remitting of Fee-ferms by the King for the firſt three years, and that the ſame ſhall ceaſe for other two years. Exp.

C A P. XIX.

An Act for buying and ſelling of Rother Beaſts and Cattel.

Cattel 2. No Cattel ſhall be bought but in open Fair or Market but by a Butcher, or for proviſion of houſhold, &c.

BE it enacted by the authority of this preſent Parliament, That no perſon or perſons at any time from and after the Feaſt of the Annunciation of our Lady next coming, ſhall buy, or commune and conclude to buy any manner of Oxen, Steers, Ronts, Kine, Heifers or Calves, but only in the open Fair or Market where the ſame ſhall happen to be brought and put to ſale, (2) and ſhall not ſell the ſame again on live, at, and in the Market or Fair where he bought the ſame, during the time of the ſaid Fair or Market, (3) upon pain of forfeiture of the double value of ſuch Cattel bought or ſold contrary to the tenor of this preſent Act.

For what purpoſes Cattel may be bought out of a Fair or Market. Exp.

II. Provided alway, and be it further enacted by the authority aforeſaid, That it ſhall be lawful for all and every perſon and perſons, to buy any Oxen, Steers, Ronts, Kine, Heifers, and Calves, or any of them, out of any open Fair or Market, for his or their proviſion for their houſhold, teem or dairy, at his or their will and pleaſure, to be imployed and ſpent only in keeping and maintenance of his or their houſe, or for their teem or dairy, and not otherwiſe.

A Butcher ſhall not buy Cattel, and ſell them alive.

III. And be it further enacted by the authority aforeſaid, That no perſon being a Butcher, and uſing the Craft or Myſtery of Butchery, ſhall at any time after the ſaid Feaſt, buy any fat Oxen, Steers, Ronts, Kine, Heifers, Calves or Sheep, and ſell or cauſe to be ſold the ſame again on live, upon pain of forfeiture of every ſuch Ox, Steer, Ront, Cow, Heifer, Calves or Sheep bargained or ſold contrary to the form of this preſent Act.

IV. Provided alway, That all and every perſon and perſons, being a Butcher, and uſing the Act and Myſtery of Butchery, ſhall and may at his and their will and pleaſure buy any fat Oxen, Steers, Ronts, Kine, Heifers, Calves and Sheep, or any of them, out of any open Fair or Market: So that ſuch Butcher ſell not, nor cauſe to be ſold the ſame again on live, as is aforeſaid; any thing contained in this Act to the contrary notwithſtanding: (2) The one moiety of all which forfeitures ſhall be to our Sovereign Lord the King, his Heirs and Succeſſors, and the other moiety to him or them that will ſue for the ſame in any of the Kings Courts of Record, wherein no wager of Law, eſſoin or protection ſhall be allowed for tht Defendant or Defendants. (3) This Act to endure to the end of the next Parliament, 1 Jac. 25. continued until the end of the next Parliament. St. 3 Car. 1. 4. 15 Car. 2. c. 8.

C A P. XX.

Some part of the Stat. 2 Ed. 6. 15. repealed, containing the denial of certain Artificers to work in Cities or Towns where they dwell not.

Artificers, Raſt. 2. 2 & 3 Ed. 6. 15.

WHere by a certain Act made in the Parliament holden at Weſtminſter by Prorogation the fourth day of November, in the Second year of the Reign of our moſt dread Sovereign Lord the King that now is, it is enacted and eſtabliſhed, That no perſon or perſons ſhould at any time after the firſt day of April then next enſuing, interrupt, deny, let or diſturb any free Maſon, rough Maſon, Carpenter, Bricklayer, Plaiſterer, Joyner, Hard-hewer, Sawyer, Tiler, Pavier, Glaſier, Lime-burner, Brick-maker, Tile-maker, Plummer, or Labourer, born in this Realm, or made Denizen, to work in any of the ſaid Crafts in any City, Borough, or Town-corporate, with any perſon or perſons that will retain him or them, albeit the ſaid perſon or perſons ſo retained, or any of them, do not inhabit or dwell in the City, Borough, and Town-corporate, where he or they ſhall work, nor be free of the ſame City, Borough or Town; any Statute, Law, Ordinance, or other thing whatſoever before had or made to the contrary in any wiſe notwithſtanding, (2) and that upon pain of forfeiture of five pounds for every interruption or diſturbance done contrary to the ſaid Eſtatute; the one moiety of every ſuch forfeiture to be to the King, and the other moiety thereof to be to him or them that will ſue for the ſame in any of the Kings Courts of Record, by bill, plaint, action of debt, or information, wherein no wager of Law, eſſoign, nor protection ſhall be allowed, as by the ſaid Act of Parliament amongſt other things more plainly appeareth:

II. And foraſmuch as the City of London, being the Kings Chamber, and moſt ancient City of this Realm, the Artificers and Craftſmen of the Arts, Crafts and Myſteries aforeſaid, are at great coſts and charges, as well in bearing and paying of taxes, tallages, ſubſidies, ſcot, lot, and other charges, as well to the Kings Majeſty, as to the ſaid City, and at many and ſundry triumphs, and other times for the Kings honour, and that if Foreigners ſhould come and work among them, within the liberties of the ſaid City, contrary to their ancient priviledges, that the ſame ſhould be a great decay of Cunning, and an impoveriſhment and driving away of the Free-men, being Artificers of the Crafts, and Arts and Myſteries aforeſaid, within the ſaid City of London, to the great hurt or deſtruction of the ſaid City:

III. For Reformation whereof, the Kings Majeſty is pleaſed and contented, that it be enacted by the authority of this preſent Parliament, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, That the ſaid Act only touching the Article and Clauſe aforeſaid, and all and every Sentence and Branch contained in the ſaid Act, concerning the ſame Article, ſhall from henceforth be reſumed, repealed, adnulled, revoked, adnihilated, and utterly made void for ever; Any thing contained in the ſaid former Act touching the Clauſe or Article aforeſaid, in any wiſe to the contrary notwithſtanding.

So much of the Stat. of 2 & 3 El. 6. 15 Sect. 4. repealed as concerneth the denial of Artificers to work in a Town where they dwell &c.

CAP. XXI.

An Act concerning the buying and ſelling of Butter and Cheeſe.

BE it enacted by the authority of this preſent Parliament, That no perſon or perſons after the Feaſt of the Annunciation of our Lady next coming, ſhall buy to ſell again any Butter or Cheeſe, unleſs he or they ſell the ſame again by Retail in open Shop, Fair or Market, and not in Groſs, (2) upon pain of forfeiture of the double value of the ſame Butter and Cheeſe ſo ſold contrary to the tenor of this preſent Act: the one moiety of all which forfeiture to be to our Sovereign Lord the King, his Heirs and Succeſſors, and the other moiety to him or them that will ſue for the ſame in any of the Kings Courts of Record, wherein no wager of Law, eſſoin or protection ſhall be allowed for the defendant or defendants.

Butter 1. Butter or Cheeſe ſhall not be bought to be ſold again, except it be by retail in open Shop, Fair, or Market.

II. Provided always, and be it enacted by the authority aforeſaid, That the ſaid word of Retail mentioned in this Act, ſhall be expounded, declared and taken, only where a weight of Cheeſe, or a barrel of Butter, or of leſs quantity, and not above, ſhall be ſold at any time to any perſon or perſons in open Shop, Fair or Market, and that to be done without fraud or covin.

Retailing. 21 Jac. 22.

III. Provided alway, that this Act, or any thing therein contained, ſhall not extend to any Inn-holder or Victualler, for ſuch Butter or Cheeſe as ſhall be ſpent or uttered by Retail in any of their houſes; any thing contained in this Act to the contrary notwithſtanding. (2) This Act to endure to the next Parliament. 3 Car. 4. Continued until the end of the firſt Seſſion of the next Parliament. 14 Car. c. 6.

Inn-holders & Victuallers.

12 Car. 2. c. 4.

CAP. XXII.

No Cloth-maker, Fuller, Sheerman, Weaver, Taylor, or Shoe-maker, ſhall retain in any of the ſaid Crafts, a Journeyman to work by tail work or by great, for any time under one quarter of a year: And every Journeyman, being required, ſhall ſerve for a quarter of a year, half a year, or for a whole year. Every perſon of any of the ſaid Crafts which ſhall have three Prentices, ſhall have one Journeyman. Servants in Husbandry and Bargemen ſhall ſerve by the whole year, and not by day-wages. Rep. 5 Eliz. 4.

Labourers, Raſt. 17.

CAP. XXIII.

A Relief granted to the King out of Sheep and Clothes by the Statute of 2 & 3 Ed. 6. 36. releaſed, and the Relief for Goods continued. A Subſidy granted to the King of Twelve pence in the pound of Goods, and of every Alien Two ſhillings in the pound. Exp.

Taxes, Raſt. 28.

CAP. XXIV.

A Confirmation by Parliament of the Kings Pardon of all Hereſies, Treaſons, Rebellions, Murders, Felonies, Offences, Treſpaſſes, &c. ſaving ſuch which in the ſaid Pardon be excepted. Exp.

Pardon, Raſt. 47.

Anno quinto & ſexto EDWARDI *ſexti.*

ACTS made in the Seſſion of this preſent Parliament, holden upon Prorogation at Weſtminſter the three and twentieth day of January, in the Fifth year of our moſt dread Sovereign Lord, Edward the Sixth, by the Grace of God, King of England, France and Ireland, Defender of the Faith, and of the Church of England, and of Ireland, in Earth the Supream Head: and there continued and kept till the Fifteenth of April, in the ſixth year of the Reign of our ſaid Sovereign Lord, as followeth.

CAP. I.

An Act for the Uniformity of Service and Adminiſtration of Sacraments throughout the Realm.

WHere there hath been a very godly Order ſet forth by the Authority of Parliament, for Common Prayer and Adminiſtration of the Sacraments, to be uſed in the mother-tongue within this Church of England, agreeable to the Word of God, and the primitive Church, very comfortable to all good people deſiring to live in Chriſtian converſation, and moſt profitable to the Eſtate of this Realm, upon the which the mercy, favour and bleſſing of Almighty God is in no wiſe ſo readily and plenteouſly poured, as by Common Prayers, due uſing of the Sacraments, and often preaching of the Goſpel, with the devotion of the hearers: (2) and yet this notwithſtanding, a great number of people in divers parts of this Realm, following their own ſenſuality, and living either without knowledge or due fear of God, do wilfully and damnably before Almighty God, abſtain and refuſe to come to their Pariſh Churches, and other places, where Common-Prayer, Adminiſtration of the Sacraments, and preaching of the Word of God, is uſed upon Sundays and other days ordained to be Holy-days:

Sacraments 2. Uniformity of Prayer, and Adminiſtration of Sacraments ſhall be uſed in the Church.

II. For Reformation hereof, be it enacted by the King our Sovereign Lord, with the aſſent of the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that from and after the Feaſt of All Saints next coming, all and every perſon and perſons inhabiting within this Realm, or any other the Kings Majeſties Dominions, ſhall diligently and faithfully (having no lawful or reaſonable excuſe to be abſent) endeavour themſelves

Every perſon ſhall reſort to his Pariſh Church or Chappel upon Sundays and Holy-days.

to reſort to their Pariſh Church or Chappel accuſtomed, (2) upon reaſonable let thereof, to ſome uſual place where Common-prayer, and ſuch ſervice of God ſhall be uſed in ſuch time of let, (3) upon every Sunday, and other days ordained and uſed to be kept as Holy-days, (4) and then and there to abide orderly and ſoberly during the time of Common-prayer, Preachings, or other Service of God there to be uſed and miniſtred, (5) upon pain of puniſhment by the cenſures of the Church.

III. And for the due execution hereof, the Kings moſt excellent Majeſty, the Lords Temporal, and all the Commons in this preſent Parliament aſſembled, doth in Gods name earneſtly require and charge all the Archbiſhops, Biſhops, and other Ordinaries, that they ſhall endeavour themſelves to the uttermoſt of their knowledges, that the due and true execution thereof may be had throughout their Dioceſſes and Charges, as they will anſwer before God for ſuch evils and plagues, wherewith Almighty God may juſtly puniſh his people, for neglecting this good and wholſom Law.

They which come not to the Church may be puniſhed by the cenſures of the Church.

IV. And for their authority in this behalf, be it further likewiſe enacted by the Authority aforeſaid, That all and ſingular the ſame Archbiſhops, Biſhops, and all other their Officers exerciſing Eccleſiaſtical Juriſdiction, as well in place exempt as not exempt, within their Dioceſſes, ſhall have full power and authority by this Act, to reform, correct and puniſh, by cenſures of the Church, all and ſingular perſons which ſhall offend within their Juriſdictions or Dioceſſes, after the ſaid Feaſt of All Saints next coming, againſt this Act and Statute; any other Law, Statute, Priviledge, Liberty or Proviſion heretofore made, had or ſuffered to the contrary notwithſtanding.

V. And becauſe there hath riſen in the uſe and exerciſe of the aforeſaid Common Service in the Church, heretofore ſet forth, divers doubts for the faſhion and manner of the miniſtration of the ſame, rather by the curioſity of the Miniſter and miſtakers, then of any other worthy cauſe; (2) therefore, as well for the more plain and manifeſt explanation thereof, as for the more perfection of the ſaid Order or Common Service, in ſome places where it is neceſſary to make the ſame Prayer and faſhion of Service more earneſt and fit to ſtir Chriſtian people to the true honouring of Almighty God, (3) the Kings moſt excellent Majeſty, with the aſſent of the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, hath cauſed the aforeſaid Order of Common Service, entituled, The Book of Common-Prayer, to be faithfully and godly peruſed, explained, and made fully perfect, and by the aforeſaid authority hath annexed and joyned it, ſo explained, and perfected, to this preſent Statute; (4) adding alſo a form and manner of Making and Conſecrating of Archbiſhops, Biſhops, Prieſts and Deacons, to be of like force, authority and value, as the ſame like aforeſaid Book, Entituled, The Book of Common Prayer, was before, and to be accepted, received, uſed, and eſteemed in like ſort and manner, and with the ſame clauſes of proviſions and exceptions, to all intents, conſtructions and purpoſes, as by the Act of Parliament made in the Second year of the Kings Majeſties Reign, was ordained, limited, expreſſed and appointed for the uniformity of Service and Adminiſtration of the Sacraments throughout the Realm, upon ſuch ſeveral pains as in the ſaid Act of Parliament is expreſſed: (5) And the ſaid former Act to ſtand in full force and ſtrength, to all intents and conſtructions, and to be applied, practiſed, and put in ure, to and for the eſtabliſhing of the Book of Common Prayer, now explained, and hereunto annexed, and alſo the ſaid form of making Archbiſhops, Biſhops, or Prieſts and Deacons hereunto annexed, as it was for the former Book.

The Book of Common-prayer, with the form of Conſecrating Biſhops, Prieſts, Deacons. 1 Ed. 6. 2.

2 & 3 Ed. 6. 1.

The penalties for being preſent at any other Common-prayer or Sacraments. Alt. 1 El. 2.

VI. And by the authority aforeſaid it is now further enacted, That if any manner perſon or perſons, inhabiting and being within this Realm, or any other the Kings Majeſties Dominions, ſhall after the ſaid Feaſt of All Saints, willingly and wittingly hear and be preſent at any other manner or form of Common-Prayer, or Adminiſtration of the Sacraments, of making of Miniſters in the Churches, or of any other Rites contained in the Book annexed to this Act, then is mentioned and ſet forth in the Book, or that is contrary to the form of ſundry Proviſions and Exceptions contained in the foreſaid former Statute, and ſhall be thereof convicted, according to the Laws of this Realm, before the Juſtices of Aſſiſe, Juſtices of Oyer and Determiner, Juſtices of Peace in their Seſſions, or any of them, by the verdict of twelve men, or by his or their own confeſſion or otherwiſe, ſhall for the firſt offence ſuffer impriſonment for ſix months, without bail or mainpriſe (2) and for the ſecond offence, being likewiſe convicted as is abovesaid, impriſonment for one whole year, and for the third offence, in like manner, impriſonment during his or their lives. (3) And for the more knowledge to be given hereof, and better obſervation of this Law, be it enacted by the authority aforeſaid, That all and ſingular Curates, ſhall upon one Sunday every quarter of the year, during one whole year next following the foreſaid Feaſt of All Saints next coming, read this preſent Act in the Church at the time of the moſt Aſſembly, and likewiſe once in every year following; at the ſame time declaring unto the people by the authority of the Scripture, how the mercy and goodneſs of God hath in all ages been ſhewed to his people in their neceſſities and extremities, by means of hearty and faithful Prayers made to Almighty God, eſpecially where the people be gathered together with one faith and mind to offer up their hearts by Prayer, as the beſt Sacrifices that Chriſtian men can yield. 1 Mar. 2. 1 El. 2. 13 El. 12. 8 El. 1. 1 Jac. 25.

CAP. II.

Vagabonds, Raſt. 6.

The Statute of 22 H. 8. 12. and 3 & 4 Ed. 6. 16. touching Vagabonds and idle perſons, confirmed. The poor of Every Pariſh ſhall be relieved with that which every Pariſhioner of his charitable Devotion will give. Rep. 14 Eliz. 5. Exp. Stat. 1 Mar. 12.

CAP.

CAP. III.

An Act for the keeping Holy-days and Faſting-days.

Foraſmuch as at all times men be not ſo mindful to laud and praiſe God, ſo ready to reſort and hear Gods holy Word, and to come to the holy Communion, and other laudable Rites, which are to be obſerved in every Chriſtian Congregation, as their bounden duty doth require: (2) therefore to call men to remembrance of their duty, and to help their infirmity, it hath been wholſomly provided, that there ſhould be ſome certain times and days appointed, wherein the Chriſtian ſhould ceaſe from all other kind of labours, and ſhould apply themſelves only and wholly unto the aforeſaid holy works, properly pertaining unto true Religion; that is, to hear, to learn, and to remember Almighty Gods great benefits, his manifold mercies, his ineſtimable gracious goodneſs, ſo plenteouſly poured upon all his creatures, and that of his infinite and unſpeakable goodneſs, without any mans deſert; And in remembrance hereof, to render unto him moſt high and hearty thanks, with prayers and ſupplications for the relief of all our daily neceſſities: (3) And becauſe theſe be the chief and principal works wherein man is commanded to worſhip God, and do properly pertain unto the firſt Table; therefore as theſe works are both moſt commonly, and alſo may well be called Gods Service, ſo the times appointed ſpecially for the ſame, are called holy-days; not for the matter and nature either of the time or day, nor for any of the Saints ſake whoſe memories are had on thoſe days (for ſo all days and times conſidered are Gods creatures, and all of like holineſs) but for the nature and condition of thoſe godly and holy works, wherewith only God is to be honoured, and the Congregation to be edified, whereunto ſuch times and days are ſanctified and hallowed; that is to ſay, ſeparated from all prophane uſes, and dedicated and appointed, not unto any Saint or Creature, but only unto God and his true Worſhip: (4) Neither is it to be thought that there is any certain time or definite number of days preſcribed in holy Scripture, but that the appointment both of the time, and alſo of the number of the days, is left by the authority of Gods Word, to the liberty of Chriſts Church, to be determined and aſſigned orderly in every Countrey, by the diſcretion of the Rulers and Miniſters thereof, as they ſhall judge moſt expedient to the true ſetting forth of Gods glory, and the edification of their people: (5) Be it therefore Enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That all the days hereafter mentioned, ſhall be kept, and commanded to be kept Holy-days, and none other; that is to ſay, all Sundays in the year, the days of the Feaſt of the Circumciſion of our Lord Jeſus Chriſt, of the Epiphany, of the Purification of the Bleſſed Virgin, of Saint Matthie the Apoſtle, of the Annunciation of the Bleſſed Virgin, of Saint Mark the Evangeliſt, of Saint Philip and Jacob the Apoſtles, of the Aſcenſion of our Lord Jeſus Chriſt, of the Nativity of Saint John Baptiſt, of Saint Peter the Apoſtle, of Saint James the Apoſtle, of Saint Bartholomew the Apoſtle, of Saint Matthew the Apoſtle, of Saint Michael the Archangel, of Saint Luke the Evangeliſt, of Saint Simon and Jude the Apoſtles, of All Saints, of Saint Andrew the Apoſtle, of Saint Thomas the Apoſtle, of the Nativity of our Lord, of Saint Stephen the Martyr, of Saint John the Evangeliſt, of the holy Innocents, Monday and Tueſday in Eaſter-week, and Monday and Tueſday in Whitſun-week; And that none other day ſhall be kept and commanded to be kept Holy-day, or to abſtain from lawful bodily labour.

Holy-days 1. Which days, only in the year ſhall be Holy-days, and which ſhall be Faſting-days.

Wherefore ſome days are more called Holy-days then other.

All theſe days ſhall be kept Holy-days, and none other.

II. And it is alſo enacted by the Authority aforeſaid, That every Even or Day next going before any of the aforeſaid days of the Feaſts of the Nativity of our Lord, of Eaſter, of the Aſcenſion of our Lord, Pentecoſt, and the Purification, and the Annunciation of the aforeſaid Bleſſed Virgin, of All Saints, and of all the ſaid Feaſts of the Apoſtles, (other then of Saint John the Evangeliſt, and of Philip and Jacob) ſhall be Faſted, and commanded to be kept and obſerved, and that none other Even or Day ſhall be commanded to be Faſted.

Which days ſhall be commanded and kept Faſting-days.

III. And it is enacted by the authority abovesaid, That it ſhall be lawful to all Archbiſhops and Biſhops in their Dioceſſes, and to all other having Eccleſiaſtical or Spiritual Juriſdiction, to enquire of every perſon that ſhall offend in the premiſſes, and to puniſh every ſuch offender by the Cenſures of the Church, and to enjoyn him or them ſuch penance as ſhall be to the Spiritual Judge by his direction thought meet and convenient.

Puniſhment of offenders by the Eccleſiaſtical Law.

IV. Provided always, That this Act, or any thing therein contained, ſhall not extend to abrogate or take away the abſtinence from Fleſh in Lent, or on Fridays and Saturdays, or any other day which is already appointed ſo to be kept, by virtue of an Act made and provided in the third year of the Reign of our Sovereign Lord the Kings Majeſty that now is, ſaving only of thoſe Evens or Days whereof the Holy-day next following is abrogated by this Statute; Any thing above mentioned to the contrary in any wiſe notwithſtanding.

Abſtinence from Fleſh in Lent, Fridays, and Saturdays, 2 & 3 Ed. 6. 19.

V. Provided alſo, and it is enacted by the authority aforeſaid, That when and ſo often as it ſhall chance any of the ſaid Feaſts, (the Evens weereof be by this Statute commanded to be obſerved and kept Faſting-days) to fall upon the Monday; That then as it hath always been heretofore accuſtomably uſed, ſo hereafter the Saturday then next going before any ſuch Feaſt or Holy-day, and not on the Sunday, ſhall be commanded to be Faſted for the Even of any ſuch Feaſt or Holy-day; Any thing in this Statute before mentioned or declared to the contrary in any wiſe notwithſtanding.

When the Saturday ſhall be faſted in ſtead of the Sunday.

VI. Provided always, and it is enacted by the authority aforeſaid, That it ſhall be lawful to every husbandman, labourer, fiſherman, and to all and every other perſon and perſons, of what eſtate, degree or condition he or they be, upon the Holy-days aforeſaid, in Harveſt, or at any other times in the year when neceſſity ſhall require, to labour, ride, fiſh, or work any kind of work, at their free wills and pleaſure; Any thing in this Act to the contrary in any wiſe notwithſtanding.

In what caſes ſome perſons may labour upon the Holy-day.

VII. Provided always, and be it enacted by the authority aforeſaid, That it ſhall be lawful to the Knights of the right honourable Order of the Garter, and to every of them, to keep and celebrate ſolemnly the Feaſt of their Order, commonly called St. Georges Feaſt,

It ſhall be lawful for the Knights of the Garter to ſolemnize Saint Georges Feaſt.

yearly from henceforth the xxij, xxiij, and xxiv. days of April, and at ſuch other time and times, as yearly ſhall be thought convenient by the Kings Highneſs, his heirs and ſucceſſors and the ſaid Knights of the ſaid honourable Order, or any of them now being, or hereafter to be; Any thing in this Act heretofore mentioned to the contrary notwithſtanding. REP. 1 M. 2. 1 Jac. 25. Revived, becauſe 1 M. 2. is Repealed by 1 Jac. 25.

CAP. IV.

Againſt quarrelling and fighting in Churches and Church-yards.

Fighting, Raſt 1. The penalty for ſtriking or drawing a weapon in Church or Church-yard.

1 Inſt. Hetley

FOraſmuch as of late divers and many outragious and barbarous behaviours and acts have been uſed and committed by divers ungodly and irreligious perſons, by quarrelling, brawling, fraying and fighting openly in Churches and Church-yards; (2) Therefore it is Enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon whatſoever, ſhall any time after the firſt day of May next coming, by words only, quarrel, chide or brawl in any Church or Church-yard, that then it ſhall be lawful unto the Ordinary of the place where the ſame offence ſhall be done, and proved by two lawful witneſſes, to ſuſpend every perſon ſo offending; that is to ſay, if he be a Layman, ab ingreſſu Eccleſiæ, and if he be a Clerk, from the miniſtration of his Office for ſo long time as the ſaid Ordinary ſhall by his diſcretion think meet and convenient, according to the fault.

The penalty for ſmiting in a Church, &c.

Dyer, Cro. 219.

II. And further be it Enacted by the authority aforeſaid, That if any perſon or perſons after the ſaid firſt day of May, ſhall ſmite or lay any violent hands upon any other, either in any Church or Church-yard, That then ipſo facto, every perſon ſo offending ſhall be deemed excommunicate, and be excluded from the fellowſhip and company of Chriſts Congregation.

The penalty for drawing or ſmiting with a weapon in a Church, &c. 2 Leond. 188.

4 Cro. 211. Cro. J. Cro. C. 1 Roll.

Latch.

III. And alſo it is Enacted by the Authority aforeſaid, That if any perſon after the ſaid firſt day of May, ſhall maliciouſly ſtrike any perſon with any weapon in any Church or Church-yard, or after the ſame firſt day of May ſhall draw any weapon in any Church or Church-yard, to the intent to ſtrike another with the ſame weapon, That then every perſon ſo offending, and thereof being convicted by verdict of twelve men, or by his own confeſſion, or by two lawful witneſſes, before the Juſtices of Aſſiſe, Juſtices of Oyer and Determiner, or Juſtices of Peace in their Seſſions, by force of this Act ſhall be adjudged by the ſame Juſtices before whom ſuch perſon ſhall be convicted, to have one of his Ears cut off: (2) And if the perſon or perſons ſo offending have none Ears, whereby they ſhould receive ſuch puniſhment as is before declared, that then he or they to be marked and burned in the Cheek with an hot Iron, having the Letter F. whereby he or they may be known and taken for Fray-makers and Fighters, (3) and beſides that every ſuch perſon to be and ſtand ipſo facto excommunicated, as is aforeſaid.

CAP. V.

Huſbandry, Raſt. 4.

So much Land ſhall be put in Tillage, and ſo continued, as was at any time in Tillage (and ſo kept four years) ſithence Anno 1 Henry the Eight, upon pain the offender to forfeit five ſhillings an Acre: But this Act ſhall not extend to any Land converted, or to be converted into Paſture for the maintenance of the Houſe of any perſon: Nor to Land that hath commonly lien Paſture fourty years laſt paſt; nor to waſte Grounds, Heaths, common Dows, Fens, Moors or Marſhes, that have not been commonly Tilled fourty years laſt paſt; nor to any Warren for Conies, or Park for Deer; nor to any Ground ſtubbed; nor to any ſalt or ſurrounded Marſhes; nor to any Ground incloſed by the Kings Licence; nor to any Orchard, Garden, Pool, or Pond-yards; nor to any Meadow-Ground yearly mowen for Hay; nor to any Land ſet with Saffron, or Hops, or ſowen with Hemp, Flax, Woad, or Madder, or ſowen with Acrons, or ſet with Wood, during ſuch times as the ſame ſhall be uſed to the intents before ſpecified; neither ſhall this Act extend to any that hath, or within one year ſhall convert ſo much Paſture into Tillage within the ſame Pariſh, Town, Village, or Hamlet. EXP. and Rep. 5 El. 2. and 30 El. 1. and 21 Jac. 28.

CAP. VI.

An Act for the true making of Woollen Cloth.

Drapery 5. The true length, breadth and weight of Woollen Clothes.

Several abuſes practiſed in making of Cloth.

WHere heretofore divers and many goodly Statutes have been made for the true making of Cloth within this Realm, which nevertheleſs foraſmuch as Clothiers, ſome for lack of knowledge and experience, and ſome of extream covetouſneſs, do daily more and more ſtudy rather to make many then to make good Clothes, (2) having more reſpect to their private commodity and gain, then the advancement of truth, and continuance of the Commodity in eſtimation according to the worthineſs thereof, (3) have and do daily in ſtead of truth practice falſhood, and in ſtead of ſubſtantial making of Cloth, do practice ſleight and ſlender making, ſome by mingling of Yarn of divers ſpinnings in one Cloth, (4) ſome by mingling Fell-wool, and Lambs wooll, or either of them, with Fleece-wooll, (5) ſome by putting too little Stuff, (6) ſome by taking them out of the Mill before they be full thicked, (7) ſome by overſtretching them upon the Tentor, and then ſtopping with Flocks ſuch bracks as ſhall be made by means thereof; (8) finally by uſing ſo many ſubtile ſleights and untruths, as when the Clothes ſo made be put in water to try them, they riſe out of the ſame neither in length nor breadth as they ought to do, and in ſome place narrower then ſome, (9) beſide ſuch cockeling, bandoning, and divers other great and notable faults, as almoſt cannot be thought to be true;

II. And yet nevertheleſs, neither fearing the Laws in that caſe provided, nor regarding the eſtimation of their Countrey, do not only procure the Aulneger to ſet the Kings Seal to ſuch falſe, untrue and faulty Cloth, but do themſelves weave into the ſame, the likeneſs and ſimilitude of the Kings Highneſs moſt noble and Imperial Crown, and alſo the firſt Letter of his Name, which ſhould be teſtimonies of truth, and not a defence of untruth, to the great ſlander of the King our Sovereign Lord, and the ſhame of this Land, and to the utter deſtruction of ſo great and notable Commodity, as the like is not in any foreign Nation:

III. Our ſaid Sovereign Lord the King therefore, minding to advance all truth, and to abandon falſhood, and alſo to provide for the continuance of the ſaid Commodity of Cloth-making, to his honour, and the common profit of the Realm, hath by the advice of the Lords and Commons in this preſent Parliament aſſembled, cauſed as well divers honeſt Clothiers, as alſo divers Drapers, Merchant-taylors, Clothworkers, Sheremen, and other Artificers to whom it appertaineth, ts be examined by certain wiſe, diſcreet and ſage Knights and Burgeſſes of this preſent Parliament, of ſuch matters as touch as well the falſe as the true making of Clothes, by whoſe declaration, conſent, agreement and advice, after divers and ſundry meetings, and great deliberate advice taken in the premiſſes, (2) by authority of this preſent Parliament, it is enacted as hereafter followeth, to remain firm and perfect, notwithſtanding any ſuggeſtions hereafter to be made by any Clothier and Clothmaker to the contrary, as they have in like caſes heretofore done: that is to ſay, that every Cloth, Kerſie, piece of Frieze and Cotton, ſhall be made in ſuch ſort and form, and ſhall contain in length, breadth and weight, as is herein hereafter particularly mentioned, upon ſuch pains, penalties and forfeitures as be hereafter expreſſed and appointed.

The councel of ſeveral ſage, diſcreet and men of experience, and of the ſame trades, uſed in the making of this Statute.

IV. First, that all and every Broad Cloth and Clothes which ſhall be made after the ſaid Feaſt of S. Michael the Archangel next coming, within the Shires of Kent and Suſſex, or at the Town of Redding, or any of them, or elſewhere of like making, as the Clothes made there ſhall be of, ſhall contain in length at the water, every piece being through wet, betwixt eight and twenty and thirty yards of meaſure that is now cuſtomably uſed, and in breadth ſeven quarters at the leaſt within the liſt, by the whole length of the ſame Cloth, the liſts of the ſame Clothes to be of like making and aſſiſe as they have here beforetime been uſed to be made, and that every piece of the ſaid Clothes being well ſcowred, thicked, milled, and fully dried, ſhall be in weight, and weigh fourſcore and ten pound at the leaſt.

The weight and length of Broad-cloth made in certain places.

V. And that all and every white Cloth and Clothes which ſhall be made within the City of Worceſter, commonly called long Worceſters, and all like Clothes of like making, made within the City of Coventry, or elſewhere, after the ſaid Feaſt, ſhall contain in length, being wet as is aforeſaid, betwixt nine and twenty and one and thirty yards the piece, and to every yard one inch of the ſtandard, and ſhall be of the breadth above ſpecified throughout and by all the length of the whole Cloth, and liſted as hath been accuſtomed, and being well ſcowred, thicked, milled, and fully dried, ſhall weigh fourſcore and four pound the piece at the leaſt.

Long Worceſters.

VI. And that all coloured Clothes made in the ſaid Cities of Coventry and Worceſter, or elſewhere of like making, after the ſaid Feaſt, ſhall contain and be of like length and breadth as is laſt before mentioned, and be liſted as is aforeſaid, and being well ſcowred, thicked, and fully dried, ſhall weigh fourſcore pound the piece at the leaſt.

Coloured clothes.

VII. And that all and every white Cloth and Clothes, commonly called ſhort Worceſters, which ſhall be made within the ſaid City or County, or elſewhere of the ſame ſort, after the ſaid Feaſt, ſhall contain in length being wet, betwixt three and twenty and five and twenty yards, yard and inch of the rule, and ſhall be of the breadth as is aforeſaid, throughout and by all the whole Cloth, and liſted according to the ancient cuſtom, and being well ſcowred, thicked, and fully dried, ſhall weigh threeſcore pound the piece at the leaſt.

White clothes called ſhort Worceſters.

VIII. And that all coloured long Clothes which after the ſaid Feaſt ſhall be made within the Shires of Suffolk, Norfolk, or Eſſex, or any of them, or elſewhere of like ſort, ſhall contain in length, wet as is aforeſaid, betwixt eight and twenty and thirty yards, yard and inch of the rule, and ſhall be in breadth ſeven quarters of the yard within the liſts at the leaſt, throughout and by all the whole Cloth, and liſted as hath been accuſtomed, and being well ſcowred, thicked, milled, and fully dried, ſhall weigh fourſcore pound the piece at the leaſt.

Coloured long clothes.

IX. And that all and every ſhort Cloth and Clothes coloured, which after the ſaid Feaſt ſhall be made within the ſaid Shires laſt remembred, or any of them, or elſewhere of like ſort, ſhall contain wet as is aforeſaik, betwixt three and twenty and five and twenty yards, yard and inch of the rule, and ſhall be in breadth as laſt is remembred, throughout and by the whole Cloth, and liſted as is aforeſaid, and being fully ſcowred, thicked, milled, and fully dried, ſhall weigh threeſcore and four pound the piece at the leaſt.

Coloured ſhort clothes.

X. And that all and every coloured Cloth and Clothes which after the ſaid Feaſt ſhall be made within the ſaid Shires laſt remembred, or elſewhere of like ſorts, commonly called handy-warps, of what length they ſhall happen to be, ſhall be in breadth out of the water, throughout and by all the whole Cloth, as is laſt remembred, and liſted as they have been accuſtomed, and being well ſcowred, thicked, milled, and fully dried, every yard of every ſuch Cloth ſhall weigh three pound at the leaſt. (2) And that all Whites which after the ſaid Feaſt ſhall be made in the ſaid Shires, or elſewhere, as Cockſal whites, Glainsfords, and other being handy-warps, of what lengths ſoever they ſhall be, ſhall contain in breadth as is afore remembred, and be liſted as is aforeſaid, and being well ſcowred, thicked, milled, and fully dried, ſhall weigh by the yard three pound at the leaſt, of ſuch meaſure as hath been before uſed.

Coloured clothes called handy-warps.

Whites being handy-warps.

XI. And that all Whites and Reds which after the ſaid Feaſt ſhall be made in the Shires or Counties of Wiltſhire, Glouceſter and Somerſet, or any of them, or elſewhere of like making, and all other Whites which ſhall be made in any other parts of this Realm, and not afore remembred, ſhall contain in length, being through wet, betwixt ſix and twenty and eight and twenty yards, and ſhall be ſeven quarters of the yard in breadth within the liſts at the leaſt, and liſted according to the ancient cuſtom, and being well ſcowred, thicked, milled, and fully dried, ſhall weigh every piece threeſcore and four pound, being white, and threeſcore being coloured at the leaſt. (2) And that all broad Plunkets, Azures, Blews, and other coloured Cloth, which after the ſaid Feaſt ſhall be made within the ſaid Shires of Wiltſhire, Glouceſter, or Somerſet, or elſewhere of like making, ſhall contain, being wet as is aforeſaid, betwixt five and twenty and eight and twenty yards, yard and inch of the rule, and ſhall be ſeven quarters of a yard within the liſts at the leaſt, and liſted according to the ancient cuſtom, and being well ſcowred, thicked, milled, and fully dyed, ſhall weigh fourſcore and eight pound the piece at the leaſt.

Whites and Reds.

Broad Plunkets, Azures, Blews, and other coloured clothes.
St. 43 El. 10.
St. 35 El. 9.

XII. And

Ordinary Kerſies. St. 3 Jac. 16. Sorting Kerſies.

XII. And that all Kerſies called Ordinaries, ſhall contain in length betwixt ſeventeen and eighteen yards, yard and inch as is aforeſaid, and being well ſcowred, thicked, milled, dreſſed and fully dried, ſhall weigh twenty pound at the leaſt. (2) And all Kerſies called ſorting Kerſies, which after the ſaid Feaſt ſhall be made in any part of this the Kings Majeſties Realm of England, ſhall contain in length at the water, betwixt ſeventeen and eighteen yards, yard and inch as is aforeſaid, and being well ſcowred, thicked, milled, dreſſed and fully dried, ready to be ſhewed, ſhall weigh three and twenty pound the piece at the leaſt.

Devonſhire Kerſies.

XIII. And that all Devonſhire Kerſies called Dozens, which ſhall be made after the ſaid Feaſt, ſhall contain in length at the water, between twelve and thirteen yards, yard and inch of the rule, and being well ſcowred, thicked, milled, and fully dried, ſhall weigh fourteen pound the piece at the leaſt.

Broad clothes called Taunton, Bridgewater, &c.

XIV. And that all and every broad Cloth and Clothes called Taunton Clothes, Bridgewaters, and other Clothes, which ſhall be made after the ſaid Feaſt in Taunton, Bridgewater, or other places of like ſort, ſhall contain at the water, in length betwixt twelve and thirteen yards, yard and inch of the rule, and in breadth ſeven quarters of a yard: (2) And every narrow Cloth made after the ſaid Feaſt, in the ſaid Towns, or elſewhere of like ſorts, ſhall contain at the water, in length betwixt four and twenty and five and twenty yards, yard and inch as is aforeſaid, and in breadth one yard of like meaſure; (3) and every ſuch Cloth, both broad and narrow, being well ſcowred, thicked, milled, and fully dried, ſhall weigh four and thirty pound the piece at the leaſt.

Narrow clothes.

Check-kerſie, Straits.

XV. And that all Clothes named Check-Kerſie and Straits, which ſhall be made after the ſaid Feaſt, ſhall contain being wet, between ſeventeen and eighteen yards, with the inches as is aforeſaid, and in breadth one yard at the leaſt at the water; and being well ſcowred, thicked, milled, and fully dried, ſhall weigh four and twenty pound the piece at the leaſt.

Welſh clothes. REP. touching the length and weight. 4 & 5 P & M. St. 21 Jac. 28. St. 3 Car. 1. 4.

XVI. And that all and every Welſh Cotton and Cottons, which after the ſaid Feaſt ſhall be made and wrought ready to be ſold for a whole piece, ſhall not be ſtretched on the tentor, nor otherwiſe above a nail of a yard in breadth, and ſhall be in length two and thirty goads in the water at the moſt, and in breadth three quarters of a yard at the water at the leaſt, and being ſo fully wrought, every whole piece thereof ſhall weigh ſix and fourty pound at the leaſt; and every half piece of Welſh Cotton being full wrought, as is aforeſaid, ſhall contain in length, weight and breadth, after the ſame rate.

Welſh Friezes.

XVII. And that all Welſh Friezes, which after the Feaſt aforeſaid ſhall be made and wrought within the Shires of Cardigan, Caermarthen and Pembroke, or any of them, or elſewhere of like making, ready to be ſold for a whole piece, ſhall contain in length at the water, ſix and thirty yards at the moſt, yard and inch of the rule, and in breadth three quarters of a yard, and being ſo fully wrought, ſhall weigh every whole piece eight and fourty pound at the leaſt; and every half piece of Welſh Friezes being fully wrought as aforeſaid, ſhall contain in length, breadth and weight, after the ſame rate.

Northern cloth

XVIII. And that all and every Northern Clothes, which after the ſaid Feaſt ſhall be made, ſhall contain between three and twenty and five and twenty yards in length, yard and inch of the rule,, and in breadth being through wet, ſeven quarters of a yard within the liſts at the leaſt, and being well ſcowred, thicked, milled, and fully dried, ſhall weigh threeſcore and ſix pound the piece at the leaſt.

Dozens.

XIX. And every half piece called Dozens, made after the ſaid Feaſt, ſhall contain in length betwixt twelve and thirteen yards of meaſure aforeſaid, and ſeven quarters of a yard in breadth as afore, within the liſts and being well ſcowred, thicked, milled, dreſſed and fully dried, ſhall weigh three and thirty pound at the leaſt.

Peniſtones or Foreſt whites.

XX. And that all Cloth commonly called Peniſtones or Foreſt whites, which ſhall be made after the Feaſt aforeſaid, ſhall contain in length being wet, betwixt twelve and thirteen yards, yard and inch as is aforeſaid, and in breadth ſix quarters and a half quarter, out of the water, at the leaſt, and being well ſcowred, thicked, milled, and fully dried, ſhall weigh eight and twenty pound the piece at the leaſt.

Mancheſter Cottons.

XXI. And that all and every Cottons, called Mancheſter, Lancaſter, Lancaſhire and Cheſhire Cottons, which ſhall be made after the ſaid Feaſt, fully wrought to the ſale, ſhall be in length two and twenty goads, and contain in breadth three quarters of a yard in the water, and ſhall weigh thirty pound the piece at the leaſt.

Mancheſter Rugs.

XXII. And that all Clothes called Mancheſter Rugs, otherwiſe named Mancheſter Friezes, which ſhall be made after the ſaid Feaſt, and fully wrought to ſale, ſhall contain in length ſix and thirty yards, and in breadth three quarters of a yard, coming out of the water, and ſhall not be ſtretched on the tentor, or otherwiſe above a nail of a yard in breadth and being fully wrought and well dried, ſhall weigh every piece eight and fourty pound at the leaſt.

Forfeiture of the offenders in broad clothes, &c.

XXIII. And be it further Enacted, That all and every perſon or perſons which after the ſaid Feaſt of Saint Michael the Archangel next coming, ſhall make or cauſe to be made any of the ſeveral kinds of broad Clothes above rehearſed, of any ſhorter or longer meaſure then is above ſpecified and appointed for every Countrey, or ſeveral kind of Clothes to be made, or make any ſuch Cloth or Clothes of leſs breadth or weight, being well ſcowred, thicked, milled, and fully dried, then as is above ſpecified and appointed for every ſeveral Countrey, or kinds of Clothes, and ſhall put the ſame to ſale, and forfeit and loſe for every ſuch default, of every Cloth ſold, or offered to be ſold, in length or breadth, fourty ſhillings, (2) and for every pound weight which any Cloth ſo made and ſold, or offered to be ſold, ſhall lack, exceeding not above four pound in weight, ſhall alſo forfeit two ſhillings for every pound, the ſame forfeiture to go the finder thereof: (3) And that if any ſuch Cloth lack above four pound weight of the ſeveral weights above mentioned, That every owner thereof ſhall then forfeit fourty ſhillings for every ſuch Cloth ſo lacking of his weight, as is aforeſaid.

XXIV. Provided always, That if any broad Cloth ſhall exceed the ſeveral length before appointed for every Countrey, or kind of making, by means of the fineneſs, or the good perfect and ſtuffy making of the ſame Cloth, That then the maker thereof ſhall not incur any loſs or penalty for the over length of any ſuch fine Cloth; Any thing herein to the contrary in any wiſe notwithſtanding.

Cloth exceeding the length by the goodneſs.

XXV. And be it further enacted, That all and every perſon and perſons, which after the ſaid Feaſt ſhall make or cauſe to be made, any of the ſeveral kinds of Kerſies, narrow Clothes, Streights, Dozens, Friezes or Cottons abovementioned, which ſhall not be made in ſuch manner and form as is aboveſaid, nor contain and have in length, breadth, and weight, ſeverally appointed and limited, as is above ſpecified, ſhall loſe and forfeit for every piece of Cloth called Streight or Dozen, and for every piece of narrow Cloth, Kerſie, Frieze or Cotton ſo to be made and ſold, or offered to be ſold, xx. s.

Forfeitures for narrow clothes, Kerſies, Dozens.

XXVI. And be it further enacted, That from and after the ſaid Feaſt, no perſon or perſons ſhall put any hair, flocks, or any yarn made of lambs-wooll, into any Cloth, Kerſie, Frieze, or Cotton ſo made and ſold, or offered to be ſold, upon pain to forfeit every ſuch Cloth, Kerſie, Frieze and Cotton, wherein any ſuch yarn, hair, or flocks ſhall be put, or the value of ſuch Cloth, Kerſies or Frieze.

No flocks, hair or yarn of Lambs wooll ſhall be put in any cloth
Rep. 27 El. 18.
7 Ed. 6. 9.
43 El. 10. 4 Jac 2.
Rep. 4 & 5 P. & M. 5.

XXVII. And be it further enacted, That if at any time after the ſaid Feaſt, any Cloth through the default or negligence of the Carders, Spinners or Weavers, or any of them, ſhall or do prove either purſie, bandy, ſqually by warp or woof, or elſe ſhall happen to be evil burled or waſted in the mill, or elſe through the default or negligence of the mill-man, or otherwiſe to be full of holes, mill-bracks, or to be holely, That then the Seal of the Aulneger ſhall not be fixed or ſet to any ſuch Cloth; Any Law, Statute, or Uſage to the contrary in any notwithſtanding, but the accuſtomable fees and allowances of the Aulneger ſhall nevertheleſs be paid, upon pain of forfeiture of ſuch whole Cloth, or the value thereof.

XXVIII. And be it further enacted, That if any Clothier or Cloth-maker, do after the ſaid Feaſt, put any Cloth or Kerſie to ſale, before he ſhall have paid to the Aulneger or his Deputy, the accuſtomable fee, or agree for the ſame, as he, ſhe or they have been accuſtomed, ſhall loſe and forfeit for every default xx. s.

The Aulnegers fee ſhall be paid before the cloth be ſold.

XXIX. And be it further enacted, That no perſon or perſons, Engliſh, Denizen, Alien or Stranger, ſhall after the ſaid Feaſt, carry or tranſport, or cauſe to be carried or tranſported into any of the parts beyond the Sea, any Cloth, Kerſie, Frieze or Cotton, of the ſeveral ſorts above recited, unleſs the Kings Seal, or Aulnegers Seal of this Realm, and the Seal of the owner or maker of this Cloth, (declaring therein the length of the Cloth as it ſhall be in the water) be ſet upon every ſuch Cloth, upon pain to forfeit every ſuch Cloth lacking the ſame Seals, or any of them, or the value thereof.

No cloth ſhall be tranſported before the Aulnegers and owners ſeal be ſet to it.

XXX. And be it further enacted by the authority aforeſaid, That no Draper, Merchant-taylor, Cloth-worker, or other perſon, which ſhall retail any of the Clothes or Kerſies, Friezes, Rugs or Cottons of the ſeveral makings aforeſaid, ſhall after the ſaid Feaſt, put to ſale any of the Clothes afore mentioned, whereunto the Aulneger ſhall have ſet to the Kings Seal, and the owner his Seal, till ſuch time as he or they have made trial, as well by the water, as by the weight and meaſure, whether they and every of them ſhall be made according to the purport and meaning of this Act, or no.

Every Retailer ſhall try his cloth, and preſent that which is faulty.

XXXI. And if any perſon or perſons ſhall find any defective or faulty Cloth in length, weight or meaſure, made contrary to the Order aforeſaid, That then he or they ſhall preſent every ſuch Cloth to every Mayor, Bailiff, or other head Officer or head Officers of every City, Borough, or Town corporate, or two Juſtices of Peace next adjoyning out of a City, Borough, or Town corporate, where ſuch Cloth ſhall be found faulty, as is aforeſaid, to the intent the ſame Cloth may be cut into three equal parts and pieces; (2) the one piece thereof to be forfeited to our Sovereign Lord the King, another piece to the preſenter thereof, and the third part reſidue to ſuch perſon or perſons as it ſhall then be preſented to, (3) upon pain that every ſuch perſon as ſhall not ſo ſearch every of the Clothes, Kerſies, Cottons or Friezes aforeſaid, ſo by him to be bought and ſold, and ſhall not ſeize and preſent ſuch Cloth or Clothes as he or they ſhall find defective, as is aforeſaid, and ſhall forfeit and loſe the double value of every ſuch Cloth.

XXXII. And be it further enacted, That every Clothier or other perſon whatſoever, which ſo ſhall ſell any ſuch faulty Kerſie, Cotton or Frieze, whereunto the Aulneger and the Owner ſhall have ſet to their Seals, and ſhall be Sealed as is aforeſaid, ſhall within fourteen days next after requeſt made in writing, meſſage, or otherwiſe, by ſuch perſon which ſhall ſo buy ſuch Cloth, making payment of ſuch ſums of money as he received for the ſame, or ſhall otherwiſe, ſatisfie, diſcharge and acquit him for ſo much money as he ſhall, or ſhould have received for the ſame, (2) upon pain of forfeiture to the party grieved for every non-payment or not acquittal, as is aforeſaid, the double value of the money ſo received, or to be received, the ſame to be recovered by bill, plaint, action of debt, or otherwiſe, in any of the Kings Majeſties Courts of Record, wherein no eſſoin, protection, or wager of Law ſhall be admitted or allowed.

The Clothier ſhall repay his money to the buyer of faulty cloth.

XXXIII. And for the further avoiding of much untruth practiſed by ſtretching of Clothes, be it enacted, That no perſon or perſons ſhall after the ſaid Feaſt, ſtrain or ſtretch, or cauſe to be ſtrained or ſtretched, any Cloth above one yard in length, and one half quarter in breadth, upon pain to forfeit for every ſuch default, five pounds.

Stretching of clothes.

XXXIV. And be it further enacted, That no perſon which ſhall after the ſaid Feaſt, keep, have, uſe or occupy any tentor, ſhall have, uſe or occupy any wrinch, rope or ring with the ſame tentor, or ſhall uſe any other engine unlawfully, to ſtrain or ſtretch any Cloth or Clothes, upon pain that every offendor that ſhall uſe or occupy any tentor, or other engine to the contrary, ſhall forfeit twenty pounds.

The penalty for uſing a tentor with a wrinch, rope, or ring.

XXXV. And be it alſo enacted by like authority, That if any Merchant ſhall by any means tranſport or carry over into the parts beyond the Sea, any Cloth, Kerſie, Frieze or Cotton, Tranſporting defective Cloth. Alt. 4 & 5 P & M. 5. Stat. 43 El. 10.

which ſhall be found defective or faulty, either in length, breadth or weight, or elſe ſhall have any of the faults aforeſaid, That then the Merchant, or other perſon which ſhall ſo tranſport the ſame, ſhall return again the ſame Cloth ſo found defective, into England, at the coſts and charges of the Clothier or Cloth-maker that ſold the ſame; (2) the ſame coſts and things to be recovered againſt ſuch Cloth-maker or Clothier, by action of debt, bill, plaint, or information in any of the Kings Courts; any promiſe or bargain to the contrary notwithſtanding: (3) Upon pain that every Merchant, or other perſon that ſhall not ſo return ſuch faulty or defective Cloth, (if through miſfortune by tempeſts, pirates or enemies he be not letted) ſhall forfeit and loſe the value of the Cloth ſo ſhipped and tranſported, and not returned as is aforeſaid: The one moiety thereof to the King, and the other moiety to him that will ſue for the ſame by action of debt, bill, plaint or information, in which action no eſſoin, protection, or wager of Law ſhall be admitted for the defendant.

XXXVI. And to the intent that it may be perfectly known which Clothes are perfectly dreſſed, dyed and preſſed with the cold preſs, without fraud, covin and deceit, as well within the City of London, as elſewhere, and have ſufficient workmanſhip:

Two ſearchers ſhall be appointed in every City, Borough, &c. of Cloth, and their Authority. 2 & 3 P & M. 12.

XXXVII. Be it further enacted, That as well the Mayor of the City of London, and Aldermen, or moſt part of them for the time being, as all and every other Mayor, Bailiff, and other head Officer or Officers of every City, Borough or Town corporate within this Realm, ſhall have full power and authority by virtue of this Act to nominate, depute and appoint from time to time, as occaſion ſhall ſerve, and ſhall ſo from time to time nominate, depute and appoint two or mo honeſt, diſcreet and expert perſons, which ſhall from time to time upon their Oaths, view and ſearch every ſuch Cloth and Clothes that ſhall be dreſſed, dyed or preſſed with the cold preſs within every ſuch City, Borough, Town-corporate, or Port-Town, (2) and view and ſearch whether the ſame Cloth or Clothes be well and ſufficiently dreſſed, and preſſed with the cold preſs, without putting thereto flocks, ſollace, chalk, flour, or any other deceitful thing, (3) and alſo whether the ſame ſhall be well and ſubſtantially dyed with good and perfect colours, without any deceivable thing, or whether it ſhall be ſtretched or ſtrained any more then is above ſpecified; (4) and ſhall have full power and authority by virtue of this Act, to enter into all and every perſons houſe or houſes, where they ſhall think meet to ſearch, and to ſeize all and every ſuch Cloth or Clothes as they ſhall find defective in the premiſſes, as forfeited, in whoſe hands ſoever they ſhall be found: The moiety of which forfeiture ſhall be to the uſe of our Sovereign Lord the King, and the other moiety to the uſe of the Mayor and Commonalty of the City of London, or to the uſe of every City, Borough, Town-corporate, Port-Town, or Market-Town where the ſame ſhall be ſeized.

A remedy for the loſer where the Cloth is faulty.

XXXVIII. And be it further enacted, That every perſon or perſons in whoſe hands and poſſeſſion ſuch defective and faulty Cloth, either by evil or deceivable dying, dreſſing or preſſing, as is aforeſaid, ſhall be found and ſeized, as is aforeſaid, ſhall have his, her, or their remedy by action of debt, bill, plaint, information, or otherwiſe, in any of the Kings Majeſties Courts of Record, wherein no eſſoin, protection, or wager of Law ſhall be admitted or allowed for the defendant, againſt all and every ſuch perſon or perſons, by whoſe defaults or negligence ſuch Cloth ſhall be ſo found faulty, (2) and ſhall thereby recover all ſuch coſts, loſſes and damages as he ſhall ſuſtain by occaſion thereof.

A ſeal of lead for a Town-corporate.

XXXIX. And be it further enacted by the ſame authority, That as well the ſaid Mayor of the City of London, as every other Mayor, Bailiff, Port-rieve, or other head Officer of every City, Borough, Town-corporate, or Port-Town, ſhall on this ſide the ſaid Feaſt, cauſe to be prepared a Seal of Lead, wherein as well the Arms as the Name of every ſuch City, Borough, Town-corporate, and Port-Town, ſhall be graven, which the ſame Searchers ſhall cauſe to be fixed to every Cloth that they ſhall find after the ſaid Feaſt, well and ſufficiently dreſſed, dyed and preſſed with the cold preſs, without any of the deceits aforeſaid, (2) and ſhall have for their pains and travels therein to be taken by the owner there, for the ſealing of every Cloth, two pence.

The Seal of faulty Cloth.

XL. And be it further enacted, That if any Searcher or Searchers ſo to be appointed, do after the ſaid Feaſt find any of the Clothes, being coloured or dyed, ſo made after the ſaid Feaſt, either cockely, purſie, bandy, ſqually or rowy, or evil burled, or waſted in the mill, or full of holes or bracks, That then the ſame Searcher or Searchers, ſhall beſides the Seal of the City, Borough or Town-corporate where the ſame Cloth ſhall be found, put another Seal of Lead at every end of the ſaid Cloth, wherein ſhall be graven the Letter F, and ſhall alſo ſet a Mark in the Liſt, right againſt ſuch place where any of the faults aforeſaid ſhall be, with the print of a Letter, or mark of an inch compaſs at the leaſt, whereby every buyer may well know what and where the fault is.

Forfeiture where the ſeal is ſet to cloth not ſufficiently dreſſed.

XLI. And be it further enacted, That if any of the Searchers aforeſaid ſhall ſet the Seal of any City, Borough, Town-corporate, or Port-Town, to any coloured Cloth, which ſhall not be ſufficiently dreſſed, dyed, preſſed and wrought, as is aforeſaid, That then the Mayor and Commonalty, or Bailiffs or Commonalty, or other Corporation of the Townſhip, by whatſoever name or names they ſhall be incorporated, where ſuch Cloth ſhall be ſealed, ſhall forfeit and loſe the whole value of the Cloth ſo ſealed.

Forfeiture where the ſeal is ſet to faulty cloth.

XLII. And be it further enacted by the authority aforeſaid, That if any of the Searchers aforeſaid, after the ſaid Feaſt, do ſet the Seal of the City, Borough or Town-corporate, within the limits of their ſearch, to any Cloth which ſhall be cockely, purſie, bandy, ſqually, rowy, evil burled, waſted in the mill, or full of holes, as is aforeſaid, and not ſet at every end of the ſaid Clothes, one Seal with the Letter F, as is aforeſaid, and alſo declare by the Liſts, as is aforeſaid, what and where the faults of the Clothes be; That then the Mayor and Commonalty, or other the Corporation of every ſuch Borough, City or Town-corporate, where ſuch Searcher ſhall be appointed, ſhall forfeit and loſe for every ſuch omiſſion, or not ſetting to of any ſuch Seal as is aforeſaid, five pound.

XLIII. And be it further enacted, That no perſon or perſons whatſoever they be, which

commonly

Cloth retailed which is unſealed.

commonly uſe to retail Cloth or Kerſie, ſhall put to ſale in groſs or by retail, to any manner of perſon, any manner of Cloth which ſhall be made after the ſaid Feaſt, being dreſſed, dyed and preſſed, as is aforeſaid, except there be fixed thereunto at every end of the ſame Cloth, the Seal of ſuch City, Borough, or Town-corporate where the ſame Cloth ſhall be ſo dyed, dreſſed and preſſed, or the ſeveral Seal of every ſuch City, Borough, or Town-corporate where it ſhall be dyed, dreſſed or preſſed, to remain at the laſt end of every the ſaid Cloth which ſhall be ſold, during and by all the time that any piece or remnant of ſuch Cloth is to be ſold, upon pain of forfeiture of the whole value of ſuch whole Cloth.

The forfeiture of the chief Officer of a City, Borough, &c. for not appointing Searchers.

XLIV. And be it further enacted, That every Mayor, Bailiff, or other head Officer of any City, Borough, or Town-corporate, in which any ſuch Cloth or Clothes after the ſaid Feaſt ſhall be made, dyed, dreſſed or preſſed with the cold preſs, as is aforeſaid, which doth not, or ſhall not after the ſaid Feaſt of St. Michael, nominate and appoint from time to time ſo many Searchers as ſhall be requiſite, to view and ſearch Clothes upon their Oaths, as is aforeſaid, ſhall loſe and forfeit for every default, ten pound.

The penalty for refuſing to be a Searcher.

XLV. And be it further enacted, That if any of the ſaid Searchers ſo to be appointed by the Mayor, being a free-man of the ſaid City, or by the Mayor, Bailiff, or other head Officer of any City, Borough or Town-corporate, as is aforeſaid, having no reaſonable excuſe, do refuſe to take upon him to be a Searcher, and do not uſe the Office of a Searcher, as is aforeſaid, ſhall forfeit and loſe for every ſuch refuſal, and not executing of his Office ſo to him appointed, five pound, the one half thereof to be to the King our Sovereign Lord, and the other half to the uſe of the Commonalty of every City, Borough or Town corporate where he ſhall be ſo aſſigned, and to remain in ward till ſuch time as he hath made payment of the ſaid forfeiture, or otherwiſe put in ſufficient Bonds for his ſatisfaction of the ſame.

No coloured cloth ſhall be put to ſale but theſe within named REP. 21 Jac. 28. St. 4 & 5 P. & M. 5.

XLVI. And foraſmuch as there be now in this time many falſe and deceivable colours made in divers places of this Realm, whereby many of the Kings loving Subjects are deceived, (2) Be it enacted, That from and after the ſaid Feaſt of St. Michael the Archangel next coming, no perſon or perſons ſhall put to ſale by retail within this Realm, any Cloth or Clothes which ſhall be made after the ſaid Feaſt, of any other Colour or Colours then is hereafter expreſſed: That is to ſay, Scarlet, Red, Crimſon, Murry, Violet, Puke, Brown-blew, Blacks, Greens, Yellows, Blews, Orange-tauney, Ruſſet, Marble-gray, Sad new Colour, Azure, Watchet, Sheeps colour, Lion-colour, Motley or Iron-gray, (3) upon pain that every perſon offending to the contrary, ſhall loſe and forfeit the value of the Cloth ſold by retail, which ſhall be of any other colour.

Preſſing of cloth.

XLVII. And be it further enacted, That no perſon or perſons after the ſaid Feaſt of Saint Michael the Archangel, ſhall preſs any kind of Cloth with the hot preſs, or in any other kind of deceivable manner, but only with the cold preſs, as is above ſpecified, upon pain of forfeiture of the whole Cloth ſo preſſed contrary to the meaning of this Statute, or the value thereof.

Counterfeiting, ſetting to, or taking away ſeals.

XLVIII. And be it further enacted, That if any perſon or perſons, but ſuch as are appointed, aſſigned, and permitted by this Act, do at any time after the ſaid Feaſt, counterfeit, ſet to, or take away from any of the Clothes, Kerſies, Frizes, Rugs or Cottons aforeſaid, any of the Seals ſo to be fixed as is above recited, That then every perſon ſo offending, ſhall for the firſt offence (being thereof duly convicted by verdict of twelve men, by two ſufficient witneſſes, or by confeſſion of the party) forfeit and loſe ten pound; And for the ſecond offence (being likewiſe thereof convicted) ſhall ſit on the Pillory, and loſe and forfeit to our Sovereign Lord the King, all ſuch his goods and chattels (his debts being duly and truly paid without fraud or covin) as he had, or ſhall have at the time of his conviction.

A Clothier ſhall not give over the making of cloth without licence.

XLIX. And be it further enacted, That if between the firſt day of May next coming, and the Feaſt of St. Michael the Archangel then next coming, any perſon or perſons which now doth uſe the Art or Myſtery of Draping or Cloth-making, ſhall give over Draping or Cloth-making, except he be licenſed ſo to do by three Juſtices of Peace at the leaſt, of the City, County, Borough or Town corporate where he dwelleth, upon ſome reaſonable cauſe ſhewed unto the ſaid Juſtices, ſhall never after take upon him to make or cauſe to be made any kind of Cloth or Kerſie, to ſell the ſame again, upon pain of forfeiture of every ſuch Cloth, or Kerſie that he ſhall ſo ſell.

A repeal of all former ſtatutes touching the making, dying, and dreſſing, &c. of cloth.

L. And be it further enacted, That all and every Article, Clauſe or Sentence in any Act of Parliament thereof made, concerning making, dying, dreſſing, preſſing, ſearching or ſealing any of the kinds of Clothes, broad or narrow, white or coloured, Kerſies, Frizes, Rugs or Cottons, heretofore in this Act mentioned, and being repugnant or contrariant to any Article or Sentence in this Statute, ſhall from the Feaſt of St. Michael the Archangel next, be utterly void and of none effect. (2) And to the intent that all ſuch Clothes as ſhall be made within this Realm, or any other the Kings Dominions, after the ſaid Feaſt, ſhall be the better known from the other Clothes made before the ſame,

A mean to diſcypher faulty clothes by the want of the E crowned. St. 3 & 4 Ed. 6. 2.

LI. Be it therefore enacted by the authority aforeſaid, That from and after the ſaid Feaſt, the Letter E crowned ſhall not be wrought into the Cloth, for and by the ſpace of two years then next enſuing, upon pain of forfeiture of twenty ſhillings for every Cloth or Kerſie, wherein the ſaid Letter E ſhall be ſo wrought, (2) the moiety of all which forfeitures, and of all other forfeitures before expreſſed, and not otherwiſe appointed by this preſent Act, ſhall be to the King our Sovereign Lord, and the other moiety to him or them that will ſue for the ſame by action of debt, detinue, bill, plaint or information in any of the Kings Courts of Record, wherein no wager of Law, eſſoin or protection ſhall be admitted nor allowed for the defendant.

Who ſhall have the forfeitures, and by what means.

No boiling of wools.

LII. Provided alſo, and be it enacted by the authority aforeſaid, That it ſhall not be lawful to any perſon or perſons, at any time after the Feaſt of St. Michael the Archangel next coming, to boil or cauſe to be boiled any kind of Wools, to be converted into any kind of Broadcloth or Kerſie, with any kind of gauls, rinds, or barks of trees, or ſaw-duſt, upon pain to forfeit all ſuch Wooll, or the value thereof, to be recovered, and had in ſuch form and ſort, as in the aforeſaid Act is limited and expreſſed.

Taveſtock-clothes.

LIII. Provided always, That this Act, nor any thing therein contained, ſhall not in any wiſe extend to any Cloth or Clothes made in the Town of Taveſtock in the County of Devonſhire, or elſewhere within the ſaid County, commonly called Taveſtock-clothes, but that it ſhall be lawful to all and every Inhabitants of the ſaid Town, or makers of the ſaid Clothes commonly called Taveſtocks, to make and ſeal the ſame with the accuſtomed Seal, as they have heretofore been accuſtomed; Any thing in this Act to the contrary in any wiſe notwithſtanding. St. 4 & 5 P. & M. 5. 27 El. 17. 4 Jac. 2.

C A P. VII.

Woolls 1.

What perſons may buy and ſell Wooll, and who not, and at what times. Rep. 21 Jac. 28. St. 18 Ed. 3. 3. 4 Ed. 4. 4. 4 H. 7. 11. 37 H. 8. 15. 1 Ed. 6. 6. 2 & 3 P. & M. 13.

Savil

C A P. VIII.

An Act limiting what perſons ſhall weave or make broad Woollen Cloth.

Drapery, Rait. 54. What perſons may weave or make woollen cloth.

BE it enacted by the aſſent of the Kings Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons within this Realm of England, Wales, or other the Kings Dominions, after the Feaſt of S. Michael the Archangel next enſuing, ſhall weave or make, or put to weaving or making, any manner of broad Woollen Clothes to be ſold, unleſs that ſuch perſon or perſons that ſhall ſo weave or make, or put to weaving or making the ſaid broad Woollen Cloth or Clothes ſo to be made to be ſold, have been an Appentice to the Occupation of broad Woollen Cloth-making, or Clothes-weaving, or have been exerciſed and practiſed in and with Broadcloth making or Clothes-weaving, by the ſpace of ſeven years at the leaſt, before the ſame perſon or perſons ſhall ſo take upon him or them to make or weave, or to put to weaving or making the ſaid broad Woollen Clothes, (2) upon pain to forfeit all and every ſuch Cloth and Clothes ſo woven or made contrary to the form of this Act:

II. The one half of which forfeiture ſhall be to our Sovereign Lord the King, and the other half to him or them that will or ſhall ſue for the ſame, by Bill, Plaint, Action of Debt, or Information, in any Court of Record within this Realm of England or Wales; in which Action, Suit, Plaint, Bill or Information, no Eſſoin, Protection or Plea to the Juriſdiction of the Court ſhall be allowed for the Defendant. St. 1 M. 7. 4 & 5 P. & M. 5. 2 & 3 P. & M. 11.

C A P. IX.

An Act for the taking away of the benefit of the Clergy from certain Offenders.

Clergy 13. No perſon robbing any houſe, &c. ſhall have the benefit of his Clergy. 23 H. 8. 1.

3 Inſt. 6

WHere at the Parliament holden at Weſtminſter by Prorogation the Three and twentieth year of the Reign of the late King of famous memory, King Henry the Eighth, it was among other things then and there enacted, eſtabliſhed and ordained by authority of the ſame Parliament, That no perſon or perſons, which after that time ſhould happen to be found guilty, after the Laws of this Realm, for any manner of petty Treaſon, or for any wilful murther of malice prepenſed, or for robbing of any Churches, Chappels, or other holy places, or for robbing of any perſon or perſons in their dwelling-houſes, or dwelling-places, the owner or dweller in the ſame houſe, his wife, his children or ſervants then being within, and put in fear or dread by the ſame, or for robbing of any perſon or perſons in or near about the highways, or for wilful burning of any dwelling-houſes or barns wherein any Grain or Corn ſhould happen to be, nor any perſon or perſons being found guilty of any abetment, procurement, maintaining, or concealing of any, or to any ſuch pety Treaſon, murthers or felonies, ſhould from thenceforth be admitted to the benefit of his or their Clergy, but utterly to be excluded thereof, and ſuffer death in ſuch manner and form, as they ſhould have done for any the cauſes or offences aboveſaid, if they were no Clerks, ſuch as be within the holy Orders, that is to ſay, of the Orders of Sub-deacon, or above, all only excepted, as by the ſame Act among other things more plainly appeareth; (2) which Act was made to endure until the laſt day of the next Parliament; and after that at the Seſſion of the Parliament holden at Weſtminſter by Prorogation, in the Two and thirtieth year of the Reign of the ſaid late King, the ſame Act with other Acts, was made to continue for ever:

32 H. 8. 3.

Three ſeveral doubts & queſtions moved upon the Stat. of 23 H. 8. 1.

II. Sithen the making of which Statute it hath been doubted, That if ſuch robberies and felonies have been committed and done in dwelling-houſes, and dwelling-places, the owner or dweller in the ſame houſe, his wife, his children or ſervants being then put in fear or dread by the ſame, ſhall not loſe the benefit of their Clergy, if the offenders be therein found guilty by the Laws of this Realm, unleſs the ſame robbery or felony be committed and done in the very chamber, houſe or place where the owner or dweller in the ſame houſe, his wife, children or ſervants ſhall happen to be or lie at the time of ſuch robbery and felony committed and done, and put in fear and dread, although the owner and dweller in ſuch houſe and houſes, his wife, his children or ſervants, at the time of ſuch robbery and felony committed and done, were or lay in other places within the precinct of the ſame dwelling-houſes, nigh unto the houſe or place where ſuch robbery and felony ſhall happen to be done: (2) Or if it happen that the owner or dweller within the ſame houſe where ſuch robbery or felony ſhall happen to be done, his wife, children or ſervants to be aſleep at the time of ſuch robbery and felony committed and done, although the ſame robbery were done in the chamber or place where the owner or dweller in the ſame houſe, his wife, children or ſervants then lay, the offenders being found guilty thereof, according to the Laws of the Land, ſhould not loſe the benefit and advantage of their Clergy.

Poth. 84. Coron. 16.

III. And where alſo it hath been in queſtion and doubted, That if ſuch robberies and felonies happen to be committed and done in any booth or booths, tent or tents, in any fair or market, the owner of the ſame, his wife, children or ſervants happening to be within the ſame at the time of the committing of ſuch felonies, and put in fear and dread, the offenders therein being found guilty after the Laws of this Realm, ſhould not loſe the benefit of their Clergy:

IV. For the true declaration and explication of the ſame doubts or queſtions before recited, be it enacted, ordained and eſtabliſhed by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if it happen any perſon or perſons to be found guilty according to the Laws of this Realm, for robbing of any perſon or perſons after the firſt day of May next enſuing, in any part or parcel of their dwelling-houſes, or dwelling-places, the owner or dweller in the ſame houſe, or his wife, his children or ſervants being then within the ſame houſe or place where it ſhall happen the ſame robbery and felony to be committed and done, or in any other place within the precinct of the ſame houſe or dwelling-place, that ſuch offenders ſhall in no wiſe be admitted to their Clergy, whether the owner or dweller in the ſame houſe, his wife or children then and there being, ſhall be waking or ſleeping.

Burglary, the owner &c. being in another part of the houſe, or aſleep.

V. And that no perſon or perſons which after the ſaid firſt day of May ſhall happen to be found guilty after the Laws of this Realm, of and for robbing any perſon or perſons, in any booth or tent, in any Fair or Market, the owner, his wife, his children or ſervants, or ſervant then being within the booth or tent, ſhall not from henceforth be admitted to the benefit of his or their Clergy, but utterly be excluded thereof, and ſuffer death in ſuch manner and form as is before mentioned in the ſaid Act made in the ſaid three and twentieth year of the Reign of the ſame late King, for robberies and felonies committed and done in dwelling-houſes and dwelling-places, the owner or dweller in the ſame, his wife, children or ſervants then being within the ſame, and put in fear and dread, without having any reſpect or conſideration whether the owner or dweller in ſuch booths and tents, his wife, children or ſervants being in the ſame booths or tents at the time of ſuch robberies and felonies committed, ſhall be ſleeping or waking.

Burglary in a tent or booth, in a Fair or Market.

CAP. X.

An Act for the avoiding of Clergy from divers perſons.

Where in the Parliament holden at Weſtminſter upon prorogation, the xv. day of January, in the xxv. year of the Reign of our late Sovereign Lord, King Henry the Eighth, It is recited, that at the Parliament holden at Weſtminſter, in the xxiii. year of the Reign of the ſaid late King, amongſt other things it was ordained, eſtabliſhed and enacted, That no perſon or perſons, which after that time ſhould happen to be found guilty after the Laws of this Land, of any manner of petit Treaſon, or for any wilful murder of malice prepenſed, or for robbing of any Churches, Chappels, or other holy places, or for robbing of any perſon or perſons in their dwelling-houſes or dwelling-place, the owner or dweller in the ſame houſe, his wife, his children or ſervants then being within, and put in fear and dread by the ſame, or for robbing of any perſon or perſons in or near about the high-way, or for wilful burning of any dwelling-houſes or barns wherein any grains of corn ſhould happen to be, nor any perſon or perſons being found guilty of any abetment, procurement, helping, maintaining or concealing of, or to any ſuch petit Treaſon, murders or felonies, ſhould from thenceforth be admitted to the benefit of his or their Clergy, but ſhould utterly be excluded thereof, and ſuffer death in ſuch manner and form as they ſhould have done for any the cauſes or offences aboveſaid, if they were no Clerks; (2) which Act extended but only where ſuch offender was convicted in ſuch County or place where ſuch offence was ſo committed and done, and not where he or they did ſuch offence in one County, and were taken with the manner in another County: (3) Wherefore it was conſidered, That foraſmuch as divers and many felons and robbers, that commit and do divers and many great hainous robberies and burglaries in one Shire, and convey the ſpoil and robbery into any other Shire and there be taken, indicted, and arraigned of felony, of the felonious ſtealing of the ſame goods in the ſame other Shire then where the ſame robberies or burglaries were done and committed, and not of the ſame robbery nor burglary, for that it was not done or committed in the ſame Shire where they be ſo indicted and arraigned, and that by reaſon thereof ſuch felons, robbers and burglarors had and enjoyed the priviledge and advantage of their Clergy:

Clergy 17. Such as rob in one Shire, and flie into another, ſhall not have their Clergy. 25 H. 8. 3. 23 H. 8. 1.

II. For redreſs whereof, it was enacted in the ſaid Parliament holden in the ſaid five and twentieth year of the ſaid late King, That if any perſon or perſons after that time, after ſuch robbery or burglary by him or them done in any one County, ſhould be indicted of felony for ſtealing of any goods or chattels in any other County within this Realm, and thereupon arraigned and found guilty, or ſtand mute of malice, or challenge peremptorily above the number of twenty perſons, or would not upon his or their ſaid arraignment directly anſwer to the ſame felony, That then the ſame perſon and perſons ſo arraigned and found guilty, or ſtanding mute of malice, or challenging peremptorily above the number of twenty perſons, or that would not directly anſwer to the Law, ſhould loſe and be put from the benefit of his or their Clergy, in like manner and form as they ſhould have been, if they had been indicted, arraigned and found guilty in the ſame County where ſuch robbery or burglary as is aforeſaid, was done or committed, if it ſhould appear to the Juſtices before whom any ſuch felons or robbers ſhould be arraigned, by evidence given before them, or by examination, that the ſame felons and burglarors ſhould have been put from their Clergy in caſe they had been indicted, arraigned and found guilty in the ſame County where the ſame robberies or burglaries were committed or done, as in the ſame Statute made in the ſaid five and twentieth year, among other things, more plainly appeareth.

III. And where in the Parliament holden at Weſtminſter the fourth day of November, in the firſt year of the Reign of our Sovereign Lord the King that now is, it is ordained and enacted amongſt other things, That no perſon or perſons that before that time had been, or at any time hereafter ſhould be in due form of the Laws attainted or convict of murther of malice prepenſed, of poiſoning of malice prepenſed, (2) or of breaking of any houſe by day or by night, any perſon being then in the ſame houſe where the ſame breaking had been, or af-

Wherein the Statute made 1 Ed. 6. 12 doth take away the force of the Statute of 25 H. 8. 3.

ter that time ſhould be committed, being put in fear or dread, (3) or of, or for robbing of any perſon or perſons in the high-way, or near the high-way, or for felonious ſtealing of Horſes, Geldings or Mares, (4) or of felonious taking of any goods out of any Pariſh Church, or other Church or Chappel, (5) or being indicted or appealed of any of the ſame offences, and thereupon found guilty by verdict of twelve men, or ſhould confeſs the ſame upon his or their arraignment, or would not anſwer directly according to the Laws of this Realm, or ſhould ſtand wilfully or of malice mute, (6) ſhould not be admitted to have or enjoy the priviledge or benefit of his or their Clergy or Sanctuary, but ſhould be put from the ſame.

IV. And that in all other caſes of felony, other then ſuch as be before mentioned, all and ſingular perſon and perſons, which after the firſt day of March then next following, ſhould be arraigned or found guilty upon his or their arraignment, or ſhould confeſs the ſame, or ſtand mute in form aforeſaid, or would not anſwer directly in form abovesaid, ſhould have and enjoy the priviledge and benefit of his or their Clergy, and the liberty and priviledge of Sanctuary, in like manner and form as he or they might or ſhould have done before the twenty fourth day of April, in the firſt year of the Reign of the ſaid late King Henry the Eighth, as in the ſaid Act made in the ſaid firſt year, among other things more plainly appeareth: (2) By reaſon of which Article and Clauſe contained in the ſaid Act made in the ſaid firſt year, the ſaid Statute made in the ſaid twenty fifth year of the ſaid late King, which did put ſuch felons and burglarors from their Clergy, that do ſuch offence in one County, and after are taken with the goods ſtollen in another County, and there indicted, arraigned, and found guilty, was made void; By reaſon whereof divers and many perſons that ſithen the ſaid firſt year have committed ſuch robberies and burglaries in one County, and after have been taken with the manner in another County, and there indicted, arraigned, and found guilty, have had and enjoyed their Clergy, which they would not have had, in caſe the ſaid Act made in the ſaid twenty fifth year had ſtood in force, to the great bolding and comfort of ſuch offenders: (3) For redreſs whereof from henceforth to be had, Be it enacted by the authority of this preſent Parliament, That the ſaid Act made in the ſaid twenty fifth year, touching the putting of ſuch offenders from their Clergy, and every Article, Clauſe and Sentence contained in the ſame touching Clergy, ſhall from henceforth, touching ſuch offences from henceforth to be committed and done, ſtand, remain and be in full ſtrength and virtue, in ſuch manner and form as it did before the making of the ſaid Act made in the ſaid firſt year of the Reign of our ſaid Sovereign Lord the King that now is; Any Clauſe, Article or Sentence compriſed in the ſaid Act made in the ſaid firſt year, to the contrary thereof notwithſtanding.

The Statute of 25 H. 8. 3. ſhall ſtand in force, notwithſtanding a clauſe compriſed in the Statute of 1 Ed. 6. 12.

CAP. XI.

An Act for the puniſhing of divers kinds of Treaſons.

Treaſon 10.

IT ſhall be high Treaſon for any perſon directly to affirm by Writing, Printing, Painting, Carving or Graving, that the King is an Heretick, Schiſmatick, Tyrant, Infidel, or Uſurper of the Crown: or rebelliouſly to detain from the King any of his Caſtles or holds, or any of his Ships, Ordnance, Artillery, or other Fortifications of War. Exp. & Rep. 1 M. 1.

Before whom treaſons committed out of the Realm ſhall be tried. Stat. 26 H. 8. 13. 35 H. 8. 2.

(VI.) II. And over that, be it enacted by the authority aforeſaid, That if any of the Kings Subjects, Denizens or other, do commit or practiſe out of the limits of this Realm, in any outward parts, any the offences which by this Act are made, or heretofore, now ſtanding in force, have been made Treaſon, That then ſuch Treaſons, whatſoever they be, or whereſoever they ſhall happen to be done or committed, ſhall be enquired and preſented by the Oaths of twelve good and lawful men, upon good and probable evidence and witneſs, in ſuch Shire and County of this Realm, and before ſuch perſons as it ſhall pleaſe the King, his ſaid Heirs or Succeſſors, to appoint by Commiſſion under his Great Seal, in like manner and form as Treaſons committed within this Realm have been uſed to be enquired of and preſented: (2) And that upon every indictment and preſentment founden and made of ſuch Treaſons, and certified into the Kings Bench, like proceſs and other circumſtance ſhall be there made and had againſt the offenders, as if the ſame Treaſon ſo preſented, had been lawfully found to be done and committed within the limits of this Realm.

Proceſs of outlawry awarded againſt an offender in treaſon, being out of the Realm. Stat. 26 H. 8. 13.

III. And that all Proceſs of outlawry hereafter to be made and had within this Realm, againſt any offenders in Treaſon, being reſiant or inhabitant out of the limits of this Realm, or in any the parts beyond the Sea, at the time of the Outlawry pronounced againſt them, ſhall be as good and effectual in the Law to all intents and purpoſes, as if any ſuch offenders had been reſident and dwelling within this Realm at the time of ſuch Proceſs awarded, and Outlawry pronounced.

The party outlawed yieldeth himſelf to the Chief Juſtice of England. 3 Inſt. 216.

IV. Provided alway, and be it enacted by the authority aforeſaid, That if the party ſo hereafter to be owtlawed, ſhall within one year next after the ſaid Outlawry pronounced, judgment given upon the ſaid Outlawry, yield himſelf to the Chief Juſtice of England for the time being, and offer to traverſe the Indictment or Appeal whereupon the ſaid Outlawry ſhall be pronounced, as is aforeſaid, That then he ſhall be received to the ſaid Traverſe, and being thereupon found Not guilty by the verdict of twelve men, he ſhall be clearly acquitted and diſcharged of the ſaid Outlawry, and of all penalties and forfeitures by reaſon of the ſame, in as large and ample manner and form as though no ſuch Outlawry had been made; Any thing herein contained to the contrary in any wiſe notwithſtanding.

Forfeiture by attainder of treaſon of lands in fee-tail.

V. And be it further enacted by the authority aforeſaid, That every offender or offenders, being hereafter lawfully convict of any manner of high Treaſon, by preſentment, confeſſion, verdict or proceſs of Outlawry, according to the due courſe and cuſtom of the Laws of this Realm, ſhall loſe and forfeit to the Kings Highneſs, his Heirs and Succeſſors aforeſaid, all ſuch Lands, Tenements and Hereditaments which any ſuch offender or offenders ſhall have of any Eſtate of Inheritance in his own right, in uſe or poſſeſſion within this Realm of England, or elſewhere within any the Kings Dominions, at the time of any ſuch Treaſons committed, or any time after.

VI. And it is further enacted by the authority aforeſaid, That no perſon or perſons ſhall in any wiſe be impeached for any the offences aboveſaid, committed only by open preaching or words, unleſs the offender or offenders be thereof accuſed within three months next after the ſame open preaching and words, and that the ſame Accuſation or Accuſations be had, made and declared to one of the Kings Councel, or to one of the Kings Juſtices of Aſſiſe, or elſe to one of the Kings Juſtices of the Peace being of the Quorum, or to two Juſtices of the Peace within the Shire where the ſame offence or offences ſhall happen to be done or committed; Any thing contained in this Act to the contrary thereof in any wiſe notwithſtanding.

Within what time, and before whom the offender muſt be accuſed.

VII. Provided alſo, and be it declared and enacted by the authority aforeſaid, That concealment or keeping ſecret of any High Treaſon, be deemed and taken only miſpriſion of Treaſon, and the offender therein to forfeit and ſuffer as in caſes of miſpriſion of Treaſon, as heretofore hath been uſed; Any thing above mentioned to the contrary notwithſtanding.

Concealment of high treaſon is miſpriſion of treaſon.

VIII. Provided always, and be it enacted by the authority aforeſaid, That no perſon or perſons after the firſt day of June next coming, ſhall be indicted, arraigned, condemned, convicted or attainted for any of the Treaſons or Offences aforeſaid, or for any other Treaſons that now be, or hereafter ſhall be, which ſhall hereafter be perpetrated, committed or done, unleſs the ſame offender or offenders be thereof accuſed by two lawful Accuſers; (2) which ſaid Accuſers at the time of that arraignment of the party accuſed, if they be then living, ſhall be brought in perſon before the party ſo accuſed, and avow and maintain that that they have to ſay againſt the ſaid party, to prove him guilty of the Treaſons or Offences contained in the bill of indictment laid againſt the party arraigned, unleſs the ſaid party arraigned ſhall willingly without violence confeſs the ſame: (3) Saving to every perſon and perſons, their heirs and ſucceſſors, other then the offenders and their heirs, and ſuch perſon and perſons as claim to any of their uſes, all ſuch Rights, Titles, Intereſt, Poſſeſſions, Leaſes, Rents, Reverſions, Offices and other Profits which they or any of them ſhall have at the day of committing ſuch Treaſons, or at any time after, in as large and ample manner as if this Act had never been had or made.

No perſon ſhall be attainted of treaſon, but upon the teſtimony of two lawful accuſers.
1 Ed. 6. 12. Sect. 22 N. 1.
1 & 2 P. & M. 10 Sect. 12.

The right of others ſaved.

IX. Provided alſo, And be it enacted by the authority aforeſaid, That the wife or wives, whoſe husband or husbands hereafter ſhall be attainted of Treaſons ſpecified in this Act, or of any other Treaſons whatſoever they be, ſhall in no wiſe be received to ask, challenge, demand, or have dowry of any the lands, tenements, or hereditaments of any the perſon or perſons to be attainted of Treaſon as is aforeſaid, during the ſaid attainder in his force; Any thing before mentioned to the contrary in any wiſe notwithſtanding.

The wife ſhall loſe her dower where the husband is attainted of Treaſon.
Stat. 1 Ed. 6. 12.

CAP. XII.

An Act touching the Declaration of a Statute made for the Marriage of Prieſts, and for the Ligitimation of their Children.

ALbeit that at the Seſſion of this Parliament holden by Prorogation at Weſtminſter the fourth day of November, in the ſecond year of the Reign of the Kings Majeſty that now is, it was ordained and enacted by the Authority of the ſame Parliament, That all and every Law and Laws poſitive, Canons, Conſtitutions and Ordinances before that, made by the authority of Man only, which then did prohibit and forbid Marriage to any Eccleſiaſtical and Spiritual perſon or perſons, of what eſtate, condition or degree they then were, or by what name or names ſoever they then were called, which by Gods Law might lawfully marry, and all and every Article, Branch and Sentence, concerning only the prohibition for the marriage of the perſons aforeſaid, ſhould be utterly void and of none effect; (2) And that all manner of Forfeitures, Pains, Penalties, Crimes or Actions which were in the ſaid Laws contained, or of the ſame did follow concerning the prohibition for the marriage of the perſons aforeſaid, ſhould be clearly and utterly void, fruſtrate, and of none effect, to all intents, conſtructions and purpoſes, as well concerning marriage afore that time made by any of the Eccleſiaſtical or Spiritual perſons aforeſaid, as alſo ſuch which hereafter ſhould be duly and lawfully had, celebrated and made betwixt the perſons which by the Laws of God might lawfully marry: (3) Yet ſince the making of the ſaid Act, divers evil diſpoſed perſons perverſly taking occaſion of certain Words and Sentences in the ſame Act compriſed, have and do untruly and very ſlanderouſly report of Prieſts Matrimony, ſaying that the ſame Statute is but a permiſſion of Prieſts Matrimony as Uſury, and other unlawful things be now permitted for the eſchewing of greater inconvenience and evils, ſo that thereby the lawful Matrimony of Prieſts in the opinion of many, and the Children procreate and born in ſuch lawful Matrimony, rather be of a greater number of the Kings Subjects accounted as Baſtards, then lawfully born, to the great ſlander, peril and diſheriſon of ſuch Children: (4) Which untrue, ſlanderous report of holy Matrimony, doth not only redound to the high diſhonour of Almighty God, but alſo to the Kings Majeſties diſhonour, and his high Court of Parliament, and the learned Clergy of this Realm, who have determined the ſame to be moſt lawful by the Law of God in their Convocation, as well by the common aſſent, as by the Subſcription of their Hands: (5) And that moſt of all is to be lamented, through ſuch uncomely railings of Matrimony, and ſlanderous reproaches of the Clergy, the Word of God is not heard with reverence, followed with diligence, the godly proceedings of the Kings Majeſty not received with due obedience, and thereby the wealthy men of this Realm diſcouraged to nouriſh and bring up their Children in Learning, ſo as it is to be feared, leſt in place of good Learning and Knowledge, ſhall creep in Ignorance, and for learned men, unlearned ambitious men and flatterers, to the great diſpleaſure of Almighty God, and to the peril of the whole ſtate of Gods true Religion within this Realm, if ſpeedy remedy be not provided herein:

Matrimony. The marriage of Prieſts and other Spiritual perſons ſhall be adjudged lawful.
2 & 3 Ed. 6. 21.

II. Therefore it is enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame Parliament, That the Matrimony of all and every Prieſt, and other Eccleſiaſtical and Spiritual perſon and perſons heretofore had, celebrated and made, and the Matrimony of every Prieſt, and other Eccleſiaſtical and Spiritual perſon, which ſhall hereafter duly be had, celebrated and made, ſhall be adjudged, deemed and taken for true, juſt and lawful Matrimony, to all intents conſtructions and purpoſes: (2) And that all and every children and child born in any ſuch Matrimony, ſhall be deemed, judged, reputed and taken, to all intents, conſtructions and purpoſes, to be born in lawful Matrimony, and to be legitimate, and inheritable to lands, tenements and other hereditaments, from and by any of their fathers, mothers and other anceſtors, in like manner and form, to all intents, conſtructions and purpoſes, as any other children born in lawful Matrimoney betwixt any of the Kings lay Subjects be inheritable: (3) And that by the authority aforeſaid, as well all and every Prieſt, and other Eccleſiaſtical and Spiritual perſon and perſons, be and ſhall be enabled to be Tenants by the courteſie, after the death of their Wives, of ſuch lands, tenements and other hereditaments as their Wives ſhall happen to be ſeiſed of, of eſtate in fee-ſimple, or eſtate in fee-tail general, during the ſpouſals; (4) and alſo every Wife of every ſuch Prieſt and other Eccleſiaſtical perſon, ſhall be enabled to claim, demand, have and enjoy dower of the lands, tenements and other hereditaments whereof her Husband during the ſpouſals between them was ſeiſed, of eſtate in fee-ſimple, or fee-tail general in his own right, in like manner and form, to all intents, conſtructions and purpoſes, as any other Husband or Wife may or might claim, demand, have or enjoy; Any law, ſtatute, ordinance, canon, conſtitution, preſcription or cuſtom had, made, exerciſed or uſed in this Realm, to the contrary in any wiſe notwithſtanding.

Prieſts children ſhall be legitimate and inherit their anceſtors lands.

Prieſts ſhall be tenants by the courteſie, and their wives endowable of their lands.

Asking in the Church.

III. Provided alway, That this Act, nor any thing therein contained, ſhall extend to give liberty to any perſon to Marry without Asking in the Church, or without the Ceremonies according to the Book of Common Prayer and Adminiſtration of the Sacraments, (2) nor ſhall make any ſuch Matrimony already made, or hereafter to be made, good, which are prohibited by the law of God for any other cauſe.

Divorces already made.

IV. Provided alſo, That this Act, nor any thing therein contained, ſhall extend to alter, change, revoke, repeal, or otherwiſe to diſanul any decree, judgment or ſentence of divorce heretofore had or made, or to change or alter the poſſeſſion of inheritance of any lands or tenements already deſcended: but that they and every of them ſhall remain, continue and be of ſuch like force, effect, ſtrength and degree, to all intents, conſtructions and purpoſes, as they were before the making of this Act; This Act, or any thing therein contained to the contrary in any wiſe notwithſtanding. REP. 1 M. 2. 1 Jac. 25. Revived.

CAP. XIII.

An Act for the declaration of an Act made in the xxxj. year of King Henry the Eighth, touching Religious Perſons.

Ability 3. Monaſteries, Raſt 1. Every religious perſon ſhall be inheritable to his anceſtor, only from the time of his deraignment. 31 H. 8. 6.

Where by on Act of Parliament made the one and thirtieth year of the Reign of the moſt noble Prince of famous memory, King Henry the Eighth, for and concerning the enablement of profeſſed and religious perſons to purchaſe to them and to their heirs, in fee-ſimple, fee-tail, for term of life, for years or at will, manors, lands, tenements, rents, annuities, and other hereditaments and things whatſoever: (2) and that they and every of them ſhould or might from thenceforth uſe and exerciſe, receive, take, have and enjoy all and every lawful thing and things to be grown, fallen or happened to them or any of them after the ſame deraignment or departing out of Religion: (3) And in which ſaid Act of Parliament there is a Proviſo contained, That none of the ſame religious perſons ſhould or might at any time after the making of the ſame Act, be taken, deemed, or judged for, or as his heir or heirs, or inheritable to any perſon or perſons, to any purpoſe, reſpect, conſtruction or intent in the Law, as by the ſame Act, among other things therein contained, more fully at large it may and doth appear:

II. And forasmuch as ſith the time of the making of the ſaid Act, there hath been certain ambiguities and doubts grown and riſen, and hereafter are like to grow and ariſe upon the expoſition of the ſaid Act, whether the ſaid late religious and profeſſed perſons ſhould or might be adjudged able to inherit, and to be inheritable as heir or heirs to any of his or their anceſtor or anceſtors, and to have and enjoy all and every thing and things deſcended, grown, fallen or happened to them or any of them, after the ſaid deraignment or departing out of Religion, yea or no:

III. For the full and plain declaration whereof, be it enacted, declared and expounded by this preſent Parliament, and by the authority of the ſame, That all and every of the ſame late religious and profeſſed perſon and perſons, ſhall and may by authority of this Act, be enabled to all intents, conſtructions and purpoſes, at all time and times hereafter to be taken, deemed and adjudged as heir or heirs, and inheritable to all and every their anceſtor or anceſtors, and to have, challenge or enjoy, receive and take all manors, lands, tenements and hereditaments, and every other thing and things to them or any of them fallen, come, grown or deſcended from any their anceſtors, by any manner of ways, ſince the time of their ſeveral deraignments or departing out of their Religion, in as ample and large manner, form and condition, as they had never been profeſſed or entred into Religion, the ſame Profeſſion of Religion, or any Law, Cuſtom or Uſe within this Ream, to the contrary thereof in any wiſe notwithſtanding.

No religious perſon ſhall inherit by force of any former right grown before his deraignment.

IV. Provided always, and be it further enacted by the authority aforeſaid, That none of the ſaid religious perſons, ſhall or may by virtue of this Act, at any time hereafter, be taken, deemed or judged for heir or heirs, or inheritable to any perſon or perſons, to any conſtructions and intent in the Law, by reaſon of any former right, title, intereſt, matter or cauſe had, made, done, deſcended or grown to any reſpect or purpoſe, before their ſaid ſeveral deraignments or departing out of their Religion; Any thing before in this Act, or in the ſaid former Act contained to the contrary hereof in any wiſe notwithſtanding.

CAP. XIV.

An Act againſt Regrators, Foreſtallers and Ingroſſers.

Foreſtallers 1. Cattel 1. Who ſhall be judged a foreſtaller, who a regrator, and who an ingroſſer; and the puniſhment of them.

Statutes made againſt foreſtallers, Stat. 31 Ed. 1. 25 Ed. 3. 3. 2 Roll. 3. 2. 2 Bulſtr. 317. Godbolt 131. pl. 148.

ALbeit divers good Statutes heretofore have been made againſt Foreſtallers of Merchandiſes and Victuals, yet for that good Laws and Statutes againſt Regrators, and Ingroſſers of the ſame things have not been heretofore ſufficiently made and provided, and alſo for that it hath not been perfectly known what perſon ſhould be taken for a Foreſtaller, Regrator or Ingroſſer, the ſaid Statutes have not taken good effect, according to the minds of the makers thereof: (2) Therefore be it enacted and declared by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That whatſoever perſon or perſons that after the firſt day of May next coming, ſhall buy or cauſe to be bought, any Merchandiſe, Victual, or any other thing whatſoever, coming by land or by water toward any Market or Fair to be ſold in the ſame, or coming toward any City, Port, Haven, Creek or Rode of this Realm or Wales, from any parts beyond the Sea to be ſold, (3) or make any bargain, contract or promiſe for the having or buying of the ſame, or any part thereof, ſo coming, as is aforeſaid, before the ſaid Merchandiſe, Victuals or other things, ſhall be in the Market, Fair, City, Port, Haven, Creek or Rode, ready to be ſold: (4) or ſhall make any motion by word, letter, meſſage or otherwiſe, to any perſon or perſons, for the inhaunſing of the price, or dearer ſelling of any thing or things above mentioned, (5) or elſe diſſwade, move or ſtir any perſon or perſons coming to the Market or Fair, to abſtain or forbear to bring or convey any of the things above rehearſed, to any Market, Fair, City, Port, Haven, Creek or Rode to be ſold, as is aforeſaid, (6) ſhall be deemed and taken, and adjudged for a Foreſtaller.

II. Further be it enacted and declared by the authority aforeſaid, That whatſoever perſon or perſons that after the ſaid firſt day of May, ſhall by any means regrate, obtain, or get into his or their hands or poſſeſſion, in any Fair or Market, any Corn, Wine, Fiſh, Butter, Cheeſe, Candles, Tallow, Sheep, Lambs, Calves, Swine, Pigs, Geeſe, Capons, Hens, Chickens, Pigeons, Conies, or other dead Victual whatſoever, that ſhall be brought to any Fair or Market within this Realm or Wales to be ſold, and do ſell the ſame again in any Fair or Market holden or kept in the ſame place, or in any other Fair or Market within four miles thereof, ſhall be accepted, reputed and taken for a Regrator or Regrators.

III. And be it alſo enacted and declared by the authority aforeſaid, That whatſoever perſon or perſons, that after the ſaid firſt day of May ſhall ingroſs or get into his or their hands, by buying, contracting or promiſe-taking, other then by demiſe, grant or leaſe of land or tithe, any Corn growing in the fields, or any other Corn or Grain, Butter, Cheeſe, Fiſh, or other dead Victuals whatſoever within the Realm of England, to the intent to ſell the ſame again, ſhall be accepted, reputed and taken an unlawful Ingroſſer or Ingroſſers.

The puniſhment of the offenders aforeſaid for the firſt offence.

IV. And if any perſon or perſons ſhall at any time after the ſaid firſt day of May, offend in any of the things before recited, and being thereof duly convicted and attainted by the Laws of this Realm, or after the form hereafter mentioned, ſhall for his or their firſt offence have or ſuffer impriſonment by the ſpace of two months, without bail or mainpriſe, (2) and ſhall alſo loſe and forfeit the value of the goods, cattel and victual ſo by him or them bought or had.

The puniſhment for the ſecond offence.

V. And if any perſon lawfully convicted or attainted of or for any the offences aboveſaid, be thereof eftſoons lawfully convicted or attainted, that then every perſon or perſons ſo offending, ſhall have and ſuffer for his or their ſaid offence, impriſonment by the ſpace of one half year, without bail or mainpriſe, and ſhall loſe the double value of all the goods, cattel and victual ſo by him bought or had, as is aforeſaid.

The puniſhment for the third offence.

VI. And if any perſon being lawfully twice convicted or attainted of or for any of the ſaid offences, ſhall eftſoons offend the third time, and be thereof lawfully convicted or attainted, that then every ſuch perſon for the ſaid third offence, ſhall be ſet on the Pillory in the City, Town or place where he ſhall then dwell and inhabit, and loſe and forfeit all the goods and cattel that he or they have to their own uſe, and alſo be committed to priſon, there to remain during the Kings Majeſties pleaſure.

To what retailing or other acts this Statute doth not extend. 13 El. 25. Godbolt 144. pl. 180.

VII. Provided alway, and it is enacted and declared by the authority aforeſaid, That the buying of any ſuch Barley, Bigge or Oats, as any perſon or perſons (not foreſtalling) ſhall buy to convert into Malt or Oatmeal, in his or their own houſe or houſes, and ſo ſhall be converted indeed, (2) Or the buying of any ſuch thing by any ſuch Fiſhmonger, Butcher or Poulterer, as concern his or their own Faculty, Craft or Myſtery (otherwiſe then by foreſtalling) which ſhall ſell the ſame again upon reaſonable prices by retail, (3) Or the taking of any Cattel, Corn, Grain, Butter, Cheeſe, or any other thing above mentioned, reſerved without fraud or covin, upon any Leaſe for term of life or lives, year or years, heretofore made, or hereafter to be made, (4) Or the buying of any Wine or other dead Victual above mentioned, being apt and meet for mans ſuſtenance, by any Inholder or other Victualler, to ſell the ſame by retail within his houſe, or to any of his neighbours for their ſuſtenance, for reaſonable prices, (5) Or the buying of any dried or ſalted Fiſh, Herring or Sprats (not foreſtalled) and ſold for reaſonable prices, (6) Or the buying of any Corn, Fiſh, Butter or Cheeſe, by any ſuch Badger, Lader, Kidder or Carrier, as ſhall be aſſigned and allowed to that Office or doing, by three Juſtices of Peace of the Countrey where the ſaid Badger, Lader, Kidder or Carrier ſhall dwell, which ſhall ſell or deliver in open Fair or Market, (7) or to any other Victualler, or to any other perſon or perſons, for the Proviſion of his or their houſe or houſes, all ſuch Corn, Grain, Butter and Cheeſe, as any ſuch perſon ſhall buy or cauſe to be bought, and that within one month next after he ſhall ſo buy any ſuch Corn, Grain, Butter or Cheeſe, ſo that the ſame ſhall be bought without foreſtalling, (8) Or elſe that any common proviſion made, or hereafter to be made without fraud or covin, by any perſon or perſons, of any of the things aforeſaid, for any City, Borough, or Town-corporate, or for proviſion of victualling of any Ship, Caſtle or Fort within the Kings Dominions, without foreſtalling, which ſhall be employed only to that uſe and purpoſe, (9) or the buying and providing of any the victuals above mentioned, neceſſary and requiſite for the furniture and proviſion of the Inhabitants of Calice, Guiſnes, and other the Marches of the ſame, or of the Town of Berwick, Holy Iſland, or the Marches of England againſt Scotland, which without fraud or covin ſhall be tranſported and conveyed as ſoon as wind and weather may ſerve, to ſuch of the places aforeſaid for the which the ſame ſhall be ſo provided, (10) ſhall not be in any wiſe deemed, adjudged or taken any offence contrary to this Act.

Changing of Seed-corn. Moor 595. pl. 810. 2 Browwl. 108. pl. 110.

VIII. And it is alſo further enacted by the authority aforeſaid, That if any perſon or perſons after the ſaid firſt day of May next coming, having ſufficient Corn and Grain for the proviſion of his or their own houſe or houſes, and ſowing of their grounds for one year, do buy any Corn in any Fair or Market, for the change of his or their Seed, and do not bring to the ſame Fair or Market the ſame day, ſo much Corn as he ſhall fortune to buy for his Seed, and ſell the ſame if he can, as the price of Corn then goeth in the ſaid Market or Fair, That then every ſuch perſon or perſons ſo buying Corn or Seed, ſhall forfeit and loſe the double value of the Corn ſo bought.

No perſon may ſell his cattel within five weeks after he bought them.

IX. Or if any perſon or perſons after the ſaid firſt day of May, ſhall buy any manner of Oxen, Ront, Steers, Kine, Heifers, Calves, Sheep, Lambs, Goats or Kids living, and ſell the ſame again alive, unleſs he or they do keep and feed the ſame by the ſpace of five weeks, in his or their own houſes, ground, ferm-ground, or elſe in ſuch ground or grounds where he or they have the herbage or common of paſture by grant or preſcription, That then every perſon or perſons ſo buying and ſelling again, ſhall loſe the double value of the Cattel or things ſo bought and ſold again: (2) The moiety of all which forfeitures afore rehearſed ſhall be to the King, and the other moiety to him or them that will ſue for the ſame in any of the Kings Courts of Record, by bill, plaint, action of debt or information; in which bill, plaint, action, or information, no wager of Law, eſſoin or protection ſhall be admitted.

The Juſtices of Peace may enquire, hear and determine the offences aforeſaid.

X. Be it alſo further enacted by the authority aforeſaid, That the Juſtices of the Peace in every County within this Realm or Wales, at their Quarter Seſſions, ſhall have full power and authority by virtue of this Act, to enquire, hear and determine all and every the defaults and offences perpetrated, committed or done contrary to this Act, within the County where any ſuch Seſſions ſhall be kept, by inquiſition, preſentment, bill or information before them exhibited, and by examination of two lawful witneſſes, or by any of the ſame ways or means, by the diſcretion of the ſaid Juſtices, (2) and to make proceſs thereupon, as though they were indicted before them by inquiſition, or by verdict of twelve men or more; (3) and upon the conviction of the offender, by information or ſuit of any other then the King, to make extracts of the one moiety of the forfeitures to be levied to the Kings uſe, as they uſe to do of other fines, iſſues, and amerciaments grown in the Seſſions of Peace, (4) and to award execution of the other moiety for the complainant or the informer againſt the offender, by Fieri facias, or Capias, as the Kings Juſtices at Weſtminſter may do and uſe to do: (5) And if any ſuch conviction or attainder ſhall hereafter happen to be at the Kings ſuit only, that then the whole forfeitures to be extracted and levied to the Kings uſe only.

But one puniſhment for one offence.

XI. And it is further enacted by the authority aforeſaid, That whatſoever perſon ſhall at any time hereafter be puniſhed by virtue of this Act, for any thing mentioned in this Act, that then the ſame perſon ſhall not otherwiſe be vexed, troubled, ſued, or put to any pain or puniſhment for that thing wherefore he or they ſhall have been ſo puniſhed.

Tranſporting Corn, &c. from one part to another by licence of the Juſtices.

XII. Provided always, and it is enacted by the authority aforeſaid, That it ſhall be lawful to every perſon or perſons which ſhall be aſſigned and allowed by three Juſtices of the Peace of the County where he ſhall dwell, thereunto, to buy (otherwiſe then by foreſtalling) Corn, Grain or Cattel, to be tranſported or carried by water from any Port or place within this Realm or Wales, unto any other Port or place within the ſaid Realm or Dominions, if he or they ſhall without fraud or covin, ſhip or embark within fourty days next after he or they ſhall have bought the ſame, or taken covenant or promiſe for the buying thereof, and with ſuch expedition and diligence as wind and weather will ſerve to carry and tranſport the ſame to ſuch Port or place as his or their Cockets ſhall declare, and there to diſbark, unlade and ſell the ſame, and do bring a true Certificate thereof from one Juſtice of Peace of the County, or Mayor or Bailiff of the Town-corporate where the ſame ſhall be unladen, and alſo of the Cuſtomer of the Port where ſuch unlading ſhall be, of the place and day where the ſaid Corn or Cattel ſhall be diſbarked, unladen and ſold, to be directed unto the Cuſtomer and Controller of the Port where the ſame were embarked; Any thing mentioned in this Act to the contrary notwithſtanding.

Every man may engroſs Corn being at theſe prices.

XIII. And over that, that at all times hereafter, when Wheat ſhall be commonly at the price of ſix ſhillings eight pence the Quarter or under, (2) Malt and Barley at three ſhillings four pence the Quarter or under, (3) Oats, or Oats malted, at the price of two ſhillings the Quarter or under, (4) Peaſe or Beans at the price of four ſhillings the Quarter or under, (5) and Rye or Miſteline at the price of five ſhillings the Quarter or under, (6) (all which Quarters ſhall be intended to be of London meaſure.) (7) that then it ſhall be lawful to every perſon and perſous (not foreſtalling) to buy, engroſs and keep in his or their Granaries or Houſes, ſuch Corn of the kinds aforeſaid, as without fraud or covin ſhall be bought at or under the prices afore expreſſed; Any thing in this Act to the contrary notwithſtanding.

Within what time the offender muſt be ſued.

XIV. Provided always, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, extend not to charge any perſon or perſons for any the offences above mentioned, unleſs he or they be ſued for the ſame within two years next after ſuch offence done or committed. This Act to endure until the end of the next Parliament.

Regrating of freſh Fiſh.

XV. Provided always, and be it enacted by the authority aforeſaid, That it ſhall be lawful to all and every of the Kings Majeſties Subjects, now dwelling and inhabiting, or that hereafter ſhall dwell or inhabit within one mile of the main Sea, to buy all manner of Fiſh, freſh or ſalted, (not foreſtalling the ſame) and to ſell the ſame again at reaſonable prices;

This Act, or any thing therein contained to the contrary in any wiſe notwithſtanding.

XVI. Provided alſo, and be it enacted by the authority aforeſaid, That it ſhall be lawful to all and every perſon and perſons, known for a common Drover or Drovers, being licenſed, authoriſed and allowed in writing by three Juſtices of the Peace, whereof one to be of the Quorum of the County or Counties where the ſame Drover or Drovers ſhall be moſt abiding and dwelling, to buy Cattel in ſuch Shires or Counties where Drovers have been wont in times paſt accuſtomably to buy Cattel at their free liberty and pleaſure, and to ſell the ſame, as is aforeſaid, at reaſonable prices in common Fairs and Markets diſtant from the place or places where he or they ſhall buy the ſame, fourty miles at the leaſt, ſo that the ſame Cattel be not bought by way of foreſtalling; This Act, or any thing therein contained to the contrary in any wiſe notwithſtanding.

Drovers of Cattel licenſed by the Juſtices, may buy and ſell again.

XVII. Provided always, That ſuch Licence of Juſtices of Peace ſhall not endure above one year, unleſs the ſame be yearly renewed by ſo many Juſtices as is aforeſaid. 13 El. 25. made perpetual. Stat. 5. 31 El. 5. 21 Jac. 22.

CAP. XV.

An Act againſt Regrators and Ingroſſers of Tanned Leather.

Where by the covetouſneſs of divers and greedy perſons, regrating and engroſſing all kinds of Tanned Leather into their hands, and ſelling the ſame again at exceſſive prices to Sadlers, Girdlers, Cordwainers, and ſuch other Artificers and Handicrafts-men as make Wares of Tanned Leather, the Kings loving Subjects are inforced to buy the ſaid Wares at unreaſonable prices: (2) For remedy and reformation whereof, be it enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of May next coming, no perſon or perſons, of what eſtate, degree or condition ſoever he or they be, ſhall buy or ingroſs, or cauſe to be bought or ingroſſed any kind of Tanned Leather, to the intent to ſell the ſame again, (3) upon pain to forfeit the ſaid Leather ſo bought, or the juſt price thereof; The one moiety of which forfeiture ſhall be to the King our Sovereign Lord, and the other moiety to him or them that ſhall ſeiſe or ſue for the ſame in any of the Kings Courts of Record, by action of debt, bill, plaint, information or otherwiſe, wherein no wager of law, eſſoin, protection or injunction ſhall be admitted or allowed for the defendant.

Leather 51. By what perſons, and for what purpoſes, Tanned Leather may be bought and ingroſſed.

II. Provided always, and be it enacted by the authority aforeſaid, That all Sadlers, Girdlers, Cordwainers, and all other Artificers, ſuch as make Males, Bougets, Leather Pots, Tankerds, Barhides, or any other Wares of Leather, ſhall or may buy all ſuch kind of Tanned Leather, as is or ſhall be neceſſary for their occupying, to be wrought or made by them or by their ſervants, in or about the ſaid Wares; Any thing before mentioned in this Act to the contrary notwithſtanding.

Sadlers, &c. may buy Leather, &c. Rep. 1 M. 8.

III. Provided alſo, That every Girdler, and other Artificer before mentioned in this Act, may at his free will and pleaſure ſell their necks, wombs and ſhreds of Tanned Leather, (ſuch as they or any of them cannot occupy about the Wares they uſe to make) to any perſon or perſons, without incurring any forfeit, pain or penalty before expreſſed in this Act; Any thing therein contained to the contrary notwithſtanding.

Artificers may ſell their wombs, ſhreds and necks.

IV. Provided alſo, and be it further enacted by the authority aforeſaid, That it ſhall be lawful to or for every perſon or perſons which now have, or hereafter ſhall have the Kings Majeſties ſpecial Licence or Licences, to tranſport, carry or convey over the Sea, any kind of Tanned Leather, to buy for the furniture of their ſaid Licence or Licences, in open Fair or Market, ſuch and ſo much Tanned Leather as he or they be or ſhall be licenſed to tranſport, carry or convey: So that the ſame Licence or Licences be preſented and ſhewed unto the chief Officer or Officers that now have, or hereafter ſhall have the Governance of any City, Town, Fair or Market where the ſaid Leather, or any part thereof ſhall be bought: (2) And ſo that the ſaid Officer or Officers ſeeing the ſame Licence to be good and perfect, do juſtly and truly write upon the backſide of every ſuch Licence or Licences, how much Tanned Leather he or they ſhall there have bought, and the certain day, time and place of buying the ſame, that thereby it may manifeſtly appear how and when every ſuch Licence and Licences be or ſhall be ſatisfied; Any thing in this Act to the contrary notwithſtanding.

Buying of ſo much Tanned Leather as the party hath licence to tranſport.

V. And be it further enacted by the authority aforeſaid, That after the ſaid firſt day of May next coming, no perſon or perſons ſhall ſhip, or cauſe to be ſhipped (to the intent to carry, tranſport or convey over the Seas, as merchandiſe to be ſold or exchanged there) any ſhoes, boots, buskins, ſtertups or ſlippers, (2) upon pain to forfeit all and every ſuch ſhoes, boots, buskins, ſtertups or ſlippers ſo ſhipped contrary to the true meaning of this Act, or the value of the ſame; the one moiety of the ſaid forfeiture to be to the King our Sovereign Lord, and the other moiety to him or them that ſhall ſeiſe or ſue for the ſame in any of the Kings Majeſties Courts of Record, by Action of Debt, Bill, Plaint, Information, or otherwiſe; wherein no Wager of Law, Eſſoin, Protection or Injunction ſhall be admitted or allowed for the Defendant.

No perſon ſhall tranſport ſhoes, boots, &c. 14 Car. 2. Cap. 7. Sect. 6.

VI. Provided always, and be it enacted by the authority aforeſaid, That this Act, ne any thing therein contained, ſhall not in any wiſe extend to be prejudicial or hurtful to any perſon or perſons being the Kings Subjects, for tranſporting or carrying over the Seas unto Calice or the Marches of the ſame, and unto the Iſle of Man, ſo much, or as many of the aforeſaid made Wares (as boots, buskins, ſtertups and ſlippers heretofore recited) as ſhall be neceſſary and convenient for the wearing and furniture of the Kings Subjects in them or any of them; any thing in this laſt Act contained to the contrary hereof in any wiſe notwithſtanding.

Rep. 5 El. 8. & 1 Jac. 22.

VII. Provided always, and be it enacted by the authority aforeſaid, That no Sadler, Girdler, Cordwainer, nor other Artificer dwelling within the City of London and Suburbs of the ſame, which ſhall cut the ſame Tanned Leather (as is aforeſaid, to the intent to make Wares thereof)

No cutter of Leather in London ſhall curry it in his houſe.

thereof) ſhall curry or dreſs any of the aforeſaid Tanned Leather, in his or their own houſe or houſes, or by his or their ſervant or ſervants, upon pain of forfeiture of all and every the ſaid Tanned Leather ſo to be curried; The one moiety of which forfeiture ſhall be to our Sovereign Lord the King, and the other moiety to the party that will ſue for the ſame, in any of the Kings Courts of Record, by Bill, Plaint, Action or Information, wherein no Wager of Law, Eſſoin, Protection or Injunction ſhall be admitted or allowed for the Defendant. St. 1 M. 8. 1 El. 8. 5 El. 8. 1 Jac. 22.

C A P. XVI.

Againſt buying and ſelling of Offices.

Offices 4.
The penalty for buying or ſelling of ſome ſort of Offices.
3 Bulſtr. 91.
4 Leon. 33. pl. 91.
1 Roll. 157, 236.
Goldsb. 180. pl. 113.

3 Inſt. 1
154.
12 Co. 7

For the avoiding of corruption which may hereafter happen to be in the Officers and Miniſters in thoſe Courts, Places or Rooms wherein there is requiſite to be had the true adminiſtration of Juſtice, or ſervices of Truſt, (2) and to the intent that perſons worthy and meet to be advanced to the place where Juſtice is to be miniſtred, or any ſervice of Truſt executed, ſhould hereafter be preferred to the ſame, and no other:

II. Be it therefore enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons at any time hereafter bargain or ſell any Office or Offices, or Deputation of any Office or Offices, or any part or parcel of any of them, (2) or receive, have, or take any money, fee, reward, or any other profit directly or indirectly, (3) or take any promiſe, agreement, covenant, bond, or any aſſurance, to receive or have any money, fee, reward or other profit, directly or indirectly, for any Office or Offices, or for the Deputation of any Office or Offices, or any part of any of them, (4) or to the intent that any perſon ſhould have, exerciſe or enjoy any Office or Offices, or the Deputation of any Office or Offices, or any part of any of them, (5) which Office or Offices, or any part or parcel of them, ſhall in any wiſe touch or concern the adminiſtration or execution of Juſtice, (6) or the receipt, comptrolment or payment of any of the Kings Highneſs Treaſure, Money, Rent, Revenue, Account, Aulneage, Auditorſhip or Surveying of any of the Kings Majeſties Honours, Caſtles, Manors, Lands, Tenements, Woods or Hereditaments, (7) or any the Kings Majeſties Cuſtoms, or any Adminiſtration or neceſſary attendance to be had, done or executed in any of the Kings Majeſties Cuſtom-houſe or houſes, (8) or the keeping of any the Kings Majeſties Towns, Caſtles or Fortreſſes, being uſed, occupied or appointed for a place of ſtrength and defence, (9) or which ſhall concern or touch any Clerkſhip to be occupyed in any manner of Court of Record, wherein Juſtice is to be miniſtred; (10) That then all and every ſuch perſon and perſons that ſhall ſo bargain and ſell any of the ſaid Office or Offices, Deputation or Deputations, or that ſhall take any money, fee, reward or profit for any of the ſaid Office or Offices, Deputation or Deputations, of any of the ſaid Offices, or any part of any of them, or that ſhall take any promiſe, covenant, bond, or aſſurance for any money, reward or profit to be given for any of the ſaid Office or Offices, Deputation or Deputations of any of the ſaid Office or Offices, or any part of any of them, ſhall not only loſe and forfeit all his and their right, intereſt and eſtate which ſuch perſon or perſons ſhall then have of, in or to any of the ſaid Office or Offices, Deputation or Deputations, or any part of any of them, or of, in or to the gift or nomination of any of the ſaid Office or Offices, Deputation or Deputations, for the which Office or Offices, or for the Deputation or Deputations of which Office or Offices, or for any part of any of them, any ſuch perſon or perſons ſhall ſo make any bargain or ſale or take or receive any ſum of money, fee, reward or profit, or any promiſe, covenant, bond or aſſurance to have or receive any fee, reward, money or profit; (11) But alſo that all and every ſuch perſon or perſons that ſhall give or pay any ſum of money, reward or fee, or ſhall make any promiſe, agreement, bond or aſſurance for any of the ſaid Offices, or for the Deputation or Deputations of any the ſaid Office or Offices, or any part of any of them, ſhall immediately by and upon the ſame fee, money or reward given or paid, or upon any ſuch promiſe, covenant, bond or agreement, had or made, for any fee, ſum of money or reward to be paid, as is aforeſaid, be adjudged a diſabled perſon in the Law, to all intents and purpoſes, to have, occupy or enjoy the ſaid Office or Offices, Deputation or Deputations, or any part of any of them, for the which ſuch perſon or perſons ſhall ſo give or pay any ſum of money, fee or reward, or make any promiſe, covenant, bond or other aſſurance, to give or pay any ſum of money, fee or reward.

Hob. 75.
Cro. Jac.

Cok. lib. 12, 78.

The bargains and aſſurances ſhall be void.

Cro. El.
Stiles

III. And be it alſo enacted by the authority aforeſaid, That all and every ſuch bargains, ſales, promiſes, bonds, agreements, covenants and aſſurances, as be before ſpecified, ſhall be void, to and againſt him and them, by whom any ſuch bargain, ſale, bond, promiſe, covenant or aſſurance ſhall be had or made.

To what Offices this Stat. ſhall not extend.

2 Roll.

IV. Provided alway, That this Act, or any thing therein contained, ſhall not in any wiſe extend to any Office or Offices, whereof any perſon or perſons is or ſhall be ſeiſed of any Eſtate of Inheritance, (2) nor to any Office of Parkerſhip, or of the keeping of any Park, Houſe, Manor, Garden, Chaſe or Foreſt, or to any of them; Any thing in this Act heretofore mentioned to the contrary thereof in any wiſe notwithſtanding.

Acts done by an Officer removeable, ſhall be good.

V. Provided alſo, That if any perſon or perſons do hereafter offend in any thing contrary to the tenor and effect of this Act, yet that notwithſtanding all judgments given, and all other act and acts executed or done, by any ſuch perſon or perſons, ſo offending by authority or colour of the Office or Deputation which ought to be forfeited, or not occupied, or not enjoyned by the perſon ſo offending as is aforeſaid, after the ſaid offence ſo by ſuch perſon committed or done, and before ſuch perſon ſo offending, for the ſame offence be removed from the exerciſe, adminiſtration and occupation of the ſaid Office or Deputation, ſhall be and remain good and ſufficient in Law, to all intents, conſtructions and purpoſes, in ſuch like manner and form as the ſame ſhould or ought to have remained and been, if this Act had never been had or made.

A bargain for an office before the firſt day of March, &c.

VI. Provided alſo, That this Act or any thing therein contained, ſhall not in any wiſe extend to any bargain, ſale, gift, grant, nomination, bond, covenant, promiſe, agreement, or aſſurance, whatſoever it be of, or for any the Office or Offices, Deputation or Deputations aforeſaid, or any part of them had, made, done, concluded or agreed before the firſt day of March next coming, but that the ſame bargain, ſale, gift, grant, nomination, bond, covenant, promiſe, agreement or aſſurance had, made, concluded or agreed before the ſaid firſt day of March, ſhall always remain, continue and be in ſuch force, ſtrength and effect, as if this Act had never been had or made; Any thing in this Act mentioned to the contrary thereof in any wiſe notwithſtanding.

Offices given by the two Chief Juſtices or Juſtices of Aſſiſe.

VII. Provided always, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not in any wiſe extend or be prejudicial or hurtful to any of the chief Juſtices of the Kings Courts, commonly called the Kings Bench or common Place, or to any of the Juſtices of Aſſiſe that now be, or hereafter ſhall be, but that they and every of them may do in every behalf, touching or concerning any Office or Offices to be given or granted by them or any of them, as they or any of them might have done before the making of this Act; Any thing above mentioned to the contrary in any wiſe notwithſtanding.

CAP. XVII.

Cables, Raſt. 12.

A Continuance until the end of the next Parliament of the Statutes of Anno 22 H. 8. 7. touching conveying out of this Realm of Horſes and Mares; and of Anno 21 H. 8. 12. for the true making Cables, &c. and of 23 H. 8. 17. for the true winding of Wooll; and of Anno 24 H. 8. 9. againſt the killing of Wandlings, &c. and of Anno 23 H. 8. 3. for Attaints; And of Anno 33 H. 8. 2. concerning buying of Fiſh upon the Sea, &c. and of Anno 37 H. 8. 23. for ſetting the prices of Wines; and of Anno 35 H. 8. 17. for the preſervation of Woods; and of Anno 3 & 4 Ed. 6. 17. againſt unlawful hunting in Park, Foreſt, Chaſe, &c. Exp.

CAP. XVIII.

An Act for repealing of an Act made in the fourth year of King Henry the Seventh, againſt the bringing in of Wine and Woad in Strangers Bottoms.

Ships, Raſt. 12. Gaſcoin or Guyen Wines, Tholouſe Woad, may be brought into this Realm by any other Ships as well as Engliſh. 4 H. 7. 10.

Where in the Parliament holden at Weſtminſter, the thirtieth day of January, in the fourth year of the Reign of the famous Prince of worthy memory, King Henry the Seventh after the Conqueſt, Grandfather to our now moſt gracious and natural Sovereign Liege Lord, it was amongſt other things ordained, eſtabliſhed and enacted, That no manner of perſon, of what degree or condition that he were, ſhould convey or bring into this Realm, Ireland, Wales, Calice or the Marches thereof, or Berwick, from the Feaſt of the Nativity of Saint John Baptiſt, that after that was in the year of our Lord God, One thouſand four hundred and ninety, any manner Wines growing of the Dutchy of Guyen or Gaſcoin, or Woad called Tholouſe Woad, but ſhould be conveyed, adventured and brought in Ship or Ships, whereof the ſaid late King, or ſome of his Subjects of this Realm of England, Ireland, Wales, Calice or Berwick, where owners, poſſeſſors, and proprietaries, the Maſter under God, and the Mariners of the ſame Ship or Ships, Engliſh, Iriſh, Welſh, or men of Berwick, or men of Calice, or of the Marches of the ſame, for the more party, upon pain to forfeit the ſame Wines or Woad ſo brought contrary to the ſaid Act, as in the ſaid Act more at large it doth and may appear:

The reaſons of the making of the Statute of 4 H. 7. and the contrary events thereof.

II. The which Act was ſuppoſed to be made for the maintenance of the Navy of this Realm, and alſo to the intent, and upon good hope and truſt, to have had the ſame Wines and Woad at more eaſie prices then before they had been, the experience whereof hath ever ſithence (and now of late moſt of all) appeared to the contrary, for that the ſaid Wines and Woad be daily ſold at ſuch exceſſive prices, as hath not before been ſeen within this Realm, and the Navy of the Realm thereby never the better maintained:

An Alteration of the Stat. of 4 H. 7 touching bringing into this Realm of Wine and Woad. Alt. 5 El. 5.

III. In conſideration whereof, be it enacted, ordained and eſtabliſhed by the King our Sovereign Lord, with the aſſent of the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from the firſt day of February next coming after the Seſſion of this preſent Parliament, unto the firſt day of October then following, and ſo yearly, and from year to year, beginning at and between the firſt day of February and the firſt day of October, it ſhall and may be lawful to all and every perſon and perſons being of the parts or Countries in amity with our Sovereign Lord the King, to convey or bring into this Realm, Ireland, Wales, Calice, or the Marches of the ſame, or Berwick, any manner of Wines, of the growing of the Dutchy of Guyen, or Gaſcoin, or any other parts of France, or Tholouſe Woad, or any of them, in whatſoever Ship or Ships, Crayer or Crayers, Boat or Boats, or by any other mean, whoſoever be, or ſhall be thereof owner, poſſeſſor or proprietary, being of the parts or Countries in amity of our Sovereign Lord, or whoſoever be thereof Maſter, Mariner or Mariners in the ſame, without any forfeiture or penalty thereof to be had; the ſaid Statute, or any thing therein contained, to the contrary in any wiſe notwithſtanding. St. 1 El. 13.

CAP. XIX.

An Act touching the Exchange of Gold and Silver.

Money 1. The penalty for exchanging of gold and ſilver. St. 25 Ed. 3. 12.

Where in the Parliament holden at Weſtminſter the five and twentieth year of the Reign of King Edward the Third, it was accorded, That it ſhould be lawful for every man to exchange Gold for Silver, or Silver for Gold, or for Gold and Silver, ſo that no man did hold the ſame as exchanged, nor take no profit for making of ſuch exchange, upon pain of forfeiture of the Money ſo exchanged, except the Kings Exchangers, which take profit of ſuch exchange, according to an Ordinance before that time made: (2) Which Statute notwithſtanding, divers covetous perſons of their own authorities have of late taken upon them to make exchanges, as well of Coined Gold as of Coined Silver, receiving and paying therefore more in value then hath been declared by the Kings Proclamation to be currant for, within this Realm, and other his Dominions, to the great hinderance of the Common-wealth of this Realm:

II. Be

The penalty for giving or receiving for money more then it is currant for.

II. Be it therefore enacted by the King our Sovereign Lord, by the aſſent of the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons after the firſt day of April next coming, exchange any coined Gold, coined Silver or Money, giving, receiving, or paying any more in value, benefit, profit or advantage for it, then the ſame is or ſhall be declared by the Kings Majeſties Proclamation to be currant for, within this his Highneſs Realm, and other his Dominions, That then all the ſaid coined Gold, Silver, and Money ſo exchanged, and every part and parcel thereof, ſhall be forfeit, and the parties ſo offending ſhall ſuffer impriſonment by the ſpace of one whole year, and make fine at the Kings pleaſure: (2) The one moiety of the ſaid Gold, Silver, or Coin ſo forfeited, to be to the King our Sovereign Lord, and the other moiety to be to the party that ſeiſeth the ſame, or will ſue for it by bill, plaint, original, action of debt, information or otherwiſe, in any of the Kings Courts of Record; in which ſuit, no eſſoin, protection, or wager of Law ſhall lie, be allowed or admitted.

CAP. XX.

Uſury, Raſt. 6.

The Statute of 37 H. 8. 9. repealed. No perſon by any means ſhall lend or forbear any ſum of money for any manner of uſury or increaſe, to be received or hoped for, above the ſum lent, upon pain to forfeit the ſum lent, and the increaſe, impriſonment and fine at the Kings pleaſure. Rep. 13 El. 8.

CAP. XXI.

Pedlers, Raſt. 6.

No Tinker, Pedler, or petit Chapman, ſhall wander about from the Town where he dwelleth, or exerciſe the Trade of Tinker but ſuch as ſhall be licenſed by two Juſtices of Peace or more, under their Hands and Seals, upon pain of fourteen days impriſonment. Rep. 1 Jac. 25.

CAP. XXII.

An Act for the putting down of Gig-Mills.

Drapery 66. None ſhall occupy any Gig-Mill in the workmanſhip of woollen Clothes.

The penalty for uſing of a Gig-mill in working of woollen Cloth.

FOraſmuch as true Drapery of woollen Cloth is to be commended as well in foreign Realms, as in this Realm of England, and all ways and means uſed to the contrary are to be eſchewed and taken away; (2) And foraſmuch as in many parts of this Realm is newly and lately deviſed, erected, builded and uſed certain Mills called Gig-mills, for the perching and burling of Cloth, by reaſon whereof the true Drapery of this Realm is wonderfully impaired, and the Cloth thereof deceitfully made, by reaſon of the uſing of the ſaid Gig-mils: (3) For the remedy whereof, be it enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no manner of perſon or perſons, after the laſt day of May next coming, ſhall uſe or occupy any of the ſaid Gig-mills, for the working of any woollen Cloth, or Clothes made or to be made within this Realm, (4) upon pain of forfeiture for every Cloth ſo wrought in or by any of the ſaid Mills called Gig-mills, five pound: The moeity of all and every ſuch forfeiture and forfeitures, penalty and penalties, to be to the uſe of our Sovereign Lord the King and his Heirs, and the other moiety to the uſe of him that ſhall ſue for the ſame in any of the Kings Courts, be it by Writ, Bill, Plaint or Information, wherein the Defendant ſhall not be admitted to wage his Law, nor any Protection, Eſſoin or Injunction ſhall be to him allowed.

CAP. XXIII.

An Act for ſtuffing of Feather-beds, Bolſters, Mattreſſes and Cuſhions.

Upholſters 1. What ſtuff ſhall be put in Feather-beds, Bolſters, Pillows, Quilts, Mattreſſes and Cuſhions. 2 Bulſtr. 188.

FOr the avoiding of the great deceit uſed and practiſed in ſtuffing of Feather-beds, Bolſters, Pillows, Mattreſſes, Cuſhions and Quilts, (2) Be it enacted by the authority of this preſent Parliament, That from and after the laſt day of June next coming, no perſon or perſons whatſoever ſhall make, (to the intent to ſell, or offer to be ſold) any Feather-bed, Bolſter or Pillow, except the ſame be ſtuffed with dry pulled Feathers, or clean Down only, without mingling of ſcalded Feathers, Fen-Down, Thiſtle-down, Sand, Lime, Gravel, unlawful or corrupt Stuff, Hair, or any other, (3) upon pain of forfeiture of all ſuch Feather-beds, Bolſters and Pillows, and every of them ſo offered to be ſold, or the value thereof.

II. And be it further enacted by the ſame authority, That from and after the ſaid day, no perſon or perſons ſhall make (to the intent to ſell or offer, or put to ſale) any Quilt, Mattreſs or Cuſhions, which ſhall be ſtuffed with any other Stuff then Feathers, Wooll, or Flocks alone, (2) upon pain of forfeiture of all and every ſuch Quilt, Mattreſſes or Cuſhions ſo ſold, or offered to be ſold, or the value thereof;

III. The moiety of all which forfeitures ſhall be to the King our Sovereign Lord, his Heirs and Succeſſors, and the other moiety thereof to any ſuch perſons as will ſue for the ſame in any of the Kings Courts of Record, or in any other Court; wherein no wager of Law, eſſoin or protection ſhall be allowed for the defendant or defendants. 11 H. 7. 19.

CAP. XXIV.

An Act for making of Hats, Dornecks and Coverlets, at Norwich, and in Norfolk.

Coverlets 5. Who may make Felts, Hats, &c. at Norwich, and in Norfolk, and in what places there.

WHere the making of Hats, Dornecks and Coverlets have of late been begun to be practiſed within the City of Norwich, in which City there be good and profitable Ordinances and Conſtitutions provided and ordained for the preſervation and continuance of the good making of the ſame Hats, Dornecks and Coverlets, by reaſon whereof the young and idle people of the ſaid City, to a great number, have been, and yet be well occupied, maintained and ſet on work; (2) And foraſmuch as divers evil and covetous diſpoſed perſons, exerciſing the Myſteries of making Hats, and weaving of Coverlets and Dornecks within the ſaid City, and not being brought up, or practiſed in the ſaid Arts or Myſteries, to the intent they might occupy and exerciſe the ſaid Myſteries out of the ſaid City of Norwich, where no ſuch Ordinances and Conſtitutions be made or provided, have withdrawn themſelves from the ſaid City, into certain Towns nigh about the ſame City, where they do and may occupy and exerciſe the making of Hats, weaving of Coverlets and Dornecks deceitfully and inſufficiently without controlment, to the utter decay as well of the ſaid Crafts and Myſteries, as of the ſaid City, if remedy be not therein provided:

II. It may therefore be enacted by the Kings Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon by himſelf, or by his ſervant or apprentice, ſhall from and after the Feaſt of St. Michael the Archangel next coming, make or work any Felts or thrummed Hats, or weave or make any Coverlets or Dornecks, or occupy, uſe or exerciſe the Myſteries or Occupations of making of Felts or thrummed Hats, or weaving of Dornecks and Coverlets, or any of them, within the City of Norwich, or within the County of Norfolk, unleſs he or they that ſhall ſo make or work any ſuch Felts or Hats, or ſo occupy the Occupation or Myſtery of making of Felts or Hats as aforeſaid, within the ſaid City or County, be licenſed and admitted ſo to do, by the Mayor, Recorder, Steward, and two Juſtices of Peace of the ſaid City, or by four of them, or that have been Apprentice to the ſame Occupation or Myſtery of Felts and Hats making, by the ſpace of ſeven years: (2) And in like caſe, unleſs ſuch perſon or perſon that ſhall ſo make or weave Dornecks, or ſo occupy the Occupation or Myſtery of Dornecks weaving within the ſaid City or County, be licenſed or admitted ſo to do by the Mayor, Recorder, Steward, and two Juſtices of the Peace of the ſaid City, or by four of them, or that have been Apprentice to the ſaid Myſtery and Occupation of Dornecks weaving by the term of ſeven years; (3) And unleſs he or they that ſhall ſo make or weave Coverlets, or ſo occupy the Art or Myſtery of Coverlets weaving or making, be licenſed and admitted ſo to do by the Mayor, Recorder, Steward, and two Juſtices of the Peace of the ſaid City, or by four of them, or that have been Apprentice to the Occupation and Myſtery of Coverlets weaving, or making, by the ſpace or term of ſeven years.

Who only may make Hats, Coverlets and Dornecks in Norfolk and Norwich.

III. And be it alſo enacted by the authority aforeſaid, That no perſon or perſons ſhall from henceforth make any Felts or Hats, or weave or make any Dornecks or Coverlets, as aforeſaid, or occupy, exerciſe or uſe the Occupation, Arts or Myſteries of making of Hats or Felts, or weaving or making of Dornecks or Coverlets, or any of them as aforeſaid, in any place out of the ſaid City of Norwich within the ſaid County of Norfolk, but only in a Corporate or Market-Town, (2) upon pain of forfeiting as well of the Felts, Hats, Dornecks and Coverlets, and every of them, which ſhall be made, wrought or woven contrary to the form, effect and tenour of this Act, or of any part or clauſe thereof, as alſo ten ſhillings for every half dozen of the ſaid Felts or Hats, and of three ſhillings four pence for every Coverlet, and of ſix ſhillings eight pence for every ſix yards of Dornecks, ſo as is aforeſaid to be made, woven or wrought contrary to this Act; (3) the one half of which forfeitures to be to the King our Sovereign Lord, his Heirs and Succeſſors, and the other half thereof to the perſon or perſons that ſhall or will ſeiſe the ſame, or that will or ſhall ſue for the ſame, or for any part thereof, in the Kings Court of the Guild-Hall within the ſaid City of Norwich, or in any other of the Kings Courts of Record, within this Realm of England, by Action of Detinue, Debt, Plaint, Bill, Information, or otherwiſe; In which ſaid Action or Actions, Suit, Bill, Plaint, or Information, no Eſſoin, Wager of Law, Protection, or foreign Plea to the Juriſdiction of the Court, ſhall be admitted or allowed.

Hats, Dornecks, Coverlets, &c. ſhall be made only in a Corporation or Market Town.

IV. Provided alway, That all and every ſuch perſon or perſons as do now dwell, or hereafter ſhall dwell and exerciſe the Myſtery of Dornecks and Coverlets making within the Town of Pulham in the ſaid County of Norfolk, ſhall and may occupy and exerciſe the making of Dornecks and Coverlets within the ſaid Town of Pulham, as they have heretofore uſed to do; Any thing in this Act contained to the contrary notwithſtanding.

The inhabitants of Pulham in Norfolk.

V. And be it further enacted by the authority aforeſaid, That if the Mayor, Recorder, Steward, or Juſtices of Peace of the ſaid City for the time being, or any of them, ſhall take any ſum of money or reward, for admitting of any perſon to occupy or uſe any of the Arts or Myſteries aforeſaid, that for every ſuch time, and every ſuch caſe, the perſon ſo offending ſhall loſe and forfeit five pound, the one half of which forfeiture to be to our Sovereign Lord the King, and the other half to him or them that ſhall ſue for the ſame, as is aforeſaid.

The penalty for an Officer to take money for admitting one to occupy.

CAP. XXV.

For keepers of Ale-houſes and Tipling-houſes to be bound by Recogniſance.

Foraſmuch as intolerable hurts and troubles to the Common wealth of this Realm, doth daily grow and increaſe through ſuch abuſes and diſorders as are had and uſed in common Ale-houſes, and other houſes called Tipling-houſes: (2) It is therefore enacted by the King our Sovereign Lord, with the aſſent of the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the Juſtices of Peace within every Shire, City, Borough, Town-Corporate, Franchiſe or Liberty within this Realm, or two of them at the leaſt, (whereof one of them to be of the Quorum) ſhall have full power and authority by virtue of this Act, within every Shire, City, Borough, or Town-corporate, Franchiſe and Liberty where they be Juſtices of Peace, to remove, diſcharge, and put away common ſelling of Ale and Beer in the ſaid common Ale-houſes and Tipling-houſes, in ſuch Town or Towns, and places where they ſhall think meet and convenient: (3) And that none after the firſt day of May next coming, ſhall be admitted or ſuffered to keep any common Ale-houſe or Tipling-houſe, but ſuch as ſhall be thereunto admitted and allowed in the open Seſſions of the Peace, or elſe by two Juſtices of the Peace, whereof the one to be of the Quorum: (4) And that the ſaid Juſtices of the Peace, or two of them, (whereof one to be of the Quorum) ſhall take Bond and Surety from time to time by Recogniſance, of ſuch as ſhall be admitted and allowed hereafter to keep any common Ale-houſe or Tipling-houſe, as well for and againſt the uſing of unlawful Games, as alſo for the uſing and maintenance of good Order and Rule to be had and uſed within the ſame, as by their diſcretion ſhall be thought neceſſary and convenient; (5) for making of every which Recogniſance, the party or parties that ſhall be bound, ſhall pay but twelve pence.

Ale-houſe 1. None ſhall ſell Ale or Beer without licence, and they ſhall be bound by Recogniſance.

The Juſtices of Peace may diſcharge common ſelling of Ale and Beer, 1 Bulſtr. 109.

Recogniſance with ſurety by thoſe which do keep Ale-houſes.

Twelve pence for making the Recogniſance,

II. And the ſaid Juſtices ſhall certifie the ſame Recogniſance at the next Quarter Seſſions

of

Recogniſance muſt be certified at the next Quarter Seſſions.

of the Peace to be holden within the ſame Shire, City, Borough, Town-corporate, Franchiſe or Liberty where ſuch Ale-houſe or Tipling-houſe ſhall be; (2) The ſame Recogniſance there to remain of Record before the Juſtices of Peace of that Shire, City, Borough, Town-corporate, Franchiſe or Liberty, (3) upon pain of forfeiture to the King for every ſuch Recogniſance taken and not certified, three pound ſix ſhillings eight pence.

Inquiry of thoſe which have forfeited their Recogniſance.

III. And it is further enacted by the authority aforeſaid, That the Juſtices of Peace of every Shire, City, Borough, Town-corporate, Franchiſe and Liberty where ſuch Recogniſance ſhall be taken, ſhall have power and authority by this Act, in their Quarter Seſſions of the Peace, by Preſentment, Information, or otherwiſe by their diſcretion, to enquire of all ſuch perſons as ſhall be admitted and allowed to keep any Ale-houſe or Tipling-houſe, and that be bound by Recogniſance, as is aboveſaid, if they or any of them have done any act or acts whereby they or any of them have forfeited the ſame Recogniſance: (2) And the ſaid Juſtices of every Shire, and places where they be Juſtices, ſhall upon every ſuch Preſentment or Information, award Proceſs againſt every ſuch perſon ſo preſented or complained upon before them, to ſhew why he ſhould not forfeit his Recogniſance, (3) and ſhall have power and authority by this Act, to hear and to determine the ſame by all ſuch ways and means as by their diſcretion ſhall be thought good.

The puniſhment of thoſe which contrary to the commandment of the Juſtices, do keep Ale-houſe.
3 Car. 1. 3.

2 Roll. Palmer

IV. And it is further enacted by the authority aforeſaid, That if any perſon or perſons, other then ſuch as ſhall be hereafter admitted or allowed by the ſaid Juſtices, ſhall after the ſaid firſt day of May, obſtinately, and upon his own authority, take upon him or them to keep a common Ale-houſe or Tipling-houſe, or ſhall contrary to the commandment of the ſaid Juſtices, or two of them, uſe commonly the ſelling of Ale and Beer: that then the ſaid Juſtices of Peace, or two of them, (whereof one to be of the Quorum) ſhall for every ſuch offence, commit every ſuch perſon or perſons ſo offending, to the common Gaol within the ſaid Shire, City, Borough, Town-corporate, Franchiſe or Liberty, there to remain without Bail or Mainpriſe, by the ſpace of three days; (2) And before his or their deliverance, the ſaid Juſtice ſhall take Recogniſance of him or them ſo committed, with two ſureties, that he or they ſhall not keep any common Ale-houſe, Tipling-houſe, or uſe commonly ſelling of Ale or Beer, as by the diſcretion of the ſaid Juſtices ſhall ſeem convenient.

Certificate of the Recogniſance and offence at the Quarter Seſſions.
The Fine of thoſe which keep Ale-houſe without Licence.

V. And the ſaid Juſtices ſhall make Certificate of every ſuch Recogniſance, and offence, at the next Quarter Seſſions that ſhall be holden within the ſame Shire, City, Borough, Town-corporate, Franchiſe or Liberty where the ſame ſhall be committed or done: (2) which Certificate ſhall be a ſufficient conviction in the Law, of the ſame offence; (3) And the ſaid Juſtices of Peace, upon the ſaid Certificate made, ſhall in open Seſſions aſſeſs the Fine for every ſuch offence at twenty Shillings.

A proviſo for Towns where Fairs be kept.

VI. Provided alway, That in ſuch Towns and places where any Fair or Fairs ſhall be kept, that for the time only of the ſame Fair or Fairs, it ſhall be lawful for every perſon and perſons to uſe common ſelling of Ale or Beer in Booths, or other places there, for the relief of the Kings Subjects that ſhall repair to the ſame, in ſuch manner and ſort as hath been uſed in time paſſed; this Act, or any thing therein contained, to the contrary notwithſtanding.

1 Jac. 9. 4 Jac. 4. 11 H. 7. 2. 3 Car. 1. 3.

CAP. XXVI.

An Act for Writs of Proclamation upon Exigend, to be currant in the County Palatine of Lancaſter.

Exigent 6. &c. Writs upon Exigends and Proclamations ſhall be currant in Lancaſter.
6 H. 8. 4.

WHere the County of Lancaſter is, and of long time hath been one ancient County Palatine of it ſelf, in which County the Kings Writ hath not, nor yet doth not run, ſo that the Writ of Proclamation awarded upon any Exigend againſt any perſon or perſons inhabiting within the ſame County, in any Action wherein Proceſs of Outlawry doth lie, according to the Statute made in the ſixth year of the Reign of our late Sovereign Lord of famous memory King Henry the Eighth, cannot be directed to the Sheriff of the ſaid County Palatine, but unto the Sheriff of the County next adjoyning unto the ſaid County Palatine, ſo that the party dwelling within the ſaid County Palatine, againſt whom any ſuch Exigend and Proclamation hath been, or ſhall be awarded, hath not had, nor hereafter can have any knowledge of the ſame Suit or Proceſs, by reaſon whereof many perſons inhabiting within the ſaid County Palatine, without knowledge have been outlawed, and hereafter be in like manner like to be outlawed, to their utter undoings, if ſome ſpeedy remedy be not the ſooner provided:

A Proclamation upon an Exigend awarded againſt any perſon dwelling in the County of Lancaſter.

II. Be it therefore, and for divers other good conſiderations, enacted, ordained and eſtabliſhed by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if, and whenſoever any Writ of Exigend, at any time after the firſt day of April next coming, ſhall be awarded at the Suit of the King, his Heirs or Succeſſors, Kings of this Realm, or at the Suit or Suits of any other perſon or perſons, Plaintiff or Plaintiffs, in any Action or Suit in any of the Courts of our Sovereign Lord the King, his Heirs and Succeſſors, Kings of this Realm, commonly called the Kings Bench and the Common Place, againſt any perſon or perſons dwelling within the ſaid County Palatine: that then immediately upon the awarding of every ſuch Exigend, the Juſtice or Juſtices before whom any ſuch Writ of Exigend upon ſuch Suit or Action ſhall be ſued, ſhall have full power and authority of this Act, to award one Writ of Proclamation, (according to the tenor and effect of Writs of Proclamation awarded upon Exigends, and commonly directed out of any of the ſaid Courts into London, or into any other Shires of this Realm, againſt any perſon or perſons dwelling in other Shire or Shires of this Realm where the Kings Writs do run, according to the order and form of the ſaid Statute made in the ſixth year of the Reign of the ſaid late King) to be directed to the Sheriff of the ſaid County Palatine of Lancaſter, where it ſhall happen the ſaid Defendant againſt whom any ſuch Action ſhall be ſued as is aforeſaid, to be dwelling, and not to the Sheriff of any other Shire next adjoyning to the ſaid County Palatine,

latine; any Law, cuſtom or uſage heretofore uſed to the contrary notwithſtanding: (2) And that every ſuch Writ of Proclamation ſo to be hereafter awarded to the Sheriff of the ſaid County Palatine, ſhall have the ſame Teſte and day of Return as the Exigends whereupon every ſuch Writ of Proclamation ſhall be awarded, ſhall have.

III. And that every ſuch Sheriff of the ſaid County Palatine of Lancaſter, to whom any ſuch Writ or Writs of Proclamation ſhall be directed, ſhall make Proclamations of the ſaid Writ and Writs of Proclamation, according to the tenour of the ſame, and ſhall make true Returns of the ſame, in ſuch Court and Courts, and before ſuch Juſtices as the Tenour of the ſame Writ and Writs of Proclamations ſhall require and demand: (2) And that all Outlawries hereafter to be promulged, or pronounced againſt any perſon or perſons, upon any ſuch Exigend or Exigends awarded againſt any perſon or perſons dwelling in the ſaid County Palatine of Lancaſter, and no Writ of Proclamations awarded in form abovesaid, to the Sheriff of the ſaid County Palatine of Lancaſter, where the party defendant ſhall be as is aforeſaid, dwelling, or not returned, to be clearly void, and of none effect nor force in the Law.

The Sheriff of the County of Lancaſter ſhall make Proclamation according to the tenor of his Writ.

IV. And be it further enacted by the authority aforeſaid, That every Sheriff of the ſaid County Palatine for the time being, ſhall have in every of the ſaid Courts of the Kings Bench, and of the Common Place, one ſufficient Deputy at the leaſt, to receive all ſuch Writs of Proclamations which ſhall be hereafter directed to every ſuch Sheriff of the ſaid County Palatine, for whom the ſame Deputy or Deputies ſhall be appointed in like manner and form, and upon like pains, as by the former Statutes and Laws of this Realm, other Sheriffs of other Shires or Counties within this Realm of England, be bounden to have in either of the ſaid Courts: (2) And that all ſuch Writs of Proclamations aforeſaid, ſhall be delivered unto every ſuch Deputy or Deputies of Record in the ſame Courts, and either of them, (3) and alſo like Fees ſhall be paid for making every ſuch Writ of Proclamations, and for enrolling the ſame of Record, as is limited in the ſame Statute made in the ſaid ſixth year of our ſaid late Sovereign Lord King Henry the Eighth.

The Sheriff of Lancaſhire ſhall have a Deputy in the Kings Bench, and another in the Common Place.

V. Be it further enacted and eſtabliſhed by the authority aforeſaid, That if any ſuch Writ or Writs of Proclamations hereafter to be directed to any Sheriff of the ſaid County Palatine of Lancaſter, be delivered unto any of the Sheriffs of the ſaid County Palatine for the time being, or to his or their Deputy or Deputies, in manner and form aforeſaid, and the ſame Sheriff or Sheriffs do not make true return of every ſuch Writ and Writs of Proclamations into ſuch Court and Courts out of which the ſaid Writ or Writs of Proclamations ſhall be awarded, that for every ſuch default of non-return, every ſuch Sheriff for the time being, ſhall loſe and forfeit five pounds, the one half whereof ſhall be to our Sovereign Lord the King, his Heirs and Succeſſors, and the other half thereof to any ſuch perſon or perſons as will ſue for the ſame in one Action of Debt to be grounded upon this Act, in any of the Kings Courts of Record, wherein no Eſſoin, Protection or wager of Law ſhall be allowed or admitted.

The Sheriffs forfeiture for not returning of a Proclamation.

VI. Provided always, That this Act, or any thing therein contained, ſhall not in any wiſe extend or be prejudicial to the ſame County Palatine of Lancaſter, for or concerning ſuch Liberties, Franchiſes or Privileges as belong to the ſame, or to any Miniſters or Officers of the ſame County Palatine, otherwiſe or in any other manner, than by the true meaning of this Act is before provided and declared; any thing in this Act mentioned to the contrary notwithſtanding.

This Statute ſhall not prejudice the Liberties of the County of Lancaſter.

VII. Provided alſo, and be it further enacted and eſtabliſhed by the authority aforeſaid, That if any perſon or perſons dwelling within the ſaid County Palatine, after the aforeſaid firſt day of April, ſhall be outlawed in any ſuch ſuit or Action as is aforeſaid, that then all Writs of ſpecial Capias utlagatum, ſingle Capias utlagatum, non moleſtandum, and all other Proceſs, for or againſt any perſon or perſons ſo outlawed, ſhall and may from henceforth be directed from time to time, to the Chancellor of the Dutchy of Lancaſter, who ſhall make like Writs and Proceſs thereupon, and of like effect, ſealed with the Seal of the ſaid County Palatine of Lancaſter, to be directed to the Sheriff of the ſaid County Palatine for the time being, as heretofore hath been uſed and accuſtomed in ſuch caſes. 1 Ed. 6. 10.

Proceſs awarded againſt any perſon outlawed, dwelling in the ſaid County Palatine.

Anno ſeptimo EDWARDI *ſexti.*

ACTS made in the Parliament holden at Weſtminſter the firſt day of March, in the ſeventh year of the reign of our moſt redoubted Sovereign Lord, Edward the Sixth, by the Grace of God, King of England, France and Ireland, Defender of the Faith, and of the Church of England, and alſo of Ireland, in Earth the Supreme Head, and there continued to the Diſſolution of the ſame, being the laſt day of the ſaid month of March, as followeth.

CAP. I.

An Act for the true anſwering of the Kings Majeſties Revenues.

Foraſmuch as the Kings Majeſties Treaſurers, and general and particular Receivers and Bailiffs of his Honours, Caſtles, Lordſhips, Manors, Lands and Tenements, Reverſions, Poſſeſſions, and other his Hereditaments in England, Wales and Calice, and the Marches of the ſame, or elſewhere within the Kings Dominions, have not ſo juſtly, ſpeedily, neither duly made yearly payments of ſuch ſum and ſums of money as hath been by them, and every of them, received of the Kings Majeſties Revenues, poſſeſſions and profits, into the Kings Majeſties Treaſury, according to their duties, but yearly do detain and keep the ſame to their own gain, profit and lucre, contrary to all right, truth and equity, and to the manifeſt injury, wrong and hindrance of, and to the King our Sovereign Lord:

Account 10. Certain Officers accomptable to the King, ſhall be bound with Sureties for their true Accompt and payment.

II. Be it therefore enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the

Every Officer that now is accomptant to the King ſhall be bound for his true accompt and payment.

ſame, That every Treaſurer, and general and particular Receiver, Collector and Bailiff, and other Miniſter accomptant, which now is charged or chargeable with, or for the Receipt of any of the Kings Majeſties money, rents or revenues whatſoever, not being bound with Surety or Sureties by Obligation, Recogniſance or otherwiſe, to our late Sovereign Lord the King, or to our Sovereign Lord the King that now is, for or concerning their Office or Offices, before the twentieth day of December next coming, or at any time or times before the ſame twentieth day of December, if they or any of them be reaſonably required, ſhall upon pain of forfeiture of his Office, be bound to the Kings Majeſty by ſufficient writing obligatory in reaſonable ſum or ſums of money: (2) the ſame writing obligatory to be made with or upon condition, that the perſon which ſo ſhall be bounden, his Heirs, Executors, Adminiſtrators, Deputy or Deputies, or one of them from time to time, ſhall yield a perfect and true accompt of all ſums of money, and other things that the ſame Treaſurer, and general and particular Receiver, Collector, Bailiff, or other Miniſter accomptant, ſhall, may, or reaſonably might be charged with, concerning, or by reaſon of his or their Office or Offices: (3) And alſo ſhall make payment of the ſame ſums of money at ſuch days and times, and in ſuch manner and form, as hereafter in this Act is expreſſed and declared.

Every Officer to the King accomptant hereafter to be named, ſhall be bound with ſureties for his true accompt and payment.

III. And be it further enacted, That all and every perſon and perſons hereafter to be named, aſſigned or appointed to be Treaſurer, or general or particular Receiver, Collector or Bayliff, or Miniſter accomptant of our ſaid Sovereign Lord the King, ſhall before any their entry, executing, uſing or exerciſing of his or their Office or Offices whereunto he or they ſhall be ſo nominated or appointed, together with Surety or Sureties, acknowledge and make ſufficient and lawful Bond or Bonds to the Kings Majeſty, in ſuch Court of Record where the ſame Officer or Officers is or ſhall be accomptable and chargeable, that they, their Heirs, Executors, Adminiſtrators, Aſſigns or Deputies, ſhall truly accompt and pay all ſuch ſums of money as ſhall come to their hands, or ſhall, may, or reaſonably might be charged with concerning his or their Office or Offices, to the Kings uſe, within the circuit of their ſeveral Receipts and Collections, at ſuch or like days and times, and in ſuch manner and form as is abovesaid, to be contained in the Conditions of every of the ſaid Bonds, upon pain of loſs and forfeiture of his or their Office or Offices, and of his and their Letters Patents of the ſame Office or Offices.

Receivers precepts unto accomptants to make payment of their collections due to the King at Eaſter.

IV. Be it further enacted by the authority aforeſaid, That every Receiver of the Kings Majeſties Honours, Manors, Lands, Poſſeſſions, Rents and Revenues, for the time being, or his Deputy or Deputies, ſhall yearly make his ſeveral Precepts to all and ſingular the Collectors, Miniſters and Bailiffs accomptant within the circuit of his Office, charging and commanding them in the Kings Majeſties behalf, by the ſame Precept, to appear before them perſonally, or by their ſufficient Deputy or Deputies for whom they will anſwer, within the County where the ſame Offices, Bailiwicks, Receipts or Collections do lie, at a certain day and place in the ſame Precept to be limited, and to pay to the Kings Majeſties uſe ſuch ſums of money as they ought to do by reaſon of any of their ſaid Offices, being due to our ſaid Sovereign Lord the King, at or before the Feaſt of Eaſter, which they have, or may by any lawful or due mean levy or receive within, or by reaſon of their ſaid Offices or Collections: (2) And that the ſame Precepts ſhall be ſeverally delivered to every of the ſaid Officers, Miniſters and Bailiffs accomptant, or to their Deputy or Deputies, or elſe be left at their dwelling-houſes, or at the Manor, Lordſhip or place where their Receipt or Collection is or ought to be, twelve days at the leaſt before the day of appearance to them given and prefixed in the ſame Precept or Precepts.

The penalty wherein an accomptant maketh default of appearance or payment.

V. And if any of the ſaid Miniſters, Collectors or Bailiffs accomptant, upon or after any ſuch Precept or Precepts at any time hereafter made by any ſuch Receiver, and being delivered and left in form aforeſaid, do make default at the ſame day and place aſſigned and appointed in and by the ſaid Precept or Precepts, that then the ſame Collector, Miniſter or Bailiff accomptant ſo making default and not appearing as is aforeſaid, and being thereof duly and lawfully convicted in the Court where the Revenue is or ſhall be anſwered, ſhall for the firſt offence loſe and forfeit to the King our Sovereign Lord, his whole Fee for that year wherein he ſhall ſo make default, or the value thereof; (2) And for non-payment of the ſaid money due and payable at or before the ſaid Feaſt of Eaſter, unto our ſaid Sovereign Lord the King, within or by reaſon of his ſaid Office, Collection or Bailiwick, ſhall loſe and forfeit for the firſt offence of non-payment, ſix pence of the pound, in the name of a pain, for every month after the ſaid day of appearance, until the ſame money ſhall be by him or his Deputy paid to the hands of the ſaid Receiver, to the Kings Majeſties uſe.

The penalty for the ſecond offence.

VI. And after the firſt default of appearance made by any of the ſaid Officers, and another like Precept by the ſaid Receiver be made and delivered, or left in form aforeſaid, then the ſaid Officer or Officers making again default, and being thereof lawfully convicted as is aforeſaid, for the ſecond default and offence of non-appearance, ſhall loſe and forfeit to the King our Sovereign Lord, his Office and Fee: (2) And for the ſecond offence in the non-payment of the ſaid money due, and payable within, and by reaſon of his Office, Collection or Bayliwick, at or before the ſaid Feaſt of Eaſter, ſhall loſe and forfeit twelve pence of every pound, in the name of a pain, for every month after the ſaid laſt day of appearance, and default made as is aforeſaid, until the ſame money ſhall be by him or his Deputy paid to the hands of the ſaid Receiver, to the uſe of our Sovereign Lord the King.

The Auditors precepts to accomptants to make payment of their collections due at Michaelmas.

VII. And further be it enacted by the authority aforeſaid, That all and every Auditor and Auditors of our ſaid Sovereign Lord the King, of his Majeſties Honors, Manors, Lands, Poſſeſſions, Rents and Revenues, for the time being, or his or their ſufficient Deputy or Deputies, ſhall have full power and authority by virtue of this Act, yearly to make their Precept or Precepts to all Miniſters, Collectors and Bayliffs accomptant, commanding them on the behalf of our ſaid Sovereign Lord the King, to appear and accompt before him or them perſonally, or elſe by their ſufficient Deputy or Deputies, at a place certain within the County where the ſame Lands and Poſſeſſions do lie, at the Kings Majeſties Audit, to be holden there yearly between the Feaſt of Saint Michael the Archangel, and the Nativity of our LORD GOD, of and for all Rents, Revenues and Profits due and payable within or by reaſon of the ſaid Offices, Collections or Bayliwicks, at or before the Feaſt of Saint Michael the Archangel next before the ſame Audit, expreſſing in the ſame precept or precepts, the time and place when and where the ſame Miniſters, Collectors and Bailiffs accomptable, or their ſufficient Deputy or Deputies, for whom they will anſwer, ſhall appear; (2) the ſame precepts to be delivered to the ſame Miniſters, Collectors or Bailiffs accomptant, or their Deputy or Deputies, or left at their dwelling-houſes, or at the Manor, Lordſhip, or place where their Receipts or Collections is or ought to be, twelve days at the leaſt before the day of appearance to him or them prefixed in the ſame precept or precepts. (3) And if any Miniſter, Collector, or Bailiff accomptant do not appear before the ſaid Auditor or Auditors, or his or their Deputy or Deputies at the ſaid Audit, according to the ſaid precept, or elſe if he do appear, and refuſe to accompt for his ſaid Receipt, Collection or Bailiwick, before the ſaid Auditor or Auditors, or his or their Deputy or Deputies: that then the ſaid Miniſter, Collector or Bailiff accomptant ſo making default and not appearing, or ſo refuſing to accompt as is aforeſaid, and being thereof duly and lawfully convicted in the Court where the Revenue is or ſhall be anſwerable, ſhall for his firſt offence loſe and forfeit to our Sovereign Lord the King, his whole Fee for that year wherein he ſhall ſo make default, or the value thereof: (4) And for the non-payment of the ſaid money due and payable within his Collection, Office or Bailiwick, at or before the ſame Feaſt of Saint Michael the Archangel, ſhall loſe and forfeit to the King our Sovereign Lord for his ſaid firſt offence, ſix pence of every pound in the name of a pain, for every month after the ſaid day of appearance and default made as is aforeſaid, until he or his ſufficient Deputy or Deputies ſhall accompt before the ſaid Auditor or Auditors, or his or their Deputy or Deputies, for his ſaid Collection, Receipt or Bailiwick, and alſo pay unto the hands of the ſaid Receiver or Receivers, all and every of ſuch ſum and ſums of money as ſhall be juſtly found due by the ſaid accomptant before the ſaid Auditor or Auditors, or his or their Deputy or Deputies, to the Kings Majeſty, upon the foot and determination of his Accompt: (5) And after the firſt default of Appearance made before the ſaid Auditor or Auditors, or his or their Deputy or Deputies, by any of the ſaid Officers accomptant being ſo warned as is aforeſaid, and after another like precept made and delivered, or left in form aforeſaid, that then the ſaid Officer or Officers that ſo ſhall make again default of appearance, for the ſaid ſecond offence in making default in his appearance as is aforeſaid, and being thereof duly and lawfully convicted in the Court where the Revenue of his ſaid Office is or ſhall be anſwerable, ſhall loſe and forfeit to the King our Sovereign Lord his Office and Fee.

The penalty where an Accomptant maketh default of appearance or payment.

VIII. And for the ſecond offence in non-payment of the ſaid money due and payable with and by reaſon of his Receipt, Collection or Bailiwick, at or before the Feaſt of Saint Michael the Archangel, ſhall loſe and forfeit to our Sovereign Lord the King, twelve pence of every pound in the name of a pain, for every month after the ſaid laſt day of appearance and default made as is aforeſaid, until he or his ſufficient Deputy or Deputies ſhall accompt before the ſaid Auditor or Auditors, or his or their Deputy or Deputies, for the ſaid Receipt, Collection or Bailiwick, and alſo pay unto the hands of the ſaid Receiver or Receivers, or his or their Deputy or Deputies, to the Kings uſe, all ſuch ſums of money as ſhall be juſtly due by the ſaid Accomptant, upon the foot and determination of his ſaid Accompt.

The penalty for the ſecond offence.

IX. And further be it enacted by authority aforeſaid, That all and every Receiver and Receivers of the Kings Majeſties honours, manors, lands, poſſeſſions, rents or revenues, ſhall make ready and full payment yearly to the Treaſurer, or general Receiver of the Court where the ſaid Revenue is or ſhall be anſwerable, or otherwiſe, as he or they are or ſhall be appointed and aſſigned by ſufficient Warrant, of all ſuch ſums of money as he or they ſhall know to be due to our Sovereign Lord the King, and can by any lawful or due mean obtain, get, have or receive, of the rents or revenues of our ſaid Sovereign Lord the King, with or by reaſon of their Offices, being due at or before the Feaſt of Eaſter, by the twentieth day of June then next following at the furtheſt: (2) And alſo ſhall make like payment yearly of all their like receipts of the rents and revenues of our ſaid Sovereign Lord the King that ſhall be due at or before the Feaſt of Saint Michael the Archangel, by the twentieth day of January then next following at the furtheſt, upon pain of loſs and forfeiture for every default at any of the ſaid days, two pence of every pound, for every day that the ſaid money ſo by them or any of them ſhall be unpaid.

Within what times the Kings Receivers ſhall make payment of the money by them received.

X. And alſo it is further enacted, That all and every the ſaid Receiver and Receivers, or their Deputy or Deputies for whom they will anſwer, ſhall enter into their accompt yearly in the term of St. Hillary, and fully and clearly finiſh the ſame accompt before the tenth day of March then next following, and make full and ready payment of the money that ſhall appear to be due, upon the foot and determination of the ſame accompt, before the twentieth day of the ſaid month of March, upon pain of forfeiture to our ſaid Sovereign Lord the King, his Offices and Fees, and four pence of the pound for every day that they ſhall detain and withhold the ſame money without making any payment thereof as is aforeſaid.

When the Kings Receivers ſhall accompt.

XI. And further be it enacted by the authority aforeſaid, That all and every Receivers, Collectors and Bailiffs of any of the Kings honours, manors, lands, tenements, rents or revenues, for lack of payment and levying of their ſaid rents, iſſues and revenues within their Offices and Charges, ſhall and may have power and authority from henceforth by virtue of this Act, to diſtrain for the ſame, and to uſe and order the ſame diſtreſſes in ſuch ſort and form, as any Officer or Officers of the Kings Court of the Exchequer, for levying and lack of payment of the Kings rents and revenues anſwerable in the ſame Court, heretofore have lawfully done, and may lawfully uſe to do, delivering to the party diſtrained the ſurpluſage and overplus of the value of every ſuch diſtreſs, if any ſhall be, the Kings debts and duties being firſt paid, and the diſtrainant anſwered of reaſonable coſts.

The Kings Receivers, Bailiffs, &c. may diſtrain for the arrearages of rent.

Amercing of Sheriffs for not returning of Writs touching the levying of the Kings rents, &c.

XII. And that the head and chief Officer or Officers of every of the Kings Court of Revenue, being of Record, or that ſhall be of Record, ſhall have full power and authority by virtue of this Act, to ſet and aſſeſs reaſonable fines and amerciaments upon any Sheriff or Sheriffs for not returning, or miſreturning of any Writ to them directed, and delivered out of any of the ſame Courts, touching or concerning the levying or anſwering of any of the ſaid iſſues, rents or revenues, or of any debt due to our ſaid Sovereign Lord the King, in ſuch ſort, and after ſuch manner and form as now is, or heretofore hath been lawfully uſed in the like, and ſuch other caſes in the Kings Highneſs Court of the Exchequer.

Theſe accomptants upon warning, ſhall accompt and make ready payment.

XIII. Be it alſo further enacted by the authority aforeſaid, That all Treaſurers and Chamberlains, and general Receivers of any of the Kings Graces Courts of Revenue for the time being, and all Cuſtomers and Collectors of Cuſtoms, or certain and ſtalled Subſidies within any Port, Haven or Creek of this the Kings Realm of England, that now be, or hereafter ſhall be, within ten days next after notice to him or them given from the King, or ſix of his moſt honourable Privy Council, in writing ſigned with their hands, ſhall by themſelves, or their ſufficient deputy or deputies for whom they will anſwer, declare in writing what ſums of money then being due unto our ſaid Sovereign Lord the King, be at that time in his or their hands or cuſtody, (2) and ſhall make ready and full payment of all the ſaid ſums of money as then ſhall remain in his or their hands or cuſtody, over and above the ordinary payments and ſums of money contained and expreſſed in ſufficient warrant or warrants, reſting and remaining in his or their office or offices, and being in their full force, ſtrength and effect, and not lawfully countermanded nor revoked to their knowledge, to the uſe of our Sovereign Lord the King, at ſuch time, and in ſuch ſort as he or they ſhall be commanded and appointed by ſufficient warrant, upon pain of forfeiture of his or their office or offices.

Within what time theſe accomptants ſhall yearly accompt.

XIV. And be it further enacted by the authority aforeſaid, That the ſame Treaſurers, Chamberlains, and general Receivers, by themſelves, or by their deputy or deputies for whom they will anſwer, ſhall yearly before the twentieth day of June, make a perfect account of all ſuch money or treaſure as hath come to their hands to the Kings uſe, yearly, at or before the twentieth day of March then next before the ſaid twentieth day of June, and ſhall make a perfect and whole declaration in writing, of the money remaining in every of their hands, to the Kings Majeſty, or to his Privy Council yearly before the laſt day of June then next following, and make payment of the ſame at ſuch time, and in ſuch ſort as he or they ſhall be commanded or appointed by ſufficient Warrant, upon pain of forfeiture of his or their office or offices.

The penalty of an accomptant taking more then his due for the payment of any penſion, &c. Raſt. pl. f. 191.

XV. And be it further enacted, That if any Treaſurer, Receiver, or Miniſter accomptant, or their deputy or deputies, do take or receive of any perſon or perſons, any ſum or ſums of money, or other profit of and for the payment of any fees, annuities, penſions, duties or warrants, more or otherwiſe then he or they may lawfully do by former Laws and Statutes therein provided; That then the ſaid Treaſurer, Receiver and Miniſter ſo offending, ſhall forfeit and loſe for every peny or penyworth ſo to be taken or received, vi. s. viii. d. to the party grieved, to be recovered in any of the Kings Courts of Record, by bill, plaint, or action of debt, in which ſuit no wager of law, eſſoin or protection ſhall be allowed.

The penalty if the Auditors refuſe or delay to take an accompt.

XVI. And be it alſo enacted, That if any Auditor or Auditors, or his or their deputy or deputies which ought to take the accompt of any Treaſurer, Chamberlain, Receiver, or other Officer accomptable before him or them, do refuſe, or willingly protract and delay the taking of the ſame accompt, in ſuch wiſe as it cannot be finiſhed within the time or times limited and appointed by this Act for the taking and finiſhing thereof, that then every Auditor ſo refuſing, or protracting and delaying, as is aforeſaid, and being thereof duly and lawfully convict in the Court where the Revenue or charge of the ſame accompt is or ſhall be anſwerable to the King, ſhall incur, forfeit and loſe with like pain, loſs and forfeiture as the Treaſurer, Chamberlain, Receiver or other Officer abovesaid, ſhall and ought to do by this Act, for not accompting of and for their charges and office or offices: (2) And thereby the ſame Treaſurer, Chamberlain, Receiver and other Officer that ſhould accompt, and ſhall be refuſed, or ſhall be protracted and delayed, as is aforeſaid, ſhall be diſcharged of any pain, loſs or forfeiture for not accompting as is abovesaid.

The copy of the accompt ſhall be delivered to the accomptant.

XVII. And be it further enacted, That the duplicate or copy of every accompt that ſhall be made by any Treaſurer or Receiver, or by their deputy or deputies, in form aforeſaid, within convenient time after the finiſhing of the ſame accompt, and at the reaſonable requeſt and coſts of ſuch accomptant, ſhall be delivered to them or any of them, ſubſcribed with the hands of the Auditor or Auditors that ſhall take the ſame accompt, or of his or their deputy or deputies for whom he or they will anſwer, upon pain that the ſame Auditor or Auditors ſhall loſe and forfeit to the Kings Majeſty ten pound for every ſuch default.

Biſhops accompt and payment of Tenths

XVIII. Provided always, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained, ſhall in any wiſe extend to charge any Archbiſhops or Biſhops of this Realm, or of any other the Kings Majeſties Dominions, or any of them at any time hereafter, to make any manner of bonds, or to make their accompt and payment of the Tenths ariſing and growing within any of their Dioceſſes, due, or to be due to our ſaid Sovereign Lord the King, otherwiſe, or in any other manner and form then they or any of them heretofore have been charged, or accomptable and chargeable by the Laws and Statutes of this Realm; any thing in this Act to the contrary notwithſtanding.

The ſevenues of Calice.

XIX. Provided always, That this Act, or any thing therein contained, ſhall not extend to cauſe the rents, profits and revenues, riſing and growing to the Kings Majeſty within the Town or Marches of Calice, to be anſwered or paid otherwiſe, or at any other days or times then heretofore hath been uſed and accuſtomed; any thing in this Act to the contrary notwithſtanding.

Which offences ſhall not be chargeable by this Statute.

XX. Provided always, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained, ſhall in any wiſe extend to touch or charge any Sheriff, Eſcheator or Collector of any Diſmes, Quindiſmes, Benevolences, Contributions or Subſidies, (Subſidies of Tonnage and Poundage only except) but that they and every of them ſhall and may do and exerciſe their ſaid ſeveral Offices, and pay ſuch ſums of money as they or any of them be, or hereafter ſhall be charged withal by their ſaid ſeveral Offices, in ſuch and like ſort, manner and form, as they and every of them have uſually done, or ſhould or ought to do, if this Act had never been had or made; This Act, or any thing therein contained, in any wiſe to the contrary notwithſtanding.

CAP. II.

An Act for the eſtabliſhing, uniting or diſſolving of certain Courts newly erected by the King that dead is.

Where in the ſeven and twentieth year of the late King of famous memory, King Henry the Eighth, Father to the Kings Majeſty that now is, there was ordained, made, eſtabliſhed and enacted by authority of Parliament, a certain Court, commonly called the Court of Augmentations of the Revenues of the Kings Crown: (2) And where alſo in the two and thirtieth year of the ſaid late King, there was made and erected by authority of Parliament, two ſeveral Courts, the one commonly called the Court of the Firſt-fruits and Tenths, and the other the Court of the Kings Wards: (3) And where alſo in the three and thirtieth year of the ſaid late King, there was made, ſtabliſhed and erected by authority of Parliament, one Court commonly called the Court of the general Surveyors of the Kings lands: (4) And where there is one other Court commonly called the Court of the Dutchy of Lancaſter;

Courts, Raſt. 1. The Kings power to diſſolve or unite certain Courts erected by the late King.
27 H. 8. 27.
32 H. 8. 45.
32 H. 8. 46.
33 H. 8. 39.
32 H. 8. 20. Sect. 10. N. 1.

II. After which ſaid ſeveral Courts ſo erected, as is aforeſaid, the ſaid late King did repeal and diſſolve, extinguiſh and determine, as well the ſaid Court of Augmentation of the Revenues of the Kings Crown, as alſo the ſaid Court of general Surveyors of the Kings lands, (2) and the Officers of the ſaid late Courts of the Augmentations of the Kings Crown, and general Surveyors of the Kings lands, did ſurrender their Patents and Offices into the ſaid late Kings hands:

The Courts of Augmentations and general Surveyors were diſſolved.

III. And after, the ſaid late King did by his Letters Patents erect one other Court, called the Court of Augmentation and Revenues of the Kings Crown, and did by the ſame his Letters Patents conſtitute and appoint divers Officers and Miniſters for the ſupplying thereof, as by the ſame Letters Patents more plainly at large it may and doth appear:

A ſecond Court of Augmentations erected.

IV. And foraſmuch as ſince the erection of the ſaid Court of Augmentations and Revenues of the Kings Crown, ſtabliſhed and erected by Letters Patents as is aforeſaid, divers ambiguities and doubts have riſen and grown among ſuch as be learned in the Laws of the Realm, whether the diſſolving, extinguiſhing and repealing of the ſaid late Courts erected by authority of Parliament, as is aforeſaid, might by the order of the Law be diſſolved, extinguiſhed and repealed by Letters Patents, conſidering that the commencement of them were firſt had and made by authority of Parliament, yea or no: Whereupon great inconveniences might enſue, as well to the Kings Majeſty, as to divers of his Graces moſt loving and obedient Subjects, who have had by exchange, purchaſe, gift or otherwiſe, divers manors, lands, tenements and other hereditaments:

Queſtion about the diſſolution of the firſt Court of Augmentation by Letters Patents only.

V. For remedy and declaration whereof, be it enacted by the King our Sovereign Lord, and the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid Letters Patents ſo made by the ſaid late King, and all and every thing and article therein contained, ſhall be as good, available and effectual in the Law, to all intents, conſtructions and purpoſes, as though the ſame had been made and done by authority of Parliament.

The Kings Letters Patents for the erection of the ſecond Court of Augmentations ſhall be good.

VI. And be it further enacted by authority aforeſaid, That the Kings Majeſty ſhall or may at any time during his natural life (which GOD long preſerve) by his Graces Letters Patents, under his Great Seal of England, at his moſt gracious will and pleaſure, alter, change, unite, tranſpoſe, diſſolve or determine all or any of the ſaid Court or Courts, and to reduce the ſame Courts, or any of them, into one, two or more Court or Courts, or to unite and annex the ſaid Courts, or any two or more of them together, or to any other of his Majeſties Courts of Record; Or to erect any other new Court or Courts, as to his Highneſs ſhall be thought moſt convenient and beſt, for the better, ſurer, and more ſpeedy anſwering of his yearly revenues, caſualties or profits now anſwerable in the ſaid Courts, or in any of them: (2) And that all and ſingular ſuch alterations, changings, unitings, annexings, tranſpoſings, diſſolvings or determinations of the ſaid Courts, or of any of them ſo to be altered, changed, united, annexed, tranſpoſed, diſſolved or determined, or otherwiſe newly to be erected, as is aforeſaid, as concerning an order for the true payment of the revenues, rents, iſſues, caſualties and profits of our ſaid Sovereign Lord the King, as ſhall be ſet forth and declared in any ſuch Letters Patents or Writings under his Great Seal of England hereafter to be made, ſet forth and declared, ſhall be of ſuch like, and of the ſame force and ſtrength, to all intents, conſtructions and purpoſes, as though the ſame were or ſhould have been ſet forth or declared by authority of Parliament, the ſaid ſeveral erections, or any other thing heretofore had or made to the contrary thereof in any wiſe notwithſtanding.

VII. Provided alway, and be it enacted by the authority aforeſaid, That any thing contained in the ſaid Letters Patents made by the ſaid late King, or in the Letters Patents hereafter to be made by the Kings Highneſs that now is, concerning any pains, penalties, rules or orders, made or to be made for the levying of the Kings revenues, rents, iſſues, caſualties or profits, ſhall not in any wiſe extend to charge any of the Kings Subjects in any other manner or form then they or any of them ought lawfully to have been charged by the Laws of the Realm, before the firſt day of this preſent Parliament, or by any Statute made or to be made in this preſent Seſſion of Parliament.

No Orders made for the levying of the Kings debts ſhall be prejudicial to any.

VIII. Provided alſo, and be it further enacted by the authority aforeſaid, That the ſaid Letters Patents made in the time of the ſaid late King, or any other Letters Patents hereafter to be made by the Kings Highneſs that now is, or any thing or matter contained in this Act, ſhall not in any wiſe extend to give any power or authority to the Chancellor and general Surveyors of the ſaid Court of the Augmentation and Revenues of the Kings Crown, or

The officers of theſe Courts ſhall hear and determine cauſes only where the King is a party.

A ſaving of all mens offices in certain caſes.

to any Officer or Officers of the ſame Court, or to any other Court or Courts hereafter to be erected by the Kings Majeſty, as is aforeſaid, or to any other Officer or Officers to be appointed in any of the ſame Courts hereafter to be erected by the Kings Highneſs, as is aforeſaid, to hear or determine any plea, matter or cauſe between any of the Kings Subjects, but only in ſuch caſe where the Kings Highneſs is only a meer and a ſole party: (2) ſaving to all and every perſon and perſons, and bodies politick and corporate, and to every of them, ſuch Offices of Stewardſhips, Offices of Maſterſhips of any Game or Games, Keepers of Foreſts, Chaſes, Parks, Houſes and Caſtles, and the profits thereunto belonging, and all rents, annuities and fees, as they or any of them have or ought to have, if this Act had never been had ne made.

A ſaving of the annuities, fees, penſions, &c. of others.

IX. Provided always, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained, ſhall in no wiſe extend or be conſtrued to take away, extinct or determine from any perſon or perſons, their heirs, ſucceſſors or aſſigns, or from any of them, any Fees, annuities, penſions, ſtipends or annual payments of any ſums of money, which they or any of them have, or of right might or ought lawfully to have by any Letters Patents, or other ſufficient Writing made before the ſix and twentieth day of March, in the ſeventh year of the Reign of our Sovereign Lord the King that now is, (2) but that all and every perſon and perſons, their heirs, ſucceſſors, executors and aſſigns, and every of them, which now, or hereafter ſhall have any fee, annuity, ſtipend, penſion or annual payment of any ſum or ſums of money payable yearly in any of the ſaid Courts, or by the hands of any Officer or Officers of any of the ſame Courts, ſhall and may perceive, take and receive the ſame, and ſhall yearly thereof be paid of the Kings Treaſure at the days and times compriſed in ſuch Letters Patents or other Writings, in any of the ſaid Courts where now the ſame is or ought to be payable, as long as the ſaid Court ſhall remain and have any being, and after in ſuch Court or Courts as ſhall pleaſe the King newly to erect, by the hands of the Officers of the ſame Court, and for default thereof in any of the Kings Courts wherein ſufficient revenue ſhall be to anſwer the ſame of the Kings Treaſure there, by the hands of the Officers of the ſame Court, in ſuch like manner and form as the ſame perſon and perſons, their heirs, executors and aſſigns, or any of them, ſhould and might have done, or been paid in any other place or Court, if this Act had never been had or made; any thing in this Act contained, or any other thing hereafter to be done by reaſon, colour or authority of this Act to the contrary thereof notwithſtanding. St. 1 M. 10.

CAP. III.

An Act for the Confirmation of Letters Patents, notwithſtanding the miſ-naming of any thing contained in the ſame.

Patents 22. Confirmation of certain Letters Patents of bargain & ſale made by King H. 8. ſince the fourth of February, Anno 27. of his Reign: and by King Ed. 6. ſince the xxviij. of January, An. 1. of his Reign, notwithſtanding his minority.

34 H. 8. 21.

A bill ſhall be ſigned and ſealed by the Patentee of thoſe lands which the King ſhall after grant to him by his bill ſigned.

By what means the King ſhall be ſatisfied for the overplus of land by him ſold, exchanged or given.

Whereas in the Seſſion of Parliament holden upon Prorogation at Weſtminſter, the two and twentieth day of January, in the four and thirtieth year of the Reign of the late King of famous memory, King Henry the Eighth, and there continued, kept until the twelfth day of May, in the five and thirtieth year of the Reign of the ſaid late King, amongſt divers and ſundry, and many Statutes, there was then one Statute made for the Confirmation of Letters Patents, notwithſtanding any miſ-naming, miſ-priſion or miſ-rehearſal, or any other default contained or rehearſed in the ſame Act: Wherein it was provided and enacted by the authority of the ſame Parliament, That all and ſingular ſuch Patentees, Grantees, and Donees, as at any time from the making of the ſame Statute, during ſeven years then next following, ſhould fortune to have or obtain any caſtles, manors, lands, tenements, tithes, penſions, portions or other hereditaments, of the gift, grant, ſale or exchange of the Kings Majeſty, or of the only gift of the Kings Majeſty, of his moſt liberal diſpoſition, and not ſold, which at the day of the date of the Letters Patents thereof made, ſhould be of more and better yearly value to the King in yearly rent and ferm, then ſhould be contained, mentioned or ſpecified in any ſuch Letters Patents, and particulars thereof made by the Auditor or Auditors, and in ſuch bill or bills as ſhould be ſigned and ſealed with the hand or hands of the Patentee or Patentees thereof, to be exhibited to the Kings Majeſty, or his Officer or Officers, within whoſe ſurvey the ſaid manors, lands and tenements, and other the premiſſes, or any part thereof, ſhould be, or within any of them, which bill ſhould be ſigned, ſealed, had and made, as is aforeſaid, before any bills ſhould be thereof Signed by the Kings Majeſty, That then every of the ſaid Patentees, Grantees and Donees, their heirs, executors and adminiſtrators, within one year next after due proof and decree thereof had and made in the Court within whoſe ſurvey the ſame caſtles, manors, lands, tenements, and other the premiſſes, or any parcel thereof then ſhould be, ſhould content and pay unto the King for the ſame overplus, and more value for the ſame manors, lands, tenements, tithes, penſions, portions, and other hereditaments to him ſold or exchanged, after ſuch rate as the other lands and tenements were before to him ſold or exchanged, (2) and for the overplus and more value of ſuch lands and tenements as ſhould happen to be given by the Kings Majeſty, and not ſold, as is abovesaid, the ſaid Patentee, his heirs, executors or adminiſtrators, ſhould content and pay to the King after the rate of twenty years purchaſe: (3) So that the ſame proof and decree were had and made in form abovesaid, within ten years next after the date of the ſaid Letters Patents, as by the Statute more at large it doth and may appear:

1 Ed. 6. 8.

A confirmation of Patents, notwithſtanding miſ-naming, miſ-rehearſal, or other default, made by King Ed. 6.

II. And alſo, whereas in the Parliament begun at Weſtminſter, the fourth day of November, in the firſt year of the reign of our moſt dread Sovereign Lord the King that now is, King Edward the Sixth, and from thence continued to the four and twentieth day of December then next enſuing; that is to ſay, the firſt Seſſion of the ſame Parliament, amongſt divers and ſundry Statutes, there was then alſo one other Statute made for the confirmation of Letters Patents, notwithſtanding any miſ-naming, miſ-rehearſal, or any other default contained or rehearſed in the ſame Act: wherein it was alſo provided and enacted by the authority of the ſame Parliament, That all and ſingular ſuch Patentees, Grantees and Donees, as at any time after the ſaid Parliament, and during the life of our ſaid Sovereign

reign Lord, King Edward the Sixth, ſhould fortune to have or obtain any caſtles, manors, lands, tenements, tithes, penſions, portions, or other hereditaments, of the gift, grant, ſale or exchange of the Kings Majeſty, or of the only gift of the Kings Majeſty, of his moſt liberal diſpoſition, and not ſold, which at the day of the date of the Letters Patents thereof made, ſhould be of more or better yearly value to the King in yearly rent and ferm, then ſhould be contained, mentioned and ſpecified in any ſuch Letters Patents, and particulars thereof made by the particular Surveyor or Surveyors thereof, and in ſuch bill or bills as ſhould be ſigned and ſealed with the hand or hands of the Patentee or Patentees thereof, to be exhibited to the Kings Majeſty, or his Officer or Officers, within whoſe ſurvey the ſaid manors, lands and tenements, and other the premiſſes or any part thereof ſhould be, or within any of them, which bill ſhould be ſigned, ſealed, had and made, as is aforeſaid, before any bill ſhould be thereof ſigned by the Kings Majeſty, That then every of the ſaid Patentees, Grantees and Donees, their heirs, executors or adminiſtrators, , within one year next after due proof, and decree thereof made and had in the Court within whoſe ſurvey the ſame caſtles, manors, lands, tenements and other the premiſſes, or any parcel thereof, before the ſaid gifts and grants were, ſhould content and pay to the King for the ſame overplus, and more value of the ſame manors, lands, tenements, tithes, penſions, portions, and other hereditaments to him ſold and exchanged, after ſuch rate as other lands and tenements were before him ſold or changed, (2) and for the overplus and more value of ſuch lands and tenements as ſhould happen to be given by the Kings Majeſty, and not ſold, as is aboveſaid, the ſaid Patentee, his heirs, executors or adminiſtrators, ſhould content and pay to the King after the rate of twenty years purchaſe; (3) ſo that the ſame proof and decree were had and made in manner and form aforeſaid, within ten years next after the date of the ſame Letters Patents, as by the ſame Statue more at large it doth and may appear:

III. Sithence the making of which Statutes, divers of the ſaid Patentees, Grantees, and Donees, according to the true meaning and intent of the ſaid Statutes, and Proviſions of the ſame, have by their bills ſeverally ſigned and ſealed with the hands and ſeals of the ſaid Patentees, exhibited to the Kings Majeſty, or to his Officer mentioned in the ſaid ſeveral Acts and Proviſions, before the ſame bill were ſigned by the ſaid late King, or by the Kings Highneſs that now is: Which bills ſigned by the ſaid Patentees, ſometime by the negligence of the ſame Officers or their Clerks, ſometime by the death of the ſame Officers, and ſometime by the alteration and change of the ſaid Officers, many of the ſaid bills ſo ſigned and ſealed, be now by negligence imbezelled and loſt, and many times there have been no ſuch bills made, but omitted and forgotten: by reaſon whereof divers queſtions, ambiguities and doubts may ariſe, as well for the Kings ſurety and ſatisfaction, as for the Patentees, their heirs and aſſigns:

Several inconveniences enſuing to the Kings Patentees by the Statute of 34 H. 8. 21. & 1 Ed. 6. 8.

IV. For the avoiding of all which ambiguities, queſtions and doubts, Be it enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that as well all and ſingular Letters Patents made by the ſaid late King, as by the Kings Majeſty that now is, ſithence the making of the ſaid ſeveral Statutes and Acts, or that hereafter ſhall be made by our Sovereign Lord the King that now is, during his life (whoſe life GOD long preſerve) ſhall be good and effectual to all and every Patentee, their heirs and aſſigns, the lack or want of any ſuch bill or bills, or whether the particular or particulars were had or made, or hereafter to be had or made by any of the Kings Auditor or Auditors, Surveyor or Surveyors, in any wiſe notwithſtanding.

A confirmation of the Letters Patents of King H 8. and King Ed. 6. made and to be made during his life.

V. And that the ſame Patentees, Grantees and Donees, their heirs and aſſigns, and every of them, ſhall from henceforth have and take all and ſingular ſuch profits, benefits, commodities and advantages mentioned in the ſaid ſeveral Statutes, as though the ſaid bills had been ſigned and ſealed, and were ready to be ſhewed, according to the true intent of the ſaid Statutes, or any of them.

VI. And to the intent the King ſhall be truly anſwered of the overplus of the yearly value of the ſaid manors, lands, tenements and hereditaments, contained or to be contained in any ſuch Letters Patents as is aforeſaid, according to the true meaning of the ſaid Act or Acts, and the proviſions of the ſame, (2) Be it enacted by the authority aforeſaid, That all and ſingular ſuch Patentees, Grantees and Donees, as at any time from the making of the ſaid ſeveral Statutes, have obtained or gotten, or hereafter ſhall obtain or get any caſtles, manors, lands, tenements, tithes, penſions, portions or other hereditaments, of the gift, grant, ſale or exchange of the ſaid late King, or of the King that now is, or of the only gift of the ſaid Kings, or of any of them, of his or their moſt liberal diſpoſition, or of any of them, and not ſold, which at the date of the Letters Patents thereof made, or hereafter to be made, ſhall be of more or better yearly value to the ſaid late King, or to the King that now is, in yearly rent and ferm, then is or ſhall be contained, mentioned or ſpecified in any ſuch Letters Patents, or particulars thereof made by the ſaid Auditor or Auditors, Surveyor or Surveyors, or other Officers, That then every of the ſaid Patentees, Grantees and Donees, their executors and aſſigns, within one year next after due proof, and decree thereof made and had in the Court within whoſe ſurvey the ſame caſtles, manors, lands, tenements, and other the premiſſes, or any parcel thereof, then were or ſhall be, ſhall content and pay unto the King for the ſame overplus, and more value for the ſame manors, lands, tenements, tithes, penſions, portions and other hereditaments to him or them ſold or exchanged, after ſuch rate as the other lands and tenements were before to him ſold or exchanged, or hereafter to be ſold or exchanged, or that hereafter ſhall be ſo ſold or exchanged, (3) and for the overplus and more value of ſuch lands and tenements as hath been given by the ſaid late King, or the Kings Majeſty that now is, or that hereafter ſhall be given by the King that now is, and not ſold, as is aboveſaid, the ſaid Patentee and Patentees, and his and their heirs, executors and aſſigns, ſhall content and pay to the King, after the rate of twenty years purchaſe, (4) ſo that the ſame proof and decree be, or ſhall be made in form aforeſaid, within ſixteen years next after the date of ſuch and the ſame Letters Patents made or to be made in form aforeſaid.

A mean to ſatisfie the King of the overplus of the lands ſold, exchanged or given by him to other.

Leaſes of lands parcel of the Dutchy of Lancaſter made in reverſion, or whereof the old rent is not reſerved.

VII. Provided always, and be it enacted by the authority aforeſaid, That this Act, or any proviſion therein contained, ſhall not in any wiſe extend to confirm, ratifie or make good any leaſe or leaſes, made or hereafter to be made for term of life, lives or years, whereupon the old and accuſtomed rents, or more, be not, or hereafter ſhall not be reſerved, and yearly payable during the time and term of the ſaid leaſe and leaſes, nor to any leaſe or leaſes made in reverſion, of any part or parcel of any manors, lands, tenements or hereditaments, parcel of the Dutchy of Lancaſter, or within the ſurvey of the ſame Dutchy.

What Letters Patents only this Statute doth extend unto.

VIII. Provided alſo, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained, ſhall extend to confirm, ratifie or make good any Letters Patents heretofore made, or hereafter to be made, of eſtate of inheritance, by any King or Kings of this Realm, but to ſuch Letters Patents as were made by the ſaid late King Henry the Eighth, ſince the ſaid fourth day of February, in the ſaid ſeven and twentieth year of his Reign, or hath been, or hereafter ſhall be made by the Kings Majeſty that now is, during his life (which GOD long preſerve) Any thing or matter contained in this Act, or in any of the proviſions before rehearſed to the contrary thereof in any wiſe notwithſtanding.

IX. And where alſo the late King of famous memory, Henry the Eighth, and alſo our Sovereign Lord the Kings Majeſty that now is, as well by divers bargains and ſales, for divers great ſums of money, as by gifts, exchanges or otherwiſe, have given and granted by their ſeveral Letters Patents under the Great Seal of England, or under the Great Seal of the Dutchy of Lancaſter, divers manors, lands, tenements, and other hereditaments, with the appurtenances, to divers and ſundry their loving Subjects, of any eſtate of inheritance, to hold in ſoccage only, and not in capite, for all manner of Services, and without reſervation of any Tenths or rents in the ſame Letters Patents, as by the ſame ſeveral Letters Patents may appear: (2) And foraſmuch as by certain Statutes heretofore made, doubts and ambiguities may ariſe upon ſuch Letters Patents for lack of tenures in capite, or reſervations of Tenths or rents, which might be hereafter to the unquietneſs of ſuch Patentees, their heirs, aſſigns or ſucceſſors, contrary to the intents and mind of the ſaid late King, and of our Sovereign Lord the Kings Majeſty that now is:

A confirmation of the Kings Letters Patents notwithſtanding his nonage, or any Statute made for Tenures, Rents or Tenths.

X. For the avoiding of all doubts and ambiguities, and for the quietneſs of the Kings loving Subjects, Be it alſo enacted and eſtabliſhed by the authority aforeſaid, That all Letters Patents ſealed, or hereafter to be ſealed with the Great Seal of England, or with the Great Seal of the Dutchy of Lancaſter, ſhall be good, perfect and available in Law, to all intents and purpoſes, according to the ſaid Letters Patents, (2) the nonage of our Sovereign Lord the Kings Majeſty that now is, as Duke of Lancaſter, albeit always as King he is of full age, (3) or any Act, Statute or Laws, for or concerning any tenures or reſervations of rents or Tenths, to the contrary notwithſtanding: (4) Saving to all and every perſon and perſons, bodies politick and corporate, their heirs, ſucceſſors, executors, and aſſigns, and to every of them, (other then the Kings Majeſty, his Heirs and Succeſſors, as Kings of this Realm, or as Dukes of Lancaſter) (5) all and every ſuch rights, titles, leaſes, conditions, rents and intereſts whatſoever, as they or any of them ſhould, ought or might have had, if this Act had never been had or made; This Act, or any thing therein contained, to the contrary in any wiſe notwithſtanding. Stat. 27 H. 8. 27. 35 H 8. 20. 1 Ed. 6. 8.

CAP. IV.

An Act that all Patentees of Collectorſhips of Tenths be bound by Recognizance.

Collector 1. Eccleſ. perſ. a 9. Patentees of Collectorſhips of Tenths ſhall be bound for their Collectors St. 26 H. 8. 3. 2 Eliz. 4.

Where the Archbiſhops and Biſhops of this Realm of England, are bound to the Kings Majeſty for the collecting and true payment of the Diſmes or Tenths due to his Highneſs, for all and ſingular Benefices, and other Eccleſiaſtical promotions whatſoever, being within their ſeveral Dioceſſes: For the collection whereof, divers of the predeceſſors of the ſaid Archbiſhops and Biſhops have by their Letters Patents (confirmed with the Chapiter Seal) given and granted to ſundry perſons, without proviſion of ſufficient bonds, for the true collection and payment of the ſaid Diſmes, or Tenths to our Sovereign Lord, or otherwiſe to diſcharge the granters of the ſaid Patents, and their Succeſſors, whereby the Kings Majeſty hath been greatly defrauded of his ſaid duties, and many of the ſaid Biſhops ſore troubled, to their great hindrance and utter undoing:

St. 14 El. 7.

II. Be it therefore enacted by our Sovereign Lord the King, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all Collectors of the ſaid Tenths, under any Archbiſhop or Biſhop within this Realm of England, or other the Kings Dominions, having Letters Patents, or other writings of their ſaid Office of Collectorſhip of the ſaid Tenths, ſhall before the Feaſt of the Nativity of St. John Baptiſt next coming, be bound by their ſufficient Writing obligatory or Recognizance, in the Court of the Firſt-fruits and Tenths, or in any other Court where the Kings Revenues of the Tenths ſhall be anſwerable, in ſuch ſum or ſums of money as ſhall be due and growing yearly to our Sovereign Lord the King, within their ſaid collection or office, to ſave and keep the ſaid Archbiſhops or Biſhops, and every of them harmleſs, and without hurt or damage againſt the Kings Majeſty, his Heirs and Succeſſors, of and for all manner of accompts and payments of money, which they or any of them have, ſhall or may conveniently receive, during the time of their ſeveral collections, and that may be lawfully demanded or required of the ſaid Archbiſhops or Biſhops, or any of them, for or concerning the ſaid Tenths, by reaſon of the Statute of the Firſt-fruits and Tenths, or elſe their ſaid Letters Patents and other Writings to be utterly void and of none effect.

The Tenths ſhall be paid the laſt day of May.

III. And for that the Parſons, Vicars and Curates within this Realm, for the moſt part be not able to pay their Tenths before that they ſhall have received the profits of their Benefices, which yearly groweth and reneweth to them at the Feaſt of Eaſter, which Feaſt in many years falleth after the firſt day of April, which ſaid firſt day of April is now the day that is ſtalled and appointed to the ſaid Archbiſhops and Biſhops, to make payment to the

Kings Majeſty of the ſaid Tenths: (2) Be it therefore enacted by the authority aforeſaid, That the ſaid Archbiſhops and Biſhops, and every of them, ſhall from henceforth make yearly payment of the ſaid Tenths unto our ſaid Sovereign Lord, his Heirs and Succeſſors, in the Court of the Firſt-fruits and Tenths, or elſe where it ſhall pleaſe the Kings Majeſty to appoint the payment of the ſame before or at the laſt day of May, and not otherwiſe: (3) And that the Certificate of Recuſants made by any of the ſaid Archbiſhops or Biſhops, or any of them, before or at the laſt day of May yearly, ſhall be as good and effectual in the Law, to all intents conſtructions and purpoſes, as though it had been made at the days and times heretofore limited and appointed by the Statute made the ſix and twentieth year of the Reign of his moſt noble Father of famous memory, King Henry the Eighth, for payments of Tenths and Firſt-fruits; any Law or Statute heretofore had or made to the contrary in any wiſe notwithſtanding.

Certificate of Recuſants made in May.

IV. And be it further enacted by the authority aforeſaid, That if any Promotion Spiritual be now, or ſhall chance hereafter to be or remain in ſuch ſort void, that no Incumbent is or can be conveniently provided for the ſame, That then the ſaid Archbiſhops and Biſhops, and every of them, ſhall and may certifie yearly before the laſt day of May, the ſame Vacations ſpecially and according to the truth of the matter, into the ſaid Court of the Firſt-fruits and Tenths, or in any other Court where the Kings Revenues of Tenths ſhall be anſwerable; (2) upon which Certificate the ſaid Archbiſhops and Biſhops, and every of them, ſhall be diſcharged towards and againſt the Kings Majeſty, his Heirs and Succeſſors, in like ſort as they now be upon their Certificate of the Recuſants; (3) And that then, and from thenceforth it ſhall be lawful to the Kings Majeſty, his Heirs and Succeſſors, to levy and take all the glebe lands, tithes, iſſues or profits, of the ſaid Benefice, or Spiritual Promotion ſo eſpecially certified, as is aforeſaid, until his Grace, his Heirs and Succeſſors may be fully anſwered, ſatisfied and paid of the whole arrearages of the ſaid Tenths then due to his Majeſty, (4) and the ſaid Archbiſhops and Biſhops, and every of them, to be from the time of the ſaid eſpecial Certificate, clearly exonerated and diſcharged againſt the King, his Heirs and Succeſſors, of the ſame arrearages: Any Law or Statute heretofore had or made to the contrary in any wiſe notwithſtanding.

A Spiritual promotion void, for which no Incumbent can be provided.

V. And be it further enacted by the authority aforeſaid, That all and every Grant, Patent or Writing whatſoever, that ſhall hereafter be made to any perſon or perſons, by any Archbiſhop or Biſhop, by themſelves, or elſe by any Archbiſhop or Biſhop confirmed by Chapter ſeal, within the Realm of England, or elſewhere within the Kings Dominions, of the Office of Collectorſhip of the Tenths, growing or ariſing yearly to be due unto our Sovereign Lord the King, within the Dioceſs and Biſhoprick of any ſuch Grantor, by reaſon of the Statute of the Firſt-fruits and Tenths, ſhall ſtand, abide and endure in his or their force, ſtrength and effect, no more nor longer time then the ſaid Grantor ſhall be and remain Archbiſhop or Biſhop of the ſame See and Biſhoprick whereof he was poſſeſſed at the time of his ſaid Grant, any confirmation of the ſaid Grant, or any cuſtom, uſage, law or ſtatute at any time heretofore had, uſed or made to the contrary in any wiſe notwithſtanding.

The Patent of a Collector ſhall be good no longer then during the continuance of the Grantor in the See.

CAP. V.

The Act to avoid exceſs of Wines.

FOr the avoiding of many inconveniences, much evil rule and common reſort of miſruled perſons uſed and frequented in many Taverns of late newly ſet up in very great number, in back-lanes, corners and ſuſpicious places within the City of London, and in divers other Towns and Villages within this Realm, (2) Be it enacted by the authority of this preſent Parliament, That no perſon or perſons whatſoever, inhabiting within any of the Kings Majeſties Dominions of England and Wales, ſhall after the Feaſt of Saint Michael the Archangel next coming, utter by retail by ſmall meaſure; that is to ſay, by gallon, or any other meaſure of greater or leſs quantity, any Wines called Gaſcoin, Guyon or French Wines, but after the rate of eight pence the gallon at the moſt, by any manner of means, colour, engine or craft: (3) nor any Rochel Wines at greater prices or valuation, then after the rate of four pence the gallon at the moſt, (4) nor any other Wine or Wines at greater price or valuation then after the rate of twelve pence the gallon at the moſt, (5) upon pain that every perſon doing the contrary, ſhall forfeit for every ſuch offence five pounds of lawful money of England.

Wines 6.
At what prices Wines ſhall be ſold. and at whoſe appointment the prices ſhall be ſet down.
REP. 1 Jac. 25.
12 Car. 2. ca. 25.

II. And be it further enacted by the authority aforeſaid, That it ſhall not be lawful to any perſon or perſons within any the Dominions aforeſaid, except he or they ſhall and may diſpend in lands, tenements, hereditaments or other yearly profits certain, the ſum of one hundred marks of lawful money of England, or elſe be worth of his own proper goods and cattels, one thouſand marks, or ſhall be the Son of a Duke, Marqueſs, Earl, Viſcount or Baron of this Realm, to have and keep after the Feaſt of Saint Michael the Archangel in his houſe or cuſtody, any piece or veſſel of any of the ſaid Wines of Gaſcoin, Guyon, French or Rochel Wines, containing above the quantity of ten gallons, to the intent to ſpend or drink the ſame in his or their houſe or houſes, by any colour or means, (2) upon pain to forfeit for every ſuch offence ten pounds of lawful money of England.

Who may have Wine in his houſe, and who not.
REP. 1 Jac. 25.

III. And alſo be it further enacted by the authority of this preſent Parliament, That it ſhall not be lawful to any perſon or perſons within any of the ſaid Dominions, after the ſaid Feaſt of Saint Michael, to keep any Tavern, or to ſell or utter by retail, by the gallon, or leſs or greater meaſure, in any place, any of the ſaid Wine or Wines, within any of the ſaid Dominions, except it be in Cities, Towns-corporate, Boroughs, Port-Towns, or Market-Towns, or in the Towns of Graveſend, Sittingborn, Tuxford and Bagſhot, (2) upon pain that every perſon or perſons that ſhall ſo offend contrary to the form of this Act, ſhall loſe and forfeit for every day ſo offending, the ſum of ten pound of lawful money of England: (3) Nor that it ſhall be lawful to any perſon or perſons, after the ſaid Feaſt of Saint Michael, to keep any Tavern, or ſell or utter by retail, by the gallon, or leſs or greater meaſure, in any City, Borough, or Town-corporate, any manner of Wines, but only ſuch perſon and perſons

No wines ſhall be ſold by retail but in Cities, Boroughs, Market-towns.
Alt. 12 Car. 2. cap. 25.

No perſon ſhall ſell wines, but by licence of the Mayors, &c. of the Towns where, &c.

perſons as ſhall be thereunto nominated, appointed and aſſigned by the Head Officers, and the moſt part of the Common Councel, Aldermen, Burgeſſes, Jurates or Commonalty for the time being, of ſuch City, Borough or Town-corporate where ſuch perſon or perſons ſhall tavern, ſell or utter Wine by Retail, as is aforeſaid: (4) The ſaid nomination and aſſignment to be made by Writing under the common Seal of ſuch City, Borough, or Town-corporate, as is aforeſaid: (5) And the ſaid nomination, appointment and aſſignment ſhall continue in their force, or be changed at the election and pleaſure of the head Officer or Officers, and the moſt part of the Common Councel, Aldermen, Burgeſſes, Jurates, or Commonalty for the time being, of ſuch City, Borough, or Town-corporate, by Writing, and under ſuch Common Seal as is aforeſaid: (6) Nor that it ſhall be lawful to any perſon or perſons to keep any Tavern, or to ſell or utter any Wine by Retail, as is aforeſaid, in any City, Borough, Port-Town, or Market-Town not corporate, within the Realm of England or Wales, or in the ſaid Towns of Graveſend, Sittingborn or Bagſhot, but only ſuch perſon or perſons as thereunto ſhall be aſſigned, nominated and appointed by all or the moſt part of the Juſtices of Peace for the time being, of ſuch Shire or County where ſuch Taverns, or ſelling of Wine by Retail ſhall be had or allowed, as ſhall be preſent at the general Seſſions for the time being, to be holden within every of the ſaid Shires or Counties, (7) the ſaid aſſignment, nomination and appointment to be had and made in full Seſſion, by Writing under the ſeveral Seal of every of the ſaid Juſtices, and to be continued, altered or changed, in like form, and by like authority as is laſt aforeſaid, (8) upon pain that every perſon that ſhall after the ſaid Feaſt ſell or retail any Wine, being not thereunto licenſed and authoriſed as is aforeſaid, ſhall forfeit and loſe for every day that he ſhall ſo offend, five pounds of lawful money of England: (9) Nor that any perſon or perſons, having authority by this preſent Act to nominate, aſſign or appoint what perſons ſhall tavern, utter or ſell Wine by Retail as is aforeſaid, ſhall nominate, aſſign or appoint by his or their Writing, any moe or greater number of Taverns or Wine-ſellers, by retail to ſell or utter Wine, or keep or continue any Tavern at one time, in any one City, Borough, Town-corporate, Port-Town or Market-Town, or in Graveſend, Sittingborn or Bagſhot, (all and every ſuch City and Town hereafter expreſly named only except) then two Wineſellers or Taverns. (10) And it ſhall not be lawful to any perſon or perſons having authority to nominate, aſſign or appoint Taverns or ſellers of Wines by Retail, by this Act to nominate, aſſign or appoint by Writing, any moe or greater number of Taverns or Wine-ſellers in the City of London, to ſell or utter Wine by Retail, at any time above the number of fourty Taverns or Wine-ſellers: And in York eight, in Norwich four, in Weſtminſter three, in Briſtol ſix, in Lincoln three, in Kingſtone upon Hull four, in Shrewsbury three, in Exeter four, in Salisbury three, in Glouceſter four, in Weſtcheſter four, in Hereford Eaſt three, in Worceſter three, in Southampton three, in Canterbury four, in Ipſwich three, in Wincheſter three, in Oxford three, in Cambridge four, in Colcheſter three, in Newcaſtle upon Tine, four Taverns or Wine-ſellers, (11) upon pain that every perſon authorized by this Act to nominate, aſſign or appoint Taverns or Wine-ſellers, to forfeit for every nomination, aſſignment or appointment by him made contrary to the form of this Act, five pounds.

No perſon ſhall ſell Wines in any Town not corporate, but by the licence of the Juſtices of Peace of the Shire.
Coke pl. f. 370.
Alt. 8. 12. Car. 1. Cap. 1.

How many Taverns may be licenſed in one Town, &c.

No man ſhall retail Wine to be ſpent in his houſe.

Who ſhall have the forfeiture.

IV. And be it further enacted by the authority aforeſaid, That no perſon or perſons whatſoever, from and after the Feaſt of St. Michael, ſhall ſell or utter by Retail any kind of Wine or Wines, to be drunk or ſpent in his or their manſion houſe or houſes, or other place in his or their tenour or occupation, by any colour, craft, engine or mean, (2) upon pain to forfeit for every ſuch offence ten pound of lawful money of England, (3) the one half of all which forfeitures ſhall be to the King our Sovereign Lord, and the other half to him or them that will ſue for the ſame by action of debt, bill, plaint, or information, in any of the Kings Courts of Record, in which action or ſuit no eſſoin, wager of Law, or protection ſhall be allowed.

Who may have Wines to ſpend in their houſes.

V. Provided always, That it ſhall be lawful for all and every Merchant and Merchants adventuring for the ſame at his or their own coſts and charges, to have and keep to ſpend in his or their houſe or houſes, ſuch Wine or Wines as he ſhall tranſport, or cauſe to be tranſported into this Realm, or any part thereof, not taking any money or other recompence for the ſame that ſhall be ſo ſpent in his or their houſes: (2) And that it ſhall be lawful to every High Sheriff of every County, Mayor, Bailiff and Sheriff of every City and Town-corporate within this Realm of England, and other the ſaid Dominions for the time being, during his or their Office of charge, and to every other perſon inhabiting or dwelling in any of the Kings Majeſties Forts or Towns fortified and kept for the Wars, during his or their dwellings in any ſuch Fort or Town of War, to have Wine in their houſes by the Veſſel, to ſpend the ſame in his or their houſes, without taking any money, or other recompence for the ſame ſo ſpent in his or their houſes, or other place in their tenour or occupation; this Act, or any thing therein contained to the contrary in any wiſe notwithſtanding.

Which Officers may enquire of the offences aforeſaid.

VI. And it is further enacted by the authority aforeſaid, That the Juſtices of Peace of every Shire or County, City, and Town-corporate, in their ſeveral Seſſions, and the Steward in every Leet, and the Sheriff in his turn, and every Eſcheator, ſhall have full power and authority of this preſent Act, to enquire by the Oaths of twelve men, of all and every offence and offences perpetrated or done contrary to the form of this Act: (2) And that every enquiry and preſentment taken and had by the Oaths of twelve lawful men, as is aforeſaid, ſhall be of ſuch force and effect, as if the ſame were taken or had before the King in his Majeſties Bench: (3) And that every of the pains, penalties and forfeitures aforeſaid, to be due by force of this Act, for any offence to be committed or done by any perſon or perſons, contrary to the form of this preſent Act, as ſhall be found by preſentment before the ſaid Juſtices of Peace, Eſcheators, Sheriff or Steward, by verdict of twelve men, as is aforeſaid, (4) and no bill, plaint, action or information thereof commenced in any of the Kings Courts of Record, ſhall be divided equally in two parts, whereof the one ſhall be to the King our Sovereign Lord, his Heirs and Succeſſors, and the other to be to the poor people of the Town or place where ſuch Preſentment ſhall be found.

VII. Pro-

Within what time an offender muſt be ſued.

VII. Provided always, and be it further enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend to charge any perſon or perſons with any penalty or forfeiture for and concerning any offence to be done contrary to the tenour of this Act, unleſs he or they ſo offending be ſued, indicted or preſented for the ſame, within one year next after the ſame offence be done and committed as is aforeſaid; Any thing in this Act contained to the contrary notwithſtanding.

None of the Liberties of Oxford or Cambridge ſhall be impaired.

VIII. Provided always, That this Act, or any thing therein contained, ſhall not in any wiſe be prejudicial or hurtful to any of the Univerſities of Oxford and Cambridge, or to the Chancellor or Scholars of the ſame, or their ſucceſſors, or any of them, to impair or take away any of the liberties, priviledges, franchiſes, juriſdictions, powers and authorities to them or any of them appertaining or belonging: (2) but that they and every of them, and their ſucceſſors, may have, hold, uſe and enjoy all their liberties, priviledges, franchiſes, juriſdictions, powers and authorities, in ſuch large and ample wiſe, as though this Act had never been had ne made, (3) ſo always, that there be not any more or greater number of Taverns kept or maintained within any of the ſaid Towns of Oxford or Cambridge, then may be lawfully kept and maintained by the proviſion, true meaning and intent of this Statute; Any thing in this proviſo mentioned to the contrary notwithſtanding.

CAP. VI.

The Statute of 17 Ed. 4. 1. touching the tranſporting of Gold and Silver, continued for twenty years. Exp.

Money, Raſt 43.

CAP. VII.

An Act for the Aſſiſe of Fuel.

Fuel. 1. What ſhall be the Aſſiſe of Fuel of all ſorts. 34 H. 8. 4.

Where the Aſſiſe and meaſure of talwood, billet, fagot, coles, and other fuel appointed, and aſſiſed by an Act of Parliament made at Weſtminſter the two and twentieth day of January, in the four and thirtieth year of the Reign of our late Sovereign Lord King Henry the Eighth, is the ſame aſſiſe that was kept in the time of King Edward the Fourth, which aſſiſe hath not been kept, ne could conveniently be kept theſe threeſcore years, nor at theſe days can be kept, by reaſon of the great ſcarcity of woods that is happened ſince the time of the ſaid King Edward the Fourth: (2) And alſo by reaſon of the greatneſs of the ſaid aſſiſe, the ſame fuel nor coles cannot be carried at theſe days without alteration of the carts wherein ſuch fuel and coles are now carried; by reaſon whereof, and for that in the ſaid Statute, the penalty, which is the forfeiture of the ſaid fuel or coles, lacking the ſaid aſſiſe contained in the ſaid Act, dependeth upon the buyer thereof, and not upon the ſeller, ne maker, marker, or ſeller of the ſame; By reaſon whereof divers Cities and Countries are like preſently to lack fuel and coles, unleſs ſpeedy remedy be ſhortly had in this behalf:

The Aſſiſe of talwood, billet, fagot and coles, to be ſold in London and Weſtminſter, and the ſuburbs thereof.

II. For redreſs whereof, be it enacted by authority of this preſent Parliament, That no perſon or perſons ſhall ſuſtain any loſs, pain or penalty, for buying or ſelling of any talwood, billet or fagot, now cut and made, although the ſame be not of the aſſiſe contained in the ſaid Act; any thing contained in the ſame Act notwithſtanding: (2) And that all talwood, billet, fagot and coles to be made and put to ſale in the Cities of London, Weſtminſter, or in the Suburbs of the ſame, after the laſt day of September next coming, ſhall keep the aſſiſes hereafter expreſſed, that is to wit, That every ſack of coles contain four buſhels of good or clean coles: (3) And that every talſhide contain in length four foot, beſides the carfe: (4) And every talſhide named of one, to contain in greatneſs within a foot of the midſt, ſixteen inches about: (5) And every talſhide named of two, to contain in greatneſs within a foot of the midſt, three and twenty inches obout: (6) And every talſhide named of three, to contain in greatneſs within a foot of the midſt, eight and twenty inches about: (7) And every talſhide named of four, to contain in greatneſs within a foot of the midſt, three and thirty inches about: (8) And every talſhide named of five, to contain in greatneſs within a foot of the midſt, eight and thirty inches about: (9) And every billet to contain in length three foot and four inches: And every billet named a ſingle, to contain ſeven inches and a half about: (10) And every billet named to be a caſt, to contain ten inches about: (11) And every billet named of two caſt, to contain fourteen inches about: (12) And every fagot bound, to contain in length three foot: (13) And the band of every ſuch fagot to be of four and twenty inches about, beſides the knot: (14) which aſſiſes are leſs then the aſſiſes contained in the ſaid former Act, and alſo are much greater then any aſſiſe that now is, or of long time hath been commonly kept.

The forfeiture for lacking of the Aſſiſes aforeſaid.

III. And be it further enacted, That it ſhall be lawful from henceforth for every owner, without danger of any forfeiture, to make billets of two caſts: And that all billets of two caſts from henceforth to be made and put to ſale, ſhall be of the aſſiſe herein compriſed, or more, and ſhall be marked only within ſix inches of the midſt thereof: (2) And that every billet of one caſt from henceforth to be made and put to ſale, ſhall be only marked within four inches of the end thereof, (3) upon pain that every maker and every ſeller that ſhall make any ſuch fuel or coles, and put the ſame to ſale, to forfeit for every ſhide of talwood, billet, fagot, or ſack of coles from henceforth put to ſale, lacking of the aſſiſe aforeſaid, three ſhillings four pence: (4) And that this preſent Statute only, and no other Statute of Aſſiſe of fuel or coles, ſhall from henceforth ſtand in force, ne take place.

Rep. 43 El. 14. All other Statutes for Aſſiſe of Fuel repealed.

IV. And foraſmuch as by the greedy appetite and covetouſneſs of divers perſons, fuel, coles and wood runneth many times through four or five ſeveral hands or more before it cometh to the hands of them that for their neceſſity do burn or retail the ſame:

None ſhall buy fuel, but ſuch as will burn or retail the ſame.

V. Be it further enacted, That from the firſt day of May next coming, no perſon or perſons ſhall buy any ſuch wood, coles or fuel, but only ſuch as will burn or conſume the ſame, or ſuch perſons as ſhall ſell the ſame again, by retail, to ſuch as ſhall burn or conſume the ſame for their own occupying without fraud or covin, or wharfingers, or bargemen, (2) upon pain to forfeit the treble value of all ſuch wood, coles and fuel as ſhall be otherwiſe bought for any lucre or gain: (3) And that no perſon or perſons ſhall alter any mark or aſſiſe of any of the ſaid fuel marked or aſſiſed according to this Statute, in pain of like forfeiture as is aforeſaid: (4) the one half of all which forfeiture herein contained, ſhall be to the King our Sove-

No perſon ſhall alter any mark or aſſiſe of fuel marked.

reign Lord, and the other half to him or them that will ſue for the ſame by Action of debt, bill, plaint, or information, in any of the Kings Courts of Record, wherein no eſſoin, protection, or wager of Law to be allowed or admitted for the defendants.

Within what time an offender ſhall be ſued. The puniſhment of an offender not able to pay the forfeiture.

VI. Provided always, and be it enacted, That no perſon or perſons ſhall yield ne forfeit any penalty herein contained, unleſs action or ſuit be commenced for the ſame, within one whole year next after the offence thereof committed or done: (2) And that if any cutter or maker, as aforeſaid, or other that ſhall forfeit any ſum herein contained, ſhall not be able to yield ſuch forfeiture or ſum as is aforeſaid, that then ſuch perſon thereof convicted by witneſſes or otherwiſe, to be ſet on a Pillory in the next Market-Town to the place where he ſhall ſo offend, by a Juſtice of the Peace, or any other of the Kings Officers at eleven of the Clock upon the Market-day, with a billet or fagot bounden to ſome part of his body, and ſo to be diſcharged of the ſaid forfeiture.

Proviſion for Calice.

VII. Provided alſo, and be it enacted, That it ſhall be lawful to every perſon and perſons to buy, ſell, make and cut billets for the only ſerving of the Town of Calice, and the Marches of the ſame, ſo that they contain in length thirty inches at the leaſt, as hath been there moſt accuſtomed xl. years laſt paſt, without forfeiture of any penalty herein contained; any thing herein contained to the contrary in any wiſe notwithſtanding. Stat 43 El. 14.

CAP. VIII.

Hats, Raſt. 1.

A continuance for five years of the Statute of 22 Ed. 4. 5. prohibiting the fulling of Caps or Bonnets in a Mill. EXP. and Rep. 1 Jac. 25.

CAP. IX.

Drapery. Raſt. 55.

Every piece of Cloth called white pinned ſtraits, ready dreſſed to put to ſale, ſhall contain in length at the leaſt twelve yards, in breadth one yard, in weight eleven pound: And every piece of pinned ſtraits ſhall contain in length eleven yards, in breadth three quarters of a yard, and in weight eight pound at the leaſt. Hair, Flocks and Lambs wooll may be put into any of the ſaid Clothes made in Devon and Cornwall. Rep. 27 El. 18. Stat. 5 & 6 Ed. 6. 6. 5 H. 8. 2. 6 H. 8. 8. 43. El. 10. 4 Jac. 2.

CAP. X.

Durham, Raſt. 1.

The Town of Gateſide ſhall be annexed to the Town of Newcaſtle, and ſevered from the Biſhoprick of Durham. The inhabitants of Gateſide ſhall continue their Common in the Biſhoprick of Durham, and wood in Gateſide Park for their Reparations. The Liberties of the Biſhop of Durham in Newcaſtle and Gateſide ſhall continue. Rep. 1 M. 3.

CAP. XI.

Attaint, Raſt. 15.

A continuance until the laſt day of the next Parliament, of theſe Statutes hereafter rehearſed, viz. 22 H. 8. 7. made for the reſtraint of carrying of Horſes and Mares out of this Realm. Anno 21 H. 8. 12. for the true making of Cables, &c. Anno 23 H. 8. 17. for the true winding of Woolls. Anno 24 H. 8. 9. reſtraining the killing of Weanlings. Anno 23 H. 8. 3. for Attaints to be ſued upon undue Verdicts. Anno 33 H. 8. 2. concerning buying of Fiſh upon the Sea. Anno 35 H. 8. 17. made for the preſervation of Woods. Anno 31 H. 8. 12. touching unlawful hunting in any Park. Anno 32 H. 8. 11. touching wrongful taking or ſlaying of any Deer within any Park, &c. Anno 2 & 3 Ed. 6. 9. for the true Currying of Leather. Anno 2 & 3 Ed. 6. 10. for the true making of Malt. Anno 2 & 3 Ed. 6. 11. for the true making of Leather. Anno 3 & 4 Ed. 6. 5. for the puniſhment of unlawful Aſſemblies. Anno 3 & 4 Ed. 6. 15. againſt fond and fantaſtical Propheſies. Anno 3 & 4 Ed. 6. 19. concerning the buying of Roather beaſts. Anno 3 & 4 Ed. 6. 21. concerning the buying and ſelling of Butter and Cheeſe. Anno 5 & 6 Ed. 6. touching the proviſion and relief of the poor. Anno 5 & 6 Ed. 6. 14. made againſt Regraters and foreſtallers. Exp. Stat. 1 Eliz. 18.

CAP. XII.

Taxes, Raſt. 26.

A Subſidy and two Fifteens granted to the King by the Temporalty, to be paid in two years. Exp. Stat. 1 M. 17.

CAP. XIII.

Ibid. 30.

A confirmation of ſix ſhillings in the pound, to be paid in three years, granted to the King by the Clergy. Exp.

CAP. XIV.

Pardon, Raſt. 48.

The Kings general and free Pardon confirmed by Parliament. Except, &c. Exp.

Anno primo MARIÆ, *Seſſio prima.*

ACTS made in the Parliament begun and holden at Weſtminſter, the Fifth day of October, in the firſt year of the Reign of our moſt gracious Sovereign Lady MARY, by the Grace of God Queen of England, France and Ireland, Defender of the Faith, and of the Church of England, and alſo of Ireland, in Earth the Supreme Head, and there continued to the one and twentieth day of the ſame month; that is to ſay, in the firſt Seſſion of the ſame Parliament, as followeth.

CAP. I.

An Act repealing and taking away certain Treaſons, Felonies, and caſes of Premunire.

Accuſation, Raſt. 10. The ſtate of a King ſtandeth more aſſuredly by the love of his Subjects, than in fear of Laws.

FOraſmuch as the State of every King, Ruler and Governour of any Realm, Dominion or Commonalty, ſtandeth and conſiſteth more aſſured by the Love and Favour of the Subject toward their Sovereign Ruler and Governour, than in the Dread and Fear of Laws made with rigorous pains and extreme puniſhment, for not obeying of their Sovereign Ruler and Governour: (2) And Laws alſo juſtly made for the preſervation of the Commonweal without extream puniſhment or great penalty, are more often, for the moſt part obeyed and kept, then Laws and Statutes made with great and extream puniſhments, and in ſpecial ſuch Laws and Statutes ſo made, whereby not only the ignorant and rude unlearned people, but alſo learned and expert people, minding honeſtly, are often and many times trapped and ſnared, yea many times for words only, without other fact or deed done, or perpetrated:

II. The Queens moſt excellent Majeſty, calling to remembrance that many, as well honourable and noble perſons, as other of good reputation within this her Graces Realm of England, have of late, (for words only without other opinion, fact or deed) ſuffered ſhameful death, not accuſtomed to Nobles, her Highneſs therefore of her accuſtomed clemency and mercy, minding to avoid and put away the occaſion and cauſe of like chances hereafter to enſue, truſting her loving Subjects will for her clemency to them ſhewed, love, ſerve, and obey her Grace the more heartily and faithfully, then for dread or fear of pains of body, is contented and pleaſed that the ſeverity of ſuch like extream, dangerous and painful Laws, ſhall be aboliſhed, annulled and made fruſtrate and void.

III. Be

No Act or offence ſhall be treaſon, petit treaſon, or miſpriſion, but ſuch as be declared by the Statute of 25 Ed. 3. 2.

III. Be it therefore ordained and enacted by the Queen our Sovereign Lady, with the aſſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from henceforth none act, deed or offence being by Act of Parliament or Statute, made treaſon, petit treaſon, or miſpriſion of treaſon, by words, writing, ciphering, deeds or otherwiſe whatſoever, ſhall be taken, had, deemed or adjudged to be high treaſon, petit treaſon, or miſpriſion of treaſon, but only ſuch as be declared and expreſſed to be treaſon, petit treaſon, or miſpriſion of treaſon, in or by the Act of Parliament, or Statute made in the Five and twentieth year of the Reign of the moſt noble King of famous memory, King Edward the Third, touching or concerning treaſon, or the declarations of treaſons, and none other; (2) nor that any pains of death, penalty or forfeiture in any wiſe enſue, or be to any offendor or offendors for the doing or committing any treaſon, petit treaſon, or miſpriſion of treaſon, other than ſuch as be in the ſaid Eſtatute made in the ſaid Five and twentieth year of the Reign of the ſaid King Edward the Third ordained and provided; any Act or Acts of Parliament, Statute or Statutes, had or made at any time heretofore, or after the ſaid Five and twentieth year of the Reign of the ſaid late King Edward the Third, or any other declaration or matter to the contrary in any wiſe notwithſtanding.

Certain perſons exempted out of the benefit of this Statute.

IV. Provided always, and be it ordained and enacted by the authority aforeſaid, That this Act of Parliament, or any thing therein mentioned, ſhall not in any wiſe extend to give any manner of benefit, advantage, or commodity to any perſon or perſons, being the laſt day of September laſt paſt arreſted or impriſoned for treaſon, petit treaſon, or miſpriſion of treaſon, or to any perſon or perſons heretofore being indicted of treaſon, petit treaſon, or miſpriſion of treaſon, or being outlawed or attainted of treaſon, petit treaſon, or miſpriſion of treaſon, before the ſaid laſt day of September laſt paſt, or being commanded to keep his or their houſes, or other mens houſes, or otherwiſe excepted out of the Queens Highneſs moſt gracious Pardon given the day of her Coronation, but that they and every of them, for any offences before mentioned, perpetrated, committed, or done by them or any of them, before the ſaid laſt day of September, ſhall ſuffer ſuch pains of death, loſſes, and forfeitures of lands and goods, as in caſes of treaſon, as though this Act had never been had ne made; any thing in this Act to the contrary in any wiſe notwithſtanding.

All offences made felony, or in the caſe of Premunire, ſithence Anno 1 H. 8. repealed.

V. And be it further ordained and enacted by the authority aforeſaid, That all offences made felony, or limited or appointed to be within the caſe of Premunire, by any Act or Acts of Parliament, Statute or Statutes, made ſithence the firſt day of the firſt year of the Reign of the late King of famous memory, King Henry the Eighth, not being felony before, nor within the caſe of Premunire, and alſo all and every branch, article and clauſe mentioned, or in any wiſe declared in any of the ſame Eſtatutes, concerning the making of any offence or offences to be felony, or within the caſe of Premunire not being felony, nor within the caſe of Premunire before, and all pains and forfeitures concerning the ſame, or any of them, ſhall from henceforth be repealed, and utterly void, and of none effect.

Anno primo MARIÆ, *Seſſio ſecunda.*

ACTS made in the ſecond and laſt Seſſion of this preſent Parliament, holden upon Prorogation at Weſtminſter, the four and twentieth day of October, in the Firſt year of the Reign of our moſt gracious Sovereign Lady MARY, by the Grace of God, Queen of England, France and Ireland, Defender of the Faith, and in Earth Supreme Head of the Church of England, and of Ireland, and there continued and kept to the diſſolution of the ſame, being the ſixth day of December then next enſuing, as followeth.

CAP. I.

An Act declaring the Queens Highneſs to have been born in a moſt juſt and lawful Matrimony, and alſo repealing all Acts of Parliament, and ſentence of Divorce made or had to the contrary.

Matrimony, Raſt. 4.

CAP. II.

A Repeal of the Stat. of 1 Ed. 6. 1. made againſt ſuch as ſhall ſpeak unreverently of the Body and Bloud of Chriſt, and of the Stat of 1 Ed. 6. 2. touching the election of Biſhops, and the Stat. of 2 Ed. 6. 1. concerning the Uniformity of Service, and Adminiſtration of the Sacraments, and of the Stat. of 2. Ed. 6. 21. made to take away all poſitive Laws ordained againſt the Marriage of Prieſts, and of the Stat. of 3 Ed. 6. 10. made for the aboliſhing of Divers Books and Images, and of the Stat. of 3 Ed. 6. 12. made for the ordering of Eccleſiaſtical Miniſters, and of the Stat. of 5 Ed. 6. 1. made for the Uniformity of Common-prayer, and Adminiſtration of the Sacraments, and of the Stat. of 5 Ed. 6. 3. made for the keeping of Holy days and Faſting days, and of the Stat. of 5 Ed. 6. 12. touching the Marriage of prieſts, and legitimation of their children. All ſuch Divine Service and Adminiſtration of Sacraments as were moſt commonly uſed in England in the laſt year of King HENRY the Eighth, ſhall be uſed thorow the Realm, after the 20. day of December, Anno Dom. 1553. and no other kind of Service, nor Adminiſtrations of Sacraments. REP. 1 Jac 25. Stat. 1 El. 2.

Biſhops. Raſt. 10

CAP. III.

An Act againſt Offendors of Preachers and other Miniſters in the Church.

Preachers 3. The penalty of diſturbing of Preachers and Miniſters in the Church.

FOraſmuch as it is moſt neceſſary in every Chriſtian Commonwealth, to provide that tranquility and Peace may be preſerved and continued amongſt the people, and ſpecially in holy Church, in the time of Divine Service, and Adminiſtration of the Sacrament and Sacramentals, as before this time it hath been accuſtomed in holy Church within this Realm, and that all things being contrary thereunto, or that are, or may be in diſturbance thereof, may by foreſight be eſchewed and avoided, and remedy therefore in due time provided, as well for the preſervation of the Queens Highneſs peace, as for an univerſal quietneſs and order to be uſed within this Realm:

Diſturbing by word or deed a Preacher in his Sermon. 2 Bulltr. 47, 53.

II. Be it therefore enacted by the Queen our Sovereign Lady, the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons of their own power and authority, at any time or times after the twentieth day of December next coming, do, or ſhall willingly and of purpoſe, by open and overt word, fact, act or deed, maliciouſly or contemptuouſly moleſt, let, diſturb, vex or trouble, or by any other unlawful ways or means, diſquiet or miſuſe any Preacher or Preachers that now is, or that at any time or times hereafter ſhall be licenſed, allowed or authoriſed to Preach by the Queens Highneſs, or by any Archbiſhop or Biſhop of this Realm, or by any other lawful Ordinary, or by any of the Univerſities of Oxford and

Cambridge, or otherwiſe lawfully authoriſed or charged by reaſon of his or their cure, benefice, or other Spiritual promotion or charge, in any of his or their open Sermon, Preaching or Collation that he or they ſhall make, declare, preach or pronounce in any Church, Chappel, Church-yard, or in any other place or places, uſed, frequented or appointed, or that hereafter ſhall be uſed or appointed to be preached in.

Moleſting a Prieſt preparing or celebrating Maſs or other Service.

III Or if any perſon or perſons after the ſaid twentieth day of December next coming, ſhall maliciouſly, willingly, or of purpoſe moleſt, let, diſturb, vex, diſquiet, or otherwiſe trouble any Parſon, Vicar, Pariſh-prieſt or Curate, or any lawful Prieſt, preparing, ſaying, doing, ſinging, miniſtring or celebrating the Maſs, or other ſuch Divine Service, Sacraments or Sacramentals, as was moſt commonly frequented and uſed in the laſt year of the reign of the late Sovereign Lord King Henry the Eighth, or that at any time hereafter ſhall be allowed, ſet forth or authoriſed by the Queens Majeſty.

Abuſing the bleſſed Sacrament of the body and blood of Chriſt, or breaking any Altar or Crucifix.

IV. Or if any perſon or perſons, at any time or times after the ſaid twentieth day of December, ſhall contemptuouſly, unlawfully or maliciouſly, of their own power or authority, pull down, deface, ſpoil, abuſe, break, or otherwiſe unreverently handle or order the moſt bleſſed, comfortable and holy Sacrament of the Body and Blood of our Saviour Jeſus Chriſt, commonly called the Sacrament of the Altar, being, or that ſhall be in any Church or Cappel, or in any other decent place, or the pix or canopy wherein the ſame Sacrament is or ſhall be: (2) or unlawfully, contemptuouſly or maliciouſly of their own power and authority, pull down, deface, ſpoyl, or otherwiſe break any Altar or Altars, or any Crucifix or Croſs, that now or hereafter ſhall be in any Church, Chappel or Church-yard: (3) that then every ſuch offendor and offendors in any the premiſſes, his or their aidor, procuror or abettor, aidors, procurors or abettors, immediately and forthwith after any of the ſaid Act or Acts, or other the ſaid miſdemeanors ſo committed, done or made, or any time or times after, ſhall be apprehended, arreſted and taken by any Conſtable or Conſtables, Churchwarden or Churchwardens of the ſaid Pariſh, Town or place where the ſaid offence or offences ſhall be ſo committed, made or done, or by any other Officer or Officers, or by any other perſon or perſons then being preſent at the time of the ſaid offence or offences ſo unlawfully committed, made or done:

V. Which perſon or perſons ſo apprehended, taken or arreſted, with convenient ſpeed ſhall be brought and carried to any Juſtice of Peace within the ſaid Shire, or within any City, Borough, Liberty or Town-corporate wherein Juſtices of Peace be, where the ſaid offence or offences ſhall be ſo committed, done and made: (2) and that the ſaid Juſtice of Peace, upon due accuſation thereupon had and made by the apprehendor or apprehendors, or other perſon or perſons, of any of the ſaid perſon or perſons ſo offending, forthwith ſhall commit the ſaid perſon or perſons ſo apprehended, arreſted and taken, to ſafe keeping and cuſtody, as by the diſcretion of the ſaid Juſtice ſhall be thought moſt meet and convenient, (3) and that within ſix days next and immediately after the ſaid accuſation ſo had and made to the ſaid Juſtices, the ſaid Juſtice, with one other Juſtice of Peace in the ſaid Shire, City, Borough, Liberty, or Town-corporate, ſhall diligently examine the Act or Acts, offence or offences aforeſaid.

The puniſhment of the offendor for any of the crimes aforeſaid.

VI And if they the ſaid two Juſtices of Peace, ſhall upon their ſaid examination, find or perceive the ſaid perſon or perſons ſo accuſed, guilty of any the ſaid offence or offences whereof he or they ſhall be ſo accuſed, and that by two ſufficient witneſſes, or by his or their own confeſſion or confeſſions, that then and immediately with convenient ſpeed, the ſaid two Juſtices ſhall commit and award the ſaid perſon or perſons ſo accuſed, as is aforeſaid, to the Goal of or for the ſaid Shire, City, Borough, Liberty or Town-corporate where the ſaid offence or offences was ſo committed, made or done, there to remain without Bail or Mainpriſe, by the ſpace of three months then next enſuing, and further to the next Quarter-Seſſions to be holden within the ſaid Shire, City, Borough, Liberty or Town-corporate, next after the end of the ſaid three months; (2) at which ſaid Quarter-Seſſions, the ſaid perſon or perſons ſo committed to the Goal, as is aforeſaid, upon his or their reconciliation and repentance in that behalf, before the ſaid Juſtice of Peace, at the ſaid Seſſions, ſhall be delivered and diſcharged out of Priſon and Goal, upon ſufficient ſurety of his good abearing and behaviour, to be then and there taken by the ſaid Juſtices for one whole year then next enſuing, as by diſcretion or diſcretions of the ſaid Juſtices then and there being, or of the more part of them, ſhall be thought meet and convenient: (3) And if the ſaid perſon or perſons ſo in Goal, as is aforeſaid, will not be reconciled and repent at the ſaid Quarter-Seſſions, that then the ſaid perſon or perſons immediately in time convenient ſhall be further awarded and committed to the ſaid Goal by the ſaid Juſtices, or by the more part of them, there to remain without Bail or Mainpriſe, untill he or they ſo committed and awarded to Goal, as is aforeſaid, ſhall be reconciled, and be penitent for his or their ſaid offence or offences.

Godbolt. 246. pl. 343.

The Penalty for reſcuing an offendor, or diſturbing the arreſt.

VII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons at any time or times after the ſaid twentieth day of December, of their own authority and power, willingly and unlawfully do reſcue any offendor or offendors ſo apprehended, taken or arreſted, as is aforeſaid, or will diſturb, hinder or let the ſaid offendor or offendors ſo offending, as is aforeſaid, to be apprehended, taken or arreſted, that then every one of the ſaid reſcuers, or diſturbers ſhall ſuffer like impriſonment, as is aforeſaid, and further ſhall pay, forfeit and loſe for a fine, for every of his or their ſaid offences, five pounds to the Queens Majeſty, her Heirs and Succeſſors.

The Penalty if an offendor be not taken, but doth eſcape.

VIII. And be it further enacted by the authority aforeſaid, That if any the ſaid offendors aforeſaid be not taken, apprehended or arreſted immediately in time convenient, as is aforeſaid, but do eſcape or go away, that then the ſaid eſcape ſhall be lawfully preſented before the Juſtices of Peace, in the ſaid Shire, City, Borough, Liberty or Town-corporate, at the next Quarter-Seſſions to be holden where the ſaid eſcape was made and ſuffered, and that then the inhabitants of the Pariſh where the ſaid eſcape was ſo ſuffered, ſhall forfeit and loſe to the Queens

Majeſty, her Heirs and Succeſſors, for every ſuch offence five pounds, to be levied and taken as other like amerciaments before this time hath and been levied and taken upon any Village, Hundred or Town, for the eſape of any murderer, or other felon, for not making purſuit upon Hue and Cry, according to the Eſtatute of Wincheſter, and the Eſtatute made and provided in the Third year of the worthy King Henry the Seventh.

13 Ed. 1. 1.

What Magiſtrates ſhall have authority to enquire of, and puniſh the offenders.

IX. And be it further enacted by the authority aforeſaid, That all and ſingular Juſtices of Peace, Juſtices of Aſſiſe, Juſtices of Oyer and Determiner, and all and ſingular Mayors, Bayliffs, and Juſtices of Peace, within any City, Borough or Town-corporate, in any parts within this Realm, within the limits of their Commiſſion or Commiſſions, ſhall have full power and authority by virtue of this Act, after the ſaid twentieth day of December, to enquire of all and ſingular the offences and miſdemeanours aforeſaid, and to hear and determine the ſame, and to ſet the fines and amerciaments of the ſaid offender or offenders, as is aforeſaid.

The juriſdiction of the Law Eccleſiaſtical ſaved.

X. Provided always, and be it further enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not in any wiſe extend to abrogate and take away the authority, juriſdiction, power and puniſhment of the Eccleſiaſtical Laws now ſtanding and remaining in their force, of or for the puniſhment of any the offences and miſdemeanours aforeſaid; but that the authority, power, juriſdiction and puniſhments of the ſaid Eccleſiaſtical Laws, of and for any of the offences and miſdemeanours aforeſaid, ſhall ſtand in full power and ſtrength, and to be uſed and exerciſed in all and in every thing, as though this Act had never been had and made; This preſent Act, or any thing therein contained to the contrary thereof in any wiſe notwithſtanding.

There ſhall be but one puniſhment for one offence.

XI. Provided always, and be it enacted, That whatſoever perſon offending in the premiſſes, ſhall for any the offences afore recited, receive puniſhment of the Ordinary, having a teſtimonial thereof under the ſaid Ordinaries Seal, ſhall not for the ſame offence eftſoons be convicted before the Juſtice: (2) and in like wiſe receiving for the ſaid offences puniſhment by the Juſtice, he ſhall not for the ſame offence eftſoons receive puniſhment of the Ordinary; any thing in this Act to the contrary notwithſtanding.

CAP. IV.

An Act touching certain Writings made from the ſixth day of July laſt paſt, to the firſt day of Auguſt next enſuing.

Deeds, Raſt r. Writings, &c. made from the ſixth of July laſt, and before the firſt of Auguſt, ſhall be good and effectual: excepting ſuch as were made by the Lady Jane Dudley.

Where it hath pleaſed Almighty GOD the ſixth day of July laſt paſt, to call out of this tranſitory life unto his mercy, our late Sovereign Lord King Edward the Sixth, by and immediately after whoſe deceaſe, the Imperial Crown of this Realm, with all dignities, dominions, honors, preeminences, prerogatives, ſtiles, authorities and juriſdictions to the ſame united, annexed or belonging, did not only deſcend, remain, and come unto our moſt dread Sovereign Lady the Queens Majeſty, but alſo the ſame was then immediately and lawfully inveſted, deemed and adjudged in her Highneſs moſt royal perſon, by the due courſe of inheritance, and by the Laws and Statutes of this Realm:

II. Nevertheleſs, the ſame her Highneſs moſt lawful poſſeſſion was for a time diſturbed and diſquieted, by the traiterous rebellion and uſurpation of the Lady Jane Dudley, Wife unto Guilford Dudley Eſquire, otherwiſe called the Lady Jane Grey, and other her complices, during the time of the which ſaid rebellion and uſurpation, divers Eſtatutes, Recognizances, Indentures, Obligations, Acquittances, Grants, Patents, Evidences, and other Writings were made and deviſed between, and to ſundry of the Subjects of this Realm, whereupon divers queſtions, ſuits and doubts, may hereafter ariſe, grow and enſue, to many of the Queens Highneſs true loving Subjects: For the avoiding of all which ambiguities and doubts, which by reaſon thereof may be ſtirred and moved,

III. Be it ordained and enacted, That all Eſtatutes, Recognizances, Indentures, and other writings whatſoever, knowledged or made by or to any perſon or perſons, bodies politick or corporate, being the Queens Subjects, ſince the ſixth day of July laſt paſt, and before the firſt day of Auguſt then next following, under the name of the Reign of any other perſon, than under the name of our Sovereign Lady the Queen, ſhall be as good and effectual in the Law, to all intents, purpoſes, conſtructions and meanings, as if upon the making thereof the name of our Sovereign Lady the Queens Majeſty, with her ſtile appropriate and united unto her Majeſties Imperial Crown, had been fully and plainly expreſſed and contained in the ſame Obligation, Recognizances, Indentures, Eſtatutes, and other writings: (2) And that the ſame Obligations, Recognizances, Indentures, Eſtatutes, and other writings, ſhall and may be ſued and miniſtred in Bar, exhibited, averred, uſed and pleaded in the name, title and ſtile of our Sovereign Lady the Queens Majeſty, in ſuch and the ſame manner and form, as though the name of the ſame our Sovereign Lady the Queen, with her Graces uſual ſtile, had been expreſſed, written and contained in the ſame; the lack of the naming or mentioning of the name of our Sovereign Lady the Queen, of her Majeſties ſtile in the date or time of the making of the ſaid Eſtatutes, Recognizances, Indentures, or other writings in the ſaid Eſtatutes, Recognizances, or other writing in any wiſe notwithſtanding.

No writings made by the Lady Jane Dudley ſithence the vj. day of July laſt ſhall be good.

IV. Provided always, That this Act, nor any thing therein contained, ſhall not extend to make good any Letters Patents, commiſſions, gifts, grants, leaſes, deviſes, or other writings made by the ſaid Lady Jane Dudley, otherwiſe called the Lady Jane Grey, ſithence the ſaid ſixth day of July laſt paſt, of any manors, lands, tenements, hereditaments, offices, fees or other writings whatſoever, now or then being by any ways or means, parcel, member, or belonging to the ſaid Imperial Crown, or to make good any other writings whatſoever made by the ſaid Lady Jane ſithence the ſaid ſixth of July: But that they and every of them ſhall remain and be utterly void, and of none effect, any thing aforeſaid to the contrary notwithſtanding.

CAP. V.

An Act for the limitation of Preſcription in certain caſes.

Limitation 7. Certain Writs and Acts whereunto the Statute of Limitation made 32 H. 8. 2. ſhall not extend.

WHere at a Parliament holden at Weſtminſter the twenty fourth day of July, in the Two and thirtieth year of the Reign of the late King of famous memory, King Henry the Eighth, it was enacted, That no manner of perſon or perſons ſhould from thenceforth ſue, have or maintain any writ of right, or make any preſcription, title or claim, of, to or for any manors, lands, tenements, rents, annuities, commons, penſions, portions, corrodies, or other hereditaments, of the poſſeſſion of his or their Anceſtor or Predeceſſor, and delcare and alledge any further ſeiſin or poſſeſſion of his or their Anceſtor or Predeceſſor, but only of the ſeiſin or poſſeſſion of his Anceſtor or Predeceſſor which hath been, or then was, or ſhall be ſeiſed of the ſaid manors, lands, tenements, rents, annuities, commons, penſions, portions, corrodies, or other hereditaments, within threeſcore years next before the teſte of the ſame Writ, or next before the ſaid preſcription, title or claim, ſued, commenced, brought, made, or had after the making of the ſame Act.

A rehearſal of part of the Statute of 32 H. 8. 2. touching limitation of preſcription.

II. And where alſo it was further enacted by the authority aforeſaid, amongſt other things, That no perſon or perſons ſhould after that make any avowry or cognizance for any rent, ſuit or ſervice, or alledge any ſeiſin of any rent, ſuit or ſervice in the ſame avowry or cognizance in the poſſeſſion of his or their Anceſtors, or Predeceſſor or Predeceſſors, or in his own poſſeſſion, or in the poſſeſſion of any other whoſe eſtate he ſhould after that pretend or claim to have above fifty years next before the making of the ſaid avowry or cognizance.

III. And where by the ſame Act it was alſo further enacted, amongſt other things, That if any perſon or perſons, at any time after that, did ſue any of the ſaid actions or writs for any manors, lands, tenements, or other hereditaments, or make any avowry, cognizance, preſcription, title or claim, of or for any rent, ſuit, ſervice or other hereditaments, and could not prove that he or they, or his or their Anceſtors or Predeceſſors, were in actual poſſeſſion and ſeiſin, of and in the ſame manors, lands, tenements, rents, ſuits, ſervices, annuities, commons, penſions, portions, corrodies, or other hereditaments, at any time or times within the years before limited and appointed in the ſame Act, in manner and form as is aforeſaid, (2) that if the ſame ſeiſin were traverſed or denied by the party Plaintiff, Demandant or Avowant, or by the party Tenant or Defendant, that then, and after ſuch trial therein had, all and every ſuch perſon and perſons, and their Heirs, ſhould from thenceforth be utterly barred for ever of all and every the ſaid writs, actions, avowries, cognizance, preſcription, title and claim after that to be ſued, had or made, of and for the ſame manors, lands, tenements, hereditaments, or other the premiſſes, or any part of the ſame, for the which the ſame action, writ, avowry, cognizance, preſcription, title or claim, that ſhould at any time be had, ſued or made:

Certain doubts moved upon the ſaid Statute of 32 H. 8. 2.

IV. Upon which ſaid Act, doubt and ambiguity hath riſen and been moved, Whether a Writ of Right, of Advowſon, a Quare Impedit, Jure Patronatus, or Aſſiſe of Darein Preſentment, may be maintained by any perſon or perſons, bodies politick and corporate, whereas the ſame perſon or perſons, bodies politick or corporate, their Anceſtor or Predeceſſor, or he or they by whom he or they do claim, cannot lay the Eſplees, ſeiſin or preſentment in him or themſelves, or the Anceſtor or Predeceſſor of them, or any of them, or in him or them by whom he or they do claim, within threeſcore years next before the teſte of the ſame Writ of Right, of Advowſon, Quare Impedit, or Aſſiſe of Darein Preſentment, and Jure Patronatus; (2) And alſo whether any perſon or perſons, bodies politick or corporate, having a Seigniory by reaſon of any caſtles, honours, manors, lands, tenements or hereditaments of him or them, holden by Knights ſervice, may maintain a writ of right of ward, or a writ of raviſhment of ward, for any caſtles, honours, manors, lands, tenements or hereditaments, holden by Knights ſervice, or for the body of any ward that he or they claim by reaſon of any ſuch tenure by Knights ſervice, whereas he or they have not been ſeiſed of the ſame ſervices within threeſcore years next before the teſte of any ſuch writs: (3) For the explanation and plain declaration whereof, and in avoiding of the ſaid ambiguities and doubts, Be it enacted and declared by the Queens Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid former Act made in the Two and thirtieth year of the Reign of the ſaid late King Henry, or any article, clauſe, ſentence or matter therein contained, ſhall not extend to any writ of right, of advowſon, Quare Impedit, or Aſſiſe of Darein Preſentment, nor Jure Patronatus, (2) nor to any writ of right of ward, writ of raviſhment of ward, for the wardſhip of the body, or for the wardſhip of any caſtles, honors, manors, lands, tenements or hereditaments holden by Knights ſervice, nor to the ſeiſor of the wardſhip of the body of any ward or wards, or to the ſeiſor or wardſhip of any caſtles, honors, manors, lands, tenements or hereditament holden by Knights ſervice; (5) but that all and every perſon and perſons, bodies politick and corporate, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them, ſhall and may have, maintain and purſue all and ſingular the ſaid writs of right, of advowſon, Quare Impedit, Aſſiſe of Darein Preſentment, Jure Patronatus, writs of right of ward, raviſhment of ward, and alſo ſeiſe the wardſhip both of the body, and of the caſtles, honors, manors, lands, tenements and hereditaments holden by Knights ſervice, in like manner and form, to all intents, conſtructions and purpoſes, as they or any of them ſhould or might have done, made or purſued, before the making of the ſaid Act made in the Two and thirtieth year, as though the ſame Act had never been had or made; any thing in the ſaid former Act to the contrary notwithſtanding. Stat. 21 Jac. 16.

Certain writs and acts whereunto the ſaid Statute ſhall not extend.

CAP. VI.

An Act that the Counterfeiting ſtrange Coyns, being current within the Realm, the Queens Highneſs Sign Manual, Signet, or Privy Seal, to be adjudged Treaſon.

Treaſon 2.

FOraſmuch as by the Laws of this Realm, ſmall and no due and condign puniſhment is at this preſent time provided for ſuch evil diſpoſed perſons as ſhall Counterfeit or forge ſuch kind of Gold or Silver of other Realms, as is not the proper Coyn of this Realm, yet permitted and ſuffered by the Queen our Sovereign Ladies conſent, and heretofore hath been permitted and ſuffered by the conſent of her moſt noble Progenitors, to be currant in payment within this her Realm, nor for ſuch perſons as ſhall counterfeit the Queens Highneſs Sign Manual, or privy Signet, or privy Seal; By reaſon whereof divers evil diſpoſed perſons are encouraged and boldned daily to perpetrate and commit the ſaid ſeveral offences:

II. For remedy whereof, Be it enacted by our Sovereign Lady the Queen, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons hereafter falſely forge and counterfeit any ſuch kind of Coyn of Gold or Silver as is not the proper Coyn of this Realm, and is or ſhall be currant within this Realm, by the conſent of the Queen, her Heirs or Succeſſors: (2) Or if any perſon or perſons at any time hereafter, do falſely forge or counterfeit the Queens Sign Manual, privy Signet, or privy Seal, (3) that then every ſuch offence ſhall be deemed and adjudged high Treaſon, (4) and the offenders therein, their counſellers, procurers, aiders and abetters, being convict according to the Laws of this Realm, of any of the ſaid offences, ſhall be likewiſe deemed and adjudged Traytors againſt the Queen, her Heirs and Succeſſors, and the Realm, and ſhall ſuffer and have ſuch pains of death, forfeiture of lands, goods and cattels, and alſo loſe the priviledge of all Sanctuary, as in the caſe of high Treaſon it is uſed and ordained.

Treaſon to forge the coyn of other Realms current in this Realm, or the Kings ſign Manual, &c.
27 H. 8.
25 Ed. 3. 2.

CAP. VII.

An Act touching Proclamations upon Fines.

Whereas upon Fines levied with Proclamations, doubts have of late riſen by occaſion of Adjournment of Terms, in which Proclamation ſhould have been made according to the form limited for Proclamations upon Fines, by the Statute made in the Fourth year of King Henry the Seventh, and were not by reaſon of ſuch Adjournments had ne made, according to the purvey of the ſame Eſtatute,

Fines 11.
Fines levied before the Juſtices of the Common place ſhall be of force notwithſtanding Proclamations be not made.
4 H. 7. 24.

II. Be it therefore enacted, That all Fines, as well heretofore levied, as hereafter to be levied before the Juſtices of the Common place, of any manors, lands, tenements, or other hereditaments, whereupon the Proclamations hath not, or ſhall not, by reaſon of adjournment of any Term by Writ, be duly made, ſhall be of as good force, effect and ſtrength to all intents, conſtructions and purpoſes, as if any Term heretofore ſo Adjourned, or that at any time hereafter ſhall be ſo Adjourned, had been holden and kept from the beginning to the end thereof, not Adjourned, and Proclamations therein made, according to the form and effect of the ſaid Statute.

III. Provided always, That this Act ſhall not in any wiſe extend to any Fine heretofore levied of any manors, lands, tenements or hereditaments now in ſuit, demand or variance in any of the Queens Courts, or whereof any Charters, Evidences or Muniments concerning the ſame, be now in demand in the Queens high Court of Chancery, (2) nor to any Fine or Fines heretofore levied of any manors, lands, tenements or hereditaments, which before the firſt day of this preſent Parliament have been recovered, gotten or obtained, by reaſon of any judgment, entry, decree, arbitrament, or other lawful means, contrary to the purport, intent or effect of any ſuch Fine or Fines thereof heretofore levied.

Certain fines to which this Statute ſhall not extend.

CAP. VIII.

An Act that Sheriffs ſhall not be Juſtices of the Peace during that Office.

Where in one Act of Parliament, intituled, An Act for the continuance of actions after the death of any king, made in the Firſt year of our late Sovereign Lord King Edward the Sixth, amongſt other things it is ordained and enacted, That albeit any perſon or perſons being Juſtice of Aſſiſe, Juſtice of Gaol delivery, or Juſtice of Peace within any of the Kings Dominions, or being in any other of the Kings Commiſſions whatſoever, ſhall fortune to be made Duke, Archbiſhop, Marqueſs, Earl, Viſcount, Baron, Biſhop, Knight, Juſtice of the one Bench or of the other, or Serjeant at the Law, or Sheriff, yet that notwithſtanding he and they ſhould remain Juſtice and Commiſſioner, and have full power and authority to execute the ſame in like manner and form as he or they might and ought to have done before the ſame, as in the ſaid Act more plainly appeareth; (2) Sithence the making of the which Act, divers perſons being in the Commiſſion of the Peace in one County, have been made Sheriffs of the ſame County, and have exerciſed either of the ſaid Offices, which ſeemeth not to be convenient:

Sheriffs 21.
No Sheriff ſhall be Juſtice of Peace, where or when he is Sheriff.
1 Ed. 6. 7.
2 Bulſtr. 328.

II. Wherefore be it enacted by the authority of this preſent Parliament, That no manner of perſon or perſons having, uſing or exerciſing the Office of the Sheriff of any County or Counties, ſhall uſe or exerciſe the Office of the Juſtice of the Peace, by force of any Commiſſion, or otherwiſe, in any County or Counties where he or they ſhall be Sheriff, during the time only that he or they ſhall uſe or exerciſe the ſaid Office or Sheriffwick; any thing in the ſaid former Act to the contrary in any wiſe notwithſtanding: And that all and every Act and Acts to be done by any ſuch Sheriff and Sheriffs, by authority of any Commiſſion of the Peace, during the time aboveſaid, ſhall be void and of none effect; The ſaid former Act notwithſtanding.

CAP. IX.

An Act touching the Corporation of the Phyſicians in London.

Whereas in the Parliament holden at London the fifteenth day of April, in the Fourteenth year of the Reign of our late Sovereign Lord, King Henry the Eighth, and from thence Adjourned to Weſtminſter the laſt day of July, in the Fifteenth year of the Reign of the ſame King, and there holden: It was enacted, That a certain grant by Letters

Phyſicians 4. &c.

Patents of incorporation made and granted by our ſaid late King to the Phyſicians of London, and all Clauſes and Articles contained in the ſame Grant, ſhould be approved, granted, ratified and confirmed by the ſame Parliament:

A confirmation of the Stat. of 14 H. 8. 5. touching the corporation of Phyſicians of London.

II. For the conſideration thereof, be it enacted by the authority of this preſent Parliament, That the ſaid Statute or Act of Parliament, with every Article and Clauſe therein contained, ſhall from henceforth ſtand and continue ſtill in full ſtrength, force and effect; Any Act, Statute, Law, Cuſtom, or any other thing made, had or uſed to the contrary in any wiſe notwithſtanding.

III. And for the better reformation of divers enormities happening to the Commonwealth, by the evil uſing and undue adminiſtration of Phyſick, and for the enlarging of further Articles for the better execution of the things contained in the ſaid Grant enacted,

Whoſoever ſhall be committed to priſon by the Preſident of the Colledge of Phyſicians in London ſhall be received and kept thereby.

IV. Be it therefore now enacted, That whoſoever the Preſident of the Colledge, or Commonalty of the Faculty of Phyſick of London for the time being, or ſuch as the ſaid Preſident and Colledge ſhall yearly according to the tenor and meaning of the ſaid Act, authorize to ſearch, examine, correct and puniſh all offenders and tranſgreſſors in the ſaid Faculty, within the ſame City and Precinct, in the ſaid Act expreſſed, ſhall ſend or commit any ſuch offender or offenders for his or their offences or diſobedience contrary to any Article or Clauſe contained in the ſaid Grant or Act, to any Ward, Gaol or Priſon within the ſame City and Precinct (the Tower of London except) That then from time to time the Warden, Gaoler, or Keeper, Wardens, Gaolers or Keepers of the Wards, Gaols and Priſons within the City or Precinct aforeſaid (except before excepted) ſhall receive into his or their Priſons, all and every ſuch perſon and perſons ſo offending, as ſhall be ſo ſent or committed to him or them, as is aforeſaid, (2) and there ſhall ſafely keep the perſon or perſons ſo committed, in any of their Priſons, at the proper coſts and charges of the ſaid perſon or perſons ſo committed, without Bail or Mainpriſe, until ſuch time as ſuch offender or offenders, or diſobedient, be diſcharged of the ſaid Impriſonment, by the ſaid Preſident, and ſuch perſons as by the ſaid Colledge ſhall be thereunto authorized, (3) upon pain that all and every ſuch Warden, Gaoler and Keeper, doing the contrary, ſhall loſe and forfeit the double of ſuch fine and amerciament as ſuch offender and offenders, or diſobedient, ſhall be aſſeſſed to pay, by ſuch as the ſaid Preſident and Colledge ſhall authoriſe, as aforeſaid, ſo that the ſame fine and amerciament be not at any one time above the ſum of twenty pound, the moiety thereof to be employed to the uſe of our Sovereign Lady the Queen, her Heirs and Succeſſors, the other moiety unto the ſaid Preſident and Colledge: (4) All which forfeitures to be recovered by Action of Debt, Bill, Plaint, or Information in any of the Queens, her Heirs and Succeſſors Courts of Record, againſt any ſuch Warden, Gaoler, or Keeper ſo offending; in which Suit, no Eſſoign, Wager of Law, nor Protection ſhall be allowed, ne admitted for the Defendant.

The offenders forfeiture, and who ſhall have it, and by what means.

Searching in London for Apothecary wares. 22 H. 8. 40.

V. And further be it enacted by the authority aforeſaid, for the better execution of the ſearch and view of Poticary Wares, Drugs and Compoſitions, according to the tenour of a Statute made in the Two and thirtieth year of the Reign of the ſaid late King Henry the Eighth, That it ſhall be lawful for the Wardens of the Grocers, or one of them, to go with the ſaid Phyſicians in their view and ſearch, that if the ſaid Warden or Wardens, do refuſe or delay his or their coming thereunto, forthwith and immediately when the ſaid Preſident, or four of his Colledge elect, as aforeſaid, do call upon him or them, that then the ſaid Phyſicians may and ſhall execute that ſearch and view, and the due puniſhment of the Poticaries, for any their evil and faulty ſtuff, according to the Statute laſt before mentioned, without the aſſiſtance of any of the ſaid Wardens; any clauſe in the forenamed Statute,, to the contrary hereof notwithſtanding, (2) And every ſuch perſon or perſons as will or ſhall reſiſt ſuch ſearch, ſhall forfeit for every ſuch reſiſtance xl. the ſame penalty to be recovered in form aforeſaid, without any of the delays aforeſaid to be had in Suit thereof.

The penalty for reſiſting of ſearch of Apothecary wares.

Other Magiſtrates ſhall aſſiſt the Phyſicians in their ſearch.

VI. And further be it enacted, That all Juſtices, Mayors, Sheriffs, Bailiffs, Conſtables, and other Miniſters and Officers within the City and Precincts above written, upon requeſt of them made, ſhall help, aid and aſſiſt the Preſident of the ſaid Colledge, and all perſons by them (from time to time) authoriſed for the due execution of the ſaid Acts or Statutes, upon pain for not giving of ſuch aid, help and aſſiſtance, to run in contempt of the Queens Majeſty, her Heirs and Succeſſors.

CAP. X.

Courts, Raſt. 3.

An Act for the uniting, diſſolving, and new erecting of Courts. 1 El. 4.

CAP. XI.

Hats, Raſt. 4.

A confirmation of the Statute of 21 H. 8. 9. touching the prices of Woollen Hats and Caps made beyond the Sea. Cuſtoming of the ſame Hats and Caps. No man ſhall buy above one dozen of Hats or Caps made out of this Realm. REP. 1 Jac. 25.

CAP. XII.

Riots, Raſt. 9.

If any perſons to the number of twelve, or above, being aſſembled together, ſhall intend, go about, practiſe or put in uſe, with force and arms, unlawfully and of their own authority, to change any laws made for Religion by authority of Parliament ſtanding in force, or any other Laws or Statutes of this Realm, or any of them, the ſame number of twelve or above, being commanded or required by the Sheriff of the Shire, or by any Juſtice of Peace of the ſame Shire, or by any Mayor, Sheriff, Juſtices of Peace, or Bailiffs of any City, Borough or Town-corporate, where any ſuch Aſſemblies ſhall be lawfully had or made, by Proclamation in the Queens Name to retire and repair to their houſes, habitations or places from whence they came, and they or any of them notwithſtanding ſuch Proclamation, ſhall continue together by the ſpace of one whole hour after ſuch commandment or requeſt made by Proclamation; or after that ſhall willingly in forcible and riotous manner attempt to do or put in ure any of the things above ſpecified, that then as well every ſuch abode together, as every ſuch act or offence, ſhall be adjudged Felony, and the offenders therein ſhall be adjudged Felons, and ſhall ſuffer only execution of death, as in caſe of Felony. And if any perſons to the ſaid number of twelve or above, ſhall go about, &c. to overthrow, cut, caſt down, or dig the pales, hedges, ditches, or other encloſure of any Park, or other ground encloſed, or the banks of any Fiſh-pond or Pool, or any Conduits for water, Conduit-heads, or Conduit-pipes having courſe of water, to the intent that the ſame, or any of them ſhould from thenceforth lie open, or unlawfully to have way or common in the ſaid Parks or other grounds encloſed, or to deſtroy the Deer in any manner of Park, or any Warren of Conies, or any Dove-houſes, or any Fiſh in any Fiſh-pond or pool, or to pull or cut down any Houſes, Barns, Mills or Bayes, or to burn any ſtacks of Corn, or to abate or diminiſh the Rents of any Lands, or the price of any Victual, Corn or Grain, or any other thing uſual for the ſuſtenance of man; and being required or commanded by any Juſtice of Peace, &c. by Proclamation to be made, &c. to retire to their habitations, &c. and they or any of them notwithſtanding ſhall remain together by the ſpace of one whole hour after ſuch commandment made by Proclamation, or ſhall in forcible manner put in ure any the things laſt before mentioned, &c.

That then every of the ſaid offenders ſhall be judged a Felon, &c. And if any perſon or perſons unlawfully, and without authority, by ringing of any Bell or Bells, ſounding of any Trumpet, Drum, Horn, or other Inſtrument, or by firing of any Beacon, or by malicious ſpeaking of any words, or making any out-cry, or by ſetting up, or caſting of any Bill or Writing, or by any other deed or act, ſhall raiſe or cauſe to be raiſed any perſons to the number of twelve or above, to the intent that the ſame perſons ſhould do or put in ure any of the Acts above mentioned, and that the perſons ſo raiſed and aſſembled, after commandment given in form aforeſaid, ſhall make their abode together in form as is aforeſaid, or in forcible manner put in ure any of the Acts abovesaid, That then all and ſingular perſons by whoſe ſpeaking, deed, act, or other the means above ſpecified, to the number of twelve ſo raiſed, ſhall be adjudged Felons: And if the wife, ſervant, or other perſons ſhall any way relieve them that be unlawfully aſſembled, as is aforeſaid, with victuals, armors, weapons, or any other thing, that then they ſhall be adjudged Felons: And if any perſons above the number of two, and under the number of twelve, ſhall practiſe or put in ure any of the things above mentioned, and being commanded by a Juſtice of Peace, &c. to retire, &c. and they make their abode by the ſpace of one hour together, that then every of them ſhall ſuffer impriſonment by the ſpace of one year without bail or mainpriſe, and every perſon damnified ſhall or may recover his triple damages againſt him; and every perſon able, being requeſted by the Kings Officers, ſhall be bound to reſiſt them. If any perſons to the number of fourty or above, ſhall aſſemble together by forcible manner, unlawfully, and of their own authority, to the intent to put in ure any of the things above ſpecified, or to do other felonies or rebellions, act or acts, and ſo ſhall continue together by the ſpace of three hours after Proclamation ſhall be made at or nigh the place where they ſhall be ſo aſſembled, or in ſome Market-town thereunto next adjoyning, and after notice thereof to them given, then every perſon ſo willingly aſſembled in forcible manner, and ſo continuing together by the ſpace of three hours, ſhall be adjudged a Felon: And if any Copy-holder or Farmer being required by any of the Kings Officers having authority, to aid and aſſiſt them in repreſſing any of the ſaid Offenders, do refuſe ſo to do, that then he ſhall forfeit his Copy-hold or Leaſe, only for term of his life. The Statute of 3 & 4 Ed. *6.* repealed, 1 Eliz. *16.* EXP.

CAP. XIII.

The Statutes made Anno 21 H. 8. 7. Anno 21 H. 8. 12. Anno 23 H. 8. 17. Anno 24 H. 8. *9.* Anno 23 H. 8. 3. Anno 28 H. 8. *6,8,9.* Anno 31 H. 8. 7. Anno 33 H. 8. 2. Anno 35 H. 8. 17. Anno 37 H. 8. 23. Anno 2 & 3 Edw. *6.* 9,10,11. Anno 3 & 4 Ed. *6.* 19,21. Anno 5 & *6* Edw. *6.* 2, 14. Anno 7 Edw. *6.* 11. be revived and made to continue until the end of the next Parliament. EXP. Stat. 1 Eliz. 18.

Cordwainers, Raſt. 14.

CAP. XIV.

The Statute of 23 H. 8. 2. ordained for the making of Gaols in ſeveral Counties, ſhall be continued until the end of ten years next after this Parliament. EXP.

Priſons, Raſt. 8.

CAP. XV.

It ſhall be lawful to the Pariſhioners of the late Pariſh of St. Ellens in Stane-gate, within the City of York, and the inhabitants that now are, or hereafter ſhall be dwelling in the ſame, to build again the ſame Pariſh Church and Church yard, and therein to uſe Divine Service, Sacraments, &c. And the Queen, her Heirs and Succeſſors may preſent an able Clerk to the Vicarage of the ſame. PR.

Union, Raſt. 3.

CAP. XVI.

A Confirmation of the Attainder of High Treaſon, of John Duke of Northumberland, Thomas Cranmer Archbiſhop of Canterbury, William Marqueſs of Northampton, John Earl of Warwick, Sir Ambroſe Dudley Knight, Sir Andrew Dudley Knight, Sir John Gates Knight, and Sir Thomas Palmer Knight. EXP.

Attainder, Raſt *9.*

CAP. XVII.

A Confirmation of a Releaſe which the Queen by her Letters Patents made to the Temporality of a Subſidy given to King Edward, by the Statute of 7 Edw. *6.* 12. reſerving to the Queen the two Fifteens granted by the ſaid Statute. EXP.

Taxes, Raſt. *29.*

CAP. XVIII.

A Subſidy of Tonnage and Poundage granted to the Queen during life, out of divers Merchandiſes. EXP.

Ibid. 31.

Anno MARIÆ primo, Seſſio tertia.

ACTS made in the Parliament begun and holden at Weſtminſter the ſecond day of April, in the Firſt year of the Reign of our moſt gracious Sovereign Lady MARY, by the Grace of God, Queen of England, France and Ireland, Defender of the Faith, and there continued and kept to the diſſolution of the ſame, being the Fifth day of May then next enſuing, as followeth.

CAP. I.

An Act that the Regal Power of this Realm is as fully in the Queens Majeſty, as ever it was in any her moſt Noble Anceſtors.

Foraſmuch as the Imperial Crown of this Realm, with all dignities, honours, prerogatives, authorities, juriſdictions and preheminences thereunto annexed, united and belonging, by the divine providence of Almighty GOD, is moſt lawfully, juſtly and rightfully deſcended and come unto the Queens Highneſs that now is, being the very true and undoubted Heir and Inheretrix thereof, and inveſted in her moſt Royal Perſon, according unto the Laws of this Realm: (2) And by force and virtue of the ſame, all Regal power, dignity, honour, authority, preheminence and juriſdictions doth appertain, and of right ought to appertain and belong unto her Highneſs, as to the Sovereign, Supream Governour and Queen of this Realm, and the Dominions thereof, in as full, large and ample manner, as it hath done heretofore to any other her moſt noble Progenitors Kings of this Realm: (3) Nevertheleſs, the moſt ancient Statutes of this Realm being made by Kings then Reigning, do not only attribute and refer all prerogative, preheminence, power and juriſdiction Royal unto the name of King, but alſo do give, aſſign and appoint the correction and puniſhment of all offenders againſt the Regality and Dignity of the Crown, and the Laws of this Realm, unto the King: (4) By occaſion whereof, the malicious and ignorant perſons may be hereafter induced and perſwaded unto this error and folly, to think that her Highneſs could, ne ſhould have, enjoy, and uſe ſuch like royal authority, power, preheminence, prerogative and juriſdiction, nor do, execute and uſe all things concerning the ſaid Statutes, and take the benefit and priviledge of the ſame, nor correct and puniſh offenders againſt her moſt Royal Perſon, and the Regality and Dignity of the Crown of this Realm, and the Dominions thereof, as the Kings of this Realm, her moſt noble Progenitors have heretofore done, enjoyed, uſed, and exerciſed:

Crown 1. Queen, Raſt. 1. The Regal power is in the Queens Majeſty as fully as it hath been in any her Progenitors.

Several cauſes why this Stat. was made.

II. For the avoiding and clear extinguiſhment of which ſaid error or doubt, and for a plain declaration of the Laws of this Realm in that behalf,

III. Be it declared and enacted by the authority of this preſent Parliament, That the Law of this Realm is, and ever hath been, and ought to be underſtood, that the Kingly or Regal Office of this Realm, and all dignities, prerogative royal, power, preheminencies, priviledges, authorities and juriſdiction thereunto annexed, united or belonging, being inveſted either in male or female, are and be, and ought to be as fully, wholly, abſolutely and entirely deemed, judged, accepted, inveſted and taken in the one as in the other; (2) ſo that what,

The Regal power of this Realm, and all the dignities of the ſame, ſhall be as well in a Queen as in a King.

or whenſoever Statute or Law doth limit and appoint, that the King in this Realm may or ſhall have, execute and do any thing as King, or doth give any profit or commodity to the King, or doth limit or appoint any pains or puniſhment for the correcting of offenders or tranſgreſſors againſt the regality and dignity of the King or of the Crown, the ſame the Queen (being Supream Governeſs, Poſſeſſor and Inheritrix to the Imperial Cown of this Realm, as our ſaid Sovereign Lady the Queen moſt juſtly preſently is) may by the ſame authority and power likewiſe have, exerciſe, execute, puniſh and correct, to all intents, conſtructions and purpoſes, without doubt, ambiguity, ſcruple or queſtion; any cuſtom, uſe or ſcruple, or any other thing whatſoever to be made to the contrary notwithſtanding.

CAP. II.

Queen, Raſ. 2.

The Articles of Marriage between PHILIP Prince of Spain and the Queen, rehearſed and confirmed. The Queen ſhall and may only, and as a ſole Queen, uſe and enjoy the Crown and Sovereignty over her Dominions and Subjects, with all the prerogatives, juriſdictions, manors, lands, &c. belonging to the ſame, in ſuch only eſtate, and in ſuch large manner in all degrees, after the ſolemnization of the ſaid Marriage, as ſhe now hath and enjoyeth the ſame, without any right, claim, or demand to be given, come or grown unto the ſaid Prince as tenant by courteſie of this Realm, or by any other means. All gifts, grants, letters patents, leaſes, and other writings which during the ſaid Marriage ſhall paſs and be made, of benefices, offices, lands, revenues and fruits, ſhall be entituled and made in the names of the ſaid Prince and the Queen, and ſhall be ſigned with the ſign Manual of the Queen, and ſhall be beſtowed upon natural born Subjects of this Realm. And thoſe grants, letters patents, and writings, which ſhall not be ſigned with the ſign Manual, ſhall be void. EXP. St. 1 & 2 P. & M. 1.

CAP. III.

Durham, Raſt. 1.

A repeal of one Statute (not printed) made 7 Ed. 6. whereby the Biſhoprick of Durham was diſſolved, and all the lands and poſſeſſions thereof were given to the King; and of one other Statute made 7 Ed. 6. 10. whereby the Town of Gateſide, &c. was ſevered from the ſaid Biſhoprick of Durham, and annexed to the Town of Newcaſtle: And Cuthbert Tunſtal reſtored to the ſaid Biſhoprick, and to all the poſſeſſions and franchiſes thereof (ſaving to a Capital Manſion houſe in Thames Street in London, and five tenements thereunto belonging) and to the ſaid Town of Gateſide, &c. PR.

CAP. IV.

Steward, Raſt. 1.

A repeal of the Statute of 32 H. 8. 39. made touching the erection of the office and authority of the great Maſter of the Kings Houſe; and the re-eſtabliſhing of the name, office and authority of the L. Steward of the Queens Houſe. PR.

CAP. V.

Shirburn, Raſt. 1.

The Cauſey paved with ſtone in the Counties of Dorſet and Somerſet between Shaftsbury and Shirburn, ſhall from time to time during ten years, be made and amended by the owners and fermers of the lands lying nigh to the ſaid Cauſey on either ſide of the ſame, and by the inhabitants of Shaftsbury and Shirburn, and by the owners and fermers of lands, and by the inhabitants within the Foreſt of Gillingham, and liberties of Gillingham and Alcetter, and the Hundreds of Kedlane and Shirburn in the County of Dorſet, and of the Hundred of Horethorn in the County of Somerſet; and the Juſtices of Peace of the County of Dorſet and Somerſet, ſhall aſſeſs the ſaid owners, fermers and inhabitants, towards the ſaid repair. And if the ſaid Juſtices ſhall refuſe to put this Act in execution, the Lord Chancellor or Lord Keeper, &c. ſhall upon requeſt make a Commiſſion to certain diſcreet perſons to put this Act in execution. PR. 3 Car. 4. continued until the end of the firſt Seſſion of the next Parliament. Stat. 1 M. not printed.

CAP. VI.

Highways, Raſt. 3.

The inhabitants of the City of Glouceſter and Briſtow, within ſeveral liberties, and of the Hundreds of Barton next Briſtow, Grombal, Aſh, Barkley, Whiteſtone, Thornbury and Henbury in the County of Glouceſter, for their ſeveral limits and Hundreds, ſhall be charged with the reparation of the way between Briſtow and Glouceſter. EXP.

CAP. VII.

An Act touching Cloth making in Corporate-Towns and Market-Towns.

Drapery, Raſt. 56. Making of cloth uſed at any time of 5 & 6 Ed. 6. in Cities, Boroughs, Corporate-towns, or Market-towns may be continued, &c. The inconveniences enſuing the Statute of 5 & 6 Ed. 6. 8.

Where the City of Worceſter, and divers other Cities, Boroughs, and Towns-corporate, within this Realm of England, of long time have been upholden, repaired, and only maintained by making of broad Clothes, called long Clothes, ſhort Clothes, and coloured Clothes, and the Citizens, Freemen and Inhabitants of the ſame Cities, Towns, and Boroughs Corporate, have thereby been greatly enriched, and the poor people and Handicraftſmen of the ſame, and the Countries adjoyning, daily ſet a work, as Weavers, Walkers, Fullers, Fulling-mill-men, Shear-men, and Dyers, forcers of Wools, caſters of Wools, and ſorters of Wools, Spinners, Carders, and Spullers of Yarn, and have had their only living thereby, till now of late in the Fifth year of the Reign of our late Sovereign Lord King Edward the Sixth, that an Eſtatute was made, That no man ſhould occupy Cloth making, ne put any broad Cloth or Clothes to Weaving or Walking, except he hath been Apprentice to Cloth making by the ſpace of ſeven years, or elſe have occupied and practiſed Cloth making by the ſpace of ſeven years or more, under pain of forfeiture of great penalties in the ſame Eſtatute limited; (2) by reaſon whereof, divers and many good Clothiers dwelling in the ſaid Cities and Towns corporate, which had occupied and made Cloth by the ſpace of five or ſix years, and ſome that have married Clothiers wives, which had occupied Cloth making by the ſpace of twenty years before, by reaſon of the ſame Eſtatute have been enforced to leave off, and clearly diſcontinue their Cloth making, to their great impoveriſhment, and to the utter undoing of a great number of poor people and Handicraftſmen, which daily had their living by the ſaid Clothiers; (3) And foraſmuch as the perfect and principal ground of Cloth making, is the true ſorting of Wools, and the experience thereof conſiſting only in women, as Clothiers wives, and their women-ſervants, and not in Apprentices, they be thereby very like to be utterly undone for ever, unleſs ſpeedy remedy be therein provided:

Certain perſons not reſtrained of making of broad Clothes, notwithſtanding the Statute of 5 Ed. 6. 8.

II. In conſideration whereof, be it enacted, eſtabliſhed and ordained by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame Parliament, That every perſon or perſons inhabiting in any of the ſaid Cities, Boroughs or Towns-corporate, or in Market-Towns within the Realm of England, where Cloth making at any time before the making of the ſaid Act hath been uſed, ſhall or may from henceforth lawfully make all manner of broad Clothes aforeſaid, and put them to weaving, walking, fulling, dying and ſhearing, without any impediment, ſo that the ſame Cloth be ſubſtantially made, bearing lawful length, breadth, and weight, according to the Statute for good and true Cloth making, made in the Fifth year of the Reign of our ſaid late Sovereign Lord King Edward the Sixth; any article or clauſe in the ſaid former Eſtatute, or any other Eſtatute for Cloth making, made to the contrary in any wiſe notwithſtanding. ALT. 4 & 5 P. & M. 5.

5 Ed. 6. 6.

CAP. VIII.

An Act touching the buying and currying of Leather.

Where at the Parliament holden at Weſtminſter, upon the Prorogation the fifteenth day of April, in the Sixth year of the Reign of our late Sovereign Lord King Edward the Sixth, it was amongſt other things enacted, That no perſon or perſons, of what eſtate, degree, or condition ſoever he or they be, ſhould buy, engroſs, or cauſe to be bought or engroſſed any kind of tanned Leather to ſell the ſame again, ſaving only Sadlers, Girdlers, Cordwainers, and certain other Artificers, as by the ſame Act more plainly may appear; (2) Sithence the making whereof, foraſmuch as many poor Artificers, Shoomakers and Coblers, who afore that, might buy from time to time their ſtuff of the Currier ready provided, and wrought ſufficiently, and to buy the ſame at a price reaſonable, and now being very poor men, and not able to buy two or three Hides, or backs of Leather at one time, nor to pay ready money for the ſame, are inforced to give up their Occupations in great number, to their utter impoveriſhment and undoing; (3) and foraſmuch alſo as ſithence the making of the ſaid Eſtatute, all kind of ſtuff made of Leather, is more ſlenderly and deceitfully wrought and made then ever it was, and nevertheleſs as dear, or rather the dearer; whereby it may appear that the ſaid former Act was procured for the ſingular commodity of a few rich Shoomakers, and other Artificers that are now common Regrators, and Ingroſſers of Leather, without reſpect of perfect Workmanſhip, or of the Commonwealth, which is well perceived both in mens purſes, and alſo in their ſhoes: (4) The experience is well proved, for they having the only Trade of buying of Leather, Stuff and Tallow in their hands, do notwithſtanding deliver to the Currier ſo little Stuff and Tallow, whereby the Leather cannot be ſufficiently wrought; (5) And foraſmuch as the Curriers are by divers Laws bound to the ſufficient Workmanſhip and Currying of Leather upon divers pains, whereas they may buy no Leather, and the Shoomaker will not allow them ſufficiently to do the ſame:

Cordwainers, Raſt. 17. Curriers as well as other Artificers may buy Leather. A rehearſal of a branch of the Statute of 5 & 6 Ed. 6. 15.

The inconveniences of the ſame branch.

II. Be it therefore enacted, That from henceforth it ſhall be lawful, as well for the Currier, Shoomaker, Girdler, Sadler, Budget-maker, and all other Artificers occupying the Craft or Myſtery of Leather buying, lawfully to buy all kinds of tanned Leather, in Fairs and Markets within all places of this Realm accuſtomed to be ſold, it being lawfully tanned and dreſſed, (2) ſo that the ſaid Curriers, Shoomakers and Girdlers, nor any perſon for them, nor for their uſe, ſhall buy any kind of tanned Leather to ſell again to any Merchant, or other ſtranger, to be conveyed over the Sea, ne ſhall ſend or convey any Leather beyond the Sea, upon the forfeiting of all ſuch Leather ſo bought, the one half of the ſame to be to the Queens Highneſs, and the other half to him that preſenteth the ſame: (3) And further, the aforeſaid Act from henceforth to be repealed, made void and of none effect concerning the Curriers, Shoomakers, Sadlers, Budget-makers, Girdlers, and all other Artificers occupying the Myſtery of Leather buying, curried and dreſſed.

Curriers, Shoomakers, &c. may buy Leather, but not to convey beyond Sea.

A repeal of the aforeſaid branch of 5 & 6 Ed. 6. 15.

III. And be it further enacted, That from henceforth no perſon or perſons (occupying the Feat or Myſtery of currying of tanned Leather) within the City of London, or the Suburbs of the ſame, ſhall occupy about the currying of the ſame Leather, any other Stuff or Tallow brought unto him by any other perſon or perſons, but ſuch as ſhall be his own, upon pain of forfeiture of all ſuch Leather ſo curried, contrary to the true meaning thereof.

The Curriers of London and the Suburbs thereof ſhall uſe their own ſtuff.

IV. And furthermore, That no Currier ſhall carry any Hides for any Shoomaker, to make Shoos or Boots of, from the Feaſt of St. James the Apoſtle, unto the five and twentieth day of March, but ſuch as ſhall be ſufficiently dipped twice in the pan, for the true and juſt workmanſhip thereof, upon pain of forfeiture of all ſuch Leather as ſhall be wrought to the contrary, the one half of the ſame to the Queens Highneſs, and the other moiety to him that ſhall find and preſent the ſame; all the ſame penalties to be recovered in form aforeſaid, by him or them that will ſue for the ſame, by action of debt, bill, plaint or information in any Court of Record, wherein no Eſſoin or Protection, or Wager of Law ſhall be admitted or allowed for the Defendant.

How the Leather ſhall be ordered that the Curriers ſhall dreſs.

V. Provided always, and be it enacted by the authority aforeſaid, That when and as often as any Shoomaker or his Deputy, doth bring any Leather ſufficiently tanned, to any Currier to be curried, delivering ſufficient liquor for well dreſſing of the ſame, the ſame ſhall be by every ſuch Currier well and ſufficiently curried, and made ready for the Shoomaker, within the ſpace of five days in ſummer, that is to ſay, from the firſt day of March, to the laſt day of September, and alſo in like manner within the ſpace of ten days in Winter, that is to ſay, from the firſt day of October, unto the laſt day of February, (2) upon pain to forfeit to the party grieved, for every Hide not curried and dreſſed in manner and form aforeſaid, the ſum of ten ſhillings.

Within what time Leather ſhall be curried.

VI. Provided further, That this Proviſo ſhall not extend to bind any Currier to dreſs any Leather, which he doing his beſt, is not able to dreſs within every of the times aforeſaid, but ſhall extend to all ſuch Leather as he conveniently may dreſs after the common rate of dreſſing. Stat. 1 El. 8. 5 El. 8. 1 Jac. 22.

CAP. IX.

The Queen during her life, ſhall have authority by writing to be ſealed with the Great Seal of England, to make and preſcribe to all thoſe Churches Cathedral and Collegiate, that were erected and eſtabliſhed by King Henry the Eighth, to the Deans, Prebendaries and Miniſters of the ſame, and to their ſucceſſors, ſuch Statutes and Orders for the good governance of every of them, and of the lands and poſſeſſions of every of the ſame Churches, as ſhall ſeem good to her; and to alter, change, augment or diminiſh the ſame as occaſion ſhall ſerve; and to ordain and eſtabliſh Statutes, Ordinances and Foundations for the Government of ſuch Grammar Schools as were erected by King H. 8. or by King Ed. 6. and of the Miniſters and Scholars, of the ſame; and to alter and tranſpoſe other Statutes and Ordinances there heretofore made. Exp.

Ordinances. Raſt. 1.

CAP. X.

The Repeal of a Statute (not printed) made Anno 2 Ed. 6. touching the conſolidation and union of the Pariſh Churches of Onger and Greneſted in the County of Eſſex: And they ſhall be ſeveral Pariſhes as they were before: And James Morris and his heirs ſhall have the preſentation of the ſaid Parſonage of Onger. PR.

Union, Raſt. 2. Onger, Greneſted.

CAP. XI.

An Act touching the Sea-ſands in Glamorgan Shire.

Sewers 6. The Commiſſioners of Sewers in the County of Glamorgan, ſhall take order for ſaving the land from deſtruction by ſand riſing out of the Sea.
The effect of the Statute of 23 H. 8. 5.

Where in the three and twentieth year of the Reign of the excellent Prince of famous memory King Henry the Eighth, it was enacted and eſtabliſhed, That Commiſſions of Sewers from time to time, when need ſhould require, ſhould be directed to ſuch ſubſtantial and indifferent perſons as ſhould be named by the Lord Chancellor of England, the Lord Treaſurer, the Lord Privy Seal, and the two chief Juſtices, or three of them, whereof the Lord Chancellor to be one, authorizing them, or ſix of them, to ſurvey walls, ſtreams, ditches, banks, gutters, ſewers, guttees, cauſeys, bridges, trenches, mills, mill-dams, flood-gates, ponds, cocks, ebbing wears, and other lets and nuſances, by reaſon of the outragious courſe and rage of the Sea, in and upon Mariſhes and other low places; (2) which good law doth not extend, nor is not taken to give authority and power unto the ſaid Commiſſioners of Sewers to reform the great hurt, nuſance and loſſes that cometh and chanceth to the Queens Highneſs and her Subjects, by reaſon of Sand riſing out of the Sea, and driven to land by ſtorms and winds, whereby much good ground lying on the Sea Coſts in places of this Realm, and eſpecially in the County of Glamorgan, is covered with ſuch Sand riſing out of the Sea, that there cometh no profit of the ſame, to the great loſs of the Queens Highneſs and her loving Subjects, and more is like to enſue, if ſpeedy remedy be not therein provided:

II. May it therefore pleaſe the Queens Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, Be it enacted, That as well the ſaid Act of Sewers made in the three and twentieth year, as all Commiſſions of Sewers hereafter to be directed according to the tenor of the ſaid Act, may extend and give authority, that the Commiſſioners therein named for the County of Glamorgan, or ſix of them, whereof three to be of the Quorum, ſhall by this Act, and the ſaid former Act and Commiſſion to them directed, have full power and authority from time to time to make laws, proviſions, ordinances, judgments and decrees within the ſaid County of Glamorgan, for the redreſs and ſaving of the ſaid grounds from hurt and deſtruction by reaſon of the ſaid Sands, as they might or may do by the ſaid former Act and Commiſſion for the withſtanding and avoiding the outragious courſe and rage of the Sea, or other Waters; any uſage or cuſtom to the contrary notwithſtanding.

CAP. XII.

Attaint, Raſt. 15.

The Statutes made Anno 22 H.8.7. Anno 23 H.8.3,17. Anno 24 H.8.9. Anno 28 H.8.6,8,9. Anno 31 H.8.7. Anno 35 H.8.17. Anno 37 H.8.23. Anno 2 & 3 Ed.6.9. Anno 3 & 4 Ed.6.19,21. Anno 5 & 6 Ed.6.2,14. Anno 7 Ed.6.11. Anno 1 Mariæ 12 & 13 were revived and made to continue until the laſt day of the next Parliament. Exp.

Anno primo & ſecundo Philippi *&* Mariæ.

ACTS made at a Parliament begun and holden at Weſtminſter, the eleventh day of November, in the Firſt and ſecond year of the Reign of our Sovereign Lord and Lady Philip and Mary, by the Grace of God, King and Queen of England, France, Naples, Jeruſalem and Ireland, Defenders of the Faith; Princes of Spain and Sicily, Archdukes of Auſtria, Dukes of Millain, Burgundy and Brabant, Counties of Haſpurg, Flanders and Tyroll: And there continued and kept until the Diſſolution of the ſame, being the ſixteenth day of January then next enſuing, were enacted as followeth.

CAP. I.

An Act touching Letters Patents, and other Writings to be Signed by the Queen.

Queen, Raſt. 2. A branch of a Statute made 1 M. 2. touching the ſigning of Letters Patents, &c. with the Queens ſign Manual repealed, &c.

Where in the Parliament begun and holden at Weſtminſter, the ſecond day of April, in the Firſt year of the Reign of our moſt dread and gracious Sovereign Lady the Queens Majeſty, and there continued and kept till the diſſolution of the ſame, being the fifth day of May then next following, one Act was made touching the Articles of her Highneſs moſt noble Marriage, in the which Act among other things it was enacted, ordered and eſtabliſhed by the authority of the ſaid Parliament, That all and ſingular gifts, grants, Letters Patents, exchanges, confirmations, leaſes, and other writings, which after the ſaid Marriage, and during the ſame, ſhould paſs and be made of any benefices, offices, lands, revenus and fruits, or of any of them, ſhould be intituled and made in the names of our Sovereign Lord the King, and of her moſt excellent Highneſs, whether his Majeſty ſhould be preſent within the Realms and Dominions of her Highneſs, or within any of them, or abſent: (2) And that the ſame gifts, grants, Letters Patents, exchanges, confirmations, leaſes, and other writings ſo ſet forth and made, ſhould be ſealed and firmed with the Sign Manual of her Highneſs, (3) and the ſame ſo Signed and Sealed with the Great Seal of this Realm, or with ſuch Seal as hath been accuſtomed, ſhould be by the authority of the ſaid Parliament deemed, adjudged, declared and pronounced to be as good, perfect, and of like force, ſtrength and effect in the Law to all intents, conſtructions and purpoſes, againſt our ſaid Sovereign Lord and Lady the King and Queens Majeſties, and her Highneſs Heirs and Succeſſors, as if her Majeſty had been at the time of the making thereof, ſole and unmarried, (4) and that all gifts, grants, Letters Patents, exchanges, confirmations, leaſes, and other writings, which after the ſaid Marriage, and during the time of the ſame, ſhould paſs and be made of the ſaid benefices, offices, lands, revenues and fruits, or of any of them, whereunto the Sign Manual of her Highneſs ſhould not be ſet, made or put, ſhall be by the authority of the ſaid Parliament from time to time deemed, adjudged, accepted, taken and decreed to be of no force ne effect, but utterly fruſtrate and void in the Law, to all intents, conſtructions and purpoſes; the ſaid Marriage, or any law, uſage or cuſtom to the contrary in any wiſe notwithſtanding, as by the ſaid Act more at large doth appear:

II. Sithence the making of which Statute, and ſolemnization of the ſaid Marriage, the Queens moſt excellent Majeſty hath been greatly moleſted, grieved and troubled with often ſigning of Letters Patents, gifts, grants, exchanges, leaſes and other writings, concerning and touching benefices, offices, lands, revenues and fruits, made and granted by and from our ſaid Sovereign Lord the King and her Highneſs, to ſundry of their moſt loving Subjects, to whom alſo it hath been, and is no ſmall charge to attend, until ſuch time as they may procure and obtain the ſign manual of her Highneſs unto their ſaid Letters Patents, gifts, grants, exchanges, confirmations and leaſes, without which ſign the ſame are utterly void by force of the ſaid Statute, to the great danger, loſs and utter undoing of divers perſons that have lately bought, purchaſed or obtained of our ſaid Sovereign Lord and Lady, the King and Queens Majeſties, divers lands, tenements and other hereditaments, to their great coſts and charges:

The inconveniences enſuing to the Queen and the Subjects, by the ſaid Stat. of 1 M. 2.

III. For remedy whereof, be it enacted by the authority of this preſent Parliament, That the ſaid branch or article touching or concerning only the ſigning of Letters Patents, gifts, grants, exchanges, confirmations, leaſes, or of other writings, for any benefices, offices, revenues, fruits or other hereditaments, ſhall be from henceforth clearly repealed, and made fruſtrate and void to all intents and purpoſes.

A repeal of the before rehearſed branch of the Stat. of 1 M. 2.

IV. And be it further enacted by authority of this preſent Parliament, That all and ſingular Letters Patents, touching or concerning any gift, grant, exchange, confirmation, leaſe or other writing, the which ſithence the ſaid marriage hath paſſed and been made of any benefices, offices, manors, lands, tenements, revenues, fruits, liberties, or other hereditaments, or of any of them, in the names of our moſt dread Sovereign Lord and Lady, the King and Queens Majeſties, (the warrant or writing, or warrants or writings whereof, being ſigned with her Highneſs ſign Manual, in ſuch form, order and degree, as the ſame heretofore hath been accuſtomed to be ſigned when her Highneſs was ſole and unmarried) ſhall be by authority of this preſent Parliament, of the ſame like force, ſtrength and effect in the Law, to all intents, conſtructions and purpoſes, as if the ſame were or had been ſigned by her Highneſs ſign Manual, and as if her Majeſty had been at the making thereof ſole and unmarried, and as they were before the making of the ſaid Act; the ſaid eſtatute, or any branch or article therein contained to the contrary in any wiſe notwithſtanding.

A confirmation of former grants or writings ſealed with the Queens ſign Manual.

CAP. II.

Whoſoever ſhall wear Silk in or upon his Hat, Bonnet, Girdle, Scabbard, Hoſe, Shoes or ſpurleathers, ſhall be three months impriſoned, and forfeit x. l. except Mayors, Aldermen, &c. If any perſon knowing his ſervant to offend, do not put him forth of his ſervice within fourteen days, or do retain him again, he ſhall forfeit C. l. REP. 1 Jac. 25.

Apparel, Raſt. 4.

CAP. III.

A confirmation of the Satute of 13 Ed. 1. 33. &. 2 R. 2. 5. touching telling of news. Juſtices of Peace in every Shire, City, &c. ſhall have authority to hear and determine the ſaid Offences, and to put the ſaid two Statutes in execution. If any perſon ſhall be convicted or attainted for ſpeaking maliciouſly of his own imagination, any falſe, ſeditious and ſlanderous News, ſaying, or tales of the King or Queen, then he ſhall for the firſt offence be ſet on the Pillory, in ſome Market-place near where the words were ſpoken, and have both his ears cut off, unleſs he pay to the Queen a hundred pound within one month after judgment given, and alſo ſhall be three months impriſoned: And if he ſhall ſpeak any ſuch ſlanderous and ſeditious news or tales, of the ſpeaking or report of any other, then he ſhall be ſet on the Pillory, and have one of his ears cut off, unleſs he pay an hundred marks to the Queens uſe, within one month after, and ſhall be one month impriſoned: And if he ſhall do it by book, rime, ballad, letter or writing, he ſhall have his right hand ſtriken off. And if any perſon being once convicted of any of the offences aforeſaid, do afterward offend, he ſhall be impriſoned during his life, and forfeit all his Goods and Chattels. EXP. Stat. 4. & 5 P. & M. 9. Stat. 1 Eliz. 6.

News, Raſt. 4

CAP. IV.

An Act againſt certain Perſons calling themſelves Egyptians.

Where in a Parliament holden at Weſtminſter, in the Two and twentieth year of the Reign of our late Sovereign Lord King Henry the Eighth (for the avoiding and baniſhing out of this Realm of certain Outlandiſh people, calling themſelves Egyptians, uſing no craft nor feat of Merchandizes for to live by, but going from place to place in great companies, uſing great, ſubtile and crafty means to deceive the Kings Subjects, bearing them in hand, that they by Palmiſtry could tell mens and womens Fortune, and ſo many times by craft and ſubtilty deceive the people of their money, and committed divers great and hainous Felonies and Robberies, to the great hurt and deceit of the people,) (2) It was amongſt other things then enacted, That from the time of the making of the ſaid Act, no ſuch perſons ſhould be ſuffered to come within this the Kings Realm, upon pain of forfeiture to the King of all their Goods and Chattels, and then to be commanded to avoid the Realm within fifteen days next after the Commandment, upon pain of impriſonment: (3) and ſuch perſons calling themſelves Egyptians, as then were within this Realm, ſhould depart within ſixteen days next after Proclamation of the ſaid Act, upon pain of impriſonment and forfeiture of all their Goods and Chattels, with divers other clauſes and articles contained in the ſaid Act, as by the ſaid Act more at large it appeareth: (4) Foraſmuch as divers of the ſaid company, and ſuch other like perſons, not fearing the penalty of the ſaid Statute, have enterpriſed to come over again into this Realm, uſing their old, accuſtomed, diviliſh and naughty practiſes and devices, with ſuch abominable living as is not in any Chriſtian Realm to be permitted, named or known, and be not duly puniſhed for the ſame, to the perillous and evil example of our Sovereign Lord and Lady the King and the Queens Majeſties moſt loving Subjects, and to the utter and extream undoing of divers and many of them, as evidently doth appear:

Egyptians 1. Puniſhment, for bringing Egyptians into this Realm, &c. 22 H. 8. 10.

II. For reformation whereof, be it ordained and enacted by the King and Queen our Sovereign Lord and Lady, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons after the laſt day of January next coming, do willingly tranſport, bring or convey into this Realm of England or Wales, any ſuch perſons calling themſelves, or commonly called Egyptians, that then he or they ſo tranſporting, bringing or conveying in any ſuch perſons contrary to the true meaning of this Act, ſhall forfeit and loſe for every time ſo offending, fourty pounds of lawful money of England.

The Penalty for bringing of Egyptians into this Realm.

It ſhall be felony for Egyptians to remain in England a month.

III. And be it further enacted by the authority aforeſaid, That if any of the ſaid perſons called Egyptians, which ſhall be tranſported and conveyed into this Realm of England or Wales, as is aforeſaid, do continue and remain within the ſame by the ſpace of one month, that then he or they ſo offending, ſhall by virtue of this Act be deemed and judged a Felon and Felons, (2) and ſhall therefore ſuffer pains of death, loſs of Lands and Goods, as in caſes of Felony, by order of the Common Law of this Realm, (3) and ſhall upon the trial of them, or any of them therein ſo tried in the County, and by the inhabitants of the County or place where they or he ſhall be apprehended or taken, and not per medietatem linguæ, (4) and ſhall loſe the benefit and priviledge of Sanctuary and Clergy.

The penalty for the Egyptians that now be, to tarry in England.

IV. And be it further enacted by the authority aforeſaid, That if the Egyptians, or other perſons commonly calling themſelves Egyptians, and every of them now being within this Realm of England or Wales, do not depart out of the ſame within twenty days next after Proclamation of this preſent Act ſhall be made, that then he or they which ſhall not depart within the ſaid time, according to the true meaning of this Act, ſhall forfeit and loſe all his and their Goods and Chattels, and that then it ſhall be lawful to all and every the Kings and Queens Subjects to ſeiſe the ſame; the one moiety thereof to be to the uſe of our Sovereign Lord and Lady, the King and the Queen, and the other moiety thereof to be to the uſe of him or them that ſhall ſo ſeiſe the ſame.

The penalty for Egyptians not to depart within xl. days.

V. And be it alſo enacted by the authority aforeſaid; That if the Egyptians, and other perſons commonly called Egyptians, and every of them now being within this Realm of England or Wales, do not depart out and from the ſame within fourty days next after the Proclamation ſhall be made of this Act, that then he or they which ſhall not depart and avoid within the ſaid time of fourty days, according to the true meaning of this Act, ſhall be judged and deemed according to the Laws of this Realm of England, a Felon and Felons, and ſhall ſuffer therefore pains of death, loſs of Lands and Goods, as in other caſes of Felony, and ſhall be tried, as is aforeſaid, and without having any benefit or priviledge of Sanctuary or Clergy.

The penalty for ſuing of licence for Egyptians to tarry in England.

VI. And be it further enacted by the authority aforeſaid, That if any perſon after the firſt day of January next coming, ſhall ſue for the obtaining of any Licence, Letter or Paſport, for any of the ſaid perſons called Egyptians, to abide or continue within this Realm of England or Wales, contrary to the tenor of this Act, that then every ſuch perſon ſo ſuing, ſhall forfeit and loſe for the ſame, fourty pounds of lawful money of England, (2) and that every ſuch Licence, Letter and Paſport, ſhall be by virtue of this Act void to all intents and purpoſes; (3) the one moiety of all which ſums of money to be forfeited as is aforeſaid, ſhall be to the King and Queen our Sovereign Lord and Lady, and the other moiety thereof to be to him or them that will ſue for the ſame in any Court of Record, by action of debt, bill, plaint or information, wherein no eſſoin, wager of Law, nor protection ſhall be admitted and allowed.

A proviſo for Egyptians which leave their naughty trade.

VII. Provided always, and be it enacted by the authority aforeſaid, That this preſent Act, nor any thing therein contained, ſhall not extend nor be hurtful to any of the ſaid perſons commonly called Egyptians, which within the ſaid time of twenty days next after the ſaid proclamation to be made, as is beforeſaid, ſhall leave that naughty, idle, and ungodly life and company, and be placed in the Service of ſome honeſt and able inhabitant or inhabitants within this Realm, or that ſhall honeſtly exerciſe himſelf in ſome lawful Work or Occupation, but that he or they ſo continuing in ſervice, or other lawful Work or Occupation, ſhall (during ſuch time as he or they ſhall ſo continue) be diſcharged of all pains and forfeitures contained in this Act.

To what perſons this ſtatute doth extend.

VIII. Provided alſo, and be it enacted by the authority aforeſaid, That this Act ſhall not in any wiſe extend to any Child or Children, being not above the age of thirteen years, nor to any of the ſaid perſons being now in priſon; ſo that he or they ſo being in priſon, do depart out of this Realm within fourteen days next after his or their delivery out of priſon, (2) nor ſhall extend to charge any manner of perſon or perſons, as acceſſary to any offence or offences contained or ſpecified in this Statute. Stat. 5 Eliz. 20.

CAP. V.

An Act to Reſtrain carrying of Corn, Victuals and Wood over the Seas.

Corn 1. No corn, &c. ſhall be tranſported out of this Realm without licence. St. 25 H. 8. 4.

Whereas ſundry good Eſtatutes and Laws have been made within this Realm in the time of the Queens Highneſs moſt noble Progenitors, That none ſhould tranſport, carry or convey out of this Realm into any place in the parts beyond the Seas, any Corn, Butter, Cheeſe, or other Victual, (except only for the Victualling of the Town of Calice, Hames and Guiſnes, and the Marches of the ſame) upon divers great pains and forfeitures in the ſame contained; (2) that notwithſtanding many and ſundry covetous and unſatiable perſons, ſeeking their only lucres and gains, have and daily do carry and convey innumerable quantity of Corn, Cheeſe, Butter, and other Victual, and of Wood out of this Realm, into the parts beyond the Seas: By reaſon whereof, the ſaid Corn, Victual and Wood are grown unto a wonderful dearth, and extreme prices, to the great detriment of the Common wealth of this your Highneſs Realm, and your faithful Subjects of the ſame:

The penalties for tranſporting corn, butter, cheeſe, &c. out of this Realm. St. 5 El. 5.

II. For remedy whereof, it may pleaſe your Highneſs, that it may be enacted, and be it enacted by your Highneſs, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no manner of perſon or perſons, after the twentieth day of January next coming, ſhall carry and tranſport out of this Realm by any Ship, Crayer or other veſſel whatſoever, into any place in the parts beyond the Seas, or into the Realm of Scotland, any Wheat, Rye, Barley, or other Corn or Grain growing within this Realm, or any Malt made within the ſame, or any Beer, Butter, Cheeſe, Herring or Wood (except only to and for the Victualling and furniture of the Towns of Calice, Hames, and Guiſnes, and to the Town of Berwick, and the Marches of the ſame) without ſufficient and lawful authority ſo to do, (2) upon the pains and penalties hereafter enſuing; that is to ſay, The Owner and Owners of the ſaid Ships and other Veſſels, to forfeit the ſaid Ships, Crayers, and other Veſſels, with all their Apparels to them or any of them belonging, wherein the ſaid Corn, Butter, Cheeſe, Herring, Victual or Wood ſhall be ſo tranſported and carried, (3) And the Owner and Owners of the ſaid Corn, Butter, Cheeſe, Herring and Wood, to forfeit the double value of the ſame ſo carried and conveyed: (4) and the Maſter and Mariners of every of the ſaid Ships, Crayers and Veſſels, for every ſuch offence, to forfeit all their Goods, and to be impriſoned by the ſpace of one whole year, without bail or mainpriſe.

The penalties for carrying of any Corn, Butter, &c. to any Ship to be tranſported.

III. And be it further enacted by the authority aforſaid, That if any perſon or perſons after the ſaid twentieth day of January, do carry and convey away by Boat, Crayer, or other Veſſel, or otherwiſe, any Wheat, Rye, Barley, Mault, or other Corn or Grain, or any Beer, Butter, Cheeſe, Herring or Wood, to any Ship or Veſſel being on the Seas, or within any Haven, Creek, or other place of the border of this Realm, to be tranſported, carried and conveyed into any place in the parts beyond the Seas, or into the Realm of Scotland, without ſufficient authority ſo to do, that then every Owner of the ſaid Victuals, Corn, or other things aforeſaid ſo tranſported or carried, and the Owner and Owners of every ſuch Boat or Veſſel, and the Boatman and Mariners of the ſame, ſhall loſe, forfeit and ſuffer all ſuch forfeitures, pains and penalties, as is above rehearſed: (2) The one moiety of all and every which forfeiture and forfeitures to be to the King and Queens Highneſs, their Heirs and Succeſſors, and the other moiety to him or them that will ſue for the ſame, by bill, information, action of debt, or otherwiſe, in any of the King and Queens Highneſs Courts of Record, in which action, bill or ſuit, the Defendant, ſhall not wage his law, nor have any eſſoin or protection to him allowed.

The penalty for tranſporting more Corn, &c. then the party is licenſed to do.

IV. And be it enacted by the authority aforeſaid, That if any perſon or perſons ſhall obtain of the King and Queens Majeſties, their Heirs or Succeſſors, or any of them, any Licence to carry and tranſport any Corn, Victual or Wood into any parts beyond the Seas, that if he or they to whom any ſuch Licence ſhall be granted, or any other, to whom ſuch perſon or perſons having ſuch Licence, ſhall give, grant or ſell his or their ſaid Licence unto, ſhall carry and convey, or cauſe to be carried and conveyed any more Corn, Victual or Wood, then ſhall be contained in his or their ſaid Licence, he ſhall forfeit the treble value of the ſaid Corn, Victual or Wood ſo carried and tranſported without ſufficient authority, and ſhall ſuffer impriſonment for one whole year in the common Goal where he ſhall be apprehended, there to remain without bail or mainpriſe.

They which have licence ſhall lade all at one place.

V. And be it further enacted by the authority aforeſaid, That no manner of perſon or perſons after the ſaid twentieth day of January, that ſhall obtain or have any ſuch Licence for tranſporting and carrying any Corn, Victual or Wood into any parts beyond the Seas, ſhall ſhip, lade and fraught the ſame, or any part thereof, at ſundry places within this Realm, but at one place certain, (2) upon pain of forfeiture of the ſaid Corn, Victual and Wood, and all his goods and chattels; the one moiety thereof to the King and Queens Majeſties, their Heirs and Succeſſors, and the other moiety thereof to him or them that will ſue for the ſame, by action of debt, bill, plaint, information, or otherwiſe, wherein no wager of law, eſſoin or protection ſhall be to him or them allowed.

Juſtices of Peace may hear and determine theſe offences.

VI. And for the better execution of this Act, be it further enacted by the authority aforeſaid, That all and ſingular Juſtices of Peace, as well within the Liberties as without, within their ſeveral Authorities and Commiſſions, at any time within three years next after ſuch offence committed, ſhall have full power and authority to enquire, as well by the oaths of twelve lawful men, as alſo to hear and examine the Maſter, Maſters and Mariners of the ſaid Ships, Crayers and other Veſſels, and all and every other perſon and perſons, of all and ſingular the offenders againſt this preſent Act, and to hear and determine the ſame offences, as they may and ought to hear and determine any other treſpaſſes or offences.

The prices of Corn when they may be tranſported.
13 Eliz. 13.
1 Jac. 25.
21 Jac. 28.
3 Car. 4.

VII. Provided always, and be it enacted by the authority aforeſaid, That at all time and times hereafter, when the common price of Corn within this Realm is, that Wheat ſhall not exceed the price of ſix ſhillings eight pence the quarter, (2) and Rye four ſhillings the quarter, (3) and Barley three ſhillings the quarter, (4) it ſhall be lawful to every perſon and perſons to carry and tranſport over the Sea, to any place beyond the Seas at their pleaſure, of the ſaid kinds of Corn, ſo that it be not to the King and Queens Enemies.

Victualling of a Ship.

VIII. Provided always, and be it enacted by the authority aforeſaid, That this Act, ne any thing therein contained, ſhall extend to any perſon or perſons for the neceſſary victualling of any Ship or Ships, or other Veſſels, but that they and every of them may victual the ſaid Ships and Veſſels, as they might have done before the making of this preſent Act; this Act, or any thing therein contained to the contrary notwithſtanding.

The Admirals juriſdiction reſerved.

IX. Provided always, and be it enacted by the authority aforeſaid, that this Act, or any thing therein contained, ſhall not be prejudicial or hurtful unto the Lord great Admiral of England for the time being, or to the King and Queens Majeſties juriſdiction of the Admiralty, but that the ſaid Lord Admiral, or his Deputy or Deputies, may and ſhall exerciſe, uſe, and execute all kind of juriſdiction belonging to the Sea, according to his or their Commiſſions, as they might lawfully have done heretofore; this Act, or any thing therein contained to the contrary notwithſtanding. 1 Jac. 25. 3 Jac. 11.

CAP. VI.

A reviver of the Stat. of 5 R. 2. concerning arreſting of heretical Preachers, and of the Stat. of 2 H. 4 15. touching repreſſing of hereſies, and puniſhment of hereticks, and of the Stat. of 2 H. 5. 7. concerning the enormity of Hereſie and Lollardy, and the ſuppreſſion thereof. REP. 1 Eliz. 1.

Hereſie, Raſt. 5.

C A P. VII.

An Act that perſons dwelling in the Countrey ſhall not ſell divers Wares in Cities or Towns-corporate by Retail.

Merchants 11.

No countrey perſon ſhall ſell Wares by retail in any City or Town corporate, but in open Fairs. The rich eſtate wherein Cities, Boroughs and market Towns did heretofore flouriſh.

The Cauſe of the decay of Cities, Boroughs and market Towns.

Where before this time the ancient Cities, Boroughs, Towns-corporate, and Market Towns within this Realm of England, have been very populous, and chiefly inhabited with Merchants, Artificers, and Handicrafts-men, during which time the children in the ſaid Cities, Boroughs, Towns-corporate, and Market Towns, were civilly brought up and inſtructed, and alſo in the ſaid Cities, Boroughs, and Towns-corporate, kept in good order and obeyſance, and the Inhabiters of the ſame well ſet on work, and kept from idleneſs; (2) By reaſon whereof, the ſaid Cities, Boroughs, and Towns-corporate, did then proſper in riches and great wealth, and were as then not only able to ſerve and furniſh the King and Queens Majeſties, and other their noble Progenitors, Kings of this Realm, as well with great numbers of good able perſons, and well furniſhed, meet for the wars, as alſo then charged and yet chargeable with fee-ferms, Quindiſmes, taxes, and divers other payments to the King and Queens Majeſties, which at this preſent they be not able to pay and bear, but to their utter undoing, being few in number to pay and bear the ſame, but alſo the ſame Cities, Boroughs and Towns-corporate, are likely to come very ſhortly to utter deſtruction, ruine and decay; (3) by reaſon whereof the occupiers, Linen Drapers, Woollen Drapers, Haberdaſhers and Grocers dwelling in the Countries out of the ſaid Cities, Boroughs, Towns-corporate and Market Towns, do not only occupy the art and myſtery of the ſaid Sciences in the places where they dwell and inhabit, but alſo come unto the ſaid Cities, Boroughs, Towns-corporate and Market Towns, and there ſelleth their Wares, and take away the relief of the inhabitants of the ſaid Cities, Boroughs, Towns-corporate and Market Towns, to the great decay, and utter undoing of the inhabitants of the ſame, if ſpeedy reformation therein be not had in time convenient: (4) For remedy whereof, and for the better amendment of the ſaid Cities, Boroughs, Towns-corporate, and Market Towns, and to the end the ſame Cities, Boroughs and Towns-corporate may be the better able to pay the ſaid fee-ferms, and alſo to bear the other ordinary charges within the ſame Cities, Boroughs and Towns-corporate, and to furniſh the King and Queens Majeſties with number of able perſons, like as they heretofore have done in times paſt in times of war:

II. Be it therefore enacted by our Sovereign Lord and Lady, the King and Queen, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That any perſon or perſons which do now inhabit and dwell, or hereafter ſhall inhabit or dwell in the Country any where, or County within this Realm of England, out of any the ſaid Cities, Boroughs, Towns-corporate, or Market Towns, from and after the Feaſt of Saint Michael the Archangel next coming, ſhall not ſell or cauſe to be ſold by retail, any woollen cloth, linen cloth, Haberdaſh wares, Grocery wares, Mercery wares, at or within any of the ſaid Cities, Boroughs, Towns-corporate or Market Towns, or within the ſuburbs or liberties of the ſaid Cities, Boroughs, Towns-corporate and Market Towns within the ſaid Realm of England, (except it be in open Fairs) (2) upon pain to forfeit and loſe for every time ſo offending, the ſum of vj. s. viij. d. and the whole wares ſo ſold, proffered, and offered to be ſold contrary to the form, intent and effect of this preſent Act, as above is ſaid; (3) the one moiety of all which forfeitures to be to the uſe of our ſaid Sovereign Lord and Lady, the King and Queens Majeſties, and the other half to him or them that ſhall ſeiſe and ſue for the ſame in any of the King and Queens Courts of Record, by bill, plaint, action of debt, information, or otherwiſe, wherein no eſſoin, protection, or wager of law ſhall be allowed.

Selling by whole-ſale in groſs, and not by retail.

III. Provided alway, That this Act ſhall not in any wiſe extend nor be hurtful to any perſon or perſons, that bring any of the ſaid Woollen Cloth, Linen Cloth, Haberdaſh, Grocery, Mercery Ware or Wares, to any of the ſaid Cities, Boroughs, Towns-corporate or Market Towns, to be ſold, or cauſe to be ſold by whole-ſale in groſs and not by retail; but they and every of them may lawfully ſell the ſame in as large and ample manner, form and condition, by whole-ſale in groſs, and not by retail, as they and every of them might have done at any time or times before the making of this Act; any thing herein to the contrary notwithſtanding.

3 Inſt.

One dwelling in the Countrey doth after become free of a City, Borough, &c.

IV. Provided alway, That this preſent Act ſhall not extend to any perſon or perſons that now dwell or inhabit in the Countrey, or hereafter ſhall dwell or inhabit out of any of the ſaid Cities, Boroughs, Towns-corporate or Market Towns, but that they and every of them at any time hereafter, when they or any of them ſhall be free of any of the Guilds and Liberties of any of the ſaid Cities, Boroughs, Towns-corporate or Market Towns, and dwell or inhabit within any of the ſame Cities, Boroughs, Towns-corporate or Market Towns, that they and every of them ſo being free, ſhall and may ſell, or cauſe to be ſold any of the wares aforeſaid, by retail, in as ample and large manner as they and every of them might have done, being free of the ſaid Cities, Boroughs, and Towns aforeſaid, before the making of this Act; any clauſe or article in this Act to the contrary notwithſtanding.

Any perſon may ſell cloth of his own making.

V. Provided always, and be it enacted by the authority aforeſaid, That it ſhall be lawful to all perſons to ſell, or cauſe to be ſold by retail, or otherwiſe, all manner of Cloth, linen or woollen of their own making, in every City, Borough Town-corporate and Market Town within this Realm, as freely and frankly as they might have done before the making of this Act; any thing in the ſame contained to the contrary thereof notwithſtanding.

The Liberties of Cambridge and Oxford.

VI. Provided alway, That this Act, or any thing therein contained, ſhall not be prejudicial or hurtful to the Liberties and Priviledges of the Univerſities of Cambridge and Oxford, or either of them; any thing in this Act heretofore mentioned to the contrary notwithſtanding.

C A P.

CAP. VIII.

An Act repealing all Articles and Proviſions made againſt the See Apoſtolick of Rome, ſince the twentieth year of King Henry the Eighth, and for the eſtabliſhment of all Spiritual and Eccleſiaſtical Poſſeſſions and Hereditaments conveyed to the Laity

Whereas ſince the twentieth year of King Henry the Eighth of famous memory Father unto your Majeſty, our moſt natural Sovereign and gracious Lady and Queen, much falſe and erroneous Doctrine hath been taught, preached and written, partly by divers the natural born Subjects of this Realm, and partly being brought in either from ſundry other foreign Countreys, hath been ſowen and ſpread abroad within the ſame: (2) by reaſon whereof, as well the Spiritualty as the Temporalty of your Highneſs Realms and Dominions have ſwerved from the obedience of the See Apoſtolick, and declined from the unity of Chriſts Church, and ſo have continued, until ſuch time as your Majeſty being firſt raiſed up by God, and ſet in the Seat royal over us, and then by his divine and gracious providence knit in marriage with the moſt noble and vertuous Prince, the King our Sovereign Lord your Husband, the Popes Holineſs and the See Apoſtolick ſent hither unto your Majeſties (as unto perſons undefiled, and by Gods goodneſs preſerved from the common infection aforeſaid) unto the whole Realm, the moſt Reverend Father in God the Lord Cardinal Pool, Legate de latere, to call us home again into the right way from whence we have all this long while wandred and ſtrayed abroad; (3) and we, after ſundry long and grievous plagues and calamities, ſeeing by the goodneſs of God our own errors, have knowledged the ſame unto the ſaid moſt Reverend Father, and by him have been, and are the rather at the contemplation of your Majeſties, received and embraced into the unity and boſom of Chriſts Church, and upon our humble ſubmiſſion and promiſe made for a declaration of our repentance, to repeal and abrogate ſuch Acts and Statutes as had been made in Parliament ſince the ſaid xx. year of the ſaid King Henry the Eighth, againſt the Supremacy of the See Apoſtolick, as in our ſubmiſſion exhibited to the ſaid moſt Reverend Father in God by your Majeſties, appeareth: The tenour whereof enſueth.

Monaſteries 32.

All Statutes againſt the See of Rome, repealed.

Much falſe doctrine hath been preached and written ſince the xx. year of King H. 8.

Cardinal Pool ſent from Rome to call the Realm into the right way from whence it hath ſtrayed.

II. We the Lords Spiritual and Temporal, and the Commons aſſembled in this preſent Parliament, repreſenting the whole body of the Realm of England, and the Dominions of the ſame, in the name of our ſelves particularly, and alſo of the ſaid body univerſally, in this our ſupplication directed to your Majeſties, with moſt humble ſuit, that it may by your Graces interceſſion and mean be exhibited to the moſt Reverend Father in God, the Lord Cardinal Pool, Legate, ſent ſpecially hither from our moſt Holy Father the Pope, July the third, and the See Apoſtolick of Rome, do declare our ſelves very ſorry and repentant of the Schiſm and diſobedience committed in this Realm and Dominions aforeſaid againſt the ſaid See Apoſtolick, either by making, agreeing, or executing any Laws, Ordinances, or Commandments againſt the Supremacy of the ſaid See, or otherwiſe doing or ſpeaking, that might impugne the ſame, (2) offering our ſelves and promiſing by this our ſupplication, that for a token and knowledge of our ſaid repentance, we be, and ſhall be always ready, under, and with the authorities of your Majeſties, to the uttermoſt of our powers, to do that ſhall lie in us for the abrogation and repealing of the ſaid Laws and ordinances in this preſent Parliament, as well for our ſelves, as for the whole body whom we repreſent: (3) whereupon we moſt humbly deſire your Majeſties, as Perſonages undefiled in offence of his body towards the ſaid See, which nevertheleſs God by his providence hath made ſubject to you, ſo to ſet forth this our moſt humble Suit, that we may obtain from the See Apoſtolick, by the ſaid moſt Reverend Father, as well particularly as generally, abſolution, releaſe and diſcharge from all danger of ſuch cenſure and ſentences, as by the Laws of the Church we be fallen into; (4) and that we may as children repentant, be received into the boſom and unity of Chriſts Church, ſo as this noble Realm, with all the members thereof, may in this unity and perfect obedience to the See Apoſtolick, and Popes for the time being, ſerve God and your Majeſties, to the furtherance and advancement of his honour and glory. (5) We are at the interceſſion of your Majeſties, by the authority of our Holy Father Pope July the third, and of the See Apoſtolick, aſſoyled, diſcharged, and delivered from excommunications, interdictions, and other Cenſures Eccleſiaſtical, which hath hanged over our heads for our ſaid defaults ſince the time of the ſaid Schiſm mentioned in our ſupplication: (6) The which time the ſaid Lord Legate, and we do all declare, recogniſe and mean by this Act to be only ſince the xx. year of the Reign of your moſt noble Father King Henry the Eighth. (7) It may now like your Majeſties, that for the accompliſhment of our promiſe made in the ſaid Supplication, that is, to repeal all Laws and Statutes made contrary to the ſaid Supremacy and See Apoſtolick, during the ſaid Schiſm, the which is to be underſtood ſince the xx. year of the reign of the ſaid Late King Henry the Eighth, and ſo the ſaid Lord Legate doth accept and recogniſe the ſame.

The ſupplication of the Parliament to the King and Queen, to be a mean to reduce them into the Catholick Church.

A repeal of all Statutes made againſt the Supremacy and See Apoſtolick ſince ehe time of ſchiſm.

III. Where in the Parliament begun and holden at Weſtminſter, in the xxi. year of the reign of the late King of moſt famous memory King Henry the Eighth, one Act was then and there made againſt pluralities of Benefices, for taking of ferms by Spiritual men, and for nonreſidence, in which Act, amongſt other things, it was ordained and enacted, That if any perſon or perſons, at any time after the firſt day of April, in the year of our Lord God, one thouſand five hundred and thirty, contrary to the ſame Act, ſhould procure and obtain at the Court of Rome, or elſewhere, any licence or licences, union, toleration or diſpenſation, to receive and take any more benefices with cure then was limited and appointed by the ſame Act, or elſe at any time after the ſaid day ſhould put in execution any ſuch licence, toleration or diſpenſation before that time obtained contrary to the ſaid Act, that then every ſuch perſon or perſons ſo after the ſaid day ſuing for himſelf, or receiving and taking ſuch benefice by force of ſuch licence or licences, union, toleration or diſpenſation, that is to ſay, the ſame perſon or perſons only, and no other, ſhould for every ſuch default incur the danger, pain and penalty of twenty pound ſterling, and ſhould alſo loſe the whole profits of every ſuch

The Statute of 21 H. 8. 13. made againſt pluralities of benefices, taking of ferms by ſpiritual men, and non-reſidence.

benefice or benefices, as he receiveth or taketh by force of any ſuch licenſe or licences, union, toleration or diſpenſation: (2) And where alſo in the ſaid Act it was ordained and enacted, That if any perſon or perſons did procure or obtain at the Court of Rome, or elſewhere, any manner of licence or diſpenſation to be non-reſident at their dignities, prebend, or benefices, contrary to the ſaid Act, that then every ſuch perſon or perſons putting in execution any ſuch diſpenſation or licence for himſelf, from the ſaid firſt day of April, in the ſaid year of our Lord God, MDXXX. ſhould run and incur the penalty, damage, and pain of xx. l. ſterling, for every time ſo doing, to be forfeited and recovered as by the ſaid Act is declared, and yet ſuch licence or diſpenſation ſo procured, or to be put in execution, to be void and of none effect, as by the ſame Act more plainly it doth and may appear.

A repeal of ſo much of the Statute of 21 H. 8. 13. as is above mentioned. IV. Be it enacted by the authority of this preſent Parliament, That as much only of the ſaid Act as concerneth the articles and clauſes aforeſaid, and all and every the words and ſentences contained in the ſaid Act, concerning the ſaid articles and clauſes, and every of them, ſhall from henceforth be repealed, adnulled, revoked, annihiliated, and utterly made void for ever; any thing in the ſaid Act to the contrary in any wiſe notwithſtanding;

23 H. 8. 9. V. And where alſo at the Seſſion of the ſame Parliament holden upon prorogation in the xxiii. year of the reign of the ſaid late King Henry the Eighth, one Act entituled, The Act that no perſon ſhall be cited out of the Dioceſs where he or ſhe dwelleth, except in certain caſes;

24 H. 8. 12. VI. And where alſo at the ſaid Parliament, in the Seſſion holden at Weſtminſter upon prorogation in the xxiv. year of the reign of the ſaid late King Henry the Eighth, one Act was made, that appeals in ſuch caſes as hath been uſed to be purſued to the See of Rome, ſhould not from henceforth be had or uſed, but within this Realm;

Not Printed. Stat. 25. H. 8. 20. VII. And where alſo at the ſaid Parliament holden at Weſtminſter, in the xxi. year of the reign of the ſaid late King Henry the Eighth, and there continued by divers prorogations until the xiv. day of April, in the xxvii. year of his reign, one Act was made concerning reſtraints of payments of Annates, and firſt-fruits, of Arch biſhopricks and Biſhopricks to the See of Rome;

25 H. 8. 19. VIII. And where at a Seſſion of the ſaid Parliament holden in the five and twentieth year of the reign of the ſaid late King, there was alſo one Act made, entituled, The ſubmiſſion of the Clergy to the Kings Majeſty,

25 H. 8. 20. IX. And one other Act, entituled, One Act reſtraining the ſaid payments of Annates, or Firſt-fruits to the Biſhop of Rome, and of the electing and conſecrating of the Archbiſhops and Biſhops within this Realm,

25 H, 8. 21. X. And one other Act was then and there made, entituled, An Act concerning the exoneration of the Kings Subjects from exactions and impoſitions before that time payed to the See of Rome, and for having licences and diſpenſations within this Realm, without ſuing further for the ſame,

A repeal of the before recited Statutes; XI. Be it enacted by the authority of this preſent Parliament, That the ſeveral Acts made for the reſtraint of payments of the ſaid Annates and Firſt-fruits, and all other the ſaid Acts made in the ſaid twenty fourth and twenty fifth years of the reign of the ſaid late King, and every of them, and all and every branch, article, matter and ſentence in them, and every of them contained, ſhall be by authority of this preſent Parliament from henceforth utterly void, made fruſtrate, and repealed to all intents, conſtructions, and purpoſes.

26 H. 8. 1. XIII. And be it further enacted by the authority of this preſent Parliament, That all and every theſe Acts following, that is to ſay, one Act made at the Seſſion of the ſaid Parliament holden upon prorogation at Weſtminſter, in the xxvi. year of the reign of the ſaid late King Henry the Eighth, entituled, An Act concerning the Kings Highneſs to be ſupreame Head of the Church of England, and to have authority to reform and redreſs all errors, hereſies and abuſes in the ſame,

26 H. 8. 14. XIV. And one other Act made in the ſame Seſſion of the ſame Parliament, entituled, An Act for nomination and conſecration of Suffragans within this Realm,

27 H. 8. 15. XV. And one other Act made in the xxvii. year of the reign of the ſaid late King Henry the Eighth, entituled, An Act whereby the King ſhould have power to nominate thirty two perſons of his Clergy and lay fee, for the making of Eccleſiaſtical laws;

28 H. 8. 10. XVI. And alſo one other Act, made at the Parliament holden at Weſtminſter in the Eight and twentieth year of the reign of the ſaid late King Henry the Eighth, entituled, An Act extinguiſhing the authority of the Biſhop of Rome,

28. H. 8. 16. Sect. 2. XVII. And one other Act made in the ſame Parliament, entituled, An Act for the releaſe of ſuch as then had obtained pretended licences and diſpenſations from the See of Rome,

28 H. 8. 7. Sect. 11. XVIII. And alſo all that part of the Act made in the ſaid eight and twentieth year of the ſaid King, entituled, An Act for the eſtabliſhment of the ſucceſſion of the imperial Crown of the Realm, that concerneth a prohibition to marry within the degrees expreſſed in the ſaid Act,

31 H. 8. 9. XIX. And alſo one other Act made at the Parliament holden at Weſtminſter, in the one and thirtieth year of the Reign of the ſaid late King Henry the Eighth, entituled, An Act authoriſing the Kings Highneſs to make Biſhops by his Letters Patents,

32 H. 8. 38. XX. And one other Act made in the Seſſion of the ſame Parliament, begun in the ſaid one and thirtieth year, holden upon prorogation the two and thirtieth year of the reign of the ſaid King Henry the Eighth, entituled, An Act concerning Pre-contracts of Marriages, and touching degrees of conſanguinity,

35 H. 8. 3. XXI. And one other Act made in the Parliament holden at Weſtminſter, in the xxxv. year of the reign of the ſaid late King Henry the Eighth, entituled, An Act for the ratification of the Kings Majeſties ſtile, (2) ſhall henceforth be repealed, made fruſtrate, void, and of none effect;

35 H. 8. 1. XXII. And where alſo at the ſaid Parliament holden at Weſtminſter, in the five and thirtieth year of the reign of the ſaid late King Henry the Eighth, one other Act was made, entituled, An Act concerning the eſtabliſhment of the ſucceſſion of the ſaid King in the Imperial Crown of this Realm: In the which Act there is a form of a corporal Oath deviſed and ſet forth,

that every ſubject of this Realm ſhould be bound to take, againſt the power, authority and juriſdiction of the See of Rome, (2) Be it enacted by the authority of this preſent Parliament, That ſo much of the ſaid Act as toucheth the ſaid Oath againſt the Supremacy, and all Oaths thereupon had, made and given, ſhall be from henceforth utterly void, repealed, and of none effect.

XXII. And where alſo one other Act was made in the ſeven and thirtieth year of the Reign of the ſaid late King Henry the Eighth, entituled, An Act that Doctors of the Civil Law, being married, might exerciſe Eccleſiaſtical juriſdiction, (2) Be it enacted by the authority of this preſent Parliament, That the ſaid Act laſt before mentioned, and all and every branch, article, ſentence and matter contained in the ſame, ſhall from henceforth be repealed, and utterly made void, and of none effect.

31 H. 8. 17.

A repeal of the 11. Stat. laſt before recited.

XXIV. And where one other Act was made at the Parliament at Weſtminſter, in the firſt year of the Reign of King Edward the Sixth, entituled, An Act for the repeal of certain Statutes concerning Treaſons, Felonies, &c. In the which Act, amongſt other things, there is contained certain proviſions, pains, penalties and forfeitures, for and againſt ſuch as ſhould by open preachings, expreſs words, ſayings, writing, printing, overt-deed or act, affirm or ſet forth, that the King of this Realm, for the time being, is not, or ought not to be Supreme Head in earth of the Churches of England and Ireland, nor of any of them, or that the Biſhop of Rome, or any other perſon or perſons, other then the King of England for the time being, is or ought to be Supreme Head of the ſame Churches, or any of them, as in the ſame Act laſt before rehearſed, and at large is contained and may appear: (2) Be it enacted by the authority of this preſent Parliament, That theſe Clauſes before rehearſed, and other of the ſaid Act concerning the Supremacy, and all and every branch, article, words, and ſentence in the ſame, ſounding or tending to the derogation of the Supremacy of the Popes Holineſs, or the See of Rome, and all pains, penalties and forfeitures made againſt them that ſhould by any means ſet forth and extoll the ſaid Supremacy, ſhall be from henceforth utterly void and of none effect.

A repeal of part of the Stat. of 1 Ed. 6. 12 hereafter ſpecified.

XXV. And be it further enacted by the authority aforeſaid, That all clauſes, ſentences, and articles of every other Statute or Act of Parliament, made ſithence the ſaid twentieth year of the Reign of King Henry the Eighth, againſt the Supreme authority of the Popes Holineſs, or See Apoſtolick of Rome, or containing any other matter of the ſame effect only, that is repealed in any of the Statutes aforeſaid, ſhall be alſo by authority hereof from henceforth utterly void and of none effect.

A repeal of all Statutes made againſt the Supremacy of the Pope or See Apoſtolick.

(2) And where we your moſt humble Subjects, The Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, have exhibited to your Majeſties one other Supplication in form following:

XXVI. We the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, repreſenting the whole Body of this Realm, reduced and received by your Majeſties interceſſion, to the unity of Chriſts Church, and the obedience of the See Apoſtolick of Rome, and the Popes Holineſs governing the ſame, make moſt humble ſuit unto your Majeſties, to be likewiſe means and interceſſors, that all occaſions of contention, hatred, grudge, ſuſpicion and trouble, both outwardly and inwardly in mens conſciences, which might ariſe amongſt us by reaſon of diſobedience, may by authority of the Popes Holineſs, and by miniſtration of the ſame unto us, by the moſt reverend Father in God, the Lord Cardinal Pool, by diſpenſation, toleration, or permiſſion, reſpectively, as the caſe ſhall require, be aboliſhed and taken away, and by authority ſufficient theſe articles following, and generally all others, when any occaſion ſhall require, may be provided for and confirmed.

A Supplication by the Parliament, that theſe Articles may be confirmed.

XXVII. Firſt, That all Biſhopricks, Cathedral Churches, Hoſpitals, Colledges, Schools, and other ſuch Foundations now continuing, made by authority of Parliament, or otherwiſe eſtabliſhed according to the order of the Laws of this Realm, ſithence the ſchiſm, may be confirmed, and continued for ever.

Eccleſiaſtical foundations made ſithence the ſchiſm, ſhall continue.

XXVIII. Item, That Marriages made infra grados prohibitos conſanguinitatis, affinitatis, cognationis ſpiritualis, or which might be made void propter impedimentum publicæ honeſtatis, Juſtitiæ, or for any other cauſe prohibited by the Canons only, may be confirmed, and children born of thoſe marriages declared legitimate, ſo as thoſe marriages were made according to the Laws of the Realm for the time being, and be not directly againſt the Laws of God, nor in ſuch caſe as the See Apoſtolick hath not uſed to diſpenſe withall.

Marriages.

XXIX. That inſtitutions of Benefices, and other promotions Eccleſiaſtical, and diſpenſations made according to the form of the Act of Parliament, may be likewiſe confirmed,

Inſtitutions of Benefices, and diſpenſations.

XXX. That all Judicial proceſs made before any Ordinaries of this Realm, or before any Delegates upon any appeals, according to the order of the Laws of the Realm, may be likewiſe ratified and confirmed.

Judicial proceſſes made.

XXXI. And finally, where certain Acts and Statutes have been made in the time of the late Schiſm, concerning the lands and hereditaments of Archbiſhopricks and Biſhopricks, the ſuppreſſion and diſſolution of Monaſteries, Abbeys, Priories, Chantries, Colledges, and all other the goods and Chattels of Religious Houſes; ſince the which time the right and dominion of certain lands and hereditaments, goods and chattels belonging to the ſame, be diſperſed abroad, and come to the hands and poſſeſſions of divers and ſundry perſons, who by gift, purchaſe, exchange, and other means, according to the order of the Laws and Statutes of this Realm for the time being, have the ſame: (2) For the avoiding of all ſcruples that might grow by any the occaſions aforeſaid, or by any other ways or means whatſoever, It may pleaſe your Majeſties to be interceſſors and mediators to the ſaid moſt reverend Father Cardinal Pool, that all ſuch cauſes and quarrels, as by pretence of the ſaid Schiſm, or by any other occaſion or mean whatſoever might be moved by the Popes Holineſs, or See Apoſtolick, or by any other Juriſdiction Eccleſiaſtical, may be utterly removed and taken away, (3) ſo as all perſons having ſufficient conveyance of the ſaid lands and hereditaments, goods and cattels, as is aforeſaid, by the Common Laws, Acts or Statutes of this

The lands and goods of Biſhopricks, Monaſteries, Chantries, &c. diſperſed, ſhall ſo continue.

Realm, may without ſcruple of conſcience, enjoy them without impeachment or trouble by pretence of any general Council, Canons, or Eccleſiaſtical Laws, and clear from all dangers of the Cenſures of the Church.

XXXII. **And conformably hereunto, the Biſhops and Clergy of the Province of** Canterbury, **have preſented to your Majeſties a Supplication, in this tenour that followeth.**

The Clergies Petition, that the lands and goods of the Clergy, late diſperſed amongſt the Temporalty, might ſo remain.

(2) N*Os Epiſcopi & Clerus Cantuarienſis Provinciæ in hac Synodo more noſtro ſolito, dum Regni Parliamentum celebratur, congregati, cum omni debita humilitate & reverentia, exponimus* Majeſtatibus veſtris, *quod licet Eccleſiarum quibus in Epiſcopos, Decanos, Archidiaconos, Rectores & Vicarios præfecti ſumus, & animarum, quæ nobis & curæ noſtræ ſubjectæ ſunt, & earundem bonorum, juriſdictionum & jurium, ex ſacrorum Canonum diſpoſitione, defenſores & curatores conſtituti ſumus, & propterea ipſarum bona, juriſdictiones, & jura in pernicioſo hujus Regni præterito ſchiſmate deperdita & amiſſa, omni ſtudio, & totis noſtris viribus recuperare, & ad priſtinum Eccleſiarum jus revocare, juris remediis niti deberemus:* (3) *Nihilominus tamen habito prius per nos ſuper hac re maturo conſilio, & deliberatione, ingenue fatemur nos optime cognoſcere quam hæc bonorum Eccleſiaſticorum difficilis & quaſi impoſſibilis eſſet recuperatio, propter multiplices ac pene inextricabiles ſuper his habitos contractus & diſpoſitiones, & quod ſi ea tentaretur, quies & tranquillitas Regni facile perturbaretur, & unitas Eccleſiæ Catholicæ, quæ jam pietate & authoritate* Majeſtatum veſtrarum, *hoc in Regno introducta eſt, cum maxima difficultate ſuum debitum progreſſum, & finem ſortire poſſet:* (4) *Ideo nos bonum & quietem publicam privatis commoditatibus, & ſalutem tot animarum pretioſo* Chriſti *ſanguine redemptarum terrenis bonis anteponentes, & non quæ noſtra ſed quæ* Jeſu Chriſti *ſunt quærentes,* Majeſtates veſtras *enixe rogamus eaſq; humiliter ſupplicamus, ut reverendiſſimo in* Chriſto *Patri, Domino* Reginaldo *Cardinali* Polo, *ad ipſas & univerſum hoc Angliæ regnum ſanctiſſimi Domini noſtri, Domini* Julii *Papæ tertii, & Apoſtolicæ ſedis de latere Legato, hæc nomine noſtro inſinuari, & apud eum intercedere dignentur, ut in his bonis Eccleſiaſticis in parte vel in toto, arbitrio ſuo juxta facultates ſibi ab eodem ſanctiſſimo Domino noſtro Papa conceſſas, eorundem bonorum detentoribus elargiendis & relaxandis, publicum bonum privato, pacem & tranquillitatem diſſidiis, & perturbationibus, atq; animarum ſalutem bonis terrenis præferre & anteponere velit.* (5) *Nos enim in omnibus quæ ab ipſo Legato ſtatuta & ordinata circa hæc bona fuerint, exnunc, prout extunc, & e contra conceſſum noſtrum præſtamus, imo etiam & in præmiſſis ſe difficilem aut reſtrictum reddere non velit,* Majeſtates veſtræ *noſtro nomine eum hortari, & rogari dignabuntur.*

The Clergy do prefer the publick peace before their private commodity.

The Clergies ſuit that Eccleſiaſtical Juriſdiction may be reſtored unto them, and that all Laws which do hinder it may be abrogated.

(6) *Inſuper* Majeſtatibus veſtris *ſupplicamus pro ſua pietate efficere dignentur, ut ea quæ ad juriſdictionem noſtram & libertatem Eccleſiaſticam pertinent, ſine quibus debitum noſtri paſtoralis officii & curæ animarum nobis commiſſæ exercere non poſſumus, nobis ſuperiorum temporum injuria ablata, reſtituantur, & ea nobis, & Eccleſiæ perpetuo illæſa & ſalva permaneant, & ut omnes leges, quæ hanc noſtram juriſdictionem & libertatem Eccleſiaſticam tollunt, ſeu quovis modo impediunt, abrogentur, ad honorem Dei, &* Majeſtatum veſtrarum, *& univerſi hujus Regni ſpirituale & temporale commodum & ſalutem;* (7) *certam ſpem etiam habentes,* Majeſtates veſtras, *pro ſua ſingulari in ipſum Deum pietate, proque multis & inſignibus ab ipſius Dei bonitate acceptis beneficiis, neceſſitatibus, & incommodis hujus ſui Regni, Eccleſiarum maxime curam animarum habentium, nunquam defuturas eſſe, ſed prout opus fuerit, conſulturas atq; proviſuras.*

XXXIII. **Foraſmuch as the ſaid moſt reverend Father, the Lord Legate, at the interceſſion of your Majeſties, hath by the authority of the See Apoſtolick, ſufficiently diſpenſed in the matters ſpecified in the ſaid ſeveral Supplications, as in his ſaid Letters of Diſpenſation is contained more at large: The tenour whereof enſueth.**

The diſpenſation of Cardinal Pool Legate de latere.

(2) R*Eginaldus* *miſeratione divina Sanctæ* Mariæ *in* Coſmodin *ſanctæ Romanæ Eccleſiæ, Diaconus, Cardinalis* Polus *nuncupatus, ad Sereniſſimos* Philippum *&* Mariam, *Angliæ Reges, fidei Defenſores, & univerſum Angliæ regnum, ſanctiſſimi Domini noſtri Papæ, & ſedis Apoſtolicæ de latere legatus, eiſdem Seriniſſimis* Philippo *&* Mariæ *Regibus ſalutem in Domino ſempiternam.* (3) *Cum ſupremum conſilium iſtius Regni, Parliamentum nuncupatum,* Majeſtatibus veſtris, *per ſuos ſupplices libellos expoſuiſſet, quod perniciociſſimo ſchiſmate in hoc regno alias vigente, quod nunc Dei miſericordia, &* Majeſtatum veſtrarum *pietate extinctum eſt, authoritate ipſius Parliamenti, nonnulli Epiſcopatus diviſi, & ex his aliquæ inferiores Eccleſiæ, in Cathedrales erectæ, & ſcholæ atque hoſpitalia fundata, nec non plurimæ diſpenſationes & beneficiorum proviſiones factæ fuerunt, ac multæ perſonæ quibus perſuaſum fuerat, juris canonici diſpoſitiones hoc in Regno amplius locum non habere, inter ſe in gradibus conſanguinitatis vel affinitatis de jure prohibitis, & aliis impedimentis Canonicis ſibi obſtantibus, matrimonia per verba de præſenti contraxerunt, & multi actus judiciarii, & proceſſus, tam in primis quam ulterioribus inſtantiis ſuper rebus ſpiritualibus & Eccleſiaſticis coram Judicibus tam Ordinariis quam Delegatis, qui authoritate Laicali procedebant, habiti & ſervati, ad ſuper eis etiam ſententiæ latæ, & promulgatæ fuerunt, & bona Eccleſiaſtica per diverſas ejuſdem regni perſonas occupata, & apprehenſa fuerunt:* (4) *Quæ quidem licet ex ſacrorum Canonum inſtitutis irriti declarari poſſent, tamen ſi ad alium ſtatum, quam in quo nunc ſunt, revocarentur, publica pax & quies univerſi regni turbaretur, & maxima confuſio orietur, præſertim ſi dictorum bonorum poſſeſſores moleſtarentur, & propterea* Majeſtatibus veſtris *humiliter ſupplicaverint, ut apud nos intercedere dignentur, ut præmiſſarum rerum firmitati, & ſtabilitati, & ſimul hujus regni quieti, & tranquillitati, de benignitate Apoſtolica providere velimus;* (5) *Cumque Epiſcopi quoq; deinde, ac reliquus provinciæ Cantuarienſis Clerus totum fere corpus Eccleſiaſticorum regni repræſentans, ad quos hæc bonorum Eccleſiaſticorum cauſa maxime pertinet, expoſuerint, quod hæc bona ad jus Eccleſiarum revocare non poſſunt, quin pax univerſalis, & quies hujus regni turbetur, & cauſa fidei atque unitatis Eccleſiæ, jam toto omnium conſenſu hoc in regno introducta, in maximum periculum adducatur; & propterea ipſi quoque ſupplicaverint, ut apud nos intercedere velint, ut in his bonis Eccleſiaſticis poſſeſſoribus relaxandis reſtricti & difficiles eſſe nollemus,* (6) Majeſtates *autem* veſtræ, *ad quas maxime ſpectat providere, ut regnum ipſarum poteſtati, regimini, & curæ commiſſum, in pace & tranquillitate conſervetur, his ſupplicationibus & poſtulatis cognitis & mature conſideratis, judicaverint ea omnia, & maxime illa quæ in bonorum Eccleſiaſticorum cauſa petuntur, pro cauſa fidei, & pro pace publica, per nos debere ſine ulla dilatione concedi, & quemadmodum rogatæ fuerunt, apud nos intercedere dignatæ fuerint, prout in ſupplicationibus per idem ſupremum Concilium & Epiſcopos ad Clerum præfatum* Majeſtatibus veſtris *porrectis, atque in libello in interceſſionis per eaſdem* Majeſtates veſtras *nobis ſimul cum aliis ſupplicationibus exhibito latius apparet.*

Cardinal Pool ſent to reconcile the Realm to God, Chriſts Church, and his Vicar in earth.

(7) *Idcirco nos qui ad* Majeſtates veſtras *& hoc nobiliſſimum veſtrum Regnum, a Sanctiſſimo Domino noſtro* Julio *Papa tertio, ipſius & ſedis Apoſtolicæ de latere Legati miſſi ſumus, ut regnum iſtud, quod jam diu ab Eccleſiæ Catholicæ unitate ſeparatum fuerat, Deo & Eccleſiæ* Chriſti, *ejuſque in terris Vicario reconciliaremus, & ut ea omnia quæ ad pacem & tranquillitatem hujus regni pertinerent, omni ſtudio procuraremus, poſtquam Dei benignitate, &* Majeſtatum veſtrarum *pietate, per authoritatem ejuſdem Sanctiſſimi Domini noſtri Papæ, cujus vices hic ſuſtinemus, reconciliatio jam facta eſt, ut*

paci & tranquillitati regni præfati conſulum. (8) *atq; ut unitas Eccleſiæ ex qua ſalus animar' pretioſo* Chriſti *ſanguine redemptarum dependet, hæc in regno jam introducta corroboretur, & ſalva permaneat;* (9) *cum utriuſq; rei ſtabilitatem in eo maxime conſiſtere, ſi horum Eccleſiaſticorum bonorum poſſeſſoribus moleſtia nulla inferatur quo minus ea teneant, ut & tam gravia teſtimonia nobis fidem faciant,* (10) *&* Majeſtatum veſtrarum *interceſſio, quæ pro unit. Eccleſiæ, & ſedis Apoſtolicæ authoritate hoc in regno inſtauranda tam ſtudioſe, & tam pie elaborarunt, eam quam par eſt authoritatem, apud nos habeat,* (11) *& ut univerſum hoc regnum ſedis Apoſtolicæ maternam vere indulgentiam, & charitatem erga ſe agnoſc. & re ipſa experiat.* (12) *quoſcunque ad quos infra ſcripta pertinent, a quibuſvis excommunication. ſuſpenſion. & interdictis aliiſq; Eccleſiaſticis ſententiis, cenſuris & pœnis a jure vel ab homine quavis occaſione vel cauſa latis, ſi quibus quomodo libet innodati exiſtunt, ad affectum præſentium duntaxat conſequendum harum ſerie abſolventes & abſolutos fore cenſentes, authoritate Apoſtolica, per literas ſanctiſſimi Domini noſtri Dom.* Julii *Papæ tertii nobis conceſſa, & qua fungimur in hac parte, tenore præſentium diſpenſamus,* (13) *quod omnes & ſingulæ Cathedralium Eccleſiarum erectiones, hoſpitalium & ſcholarum fundationes tempore præterit. ſchiſmaticis, licet de facto & nulliter attentatæ, in eo ſtatu in quo nunc ſunt, perpetuo firmæ & ſtabiles permaneant, illiſque Apoſtolicæ firmitatis rob. adjicimus, ita ut non ea authoritate, qua prius, ſed ea quam nunc eis tribuimus factæ ab omnibus cenſeantur.* (14) *Et cum omnibus & ſingulis perſonis regni prædicti quæ in aliquo conſanguinitatis vel affinitatis gradu etiam multiplici vel cognation. ſpiritual. ſeu publicæ honeſt. juſticiæ impedimento de jure poſitivo introductis, & in quibus Sanctiſſim. Domin. noſter Papa diſpenſare conſuevit, matrimonio ſcienter vel ignoranter de facto contraxerint, ut aliquo impedimentorum præmiſſorum non obſtante, in eorum matrimon. ſic contractis, libere & licite remanere, ſeu illa de novo contrahere poſſint, miſericorditer in Dom. diſpenſamus, prolem ſuſceptam ſuſcipiendam, legitimam decernentes, ita tamen ut qui ſcienter & malicioſe contraxerint, a ſententia excommunication. & ab inceſtus ſeu ſacrilegii reatu, abſolution. a ſuo Ordinario vel Curato, quibus id faciendi facultatem concedimus, obtineant:* (15) *Ac omnes Eccleſiaſticas, ſeculares, ſeu quorumvis ordinum regulares perſonas quæ aliq. impetracon. diſpenſationes, conceſſiones, gratias & indulta tam ordin. quam beneficia Eccleſiaſtica, ſeu alias ſpiritual. materias prætenſa authoritate Supremitatis Eccleſiæ Anglicanæ, licet nulliter & de facto obtinuerint, & ad cor reverſæ Eccleſiæ unitati reſtitutæ fuerint, in ſuis ordinib. & benefic. per nos ipſos, ſeu a nobis ad id deputatos, miſericorditer recipiemus, prout jam multæ receptæ fuerunt, ſecunque ſuper his opportune in domino diſpenſabimus.* (16) *Ac omnes proceſſ. in quibuſvis inſtantiis coram quibuſvis Judicibus tam ordinar. quam delegatis etiam laicis ſuper mater. ſpiritualibus habitos & formatos, & ſententias ſuper eis latas licet nulliter & de facto, quod ad nullitatem ex defectu juriſdict. præf. tantum inſurgentem, ſanamus, illoſque & illas authoritate Apoſtolica confirmamus.* (17) *Ac quibuſvis hujus regni perſonis ad quarum manus bona Eccleſiaſtica ex quocunque contractu ſeu titulo oneroſo vel lucrativo jam devenerint, illaque tenuerint, ſeu etiam teneant, omnes, & quoſcunque fructus ex ejuſdem bonis, licet indebite perceptos, in totum remittimus & relaxamus:* (18) *Volentes ac decernentes, quod dictorum bonorum Eccleſiaſticorum tam mobilium quam immobilium poſſeſſores præf. non poſſint in præſenti nec in poſterum, ſeu per conciliorum generalium vel provincialium diſpoſitiones, ſeu decretales Romanorum Pontificum Epiſtolas, ſeu aliam quamcunque cenſuram Eccleſiaſticam in dictis bonis, ſeu eorundem poſſeſſione moleſtari, inquietari vel perturbari, nec eis aliquæ cenſuræ vel pœnæ Eccleſiaſticæ propter hujuſmodi detentionem, ſeu non reſtitutionem irrogari vel infligi,* (19) *& ſic per quoſcunque Judices, & auditores ſublata eis qua ſuis alit. judicandi & interpretandi facult. & authorit. judicari & definire debere, & quicquid ſecus attemptari contigerit, irritum & inane fore decernimus, non obſtantibus præmiſſis defectibus & quibuſvis Apoſtolicis, ac in provincialibus, & ſynodalibus conciliis editis, ſpecialibus vel generalibus, conſtitutionibus & ordinationibus, cæteriſq; contrariis quibuſcunque.* (20) *Admonemus tamen, cum diviſio Epiſcopatuum & erectio Cathedralium Eccleſiarum ſint de majoribus cauſis, quæ ſummo Pontifici ſunt reſervatæ, recurrendum eſſe ad ſuam ſanctitatem, & ab ea ſuppliciter poſtulandum, ut hæc confirmare, ſeu de novo facere dignetur.* (21) *Et licet omnes res mobiles Eccleſiarum, indiſtincte eis qui eas tenent, relaxerimus, eos tamen admonitos eſſe volumus, ut ante oculos habentes divini judicii ſeveritatem contra* Belthaſarem *Regem Babylonis, qui vaſa ſacra non a ſe, ſed a patre e templo ablata in prophanos uſus convertit, ea propriis Eccleſiis ſi extant, vel aliis reſtituant.* (22) *Hortantes etiam, & per viſcera miſericordiæ* Jeſu Chriſti *obteſtantes eos omnes quos hæc res tangit, ut ſalutis ſuæ non omnino immemores, hoc ſaltem efficiant, ut ex bonis Eccleſiaſticis, maxime iis quæ ratione parſonatuum & vicariatuum populi miniſtrorum ſuſtentatio fuerint ſpecialiter deſtinata, ſeu aliis Cathedralibus, & aliis quæ nunc extant, inferioribus Eccleſiis curam animarum exercentibus, ita provideatur, ut earum paſtores, parſonæ & vicarii, commode & honeſte juxta earum qualitatem & ſtatum ſuſtentari poſſint, & curam animarum laudabiliter exercere, & onera incumbentia congrue ſupportare. Datum Lambeth. prope Londinum, Wintonien. Dioceſſ. Anno Nativit. Dom.* MDLIV. *Nono Cal. Januarii, Pontif. Sanctiſſ. in Chriſto patris, & Domini noſtri, Domini Julii, divina providentia, Papæ tertii, anno quinto.*

A confirmation of the erection of all Cathedral Churches, Hoſpitals and Schools, done in the time of Schiſm.

A diſpenſation with certain marriages prohibited.

The legitimation of children.

A ratification of proceſſes and ſentences in matters Eccleſiaſtical.

Inſtitutions of Benefices.

The Lands and Goods of the Church come to the hands of others, ſhall continue.

An admonition to thoſe that do hold the goods of the Church.

Reginaldus *Cardinalis* Polus *Legatus.*

(23) We the ſaid Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, rendring moſt humble thanks to your Majeſties, by whoſe interceſſion and means we have obtained the ſaid diſpenſations of the Popes Holineſs, by the ſaid moſt reverend Father in God, his Legate, moſt humbly beſeech the ſame, that it may be ordained as followeth:

The Cardinals diſpenſation confirmed by Parliament.

XXXIV. And therefore be it enacted by the authority of this preſent Parliament, That all and ſingular articles and clauſes contained in the ſaid diſpenſation, as well touching the eſtabliſhment of Biſhopricks and Cathedral Churches, (2) as alſo the confirmation of marriages in degrees prohibited by the Canons of the Church, the legitimation of children, (3) and the ratification of proceſs, and of ſentences in matters Eccleſiaſtical, touching the invalidity of them for want of juriſdiction, (4) and the inſtitutions and deſtitutions of and in benefices and promotions Eccleſiaſtical, diſpenſations and graces given by ſuch order as the publick Laws of the Realm then approved, (5) and all other things before contained in the ſaid Letters of diſpenſation, (6) ſhall remain and be reputed and taken to all intents and conſtructions in the Laws of this Realm, lawful, good and effectual to be alledged and pleaded in all Courts Eccleſiaſtical and Temporal, for good and ſufficient matter, either for the Plaintiff or defendant, without any allegation or objection to be made againſt the validity of them, by pretence of any general Council, Canon or Decree to the contrary made or to be made in that behalf.

XXXV. And whereas divers and ſundry late Monaſteries, Priories, Commandries, Nunneries,

Monaſteries, and all their lands and hereditaments were given to King H. 8. by the Statutes made 27 H. 8. & 31 H. 8. 12.

nunneries, deanaries, prebends, colledges, hoſpitals, houſes of Fryers, chantries, and other religious and Eccleſiaſtical houſes and places, and the manors, granges, meſſuages, lands, tenements, rectories, tithes, penſions, portions, vicarages, churches, chappels, advowſons, nominations, patronages, annuities, rents, reverſions, ſervices, and other poſſeſſions and hereditaments to the ſaid late monaſteries, priories, nunneries, commandries, deanaries, chantries, prebends, houſes of Fryers, colledges, hoſpitals, and other Religious and Eccleſiaſtical houſes and places, and ſundry Archbiſhopricks and Biſhopricks within this Realm, late appertaining and belonging, came as well to the hands and poſſeſſions of the ſaid King of famous memory, Henry the Eighth, Father unto your Majeſty our ſaid Sovereign Lady, by diſſolution, gift, grant, ſurrender, attainder, or otherwiſe, as alſo to the hands and poſſeſſion of divers and ſundry other perſons, and bodies politick and corporate, by ſundry means, conveyances and aſſurances, according to the order of the Laws and Statutes of this Realm.

Chantries, Colledges, free Chappels, and their lands, were given to King Ed. 6. The Stat. of 1 Ed. 6. 14.

XXXVI. And where alſo divers manors, lands, tenements and hereditaments, parcel of the poſſeſſions af Archbiſhopricks, and Biſhopricks, and many and ſundry late deanaries, colledges, chantries, rectories, prebends, free chappels, guilds and fraternities, manors, houſes, granges, lands, tenements, rents, ſervices, and other Eccleſiaſtical poſſeſſions and hereditaments, goods and chattels to the ſaid Archbiſhopricks, Biſhopricks, deanaries, colledges, chantries, free-chappels, rectories, guilds and fraternities late appertaining and belonging, or appointed to and for the finding of Prieſts, obits, lights, or other like purpoſe, came as well to the hands and poſſeſſions of the ſaid late noble King Edward the ſixth, brother unto your Majeſty our Sovereign Lady, by virtue of an Act of Parliament thereof made, or otherwiſe, as alſo to the hands and poſſeſſion of divers and ſundry other perſons and bodies politick and corporate, by ſundry means, conveyances and aſſurances, according to the order of the Laws of this Realm; (2) a great number of which ſaid late monaſteries, priories, nunneries, commandries, deanaries, colledges, hoſpitals, prebends, chantries, free chappels, guilds and fraternities, and the manors, granges, meſſuages, lands, tenements, rents, reverſions, ſervices, tithes, penſions, portions, vicarages, churches, chappels, advowſons, nominations, patronages, annuities and hereditaments, goods and chattels to the ſaid monaſteries, priories, nunneries, commandries, deanaries, colledges, hoſpitals, chantries, free chappels, guilds, fraternities, and other Eccleſiaſtical houſes, Archbiſhopricks and Biſhopricks belonging, as well for great ſums of money, as for other good and reaſonable cauſes and conſiderations, have been conveyed and aſſured to divers the ſubjects and bodies politick of this Realm, as well by the ſaid King Henry the Eighth, the ſaid King Edward Sixth, and by your Highneſs our Sovereign Lady, and joyntly by both your Majeſties, as alſo by divers owners of the ſaid Eccleſiaſtical poſſeſſions; which ſaid conveyances and aſſurances by their ſundry Letters Patents, and other writings more plainly do and may appear. (3) Foraſmuch as the ſaid moſt reverend Father hath alſo by the ſaid diſpenſations, removed and taken away all matter of impeachment, trouble and danger, which by occaſion of any general Council, Canon or Decree Eccleſiaſtical, might touch and diſquiet the poſſeſſions of ſuch goods moveable, lands, tenements, poſſeſſions and hereditaments, as were of late belonging to any of the ſaid Archbiſhopricks, Biſhopricks, monaſteries, priories, nunneries, commandries, deanaries, colledges, chantries, prebends, rectories, hoſpitals, houſes of Friers, or other Religious and Eccleſiaſtical houſes and places, of what nature, name, kind or quality ſoever they be of; (4) Yet for that the title of all lands, poſſeſſions and hereditaments in this your Majeſties Realm and Dominions, is grounded in the laws, ſtatutes and cuſtoms of the ſame, and by your high juriſdiction, authority Royal, and Crown Imperial, and in your Courts only to be impleaded, ordered, tried and judged, and none otherwiſe; (5) and underſtanding that the whole, full, and moſt gracious intents, mind and determination of your moſt excellent Majeſties be, That all and every perſon and perſons, bodies politick and corporate, their heirs, ſucceſſors and aſſigns, and every of them, ſhall have, keep, retain and enjoy all and every their eſtates, rights, poſſeſſions and intereſts that they and every of them now have, or hereafter ſhall have, of and in all and every the manors, granges, meſſuages, lands, tenements, tithes, penſions, portions, advowſons, nominations, patronages, annuities, rents, reverſions, ſervices, hundreds, wapentakes, liberties, franchiſes, and other the poſſeſſions and hereditaments of the ſaid monaſteries, abbeys, priories, nunneries, commandries, deanaries, colledges, prebends, hoſpitals, houſes of Friers, chantries, rectories, vicarages, Churches, Chappels, Archbiſhopricks and Biſhopricks, and other Religious or Eccleſiaſtical houſes, or places, or of any of them within this Realm, or the Dominions of the ſame, by ſuch Laws and Statutes as were in force before the firſt day of this preſent Parliament, and by other lawful conveyance to them thereof made.

The Cardinals diſpenſations hath only removed all trouble which by any Eccleſiaſtical decree might diſquiet the poſſeſſions of lands or goods.

The title of all land is grounded upon the Laws of the Realm, and to be impleaded and tried only in the Kings Courts.

The Queen and all other ſhall enjoy ſuch ſcites of Monaſteries, &c. and their lands, as they now have, or ſhall have.

XXXVII. That it may be enacted by the authority of this preſent Parliament, That as well your Majeſty, Sovereign Lady, your heirs and ſucceſſors and alſo all and every other perſon and perſons, bodies politick and corporate, their heirs, ſucceſſors, and aſſigns, now having, or that hereafter ſhall have, hold or enjoy any of the Scites of the ſaid late Monaſteries, and other the Religious or Eccleſiaſtical houſes or places, and all the ſaid manors, granges, meſſuages, lands, tenements, tithes, penſions, portions, glebe lands, advowſons, nominations, patronages, annuities, rents, reverſions, ſervices, hundreds, wapentakes, liberties, franchiſes, profits, commodities, and other the poſſeſſions and hereditaments of the ſaid late monaſteries, abbeys, priories, nunneries, commandries, deanaries, colledges, prebends, hoſpitals, houſes of Friers, rectories, vicarages, chantries, Churches, Chappels, Archbiſhopricks, Biſhopricks, and other Religious and Eccleſiaſtical houſes and places, or any of them, of what name, nature or kind ſoever they be, ſhall have, hold, poſſeſs, retain, keep and enjoy all and every the ſaid Scites, manors, granges, meſſuages, lands, tenements, poſſeſſions, profits, commodities, and other hereditaments, according to ſuch intereſts and eſtates as they and every of them now have or hold, or hereafter ſhall have or hold, of and in the ſame, by the due order and courſe of the Laws and Statutes of this Realm, which now be, or were ſtanding in force before the firſt day of this preſent Parliament, in manner and form as they ſhould have done if this Act had never been had ne made; This Act or any thing herein contained to the contrary in any wiſe notwithſtanding.

XXXVIII. Saving to you our ſaid Sovereign Lady, your heirs and ſucceſſors, and every of them, and to all and every other perſon and perſons ſubjects of this Realm, and bodies politick and corporate, and to their heirs and ſucceſſors, and to the heirs and ſucceſſors of all and every of them (other then ſuch whoſe right, title or intereſt is bounded or taken away, undone, or extinct by any Act of Parliament heretofore made, or otherwiſe) (2) all ſuch right, title, claim, poſſeſſion, intereſts, rents, annuities, commodities, commons, offices, fees, leaſes, liveries, livings, penſions, portions, debts, duties, and other profits which they or any of them lawfully have, or of right ought to have, or might have had, in, of or to any of the premiſes, or in, of or to any part or parcel thereof, in ſuch like manner and form, and condition, to all intents, reſpects, conſtructions and purpoſes, as if this Act had never been had ne made.

Other mens titles ſaved.

XXXIX. And that it may be further enacted by the authority aforeſaid, That all and every article, clauſe, ſentence and proviſo contained or ſpecified in any Act or Acts of Parliament concerning or touching the aſſurance or conveyance of any the ſaid monaſteries, priories, nunneries, commandries, deanaries, prebends, colledges, chantries, hoſpitals, houſes of Fryers, rectories, vicarages, Churches, Chappels, Archbiſhopricks, Biſhopricks, and other religious and Eccleſiaſtical houſes and places, or any of them, or in any wiſe concerning any manors, lands, tenements, profits, commodities, hereditaments, or other the things before ſpecified to the ſaid King Henry the Eighth, or King Edward the Sixth, or either of them, or any other perſon or perſons, or body politick or corporate, and every of them, and all and every writing, deed and inſtrument concerning the aſſurance of any the ſame, ſhall ſtand, remain and be in as good force, effect and ſtrength, and ſhall be pleaded and taken advantage of, to all intents, conſtructions and purpoſes, as the ſame ſhould, might or could have been by the Laws and Statutes of this Realm, in caſe this preſent Act had never been had ne made.

A confirmation of all Statutes concerning the aſſurance of Abbey Lands, or Chantries, &c. of King H. 8. & K. Ed. 6.

XL. And that all feoffments, fines, ſurrenders, forfeitures, aſſurances, conveyances, eſtates and intereſts in any wiſe conveyed, had or made to our ſaid late Sovereign Lord King Henry the Eighth, or to our ſaid late Sovereign Lord King Edward the ſixth, or either of them, or to any other perſon or perſons, bodies politick or corporate, or to any of them, by deed or deeds, Act or Acts of Parliament, or otherwiſe, of any the ſcites, manors, lands, tenements, poſſeſſions, profits, commodities or hereditaments of any of the ſaid Archbiſhopricks, Biſhopricks, late monaſteries, priories, nunneries, commandries, deanaries, houſes of Fryers, colledges, chantries, hoſpitals, prebends, free chappels, or of any manors, lands, tenements, reverſions, ſervices, tithes, penſions, portions, annuities, and of any other hereditaments, of, by or from any eccleſiaſtical or ſpiritual perſon or perſons, or by, or from any ſpiritual or eccleſiaſtical corporation or body politick, ſhall be as good and available in the Law, to all intents, conſtructions and purpoſes, as they were by the Laws and Statutes of this Realm ſtanding in force before the firſt day of this preſent Parliament: (2) And that the ſame may and ſhall be pleaded, alledged and taken advantage of, in ſuch ſort, and to ſuch effect, as they ſhould, could or might have been by the Laws and Statutes of this Realm ſtanding in force before the ſaid firſt day of this preſent Parliament; (3) And that all and every clauſe and article of ſaving, contained in all and every the ſaid Acts and Statutes, ſhall ſtand, remain and be in ſuch force, ſtrength and effect, as they were before the ſaid firſt day of this preſent Parliament; any thing contained in this preſent Act to the contrary in any wiſe notwithſtanding.

A confirmation of aſſurances to King H. 8. Ed. 6. and all other perſons of Abbey Lands.

XLI. And that it may be in like manner enacted by authority aforeſaid, That whoſoever ſhall by any proceſs, obtained out of any eccleſiaſtical Court within this Realm or without, or by pretence of any ſpiritual Juriſdiction, or otherwiſe, contrary to the Laws of this Realm, inquiet or moleſt any perſon or perſons, or body politick, for any manors, lands, tenements, hereditaments, or things above ſpecified, contrary to the words, ſentences and meaning of this Act, ſhall incur the danger of the Act of Præmunire, made the xvi. year of King Richard the Second, and ſhall ſuffer and incur the forfeitures and pains contained in the ſame.

The penalty for moleſting any perſon for any Abbey Lands. This clauſe is not repealed. Anno 1 El. 1. Sect. 32. N. 2.

XLII. Provided alway, That it ſhall and may be lauful to any perſon or perſons, body politick and corporate, to ſue in any competent Eccleſiaſtical or Spiritual Court within this Realm, for tithes, rights and duties that they or any of them ſhall pretend to have, of or out of any the ſaid manors, lands, tenements, and other the premiſes, and to have full and perfect remedy for the ſame, in ſuch manner and form as they or any of them might or ought to have done or had by the Laws and Statutes of this Realm, before the making of this Act, and as though this Act had never been had or made.

Suits for tithes of Abbey Lands ſhall be lawful.

XLIII. And that it may be further provided, and enacted by the authority aforeſaid, That albeit the title or ſtile of ſupremacy, or ſupreame head of the Church of England, and of Ireland, or either of them, never was, ne could be juſtly or lawfully attributed or acknowledged to any King and Sovereign Governour of this Realm, nor in any wiſe could or might rightfully, juſtly or lawfully by any King or Sovereign Governour of this Realm, be claimed, challenged or uſed; (2) Yet foraſmuch as the ſaid title and ſtile, ſithenc the third day of November, in the xxvi. year of the Reign of the ſaid King Henry the Eighth hath been uſed, and is mentioned and contained in divers and ſundry writs, letters patents, records, exemplifications, court-rolls, charters, deeds, inſtruments, evidences, books and writings; (3) It ſhall be lawful as well to and for your Majeſties and your Sovereign Ladies heirs and ſucceſſors, as to and for any other perſon or perſons, and bodies politick and corporate, at all time and times hereafter, to have, retain and keep the ſaid writs, letters patents, records, exemplifications, court-rolls, charters, deeds inſtruments, evidences, books and writings,

The title of ſupream head of the Church never could be juſtly attributed to any King or Governour.

Writs, Letters Patents, and other writings with the title of ſupream Head, may be kept and pleaded.

writings, and them to ſue, exhibit, uſe, alledge and plead in all times and places requiſite or needfull, without any danger, penalty, loſs, forfeiture, trouble, vexation or impeachment for the ſame; any thing in this Act, or in any Act or Acts to the contrary thereof in any wiſe notwithſtanding.

35 H. 8. 3.

XLIV. And where your Highneſs, Sovereign Lady, ſince your coming to the Crown of this Realm, of a good and Chriſtian conſcience, omitted to write the ſaid ſtile of Supremacy, ſpecified in one Act made in the Parliament holden at Weſtminſter by prorogation in the xxv. year of the Reign of your late Father King Henry the Eighth, as well in gifts, grants, letters patents, as in Commiſſions and other writings, and alſo other have in their writings done the ſame, as well in your time as before: (2) And foraſmuch as notwithſtanding any Law made concerning the ſaid ſtile of Supremacy, it was in the free choice, liberty and pleaſure of the King of this Realm, and of your Highneſs, whether you would expreſs the ſame in the ſaid ſtile or not:

Writings wherein the Queens ſtile of the Church is omitted.

XLV. Be it therefore declared and enacted by the authority of this preſent Parliament, That all grants, letters patents, commiſſions, indictments, records and writings made in your our Sovereign Ladies name, or in the names of yours, Sovereign Lord and Lady, or any other wherein the ſaid ſtile of Supremacy is omitted, is and ſhall be to all intents and purpoſes, as good and effectual as if the ſame had been therein expreſſed, and may be detained, kept, pleaded and alleadged without any danger, pain, penalty or forfeiture to enſue to any perſon or perſons, or body politick, for or concerning the omiſſion of the ſame ſtile, or any part thereof in any ſuch writing; and that no perſons ſhall be impeached, moleſted or dammified for or by reaſon of any ſuch omiſſion.

28 .H. 8.16.

XLVI. And where in an Act of Parliament made ſince the ſaid twentieth year of King Henry the Eighth, all Bulls, diſpenſations and writings which were before that time obtained, from the See of Rome, ſhould be void, aboliſhed and extinguiſhed, with a clauſe nevertheleſs, that the matter of them, by virtue of letters patents from the King then being, ſhould and might be alledged, pleaded and allowed, as if the ſame had not been ſo aboliſhed and extinguiſhed, Foraſmuch as the ſaid Act is here before amongſt other, Reapealed and made void:

What Bulls, diſpenſations and licences obtained from Rome, may be put in execution.

XLVII. Be it therefore enacted by the authority of this preſent Parliament, That all Bulls, diſpenſations and priviledges obtained before the ſaid twentieth year, or at any time ſithence, or which ſhall hereafter be obtained of the See of Rome, not containing matter contrary or prejudicial to the authority, dignity or preheminence Royal or Imperial of the Realm, or to the Laws of this Realm now being in force, and not in this Parliament repealed, may be put in execution, uſed and alledged in any Court within this Realm, or elſewhere, whether the ſame remain yet whole, or can appear to have been cancelled, in as available and effectual manner, to all intents and purpoſes, As if the ſaid Act had never been had or made; Any objection by pretence of extinguiſhment, or cancelling of the ſaid Bulls, diſpenſations or priviledges, or any other matter or cauſe by the pretence of the Laws of this Realm whatſoever, in any wiſe notwithſtanding.

XLVIII. And whereas by diſſolution of Monaſteries and other religious houſes, certain Pariſh Churches and Chappels which were before exempt from the juriſdiction of the Archbiſhop and Biſhop of the Dioceſs, and by ſpecial exemption and priviledge from Rome, which were under the government and order of the Abbots and Priors of thoſe religious houſes, which ſaid Churches by colour of the ſaid exemptions, be now of ſpecial grant from King Henry and King Edward, under the rule and government, and juriſdiction of temporal and lay-men, who can no more enjoy that ſupremacy over thoſe particular Churches, then the King might over the whole Realm:

Who ſhall have the juriſdiction of Churches and Cappels exempt from Biſhops, &c.

XLIX. Be it therefore enacted, That all Archbiſhops and Biſhops in their Dioceſs, and all other ſpiritual perſon and perſons having juriſdiction, and their Miniſters and Officers, and no lay-perſon or perſons, in every Church and place within the precinct of the ſame, being exempt, or not exempt, may freely, and without impediment, execute their ſpiritual juriſdiction in all points and articles, as though no ſuch exemption or grant had never been made.

The priviledges of certain perſons and places reſerved.

L. Provided alway, And be it enacted, That this Act extend not to take away or diminiſh the priviledges of the Univerſities of Cambridge and Oxford, (2) ne the priviledges or prerogatives granted heretofore to the Churches of Weſtminſter and Windſor, (3) ne the Tower of London, (4) ne prejudicial to ſuch Temporal Lords and poſſeſſioners in this Realm as by ancient cuſtom have enjoyed probate of Teſtaments of their tenants or other.

By the reconciliation of the Realm to Gods Church, devotion is hoped for.

LI. And foraſmuch as after this reconciliation and unity of this noble Realm to the body of Chriſts Church, it is to be truſted that by the abundance of Gods mercy and grace devotion ſhall increaſe and grow in the hearts of many the Subjects of this Realm, with deſire to give and beſtow their wordly poſſeſſions, for the reſuſcitating of alms, prayer, and examples of good life in this Realm, to the intent ſuch Godly motions and purpoſes ſhould be advanced:

Lands may be given to ſpiritual bodies politick or corporace.

LII. Be it therefore enacted by authority of this preſent Parliament, That it ſhall be lawfull to ſuch as ſhall be ſeiſed of any mannors, lands, tenements, parſonages, tithes, penſions, portions, or other hereditaments whatſoever, in fee-ſimple, in poſſeſſion, reverſion or remainder, in their own rights, not being Copyhold, may thereof make feoffments, grants, or any other aſſurances, or by his laſt Will and Teſtament in writing, may bequeath and give in fee-ſimple, all and every the ſaid manors, lands, tenements, parſonages, tithes, penſions, portions, or other hereditaments, to any ſpiritual body politick or corporate in this Realm, or Dominions of the ſame, now erected or founded, or hereafter to be erected or founded, without any licence of mortmain therein to be obtained, or any Writ of ad quod damnum to be ſued out for the ſame; the Acts de terris ad manum mortuam non ponendis, or any other Act or Statute heretofore had or made in any wiſe notwithſtanding;

Saving to the Lords of the fee, all rent-ſervices due, or going out of any of the ſaid lands, tenements or hereditaments ſo to be amortized as is aforeſaid.

LIII. Provided alway, That this clauſe of this Act, for giving the liberty of or for the amortizing of lands or tenements, ſhall continue for and during the ſpace of twenty years next and immediately following, and no longer.

LIV. And foraſmuch as we your Majeſties humble and obedient Subjects, the Lords ſpiritual and temporal, and Commons in this preſent Parliament aſſembled, neither by the making or delivering of either the ſupplications aforeſaid, nor by any clauſe, article or ſentence thereof, or of any other clauſe, article or ſentence of this or any other Statute, or any of the preambles of the ſame, made or agreed upon in this Seſſion of this preſent Parliament, by any manner of interpretation, conſtruction, implication or otherwiſe, extend to derogate, impair or diminiſh any of the prerogatives, liberties, franchiſes, preeminences, or juriſdictions of your Crown Imperial of this Realm, and other the Dominions to the ſame belonging; (2) we do moſt humbly beſeech your Majeſties, that it may be declared and ordained, and be it enacted and declared by authority of this preſent Parliament, That neither the making, exhibiting or inſerting in this preſent Statute, or in the preamble of the ſame, of the ſupplication or promiſe aforeſaid, or either of them, nor any other thing or things, words, ſentences, clauſes or articles in the preambles or body of the Acts aforeſaid, ſhall be conſtrued, underſtanded or expounded to derogate, diminiſh, or take away any the Liberties, priviledges, prerogatives, preheminences, authorities or juriſdictions, or any part or parcel thereof, which were in your Imperial Crown of this Realm, or did belong to your ſaid Imperial Crown the twentieth year of the Reign of yours, the Queens Majeſties moſt noble Father, or any of your moſt noble Progenitors, before the ſaid twentieth year; (3) and the Popes Holineſs and See Apoſtolick to be reſtored, and to have and enjoy ſuch authority, preheminence and juriſdiction as his Holineſs uſed and exerciſed, or might lawfully have uſed and exerciſed by authority of his Supremacy, the ſaid twentieth year of the Reign of the King your Father, within this your Realm of England, and other your Dominions, without diminution or inlargement of the ſame, and none other; (4) and the Eccleſiaſtical juriſdictions of the Archbiſhops, Biſhops and Ordinaries, to be in the ſame ſtate for proceſs of ſuits, puniſhment of crimes, and execution of cenſures of the Church, with knowledge of cauſes belonging to the ſame, and as large in theſe points as the ſaid juriſdiction was the ſaid twentieth year.

Nothing done or moved in this Statute, ſhall be prejudicial to the Liberties of the Crown.

The Pope and See Apoſtolick reſtored to the authority that they had.

The Juriſdiction of the Biſhops of this Realm.

LV. Provided always, and be it enacted by the authority aforeſaid, That in and upon every ſuch gift and deviſe to be made to ſuch ſpiritual corporations or perſons as is aforeſaid, the Donor, Feoffer or Diviſor thereof may reſerve to him and to his heirs for ever, a tenure in franke almoigne, or a tenure by Divine Service, and to have all Remedies and Actions for and upon the ſaid Gifts or Deviſes, and Tenures, in like manner and form as was uſed before the Eſtatute of Weſtminſter third, commonly called Quia emptores terrarum; The ſaid Eſtatute, or any Law or Cuſtom now being to the contrary in any wiſe notwithſtanding.

What tenure ſhall be reſerved upon gifts to be made to Spiritual Corporations.

LVI. Provided always, and be it enacted, That all and every perſon and perſons, and bodies politick and corporate, which now have, or hereafter ſhall have any eſtate of inheritance, freehold, term or Intereſt, of, in or to any portion, penſion, tythes glebe-lands, or other Eccleſiaſtical or Spiritual profit, which by this Act, and letters of diſpenſation rehearſed in the ſame, be permitted and ſuffered to remain and continue in Lay-mens poſſeſſions, ſhall and may have like remedy for the recovery of the ſame, and every part thereof, as they and every of them might have had before the firſt day of this preſent Parliament; any thing in this Act contained to the contrary in any wiſe notwithſtanding. Stat. 1. El. 1.

The remedy to recover any penſion, tithes, glebe-lands.

CAP. IX.

If any perſon ſhall pray and deſire that God will ſhorten the Queens days, or take her out of the way, or any ſuch, malicious prayer, amounting to the ſame effect, he, his Procurators and Abettors ſhall be adjudged Traytors. Exp. 1 El. 6. 23 El. 2.

Treaſon, Raſt. 22.

CAP. X.

It ſhall be Treaſon to compaſs the death of the King or the Queen, or to deprive either of them of the Stile or Kingly honour of this Realm: or to affirm, That any other then they, and the Heirs of her body, ought to be King or Queen. An Order for the Government of the Queens Iſſue. EXP. Trial of Treaſons ſhall be according to the courſe of the Common Laws. 33 H. 8. 23. 32 H. 8. 4. 33 H. 8. 20.

Treaſon, Raſt. 23.

CAP. XI.

An Act for the puniſhment of the bringing in of the Counterfeit Coin of Foreign Realms, being Currant within this Realm.

Where divers and ſundry Coins of Gold and Silver of other Realms, not being of the proper Coin of this Realm of England, and yet by the ſufferance and conſent of the King and Queen our Sovereign Lord and Lady, be currant in payment within this Realm, many ill diſpoſed perſons, for their own corrupt lucre and advantage, have now of late brought into this Realm, from the parts beyond the Sea, great quantity of forged and counterfeit money, like to the ſaid Coin of other foreign Realms, and have uttered the ſame here, by merchandizing and otherwiſe, to divers of the Subjects of this Realm, to their great deceit, hurt and damage, (2) becauſe the ſaid ill diſpoſed perſons have received and underſtanded, that there was not, nor yet is any ſufficient Law or Statute made or provided for the condign puniſhment of the offenders in that behalf:

Treaſon, Raſt. 24. Bringers in of counterfeit Coin into this Realm, ſhall be puniſhed as Traytors.

II. Wherefore be it enacted and eſtabliſhed by the Authority of this preſent Parliament, That if any perſon or perſons after the twentieth day of January next coming, ſhall bring from the parts of beyond the Sea, into this Realm, or into any of the Dominions of the ſame, any ſuch falſe and counterfeit Coin of Money, being currant within this Realm, as is aforeſaid, knowing the ſame Coin or Money to be falſe and counterfeit, to the intent to utter or make payment with the ſame within this Realm, or any the Dominions of the ſame, by merchandizing or otherwiſe; That all and every ſuch perſon or perſons ſo offending as is aforeſaid, their Counſellors, Procurors, Aiders and Abettors in that behalf, ſhall be deemed and judged to be offenders in high Treaſon, and ſhall ſuffer, after lawful conviction or attainder thereof, ſuch pains of death, loſs and forfeiture of lands, goods and cattels, as other offenders ſhall do in caſes of high Treaſon.

The manner of indictment, trial, &c. of an offender for impairing or forging of coin.

III. And be it further enacted by the authority aforeſaid, That all and every perſon or perſons that ſhall at any time after the ſaid twentieth day of January, be accuſed or impeached of any the offences contained and provided for in this Eſtatute, or of any other offence or offences concerning the impairing, counterfeiting or forging of any Coin current within this Realm, ſhall and may be indicted, arraigned, tried, convicted or attainted by ſuch like evidence, and in ſuch manner and form as hath been uſed and accuſtomed within this Realm, at any time before the firſt year of the Reign of our late Sovereign Lord, King Edward the ſixth; Any Statute, Cuſtom, Law or Uſage to the contrary thereof in any wiſe notwithſtanding. Stat. 9 Ed. 3. 2.

CAP. XII.

An Act for the impounding of Diſtreſſes.

Diſtreſs 1. Where Diſtreſs taken, ſhall be impounded. Stat. 52 H. 3. 4. 3 Ed. 1. 16. Cok. pla. fol. 43. Raſt. pla. fol. 164. Cro. 1 480. 646. Diſtreſs, Br. 33. (32)

FOr the avoiding of grievous vexations, exactions, troubles and diſorder in taking of diſtreſſes, and impounding of cattel, (2) Be it enacted by the authority of this preſent Parliament, That from and after the firſt day of April next coming, no diſtreſs of cattel ſhall be driven out of the hundred, rape, wapentake or lathe where ſuch diſtreſſes is or ſhall be taken, except that it be to a pound overt within the ſame Shire, not above three miles diſtant from the place where the ſaid diſtreſs is taken: (3) and that no cattel or other goods diſtrained or taken by way of diſtreſs, for any manner of cauſe at one time, ſhall be impounded in ſeveral places, whereby the owner or owners of ſuch diſtreſs ſhall be conſtrained to ſue ſeveral replevies for the delivery of the ſaid diſtreſs ſo taken at one time, (4) upon pain every perſon offending contrary to this Act, ſhall forfeit to the party grieved, for every ſuch offence, an hundred ſhillings, and treble damages.

How much may be taken for poundage.

II. And further be it enacted by the authority aforeſaid, That after the ſaid firſt day of April, no perſon or perſons ſhall take for keeping in pound, impounding or poundage of any manner of diſtreſs, above the ſum of four pence for one whole diſtreſs, that ſhall be ſo impounded; and where leſs hath been uſed, there to take leſs, (2) upon the pain of five pounds to be paid to the party grieved, over and beſide ſuch money as he ſhall take above the ſum of four pence; any uſage or preſcription to the contrary in any wiſe notwithſtanding.

The Sheriff ſhall appoint four Deputies to make replevies.

III. And for the more ſpeedier delivery of cattel taken by way of diſtreſs, it is further enacted by the ſaid authority, That every Sheriff of Shires, being no Cities nor Towns made Shires, ſhall at his firſt County day, or within two months next after he hath received his Patent of his Office of Sheriffwick, depute, appoint and proclaim in the Shire-Town within his Bayliffwick, four Deputies at the leaſt, dwelling not above twelve miles one diſtant from another; (2) which ſaid Deputies ſo appointed and proclaimed, ſhall have authority in the Sheriffs name to make replevies and deliverance of ſuch diſtreſſes in ſuch manner and form as the Sheriff may and ought to do, (3) upon pain that every Sheriff for every month that he ſhall lack ſuch Deputy or Deputies, ſhall forfeit for every ſuch offence, five pounds, (4) the one half of which forfeitures ſhall be to the King and Queens Highneſs, her Heirs and Succeſſors, the other half to him that will ſue for the ſame by bill, plaint, information or action of debt, in any of the King and Queens Courts of Record, in which no Eſſoin, Protection, nor wager of Law ſhall be admitted.

CAP. XIII.

An Act touching Bailment of perſons.

Juſtice of Peace 107. Removing 1. In what manner Juſtices of Peace may bail perſons arreſted of Felony, or ſuſpicion thereof, &c. Stat. 3 H. 7. 3.

WHere in the Parliament holden at Weſtminſtſter in the third year of the Reign of the noble Prince, King Henry the Seventh, it was among other things ordained and enacted, That no priſoner arreſted for Felony, ſhould be letten to bail or mainpriſe, by any one Juſtice of Peace, but by the whole Juſtices, or at leaſt by two of them, whereof one to be of the Quorum, (2) ſince the making of which Eſtatute, one Juſtice of Peace in the name of himſelf and one other of the Juſtices his Companion, not making the ſaid Juſtice party nor privy unto the caſe wherefore the priſoner ſhould be bailed, hath often times by ſiniſter labour and means, ſet at large the greateſt and notableſt Offenders, ſuch as be not replevisable by the Laws of this Realm; (3) and yet the rather to hide their affections in that behalf, have ſignified the cauſe of their apprehenſion to be but only for ſuſpicion of Felony, whereby the ſaid Offenders have eſcaped unpuniſhed, and do daily, to the high diſpleaſure of Almighty God, the great peril of the King and Queens true Subjects, and encouragement of all Thieves and evil doers:

None ſhall be let to bail, which be forbidden to be bailed by the Statute of 3 Ed. 1. 15.

II. For reformation whereof, Be it ordained and enacted by the King and Queens Majeſties, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That from and after the firſt day of April next coming, no Juſtice or Juſtices of Peace ſhall let to bail or mainpriſe any ſuch perſon or perſons, which for any offence or offences by them or any of them committed, be declared not to be replevised or bailed, or be forbidden to be repleviſed or bailed by the Statute of Weſtminſter primer, made in the Parliament holden in the third year of the Reign of King Edward the firſt.

3 Bulſtr. 113.

III. And furthermore, That any perſon or perſons arreſted for man-ſlaughter or felony, or ſuſpicion of man-ſlaughter or felony, being bailable by the Law, ſhall not after the ſaid firſt day of April, be let to bail or mainpriſe by any Juſtices of Peace, if it be not in open Seſſions, except it be by two Juſtices of Peace at the leaſt, whereof one to be of the Quorum, and the ſame Juſtices to be preſent together at the time of the ſaid bailment or mainpriſe; (2) which bailment or mainpriſe they ſhall certifie in writing ſubſcribed or ſigned with their own hands, at the next general Goal-delivery to be holden within the County where the ſaid perſon or perſons ſhall be arreſted or ſuſpected.

The Juſtices duty in bailment of a priſoner

IV. And that the ſaid Juſtices, or one of them, being of the Quorum, when any ſuch priſoner is brought before them for any man ſlaughter or felony, before any bailment or mainpriſe, ſhall take the examination of the ſaid priſoner, and information of them that bring him, of the fact and circumſtances thereof, and the ſame, or as much thereof as ſhall be material to prove the felony, ſhall put in writing before they make the ſame bailment; (2) which ſaid examination, together with the ſaid bailment, the ſaid Juſtices ſhall certifie at the next general Goal-delivery to be holden within the limits of their Commiſſion.

in examination of him and others, and certifying thereof. Stat. 2 & 3 Phil. & Mar. 10.

V. And that every Coroner, upon any Inquiſition before him found, whereby any perſon or perſons ſhall be indicted for murder or manſlaughter, or as acceſſary or acceſſaries to the ſame, before the murder or manſlaughter committed, ſhall put in writing the effect of the evidence given to the Jury before him, being material: (2) and as well the ſaid Juſtices, as the ſaid Coroner, ſhall have authority by this Act, to bind all ſuch by recognizance or obligation, as do declare any thing material, to prove the ſaid murder or manſlaughter, offences or felonies, or to be acceſſary or acceſſaries to the ſame, as is aforeſaid, to appear at the next general Goal-delivery to be holden within the County, City or Town-corporate where the trial thereof ſhall be, then and there to give evidence againſt the party ſo indicted at the time of his trial, (3) and ſhall certifie as well the ſame evidence, as ſuch bond or bonds in writing, as he ſhall take, together with the inquiſition or indictment before him taken and found, at or before the time of his ſaid trial thereof to be had or made: (4) and likewiſe the ſaid Juſtices ſhall certifie all and every ſuch bond taken before them, in like manner as before is ſaid of bailments and examination: (5) And in caſe any Juſtice of Peace of Quorum, or Coroner, ſhall after the ſaid firſt day of April, offend in any thing contrary to the true intent and meaning of this preſent Act, that then the Juſtices of Goal-delivery of the Shire, City Town or place where ſuch offence ſhall happen to be committed, upon due proof thereof by examination before them, ſhall for every ſuch offence ſet ſuch fine on every of the ſame Juſtices of Peace and Coroner, as the ſame Juſtices of Goal-delivery ſhall think meet, and eſtreat the ſame, as other fines and amerciaments aſſeſſed before Juſtices of Goal-delivery ought to be.

The Coroners duty upon an Inquiſition found before him.

The penalty of any Juſtice of Peace or Coroner omitting his duty.

VI. Provided always, and be it further enacted by the authority aforeſaid, That Juſtices of Peace and Coroners within the City of London, and the County of Middleſex, and in other Cities, Boroughs and Towns-corporate within this Realm and Wales, ſhall within their ſeveral juriſdictions, have authority to let to bail felons and priſoners, in ſuch manner and form as they have been heretofore accuſtomed; this Act, or any thing therein contained to the contrary notwithſtanding: (2) And alſo ſhall take examinations and bonds, as is aforeſaid, upon every bailment by them or any of them to be made, (3) and ſhall certifie every ſuch bailments, bonds and examinations by them or any of them taken or made, at the next Goal-delivery to be holden within the Shire, City, Borough or Town where their ſeveral juriſdictions extendeth, upon like pain and forfeiture as is before limited in this preſent Act.

Juſtices of Peace of London, Middleſex, &c.

VII. And be it alſo enacted by the authority aforeſaid, That no Writs of Habeas Corpus or Certiorari, ſhall be hereafter granted to remove any priſoner out of any Goal, or to remove any recognizance, except the ſame Writs be ſigned with the proper hands of the Chief Juſtice, or in his abſence, one of the Juſtices of the Court out of which the ſame Writs ſhall be awarded or made, (2) upon pain that he that writeth any ſuch Writs. not being ſigned as is aforeſaid, to forfeit to our ſaid Sovereign Lord the King and the Queen, for every ſuch Writs, five pounds.

Removing of a priſoner, or recogniſance.

CAP. XIV.

An Act for making of Ruſſels Sattens, Sattens Reverſes, and Fuſtians of Naples in Norwich.

Where of late years paſſed, Ruſſels, called Ruſſels Sattens, and Sattens Reverſes, have been practiſed to be made beyond the Seas, of the Wolls bred in the County of Norwich, and by reaſon thereof ſo great quantity of the ſaid Ruſſels Sattens, and Sattens Reverſes have been brought into this Realm, ſold and worn as well in every part of this Realm, as in the Parts beyond the Seas, that thereby the Myſteries of Worſted making and weaving, whereby Merchants and Inhabitants of the City of Norwich have heretofore been well maintained and relieved, is now at this preſent almoſt wholly decayed and brought out of eſtimation, and very little worn, either within this Realm, or in any other foreign Realms, to the great hinderance and decay of the ſaid City, and Citizens of the ſame City: (2) For remedy whereof Thomas Marſham Mayor of the City of Norwich, John Corbet Eſquire, Auſtin Steward, Robert Leche, Robert Rugge, John Ball, and Alexander Mather, Aldermen of the ſaid City, Thomas Wale, Thomas Pecke, Ralph Marſham, Robert Henry, John Sutton, Richard Tomſon, Citizens and Merchants of the ſaid City, at their great coſts and charges, as well in bringing of certain Strangers from the Parts beyond the Seas into the ſaid City, as alſo in making of Lombes, and all other proviſion for the ſame; (3) and alſo have called unto them eight perſons of the moſt diſcreet and worthy men of the Myſtery of Worſted-weaving, within the ſaid City, that is to ſay, John Cook, James Lin, John Croſs, Simon Petit, John Marſhal, Roger Lecke, Edmund Barker, and Edmund Selers, being the number of one and twenty perſons, which have not only made Ruſſels Sattens, and Sattens Reverſes, and Fuſtians of Naples within the ſaid City of Norwich, of Norfolk Woolls; but alſo have learned and taught other Citizens and Inhabitants of the ſaid City to make the ſame, in ſuch good and perfect manner, that much better Ruſſels Sattens, Sattens Reverſes, and Fuſtians of Naples, and ſuch like, and for eaſier prices, be now at this preſent wrought and made within the ſaid City, then heretofore have been, or now be made in any of the Parts beyond the Seas, whereby the ſaid City and Inhabitants thereof may, and be in like again to be relieved and brought to the old eſtate, to the great advancement of the Commodities of this Realm, and enriching the ſame, if ſome good and politick Laws and Ordinances were made for the good continuance of the true making of the ſaid Ruſſels Sattens, Sattens Reverſes, and Fuſtians of Naples, and ſuch like:

Norwich, Raſt. 4. In what order Ruſſels Sattens, &c. ſhall be made in Norwich.

II. In conſideration whereof, Be it enacted, by the aſſent of the King and Queens Highneſs, the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, that the ſaid Ruſſels Sattens, and Sattens Rever-

By what names Ruſſels Sattens, Sattens Reverſes, and Fuſtians of Naples, made in Norwich ſhall be called.

ſes, and Fuſtians of Naples hereafter to be made only within the ſaid City, may from henceforth bear the name, and be called by the name of Norwich Sattens, and Norwich Fuſtians; and that the Mayor and the aforementioned Citizens of the ſame City, which before this time have been at the coſts and charges of the bringing of the ſaid Strangers into the ſame City, for the making of the ſaid Ruſſels Sattens, and Sattens Reverſes, and Fuſtians of Naples, and ſuch the forementioned eight perſons that they have called unto them, ſhall be a Fellowſhip of themſelves, (2) and ſhall yearly the third day of February chooſe of their Fellows, four Wardens within the Guild-hall of the ſaid City, or any other common and convenient place of the ſame City; (3) and the ſame Wardens ſo being choſen, ſhall ſtand and be Wardens of the ſame Fellowſhip during one whole year next enſuing the ſaid Election, (4) and that the ſame Wardens, after the ſaid Election, ſhall come before the Mayor of the ſaid City for the time being, yearly the Munday next after the ſaid third day of February, and before the ſaid Mayor ſhall be ſworn, diligently to view, ſearch and ſee all the Ruſſel Sattens, Sattens Reverſes, and Fuſtians of Naples then made, or that ſhall be made within the ſaid City during the ſaid year: (5) And ſuch of the ſaid Ruſſels Sattens, Sattens Reverſes, and Fuſtians of Naples, as ſhall appear and be deemed by them to be lawfully, truly and workmanly wrought, ſhall ſeal with a Seal of Lead, bearing the Arms of the City of Norwich, whereby it may be known to the Merchant or buyer of them, that the ſame be allowed, and truly made.

There ſhall be a Body Corporate and four Wardens to ſee and ſeal Ruſſels Sattens, &c.

By whom, and what means offenders ſhall be inquired and puniſhed.

III. And that it alſo may be enacted by the authority aforeſaid, That the ſaid Wardens and Fellowſhip ſhall be a Body Corporate, and to be named and enabled by this Act to ſue and be ſued, and to give and to take, by the name of Wardens and Fellowſhip of the Myſtery of Ruſſels Sattens, Sattens Reverſes, and Fuſtians of Norwich making, within the ſaid City of Nowich: (2) And if any default at any time ſhall be found in any of the ſaid Ruſſels Sattens, Sattens Reverſes, and Fuſtians of Norwich, or any of them, by the ſaid Wardens, that the ſame default ſhall be reformed, and the offender or offenders therein, to be puniſhed according to ſuch Rules and Ordinances as hereafter from time to time ſhall be made within the ſaid City, by the Mayor of the ſaid City for the time being, and by the ſaid four Wardens, and the Fellowſhip of the ſaid Occupation or Myſtery, or the greateſt number of the ſaid Fellowſhip, for and concerning the ſame; (3) and that the ſame defaults from time to time, as occaſion ſhall ſerve, ſhall be enquired of, and tried for the Mayor of the ſaid City of Norwich for the time being, by the Oaths of twelve honeſt men of the foreſaid Fellowſhip.

The authority of the four Wardens.

IV. And that the ſaid Four Wardens ſo choſen and ſworn, ſhall have full power and authority to do, execute, preſent and reform all and ſingular thing and things, of, for and concerning the ſaid Myſtery, making, working and occupying of the ſaid Ruſſels Sattens, Sattens Reverſes, and Fuſtians of Norwich, within the ſaid City, in ſuch manner and form as in or by the ſaid Ordinances ſhall be expreſſed and declared; (2) and that at all times hereafter, and from time to time, it ſhall be lawful to the Mayor of the ſaid City for the time being, and to the before named Fellowſhip and Wardens of the ſame Myſtery, and the more part of them, and to their ſucceſſors, to make and ordain from time to time, Rules, Laws and Ordinances meet and neceſſary for the good order and governance of the ſaid Myſtery, and for the true and well making of the ſaid Ruſſels Sattens, Sattens Reverſes, and Fuſtians of Norwich: (3) and the ſame Ordinances ſo made, to be at all times obeyed by all the Inhabitants of the ſaid City, or Suburbs of the ſame, and to be put in due execution by the ſaid Mayor and Wardens, and their Succeſſors for the time being, in ſuch manner and form as by the ſaid Ordinance ſhall be ordained and declared.

Who may occupy the Trade of making Ruſſels Sattens, Sattens Reverſes, &c.

V. And that ſuch as now be, and that hereafter ſhall be makers of the ſaid Ruſſels Sattens, Sattens Reverſes, and Fuſtians of Norwich, and every of them within the ſaid City, ſhall not from henceforth occupy the ſaid Myſtery and making of the ſaid Ruſſels Sattens, Sattens Reverſes, and Fuſtians of Norwich, nor any of them within the ſaid City, by themſelves, or by any other, before he or they ſo occupying the ſaid Myſtery within the ſaid City, be made free of the ſaid City, and admitted to be of the ſaid Fellowſhip by the Mayor of the ſaid City, and Wardens and Fellowſhip of the ſaid Myſtery for the time being: (2) And that no perſon do occupy by himſelf, or any other for him, out of the ſaid City, the ſaid Myſtery of making Ruſſels Sattens, Sattens Reverſes, and Fuſtians of Naples, or of any of them, before he or they ſo occupying the ſame, have been Prentice to the ſaid Myſtery by the term of ſeven years, or elſe admitted by the ſaid Mayor and Fellowſhip, or the more part of them, (3) upon pain of forfeiture of the ſame Ruſſels Sattens, Sattens Reverſes, and Fuſtians of Norwich, by them or any of them to be made contrary to the form of this Act.

The Mayor and Wardens ſhall take nothing to their own uſe for admittance.

VI. Provided always, and be it enacted by the authority aforeſaid, That the ſaid Mayor and Wardens for the time being, ſhall not take any ſum of money or reward, to their own proper uſes, for the admitting of any perſon or perſons to occupy the ſaid Myſtery, upon pain of forfeiture of treble the value of the reward or ſum of money ſo by them or any of them to be taken.

VII. Provided alſo, That it ſhall be lawful to the ſaid Wardens, and to every of them for the time being, by all ways and means, and at all lawful times, diligently from time to time to make ſearch, by due and ordinary ways, for all manner of the ſaid Ruſſels Sattens, Sattens Reverſes, and Fuſtians of Norwich, that ſhall happen to be found by them defective, for lack of good and true workmanſhip.

The preſentment inquiry, and trial of Ruſſels Sattens &c. ſuſpected to be defective.

VIII. And that it ſhall be lawful to the ſaid Wardens, and every of them for the time being, by vertue of this Act, to ſeiſe and take the ſaid Ruſſels Sattens, Sattens Reverſes, and Fuſtians, and bring and preſent the ſame Clothes ſo ſeiſed and taken, to the Mayor of the ſaid City for the time being, and unto his Succeſſors, to the intent that twelve honeſt, lawful, and expert men of the ſaid Myſtery and Fellowſhip, being ſworn before the ſaid Mayor, may by vertue of their Oaths, make enquiry, and preſent the manner of the ſaid defaults before the ſaid Mayor for the time being, according to ſuch good and wholſom Ordinances and Rules as ſhall be ordained and made for conſervation and good continuance of the ſaid Occupation and Myſtery, and the true making and working of the ſaid Ruſſels Sattens, Sattens Reverſes, and Fuſtians of Norwich: (2) And that all and every perſon and perſons that ſhall occupy, uſe and exerciſe the ſaid Myſtery, or making of the ſaid Ruſſels Sattens, Sattens Reverſes, and Fuſtians of Norwich, or any of them, contrary to the form, tenour, plain meaning and intent of this Act, and of the Rules and Ordinances that at any time hereafter by authority of this Act ſhall be ordained and made for the continuance of the true and perfect making of the ſaid Ruſſels Sattens, Sattens Reverſes, and Fuſtians of Norwich, ſhall forfeit and loſe for every time ſo offending, or making any Ruſſels Sattens, Sattens Reverſes, and Fuſtians of Norwich, contrary to the meaning, tenour and effect of the ſaid Act, Rules and Ordinances concerning the ſame, ſuch fines, amerciaments and pains as ſhall be adjudged, aſſeſſed and affered by twelve expert men of the ſaid Fellowſhip upon their Oaths, the ſame twelve perſons to be ſworn before the ſaid Mayor and Wardens, to enquire and make true verdict and preſentment of ſuch defaults; (3) the one half of the which forfeiture to be to the Mayor of the ſaid City for the time being, and his ſucceſſors, and the other moiety to the ſaid Wardens for the time being, and their ſucceſſors, by action of debt, bill, plaint or information in any Court of Record; in which action, bill, plaint or information, no wager of law, protection, injunction, or foreign plea ſhall be allowed.

The penalty where the ſaid Sattens &c. be found by verdict to be defective.

IX. And in caſe it ſhall fortune hereafter, that any of the ſaid Ruſſels Sattens, Sattens Reverſes, and Fuſtians of Norwich, ſhall lack of ſuch lengths and breadths, or of the true and enſuing making or ſorting of the Yarn, as ſhall be appointed and ſet forth by the ſaid Rules and Ordinances, and the ſame ſo to be found defective by verdict of twelve men of the ſaid Fellowſhip, before the ſaid Mayor and Wardens, and their ſucceſſors, That then the ſaid Ruſſels Sattens, Sattens Reverſes, and Fuſtians of Naples, and every of them ſo found defective, to be cut in two pieces, and to pay ſuch fine or fines as ſhall be offered and affered by the ſaid twelve expert men, by vertue of their Oaths; (2) the one moiety of which fine or fines to be to the Mayor of the ſaid City for the time being, and to his ſucceſſors, and the other moiety to the Wardens of the ſaid Fellowſhip of the time being, and to their ſucceſſors.

The forfeiture of a Warden that doth ſeal any Ruſſels Sattens &c. being defective.

X. Provided always, and be it further enacted by the authority aforeſaid, That if any Warden or Wardens for the time being, of the ſaid Myſtery or Occupation of making Ruſſels Sattens, Sattens Reverſes, and Fuſtians of Naples, ſhall at any time hereafter ſeal, or cauſe to be ſealed any Ruſſels Sattens, Sattens Reverſes, or Fuſtians of Naples, that ſhall not be well, ſufficient and truly wrought and made according to the true intent and meaning of this preſent Act, he ſhall forfeit and loſe for every piece ſo ſealed, being not well, ſufficient, and truly wrought and made, the whole value of every ſuch piece ſo ſealed; (2) the one half of which forfeitures to be to the King and Queens Majeſties, her Heirs and Succeſſors, and the other moiety thereof to be to ſuch perſon and perſons as ſhall ſue for the ſame by bill, action or information in any of the King and Queens Courts of Record; in which bill, action or information, no eſſoin, protection, or wager of law ſhall be allowed.

CAP. XV.

An Act to confirm the Liberties of the Lord Marchers of Wales.

Wales 122. 27 H. 8. 26.

HUmbly beſeechen your excellent Majeſties, your true and faithful Subjects, the Lords Marchers, both Spiritual and Temporal, within your Highneſs Dominion of Wales, That whereas in the Parliament holden at Weſtminſter, the ſeven and twentieth year of the Reign of King Henry the Eighth, Father unto you our natural Sovereign Lady, amongſt other things, one Act was made and eſtabliſhed, for Laws and Juſtice to be miniſtred in the ſaid Dominion of Wales, in like form as it is in this Realm of England: (2) In the which Act one Article is, That, for that the Lords Marchers before the Parliament, had uſed to put their Tenants within their Lordſhips Marchers under common mainpriſe and ſurety of apparance, and have had the forfeitures thereof, which for ever, from and after the Feaſt of All Saints then next enſuing the ſaid Parliament, ſhould utterly ceaſe, and be determined,

What Liberties the Lords Marchers in Wales ſhall have.

II. It was Enacted, That after the ſaid Feaſt of All Saints, every lay and temporal perſon then being a Lord Marcher, ſhould have the moiety or half of every forfeiture of all and every common mainpriſe, recogniſance for the peace or apparance, forfeited by any of their Tenants inhabiting within any of their Lordſhips Marchers, (2) and they to be paid the ſame moiety or half by the hands of the Sheriff of every of the Counties where ſuch forfeiture ſhall be, if the Sheriff can levy the ſame; (3) and the ſame Sheriff to accompt to our ſaid late Sovereign Lord the King for the other half or moiety, in ſuch Exchequer as they can be accomptant:

By the Stat. of 27 H. 8. 26. every Lord Marcher Temporal in Wales, ſhall have for moiety of the forfeiture of his Tenant.

III. And further it was Enacted by the Authority aforeſaid, That all and every lay and temporal perſon or perſons, then being Lords Marchers, and having any Lordſhips Marchers, or Lordſhips Royal, ſhould from and after the ſaid Feaſt of All Saints, have all ſuch miſes and profits of their Tenants, as they have had, or uſed to have at their firſt entry into their Lands in times paſt: (3) And alſo ſhould have, hold and keep within the precinct of their ſaid Lordſhips, Courts Baron, Courts Leet, and Lawdays, and all and every thing to the ſaid Courts belonging; (3) and alſo ſhould have within the precinct of their ſaid Lordſhips or Lawday, waife, ſtraife, infang-thefe, outfang-thefe, treaſure trove, deodands, goods and cattels of felons, and of perſons condemned or outlawed of felony or murder, put in exigent for felony or murder, and alſo wreck de mere, wharfage, and cuſtoms of ſtrangers, as they have had in time paſt, and as though ſuch priviledges were granted unto them by point of Charter; Any thing in that Act to the contrary notwithſtanding, as in the ſaid Act of Parliament more at large it may appear.

IV. And foraſmuch as Biſhops and other Eccleſiaſtical perſons being Lords Marchers, having the like liberties, caſualties, profits and commodities within their Lordſhips Marchers, and Lordſhips Royal, within the ſaid Dominion or Principality of Wales, were not provided for by the expreſs letter of the ſaid Statute, in like ſort as the Lay and Temporal Lords Marchers were, but rather of purpoſe, as it ſhould ſeem, forgotten and left out of the ſaid Act, againſt all reaſon and good equity: (2) And foraſmuch alſo as the heirs and ſucceſſors of the Lay and Temporal Lords Marchers then being, were not provided for by the limitation and expreſs words of the ſaid Act, as well as their anceſtors and predeceſſors were, as reaſon would they ſhould have been:

What forfeitures and benefits the Lords Marchers, both Spiritual and Temporal in Wales, ſhall have of their Tenants. Coke pla. fol. 550.

V. It may pleaſe your Majeſties of your moſt gracious favours and benignity, at the humble ſuit and ſupplication of your ſaid faithful Subjects, the Lords Marchers that now are in the ſaid Dominion of Wales, both Spiritual and Temporal, to grant that it may by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, be ordained, eſtabliſhed, and enacted by the authority of this preſent Parliament aſſembled, That as well your ſaid Spiritual and Eccleſiaſtical Subjects, Lords Marchers, now having Lordſhips Marchers, or Lordſhips Royal in Wales aforeſaid, and their ſucceſſors, and the ſucceſſors of every of them, as alſo the heirs and ſucceſſors of the Lords Temporal Marchers that then were, or now be, and the heirs and ſucceſſors of every of them, being, or which hereafter ſhall be Lords Marchers, within their Lordſhips Marchers, and Lordſhips Royal in the Dominion or Principality of Wales, ſhall have and enjoy to them, and to their heirs and ſucceſſors, reſpectively and ſeverally for ever, the moiety and half of every forfeiture of all and every common Mainpriſe, Recogniſance for the Peace, or Apparance, forfeited by any their Tenants inhabiting within any of their Lordſhips Marchers, or Lordſhips Royal, (2) and they to be paid the ſame moiety or half by the hands of the Sheriff of the County for the time being, after ſuch form and ſort as the ſaid Lay or Temporal Lords Marchers have been, or ought to have been paid the ſame by force of the ſaid Statute:

The miſes, profits, liberties, and franchiſes of Lords Marchers, reformed.

VI. And further, ſhall have all ſuch miſes and profits of their Tenants, as the Lords Marchers, Spiritual or Temporal, reſpectively or ſeverally had, or uſed to have at their firſt entry into their Lands in times paſt before the making of the ſaid Act or Statute: (2) And alſo ſhall have, hold and keep within the precinct of the ſaid Lordſhips, all ſuch Courts Baron, Court Leet, and Lawdays, and all and every thing and things to the ſame Courts belonging: (3) And alſo ſhall have within the precinct of their ſaid ſeveral Lordſhips, or Lawdays, all ſuch waſte, ſtraife, infang-thefe, outfang-thefe, treaſure trove, deodands, goods and chattels of Felons, and of perſons condemned or outlawed of Felony or Murder, put in exigent for Felony or Murder, and alſo all ſuch wreck de mere, wharfage, and cuſtoms of Strangers, as the Lords Marchers Spiritual and Temporal, reſpectively and ſeverally had and uſed in times paſt, before the making of the ſaid Statute.

CAP. XVI.

Attaint, Raſt. 15.

The Statutes made Anno 22 H. 8. 7. Anno 23 H. 8. 3. & 17. Anno 24 H. 8. 9. Anno 28 H. 8. 6, 8, 9. Anno 31 H. 8. 7. Anno 35 H. 8. 17. Anno 37 H. 8. 23. Anno 2 & 3 Ed. 6. 9. Anno 3 & 4 Ed. 6. 19. & 21. Anno 5 & 6 Ed. 6. 14. Anno 7 Ed. 6. 11. Anno 1 Mar. 12. & 13. revived, and made to continue until the laſt day of the next Parliament. EXP. Stat. 1 Eliz. 18.

CAP. XVII.

An Act touching Leaſes hereafter to be made by certain Spiritual perſons.

Leaſes, Raſt. 1.

So much of the Stat of 28 H. 8. 11. as concerning the ratifying of a Leaſe made by a Spiritual perſon of his Benefice to a Lay-man, for ſome years after the Leſſor's reſignation or death, alter. D.

WHere in the Parliament begun and holden at Weſtminſter the eighth day of June, in the eight and twentieth year of the Reign of our late King of famous memory, Henry the Eighth, and there continued and kept until the diſſolution of the ſame Parliament, the eighteenth day of July next following, one Act entituled, An Act for reſtitution of the Firſt-fruits in the time of vacation, to the next Incumbent, was had and made, wherein are certain clauſes for Leaſes then made, and to be made by Spiritual and Eccleſiaſtical perſons, to endure and be in force for term of ſix years, if the Incumbents did reſign their ſaid Spiritual Promotions, or if the ſame ſhould otherwiſe become void by the onely act of the ſame Incumbents, as by the ſame Act more at large may appear: (2) To the intent the Parſons and Vicars, and other having Cure of Souls, may the better attend, and be the more vigilant in their Miniſtry and Function.

The Stat of 28 H. 8. 11. ſhall not extend ty Leaſes hereafter to be made by Spiritual perſons.

II. Be it enacted by the King our Sovereign Lord, and by the Queen our Sovereign Lady, with the aſſents of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That as much of the ſame Act as doth concern the making good of the ſaid Leaſes, ne any clauſe, ſentence, proviſion or article therein contained, ſhall extend, or be conſtrued or adjudged to extend to any Leaſe that ſhall be made by any Parſon, Vicar, or any other having any Spiritual Promotion after the Feaſt of the Purification of our Lady next coming. ALT. 13 El. 20. 14 El. 11.

Anno ſecundo & tertio Philippi *&* Mariæ.

ACTS made at a Parliament begun and holden at Weſtminſter, the One and twentieth day of October, in the ſecond and third year of the Reign of our moſt Gracious Sovereign Lord and Lady PHILIP and MARY, by the Grace of God, King and Queen of England, France, Naples, Jeruſalem and Ireland, Defenders of the Faith; Princes of Spain and Sicily; Arch-Dukes of Auſtria; Dukes of Millain, Burgundy and Brabant; Counties of Haſpurg, Flanders and Tyroll; and there continued and kept until the diſſolution of the ſame, being the ninth day of December then next enſuing, and were Enacted as followeth.

CAP. I.

Caſtles, Raſt. 5.

Commiſſions ſhall be awarded to certain perſons, to enquire what, and how many Caſtles, Fortreſſes, Villages, Houſes and Habitations have been decayed within the Counties of Northumberland, Weſtmerland, and the Biſhoprick of Durham, and by whom and what means, and how many are meet to be re-edified, and how many are fit to be made of new, and in what places; and what parts of the ſaid Counties and Biſhoprick be apt to be incloſed, and converted to Tillage, or other neceſſary Manurance; and what perſons be owners, Lords, fermors, and poſſeſſors of the ſame, or claim any intereſt therein, and what Eſtates they have; and thereupon to take ſuch order for the re-edifying of ſuch Caſtles, Houſes, &c. and for the erecting of others, and for the incloſing of ſuch parts as ſhall be thought convenient. EXP. & REP. 4 Jac. 1.

CAP. II.

A Confirmation of the Stat. of 4 H. 7. 19. touching maintaining of Houſes of Husbandry, and Land convenient for the upholding of Tillage. Commiſſions ſhall be awarded to certain perſons to enquire, hear and determine all defaults and offences committed ſince Anno 20 H. 8. or hereafter to be committed contrary to the tenour of the ſaid Statute of 4 H. 7. and the Statute of 7 H. 8. 1. Which Commiſſioners ſhall and may bind by Recogniſance in good ſums of money to the King and Queens uſe, the perſons offending in any decays or defaults, for the re-edifying of decayed Houſes, for the converting of Paſture into Tillage again, and for the deſtroying and diminiſhing of Conies in a Ground in or near any Corn Field, not being lawful Warren. EXP. & REP. 5 El. 2.

Husbandry, Raſt. 5.

CAP. III.

An Act for keeping of Milch kine, and for breeding and rearing of Calves.

Cattel 3.

FOraſmuch as of late years a great number of perſons within this Realm have laid their lands, farms and paſtures to feeding of Sheep, Oxen, Runts, Schrubs, Steers, and Heifers, and ſuch other like Cattel, having no regard or care to breed and rear up young Beaſts and Cattel, whereby is grown great ſcarcity of Cattel, and victual neceſſary for the ſuſtenance of divers ſorts of people within this Realm, and more is like to be, if ſpeedy remedy be not provided:

II. It is therefore by the authority of this preſent Parliament Enacted, That every perſon which from the Feaſt of the Purification of our Lady next enſuing, ſhall keep or feed above the number of ſixſcore Sheep for the moſt part of the year, upon his or her ſeveral paſtures, lands, feedings or ferms apt or meet for Milch Kine, and wherein no other perſon hath at the making of this preſent Act, Common for any Cattel at any time of the year, ſhall by authority of this Act, yearly ſo long as he ſhall keep or feed the ſaid number of ſixſcore ſhere Seep, for every threeſcore ſhere Sheep ſo kept or fed, keep one Milch Cow, and ſhall breed and rear up yearly for every ſixſcore Sheep ſo kept as is aforeſaid, one Calf, (2) upon pain of forfeiture for every month that any ſuch perſon ſhall not for every threeſcore ſhere Sheep as is aforeſaid, keep and feed one Milch Cow, Twenty ſhillings for every Cow ſo not kept: (3) And for lack of rearing and breeding of one Calf for every ſixſcore ſhere Sheep, to forfeit likewiſe Twenty ſhillings for every Calf ſo not reared and fed.

By the Stat. of 7 Jac. 8. this Statute ſhall extend to Grounds hereafter to be encloſed.

A Cow ſhall be kept for 60. Sheep, and a Calf reared for 120 Sheep.

III. And that every perſon which after the aforeſaid Feaſt of the Purification of our Lady, upon his or her ſeveral paſtures as afore is ſaid, ſhall keep or feed above the number of twenty Oxen, Runts, Schrubs, Steers, Heifers or Kine, ſhall by the authority of this Act, for every ten Beaſts of the ſaid ſorts ſo kept or fed, keep and nouriſh one Milch Cow, and breed, rear and waine yearly, and keep for one whole year, one Calf for every two Milch Kine ſo charged to be kept, upon the ſeveral pains and forfeitures afore rehearſed, except the ſaid Calf or Calves ſhall chance to die within the ſaid year, without covin or fraud thereto added; (2) the one half of which ſaid forfeitures ſhall be to the uſe of our Sovereign Lord and Lady the King and Queens Majeſties; and the other half to the uſe of the party that within one year after the offence committed, will ſue for the ſame in any of the King and Queens Majeſties Courts of Record, or before the Juſtices of Peace in the ſame Shire where any ſuch cauſe of forfeiture ſhall be had, at the general Seſſions (who by authority of this Act ſhall have power to hear and determine the ſaid offences) by Bill, Information, Preſentment, Action of Debt or Detinue; in which Action or Suit, no Eſſoin, Protection, Wager of Law or Licenſe to the contrary, ſhall be allowed.

A Milch Cow ſhall be kept for 10 Beaſts fed, and for two Kine, a Calf reared.

IV. Provided always, That this Act, nor any Clauſe thereof, ſhall be extended to bind any perſon to keep Milch Kine, nor yet to breed or rear up Calves, as afore is expreſſed, for ſuch Sheep or other Beaſts as the ſame perſons ſhall keep or feed, to the intent only to be ſpent in his or their houſe or houſes, without fraud or covin. (2) This Act to endure only unto the end of ſeven years next following the Feaſt of the Purification of our Lady aforeſaid, and from thence to the end of the Parliament then next following. 13 Eliz. 25 made perpetual.

Sheep kept, or Beaſts fed, to be ſpent in the owners houſe.

CAP. IV.

The payment of the Firſt-fruits of Spiritual Livings to the Queen ſhall ceaſe. The yearly Tenths heretofore paid to the Queen by the Statute of 26 H. 8. 3. ſhall be employed to other godly uſes. Parſonages impropriate, Tythes, Glebe-Lands, and other Eccleſiaſtical Livings, renounced by the Queen. But this Act ſhall not extend to Tenths reſerved upon Letters Patents. Rep. 1 Eliz. 4.

Firſt-fruits, Raſt. 9.

CAP V.

The Statute of 22. H. 8. 12. and 3 and 4 Ed. 6. 16. concerning Beggers, Vagabonds and idle perſons, ſhall be put in execution. Relief for the aged, and impotent Poor of every Pariſh, ſhall be gathered weekly of the charitable devotion of the inhabitants. A remedy where a Pariſh is not able to relieve the Poor therein, and where a Town ſurcharged with Poor, ſtandeth in or near unto two Counties: And where there be ſeveral Pariſhes in a City, Borough or Town. A poor man licenſed to beg, ſhall wear a Badge on his Breaſt and back openly. EXP.

Vagabonds, Raſt. 7.

CAP. VI.

An Act againſt the exceſſive taking of the King and Queens Majeſties Purveyors.

Purveyors 25. Purveyors taking contrary to order, ſhall be puniſhed. Great annoyances done by the Kings Purveyors.

FOr the avoiding of the great annoyance and hindrance commonly done to the Su[illegible]ts of this Realm, by Purveyors and Takers of Beeves, Wethers, Lambs, Calv[illegible], all kinds of Grain, Butter, Cheeſe, Bacon, all kinds of Pullein; and to eſchew hereafter not only the great deceit miniſtred and done daily by the ſaid Purveyors and Takers, but alſo hereby to advance the King and Queens Majeſties better Service in the Premiſſes, with the contentation of all their Highneſs faithful and obedient Subjects:

II. Be it therefore Eacted by our Sovereign Lord and Lady, and with the aſſent of the Lords Spiritual and Temporal, aud Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That after the Feaſt of the Birth of our Lord next enſuing, every ſuch Commiſſion as ſhall be made, granted and directed to any perſon or perſons whatſoever, whereby the ſame perſon or perſons, or their deputies, ſhall have authority to take any Beeves, Wethers, Lambs, Calves, or any kind of ſalt Fiſh, or any kind or kinds of Grain, or any Butter in barrels or other veſſels, Cheeſe, Bacon, Conies, Pigs, Geeſe, Capons or Hens, That the ſame Commiſſion or Commiſſions ſhall not extend or continue above the ſpace of ſix months at the furtheſt, next enſuing the date of any of the ſaid Commiſſions, (2) and after the end of the ſaid ſix months, every of the ſaid Commiſſions to be void, and of

No Commiſſion ſhall continue above ſix months.

no force or effect, whatſoever words, matters or ſentences ſhall be contained or expreſſed in any of the ſame Commiſſions.

The County ſhall be named where things ſhall be taken.

III. And be it further enacted by the authority aforeſaid, That in all and every ſuch Commiſſion or Commiſſions to be granted after the ſaid Feaſt of the Birth of our Lord, ſhall be plainly as well contained and expreſſed, ſuch County or Counties, as any of the ſaid beeves, wethers, lambs, calves, hogs or ſwine, or any kind of ſalt fiſh, or any kind or kinds of grain, butter, cheeſe, bacon, conies, pigs, geeſe, capons or hens, or any of them, is to be levied, purveyed or taken in, by any of the perſon or perſons, or their deputy or deputies ſo authoriſed by the vertue of the ſaid Commiſſion or Commiſſions, (2) as alſo the juſt, true, and full proportion and number of all and every ſuch beeves, wethers, lambs, calves, ſwine, any kind of ſalt fiſh, or any kind or kinds of grain, butter in barrels or other veſſels, cheeſe, bacon, conies, pigs, geeſe, capons and hens, or any of them, as the ſaid perſon or perſons, their deputy or deputies, or any of them, ſhall be by force and vertue of the ſaid Commiſſion or Commiſſions, authorized to levy, take or purvey within any of the ſaid County or Counties.

The proportion and number of things taken.

Blanks in parchment for every County where any thing ſhall be provided.

IV. And be it further enacted by the authority aforeſaid, That to every ſuch Commiſſion or Commiſſions after the ſaid Birth of our Lord, to be made granted and directed as is aforeſaid, ſhall be annexed ſo many blanks in parchment as there ſhall be ſeveral Counties expreſſed, named and contained within the ſaid Commiſſion or Commiſſions, or any of them; in the which blanks ſhall be fair and legibly written all and every ſuch beeves, wethers, lambs, calves, ſwine, any kind of ſalt fiſh, or any kind or kinds of grain, butter, cheeſe, bacon, conies, pigs, geeſe, capons and hens, with the true and ſeveral prices of the ſame, and every of them, as ſhall be levied, gathered and purveyed by any perſon or perſons, their deputy or deputies, or any of them as ſhall be thereunto authorized by any ſuch Commiſſion or Commiſſions aforeſaid, within any particular Town, Pariſh or Hamlet ſet, lying and being within any thoſe County or Counties as ſhall be named, contained and expreſſed within the ſaid Commiſſion or Commiſſions, or any of them, whereunto ſhall be ſubſcribed the Name or Sign Manual of all and every ſuch High-Conſtable or Conſtables, Pety-Conſtable or Conſtables, Headborough or Headboroughs, as ſhall be by any Precept to him or them directed by any perſon or perſons, their deputy or deputies, or any of them authorized thereunto by ſuch Commiſſion or Commiſſions to be granted, as is aforeſaid, privy or knowledging to the delivery of the ſaid beeves, wethers, lambs, calves, any kind of ſalt fiſh, or any kind or kinds of grain, butter, cheeſe, bacon, conies, pigs, geeſe, capons and hens, or any of them.

The Conſtables name ſubſcribed.

The Purveyor ſhall make a docket of all things by him taken.

V. And be it further enacted by the authority aforeſaid, That every perſon or perſons, their deputy or deputies, or any of them which ſhall be by Commiſſion or Commiſſions hereafter to be granted as is aforeſaid, authoriſed to levy, take, or purvey any beeves, wethers, lambs, calves, ſwine, ſalt fiſh, or any kind or kinds of grain, butter in barrels or other veſſels, cheeſe, bacon, conies, pigs, geeſe, capons and hens, or any of them, as is aforeſaid, ſhall make a docket or brief in writing, ſubſcribed with his or their name or names, containing all and every ſuch beeves, wethers, lambs, calves, ſwine, kind of ſalt fiſh, kind or kinds of grain, butter in barrels or other veſſels, cheeſe, bacon, conies, pigs, geeſe, capons and hens, or any of them, as he or they ſhall by vertue of the ſaid Commiſſion or Commiſſions, levy, take or purvey within any particular Town, Pariſh or Hamlet ſet, lying and being within any ſuch County or Counties as ſhall be named, contained and expreſſed within the ſaid Commiſſion or Commiſſions, or any of them; (2) and the ſame docket or dockets, brief or briefs, fair and legibly written and ſubſcribed as is aforeſaid, ſhall well and truly deliver to the ſaid High-Conſtable, Pety-Conſtable or Headborough, or one of them, at ſuch preſent time as the ſaid beeves, wethers, lambs, calves, ſwine, ſalt fiſh, kind or kinds of grain, butter, cheeſe, bacon, conies, pigs, geeſe, capons and hens, or any of them, ſhall be delivered to them, or any of them, (3) upon pain of forfeiture of one hundred marks of lawful money, and one years impriſonment, as often as he ſhall ſo offend; The one moiety of which forfeiture to be to the King and Queens Majeſties, and the other moiety to him that will ſue therefore in any of the King and Queens Courts of Record, by Bill Plaint, Writ, Information or otherwiſe, wherein no Wager of Law, Protection or Eſſoin to be allowed.

Dockets ſhall be delivered to the Juſtices of Peace.

VI. All which dockets or briefs the ſaid High Conſtable or Conſtables, Pety-Conſtable, or Conſtables, Headborough or Headboroughs, ſhall deliver over to the Juſtices of Peace, at the next general Seſſions to be holden within any of the ſaid Counties: (2) and that the ſame Juſtices, or two of them, may and ſhall from time to time certifie the whole number and content of all and every the ſaid dockets and briefs, to the Lord Steward of the King and Queens moſt honourable Houſhold for the time being, or to the Treaſurer or Controller of the ſame, or any of them, or to the Treaſurer or Controller of the King and Queens Ships, if proviſion of any the things aforementioned be provided and taken for the victualling of the Navy, or any of the King or Queens Majeſties ſhips, whereby the ſerving of any of the foreſaid Commiſſion or Commiſſions, and true anſwering of the ſame ſhall fully appear.

Former Statutes provided for Purveyors ſhall be obſerved.
Stat. 28 Ed. 1. 2.
14 Ed. 3. 19.
5 Ed. 3. 2.
21 Ed. 3. 1, 6, 15.
20 R. 2. 5.
1 Ed. 1 31.
28 H. 6. 2.
4 Ed. 3. 3, 4.
10 Ed. 3. 1.
23 H. 6. 1, 2.
2 H. 4. 14.
20 H. 6, 8.

VII. Provided always, and be it enacted by the authority aforeſaid, That it ſhall not be lawful to any perſon or perſons, their deputy or deputies, or any of them which ſhall be authoriſed by ſuch Commiſſion or Commiſſions hereafter to be granted as is aforeſaid, to levy, take or purvey any beeves, wethers, lambs, calves, any kind of ſalt fiſh, kind or kinds of grain, butter in barrels or other veſſels, cheeſe, bacon, conies, pigs, geeſe, capons and hens, or any of them, otherwiſe, or in any other ſort and manner then is in ſeveral Eſtatutes heretofore for Purveyors made, ordained, provided, limited and expreſſed, upon ſuch pain and pains as in the ſaid ſeveral Eſtatutes is contained and expreſſed.

VIII. And foraſmuch as the good and neceſſary Laws heretofore made and provided againſt the abuſes and evil doings of Purveyors, are not taken to extend to the undertakers, deputies and ſervants of any ſuch Purveyors, by whom therefore the people of this Realm be oftentime very uncharitably and unlawfully uſed and oppreſſed:

IX. Be it therefore enacted by the authority of this preſent Parliament, That all and every ſuch Laws, Statutes and Proviſions as heretofore have been made and ordained againſt Purveyors, and all and every the pains, penalties, forfeiture and loſs contained, mentioned or appointed, in any of the ſame Laws or Statutes againſt Purveyors and Takers, or any of them, ſhall alſo be extended and executed upon every of their undertakers, deputies and ſervants, and all other which by colour ſhall after the firſt day of January next coming take any victual, or any other thing by vertue or force of any ſuch Commiſſion, from any the King and Queens Majeſties Subjects, contrary to the tenor and effect of any the ſaid Laws or Statutes, in like manner and form to all intents and purpoſes as the ſame Laws and Eſtatutes, or any of them, and the pains and forfeitures therein contained, ſhould, might, or ought to be executed and extended againſt Purveyors and Takers themſelves, or any of them, and as ſtrongly and amply, as if the ſaid undertakers, deputies and ſervants were ſpecially and particularly recited and named in every the ſame Eſtatutes.

Statutes provided for Purveyors, ſhall extend to their deputies.

X. Provided always, and be it enacted by the authority aforeſaid, for the better execution of this Act, or all other Acts concerning Purveyors, That all and every Commiſſion and Commiſſions that from henceforth ſhall be made and granted unto any Purveyor or Purveyors, ſhall be written and ſet forth from time to time in the Engliſh Tongue, and not otherwiſe.

The purveyors Commiſſion ſhall be written in Engliſh.

CAP. VII.

An Act againſt the buying of ſtollen Horſes.

Foraſmuch as ſtollen Horſes, Mares and Geldings, by Thieves and their Confederates, be for the moſt part ſold, exchanged, given, or put away in Houſes, ſtables, back-ſides, and other ſecret and privy places of Markets and Fairs, and the toll alſo privily paid for the ſame, whereby the true Owners thereof, being not able to try the falſhood and covin betwixt the buyer and ſeller of ſuch Horſe, Mare, or Gelding, is by the Common Laws of this Realm without remedy:

Fairs 4.
In what manner Horſes ſhall be ſold in Fairs or Markets.
The former miſuſe in ſale of ſtollen Horſes.

II Be it therefore enacted by the authority of this preſent Parliament, That the Owner, Governor, Ruler, Fermor, Steward, Bailiff, or chief keeper of every Fair, and Market overt within this Realm, and other the Queens Dominions, ſhall before the Feaſt of Eaſter next, and ſo yearly appoint and limit out a certain and ſpecial open place within the Town, Place, Field or Circuit where Horſes, Mares, Geldings and Colts have been, and ſhall be uſed to be ſold in any Fair or Market overt; (2) in which ſaid certain and open place, as is aforeſaid, there ſhall be, by the ſaid Ruler or Keeper of the ſaid Fair or Market, put in and appointed one ſufficient perſon or more, to take toll, and keep the ſame place from ten of the clock before noon, until Sun-ſet of every day of the foreſaid Fair and Market, upon pain to loſe and forfeit for every default, fourty ſhillings: (3) And that every Toll-gatherer, his Deputy or Deputies, ſhall during the time of every the ſaid Fairs and Markets, take their due and lawful tolls for every ſuch Horſe, Mare, Gelding or Colt, at the ſaid open place to be appointed as is aforeſaid, and betwixt the hours of ten of the clock in the morning, and Sun ſet of the ſame day, if it be tendered, and not at any other time or place, (4) and ſhall have preſently before him or them at the taking of the ſame toll, the parties to the bargain, exchange, gift, contract, or putting away of every ſuch Horſe, Mare, Gelding or Colt; and alſo the ſame Horſe, Mare, Gelding and Colt ſo ſold, exchanged or put away, (5) and ſhall then write, or cauſe to be written in a Book to be kept for that purpoſe, the names, ſurnames, and dwelling-places of all the ſaid parties, and the colour, with one ſpecial mark at the leaſt, of every ſuch Horſe, Mare, Gelding and Colt, (6) in pain to forfeit at and for every default contrary to the tenor thereof, Fourty ſhillings.

A place ſhall be appointed for a Horſe-Fair, and alſo a Toll-taker.

When, where and of whom toll for Horſes ſhall be taken.

III. And the ſaid Toll-gatherer or keeper of the ſaid Book ſhall within one day next after every ſuch Fair or Market, bring and deliver his ſaid Book to the Owner, Governour, Ruler, Steward, Bailiff or chief Keeper of the ſaid Fair or Market, who ſhall then cauſe a note to be made of the true number of all Horſes, Mares, Geldings and Colts ſold at the ſaid Market or Fair, and ſhall there ſubſcribe his name, or ſet his mark thereunto, (2) upon pain to him that ſhall make default therein, to loſe and forfeit for every default Fourty ſhillings, and alſo to anſwer the party grieved by reaſon of the ſame, his negligence in every behalf.

A note of all Horſes ſold in a Fair or Market.

IV. And be it further enacted by the authority aforeſaid, That the ſale, gift, exchange, or putting away after the laſt day of February now next coming, in any Fair or Market overt, of any Horſe, Mare, Gelding or Colt that is or ſhall be thieviſhly ſtollen, or feloniouſly taken away from any perſon or perſons, ſhall not alter, take away, nor exchange the property of any perſon or perſons to or from any ſuch Horſe, Mare, Gelding or Colt, unleſs the ſame Horſe, Mare, Gelding or Colt ſhall be in the time of the ſaid Fair or Market wherein the ſame ſhall be ſo ſold, given, exchanged, or put away, openly ridden, led, walked, driven or kept ſtanding by the ſpace of one hour together at the leaſt, betwixt ten of the clock in the morning, and the Sun-ſetting, in the open place of the Fair or Market wherein Horſes are commonly uſed to be ſold, and not within any Houſe, Yard, Backſide, or other privy or ſecret place, and unleſs all the parties to the bargain, contract, gift or exchange, preſent in the ſaid Fair or Market, ſhall alſo come together, and bring the Horſe, Mare, Gelding or Colt ſo ſold, exchanged, given, or put away, to the open place appointed for the Toll-taker, or for the Book-keeper, where no Toll is due, and there enter or cauſe to be entred their names and dwelling places, in manner as is aforeſaid, with the colour or colours, and one ſpecial mark at the leaſt of every the ſame Horſes, Mares, Geldings or Colts, in the Toll-takers Book, or in the keepers Book for that purpoſe, whereunto no Toll is due, as is aforeſaid, and alſo pay him their Toll, if they ought to pay any; and if not, then the Buyer to give one peny for the entry of their names, and executing the other circumſtances afore rehearſed, to him that ſhall write the ſame in the ſaid Book.

The uſing of a ſtollen Horſe in a Fair or, &c. before the owners property ſhall be taken away.

V. And if any Horſe, Mare, Gelding or Colt that is or ſhall be thieviſhly ſtollen or taken away, ſhall after the ſaid laſt day of February next coming, be ſold, given, exchanged, or put away in any Fair or Market, and not uſed in all points according to the tenour and intent of this Eſtatute, that then the Owner of every ſuch Horſe, Mare, Gelding or Colt, ſhall and may by force of this Eſtatute, ſeiſe or take again the ſaid Horſe, Mare, Gelding or Colt, or have an Action of Detinue or Replevin for the ſame; Any ſale, gift, exchange or putting away of any ſuch Horſe, Mare, Gelding or Colt, other then according to this Eſtatute, in any wiſe notwithſtanding;

VI. The one half of all which forfeitures to be to the King and Queens Majeſty, her Heirs and Succeſſors, and the other to him or them that will ſue for the ſame before the Juſtices of Peace, or in any of the King and Queens Majeſties ordinary Courts of Record, by Bill, Plaint, Action of Debt, or Information, in which Suits no Protection, Eſſoin or Wager of Law ſhall be allowed.

The Juſtices of Peace ſhall hear and determine the offences aforeſaid.

VII. And be it enacted by the authority aforeſaid, That the Juſtices of Peace of every place and County, as well within Liberties as without, ſhall have authority in their Seſſions, within the limits of their authority and Commiſſion, to inquire, hear and determine all offences againſt this Eſtatute, as they may do any other matter triable before them.

The allowance of the keeper of the book where no toll is due.

VIII. Provided always, That in every ſuch Fair and Market where any toll is or ſhall be due, ne leviable by reaſon of the freedom, liberty or priviledge of the ſaid Fair or Market, the Keeper or Keepers of the Book touching the execution of this preſent Act, ſhall take nor exact but one peny upon and for every contract, for his labour in writing the Entry concerning the premiſſes, in manner and form as is before declared. Stat. 31 El. 12.

CAP. VIII.

The Statute for the mending of High-ways.

High ways 1. Who ſhall be charged towards the mending of High-ways. Surveyors ſhall be appointed for the amendment of High-ways. 14 Car. 2. 6. Sect. 2. N. 1. 22 Car. 2. 12. Sect. 12. N. 1.

FOr mending of High-ways being now both very noiſom and tedious to travel in, and dangerous to all paſſengers and Carriages: (2) Be it enacted by the authority of this preſent Parliament, That the Conſtables and Church wardens of every pariſh within this Realm, ſhall yearly upon the Tueſday or Wedneſday in Eaſter-week, call together a number of the Pariſhioners, and ſhall then elect and chuſe two honeſt perſons of the Pariſh, to be Surveyors and Orderers for one year, of the Works for amendment of the High-ways in their Pariſh leading to any Market Town, (3) the which perſons ſhall have authority by virtue hereof, to order and direct the perſons and carriages that ſhall be appointed for thoſe Works, by their diſcretions; (4) and the ſaid perſons ſo named ſhall take upon them the execution of their ſaid Offices, upon pain every of them making default, to forfeit twenty ſhillings.

Four days ſhall be appointed for the amendment of High-ways. ALT. 5. El. 13.

Each perſons charge towards the mending of High-ways. 18. El. 10.

II. And the ſaid Conſtables and Church-wardens ſhall then alſo name and appoint four days for the amending of the ſaid ways, before the Feaſt of the Nativity of Saint John Baptiſt then next following, (2) and ſhall openly in the Church the next Sunday after Eaſter, give knowledge of the ſame four days, (3) and upon the ſaid days the Pariſhioners ſhall endeavour themſelves to the amending of the ſaid ways, (4) and ſhall be chargeable thereunto as followeth; that is to ſay, Every perſon for every Plow land in Tillage or Paſture that he or ſhe ſhall occupy in the ſame Pariſh, and every other perſon keeping there a Draught or Plow, ſhall find and ſend at every day and place to be appointed for the amending of the ways in that Pariſh, as is aforeſaid, one Wain or Cart, furniſhed after the cuſtom of the Countrey, with Oxen, Horſes, or other Cattel, and all other neceſſaries meet to carry things convenient for that purpoſe, and alſo two able men with the ſame, upon pain of every Draught making default, Ten ſhillings; (5) and every houſholder, and alſo every Cottager and Labourer of that Pariſh, able to labour, and being no hired Servant by the year, ſhall by themſelves, or one ſufficent Labourer for every of them, upon every of the ſaid days, work and travel in the amendment of the ſaid High-ways, upon pain of every perſon making default, to loſe for every day, Twelve pence. (6) And if the ſaid carriages of the Pariſh, or any of them ſhall not be thought needful by the Surveyors to be occupied upon any of the ſaid days, that then every ſuch perſon that ſhould have ſent any ſuch carriage, ſhall ſend to the ſaid work for every carriage ſo ſpared, two able men, there to labour for that day, upon pain to loſe for every man not ſo ſent to the ſaid work, Twelve pence. (7) And every perſon and carriage aboveſaid, ſhall have and bring with them ſuch Shovels, Spades, Picks, Mattocks, and other Tools and Inſtruments as they do make their own Ditches and Fences withall, and ſuch as be neceſſary for their ſaid work: (8) And all the ſaid perſons and carriages ſhall do and keep their work as they ſhall be appointed by the ſaid Superviſors, or one of them, eight hours of every of the ſaid days, unleſs they ſhall be otherwiſe licenſed by the ſaid Superviſors, or one of them. (9) And be it enacted by the authority aforeſaid, That the Steward and Stewards of every Leet or Law-day, ſhall therein have full power and authority to enquire by the Oaths of the Suiters, of all and every the offences that ſhall be committed within the Leet or Law-day, againſt every point and article of this Eſtatute, and to aſſeſs ſuch reaſonable fines and amerciaments for the ſame, as ſhall be thought meet by the ſaid Steward: (10) And in default of ſuch inquiry or preſentment, the Juſtices of Peace for every Place or County ſhall have authority to inquire of the ſame the Offences which ſhall be committed within the limits of their Commiſſion, at every their Quarter Seſſions and to aſſeſs ſuch fines therefore as they or two of them, whereof one to be of the Quorum, ſhall think meet: (11) and the Steward of every Leet and Law-day ſhall make Eſtreats indented of all the fines, forfeitures and amerciaments for the defaults preſented before him, and ſhall deliver the one part thereof ſealed and ſigned by him, to the Bailiff and High conſtable of every Hundred, Rape, Lathe, or Wapentake wherein the defaults ſhall be preſented, and the other part to the Conſtables and Churchwardens of the Pariſh wherein the defaults were made; the ſame to be yearly delivered within ſix weeks after the Feaſt of Saint Michael the Arch-angel: (12) And the Clerk of the Peace ſhall make the like Eſtreats indented, of the fines, forfeitures

Neceſſary tools ſhall be brought to be uſed about High-ways.

What Officers may enquire of Offences.

tures and amerciaments for the defaults preſented before the Juſtices of Peace, and ſhall ſeal, ſubſcribe and deliver the ſame in like ſort as is aforeſaid; (13) the which eſtreats and every of them, ſhall be ſufficient warrant to the ſaid Bailiff or chief Conſtable to levy the ſaid amerciaments, fines and forfeitures by way of diſtreſs: (14) And if no ſufficient diſtreſs can be found by the ſaid Bailiff or head-Conſtable, or if the ſaid offendor ſhall obſtinately refuſe to pay the ſaid amerciament, fine or forfeiture, and do not pay the ſame within twenty days after a lawful demand of the ſame by the ſaid Officer, that then every ſuch perſon to forfeit the double ſum that he ſhould before have paid.

The penalty for refuſing to pay the forfeitures.

III. And be it further enacted, That every of the ſaid Bailiffs and head-Conſtables, ſhall at leaſt once every year, betwixt the firſt day of March and the laſt day of April, make a true account and payment of all ſuch ſums of money (to the Conſtable and Church-wardens of every Pariſh wherein the offences were committed, or to two of them) as he ſhall have collected upon any of the ſaid eſtreats, upon pain to forfeit for every time he ſhall not ſo do, Fourty ſhillings.

The Conſtables account.

IV. And be it enacted by the authority aforeſaid, That all fines, amerciaments and forfeitures which ſhall be due for any offence againſt the purvey of this Eſtatute, ſhall be to the Church-wardens of every Pariſh wherein the offences ſhall be committed, to be beſtowed of the Highways in the ſaid Pariſhes: (2) And the ſaid Church-wardens ſhall have authority to call the ſaid Bailiff and head-Conſtable to account before the Juſtices of Peace, or two of them, whereof one to be of the Quorum, by Bill, Information, or otherwiſe: (3) The which Juſtices ſhall have authority to take the ſaid account, and to commit the ſaid Bailiff or head-Conſtable to Priſon, there to remain until he ſhall pay all ſuch arrearages as ſhall be adjudged by the ſaid Juſtices; (4) and every of the ſaid Bailiffs and head-Conſtables, upon their accounts, ſhall have allowed for every pound he ſhall collect and pay, Eight pence for his own pains, and Twelve pence for the Fees of the Clerk of the Peace, or Steward of the Leet, for the eſtreats indented of every ſeveral Pariſh that they ſhall deliver as is aforeſaid; (5) and the Succeſſors of every Church-wardens ſhall have the like Action of account againſt their predeceſſors, as is before appointed againſt the Bailiffs. (6) This Act to continue for ſeven years next after the beginning of this Parliament, and to the end of the next Parliament then next following. St. 5 El. 13. 29 El. 5. made perpetual. St. 13 El. 1. 5. 27 El. 24. 13 & 14 Car. 2. and 14 Car. 2 cap. 6.

How the forfeitures ſhall be employed.

The Bailiff and Head-conſtables account.

C A P. IX.

An Act to avoid divers Licences for houſes where unlawful Games be uſed.

MOſt humbly beſeecheth the Queens moſt excellent Highneſs, your loving and obedient Subjects, the Commons in this your preſent Parliament aſſembled, That where by reaſon of divers ſundry Licences heretofore granted to divers perſons, as well within the City of London and the Suburbs of the ſame, as alſo in divers other places within your Highneſs Realm, for the having, maintaining and keeping of Houſes, Gardens and places for Bowling, Tennis, Dicing, White and Black, Making and Marring, and other unlawful Games prohibited by the Laws and Statutes of this Realm, divers and many unlawful Aſſemblies, Conventicles, Seditions and Conſpiracies have and been daily ſecretly practiſed by idle and miſruled perſons repairing to ſuch places; of the which, Robberies, and many other miſdemeanors have enſued, to the breach of your Highneſs Peace: (2) For remedy whereof, it may pleaſe your Highneſs that it may be enacted by your Highneſs, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, That from and after the Feaſt of the Birth of our Lord next coming, every Licence, Placard or Grant made to any perſon or perſons, for the having, maintenance, or keeping of any Bowling-Allies, Dicing-houſes, or other unlawful Games, prohibited by the Laws and Statutes of this Realm, ſhall be from the ſaid Feaſt utterly void, and of none effect. Stat. 33 H. 8. 9.

Plays Raſt. 3. All Licences to keep Houſes for unlawful Games, ſhall be void. The inconveniences of permitting Houſes for unlawful Games.

All Licences to keep ſuch Houſes, ſhall be void.

CAP. X.

An Act to take Examination of Priſoners ſuſpected of any Manſlaughter or Felony.

WHere in the laſt Parliament holden at Weſtminſter, amongſt other things it was enacted, That ſuch Juſtices of the Peace as have authority to bail any Priſoner brought before them for any Manſlaughter or Felony, before any bailment or mainpriſe, ſhould take the Examination of the ſaid priſoner, and Information of them that bring him, of the Fact and circumſtances thereof, and the ſame, or as much thereof as ſhall be material to prove the Felony, ſhall put in writing before they make the ſame bailment; (2) which ſaid Examination, together with the ſaid Bailment, the Juſtices ſhall certfie at the next general Gaol-delivery to be holden within the limits of their Commiſſion, as by the ſame Act more plainly is contained, and may appear.

Juſtice of Peace, 108. Juſtices of Peace ſhall examine perſons arreſted of Felony, &c and ſhall bind their accuſers to give evidence againſt them. 1 & 2 P. & M. 13.

II. And foraſmuch as the ſaid Act doth not extend to ſuch Priſoners as ſhall be brought before any Juſtice of Peace for Manſlaughter or Felony, and by ſuch Juſtices ſhall be committed to ward for the ſuſpicion of ſuch Manſlaughter or Felony, and not bailed, in which caſe, examination of ſuch Priſoner, and of ſuch as ſhall bring him, is as neceſſary, or rather more then where ſuch Priſoner ſhall be let to bail or mainpriſe: (2) Be it therefore enacted by the authority of this preſent Parliament, That from henceforth ſuch Juſtice or Juſtices before whom any perſon ſhall be brought for Manſlaughter or Felony, or for ſuſpicion thereof, before he or they ſhall commit or ſend ſuch Priſoner to ward, ſhall take the examinaton of ſuch Priſoner, and information of thoſe that bring him, of the Fact and Circumſtances thereof, and the ſame, or as much thereof as ſhall be material to prove the Felony, ſhall put in Writing within two days after the ſaid examination, (3) and the ſame ſhall certifie in ſuch manner and form, and at ſuch time as they ſhould and ought to do if ſuch Priſoner ſo committed or ſent to ward had been bailed or let to mainpriſe, upon ſuch pain as in the ſaid former Act is limited and appointed for not taking or not certifying ſuch examinations as in the ſaid former

A Juſtice of Peace ſhall examine him that is ſuſpected of Felony, and to be committed to priſon.

Binding of the accuſers to give evidence againſt the priſoner.

former Act is expreſſed. (4) And be it further enacted, That the ſaid Juſtices ſhall have authority by this Act, to bind all ſuch by recogniſance or obligation, as do declare any thing material to prove the ſaid Manſlaughter or Felony againſt ſuch Priſoner as ſhall be ſo committed to ward, to appear at the next general Gaol-delivery to be holden within the County, City or Town-Corporate where the trial of the ſaid Manſlaughter or Felony ſhall be, then and there to give evidence againſt the party, (5) and that the ſaid Juſtices ſhall certifie the ſaid bonds taken before them, in like manner as they ſhould and ought to certifie bonds mentioned in the ſaid former Act, upon pain as in the ſaid former Act is mentioned, for not certifying ſuch bonds as by the ſaid former Act is limited and appointed to be certified.

CAP. XI.

An Act touching Weavers.

Drapery 69. Who ſhall uſe the Trade of Weaving.

FOraſmuch as the Weavers of this Realm have as well at this preſent Parliament, as at divers other times, complained that the rich and wealthy Clothiers do many ways oppreſs them, ſome by ſetting up and keeping in their houſes divers Looms, and keeping and maintaining them by Journeymen and perſons unſkilful, to the decay of a great number of Artificers which were brought up in the ſaid Science of Weaving, their Families and Houſhold; (2) ſome by ingroſſing of Looms into their hands and poſſeſſions, and letting them out at ſuch unreaſonable rents, as the poor Artificers are not able to maintain themſelves, much leſs their Wives, Families and Children; (3) ſome alſo by giving much leſs wages and hire for the weaving and workmanſhip of Clothes, then in times paſt they did, whereby they are inforced utterly to forſake their Art and Occupation wherein they have been brought up:

No Clothier ſhall keep above one woollen Loom.

II. It is therefore for remedy of the premiſſes, and for the avoiding of a great number of inconveniences which may grow (if in time it be not foreſeen) ordained, eſtabliſhed and enacted by authority of this preſent Parliament, That no perſon uſing the Feat or Myſtery of Cloth-making, and dwelling out of a City, Borough, Market-Town, or Corporate-Town, ſhall from the Feaſt of St. Michael the Archangel now next enſuing, keep, retain or have in his or their houſe or poſſeſſion, any more, or above one woollen Loom at one time; (2) nor ſhall by any means, directly or indirectly receive or take any manner profit, gain or commodity, by letting or ſetting any Loom, or any houſe wherein any Loom is or ſhall be uſed and occupied, which ſhall be together by him ſet or let, (3) upon pain of forfeiture for every week that any perſon ſhall do contrary to the tenour and true meaning hereof, Twenty Shillings.

No Weaver ſhall have above two woollen Looms.

III. And be it further ordained and enacted by like authority, That no woollen Weaver uſing or exerciſing the Feat or Myſtery of Weaving, and dwelling out of a City, Borough, Market Town, or Town-corporate, ſhall after the ſaid Feaſt have or keep at any time above the number of two Wollen Looms, or receive any profit, gain or commodity, directly or indirectly, as is aforeſaid, by any more then two Looms at one time, upon pain to forfeit for every week that any perſon ſhall offend or do to the contrary, Twenty ſhillings.

No Weaver ſhall have a Tucking Mill.

IV. And it is further ordained and enacted by like authority, That no perſon which ſhall after the ſaid Feaſt uſe, exerciſe or occupy only the Feat or Myſtery of a Weaver, and not Cloth making, ſhall during the time that he ſhall uſe the Feat or Myſtery of a Weaver, keep or have any Tucking-Mill, or ſhall uſe or exerciſe the Feat or Myſtery of a Tucker, Fuller, or Dyer, upon pain to forfeit for every week that he ſhall ſo do, Twenty ſhillings.

No Tucker or Fuller ſhall have above one Loom.

V. And it is further ordained and enacted by like authority, That no perſon which after the ſaid Feaſt ſhall uſe, exerciſe or occupy the Feat or Myſtery of a Tucker or Fuller, ſhall during the time that he ſhall ſo uſe the ſaid Feat or Myſtery, keep or have any Loom in his houſe or poſſeſſion, or ſhall directly or indirectly take any profit or commodity by the ſame, upon pain to forfeit for every week, Twenty ſhillings.

In what places onely woollen Clothes may be woven. 4 & 5 P. & M. 5.

VI. And it is further ordained and enacted by like authority, That no perſon whatſoever, which heretofore hath not uſed or exerciſed the Feat, Myſtery or Art of ſuch Cloth-making, ſhall after the ſaid Feaſt make or weave, or cauſe to be made or woven, any kind of broad white woollen Clothes, but only in a City, Borough, Town-corporate, or Market Town, or elſe in ſuch place or places where ſuch Clothes have been uſed to be commonly made by the ſpace of ten years next before the making of this Act, upon pain to forfeit for every Cloth otherwiſe made, Five pound.

A Weaver ſhall have but two Apprentices. Rep. 5 El. 4.

VII. Provided always, and be it further enacted by the authority aforeſaid, That it ſhall not be lawful to any perſon or perſons, being a Weaver, or that doth or ſhall uſe the Art or Myſtery of a Weaver or Weaving, dwelling out of a City, Borough, Town-corporate, or Market Town, to have in his and their ſervice any more, or above the number of two Apprentices at one time, upon pain to foreit for every time that he ſhall offend or do contrary to this Branch or Article, the ſum of Ten pound.

None ſhall be a Weaver, but he which hath been an Apprentice. 5 Ed. 6. 8.

VIII. And further be it enacted by the authority aforeſaid, That it ſhall not be lawful to or for any perſon or perſons, to ſet up the Art or Myſtery of Weaving, after the ſaid Feaſt of St. Michael, unleſs the ſame perſon or perſons ſetting up the ſame Art or Myſtery of Weaving, have been Apprentice to the ſame Art or Myſtery, or exerciſed the ſame by the ſpace of ſeven years at the leaſt, upon pain of Twenty pounds to be forfeited to the King and Queens Majeſties, her Graces Heirs or Succeſſors; (2) the one moiety of all which forfeitures ſhall be to the King and Queens Highneſs, her Heirs and Succeſſors, and the other moiety to him or them that will ſue for the ſame in any Court of Record, by Action of Debt, Bill, Plant or Information; wherein no Wager of Law, Eſſoin or Protection ſhall be admitted or allowed for the Defendant.

The Inhabitants of certain Counties which ſhall not be prejudiced by this Statute.

IX. Provided always, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained, ſhall in any wiſe extend or be prejudicial to any perſon or perſons that doth or ſhall dwell in the Counties of York, Cumberland, Northumberland, and Weſtmerland, but that they and every of them ſhall and may have and keep Looms in their houſes and do and exerciſe all and every thing and things, for or concerning ſpinning, weaving, Cloth-working and Cloth-making in the ſaid Counties, as they or any of them might have done or exerciſed lawfully before the making of this Eſtatute; Any thing contained in this Eſtatute to the contrary in any wiſe notwithſtanding.

CAP. XII.

An Act for the ſealing and viewing of Clothes, commonly called Bridgwaters.

Drapery 41. In what manner Clothes called Bridgwaters, ſhall be uſed before they ſhall be bought and ſold.

WHere before this time, the Boroughs and Towns of Bridgwater, Taunton, and Card, in the County of Sommerſet, have been well and ſubſtantially inhabited, occupied, maintained and upholden, for the moſt part by reaſon of the making of Woollen Clothes, commonly called Bridgwater, Taunton, and Card Clothes, which in time paſt were much deſired, as well beyond the Seas, as in the Realm of England, and thereby the inhabitants and poor people of the ſaid Boroughs and Towns, and of the Countrey thereabouts, were daily ſet on work, and had ſufficient living by the ſame; and where alſo the ſaid Towns in times paſt were of great force and ſtrength to ſerve the King and Queens Highneſs Progenitors and Anceſtors, Kings of this Realm: (2) Foraſmuch as of late divers perſons inhabiting and dwelling in Villages, Hamlets, and ſmall Towns of Husbandry in the ſaid County of Sommerſet, which were never Prentices, or ſkilful in making the ſaid Clothes, as well for their private wealths and Commodity, as alſo becauſe they would be out of due ſearch of their Clothes to be made according to the Statute therefore provided, not regarding the maintenance of the ſaid Boroughs and Towns, nor the common wealth of the Handicraftſmen, and other poor people which chiefly had their living and ſuſtenance by making of the ſaid Cloth, have of late days exerciſed, uſed and occupied the Myſteries of Cloth-making, weaving, fulling and ſhearing, within their Houſes, and have ſo deceitfully made, wrought and ſtretched the ſaid Clothes, to the infamy and ſlander of Cloth-making in ſuch ſort and manner, that not only the ſame ſort of Clothes are grown out of eſtimation, but alſo the ſaid Towns are in great decay, ruine and depopulation:

No Bridgwater Cloth ſhall be ſold before it is viewed, ſearched and ſealed.

II. For remedy whereof, Be it enacted by the authority of this preſent Parliament, That no perſon whatſoever inhabiting, or which ſhall hereafter inhabit within the ſaid County, ſhall after the Feaſt of the Purification of our Lady next coming, commonly called Candlemas, put to ſale any kind of ſuch Clothes as is aforeſaid, or Clothes of like nature, making and ſort, made or to be made within the ſaid County, except ſuch Cloth be firſt viewed, ſearched and ſeen in one of the Boroughs or Towns aforeſaid, whether the ſame be perfectly and truly made according to the Statute, (2) and alſo that the ſame be ſealed with the Seal of one of the ſaid Boroughs or Towns, in ſuch ſort, manner and form, as in the Statute made in the fifth year of the Reign of our late Sovereign Lord, King Edward the Sixth, Entituled, An Act for the true making of Woollen Cloth, is for ſealing of Clothes provided and enacted, (3) upon pain that every perſon offending or doing contrary to the true meaning of this Act, ſhall forfeit the Cloth ſold, or the value thereof: (4) The moiety of all which forfeitures ſhall be to our Sovereign Lord and Lady the King and Queens Majeſties, the Heirs and Succeſſors of the Queens Majeſty, and the other half to him or them that will ſue for the ſame in any of the King and Queens Majeſties Courts of Record, her Heirs and Succeſſors, wherein no Eſſoin, Protection or Wager of Law ſhall be admitted or allowed. St. 4 & 5 P. & M. 5.

5 Ed. 6. 6.

CAP. XIII.

An Act for the Inhabitants of Halifax to buy Woolls.

Woolls 5. The Inhabitants of Halifax may buy Wool, and ſell the ſame again.

FOraſmuch as the Pariſh of Halifax, and other places thereunto adjoyning, being planted in the great waſte Moors, where the fertility of the ground is not apt to bring forth any Corn nor good Graſs, but in rare places, and by exceeding and great induſtry of the Inhabitants; and the ſame Inhabitants altogether do live by Cloth making, and the great part of them neither getteth Corn, nor is able to keep a Horſe to carry Wools, nor yet to buy much Wooll at once, but hath ever uſed to repair to the Town of Halifax, and ſome other nigh thereunto, and there to buy upon the Wooll-driver, ſome a ſtone, ſome two, and ſome three and four, according to their ability, and to carry the ſame to their houſes, ſome three, four, five, and ſix miles off, upon their heads and backs, and ſo to make and convert the ſame either into Yarn or Cloth, and to ſell the ſame, and ſo to buy more Wooll of the Wooll-driver, by means of which induſtry, the barren grounds in thoſe parts be now much inhabited, and above five hundred Houſholds there newly increaſed within theſe Fourty years paſt, which now are like to be undone, and driven to beggery, by reaſon of the late Eſtatute made, that taketh away the Wooll-driver, ſo that they cannot now have their Wooll by ſuch ſmall portions as they were wont to have, and that alſo they are not able to keep any Horſes whereupon to ride, or fet their Woolls further from them in other places, unleſs ſome remedy may be provided: (2) For the remedy whereof, Be it enacted by the King and Queens Majeſties, by the Lords Spiritual and Temporal, and the Commons in this preſent Parliament, and by the authority of the ſame, That from henceforth it ſhall be lawful to any perſon or perſons inhabiting within the Pariſh of Halifax, to buy any Wooll or Woolls, at ſuch times as the Clothiers may buy the ſame, otherwiſe then by ingroſſing and foreſtalling, ſo that the perſons ſo buying the ſame, do carry, or cauſe to be carried the ſaid Woolls ſo bought by them, to the Town of Halifax, and there to ſell the ſame to ſuch poor folks of that and other Pariſhes adjoyning, as ſhall work the ſame Cloth or Yarn (to their knowledge) and not to the rich and wealthy Clothier, nor to any other to ſell again: (3) And if either the ſaid Wooll-driver ſhall ſell his ſaid Woolls at any other place forth of the ſaid Town of Halifax, or if any which ſhall buy their Woolls at Halifax, ſhall ſell their Woolls that they bought, again unwrought in Yarn or Cloth, That then every ſuch offender to loſe and forfeit the double value of the Wooll ſo ſold or uttered; the one moiety thereof to be to the King and Queens Majeſties, her Heirs and Succeſſors, Kings

of

The Statute of 5 Ed. 6. 7. very prejudicial to the Inhabitants of Halifax.

The Inhabitants of Halifax may buy Wool, and ſell it again there.

The Juſtices of Peace may hear and determine theſe offences.

of this Realm, and the other moiety to him or them that will ſue for the ſame in any of the King and Queens Majeſties Courts of Record, or before the Juſtices of Peace in their Seſſions, who by vertue hereof in their open Seſſions, ſhall have authority upon information, to hear and determine the ſame, and to make proceſs againſt the offenders, as in any other caſe to be determined before them.

CAP. XIV.

Hereford, Raſt. 1.

It ſhall be lawful to the Dean and Chapter of Hereford, within eight years next, to re-edefie four ſufficient Mills, viz. two Corn-mills, and two Fulling-Mills, upon the River of Wie, in or near to the place where four old Mills did ſtand. PR.

CAP. XV.

An Act that Purveyors ſhall not take Victuals within five miles of Cambridge or Oxford.

Purveyors 22. Cambridge and Oxford, and five miles circuit have been free of Purveyors.

HUmbly ſue to your Majeſties, the Societies, Colledges and Companies of your true and faithful Subjects and daily Orators, the Scholars and Students of both your Majeſties Univerſities, Cambridge and Oxford, That where it hath been accuſtomed time out of mind, That both the ſaid Market Towns of Cambridge and Oxford, within the ſaid two Univerſities be ſet, and the circuit of five miles next adjoyning, hath been free from any charge or moleſtation of any common Takers or Purveyors for Victual, whereby the ſaid Markets were more plentifully ſerved with Victual, and the poor eſtate of a great multitude of Scholars having very bare and ſmall ſuſtentation, thereby relieved: (2) and now by the means that contrary to the ſame laudable cuſtom, divers Purveyors and Takers, have of late exceſſively frequented the ſame Markets, and thereby given occaſion to make Victuals both more ſcant and much dearer, to a notorious decay of Scholars, which alſo daily in this great dearth is like to increaſe and be more lamentable, to the hinderance of Gods ſervice, to the diſhonour of the Realm, the diſcomfort of all good and holy men loving Learning and Vertue:

Purveyors ſhall not take victual in Cambridge or Oxford or within five miles thereof.

II. It may therefore pleaſe your Majeſties of your great pity and abundant favour and love towards your ſaid two Univerſities, being the very two only Nurſes of good Learning in this Realm, with the aſſent of the Lords Spiritual and Temporal and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, to enact, ordain and eſtabliſh, That from henceforth no manner of Purveyor, Taker, Badger, Loader, or other Miniſter, may or ſhall take or bargain for any kind of Victual or Grain, in any of the ſaid Markets or Towns of Cambridge and the City of Oxford, nor ſhall take or bargain for any Victual within the compaſs of five miles thereto adjoyning, without the conſent, agreement, or good will of the owner or owners, (2) neither ſhall attempt to carry, take away or bargain for any manner of Grain or other Victual, bought or provided within the ſaid ſpace of five miles, by any common Miniſter of any Colledge, Hoſtell or Hall, to be ſpent within any of the ſaid Colledges, Hoſtels or Halls, (3) upon pain of the forfeiture of the quadruple value of any ſuch manner of Grain or Victual ſo taken or bargained for, in any of the ſaid Markets, or within the ſaid ſpace of five miles (againſt the will of the owners) as is aboveſaid, or attempted to be taken, carried away or bargained for, being provided as is aboveſaid, for to be ſpent in any the Colledges, Hoſtels or Halls, and further ſhall ſuffer impriſonment for the ſpace of three months, without bail or mainpriſe: (4) And that the Chancellor or Vicechancellor, or his Commiſſary for the time being, in either of the ſaid Univerſities, with two Juſtices of Peace of the County wherein the ſaid Univerſities be ſet, ſhall have full power by authority of this Act, to enquire by the Oaths of twelve men, of and upon the defaults, and offences committed contrary to the tenour thereof, and to ſee due puniſhment and reformation thereof in form aforeſaid from time to time; (5) the one half of which aforeſaid forfeitures to be to the common Treaſurer of either of the ſaid Univerſities, reſpectively to the fault committed againſt this their Priviledge, the other half to the party that will ſue for the ſame by Action of Debt, Bill, Plaint or otherwiſe, in any Court of Record, or before the aforeſaid Chancellor, his Vicechancellor or Commiſſary for the time being, and two Juſtices of Peace, as is before expreſſed.

Who may enquire of, and puniſh the offences.

This Act ſuſpended during the Queens preſence.

III. Provided, That this Act ſhall not be put in execution at any time or times whenſoever your Majeſties, or the Heirs and Succeſſors of your Majeſty our Sovereign Lady ſhall pleaſe to come to any of both the ſaid Univerſities, or within ſeven miles of either of them, but ſhall be in ſuſpence during that time only, and not longer.

The liberties of Oxford and Cambridge ſaved.

IV. Provided always, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not in any wiſe be prejudicial or hurtful to the Mayor, Bailiffs and Commonalty of the City of Oxford, nor to the Mayor and Commonalty of the Town of Cambridge, or to their ſucceſſors, for and concerning any Liberties or Priviledges; but that they and every of them, and their ſucceſſors reſpectively, may have and uſe the ſame in ſuch manner and form, as they or any of them might or ought to have done before the making of this Act; Any thing in this Act contained to the contrary notwithſtanding. 13 El. 21. 18 El. 20. 12 Car. 2. cap. 24.

CAP. XVI.

An Act touching Watermen and Bargemen upon the River of Thames.

Boatmen 1. The Office and Duty of the eight Overſeers of Watermen Rowing between Graveſend and Windſor.

WHereas heretofore for lack of good government and due order among Wherry men and Watermen exerciſing, uſing and occupying Rowing upon the River of Thames, there have divers and many misfortunes and miſchances happened and chanced of late years paſt, to a great number of the King and Queens Subjects, as well to the Nobility as to other the common People that hath paſſed and repaſſed and been carried by Water, by reaſon of the rude, ignorant and unskilful number of Watermen, which for the moſt part been maſterleſs men, and ſingle men of all kinds of Occupations and Faculties, which do work at their own hands; and many boys being of ſmall age, and of little skill, and being perſons out of the rule and obedience of any honeſt Maſter and Governour, and do for the moſt part of their time uſe Dicing and Carding, and other unlawful Games, to the great and evil example of other

ſuch

Several abuſes committed by young, unskilful and lewd Watermen.

ſuch like, and againſt the Common-wealth of this Realm: (2) And all which ſaid evil and ignorant perſons in the time of preſſing by Commiſſion, for the ſervice of the King and Queens moſt Royal Majeſties upon the Sea, for that they have no known place of abiding, do for the moſt part abſent and convey themſelves into the Countrey, and other ſecret places, practiſing there robberies and felonies, and other evil deteſtable facts, to the great annoyance of the Common-wealth: And ſo after the ſaid Commiſſion of preſſing ended, oft times the ſaid evil perſons do repair again to their former trade of rowing, colouring their evil Deeds; (3) and alſo divers of them being very ignorant, for lack of convenient time of learning and exerciſe, in the which they might obtain ſufficient knowledge of their Occupation, do oftentimes preſume and enterpriſe to receive divers of our ſaid Sovereign Lord and Lady the King and Queens Majeſties loving Subjects into their Boats and Wherries, and do carry and convey their ſaid Subjects from place to place by water upon the ſaid River of Thames, whereby divers perſons have been robbed, and ſpoiled of their goods, and alſo drowned.

II. And for and by the occaſion aforeſaid, be daily put in fear and peril of their lives, the which is very lamentable, and not to be permitted or ſuffered in any Common-wealth: (2) And by reaſon alſo, that a great number, and the moſt part of the Wherries and Boats now occupied and uſed, and of late time made for Rowing upon the ſaid River, been made ſo little and ſmall in portion, and ſo ſtraight and narrow in the bottom, varying much from the old ſubſtantial ſort and ſure making of Boats and Wherries which was uſed before the ſpace of twenty years laſt paſt, inſomuch, as the moſt part of Boats and Wherries uſed at this day, been ſo ſhallow and tickle, that thereby great peril and danger of drowning hath many times enſued, and daily is like to enſue, unleſs ſome ſpeedy remedy be herein had and provided:

There ſhall be eight Overſeers of Watermen upon the River of Thames.

III. For reformation whereof, be it enacted by the King and Queens Majeſties, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That there ſhall be yearly appointed, choſen and elected by the Mayor and the Court of Aldermen of the City of London for the time being, the number of eight perſons of the moſt wiſe, diſcreet and beſt ſort of Watermen, being Houſholders, and occupying as Watermen upon the ſaid River, between Graveſend and Windſor; (2) which Election ſhall be yearly at the firſt Court of Aldermen to be holden within the ſaid City next after the firſt day of March: (3) And the ſaid eight perſons ſo elected, ſhall be named and called, The Overſeers and Rulers of all the Wherrimen and Watermen that from and after the ſaid firſt day of March, ſhall uſe, occupy, or exerciſe any Rowing upon the ſaid River of Thames, betwixt Graveſend and Windſor aforeſaid; (4) which ſaid Overſeers and Rulers, ſhall keep and maintain good order and obedience amongſt the ſaid Watermen, according to the true meaning of this preſent Act.

Two Watermen ſhall not carry any, but where one of them is allowed by the Overſeers, and two years hath exerciſed, &c.

IV. And alſo be it further enacted by the authority aforeſaid, That after the Feaſt of Pentecoſt next coming, no perſon nor perſons where two Watermen, and not above the number of two, ſhall row together in one Boat or Wherry, in any place or places betwixt Graveſend and Windſor aforeſaid, ſhall preſume or enterpriſe to receive or take any perſon or perſons into his or their Boat or Wherry, to the intent to carry or convey him or them therein, unleſs one of the ſame two Watermen have been for the moſt part exerciſed and uſed in rowing upon the ſaid River of Thames, by the ſpace of two whole years before that time, and that alſo one of the ſame two Watermen at leaſt, be duly admitted and allowed by the ſame eight Overſeers and Rulers, or the moſt part of them, by writing under their known Seal, to be a ſufficient and able Waterman, (2) upon pain that every perſon and perſons preſuming or offending contrary to the true meaning of this preſent Act, ſhall by the ſaid eight Overſeers or Rulers be committed to Priſon in one of the Counters of the City of London, there to remain by the ſpace of one month or leſs, as the offence ſhall require.

No ſingle man ſhall be a Waterman, &c.

V. And alſo be it further enacted, That no perſon or perſons being ſingle men, not keeping Houſhold and not retained, ſhall from and after the ſaid Feaſt of Pentecoſt next coming, uſe or exerciſe to row between Graveſend and Windſor aforeſaid, unleſs he or they be Prentice or Prentices, or in ſervice retained with a Maſter by the whole year at the leaſt, upon pain of like impriſonment.

Who ſhall have authority to puniſh offenders.

VI. And alſo be it further enacted, That the Lord Mayor of London and the Aldermen of the ſame City, and the Juſtices of Peace within the Shires next adjoyning to the ſaid River of Thames, every of them within their ſeveral juriſdictions and authorities, ſhall have full power and authority by virtue of this preſent Act, upon complaint made to them or any of them by the ſaid Overſeers and Rulers, or two of them, or the Maſter or Maſters of any ſuch ſervants, not only to examine, hear and determine all complaints or offences to be done or committed by any ſuch perſon or perſons that ſhall offend contrary to the true meaning of this preſent Act, and to ſet at large all and every ſuch perſon and perſons as ſhall fortune to be impriſoned by the ſaid Overſeers and Rulers according to this Act, if juſt cauſe ſhall appear unto them ſo to do; but alſo by their good diſcretions and wiſdom to puniſh, correct, and reform the ſaid Overſeers and Rulers, and every of them that ſhall unjuſtly, or without good cauſe or ground, puniſh any perſon or perſons by colour of this preſent Act, or any thing therein contained.

The length, breadth, and goodneſs of Boats.

VII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever, from henceforth do or ſhall make any wherry or Boat, to the intent commonly to uſe rowing and carrying people upon the ſaid River of Thames, which ſhall not be two and twenty foot and a half in length, and four foot and a half broad in the midſhip, or which ſhall not be ſubſtantially and well able, and ſufficient to carry two perſons on one ſide right, according to the old quantity, ſcantling, thickneſs of bord, goodneſs and good proportion heretofore had and uſed, that then the ſame Boat or Boats ſo being made contrary to the proportion and ſort before expreſſed, ſhall be taken as forfeit, the one half thereof to the King and Queens Majeſties, our ſaid Sovereign Lord and Ladies uſe, and to the uſe of the Heirs and Succeſſors of the Queens Majeſty: and the other half to him or them that will ſue for the ſame in any of the King and Queens Majeſties Courts of Record, by action of detinue, bill, plaint, information or otherwiſe; wherein no wager of Law, eſſoin, protection or injunction ſhall be allowed for the Defendant.

The puniſhment of Watermen withdrawing themſelves in the time of Preſſing.

VIII. And be it further enacted, That if any perſon or perſons which from and after the ſaid Feaſt ſhall uſe and exerciſe the Occupation of Rowing betwixt Graveſend and Windſor aforeſaid, which in the time of the execution of any Commiſſion of Preſſing that ſhall be had for the ſervice of the King and Queens Majeſties, and the Heirs and Succeſſors of the Queens Majeſty, in their affair, ſhall willingly, voluntarily and obſtinately withdraw, hide or convey him or themſelves in the ſame time of Preſſing, into ſecret places and out-corners, and after when ſuch time of Preſſing is overpaſſed, ſhall return and come again to the ſaid River of Thames, to Row betwixt Graveſend and Windſor aforeſaid, and that duly proved by two indifferent witneſſes, before the ſaid Lord Mayor and Court of Aldermen or Juſtices of the Peace, and two of the ſaid Rulers, that then he or they ſo doing and offending, ſhall ſuffer impriſonment by the ſpace of two weeks, and be baniſhed any more to Row from thenceforth upon the ſaid River of Thames, by the ſpace of one whole year and day then next following.

The Overſeers ſhall correct the Watermen and regiſter their Names.

Overſeers ſhall view the Boats before they be lanched forth.

IX. And be it further enacted, That it ſhall be lawful to the ſaid eight Rulers for the time being, and their Succeſſors from time to time, to convent and call before them at ſome convenient place by them to be appointed, all and every ſuch perſon and perſons, which from and after the ſaid Feaſt of Pentecoſt, ſhall uſe and occupy the ſaid Trade and Occupation of Rowing betwixt Graveſend and Windſor aforeſaid, (2) and ſhall enter and Regiſter the name and names of them and every of them that ſhall be by them allowed or admitted for Watermen to Row betwixt Graveſend and Windſor aforeſaid, in a Book to be made for the ſame intent and purpoſe, (3) and to take ſuch further order and direction therein with every the ſaid parties, by the authority of this preſent Act, as it ſhall ſeem meet and neceſſary by the diſcretion of the ſaid Overſeers and Rulers for the time being: (4) And alſo that the ſaid Overſeers and Rulers ſhall and may by the authority of this Act, overſee, view and ſurvey at all and every time and times hereafter, all manner Boats and Wherries that ſhall from and after the ſaid Feaſt be made, before the ſaid Boat or Boats, Wherry or Wherries, be lanched out of the yard or ground wherein the ſame Boat or Boats, Wherry or Wherries ſhall fortune to be made, into the ſaid River of Thames, to the intent that they and every of them may be made and prepared in ſuch manner and form, and according to the goodneſs, proportion, and quantity in this preſent Act before limited and expreſſed.

The penalty of Overſeers refuſing their place, or being negligent therein.

X. And be it further enacted by the authority aforeſaid, That if any perſon or perſons which at any time hereafter ſhall be elected or choſen to be a Ruler or Overſeer as before is expreſſed, do happen negligently to uſe and exerciſe his or their room or place, or that will obſtinately refuſe to take upon him or them the room or rooms, place or places of the ſaid Overſeers or Rulers, that then all and every ſuch offender or offenders, ſhall loſe and forfeit the ſum of five pound of lawful money of England, the one half whereof ſhall be to our ſaid Sovereign Lord and Lady the King and Queens Majeſties uſe, and to the uſe of the Heirs and Succeſſors of the Queens Majeſty; and the other half to him or them that will ſue for the ſame in any of the King and Queens Majeſties Courts of Record, by action of debt, or by any other the ways or means above ſpecified, wherein no wager of Law, eſſoin, protection, or injunction ſhall be admitted or allowed for the Defendant or Defendants.

Aſſeſment what fares Watermen ſhall take for rowing between Graveſend and Windſor. 6 H. 8. 7.

XI. And be it further enacted by the authority aforeſaid, That the ſaid Mayor and Court of Aldermen of the ſaid City of London for the time being, ſhall from time to time at their diſcretions, limit, let and aſſeſs the price or prices, and ſums of money that every perſon or perſons ſo authorized to Row as is aforeſaid, betwixt Graveſend and Windſor aforeſaid, ſhall take for his or their labour or fare from place to place, particularly betwixt Graveſend and Windſor aforeſaid; (2) and the ſame prices and aſſeſments to be ſet, ſhall bring or cauſe to be brought to the Privy Council of our Sovereign Lord and Lady the King and Queen, to be viewed and ſeen by ſome of the ſaid Privy Council; and after that, the ſaid aſſeſments and prices ſhall be ſigned and ſubſcribed with the hands of two of the ſaid Privy Council at the leaſt, (3) and the ſaid Mayor and Court of Aldermen for the time being, ſhall cauſe the ſaid prices and aſſeſments to be written and ſet up in Tables in the Guild-hall in the City of London, Weſtminſter-Hall and elſewhere, where the ſaid Mayor and Court of Aldermen ſhall think convenient: (4) And every perſon and perſons that ſhall take for his or their fare or labour above the prices that ſhall be aſſeſſed, viewed, written and ſet up in form aforeſaid, ſhall forfeit for every ſuch offence forty ſhillings, and alſo ſhall ſuffer impriſonment by one half year: (5) the one moiety of the ſaid forfeiture to be to the King and Queens Majeſties, their Heirs and Succeſſors, and the other moiety thereof to him or them that will ſue for the ſame in any of the King and Queens Majeſties Courts of Record, by action of debt, or any other the ways or means above ſpecified, wherein no wager of Law, eſſoin, protection, or injunction ſhall be admitted or allowed for the Defendant or Defendants.

The ſervants of Weſtern Bargemen. Rep. 5 El. 4.

XII. And be it further enacted by the authority aforeſaid, That no perſon or perſons occupying or uſing any Weſtern Barge, ſhall retain, take or receive into his or their ſervice, any ſingle perſon not keeping houſe or houſhold, but only ſuch as ſhall be retained with him or them by the whole year, and no houſholder but ſuch as he or they will and ſhall anſwer for, for his or their good behaviour, (2) upon pain of forfeiture for every ſuch offence, forty ſhillings: the one moiety thereof to be to the King and Queens Majeſties, her Heirs and Succeſſors; and the other moiety thereof to him or them that will ſue for the ſame in any of the King and Queens Courts of Record, by action of debt, or by any other the ways or means above ſpecified, wherein no wager of Law, eſſoin, protection, or injunction ſhall be admitted or allowed for the Defendant or Defendants. Stat. 1 Jac. 16.

CAP. XVII.

Clergy, Raſt. 25.

The benefit of Clergy ſhall be taken from Bennet Smith, for being acceſſary to the murther of Giles Rufford, before the murther committed, and for procuring of the ſame. PR. Stat. 4 & 5 P & M. 4.

C A P. XVIII.

An Act touching Commiſſions of Peace and of Gaol-delivery, in Towns-corporate not being Counties.

Juſtices of Peace 110.

WHere the King and Queens moſt excellent Highneſs, and their noble Progenitors Kings of this Realm, have heretofore granted their ſeveral Commiſſions directed as well unto the Mayors, Recorders, and other grave men, and Inhabitants of certain ancient and famous Cities and Towns-corporate within this Realm of England, not being Counties in themſelves, as alſo unto divers other worſhipful and learned men dwelling out of the ſame Cities and Towns-corporate, as well for the keeping of their peace, good ordering of their people, and executing of their Laws and Statutes within the ſame Cities and Towns-corporate, as alſo for the delivery of their Majeſties Priſoners remaining in the Gaols there, and after the granting of ſuch Commiſſions, their Majeſties have granted divers other like Commiſſions unto certain worſhipful and learned men of the Shires, Lathes, Rapes, Ridings, and Wapentakes of this Realm of England, for the confirmation of their peace, and alſo delivering of their Priſoners remaining in their Gaols within the ſame Shires, Lathes, Rapes, Ridings, and Wapentakes; (2) which Commiſſions ſo bearing a later date, have been a Superſedeas and clear diſcharge unto all and ſingular the ſaid former Commiſſions granted unto the ſaid Cities and Towns-corporate, not being Counties in themſelves; (3) ſo that the ſaid Mayor and other grave and chiefeſt Officers of every ſuch City and Town-corporate, have been charged to ſue for the renewing again of ſuch Commiſſions, both for the Peace and Gaol-delivery, to the great expences, coſt and charges of the ſaid Mayor and other the Inhabitants of ſuch Cities and Towns-corporate, and to the great protracting and delay of Juſtice there in the mean time: For reformation whereof, and for the advancement of Juſtice in the premiſſes:

A Commiſſion of the Peace and Gaol-delivery, ſhall not be a Superſedeas to a former like Commiſſion granted to a City or Town-corporate. Cok. Inſtitut. 4 part 169.

II. Be it therefore enacted by the King and Queens Majeſties, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and ſingular Commiſſion and Commiſſions granted or to be granted to any ſuch City or Town-corporate, not being as is aforeſaid, a County in it ſelf, for the keeping of their peace and delivery of the Priſoners remaining in the Gaols of any ſuch City or Town-corporate, not being a County in it ſelf, ſhall ſtand, remain, and be good and available and effectual in the Law, to all intents, conſtructions and purpoſes, the granting of any like Commiſſion of Peace or Gaol-delivery to any Commiſſioner or Commiſſioners for the conſervation of the Peace, or delivery of the Priſoners remaining in the Gaol of any Shire, Lathe, Rape, Riding, or Wapentake within the Realm of England, bearing date after the ſaid Commiſſion or Commiſſions granted as is aforeſaid, to any ſuch City or Town-corporate, not being as is aforeſaid, a County in it ſelf, to the contrary notwithſtanding.

C A P. XIX.

A reviver of the Statute of 22 H. 8. 11. touching Powedike in Marſh-land, which was repealed by the Statute of 1 Ed. 6. and 1 M. 1. PR. Felony, Raſt. 11

C A P. XX.

For the Dutchy of Lancaſter.

Lancaſter, Raſt. 5. The decay of the revenues of the Dutchy of Lancaſter.

FOraſmuch as the King and Queen our Sovereign Lord and Lady conſidering and regarding the Eſtate of the Dutchy of Lancaſter, being one of the moſt famous, princelieſt and ſtatelieſt pieces of our ſaid Sovereign Lady the Queens ancient Inheritance, do perceive and conſider, that the poſſeſſions and yearly Revenues of the ſaid Dutchy, are and have been of late greatly diminiſhed, as well by reaſon of ſundry Gifts, Grants, and Sales made by the late Kings of famous memory, Henry the Eighth, and Edward the Sixth, late Kings of England, Father and Brother to our ſaid Sovereign Lady the Queens Highneſs, as alſo by reaſon of ſundry Exchanges made with divers their loving Subjects, of ſundry manors, lands, tenements, poſſeſſions and hereditaments lately belonging to the ſame Dutchy, and the manors, lands, tenements, poſſeſſions and hereditaments, being received in recompence of the ſaid exchanges, be not annexed to the ſaid Dutchy, but been in the order, ſurvey and governance of other Courts and places ſo by their Highneſſes taken and received in exchange:

II. And foraſmuch alſo as their Majeſties do mind and intend to preſerve, advance, maintain and continue the ancient and honourable Eſtate of the ſaid Dutchy, our ſaid Sovereign Lord and Lady therefore be pleaſed and contented, that it be enacted, ordained and eſtabliſhed by their Majeſties with the aſſents of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all honours, caſtles, lordſhips, manors, lands, tenements, poſſeſſions and hereditaments within this Realm of England, which at any time ſince the Eight and twentieth day of January, in the Firſt year of the Reign of our ſaid Sovereign Lord King Edward the Sixth, were parcel of the poſſeſſion of the ſaid Dutchy of Lancaſter, or which were united and annexed to the ſaid Dutchy, by authority of Parliament, Letters Patents, or otherwiſe, and which at any time ſince the ſaid Eight and twentieth day of January, have been given, granted, alienated, bargained, ſold, exchanged, or otherwiſe ſevered from the ſaid Dutchy by our ſaid late Sovereign Lord King Edward the Sixth, or by our ſaid Sovereign Lady the Queen that now is, or by our Sovereign Lord and Lady the King and Queens Majeſties that now be, to or with any perſon or perſons, and which ſaid honours, caſtles lordſhips, manors, lands, tenements and hereditaments, and ſuch gifts, grants, alienations, bargains, ſales, exchanges, or ſeverance thereof ſo made as is aforeſaid, been comen, or returned again to the hands of our ſaid late Sovereign Lord King Edward the Sixth, or to the hands of our ſaid Sovereign Lady the Queen, or to the hands of our ſaid Sovereign Lord and Lady the King and Queen, or to the hands of her Majeſty, her Heirs and Succeſſors, in poſſeſſion, reverſion, remainder, or otherwiſe, by attainder, eſcheat, forfeiture, purchaſe, remainder, or otherwiſe: And which now be or remain in the hands of our ſaid Sovereign Lord and Lady the King

Dutchy Lands ſevered from the Crown, and ſithence re-united, ſhall be again parcel of the Dutchy. St. 37 H. 8. 16.

and Queens Majeſties, of any eſtate of inheritance, ſhall from the time the ſame came and reverted again to the hands of our ſaid Sovereign Lord and Lady the King and Queen, by authority and force of this Act, be united and annexed for ever unto the ſaid Dutchy of Lancaſter, and ſhall be adjudged, deemed and taken for ever, for and as parcels and members of the ſaid Dutchy of Lancaſter; (2) and that all ſuch and thoſe of the ſaid manors, lands, tenements and hereditaments which be lying within the County Palatine of Lancaſter, ſhall be of the ſame nature, quality, kind and condition, to all intents, conſtructions and purpoſes, as others the ancient poſſeſſions of the ſaid Dutchy, lying and being within the ſaid County Palatine of Lancaſter, be and ought to be; (3) and all thoſe and ſuch of the ſaid manors, lands, tenements and hereditaments which be lying out of the ſaid County Palatine of Lancaſter, ſhall be of the ſame nature, quality, kind and condition, to all intents, conſtructions and purpoſes, as other ancient poſſeſſions of the ſaid Dutchy, lying and being out of the County Palatine of Lancaſter, be and ought to be; (4) and ſhall be in the letting, ſetting, order, rule, ſurvey, receit and governance of the Chancellor, Councel, and Officers of the ſaid Dutchy of Lancaſter for the time being for ever more, in like and the ſame manner and form, to all intents and purpoſes, as others the ſaid ancient poſſeſſions belonging to the ſaid Dutchy, been, have been, or owen to be.

The new annexed Lands ſhall paſs under the Seal of the Dutchy, and with the ſame ceremonies.

III. And that all the ſaid honours, caſtles, lordſhips, manors, lands tenements and hereditaments, united and annexed to the ſaid Dutchy of Lancaſter, by authority and force of this Act, and all and ſingular gifts, grants, leaſes, Letters Patents and Writings thereof, or of any parcel thereof hereafter to be made by the King and Queens Highneſs, or by the Heirs or Succeſſors of her Majeſty, ſhall for evermore paſs and be made under ſuch of the Seals of the ſaid Dutchy, as other the ancient poſſeſſions of the ſaid Dutchy have uſed to paſs and be made, and not under any other Seal or otherwiſe, and with the like and the ſame livery of ſeiſin, atturnements, ceremonies, orders and circumſtances in the Law, and in the ſame manner and form as other the ancient poſſeſſions of the ſaid Dutchy, and the Letters Patents, Charters and Writings thereof heretofore of ancient made, have uſed and ought to be made and paſſed, and not otherwiſe, nor in any other manner and form; Any law, eſtatute, uſage or cuſtom to the contrary thereof in any wiſe notwithſtanding.

Other Lands may be annexed to the Dutchy of Lancaſter.

IV. And be it further enacted, ordained and eſtabliſhed by the authority aforeſaid, That our ſaid Sovereign Lord and Lady the King and Queen that now be, and the Heirs and Succeſſors of her Majeſty, may from time to time hereafter at their liberties and pleaſures, by their Graces Letters Patents, to be ſealed with the Great Seal of England, unite, annex, limit, aſſign and appoint any other their honours, caſtles, lordſhips, manors, lands, tenements and hereditaments, lying and being within this their ſaid Realm of England, unto their ſaid Dutchy of Lancaſter, for the further augmentation, honour and eſtate of the ſaid Dutchy, at their wills and pleaſures.

V. And that all and every ſuch annexing, limiting, aſſignment and appointment made or to be made by our ſaid Sovereign Lord and Lady the King and Queen, or by the Heirs or Succeſſors of our ſaid Sovereign Lady the Queen, of any their honours, caſtles, lordſhips, manors, lands, tenements and hereditaments, unto the ſaid Dutchy of Lancaſter, by any their ſaid Letters Patents under the Great Seal of England, ſhall be as good and available as if it were done by authority of Parliament.

Lands to be annexed lying within the County Palatine.

VI. And that all ſuch honours, caſtles, lordſhips, manors, lands, tenements and hereditaments lying and being within the ſaid County Palatine of Lancaſter, which ſhall happen to be united and annexed to the ſaid Dutchy by force of any ſuch Letters Patents, ſhall from the teſte of the ſaid Letters Patents, be within the order, ſurvey, rule, governance, juriſdiction, letting and ſetting of the ſaid Dutchy of Lancaſter for the time being, as other poſſeſſions of the ſaid Dutchy, lying and being within the ſaid County Palatine of Lancaſter, have uſed and owen to be.

Lands to be annexed to the Dutchy, lying out of the County Palatine of Lancaſter.

VII. And that all other honours, caſtles, lordſhips, manors, lands, tenements and hereditaments, lying and being out of the ſaid County Palatine of Lancaſter, which ſhall happen to be united and annexed to the ſaid Dutchy by force of any ſuch Letters Patents, ſhall be from the teſte of the ſaid Letters Patents, within the order, ſurvey, rule, governance, juriſdiction, letting and ſetting of the ſaid Dutchy of Lancaſter, as others the poſſeſſions of the ſaid Dutchy of Lancaſter, lying and being out of the ſaid County Palatine of Lancaſter, have uſed and owen to be; (2) Saving to all and every perſon and perſons, bodies politick and corporate, to their heirs, ſucceſſors and aſſigns, and to the heirs, ſucceſſors and aſſigns of every of them, all ſuch right, title, intereſt, entries, conditions, occupations, poſſeſſion, leaſe and leaſes, fees, annuities, offices, ſervices, commons, profits, commodities, eaſements, actions, ſuits, demands, thing and things whatſoever, which they or any of them ſhould, might or ought to have had into or out of any the premiſſes, before the making of this Act, in like and in the ſame manner, form and condition, to all intents, conſtructions and purpoſes, as if this Act had never been had or made; any thing in this Act to the contrary in any wiſe notwithſtanding.

A ſaving of the right of others.

Certain lands excepted which are not to be annexed to the Dutchy of Lancaſter.

VIII. Provided always, and be it enacted by the authority aforeſaid, That this Act, or any thing or things therein contained, ſhall not in any wiſe extend to enable or give any liberty to our ſaid Sovereign Lord and Lady the King and Queen, nor to the Heirs and Succeſſors of our ſaid Sovereign Lady the Queen, to unite and annex to the Dutchy of Lancaſter, by their Letters Patents, any honors, caſtles, lordſhips, manors, lands, tenements or hereditaments, being any part or parcel of the ancient inheritance of the Crown, or of the Principality of Wales, or of the Dutchy of Cornwall, or of the Earldom of Cheſter, or any their honors, caſtles, lordſhips, manors, lands, tenements or hereditaments, ſet, lying, or being within the Counties of Cheſter and Flint, or either of them; nor to give, annex or aſſign to the ſaid Dutchy of Lancaſter, any honors, caſtles, lordſhips, manors, lands, tenements or hereditaments, exceeding and amounting in the whole, above the yearly value of two thouſand pounds; any clauſe, article or thing in this Act rehearſed, contained or ſpecified to the contrary thereof in any wiſe notwithſtanding.

IX. Provided always, and be it enacted by the authority aforeſaid, That the farms, rents, ſutes and ſervices of ſuch and as many of the ſaid manors, lands, tenements and hereditaments mentioned in this Act, belonging to the Dutchy of Lancaſter, and County Palatine of Lancaſter, or to either of them, ſhall be anſwered and paid in the Court of the Dutchy Chamber at Weſtminſter, or to the Receivers General and other Miniſters of the ſame Court, in like manner and form as heretofore have been uſed and accuſtomed; (2) and that all Leaſes hereafter to be made of any of the ſame manors, lands, tenements or hereditaments belonging to the ſaid Dutchy, ſhall be made under the Seal of the Dutchy of Lancaſter, in like manner and form as heretofore have been uſed; This Act or any thing therein contained to the contrary thereof in any wiſe notwithſtanding.

CAP. XXI.

The Statutes made Anno 22 H. 8. 7. Anno 23 H. 8. 3. & 17. Anno 24 H. 8. 9. Anno 28. H. 8. 6, 8, 9. Anno 32 H. 8. 7. Anno 35 H. 8. 17. Anno 37 H. 8. 23. Anno 2 & 3 Ed. 6. 9. Anno 3 & 4 Ed. 6. 19, & 21. Anno 5 & 6 Ed. 6. 14. Anno 7 Ed. 6. 11. Anno 1 M. 12, & 13. Anno 1 & 2 P. & M. 3. revived, and made to continue untill the laſt day of the next Parliament. EXP.

Horſes, Raſt 3.

CAP. XXII.

A confirmation of a Subſidy of ſix ſhillings in the pound, granted by the Clergy to the King and Queen, to be paid in three years. EXP.

Taxes, Raſt. 32

CAP. XXIII.

A confirmation of a Subſidy granted to the King and Queen by the Temporalty. EXP.

Ibid 32.

Anno quarto & quinto Philippi & Mariæ.

ACTS made at a Parliament begun and holden at Weſtminſter, the one and twentieth day of January, in the Fourth and Fifth year of the Reign of our Sovereign Lord and Lady Philip and Mary, by the Grace of God, King and Queen of England, Spain, France, both the Sicilies, Jeruſalem and Ireland, Defenders of the Faith; Princes of Spain and Sicily, Arch-Dukes of Auſtria, Dukes of Millain, Burgandy and Brabant, Counties of Haſpurg, Flanders, and Tyroll: And there continued and kept until the ſeventh day of March then next following, were enacted as followeth.

CAP. I.

An Act for confirmation of Letters Patents.

Where ſithence the ſeventh day of July, in the Firſt year of the Queens Majeſties Reign, divers and ſundry honors, caſtles, manors, lands, tenements, rents, reverſions, ſervices and other hereditaments, have been conveyed and aſſured to her Highneſs, her Heirs and Succeſſors, by or from divers and ſundry perſons, and bodies politick, as well for the diſcharge and ſatisfaction of great debts and ſums of money, as for other good conſiderations: For the perfect aſſurance, confirmation, and further ſurety whereof,

Patents 21. Confirmation of all Letters Patents, &c. made by the King & Queen, or by the Queen ſince the 7 of July. 1 M. or to be made ſeven years after, &c.

II. Be it enacted, ordained and eſtabliſhed by the King and Queens Majeſties, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all feoffments, fines, ſurrenders, aſſurances, conveyances and eſtates in any wiſe conveyed, had or made, to or for our ſaid Sovereign Lord and Lady, the King and Queens Majeſties, or to or for our ſaid Sovereign Lady the Queen, by or from any ſuch perſon or perſons, bodies politick, and corporate, of any ſuch honors, caſtles, manors, lands, tenements, rents, reverſions, ſervices or other hereditaments, for any debt, ſum or ſums of money, or other conſideration whatſoever, ſhall ſtand, remain and be good and available in the Law, to all intents, conſtructions and purpoſes, according to the true meaning, intent and purport of the ſame:

III. Saving to all and every perſon and perſons, and to their heirs, bodies politick and corporate, and to their ſucceſſors, and to every of them, (other then ſuch perſon or perſons, and their heirs and wives, and every of them, bodies politick and corporate, and their ſucceſſors, and every of them, of or from whom the King and Queens Highneſs, or the Queens Highneſs only hath obtained or purchaſed the ſaid premiſſes, or any parcel thereof, by change, gift, bargain, fine, feoffment, recovery, deed enrolled or otherwiſe) (2) all ſuch right, title, intereſt, uſe, poſſeſſion, rents, reverſions, remainders, offices, fees, commons, profits and commodities whatſoever, which they or any of them have, might or ought to have had, of, in or to the premiſſes, or any part thereof, in as large and ample manner, form and condition, to all intents, conſtructions and purpoſes, as if this Act had never been had ne made; this preſent Act or any thing therein contained to the contrary notwithſtanding.

Other perſons rights ſaved.

IV. And where, as well our Sovereign Lord and Lady, as our ſaid Sovereign Lady the Queens Highneſs, ſithence the ſaid ſeventh day of July, in the firſt year of her Majeſties Reign, as well for divers and great ſums of money, as alſo for divers and ſundry other conſiderations, have, and hath bargained, ſold, given or granted by their or her Graces ſundry Letters Patents, Indentures or other Writings ſealed under the Great Seal of England, and the Seal of the Dutchy of Lancaſter, as well to bodies politick and corporate, as to divers and ſundry other their loving and obedient Subjects, divers and ſundry honors, caſtles, manors, lands, tenements, rents, reverſions, ſervices and other hereditaments, in fee-ſimple, fee-tail, and for term of life, lives or years, as in the ſame Letters Patents, Indentures and other Writings, is mentioned and declared: (2) And to the intent the ſame Letters Patents, Indentures and other Writings, ſhould be good, available, and of perfect force and effect, to all and every her Highneſs loving Subjects, according to the true meaning and effect of the ſame,

V. Our ſaid Sovereign Lord and Lady, the King and Queen are contented and pleaſed, That it be enacted by the authority of this preſent Parliament; And therefore by our ſaid Sovereign Lord and Lady the King and Queens Majeſties, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, Be it enacted and eſtabliſhed, That as well all and ſingular Letters Patents, Indentures or other Writings ſealed under the Great Seal of England, or under the Seal of the Dutchy of Lancaſter, and heretofore made or granted by our ſaid Sovereign Lord and Lady the King and Queen, or by our ſaid Sovereign Lady the Queen, for any ſums of Money, or for or upon other conſiderations, as all other Letters Patents hereafter to be made by our ſaid Sovereign Lord and Lady, for any ſum or ſums of money during the ſpace of ſeven years next enſuing the making of this Act, to any body politick or corporate, or to any other perſon or perſons whatſoever, of any honors, caſtles, manors, lordſhips, granges, meaſes, lands, tenements, meadows, paſtures, rents, reverſions, ſervices, woods, advowſons, nominations, patronages, annuities, rights, intereſts, entries, conditions, leets, courts, liberties, priviledges, franchiſes, or of any other hereditaments with their appurtenances, or of any part or parcel of them, ſealed with or under the Great Seal of England, or under the Seal of the Dutchy of Lancaſter, of whatſoever kind, nature or quality, they or any of them be or ſhall be reputed, known, or taken, with their appurtenances, or any part or parcel of them, ſhall be good, perfect and effectual in the Law, and ſhall ſtand, be taken, reputed, deemed and adjudged good, perfect, ſure, available and effectual in the Law, as well againſt the King and Queens Majeſties, as againſt the Queen, her Heirs and Succeſſors, according to the tenor of the ſaid Letters Patents, (2) the ſame to be expounded, conſtrued, deemed and adjudged moſt beneficial for the Patentees and Grantees of the ſame, according unto the words and purport of every of the ſaid Letters Patents, without any confirmation, licence or toleration of the Queen, her Heirs or Succeſſors: (3) any miſnaming, miſ-recital, or non-recital of any of the ſaid honors, caſtles, manors, lands, tenements and other the premiſſes, or any parcel thereof: (4) or any lack of finding Offices, or inquiſitions, of and in the premiſſes, whereby the title of the Queens Highneſs therein ought to have been found before making of the ſame Letters Patents, or other Writings: (5) or any miſ-recital, or non-recital of Leaſes thereof before made, as well of Record as not of Record: (6) or any lack of the certainty, miſ-caſting, rating or ſetting forth of the yearly values and rates of the premiſſes, or of the yearly rents reſerved of and for the premiſſes, or any parcel thereof, mentioned or contained in any the ſaid Letters Patents, or other Writing: (7) or for that the premiſſes be, or any part thereof is valued to a more or leſs value in the ſaid Letters Patents or Writings, than the ſaid manors, lands, tenements and other the premiſes then were or ſhall be in yearly value: (8) or any miſ-naming of towns, hamlets, pariſhes or countreys where the ſame honors, caſtles, manors, lands, tenements, rents, hereditaments and other the premiſſes, and every parcel thereof, or any parcel thereof lien or been: (9) or any lack of the true naming of the lands, tenements or hereditaments, or of the natures, kinds, ſorts, or quantities of the ſaid poſſeſſions or hereditaments, or any parcel thereof: (10) or any lack of the true naming of the corporation: or any lack of atturnment, livery and ſeiſin: (11) or any miſnaming of any the late tenants or fermors of the ſame ſo ſold or given notwithſtanding.

Defects in the Letters Patents ſaved.

Patents of Offices.

VI. Provided always, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained, ſhall not extend to make any Letters Patents of any Office or Offices, to be of any other effect, force or ſtrength, then the ſame Letters Patents were or ſhould have been before the making of this Act.

What ſhall be paid by the Patentee for the overplus of Lands ſold by the King and Queen.

VII. Provided always, and be it enacted by the authority aforeſaid, That all and ſingular ſuch Patentees, Grantees and Donees, and every of them, which at any time heretofore, ſithence the ſeventh day of July, have obtained and gotten of our ſaid Sovereign Lord and Lady the King and Queen, or any of them, or at any time hereafter during the ſpace of ſeven years, ſhall obtain and get of our ſaid Sovereign Lord and Lady the King and Queen that now be, or any of them, by way of exchange, or for any ſum or ſums of money any Letters Patents of any Monaſteries, Abbathies, Priories, Nunneries, or other Eccleſiaſtical poſſeſſions, or of any parcel of them, or any other manors, lands, tenements or hereditaments whatſoever, which at the date and making of any the ſame Letters Patents ſo made, ſithence the ſeventh day of July, or hereafter to be made during the ſpace of ſeven years, as is aforeſaid, were and ſhall be of better and more yearly value to the King and Queens Highneſs, or to any of them in yearly rent and ferm then was, is, or ſhall be contained, mentioned or ſpecified in any ſuch Letters Patents, or in the particulars or rate thereof made or to be made by any Auditor or Auditors, Surveyor or Surveyors, or other Officer, that then every ſuch Patentee, Grantee and Donee, their heirs, executors or aſſigns, and every of them, within one year next after office and other due proof, order and decree thereof made and had, or to be made and had within the ſpace and term of ten years next after this preſent Parliament, in the Court of the Exchequer, ſhall content and pay unto the Queens Majeſty, her Heirs and Succeſſors, for the ſame overplus and more value of the ſame Monaſteries, Abbathies, Priories, Nunneries, manors, lands, tenements and other hereditaments whatſoever with their appurtenances ſo ſold, given, granted or exchanged, as is aforeſaid, after the rate of twenty years purchaſe, and according to the yearly value and rate as the ſame manors, lands, tenements and other hereditaments whatſoever, were at the time of the making of any ſuch Letters Patents ſo made or to be made in manner and form aforeſaid; Any thing contained in any ſuch Letters Patents to the contrary in any wiſe notwithſtanding.

Twenty years purchaſe.

Leaſes made whereupon the old rent is not reſerved.

VIII. Provided alſo, and be it further enacted by the authority aforeſaid, That this Act, or any proviſion therein contained, ſhall not in any wiſe extend to confirm, ratifie, or make good any Leaſe or Leaſes made or to be made by our ſaid Sovereign Lord and Lady the King and Queen, or by any of them for the term of life, lives, or for years, whereupon the old and accuſtomed rents or more, be not, or hereafter ſhall not be reſerved, and yearly payable during the time and term of every ſuch Leaſe: (2) Nor that this preſent Act ſhall in any wiſe extend to revive or make good any Letters Patents made of any Office or Offices to any Comptroller, Cuſtomer, Aulneger, Searcher, ne to any Letters Patents of the grant of any Office or Offices heretofore granted or made by the King and Queens Majeſty, or any of them, which now be, or at any time heretofore have been annihilated, determined, or made void by judgment, by authority of Parliament, or by Decree: (3) nor to any Patent to be made to any perſon or perſons for term of years, or during the minority of any heir of any manors, lands or tenements, whereof any traverſe hereafter ſhall be tendred within three months after

Patents whereunto this Statute doth not extend.

after any office found and certified into any of the Kings Courts of Record, (4) ne to make good any Letters Patents made by our ſaid Sovereign Lord and Lady, or any of them, or any Office or Offices to be of any other effect, force or ſtrength, than the ſame Letters Patents were or ſhould have been before the making of this Act.

IX. Provided always, and be it enacted by authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend to any Letters Patents, which at any time heretofore ſithence the beginning of the Queens Majeſties Reign, have been made or hereafter ſhall be made by the King and Queens Highneſs, or by the Queens Majeſty only, to any perſon or perſons of any manors, lands, tenements, rents, reverſions, ſervices or other hereditaments, by force of any information, ſuit or ſuggeſtion made, or to be made to her Highneſs, that the ſame manors, lands, tenements, or other hereditaments ſo contained in any ſuch Letters Patents, were concealed lands: (2) nor to any Letters Patents heretofore made by our ſaid Sovereign Lord and Lady the King and Queens Majeſties, or any of them, to Ralph Jackſon Clerk, now maſter of the Hoſpital of the Savoy in the pariſh of Saint Clements Dacorum, without the bars of the new Temple London, and to his brethren, being perpetual Chaplains of the ſame Hoſpital, and to their Succeſſors, but that the ſame Letters Patents and every of them, ſhall ſtand, remain, and be in the ſame force, ſtrength and effect as they were before the making of this Act; any thing in this Act mentioned to the contrary notwithſtanding.

Patents of lands concealed, 21 Jac. 2.

Letters Patents made to the maſter of the Savoy.

X And where the manor of Southwell in the County of Nottingham, and alſo the ſcite and precinct of the Colledge of Southwell in the ſame County, together with divers other lands, tenements, and hereditaments to the ſaid late Colledge lately belonging or appertaining, were conveyed and aſſured by Indenture, Fine or otherwiſe, by or from John Beaumont Eſquire, unto our late Sovereign Lord King Edward the Sixth, and to his Heirs and Succeſſors, for the diſcharge and ſatisfaction of divers great ſums of money, wherein the ſame John Beaumont was indebted to the ſaid late King: (2) Be it enacted and eſtabliſhed by the authority aforeſaid, That the ſaid conveyance and aſſurance ſhall be perfect, good, ſufficient and available againſt the ſaid Beaumont and his heirs, to all intents, conſtructions and purpoſes, according to the purport, tenor and true meaning of the ſame conveyances and aſſurances: (3) Saving to all and every perſon or perſons, and bodies politick and corporate, their heirs and ſucceſſors, and every of them (other then the ſaid John Beaumont, his wife, and his heirs, and all other claiming any eſtate or intereſt by or from them or any of them ſithence the ſame conveyance and aſſurance) all ſuch right, title, intereſt, poſſeſſion, eſtate, leaſes, rents, ſervices, commons, and all other profits and commodities whatſoever, as they or any of them ſhould or might have had, if this Act had never been had ne made; Any thing therein contained to the contrary notwithſtanding.

A confirmation of the Aſſurance of the manor of Southwell.

Confirmation of Letters Patents by ſeveral Statutes, viz. St. 34 H. 8. 21. 7 Ed. 6. 1 Ed. 6. 3. 1 & 2 P. & M. 1. 18 El. 2. 43. El. 1.

C A P. II.

So much of every Statute heretofore made as doth concern only the finding or keeping of Horſe or Armour, and every penalty and forfeiture touching only the ſame, ſhall be repealed. What number, rate and proportion of Horſes, Armour and Weapons, each perſon is bound, and chargeable to keep in any reſpect, or for any cauſe. REP. 1 Jac. 25.

Armour, Raſt 8.

C A P. III.

An Act for the taking of Muſters.

WHere heretofore Commandment hath been given by the King and Queens Majeſties, and other the Progenitors of the Queens Majeſty, Kings of this Realm, to divers and ſundry perſons, to Muſter their Majeſties people and ſubjects of this their Realm of England, and to levy a number of them for the ſervice of their Majeſties and of this Realm in their Wars, ſuch as were moſt able and likelieſt to ſerve well in the ſame: (2) which ſervice hath been greatly hindred, as well for that a great number have abſented them from the ſaid Muſters, which ought to have come to the ſame, as alſo for that many of the moſt noble and likely men for that ſervice, have been through friendſhip or reward releaſed, forborn and diſcharged of the ſaid ſervice; (3) and ſome other not being able or meet, taken, appointed and choſen thereunto, and yet the ſame diſability and unaptneſs, notwithſtanding the ſame unable and unmeet perſons, upon ſums of money, or other kind of rewards or exactions by them paid to ſome ſuch as had the Order of the ſaid Muſters, have been alſo releaſed and diſcharged of the ſaid ſervice, to the great impoveriſhment of the Subjects, and chiefly to the great peril and danger of this noble Realm, in the hindrance of the true and neceſſary ſervice thereof:

Captains, 3, 12, &c.

The penalty for a Souldier departing from his Captain without his licence, and for not appearing at Muſters, &c.

Several cauſes of hindrance of due ſerving in War.

II. For remedy whereof, be it enacted by the King and Queen our Sovereign Lord and Lady, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons, that ſhall be commanded at any time hereafter, generally or ſpecially to Muſter afore any ſuch as ſhall have authority or commandment for the ſame, by or from the King and Queens Majeſties, or by the Heirs or Succeſſors of the Queens Majeſty, or by any Lieutenant, Warden, or other perſon or perſons authorized for the ſame, do willingly abſent him or themſelves from the ſame Muſters, having no true and reaſonable excuſe of ſickneſs, or other lawful impediment: or at their appearance at ſuch Muſters do not bring with them ſuch their beſt furniture or array, and armor, as he or they ſhall then have for his or their own perſon in readineſs, ſhall for every ſuch default and offence have and ſuffer impriſonment by the ſpace of ten days without bail or mainpriſe, by the Commandment of ſuch as ſhall have authority, as is aforeſaid, to take the ſame muſters, unleſs he or they ſo offending, as is aforeſaid, do agree to or with the Commiſſioners, or two of them, to pay to the uſe of the King and Queen our Sovereign Lord and Lady, or of the Heirs and Succeſſors of the ſame our Sovereign Lady, for every ſuch offence fourty ſhillings for a Fine; (2) which ſaid Fine after agreement for the payment of the ſame, [illegible] certified and eſtreated into the Court of the Exchequer at Weſtminſter, by ſuch as ſhall have power to take the ſaid Muſters, as is aforeſaid, or by two of them, under their Seals, or the Seals of two of them, within the ſpace of two months next after ſuch agreement to pay the ſaid Fine had or made, and the ſame Fine ſo eſtreated, to be levied in ſuch form as Fines aſſeſſed by the Juſtices of Aſſiſe, or of Goal-delivery, in their Circuits are uſed to be levied.

The penalty of Muſter-maſters taking reward to diſcharge them.

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons which at any time or times hereafter ſhall be commanded or appointed by the King and Queen our Sovereign Lord and Lady, or by the Heirs and Succeſſors of the ſame our Sovereign Lady, by their Commiſſion, Letters, or otherwiſe authoriſed to levy, muſter or make any man to ſerve in their Wars, or otherwiſe, for the defence of this Realm, do by any mean exact, levy, receive, or take, or cauſe to be taken any ſum or ſums of money, or other reward or thing whatſoever, of any perſon or perſons, for ſervice in the Wars, or that ſhall be appointed, named or muſtered to ſerve in any ſuch ſervice, or for the ſparing, releaſing or diſcharging of ſuch perſon or perſons from the ſaid ſervice, that then every ſuch perſon that ſo ſhall offend in exacting, receiving or taking by any ways or means, any ſum or ſums of money or other reward or thing whatſoever, as is aforeſaid, ſhall for ſuch offence forfeit ten times ſo much as he ſhall ſo receive, exact or take.

The penalty of a captain, licenſing his ſouldier to depart, or not paying his wages.

IV. And be it further enacted by the authority aforeſaid, That if any Captain, petty Captain, or other, having charge of men for ſerving in War, ſhall for any advantage, lucre or gain by him to be taken or received, diſcharge or licenſe any of the Souldiers, or men appointed to ſerve in the Wars under his rule or order, to depart from the ſame ſervice, or ſhall not pay unto his Souldiers, and to every of them their full and whole wages, conduct and coat-money, within ten days next after that ſuch Captain, petty Captain, or other having charge of men, as is aforeſaid, ſhall have received the ſame, that then the party ſo offending in giving any ſuch licenſe or diſcharge, as is aforeſaid, ſhall loſe and forfeit for every ſuch offence, ten times the value of the thing ſo taken or received, and ſhall alſo pay to every Souldier from whom he ſhall ſo withhold any of the ſaid wages, conduct or coat-money, treble the ſum ſo withholden; (2) the one moiety of all which forfeitures; other then ſuch as before by this Act is limited or given to the Souldier or Souldiers, as is aforeſaid, for their wages coat or conduct-money withdrawn, ſhall be to the King and the Queens Majeſties, and the Heirs and Succeſſors of the Queens Majeſty, and the other moiety thereof to him or them that will ſue for the ſame by Action of debt, bill, plaint, information or otherwiſe, in any Court of Record; in which action or ſuit, no eſſoin, protection or wager of Law ſhall be allowed.

Who ſhall have the forfeiture.

V. And be it further enacted by the authority aforeſaid, That all Juſtices of Aſſizes in their Circuits, and all Juſtices of Peace within the limits of their Commiſſion, in their Aſſizes and Seſſions, and Stewards of the Leets, Law-days and Liberties, at their Leets and Law-days, ſhall and may from time to time enquire, hear and determine every of the ſaid offences committed or done contrary to this Act, within the precincts of their Commiſſion, Leet or Liberty: (2) and if any perſon or perſons ſhall be, before the ſaid Juſtices of Aſſize, Juſtices of Peace, or any of them, preſented or indicted of any the offences aforeſaid, that then the ſaid Juſtices of Aſſize, or Juſtices of Peace before whom ſuch indictment or preſentment ſhall be taken or had, ſhall and may by the authority of this Act, award ſuch proceſs againſt every ſuch perſon or perſons indicted, as upon indictments of Treſpaſs is uſed and accuſtomed to be made: (3) and if any ſuch perſon or perſons ſo indicted do appear before the ſaid Juſtices, and confeſs the ſame, or plead to the ſame Indictments, and after by verdict of twelve men, ſhall be of any of the ſaid offences contained in ſuch indictment or Indictments, convicted, that then the ſaid Juſtices before whom any ſuch conviction ſhall be ſo had, ſhall and may award ſuch perſon and perſons ſo convicted, unto priſon, there to remain without Bail or Mainpriſe, until ſuch time as he or they have payed or ſatisfied the moiety of the forfeiture aforeſaid, unto the King and Queens Majeſties uſe, and the other moiety thereof unto him or them that ſhall come before the ſaid Juſtices, and give evidence againſt the party to be convicted at the time of the ſaid conviction, and by whoſe evidence he ſhall be of the ſaid offence convicted: (4) And if any ſuch conviction ſhall be had without any evidence openly given by any perſon or perſons, that then the party convicted, as is aforeſaid, ſhall remain in priſon, as is aforeſaid, untill he have ſatisfied the whole forfeiture to the King and Queens Majeſties uſe.

Offences committed during the time of ſervice.

VI. Provided always, and be it further enacted by the authority aforeſaid, That if any the offences aforeſaid, touching Captains, petty Captains, or other having charge of men, ſhall be committed during the time that any Army or number of men being under a Lieutenant, ſhall be aſſembled and continue together, or by any Captain, petty Captain, or other having charge of men that ſhall ſerve under any Lord-warden or other Chieftain, that then upon complaint thereof the Lord-lieutenant, or the Lord-warden, or other Chieftain during the time of any his or their Commiſſion, ſhall and may hear, order, and determine the offences, by his or their diſcretions.

Service in reſpect of tenure of land.

VII. Provided always, That this Act, nor any thing therein contained, ſhall not in any wiſe extend to take away or diſcharge any tenant or fermor of his ſervice or covenant toward his Lord, for the finding of horſe, armour or weapon, or for doing of ſervice by himſelf, or by any other, which by the tenure of his land otherwiſe is bounden to do before the making of this Act; but that he ſhall yield, do, and pay the ſame in as ample manner and form as though this Act had never been had or made.

He that is once convicted ſhall not be again troubled.

VIII. Provided alſo, and be it further enacted by the authority aforeſaid, That if any ſuch Captain, petty Captain, or other having charge of men, as is aforeſaid, ſhall be at any time hereafter convicted, or ordered by virtue of this Act, for any his offences aforeſaid, that then the ſame Captain, petty Captain, or other having charge of men, as is aforeſaid, ſo convicted, ſhall not otherwiſe or eftſoons he vexed, troubled, ſued, or convicted for the ſame offence, whereof he ſhall be ſo before convicted.

A reviver of the Statute of 2 & 3 Ed. 6. 2.

IX. And where one branch or article contained in the Statute made in the ſecond and third year of the Reign of the late King Edward the Sixth, intituled, An Act touching the true ſervice of Captains and Souldiers, whereby the departure of any Souldier, ſerving as in the ſaid Act is expreſſed, without licence of the Lieutenant, or other Officer or Officers named in this ſaid Act, or in their abſence, of their deputies, was made felony, is of no force, ſtrength, ne effect, at this preſent, by reaſon of the Act of Repeal of certain Treaſons, Felonies, and Præmunire, made in the firſt Seſſions of the Parliament holden at Weſtminſter, in the Firſt year of the Queens Majeſties Reign: (2) Be it for good and reaſonable conſiderations enacted and eſtabliſhed by the authority of this preſent Parliament, That the ſaid branch or article, and every ſentence and matter therein contained, be from henceforth wholly revived and recontinued, and be and remain in full ſtrength and effect, to all intents, conſtructions and purpoſes, the ſaid Act of Repeal notwithſtanding: (3) And that all and every other article, clauſe, proviſo and matter contained in the ſame Act, ſhall ſtand, remain, and be in their full force, ſtrength and effect; any thing in this Act contained to the contrary notwithſtanding.

1 M. 1.

X. And yet nevertheleſs where in the ſaid Act it is provided, That no perſon or perſons ſhould be charged for the taking and receiving of any gift or reward of any of his or their Tenants or friends towards the relief, aid or help of the ſame perſons being commanded to ſerve in Wars, or otherwiſe to find men on horſeback or on foot, within this Realm or without, (2) or for the gift, reward, aid or help reſerved, or covenanted to be paid or given to any perſon appointed to ſerve in Wars, or to find horſe and men to ſerve, by reaſon of any grant, covenant, reſervation, cuſtom or tenure; any thing in the ſaid Act to the contrary notwithſtanding, as by the ſaid Act and Proviſo more plainly it doth and may appear: (3) Be it enacted by the authority of this preſent Parliament, That no perſon or perſons ſhall or may by colour of the ſaid Proviſo, or of any words or matter therein contained, exact or demand, or levy any ſum or ſums of money, horſe, armour, or any other thing, other then ſhall be imployed forthwith in the preſent ſervice of thoſe Wars, of the King and Queens Majeſties, her Heirs and Succeſſors, for which it is levied; the which ſum or ſums of money, horſe, armour or other thing, or as much thereof as ſhall not be ſpent, loſt or conſumed in the ſaid ſervice, ſhall be rendred and reſtored to ſuch perſon or perſons as payed or delivered the ſame, upon the penalties and forfeitures contained in the ſaid Act.

What relief of friends or tenants may be taken toward ſervice in war.

XI. Provided always, That no perſon or perſons, inhabiting within any City, Borough or Town corporate, being a County of it ſelf, or in which any Juſtices of Peace be, or hereafter ſhall be, by Charter, ſhall be compellable by virtue of this Act, to make his or their appearance with ſuch furniture as is aforeſaid, at any Muſter hereafter to be had or taken, out of the Suburbs, Precinct or Liberties of the ſame City, Borough or Town, nor before any perſon or perſons authoriſed by Commiſſion or otherwiſe, as is aforeſaid, unleſs the Mayor, or other head Officer of ſuch City, Borough or Town, and one other diſcreet Inhabitant of the ſame at the leaſt, be joyned in the ſame Commiſſion, or other authority, as is aforeſaid, with the ſame other perſon or perſons ſo authoriſed; any thing before mentioned to the contrary notwithſtanding.

Inhabitants in Cities, Boroughs, or Towns-corporate, ſhall be muſtered only within the ſame

CAP. IV.

An Act that Acceſſaries in Murder and divers Felonies, ſhall not have benefit of Clergy.

For the due puniſhment of ſuch as command, counſel, or hire any perſon or perſons, to commit, perpetrate, or do any pety Treaſon, wilful Murder, or any of the offences in this preſent Act mentioned: (2) Be it enacted by the authority of this preſent Parliament, That all and every perſon and perſons, that after the firſt day of March next coming, ſhall maliciouſly command, hire, or counſel any perſon or perſons, to commit or do any pety Treaſon, wilful Murder, or to do any robbery in any dwelling houſe or houſes, or to commit or do any robbery in or near any High-way in this Realm of England, or in any other the Queens Dominions, or to commit or do any robbery in any place within the Marches of England againſt Scotland, or wilfully to burn any dwelling houſe, or any part thereof, or any barn then having Corn or Grain in the ſame, that then every ſuch offender or offenders, and every of them being outlawed thereof, or being thereof arraigned and found guilty by the order of the Law, or being otherwiſe lawfully attainted or convicted of the ſame offence, or by being arraigned thereof, do ſtand mute of malice or froward mind, or do challenge peremptory above the number of twenty perſons, or will not anſwer directly to ſuch offence, ſhall not have the benefit of his or their Clergy.

Clergie 6. Acceſſaries in pety Treaſon, Felony, Murder, ſhall not have their Clergy. St. 2 & 3 P. & M. 17.

II. Provided always, and be it enacted, That every Lord and Lords of the Parliament, and Peer and Peers of this Realm, having place and voice in the Parliament, upon every Indictment for any of the offences aforeſaid, ſhall be tried by their Peers, as hath been accuſtomed by the Laws of this Realm.

Tryal of a Lord by his Peers.

CAP. V.

An Act touching the making of Woollen Clothes.

Where in the Parliament holden at Weſtminſter, in the Fifth and Sixth year of the Reign of our late Sovereign Lord King Edward the Sixth, there was, by great deliberation and advice, one good Act made for the true and perfect making of Woollen Cloth within this Realm; (2) ſithence the making whereof, divers Clothiers found themſelves agrieved, alledging, That it is impoſſible for them to obſerve the ſame Act in all points, and have in this preſent Parliament prayed ſome mitigation thereof: It is therefore at their ſpecial inſtance and requeſt, ordered, eſtabliſhed, enacted and provided, in manner and form following:

Drapery 5. &c. How woollen Clothes ſhall be made in length, breadth and weight, and how the offenders therein ſhall be puniſhed. 5 & 6 Ed. 6. 6.

II. Imprimis, That every white Cloth and Clothes commonly called long Worceſters, and all like Clothes of like making mentioned in the ſaid Act, which by the ſame was limited to weigh eighty four pounds, being well ſcoured, thicked, milled and fully dryed, ſhall weigh threeſcore and fifteen pounds at the leaſt.

Long Worceſters.

III. Item, Every white Cloth which ſhall be made in the Counties of Wiltſhire, Glouceſter, and Somerſet, or any of them, or elſewhere of like making, being appointed by the ſaid Act to weigh ſixty four pounds, ſhall weigh, being well ſcoured, thicked, milled and fully dried, ſixty one pounds at the leaſt.

White clothes of Glouceſter, Wiltſhire, Somerſet.

IV. Item,

The weight of broad clothes.

IV. Item, That every broad Cloth made in the Shires of Kent and Suſſex, or at the Town of Reading, or any of them, or elſewhere of like making mentioned in the ſaid Act, which by the ſame was limited to weigh xc. pounds at the leaſt, ſhall weigh, being well ſcoured, thicked, milled, and full dryed, lxxxvi. l. at the leaſt.

Courſe ſhort cloth.

V. Item, That every courſe ſhort Cloth made in the Shires of Suffolk, Norfolk and Eſſex, or any of them, or elſewhere of like ſort: And every courſe Cloth to be made within the Shire of Kent, not exceeding the price of vi. l. all which by the ſaid Act are appointed to contain ſeven quarters of a yard at the leaſt in breadth, ſhall contain and be at the water, being thorow wet, ſix quarters and a half within the Liſt thorow and by all the whole Cloth.

Handywarp.

VI. Item, Every yard of Cloth commonly called Handywarp, being well ſcoured, thicked, milled, and fully dried, ſhall contain the breadth ſpecified in this Act, and ſhall weigh two pounds and a half at the leaſt.

Liſts of Handywarps.

VII. And foraſmuch as many perſons do counterfeit the making of Cockſal, Bocking, and Braintre Clothes, commonly called Handywarps, adding thereunto ſuch like Liſts as the makers of ſuch Clothes do, to the great deceit of the King and Queens Majeſties Subjects: (2) Be it therefore enacted, That no perſon or perſons from the firſt day of May next coming, ſhall add unto any Cloth or Clothes, any ſuch Liſt or Liſts, except the warp thereof be ſpun upon the Rock or Diſtaff, upon pain of forfeiture of the ſame Cloth or Clothes, or the very value thereof. (3) Provided, That the Cloth-makers within the City of Worceſter may make Liſts as they have done heretofore.

Broad Cloth made in the Weſt-riding in Yorkſhire.

VIII. Item, That no perſon or perſons inhabiting within the Weſt-riding in the County of York, ſhall make, or cauſe to be made any broad Cloth or Cloths called pewkes, tawnies, violets, or greens, except the wooll thereof before it be converted into yarn be firſt dyed, litted, and coloured with the colour blew, of the value of ii. d. a pound, upon pain of forfeiture of every ſuch coloured Cloth, or the value thereof, whereof the wooll ſhall not be firſt dyed, litted, and coloured the colour with blew, of ij. d. a pound, as is aforeſaid.

Ordinary Kerſie.
Sorting Kerſie
14 El. 10. 3 Jac. 16.

IX. Item, That every ordinary Kerſie mentioned in the ſaid Act, ſhall contain in length in the water betwixt xvi. and xvii. yards, yard and inch, and being well ſcoured, thicked, milled, dreſſed, and fully dried, ſhall weigh nineteen pounds the piece at the leaſt; (2) And every Kerſie called ſorting Kerſie, mentioned in the ſaid Act, being well ſcoured, thicked, milled, dreſſed, and fully dried, ready to be ſhewed, ſhall weigh xxii. pound at the leaſt.

Devonſhire Kerſie.

X. Item, That every Devonſhire Kerſie, called Doſon, the which is appointed by the ſame Statute to weigh, being dry, xiv. pounds at the leaſt, ſhall weigh being well ſcoured, thicked, milled, and fully dried, after the rate of every yard, one pound at the leaſt.

Welſh lynings.
5 Ed. 6. 6.

XI. Item, That one Article mentioned in the ſaid Statute concerning Welſh Cottons, touching the length and weight, ſhall be clearly void, (2) and every gode of Welſh lyning ſhall contain and be three quarters of a yard in breadth in the water, and ſhall weigh one pound and a half quarter; (3) and every yard of Cotton being fully wrought and cottoned, ſhall weigh one pound at the leaſt.

None that buyeth to ſell again ſhall work any Welſh lyning.
8 El. 7.

XII. And be it further enacted, That no perſon or perſons which ſhall buy to ſell again by way of retail, or otherwiſe, any of the Welſh lynings, ſhall dreſs or work, or cauſe to be dreſſed or wrought within his or their dwelling-houſe or houſes, or in any other place, by himſelf or his ſervant or ſervants, any of the ſaid Welſh lynings, but ſhall put the ſame to ſome ſuch perſon or perſons as ſhall be of the Art or Science of Sheermen, Cottoners or Friſers, to be by them wrought and dreſſed, upon pain of forfeiture of every Welſh Cotton or Lyning friſed or cottoned to the contrary, vi. s. viii. d.

Cottons, Rugs, and Frizes, may be divided into two pieces.

XIII. Item, That all and every Cotton or Cottons called Mancheſter, Lancaſhire, and Cheſhire Cottons, and all Clothes called Mancheſter Rugs, or Mancheſter Friſes, may be divided into two half pieces, and ſhall contain and be after the rate of ſuch breadth and weight as in the ſaid Act is limited and appointed to a whole piece of every the ſeveral pieces of Cottons and Rugs aforeſaid; any thing in the ſaid former Statute to the contrary in any wiſe notwithſtanding.

Forfeiture for defaults in lengths and meaſures.

XIV. And if any Cloth or Kerſie of the ſeveral kinds of makings mentioned in the ſaid former Act, or this Statute, do exceed the ſeveral lengths mentioned in the ſame, that then every yard ſo exceeding, ſhall weigh after ſuch rate as every yard of ſuch Cloth or Kerſies containing the ſaid ſeveral lengths, ſhall or ought to weigh, upon pain of forfeiture for every yard not weighing after ſuch rate, v. s.

XV. And if any ſuch Cloth or Kerſies ſhall lack of ſuch weight as by the ſaid Statute or this Act it ought and is appointed to have, then the maker thereof, or other perſon in whoſe hands or poſſeſſion the ſame ſhall be found, ſhall forfeit for every pound lacking, above iv. l. v. s. and alſo for every pound exceeding, not above iv. l. ij. s. in manner and form as in the ſaid former Act is appointed.

The Aulnegers Seal.
5 Ed. 6. 6.

XVI. Item, One Article mentioned in the ſaid Statute, wherein the Aulneger is prohibited to ſet his Seal to any Cloth or Kerſie which ſhall prove purſie, bandy, ſqually, in or by warp or woof, or elſe ſhall happen to be evil burled, or waſted in the Mill, or otherwiſe to be full of holes, or to have bracks, or to be holely, ſhall be void and of none effect.

How faulty cloth ſhall be uſed.

XVII. Item, It is enacted, That if at any time after the firſt day of May, any Cloth or Kerſie, through the default or negligence of the Carders, Spinners, Weavers, or any of them, ſhall, or do prove either purſie, cockly, bandy, ſqually or rowy, by warp or woof, or elſe ſhall happen to be evil burled, or waſted in the Mill, or elſe through the default or negligence of the Mill-man or otherwiſe, to be full of holes, Mill-bracks, or to be holely, that then the maker of every ſuch Cloth or Kerſie ſo being defective and faulty as is aforeſaid, ſhall fix unto every end of the ſaid Cloth or Kerſie ſo being defective and faulty, and offered to be ſold, one Seal of Lead; in the which Seal ſhall be ingraved this word (Faulty) upon pain of forfeiture of ſuch Cloth or Kerſie, or the value thereof, ſo offered to be ſold, whereunto ſuch Seal ſhall not be ſet.

XVIII. Item, The Article mentioned in the ſaid former Act, of returning defective Clothes, Kerſies, Friſes, or Cottons being tranſported over the Seas by the Merchants, ſhall be utterly void. (2) But nevertheleſs, be it enacted by the authority aforeſaid, That if it ſhall fortune hereafter any Merchant or Merchants, to tranſport any Cloth or Clothes, Kerſies, Friſes or Cottons, whereunto the Seal with this word (Faulty) was not annexed at the time of the ſale thereof by the Clothier, and the ſame Clothes, Kerſies, Friſes, or Cottons ſo tranſported, or any of them to be found faulty or defective, and the ſame Merchant or Merchants thereof, within two years after ſuch ſale, bring a certificate ſealed with the Seal of any Town, or Company in the parts beyond the Seas, or ſigned by a Notary there after the accuſtomed manner, teſtifying and declaring thereby the loſs and damage which the Merchants ſhall have ſuſtained by ſuch defective and faulty Cloth or Clothes ſo tranſported, (3) that then the Clothier or Clothiers, or other perſon of whom the Cloth or Clothes was bought, their Executors or Adminiſtrators ſhall within ſix weeks next after requeſt made by the ſaid Merchant, his Executors, Adminiſtrators or Aſſigns, well and truly ſatisfie, content, and pay to ſuch Merchant, his Executors or Adminiſtrators, or Aſſigns, all and every ſuch ſum and ſums of money as ſhall be mentioned, expreſſed and declared in the ſaid Certificate, (4) upon pain of forfeiture to the party grieved for every non-payment upon ſuch requeſt, double the value of ſuch ſum or ſums mentioned in the ſaid Certificate.

No defective Cloth ſhall be returned, but the Merchant ſhall be recompenſed upon a Certificate brought. Rep. 43 El. 10. Sect. 9. N. 5.

XIX. Provided always, That ſuch Merchant ſhall not in any wiſe have by virtue of this Act, any recompence for lack of length, breadth, or weight, of or for any Cloth whereunto the Seal of any City, Borough, or Town corporate ſhall be fixed.

Cloth wanting length, &c. whereunto the ſeal of a City, &c ſhall be affixed.

XX. Item, If any perſon ſhall by himſelf, or by any other perſon by him procured, counterfeit, ſet to, or take away from any Cloth, Kerſie, Friſe, Rug, or Cotton, any Seal appointed to be fixed to any Cloth, Kerſie, Friſe, Rug or Cotton, either by this Act, or by the ſaid former Eſtatute, that then every ſuch perſon ſo offending, ſhall incur and have like penalties, forfeitures and puniſhments, as in the ſaid former Act is appointed and limited for the like offence.

Counterfeiting ſetting to, or taking away of any Seal.

XXI. And for the better execution as well of this preſent Act as of the ſaid former Eſtatute, and to the intent that all kind of Kerſies, Cottons, Friſes, Rugs, and other woollen Cloth made in any Town, ſhall be better known, (2) it is further enacted, That the Seal of every Borough or Town-corporate, appointed or to be appointed for the ſealing of any ſuch kind of Cloth, ſhall be fixed to all and every ſuch kind of Cloth being well and ſubſtantially made within ſuch City, Borough, or Town-corporate: (3) which Cloth ſo ſealed with the Seal of any City, Borough or Town-corporate, ſhall not be ſearched, tried, or viewed by any Searcher or Sealer of any other City, Borough or Town-corporate, by virtue of his ſaid Office; any thing in this Act, or in the ſaid former Eſtatute to the contrary notwithſtanding.

The Town Seal ſhall be ſet to Clothes.

XXII. Item, Be it further enacted by the authority aforeſaid, That every perſon and perſons not dwelling and inhabiting within any City, Borough, or Corporate Town, and making any of the Clothes or Kerſies aforeſaid, may lawfully bring the ſame to the ſame City, Borough or corporate Town where any ſuch kind of Clothes or Kerſies be, or ſhall be commonly made, there to be ſealed in manner and form as is before expreſſed.

Clothes made out of Towns-corporate, ſhall be ſealed in the next Towns-corporate, &c.

XXIII. Item, If any Searcher or Sealer, appointed or to be appointed by virtue of this preſent Act, or of the ſaid former Statute, ſhall ſet the Seal of any City, Borough or Town-corporate to any Cloth which ſhall not contain ſuch length, weight, and breadth as in the ſaid former Statute, or in this preſent Act is appointed, that then the Mayor and Commonalty, or Bailiff and Commonalty, or other Corporation of the Townſhip, by whatſoever name or names it or they ſhall be incorporate where ſuch Cloth, Kerſie, Friſe, Cotton, or Rug, ſhall be ſo ſealed, ſhall forfeit and loſe the whole value of the Cloth ſo ſealed.

The forfeiture where a ſealer ſetteth his ſeal to Cloth wanting length.

XXIV. It is alſo enacted by the authority of this preſent Parliament, That the ſaid Searchers or Sealers, and every of them, ſhall have full power and authority by virtue of this Act, in the day-time to enter into all and every houſe and houſes of every perſon and perſons where he or they ſhall think meet, to ſearch and to try all and every kind of Clothes, Kerſies, Friſes, and Rugs as they ſhall find defective, either in length, breadth or weight, and the ſame to try by water and weight, (2) and alſo to ſearch and ſeiſe as forfeit, all and every Cloth and Clothes made of other colours than in the ſaid former Act is appointed; Fryers gray, Crane colour, Purple, and old medley colours, moſt commonly uſed to be made before twenty years laſt paſt only excepted,

The ſearchers and ſealers may enter into any mans houſe to ſearch. St. 21 Jac. 28.

XXV. And if any manner of perſon or perſons at any time after the firſt day of May next coming, ſhall deny, withſtand, or with-hold any Cloth or Clothes, Kerſies, Friſes, Rugs, or any of them from the ſaid Sealers or Searchers, or any of them, or will not ſuffer them to enter into their Shops, Warehouſes, houſes or places where their Clothes, Kerſies, Friſes, or Rugs ſhall be, the ſame to be ſearched and tried as is aforſaid, that then every ſuch perſon or perſons ſo denying or withſtanding, for every ſuch withſtanding, with-holding or denial, to forfeit and loſe ten pounds.

The penalty for denying of ſearching or ſealing.

XXVI. Be it likewiſe further enacted, That it ſhall not be lawful for any of the ſaid Searchers or Sealers, or any other perſon, to ſearch any manner of Woollen Cloth or Kerſie whereunto the Seal of a City, Borough or Town-corporate ſhall be fixed, within the common Cloth-Market of London, commonly called Blackwell-Hall, or in any common Cloth-Fair, or Cloth-Market of any other City, Borough or Town-corporate, in and during the time of the Fair or Market; Any Act or Statute to the contrary notwithſtanding.

No ſearching in common Markets or Fairs.

XXVII. Be it further enacted, That all and every Article, Clauſe and Sentence in the ſaid former Statute made in the fifth and ſixth years of the Reign of our ſaid late Sovereign Lord King Edward the Sixth, being not repugnant or contrary to any Article, Clauſe or Sentence contained in this preſent Act, ſhall ſtand in full force and effect.

A confirmation of the Stat. of 5 & 6 Ed. 6. 6.

XXVIII. Provided always, That no perſon or perſons ſhall incur the danger, penalty or forfeiture limited and appointed for any offence in the ſaid former Act, the which is already mitigated or otherwiſe appointed by this preſent Act.

Penalties in the former Act altered in this.

XXIX. And be it further enacted by the authority aforeſaid, That every Clothier ſhall cauſe

Every Cloth marked with M.

every Cloth which ſhall be put to ſale from and after the Feaſt of the Nativity of St. John Baptiſt next enſuing, to be marked with the letter M. crowned, wrought in the Cloth, upon pain to forfeit xx. s. for every Cloth being ſold or put to ſale by any ſuch Clother after the ſaid Feaſt, not marked with the ſaid letter M. as is aforeſaid.

No coloured Cloth ſhall be put to ſale, but theſe within. Rep. 21 Jac. 28.

XXX. And moreover, be it enacted by the authority aforeſaid, That no perſon or perſons after the ſaid Feaſt of the Nativity of St. John Baptiſt, ſhall ſet, or put to ſale within the Realm of England, any ſuch coloured Cloth of any other colour or colours then are hereafter in this Act mentioned, that is to ſay, Scarlet, red, crimſon, morrey, violet, pewke, brown, blew, black, green, yellow, blew, orange, tawney, ruſſet, marble gray, ſad new colour, azney, watchet, ſheeps colour, lion colour, motley, iron gray, friers gray, crane colour, purple, and old medley colour, moſt commonly uſed to be made above and before twenty years laſt paſt.

XXXI. Item, Whereas divers ancient Cities, Boroughs and Towns-corporate within this Realm of England, have been in times paſt well and ſubſtantially inhabited, occupied, maintained and upholden, as well by reaſon of making of broad Woollen Clothes and Kerſies, as alſo by divers other Artificers inhabiting then in the ſaid Towns, at which time alſo the Villages and Husband-Towns flouriſhed, and Husbandry and Tillage was well maintained, to the great benefit of the Realm and all the people therein: (2) Foraſmuch as divers years paſt, ſuch perſons as do uſe the Feat or Myſtery of Cloth-making, not contented to live as Artificers, and with the Trade wherein they have been brought up, do daily plant themſelves in the Villages and Towns, being no Cities, Boroughs, nor corporate Towns, and there occupying the feat and place of an Husbandman, do not only engroſs divers Ferms and Paſtures into their hands, diſpleaſing the Husbandman, and decaying the Ploughs and Tillage, but alſo draw with them out of Cities, Boroughs and Towns-corporate, all ſorts of Artificers, whereby not only divers ancient Cities, Boroughs and Towns-corporate are utterly decayed, deſtroyed and depopulated, but alſo Husbandry and Tillage much decayed, to the great hurt, damage and prejudice of this Realm and the people therein, if ſpeedy remedy be not foreſeen: (3) And foraſmuch alſo as the Weavers and Workmen of Clothiers, when they have been trained up in the Trade of Cloth-making and Weaving three or four years, do forſake their Maſters, and do become Clothiers and Occupiers for themſelves without ſtock, ſkill or knowledge, to the great ſlander of the true Cloth making, beſide a great number of inconveniences which do grow to the Common-wealth of this Realm thereby, as daily experience teacheth:

None ſhall make Cloth to ſell, but in a City, Borough, and where it hath been uſed to be made. St. 25 H. 8. 18. 1 El. 14. 18 El. 16. 27 El. 23. 1 M. 7. Rep. 21 Jac. 28.

XXXII. Be it therefore ordained and enacted by the authority of this preſent Parliament, That from and after the firſt day of May next coming, no perſon or perſons whatſoever ſhall uſe or exerciſe the Feat or Myſtery of making, weaving or rowing of Woollen Cloth, long or ſhort, or Kerſies, pinned whites, or plain ſtreights, to the intent to put the ſame to ſale, but only in a Market-town where Cloth hath commonly been uſed to be made by the ſpace of ten years laſt paſt, or in a City, Borough or Town-corporate, upon pain of forfeiture for every ſuch woollen Cloth or Kerſie made, woven or rowed out of the City, Borough, Town-corporate or Market-town, v. l.

Who only may weave Cloth to be ſold.

XXXIII. And it is further enacted, That from and after the firſt day of May, no perſon whatſoever ſhall weave or make, or put to weaving or making, any woollen Clothes or Kerſies laſt rehearſed, to be ſold, unleſs ſuch perſon ſhall have been Apprentice to the Occupation of making, weaving and rowing of Cloth or Kerſies, or have been exerciſed therein by the ſpace of ſeven years before, upon pain of forfeiture of ſuch Cloth, or the value thereof.

Who ſhall have the forfeitures.

XXXIV. And be it further enacted by the authority aforeſaid, That all and every pains, penalties and forfeitures to be due by force of this Statute, or of the ſaid former Act, being not otherwiſe appointed, ſhall be divided equally into two parts, whereof the one ſhall be to the Queens Highneſs, her Heirs and Succeſſors, and the other to him that will ſeiſe (in caſes where ſeiſure is limited or appointed,) or elſe to him or them that will ſue for the ſame pains, penalties and forfeitures, or any of them, by action, bill, plaint, information, or otherwiſe, in any Court of Record, wherein no eſſoin, protection, wager of Law, or injunction ſhall be admitted, allowed or obeyed.

XXXV. Provided always, That it ſhall be lawful to any perſon now uſing or exerciſing the Feat or Myſtery of making, weaving or rowing of Cloth or Kerſie, to inhabit and dwell where he now doth, and there to uſe the making, weaving or rowing of Cloth or Kerſie, as he hath done heretofore; any thing in this Act to the contrary notwithſtanding.

Who may make Cloth out of a Market-town.

XXXVI. Provided always, That it ſhall be lawful to all and every perſon or perſons which now do, or hereafter ſhall inhabit or dwell in any of the Shires of Northwales, or Southwales, Cheſhire, Lancaſhire, Weſtmerland, Cumberland, Northumberland, Biſhoprick of Durham, Cornwall, Suffolk, Kent, The Town of Goddelmire in the County of Surrey, or Yorkſhire, being not within twelve miles of the City of York, or in any the Towns or Villages near adjoyning to the Water of Stroud in the County of Gloceſter, where the Clothes have been uſually made by the ſpace of twenty years laſt paſt, and having been Prentice to the Occupation of Cloth-making, or exerciſed in the ſame by the ſpace of ſeven years, to ſet up, uſe and exerciſe the Feat or Myſtery of making, weaving or rowing of Cloth out of a City, Borough or Market-town, as heretofore they might have done; any thing in this Act to the contrary notwithſtanding.

Uſing the making of Cloth at the time of the Statute.

XXXVII. Provided alſo, That it ſhall be lawful to any perſon now uſing or exerciſing, or that hath uſed and exerciſed the Feat or Myſtery of Cloth-making, the ſame to continue, uſe and exerciſe, although he hath not been thereunto Apprentice, or have exerciſed the ſame by the ſpace of ſeven years; any thing in this Act to the contrary notwithſtanding.

The coloured Clothes which any perſon had at the time of this Statute, might be ſold.

XXXVIII. Provided always, and be it alſo further enacted by the authority aforeſaid, That it ſhall be lawful to every perſon and perſons, to ſell and put to ſale by retail or otherwiſe, all and every ſuch coloured Cloth and Clothes as he or they now have, as freely as he or they may lawfully ſell any Clothes of the colours in this preſent Act allowed to be ſold, until the Feaſt of St. Michael the Archangel next enſuing; this Act or the ſaid former Statute in any wiſe notwithſtanding. Stat. 27 Eliz. 17.

C A P. VI.

Every perſon born under the Dominion of the French King, not being Denizen, (other then ſuch as the King and Queen will licence to remain) ſhall depart this Realm, and not return during the Wars between the French King, and the King and Queen. The King and Queen during the Queens life, may upon any Miſdemeanor proved, repeal by Proclamation any Letters Patents made to any Frenchmen to be free Denizens ſithence Anno 32 H. 8. and then the Queen ſhall have the ſaid Denizens land during his life, but his heir ſhall enjoy it after his death. Exp.

Denizens. Raſt. 1.

C A P. VII.

An Act to make up the Jury with Circumſtantibus, where the King and Queens Majeſties, or the Queens Majeſty is a party.

Jurors 24.

A Tales de Circumſtantibus ſhall be granted upon requeſt in a ſuit commenced upon any penal Statutes. 35 H. 8. 6. S. 6. N. 1.

WHere in the Parliament holden at Weſtminſter the fourteenth day of January, in the five and thirtieth year of the Reign of the noble and victorious Prince King Henry the Eighth, late King of England, among other things, it was enacted and eſtabliſhed, for the ſpeedy trial of Iſſues joyned between party and party, in any of the Kings Courts of Record holden at Weſtminſter, to be tried by the verdict of twelve men, before the Juſtices of Aſſize, or Niſi prius,, (2) that in every Writ of Habeas corpora, a Diſtringas with a Niſi prius delivered of the Record to the Sheriff or other Miniſter or Miniſters to whom the making of the return ſhall appertain, where a full Jury ſhall not appear before the Juſtices of Aſſize or Niſi Prius, or elſewhere after appearance of a full Jury, by challenge of any of the parties, the Jury is like to remain untaken for default of the Jurors, that then the ſame Juſtices upon requeſt made by the parties plaintiff or demandant, ſhall have authority, by virtue of the ſaid Act, to command the Sheriff, or other Miniſter or Miniſters to whom the making of the ſaid return ſhall appertain, to name and appoint as often as need ſhall require, ſo many of ſuch other able perſons of the ſaid County, then preſent at the ſaid Aſſizes or Niſi Prius, as ſhall make up a full Jury; which perſons ſo to be named and impannelled by ſuch Sheriff, or other Miniſter or Miniſters, ſhall be added to the former pannel, and their names annexed to the ſame; as by the ſaid Act more at large appeareth: (3) which Statute was made to endure till the end of the next Parliament, and after was, and is from time to time continued and doth now remain, ſtand, and be in effect; (4) which Act doth not extend to any Jury impanelled to try an Iſſue joyned between the King and the party, or between ſuch as purſue any matter for the King and themſelves:

2 Ed. 6. 32.

II. Be it therefore enacted, ordained and eſtabliſhed by the King and Queens Majeſties, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of June next coming, the Juſtices of Aſſize and Niſi Prius before whom any trial ſhall be made, by virtue of any Writ of Habeas corpora, or Diſtringas, with a Niſi Prius, where a full Jury ſhall not appear, or after appearance of a full Jury by challenge, the Jury is like to remain untaken for default of Jurors, ſhall have authority by virtue of this Act, upon requeſt made for the King and Queen, her Heirs and Succeſſors, by any authoriſed thereunto, or Aſſigned by the Juſtices of the Court before whom the ſaid Enqueſt ſhall be taken, or upon requeſt to be made by the party that followeth as well for the King and Queen, her Heirs and Succeſſors, as for himſelf upon any penal Statute, or his or their Attorney, to command the Sheriff, or other Miniſter or Miniſters to whom the making of the ſaid return ſhall appertain, to name and appoint, as often as need ſhall require, ſo many of ſuch other able perſons of the ſaid County, then preſent at the ſaid Aſſiſes, or Niſi Prius, and to add and annex the names to the former pannel, as ſhall make up a full Jury of twelve men, for the trial of every ſuch Iſſue:

III. And that all and every clauſe, ſentence, article, and proviſo compriſed in the ſame former Act, ſhall be taken, interpreted and expounded, to give the like and the ſame advantage and commodity to the King and Queens Majeſties, her Heirs and Succeſſors, and all ſuch perſon and perſons as ſhall purſue any action, bill, plaint or information for the King and Queens Majeſties, her Heirs and Succeſſors only, or for them and the party, as the party Plaintiff in any other action ſhould or might have, by virtue of the ſaid Act, in ſuch form and condition to all intents and purpoſes, as if ſuch action or ſuits for the King had been ſpecially and particularly mentioned and declared in the ſaid Act.

C A P. VIII.

An Act for the puniſhment of ſuch as ſhall take away young women that be Inheritors, being within the age of Sixteen years, or marry them without conſent of their Parents.

Car. 365. n.

Women 6. Puniſhment of ſuch as take away maidens, &c. within ſixteen years of age.

WHere Maidens and women children of Noblemen, Gentlemen and others, as well ſuch as be Heirs apparent to their Anceſtors, as others, having left unto them by their Father, or other Anceſtor and Friends, Lands, Tenements and Hereditaments, or other great ſubſtances in goods and chattels moveable, for, and to the intent to advance them in marriage, ſomewhat like according to their degrees, and as might be moſt for their ſurety and comfort, as well for themſelves as of all other their friends or kinsfolks, be oftentimes unawares to their ſaid friends and kinsfolks, by flattery, trifling, gifts, and fair promiſes, of many unthrifty and light perſonages, and thereto by the intreaty of perſons of lewd demeanour, and others that for rewards buy and ſell the ſaid maidens and children ſecretly allured and won to contract Matrimony with the ſaid unthrifty and light perſonages, and thereupon either with ſleight or force, often times be taken and conveyed away from their ſaid parents, friends or kinsfolks, to the high diſpleaſure of Almighty God, diſparagement of the ſaid children, and extream continual heavineſs of all their friends: which ungodly dealing, for lack of wholſom Laws to the redreſs thereof, remaineth a great, familiar, and common miſchief in this our Common-wealth:

II. For remedy whereof, Be it enacted by the King and Queens Majeſties, the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, That it ſhall not be lawful to any perſon or perſons, to take or convey away, or cauſe to be taken or conveyed away, any maid or woman child unmarried, being

Vaughan. 181. the margin.

within the age of ſixteen years, out of, or from the poſſeſſion, cuſtody or governance, and againſt the will of the father of ſuch maid or woman child, or of ſuch perſon or perſons to whom the father of ſuch maid or woman child, by his laſt Will and Teſtament, or by any other Act in his life-time, hath, or ſhall appoint, aſſign, bequeath, give or grant the order, keeping, education or governance of ſuch maid or woman child, excepting ſuch taking and conveying away as ſhall be had, made or done, by or for ſuch perſon or perſons, as without fraud or covin be or then ſhall be the maſter or miſtreſs of ſuch maid or woman child, or the Guardian in ſoccage, or Guardian in Chivalry, of or to ſuch maid or woman child.

The penalty for taking a maid under ſixteen years of age.

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons above the age of fourteen years, ſhall from and after the firſt day of April next coming, unlawfully take or convey, or cauſe to be taken or conveyed, any maid or woman child unmarried, being within the age of ſixteen years, or out of, or from the poſſeſſion, and againſt the will of the father or mother of ſuch child, or out of, or from the poſſeſſion, and againſt the will of ſuch perſon or perſons as then ſhall happen to have, or by any lawful ways or means, the order, keeping, education or governance of any ſuch maiden or woman child; that then every ſuch perſon and perſons (ſo offending) being thereof lawfully attainted and convicted by the order and due courſe of the Laws of this Realm, (other then ſuch of whom ſuch perſon taken away ſhall hold any Lands or Tenements by Knights ſervice) ſhall have and ſuffer impriſonment of his and their bodies by the ſpace of two whole years, without bail or mainpriſe, or elſe ſhall pay ſuch fine for his or their ſaid offence as ſhall be aſſeſſed by the Councel of the Queens Highneſs, her Heirs and Succuſſors, in the Star-chamber at Weſtminſter.

The penalty for taking away, deflowring or contracting matrimony with a woman under xvi. years of age.

Co. 1. 3.

IV. And be it further enacted by the authority aforeſaid, that if any perſon or perſons after the ſaid day, ſhall ſo take away, or cauſe to be taken away as is aforeſaid, and deflowr any ſuch maid or woman child, as is aforeſaid, or ſhall againſt the will, or unknowing of or to the father of any ſuch maid or woman child, if the father be in life, or againſt the will, or unknowing of or to the mother of any ſuch maid or woman child (having the cuſtody or governance of ſuch child if the father be dead) by ſecret Letters, Meſſages, or otherwiſe, contract Matrimony with any ſuch maiden or woman child, except ſuch contracts of Matrimony as ſhall be made by the conſent of ſuch perſon or perſons as by the title of Wardſhip ſhall then have or be intituled to have the marriage of ſuch maid or woman child; that then every ſuch perſon or perſon ſo offending, being thereof lawfully convicted, as is aforeſaid, ſhall ſuffer impriſonment of his or their bodies by the ſpace of five years, without bail or mainpriſe, or elſe ſhall pay ſuch fine for his or their ſaid offence, as ſhall be aſſeſſed by the ſaid Councel in the ſaid Star-chamber; (2) the one moiety of all which fines ſhall be to the King and Queens Majeſties, her Heirs and Succeſſors, the other moiety to the parties grieved.

Who may hear and determine the offences aforeſaid.

V. And be it further enacted by the ſaid Authority, that the King and Queens Highneſs honourable Councel of the Star-chamber, by bill of complaint or information, and Juſtices of Aſſize by Inquiſition or indictment, ſhall have authority by virtue of this Act, to hear and determine the ſaid offences; (2) upon every ſuch indictment and inquiſition, ſuch proceſs ſhall be awarded and lie, as upon an indictment of treſpaſs at the Common Law.

The forfeiture of a woman conſenting to an unlawful contract.

VI. And further be it enacted by the authority aforeſaid, That if any woman child or maiden, being above the age of twelve years, and under the age of ſixteen years, do at any time conſent or agree to ſuch perſon that ſo ſhall make any contract of Matrimony, contrary to the form and effect of this Statute, that then the next of the kin of the ſame woman child or maid, to whom the inheritance ſhould deſcend, return, or come after the deceaſe of the ſame woman child and maid, ſhall from the time of ſuch aſſent and agreement, have, hold, and enjoy all ſuch lands, tenements and hereditaments as the ſame woman child and maiden had in poſſeſſion, reverſion or remainder, at the time of ſuch aſſent and agreement, during the life of ſuch perſon that ſhall ſo contract Matrimony: (2) and after the deceaſe of ſuch perſon ſo contracting Matrimony, that then the ſaid lands, tenements and hereditaments, ſhall deſcend, revert, remain, and come to ſuch perſon or perſons, as they ſhould have done in caſe this Act had never been had ne made, other then to him only that ſo ſhall contract Matrimony.

Orders for Orphans.

VII. Provided always, and be it enacted, That this Act, nor any thing therein contained, ſhall extend to take away or diminiſh any Liberty, Cuſtom or Authority, touching or concerning any Orphan or Orphans, which now be, or hereafter ſhall be within the City of London, or any other City, Borough or Town where Orphans are commonly uſed to be provided for, either by Grant, or by Cuſtom, but that the Lord Mayor of the ſaid City of London, and the Aldermen of the ſame for the time being, and all and every other Head-Officers of any other City, Borough or Town where ſuch Orphans be provided for, ſhall and may have and take like rule, order, keeping and charge of ſuch Orphan and Orphans, and of all their lands, tenements, goods and chattels, as heretofore they or any of them lawfully had or uſed, or lawfully might have had and uſed, if this Act had not been made.

CAP. IX.

Horſes, Raſt. 3.

The Statutes made Anno 22 H. 8. 7. Anno 23 H. 8. 3, & 17. Anno 24 H. 8. 9. Anno 28 H. 8. 6, 8, 9. Anno 31 H. 8. 7. Anno 35 H. 8. 17. Anno 37 H. 8. 23. Anno 2 & 3 Ed. 6. 9. Anno 3 & 4 Ed. 6. 19, & 21. Anno 5 & 6 Ed. 6. 14. Anno 7 Ed. 6. 11. Anno 1 Mar. 12, & 13. Anno 1 & 2 Phil. & Mar. 3 & 16. Anno 2 & 3 Phil. & Mar. 2, 3, 5. ſhall be revived, and made to continue until the laſt day of the next Parliament. Exp.

CAP. X.

Taxes, Raſt. 33.

A Confirmation of a Subſidy of eight ſhillings in the pound, granted by the Clergy to the King and Queen, to be paid in four years. Exp.

Anno primo Reginæ ELIZABETHÆ.

AT the Parliament begun at Weſtminſter, the three and twentieth day of January, in the Firſt year of the Reign of our Soveraign Lady Elizabeth, by the Grace of God, of England, France and Ireland, Queen, Defender of the Faith, &c. And there prorogued till the five and twentieth of the ſame month, and then and there holden, kept and continued until the diſſolution of the ſame, being the eighth day of May then next enſuing, were Enacted as followeth.

Vide Dyer, fol. 203. que ceſt Parliament commence le 25. jour.

CAP. I.

An Act to reſtore to the Crown the ancient Juriſdiction over the Eſtate Eccleſiaſtical and Spiritual, and aboliſhing all Foreign powers repugnant to the ſame.

Crown 2. All ancient juriſdictions reſtored to the Crown. A repeal of divers Statutes, and revivor of others, and all Foreign Power aboliſhed.

MOſt humbly beſeech your moſt excellent Majeſty, your faithful and obedient Subjects, the Lords Spiritual and Temporal, and the Commons in this your preſent Parliament aſſembled, That where in the time of the Reign of your moſt dear Father of worthy memory, King Henry the Eighth, divers good Laws and Statutes were made and eſtabliſhed, as well for the utter extinguiſhment and putting away of all uſurped and foreign Powers and Authorities out of this your Realm, and other your Highneſs Dominions and Countries, as alſo for the reſtoring and uniting to the Imperial Crown of this Realm, the ancient Juriſdictions, Authorities, Superiorities and Preheminencies to the ſame of right belonging and appertaining, by reaſon whereof, we your moſt humble and obedient Subjects, from the five and twentieth year of the Reign of your ſaid dear Father, were continually kept in good order, and were diſburdened of divers great and intolerable charges and exactions before that time unlawfully taken, and exacted by ſuch foreign Power and Authority as before that was uſurped, until ſuch time as all the ſaid good Laws and Statutes by one Act of Parliament made in the firſt and ſecond years of the Reigns of the late King Philip, and Queen Mary your Highneſs Siſter, intituled, An Act repealing all Statutes, Articles and Proviſions made againſt the See Apoſtolick of Rome, ſince the twentieth year of King Henry the Eighth, and alſo for the eſtabliſhment of all Spiritual and Eccleſiaſtical poſſeſſions and hereditaments conveyed to the Laity, were all clearly repealed and made void, as by the ſame Act of Repeal more at large doth and may appear; By reaſon of which Act of Repeal, your ſaid humble Subjects were eftſoons brought under an uſurped foreign Power and Authority, and yet do remain in that bondage, to the intolerable charges of your loving Subjects, if ſome redreſs (by authority of this your High Court of Parliament, with the aſſent of your Highneſs) be not had and provided:

1 & 2 P. & M. 8.

II. May it therefore pleaſe your Highneſs, for the repreſſing of the ſaid uſurped foreign Power, and the reſtoring of the Rites, Juriſdictions and Preheminencies appertaining to the Imperial Crown of this your Realm, that it may be enacted by authority of this preſent Parliament, That the ſaid Act made in the firſt and ſecond years of the Reign of the ſaid late King Philip and Queen Mary, and all and every branches, clauſes and articles therein contained (other then ſuch branches, clauſes and ſentences, as hereafter ſhall be excepted) may from the laſt day of this Seſſion of Parliament, by authority of this preſent Parliament, be repealed, and ſhall from thenceforth be utterly void and of none effect.

A repeal of the Statute of 1 & 2 P. & M. 8.

III. And that alſo for the reviving of divers of the ſaid good Laws and Statutes made in the time of your ſaid dear Father, it may alſo pleaſe your Highneſs, That one Act and Statute made in the three and twentieth year of the Reign of the ſaid late King Henry the Eighth, intituled, An Act, That no perſon ſhall be cited out of the Dioceſs where he or ſhe dwelleth, except in certain caſes.

A revivor of the Statutes hereafter ſpecified, viz. 23 H. 8. 9.

IV. And one other Act made in the four and twentieth year of the Reign of the ſaid late King, intituled, An Act, That appeals in ſuch caſes as hath been uſed to be purſued to the See of Rome, ſhall not be from henceforth had ne uſed, but within this Realm. 24 H. 8. 12.

V. And one other Act made the five and twentieth year of the ſaid late King concerning reſtraint of payment of Annates, and Firſt-fruits of Archbiſhopricks and Biſhoprick to the See of Rome. 25 H. 8. not printed.

VI. And one other Act in the ſaid five and twentieth year, Intituled, An Act concerning the ſubmiſſion of the Clergy to the Kings Majeſty. 25 H. 8. 19.

VII. And alſo one Act made in the five and twentieth year, Intituled, An Act reſtraining the payment of Annates, or Firſt-fruits to the Biſhop of Rome, and of the electing and conſecrating of Archbiſhops and Biſhops within this Realm. 25 H. 8. 1.

VIII. And one other Act made in the ſaid five and twentieth year, intituled, An Act concerning the exoneration of the Kings Subjects from exactions and impoſitions heretofore paid to the See of Rome, and for having Licences and Diſpenſations within this Realm, without ſuing further for the ſame. 25 H. 8. 21.

IX. And one other Act made in the ſix and twentieth year of the ſaid late King, intituled, An Act for nomination and conſecration of Suffragans within this Realm. 26 H. 8. 14.

X. And alſo one other Act made in the eight and twentieth year of the Reign of the ſaid late King, intituled, An Act for the releaſe of ſuch as have obtained pretended Licences and diſpenſations from the See of Rome, (2) and all and every branches, words and ſentences in the ſaid ſeveral Acts and Statutes contained, by authority of this preſent Parliament, from and at all times after the laſt day of this Seſſion of Parliament, ſhall be revived, and ſhall ſtand and be in full force and ſtrength, to all intents, conſtructions and purpoſes; (3) And that the branches, ſentences and words of the ſaid ſeveral Acts, and every of them, from thenceforth ſhall and may be judged, deemed and taken to extend to your Highneſs, your Heirs and Succeſſors, as fully and largely as ever the ſame Acts or any of them did extend to the late King Henry the Eighth, your Highneſs Father.

28 H. 8. 16. Sect. 1. N. 1.

The ſentences and branches in the foreſaid Statutes ſhall extend to the Queen.

XI. And that it may alſo pleaſe your Highneſs, that it may be enacted by the authority of this preſent Parliament, That ſo much of one Act or Statute made in the two and thirtieth year of the Reign of your ſaid dear Father King Henry the Eighth, intituled, An Act concerning pre-contracts of marriages, and touching degrees of conſanguinity, as in the time of the late King Edward the Sixth, your Highneſs moſt dear Brother, by one other Act or Statute, was not repealed.

32 H. 8. 38. 2 Ed. 6. 23.

XII. And alſo one Act made in the ſeven and thirtieth year of the Reign of the ſaid late King Henry the Eighth, intituled, An Act that Doctors of the Civil Law being married, may exerciſe Eccleſiaſtical juriſdiction, (2) and all and every branches and articles in the ſaid two Acts laſt mentioned, and not repealed in the time of the ſaid late King Edward the Sixth, may 37 H. 8. 17.

from henceforth likewiſe ſtand and be revived, and remain in their full force and ſtrength, to all intents and purpoſes; any thing contained in the ſaid Act of Repeal before mentioned, or any other matter or cauſe to the contrary notwithſtanding.

What Stat. repealed by the Stat. of 1 & 2 P. & M. 8. ſhall continue repealed.

XIII. And that it may alſo pleaſe your Highneſs, That it may further be enacted by the authority aforeſaid, that all other Laws and Statutes, and the branches and clauſes of any Act or Statute repealed and made void by the ſaid Act of Repeal made in the time of the ſaid late King Philip and Queen Mary, and not in this preſent Act ſpecially mentioned and revived, ſhall ſtand, remain and be repealed and void, in ſuch like manner and form as they were before the making of this Act; any thing herein contained to the contrary notwithſtanding.

A reviver of the Statute of 1 Ed. 6. 1.

XIV. And that it may alſo pleaſe your Highneſs that it may be enacted by the authority aforeſaid, That one Act and Statute made in the firſt year of the Reign of the late King Edward the Sixth, your Majeſties moſt dear Brother, entituled, An Act againſt ſuch perſons as ſhall unreverently ſpeak againſt the Sacrament of the Body and Bloud of Chriſt, commonly called, The Sacrament of the Altar, and for the receiving thereof under both kinds, and all and every branches, clauſes and ſentences therein contained, ſhall and may likewiſe from the laſt day of this Seſſion of Parliament, be revived, and from thenceforth ſhall and may ſtand, remain and be in full force, ſtrength and effect, to all intents, conſtructions and purpoſes, in ſuch like manner and form as the ſame was at any time in the firſt year of the Reign of the ſaid late King Edward the Sixth; any Law, Statute, or other matter to the contrary in any wiſe notwithſtanding.

A repeal of the Statute of 1 & 2 P. & M. 6. 5 R. 2. 5. 2 H. 4. 15. 2 H. 5. 7. Moor 755. pl. 1043.

XV. And that alſo it may pleaſe your Highneſs that it may be further eſtabliſhed and enacted by the authority aforeſaid, That one Act and Statute made in the firſt and ſecond years of the late King Philip and Queen Mary, entituled, An Act for the reviving of three Statutes made for the puniſhment of hereſies; and alſo the ſaid three Statutes mentioned in the ſaid Act, and by the ſame Act revived, (2) and all and every branches, articles, clauſes and ſentences contained in the ſaid ſeveral Acts and Statutes, and every of them, ſhall be from the laſt day of this Seſſion of Parliament, deemed and remain utterly repealed, void and of none effect, to all intents and purpoſes; any thing in the ſaid ſeveral Acts, or any of them contained, or any other matter or clauſe to the contrary notwithſtanding.

The aboliſhing of foreign authority.

XVI. And to the intent that all the uſurped and foreign power and authority Spiritual and Temporal, may for ever be clearly extinguiſhed, and never be uſed and obeyed within this Realm, or any other your Majeſties Dominions or Countries, (2) May it pleaſe your Highneſs that it may be further enacted by the authority aforeſaid, That no Foreign Prince, Perſon, Prelate, State or Potentate Spiritual or Temporal, ſhall at any time after the laſt day of this Seſſion of Parliament, uſe, enjoy or exerciſe any manner of power, juriſdiction, ſuperiority, authority, preheminence or priviledge Spiritual or Eccleſiaſtical, within this Realm, or within any other your Majeſties Dominions or Countreys that now be, or hereafter ſhall be, but from thenceforth the ſame ſhall be clearly aboliſhed out of this Realm, and all other your Highneſs Dominions for ever; any Statute, Ordinance, Cuſtom, Conſtitutions, or any other matter or cauſe whatſoever to the contrary in any wiſe notwithſtanding.

Cok. pla. fol. 465, 487.

Eccleſiaſtical juriſdiction annexed to the Crown. 1 Leonard. 176. 21 H. 7. 2.

XVII. And that alſo it may likewiſe pleaſe your Highneſs that it may be eſtabliſhed and enacted by the authority aforeſaid, That ſuch juriſdictions, priviledges, ſuperiorities and preheminences Spiritual and Eccleſiaſtical, as by any Spiritual or Eccleſiaſtical power or authority hath heretofore been, or may lawfully be exerciſed or uſed for the viſitation of the Eccleſiaſtical ſtate and perſons, and for reformation, order and correction of the ſame, and of all manner of errors, hereſies, ſchiſms, abuſes, offences, contempts and enormities, ſhall for ever, by authority of this preſent Parliament, be united and annexed to the Imperial Crown of this Realm.

3 Inſt. 40. 1 Roll. 220. 337. 473. Savill 83. Hetley 19. 31 H. 8. 14. Sect. 16. N. 1.

12 Co 37, 42, 48, 49, 63, 82,

The Queen may aſſign Commiſſioners to exerciſe Eccleſiaſtical juriſdiction. Rep. Stat. 17 Car. 1. Cap. 11.

Co. In 4 Part, Co. lib. Cro. Ca

XVIII. And that your Highneſs, your Heirs ond Succeſſors, Kings or Queens of this Realm, ſhall have full power and authority by virtue of this Act, by Letters Patents under the Great Seal of England, to aſſign, name and authorize, when and as often as your Highneſs, your heirs or ſucceſſors ſhall think meet and convenient, and for ſuch and ſo long time as ſhall pleaſe your Highneſs, your heirs or ſucceſſors, ſuch perſon or perſons being natural born Subjects to your Highneſs, your heirs or ſucceſſors, as your Majeſty, your heirs or ſucceſſors ſhall think meet to exerciſe, uſe, occupy and execute under your Highneſs, your heirs and ſucceſſors, all manner of juriſdictions, priviledges and preheminences, in any wiſe touching or concerning any Spiritual or Eccleſiaſtical Juriſdictions, within theſe your Realms of England and Ireland, or any other your Highneſs Dominions and Countries: (2) And to viſit, reform, redreſs, order, correct and amend all ſuch errors, hereſies, ſchiſms, abuſes, offences, contempts and enormities whatſoever, which by any manner of Spiritual or Eccleſiaſtical power, authority or juriſdiction, can or may lawfully be reformed, ordered, redreſſed, corrected, reſtrained or amended, to the pleaſure of Almighty God, the increaſe of virtue, and the conſervation of the peace and unity of this Realm; (3) and that ſuch perſon or perſons ſo to be named, aſſigned, authorized and appointed by your Highneſs, your Heirs or Succeſſors after the ſaid Letters Patents to him or them made and delivered, as is aforeſaid, ſhall have full power and authority by virtue of this Act, and of the ſaid Letters Patents under your Highneſs, your Heirs and Succeſſors, to exerciſe, uſe and execute all the premiſſes, according to the tenour and effect of the ſaid Letters Patents; any matter or cauſe to the contrary in any wiſe notwithſtanding.

Who are compellable to take the Oath. Eccleſiaſtical perſons and Officers. Judge. Juſtice. Mayor. Temporal Officer. He that hath the Queens fee.

XIX. And for the better obſervation and maintenance of this Act, may it pleaſe your Highneſs that it may be further enacted by the authority aforeſaid, That all and every Archbiſhop, Biſhop, and all and every other Eccleſiaſtical perſon, and other Eccleſiaſtical officer and miniſter, of what eſtate, dignity, preheminence or degree ſoever he or they be, or ſhall be, (2) and all and every Temporal Judge, Juſtice, Mayor and other Lay or Temporal officer and miniſter, and every other perſon having your Highneſs fee or wages, (3) within this Realm, or any your Highneſs Dominions, ſhall make, take and receive a corporal Oath upon the Evangeliſt, before ſuch perſon or perſons as ſhall pleaſe your Highneſs, your Heirs or Succeſſors, under the Great Seal of England, to aſſign and name to accept and to take the ſame according to the tenour and effect hereafter following; that is to ſay,

The Oath for the Queens Supremacy. 5 El. 1. 28 H. 8. 7. Sect. 28. 1 Bulſt. 199.

I *A. B.* do utterly teſtifie and declare in my conſcience, That the Queens Highneſs is the only Supreme Governour of this Realm, and of all other her Highneſs Dominions and Countries, as well in all Spiritual or Eccleſiaſticall things or cauſes, as Temporal; and that no foreign Prince, Perſon, Prelate, State or Potentate, hath or ought to have any juriſdiction, power, ſuperiority, preheminence, or authority Eccleſiaſticall or Spiritual within this Realm, and therefore I do utterly renounce and forſake all foreign juriſdictions, powers, ſuperiorities and authorities, and do promiſe, that from henceforth I ſhall bear faith and true allegiance to the Queens Highneſs, her Heirs and lawful Succeſſors, and to my power ſhall aſſiſt and defend all juriſdictions, priviledges, preheminences and authorities granted or belonging to the Queens Highneſs, her Heirs and Succeſſors, or united and annexed to the Imperial Crown of this Realm, So help me God, and by the contents of this Book.

The penalty for refuſing the Oath.

XX. And that it may alſo be Enacted, That if any ſuch Archbiſhop, Biſhop, or other Eccleſiaſtical Officer or Miniſter, or any of the ſaid Temporal Judges, Juſticiaries, or other Lay-officer or Miniſter, ſhall peremptorily or obſtinately refuſe to take or receive the ſaid Oath, that then he ſo refuſing, ſhall forfeit and loſe only during his life, all and every Eccleſiaſtical and Spiritual Promotion, Benefice and Office, and every Temporal and Lay-promotion and Office, which he hath ſolely at the time of ſuch refuſal made; and that the whole title, intereſt and incumbency, in every ſuch Promotion, Benefice, and other Office, as againſt ſuch perſon only ſo refuſing, during his life, ſhall clearly ceaſe and be void, as though the party ſo refuſing were dead.

XXI. And that alſo all and every ſuch perſon and perſons ſo refuſing to take the ſaid Oath, ſhall immediatly after ſuch refuſal, be from thenceforth during his life, diſabled to retain or exerciſe any office or other promotion which he at the time of ſuch refuſal hath jointly, or in common with any other perſon or perſons.

XXII. And that all and every perſon and perſons, that at any time hereafter ſhall be preferred, promoted or collated to any Archbiſhoprick or Biſhoprick, or to any other Spiritual or Eccleſiaſtical Benefice, promotion, dignity or office, or miniſtry; or that ſhall be by your Highneſs, your Heirs or Succeſſors, preferred or promoted to any Temporal or Lay-office, miniſtry or ſervice within this Realm, or in any your Highneſs Dominions, before he or they ſhall take upon him or them to receive, uſe, exerciſe, ſupply or occupy any ſuch Archbiſhoprick Biſhoprick, promotion, dignity, office, miniſtry or ſervice, ſhall likewiſe make, take and receive the ſame corporal Oath before mentioned, upon the Evangeliſts, before ſuch perſons as have or ſhall have authority to admit any ſuch perſon to any ſuch office, miniſtry or ſervice, or elſe before ſuch perſon or perſons as by your Highneſs, your Heirs or Succeſſors, by Commiſſion under the Great Seal of England, ſhall be named, aſſigned or appointed to miniſter the ſaid Oath.

XXIII. And that it may likewiſe be further enacted by the authority aforeſaid, That if any ſuch perſon or perſons as at any time hereafter ſhall be promoted, preferred or collated to any ſuch promotion Spiritual, or Eccleſiaſtical Benefice, Office or Miniſtry, or that by your Highneſs, your Heirs or Succeſſors, ſhall be promoted or preferred to any Temporal or Lay-office, Miniſtry or Service, ſhall and do peremptorily and obſtinately refuſe to take the ſame Oath ſo to him to be offered, that then he or they ſo refuſing, ſhall preſently be judged diſabled in the Law to receive, take or have the ſame promotion Spiritual or Eccleſiaſtical, or the ſame Temporal Office, Miniſtry or Service within this Realm, or any other your Highneſs Dominions, to all intents, conſtructions and purpoſes.

He that ſueth Livery, or Ouſtre le maine.

He that doth homage to the Queen.

He that ſhall be received into the Queens ſervice.

XXIV. And that it may be further enacted by the authority aforeſaid, That all and every perſon and perſons Temporal, ſuing Livery, or Ouſtre le maine, out of the hands of your Highneſs, your Heirs or Succeſſors, before his or their Livery, or Ouſtre le maine, ſued forth and allowed (2) and every Temporal perſon or perſons doing any Homage to your Highneſs, your Heirs or Succeſſors, or that ſhall be received into ſervice with your Highneſs, your Heirs or Succeſſors, (3) ſhall make, take and receive the ſaid corporal Oath before mentioned, before the Lord Chancellor of England, or the Lord Keeper of the Great Seal for the time being, or before ſuch perſon or perſons, as by your Highneſs, your Heirs or Succeſſors, ſhall be named and appointed to accept or receive the ſame.

He that taketh Orders.

He that taketh degrees in any Univerſity.

XXV. And that alſo all and every perſon and perſons taking Orders, and all and every other perſon and perſons which ſhall be promoted or preferred to any degree of learning in any Univerſity within this your Realm or Dominions, before he ſhall receive or take any ſuch Orders, or be preferred to any ſuch degree of learning, ſhall make, take and receive the ſaid Oath by this Act ſet forth and declared, as is aforeſaid, before his or their Ordinary, Commiſſary, Chancellor or Vice-Chancellor, or their ſufficient Deputies in the ſaid Univerſity.

He that hath eſtate of inheritance in a temporal Office, firſt refuſeth, and then taketh the Oath.

XXVI. Provided always, and that it may be further enacted by the authority aforeſaid, That if any perſon having any eſtate of inheritance, in any Temporal Office or Offices, ſhall hereafter obſtinately and peremptorily refuſe to accept and take the ſaid Oath, as is aforeſaid, and after at any time during his life, ſhall willingly require to take and receive the ſaid Oath, and ſo do take and accept the ſame Oath before any perſon or perſons that ſhall have lawful authority to miniſter the ſame; that then every ſuch perſon immediately after he hath ſo received the ſame Oath, ſhall be veſted, judged and deemed in like eſtate and poſſeſſion of the ſaid Office as he was before the ſaid refuſal, and ſhall and may uſe and exerciſe the ſaid Office in ſuch manner and form as he ſhould or might have done before ſuch refuſal; any thing in this Act contained to the contrary in any wiſe notwithſtanding.

XXVII. And for the more ſure obſervation of this Act, and the utter extinguiſhment of all foreign and uſurped power and authority, (2) may it pleaſe your Highneſs, that it may be enacted by the authority aforeſaid, That if any perſon or perſons dwelling or inhabiting within this your Realm, or in any other your Highneſs Realms or Dominions, of what eſtate dignity or degree ſoever he or they be, after the end of thirty days next, after the determination of this Seſſion of this preſent Parliament, ſhall by writing, printing, teaching, preaching, expreſs words, deed or act, adviſedly, maliciouſly, and directly affirm, hold, ſtand

The penalty of the maintenance of foreign authority.

with, ſet forth, maintain or defend the authority, preheminence, power or juriſdiction, Spiritual or Eccleſiaſtical, of any Foreign Prince, Prelate, Perſon, State or Potentate whatſoever heretofore claimed, uſed or uſurped within this Realm, or any Dominion or Countrey being within or under the power, dominion or obeyſance of your Highneſs; (3) or ſhall adviſedly, maliciouſly and directly put in ure, or execute any thing for the extolling, advancement, ſetting forth, maintenance or defence of any ſuch pretended or uſurped juriſdiction, power, preheminence and authority, or any part thereof; (4) that then every ſuch perſon and perſons ſo doing and offending, their abettors, aiders, procurers and counſellours, being thereof lawfully convicted and attainted, according to the true order and courſe of the Common Laws of this Realm, for his or their firſt offence, ſhall forfeit and loſe unto your Highneſs, your Heirs and Succeſſors, all his and their goods and chattels, as well real as perſonal.

The forfeiture for the firſt offence.

XXVIII. And if any perſon ſo convicted or attainted, ſhall not have, or be worth of his proper goods and chattels to the value of twenty pound, at the time of his conviction or attainder; that then every ſuch perſon ſo convicted and attainted, over and beſides the forfeiture of all his ſaid goods and chattels, ſhall have and ſuffer impriſonment by the ſpace of one whole year, without bail or mainpriſe.

XXIX. And that alſo, all and every the Benefices, Prebends, and other Eccleſiaſtical promotions, and dignities whatſoever, of every Spiritual perſon ſo offending, and being attainted, ſhall immediately after ſuch attaindour be utterly void to all intents and purpoſes, as though the Incumbent thereof were dead, (2) and that the Patron and Donour of every ſuch Benefice, Prebend, Spiritual promotion and dignity, ſhall and may lawfully preſent unto the ſame, or give the ſame in ſuch manner and form as if the ſaid Incumbent were dead; (3) and if any ſuch offendor or offendors, after ſuch conviction or attaindour, ſo eftſoons commit or do the ſaid offences, or any of them in manner and form aforeſaid, and be thereof duly convicted and attainted, as is aforeſaid; that then every ſuch offendor and offendors, ſhall for the ſame ſecond offence, incur into the dangers, penalties and forfeitures ordained and provided by the Statute of Proviſion and Præmunire, made in the ſixteenth year of the Reign of King Richard the ſecond.

Forfeiture of the ſecond offence.

The penalty of the third offence.

XXX. And if any ſuch offendor or offendors, at any time after the ſecond conviction and attaindour, do the third time commit and do the ſaid offences, or any of them, in manner and form aforeſaid, and be thereof duly convicted and attainted, as is aforeſaid; that then every ſuch offence or offences, ſhall be deemed and adjudged high Treaſon, and that the offendor or offendors therein, being thereof lawfully convicted and attainted, according to the Laws of this Realm, ſhall ſuffer pains of death, and other penalties, forfeitures and loſſes, as in caſe of high Treaſon by the Laws of this Realm.

Within what time an offender ſhall be impeached.

XXXI. And alſo that it may likewiſe pleaſe your Highneſs, that it may be enacted by the authority aforeſaid, That no manner of perſon or perſons ſhall be moleſted or impeached for any of the offences ſo committed or perpetrated only by preaching, teaching or words unleſs he or they be thereof lawfully indicted within the ſpace of one whole year next after his or their offences ſo committed: (2) And in caſe any perſon or perſons ſhall fortune to be impriſoned for any of the ſaid offences committed by preaching, teaching, or words only, and be not thereof indicted within the ſpace of one half year next after his or their ſuch offence ſo committed and done, that then the ſaid perſon ſo impriſoned ſhall be ſet at liberty, and be no longer detained in priſon for any ſuch cauſe or offence.

All things touching the Præmunire in the Stat. 1 & 2. P. & M. 8 Sect. 41. do continue in force.

XXXII. Provided always, and be it Enacted by the authority aforeſaid, That this Act or any thing therein contained, ſhall not in any wiſe extend to repeal any clauſe, matter or ſentence contained or ſpecified in the ſaid Act of Repeal made in the ſaid firſt and ſecond years of the Reign of the ſaid late King Philip and Queen Mary, as doth in any wiſe touch or concern any matter or cauſe of Præmunire, or that doth make or ordain any matter or cauſe to be within the caſe of Præmunire, (2) but that the ſame for ſo much only as toucheth or concerneth any caſe or matter of Præmunire, ſhall ſtand and remain in ſuch force and effect, as the ſame was before the making of this Act; any thing in this Act contained to the contrary in any wiſe notwithſtanding.

Offences committed againſt Statutes revived.

XXXIII. Provided alſo, and be it enacted by the authority aforeſaid, That this Act or any thing therein contained, ſhall not in any wiſe extend, or be prejudicial to any perſon or perſons for any offence or offences committed or done, or hereafter to be committed or done contrary to the tenour and effect of any Act or Statute now revived by this Act, before the end of thirty days next after the end of the Seſſion, of this preſent Parliament; any thing in this Act contained, or any other matter or cauſe to the contrary notwithſtanding.

Trial of Peers.

XXXIV. And if it happen that any Peer of this Realm ſhall fortune to be indicted of and for any offence that is revived or made Præmunire or Treaſon by this Act, that then he ſo being indicted, ſhall have his Trial by his Peers, in ſuch like manner and form as in other caſe of Treaſon hath been uſed.

No matter of Religion, &c. made by this Parliament ſhall be adjudged error, hereſie or ſchiſm.

XXXV. Provided always, and be it enacted as is aforeſaid, that no manner of Order, Act or Determination for any matter of Religion, or cauſe Eccleſiaſtical, had or made by the authority of this preſent Parliament, ſhall be accepted, deemed, interpreted or adjudged at any time hereafter to be any error, hereſie, ſchiſm, or ſchiſmatical opinion; any order, decree, ſentence, conſtitution or law, whatſoever the ſame be, to the contrary notwithſtanding.

What things the Commiſſioners may adjudge to be hereſie.

XXXVI. Provided always, and be it enacted by the authority aforeſaid, That ſuch perſon or perſons to whom your Highneſs, your Heirs or Succeſſors, ſhall hereafter by Letters Patents, under the Great Seal of England, give authority to have or execute any juriſdiction, power or authority Spiritual, or to viſit, reform, order or correct any errors, hereſies, ſchiſms, abuſes or enormities by virtue of this Act, ſhall not in any wiſe have authority or power to order, determine, or adjudge any matter or cauſe to be hereſie, but only ſuch as have heretofore determined, ordered or adjudged to be hereſie, by the authority of the Canonical Scriptures, or by the firſt four General Councels, or any of them,

The Scripture Four general Councels.

or by any other General Council wherein the ſame was declared hereſie by the expreſs and plain words of the ſaid Canonical Scriptures, or ſuch as hereafter ſhall be ordered, judged or determined to be hereſie, by the high Court of Parliament of this Realm, with the aſſent of the Clergy in their Convocation; any thing in this Act contained to the contrary notwithſtanding.

None ſhall be indicted or arraigned but by witneſſes.

XXXVII. And be it further enacted by the authority aforeſaid, That no perſon or perſons ſhall be hereafter indicted or arraigned for any of the offences made, ordained, revived or adjudged by this Act, unleſs there be two ſufficient witneſſes or more, to teſtifie and declare the ſaid offences whereof he ſhall be indicted or arraigned: (2) And that the ſaid witneſſes, or ſo many of them as ſhall be living, and within this Realm at the time of the arraignment of ſuch perſon ſo indicted, ſhall be brought forth in perſon face to face, before the party ſo arraigned, and there ſhall teſtifie and declare what they can ſay againſt the party ſo arraigned, if he require the ſame.

A Proviſo for them that give relief to offendors.

XXXVIII. Provided alſo, and be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall hereafter happen to give any relief, aid or comfort, or in any wiſe be aiding, helping or comforting to the perſon or perſons of any that ſhall hereafter happen to be an offendor in any matter or caſe of Præmunire or Treaſon revived or made by this Act; that then ſuch relief, aid or comfort given ſhall not be judged or taken to be any offence, unleſs there be two ſufficient witneſſes at the leaſt, that can and will openly teſtifie and declare that the perſon or perſons that ſo give ſuch relief, aid or comfort, had notice and knowledge of ſuch offence committed and done by the ſaid offendor, at the time of ſuch relief, aid or comfort ſo to him given or miniſtred; any thing in this Act contained, or any other matter or cauſe to the contrary in any wiſe notwithſtanding.

Chetwoods Appeal to the Court of Rome.

XXXIX. And where one pretenced ſentence hath heretofore been given in the Conſiſtory in Pauls before certain Judges Delegate, by the authority Legantine of the late Cardinal Poole, by reaſon of a foreign uſurped power and authority, againſt Richard Chetwood Eſquire, and Agnes his wife, by the name of Agnes Woodhull, at the Suit of Charles Tyrril Gentleman, in a cauſe of Matrimony ſolemnized between the ſaid Richard and Agnes, as by the ſame pretenced ſentence more plainly doth appear, from which ſentence the ſaid Richard and Agnes have appealed to the Court of Rome; which Appeal doth there remain, and yet is not determined:

XL. May it therefore pleaſe your Highneſs, that it may be enacted by the authority aforeſaid, That if ſentence in the ſaid Appeal ſhall happen to be given at the ſaid Court of Rome, for and in the behalf of the ſaid Richard and Agnes, for the reverſing of the ſaid pretenced ſentence, before the end of threeſcore days next after the end of this Seſſion of this preſent Parliament, that then the ſame ſhall be adjudged and taken to be good and effectual in the Law, and ſhall and may be uſed, pleaded, and allowed in any Court or place within this Realm; any thing in this Act, or in any other Act or Statute contained to the contrary notwithſtanding:

XLI. And if no ſentence ſhall be given at the Court of Rome in the ſaid Appeal, for the reverſing of the ſaid pretenced ſentence, before the end of the ſaid threeſcore days, that then it ſhall and may be lawful for the ſaid Richard and Agnes, and either of them, at any time hereafter to commence, take, ſue, and proſecute their ſaid Appeal from the ſaid pretenced ſentence, and for the reverſing of the ſaid pretenced ſentence, within this Realm, in ſuch like manner and form as was uſed to be purſued, or might have been purſued within this Realm, at any time ſince the twenty fourth year of the Reign of ehe ſaid late King Henry the Eighth, upon ſentences given in the Court or Courts of any Archbiſhop within this Realm.

XLII. And that ſuch Appeal as ſo hereafter ſhall be taken, or purſued by the ſaid Richard Chetwood and Agnes, or either of them, and the ſentence that herein or thereupon ſhall hereafter be given, ſhall be judged to be good and effectual in the Law, to all intents and purpoſes; any Law, Cuſtom, Uſage, Canon, Conſtitution, or any other matter or cauſe to the contrary notwithſtanding.

An Appeal between Robert Harcourt and Anthony Fydel.

XLIII. Provided alſo, and be it enacted by the authority aforeſaid, That where there is the like Appeal now depending in the ſaid Court of Rome, between one Robert Harcourt, Merchant of the Staple, and Elizabeth Harcourt, otherwiſe called Elizabeth Robins of the one party, and Anthony Fydel, Merchant Stranger on the other party; that the ſaid Robert, Elizabeth and Anthony, and every of them, ſhall and may for the proſecuting and trying of their ſaid Appeal, have and enjoy the like remedy, benefit and advantage in like manner and form as the ſaid Richard and Agnes, or any of them hath, may or ought to have and enjoy; this Act or any thing therein contained to the contrary in any wiſe notwithſtanding. Stat. 23. El. 1.

C A P. II.

An Act for the Uniformity of Common Prayer, and Service in the Church, and adminiſtration of the Sacraments.

Sacraments 2. Stat. 14 Car. 2. cap. 4

Where at the death of our late Sovereign Lord King Henry the Sixth, there remained one Uniform Order of Common Service and Prayer, and of the Adminiſtration of Sacraments, Rites and Ceremonies of the Church of England, which was ſet forth in one Book intituled, The Book of Common Prayer, and Adminiſtration of Sacraments, and other Rites and Ceremonies in the Church of England, authorized by Act of Parliament, holden in the fifth and ſixth years of our ſaid late Sovereign Lord King Edward the Sixth intituled, An Act for the Uniformity of Common Prayer, and Adminiſtration of the Sacraments; the which was repealed and taken away by Act of Parliament in the firſt year of the Reign of our late Sovereign Lady Queen Mary, to the great decay of the due honour of God, and diſcomfort to the profeſſors of the truth of Chriſts Religion:

Stat. 5 & 6 Ed. 6. 1. Stat. 1 M. 2.

A repeal of the Statute of 1 M. 2. and the Book of Common Prayer ſhall be of effect.

II. Be it therefore Enacted by the authority of this preſent Parliament, That the ſaid Eſtatute of Repeal, and every thing therein contained, only concerning the ſaid Book, and the Service, Adminiſtration of the Sacraments, Rites and Ceremonies, contained or ap-

2, Leond. 265.

pointed in or by the ſaid Book, ſhall be void and of none effect, from and after the Feaſt of the Nativity of Saint John Baptiſt next coming; (2) And that the ſaid book with the order of Service, and of the adminiſtration of Sacraments, Rites and Ceremonies, with the alterations and additions therein added and appointed by this Eſtatute, ſhall ſtand and be from and after the ſaid Feaſt of the Nativity of Saint John Baptiſt, in full force and effect, according to the tenour and effect of this Eſtatute; any thing in the foreſaid Eſtatute of Repeal to the contrary notwithſtanding.

The Book of Common Prayer ſhall be uſed. 8 Eliz. 1. Godb. 162. pl. 95.

The alteration of the Book ſet forth. 5 & 6 Ed. 6. 1.

III. And further be it enacted by the Queens Highneſs, with the aſſent of the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and ſingular Miniſters in any Cathedral or Pariſh Church, or other place within this Realm of England, Wales, and the Marches of the ſame, or other the Queens Dominions, ſhall from and after the Feaſt of the Nativity of Saint John Baptiſt next coming, be bounden to ſay and uſe the Mattens, Even-ſong, Celebration of the Lords Supper, and adminiſtration of each of the Sacraments, and all the Common and open prayer, in ſuch order and form as is mentioned in the ſaid Book ſo authoriſed by Parliament, in the ſaid fifth and ſixth years of the Reign of King Edward the ſixth, with one alteration or addition of certain Leſſons to be uſed on every Sunday in the year, and the form of the Litany altered and corrected, and two Sentences only added in the delivery of the Sacrament to the communicants, and none other or otherwiſe.

The forfeiture of thoſe which uſe any other ſervice then the Book of Common Prayer. Godbolt. 118. pl. 137.

The penalty for depraving the Book of Common Prayer.

IV. And that if any manner of Parſon, Vicar, or other whatſoever Miniſter, that ought or ſhould ſing or ſay Common Prayer mentioned in the ſaid Book, or miniſter the Sacraments, from and after the Feaſt of the Nativity of Saint John Baptiſt next coming, refuſe to uſe the ſaid Common Prayers, or to miniſter the Sacraments in ſuch Cathedral or Pariſh Church, or other places as he ſhould uſe to miniſter the ſame, in ſuch order and form as they be mentioned and ſet forth in the ſaid Book; (2) or ſhall wilfully or obſtinately, ſtanding in the ſame, uſe any other Right, Ceremony, Order, Form, or manner of Celebrating the Lords Supper, openly or privily, or Mattens, Evenſong, Adminiſtration of the Sacraments, or other open Prayers, then is mentioned and ſet forth in the ſaid Book, (3) (open Prayer in and throughout this Act, is meant that Prayer which is for others to come unto, or hear, either in common Churches or Private Chappels or Oratories, commonly called, the Service of the Church) (4) or ſhall preach, declare, or ſpeak any thing in the derogation or depraving of the ſaid Book, or any thing therein contained, or of any part thereof, (5) and ſhall be thereof lawfully convicted, according to the Laws of this Realm, by verdict of twelve men, or by his own confeſſion, or by the notorious evidence of the fact, ſhall loſe and forfeit to the Queens Highneſs, her Heirs and Succeſſors, for his firſt offence, the profit of all his Spiritual benefices or promotions coming or ariſing in one whole year next after his conviction: (6) And alſo that the perſon ſo convicted, ſhall for the ſame offence, ſuffer impriſonment for the ſpace of ſix months, without bail or main priſe.

The penalty for the ſecond offence.

Hob. 9

V. And if any ſuch perſon once convict of any offence concerning the premiſſes, ſhall after his firſt conviction eftſoons offend, and be thereof in form aforeſaid lawfully convict, that then the ſame perſon ſhall for his ſecond offence ſuffer impriſonment by the ſpace of one whole year, (2) and alſo ſhall therefore be deprived, ipſo facto, of all his Spiritual promotions, (3) and that it ſhall be lawful to all Patrons or Donors of all and ſingular the ſame Spiritual promotions, or of any of them, to preſent or collate to the ſame, as though the perſon or perſons ſo offending were dead.

The penalty for the third offence.

VI And that if any ſuch perſon or perſons after he ſhall be twice convicted in form aforeſaid, ſhall offend againſt any of the premiſſes the third time, and ſhall be thereof in form aforeſaid lawfully convicted, and then the perſon ſo offending and convicted the third time, ſhall be deprived ipſo facto, of all his Spiritual promotions, and alſo ſhall ſuffer impriſonment during his life.

The penalty of an offendor having no Spiritual promotion.

VII. And if the perſon that ſhall offend, and be convicted in form aforeſaid, concerning any of the premiſſes, ſhall not be beneficed, nor have any Spiritual promotion, that then the ſame perſon ſo offending and convict, ſhall for the firſt offence ſuffer impriſonment during one whole year next after his ſaid conviction, without bail or mainpriſe.

VIII. And if any ſuch perſon not having any Spiritual promotion, after his firſt conviction ſhall eftſoons offend in any thing concerning the premiſſes, and ſhall in form aforeſaid be thereof lawfully convicted, that then the ſame perſon ſhall for his ſecond offence ſuffer impriſonment during his life.

The forfeiture of them which do any thing, or ſpeak in the derogation of the Book of Common Prayer. Cauſing other Prayer to be ſaid or ſung. Coke pla fol. 362.

1 Roll. 9
2 Roll. 2
(227)

IX. And it is ordained and enacted by the authority aforeſaid, That if any perſon or perſons whatſoever, after the ſaid Feaſt of the Nativity of Saint John Baptiſt next coming, ſhall in any Enterludes, Plays, Songs, Rymes, or by other open words, declare or ſpeak any thing in the derogation, depraving or deſpiſing of the ſame Book, or of any thing therein contained, or any part thereof, (2) or ſhall by open fact, deed, or by open threatnings, compel or cauſe, or otherwiſe procure or maintain any Parſon, Vicar, or other Miniſter in any Cathedral or Pariſh Church, or in Chappel, or in any other place, to ſing or ſay any Common or open Prayer, or to miniſter any Sacrament otherwiſe, or in any other manner and form than is mentioned in the ſaid Book (3) or that by any of the ſaid means ſhall unlawfully interrupt, or let any Parſon, Vicar or other Miniſter in any Cathedral or Pariſh Church, Chappel, or any other place, to ſing or ſay Common and open Prayer, or to miniſter the Sacraments or any of them, in ſuch manner and form, as is mentioned in the ſaid Book; (4) that then every ſuch perſon being thereof lawfully convicted, in form aboveſaid, ſhall forfeit to the Queen our Sovereign Lady, her Heirs and Succeſſors, for the firſt offence an hundred marks.

The forfeiture of an hundred marks for the firſt offence. 3 Inſt. 198.

The forfeiture of four hundred Marks for the ſecond offence.

Dyer f.
231, 235.

X. And if any perſon or perſons being once convict of any ſuch offence, eftſoons offend againſt any of the laſt recited offences, and ſhall in form aforeſaid be thereof lawfully convict; that then the ſame perſon ſo offending and convict, ſhall for the ſecond offence forfeit to the Queen our Sovereign Lady, her Heirs and Succeſſors, four hundred marks.

XI. And if any perſon after he in form aforeſaid, ſhall have been twice convict of any offence concerning any of the laſt recited offences, ſhall offend the third time, and be thereof in form aboveſaid lawfully convict, That then every perſon ſo offending and convict, ſhall for his third offence forfeit to our Sovereign Lady the Queen, all his goods and chattels, and ſhall ſuffer impriſonment during his life.

The forfeiture for the third offence.

XII. And if any perſon or perſons, that for his firſt offence concerning the premiſſes, ſhall be convict in form aforeſaid, do not pay the ſum to be paid by virtue of his conviction, in ſuch manner and form as the ſame ought to be paid, within ſix weeks next after his conviction; that then every perſon ſo convict, and ſo not paying the ſame, ſhall for the ſame firſt offence, inſtead of the ſaid ſum, ſuffer impriſonment by the ſpace of ſix months, without bail or mainpriſe.

The penalty if the party convicted do not pay his forfeiture within the time limited.

XIII. And if any perſon or perſons, that for his ſecond offence concerning the premiſſes, ſhall be convict in form aforeſaid, do not pay the ſum to be paid by virtue of his conviction and this Eſtatute, in ſuch manner and form as the ſame ought to be paid, within ſix weeks next after his ſaid ſecond conviction, That then every perſon ſo convicted, and not ſo paying the ſame, ſhall for the ſame ſecond offence, inſtead of the ſaid ſum, ſuffer Impriſonment during twelve months, without bail or mainpriſe.

XIV. And that from and after the ſaid Feaſt of the Nativity of St. John Baptiſt next coming, all and every perſon and perſons inhabiting within this Realm, or any other the Queens Majeſties Dominions, ſhall diligently and faithfully, having no lawful or reaſonable excuſe to be abſent, endeavour themſelves to reſort to their Pariſh Church or Chappel accuſtomed, or upon reaſonable let thereof, to ſome uſual place where Common Prayer, and ſuch Service of God ſhall be uſed in ſuch time of let, upon every Sunday, and other days ordained and uſed to be kept as holy-days, and then and there to abide orderly and ſoberly, during the time of the Common Prayer, Preaching, or other Service of God there to be uſed and miniſtred, (2) upon pain of puniſhment by the cenſures of the Church, and alſo upon pain that every perſon ſo offending, ſhall forfeit for every ſuch offence, twelve pence, to be levied by the Church-wardens of the Pariſh where ſuch offence ſhall be done, to the uſe of the poor of the ſame Pariſh, of the goods, lands and tenements of ſuch offender, by way of Diſtreſs.

Every perſon ſhall reſort to the Church upon the Holy-days. Godbolt 148. pl. 191.

The forfeiture for not coming to Church. 23 El. 1.

XV. And for due execution hereof, the Queens moſt excellent Majeſty, the Lords Temporal, and all the Commons in this preſent Parliament aſſembled, do in Gods Name earneſtly require and charge all the Archbiſhops, Biſhops, and other Ordinaries, that they ſhall endeavour themſelves to the uttermoſt of their knowledges, that the due and true execution hereof may be had throughout their Dioceſs and Charges, as they will anſwer before God, for ſuch evils and plagues wherewith Almighty God may juſtly puniſh his people for neglecting this good and wholſom Law.

XVI. And for their authority in this behalf, be it further enacted by the authority aforeſaid, That all and ſingular the ſaid Archbiſhops, Biſhops, and all other their Officers exerciſing Eccleſiaſtical Juriſdiction, as well in place exempt as not exempt, within their Dioceſs, ſhall have full power and authority by this Act, to reform, correct and puniſh by cenſures of the Church, all and ſingular perſons which ſhall offend within any their Juriſdictions or Dioceſs, after the ſaid Feaſt of the Nativity of St. John Baptiſt next coming, againſt this Act and Statute; any other Law, Statute, Priviledge, Liberty or Proviſion, heretofore made, had or ſuffered to the contrary notwithſtanding.

The Ordinary may puniſh offenders by the cenſures of the Church.

XVII. And it is ordained and enacted by the authority aforeſaid, That all and every Juſtices of Oyer and Determiner, or Juſtices of Aſſize, ſhall have full power and authority in every of their open and general Seſſions, to enquire, hear and determine all and all manner of offences that ſhall be committed or done contrary to any Article contained in this preſent Act, within the limits of the Commiſſion to them directed, and to make Proceſs for the execution of the ſame, as they may do againſt any perſon being indicted before them of treſpaſs, or lawfully convicted thereof.

Which Juſtices may puniſh theſe offences.

XVIII. Provided always, and be it enacted by the authority aforeſaid, That all and every Archbiſhop and Biſhop, ſhall or may at all time and times, at his liberty and pleaſure, joyn and aſſociate himſelf by virtue of this Act, to the ſaid Juſtices of Oyer and Determiner, or to the ſaid Juſtices of Aſſize, at every of the ſaid open and general Seſſions to be holden in any place within his Dioceſs, for and to the enquiry, hearing and determining of the offences aforeſaid.

A Biſhop may joyn with the Juſtices to enquire of offenders.

XIX. Provided alſo, and be it enacted by the authority aforeſaid, That the Books concerning the ſaid Services, ſhall at the coſts and charges of the Pariſhioners of every Pariſh and Cathedral Church, be attained and gotten before the ſaid Feaſt of the Nativity of St. John Baptiſt next following, (2) and that all ſuch Pariſhes and Cathedral Churches, or other places, where the ſaid Books ſhall be attained and gotten before the ſaid Feaſt of the Nativity of St. John Baptiſt, ſhall within three weeks next after the ſaid Books ſo attained and gotten, uſe the ſaid Service, and put the ſame in ure according to this Act.

At whoſe charges the Books of Common Prayer ſhall be gotten.

XX. And be it further enacted by the authority aforeſaid, That no perſon or perſons ſhall be at any time hereafter impeached, or otherwiſe moleſted of, or for any of the offences above mentioned, hereafter to be committed or done contrary to this Act, unleſs he or they ſo offending, be thereof indicted at the next general Seſſions to be holden before any ſuch Juſtices of Oyer and Determiner, or Juſtices of Aſſiſe, next after any offence committed or done contrary to the tenour of this Act.

Within what time offenders ſhall be impeached. Godbolt. 148. pl. 191.

XXI. Provided always, and be it ordained and enacted by the authority aforeſaid, That all and ſingular the Lords of the Parliament, for the third offence above mentioned, ſhall be tryed by their Peers.

Trial of Peers.

XXII. Provided alſo, and be it ordained and enacted by the authority aforeſaid, That the Mayor of London, and all other Mayors, Bailiffs, and other head-officers of all and ſingular Cities, Boroughs and Towns-corporate within this Realm, Wales, and the Marches of the ſame, to the which Juſtices of Aſſize do not commonly repair, ſhall have full power

Chief Officers of Cities and Boroughs ſhall enquire of offenders.

and authority by virtue of this Act, to enquire, hear and determine the offences aboveſaid, and every of them, yearly within fifteen days after the Feaſts of Eaſter, and Saint Michael the Archangel, in like manner and form as Juſtices of Aſſiſe, and Oyer and Determiner may do.

The Ordinaries juriſdiction in theſe caſes.

XXIII. Provided always, and be it ordained and enacted by the authority aforeſaid, That all and ſingular Archbiſhops and Biſhops, and every of their Chancellors, Commiſſaries, Archdeacons, and other Ordinaries, having any peculiar Eccleſiaſtical Juriſdiction, ſhall have full power and authority by virtue of this Act, as well to inquire in their Viſitation, Synods and elſewhere within their Juriſdiction, at any other time and place, to take accuſations and informations of all and every the things above mentioned, done, committed, or perpetrated within the limits of their Juriſdictions and Authority, aud to puniſh the ſame by admonition, excommunication, ſequeſtration or deprivation, and other cenſures & proceſs, in like form as heretofore hath been uſed in like caſes by the Queens Eccleſiaſtical Laws.

None ſhall be puniſhed above once for one offence.

XXIV. Provided always, and be it enacted, That whatſoever perſons offending in the premiſſes, ſhall for their offences, firſt receive puniſhment of the Ordinary, having a teſtimonial thereof under the ſaid Ordinaries Seal, ſhall not for the ſame offence eftſoons be convicted before the Juſtices: (2) And likewiſe receiving for the ſaid offence puniſhment, firſt by the Juſtices, ſhall not for the ſame offence eftſoons receive puniſhment of the Ordinary; any thing contained in this Act, to the contrary notwithſtanding.

Ornaments of the Church and Miniſters.

XXV. Provided always, and be it Enacted, That ſuch ornaments of the Church and of the Miniſters thereof, ſhall be retained and be in uſe, as was in this Church of England, by authority of Parliament, in the ſecond year of the Reign of King Edward the Sixth, until other order ſhall be therein taken by the authority of the Queens Majeſty, with the advice of her Commiſſioners appointed and authorized under the Great Seal of England for cauſes Eccleſiaſtical, or of the Metropolitan of this Realm.

XXVI. And alſo, That if there ſhall happen any contempt or irreverence to be uſed in the Ceremonies or Rites of the Church, by the miſuſing of the Orders appointed in this Book, the Queens Majeſty may by the like advice of the ſaid Commiſſioners or Metropolitan, ordain and publiſh ſuch further Ceremonies or Rites as may be moſt for the advancement of Gods glory, the edifying of his Church, and due reverence of Chriſts holy Myſteries and Sacraments.

All Laws and Ordinances made for other ſervice ſhall be void.

XXVII. And be it further enacted by the authority aforeſaid, That all Laws, Statutes and Ordinances, wherein or whereby any other Service, Adminiſtration of Sacraments or Common Prayer, is limitted, eſtabliſhed, or ſet forth to be uſed within this Realm, or any other the Queens Dominions or Countries, ſhall from henceforth be utterly void and of none effect. Coke pla. fol. 352.

CAP. III.

An Act for Recognition of the Queens Highneſs to the Imperial Crown of this Realm.

Crown, Raſt. 7. The Recognizing the Queen to the Crown.

AS there is nothing under God (moſt dread Sovereign Lady) whereof we your moſt humble, faithful and obedient Subjects, the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, have, may or ought to have more cauſe to rejoyce then in this only, that it hath pleaſed God of his merciful providence and goodneſs towards us and this our Realm, not only to provide, but alſo to preſerve and keep for us and our wealths, your Royal Majeſty our moſt rightful and lawful Sovereign Liege Lady and Queen, moſt happily to Reign over us; for the which we do give and yield unto him from the bottoms of our hearts, our humble thanks, lauds and praiſes; (2) even ſo there is nothing that we your ſaid Subjects for our parties can, may or ought toward your Highneſs more firmly, entirely and aſſuredly in the purity of our hearts think, or with our mouths declare and confeſs to be true, then that your Majeſty our ſaid Sovereign Lady is, and in very deed, and of moſt meer right ought to be by the Laws of God, and the Laws and Statutes of this Realm, our moſt rightful and lawful Sovereign Liege Lady and Queen; (3) and that your Highneſs is rightly and lineally, and lawfully deſcended and come of the bloud Royal of this Realm of England, in and to whoſe Princely perſon, and the Heirs of your body lawfully to be begotten, after you, without all doubt, ambiguity, ſcruple or queſtion, the Imperial and Royal Eſtate, Place, Crown and Dignity of this Realm, with all Honours, Stiles, Titles, Dignities, Regalities, Juriſdictions and Preheminences to the ſame now belonging and appertaining, are and ſhall be moſt fully, rightfully, really and intirely inveſted and incorporated, united and annexed, as rightfully aud lawfully, to all intents, conſtructions and purpoſes, as the ſame were in the late King Henry the Eighth, or in the late King Edward the Sixth, your Highneſs Brother, or in the late Queen Mary your Highneſs Siſter, at any time ſince the Act of Parliament made in the xxxv. year of the Reign of your ſaid moſt noble Father King Henry the Eighth, Intituled, An Act concerning the eſtabliſhment of the Kings Majeſties Succeſſion in the Imperial Crown of this Realm:

Queen Elizabeth is, and ought to be our lawful Queen.

35 H. 8. 1.

II. For which cauſes we your ſaid moſt loving, faithful and obedient Subjects, repreſenting the three Eſtates of your Realm of England, as thereunto conſtrained by the Law of God and man, except we ſhould overmuch forget our duties to your Highneſs, and to the heirs of your body lawfully begotten, can no leſs do, but moſt humbly beſeech your Highneſs, That by the authority of this preſent Parliament it may be enacted, eſtabliſhed and declared, That we do Recogniſe, Acknowledge and Confeſs the ſame your Eſtate, Right, Title and Succeſſion as is aforeſaid, to be in and to your Highneſs, and the heirs of your body to be begotten, throughoutly, aud in the whole, and in every part thereof, in ſuch manner and form as before is mentioned, declared or confeſſed; and thereunto moſt humbly and faithfully we do ſubmit our ſelves, our heirs and poſterities for ever.

III. And further do make our moſt hearty and humbly petition unto your Highneſs, That it may pleaſe the ſame, not only to accept this our ſaid Recognition, but alſo our faithful promiſes, that we, according to our duties, ſhall and will ſtand to, aſſiſt and defend your Royal Majeſty, and the heirs of your body to be begotten, being Kings and Queens of this Realm, and your ſaid rights and titles in and to the ſaid Imperial Eſtate, Place, Crown and Dignity in all things thereto belonging, at all times, to the uttermoſt of our poſſible powers, and therein to ſpend our bodies, lands and goods, againſt all perſons whatſoever, that any thing ſhall attempt to the contrary.

Queen Elizabeths Title to the Crown of England, recogniſed by Parliament.

IV. And that it may be enacted by the authority aforeſaid, That as well this our declaration, confeſſion and recognition, as alſo the limitation and declaration of the ſucceſſion of the Imperial Crown of this Realm, mentioned and contained in the ſaid Act made in the ſaid five and thirtieth year of the Reign of your ſaid moſt noble Father, ſhall ſtand, remain, and be the Law of this Realm for ever.

The limitation of the Crown contained in the St. of 35 H. 8. 1. ſhall be the Law for ever.

V. And that all Sentences, Judgments and Decrees, had, made, declared, ſet forth, publiſhed and promulged, and alſo as much of every clauſe, article, branch, matter or thing contained and expreſſed in any Act or Acts of Parliament, as be in any thing repugnant, contrary, or derogatory to this our ſaid confeſſion, declaration and recognition, or to any part or parcel thereof, or contrary to the ſaid limitation of the ſucceſſion of the Imperial Crown, eſtabliſhed and made by the ſaid Act, in the ſaid xxxv. year of the Reign of the late King Henry the Eighth, by whatſoever power or authority the ſame been, or have been had or made, ſhall be utterly fruſtrate, void, and of none effect: and alſo ſhall and may be cancelled, defaced, and put in perpetual oblivion at your Highneſs will and pleaſure, as if the ſame had never been had, made, declared, ſet forth, publiſhed or promulged.

CAP. IV.

An Act for the Reſtitution of the Firſt-fruits to the Crown.

IN their moſt humble wiſe beſeech your moſt excellent Majeſty, your faithful and humble Subjects, the Lords Spiritual and Temporal, and the Commons of this your Realm in this preſent Parliament aſſembled, That where in the Parliament of your moſt noble Father of famous memory, King Henry the Eighth, holden at Weſtminſter upon prorogation the third day of November, in the ſix and twentieth year of his proſperous Reign, it was enacted, ordained, and eſtabliſhed by the authority of the ſame Parliament, amongſt other things, That his Highneſs, his Heirs and Succeſſors Kings of this Realm, ſhould have and enjoy from time to time, to endure for ever, of every ſuch perſon and perſons which at any time after the firſt day of January then next enſuing, ſhould be nominated, elected, preſected, preſented, collated, or by any other means appointed to have any Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, Colledge, Hoſpital, Archdeaconry, Deanary, Provoſtſhip, Prebend, Parſonage, Vicarage, Chantry, Free-chappel, or other Dignity, Benefice, Office or Promotion ſpiritual within this Realm, or elſewhere within any of the Kings Dominions, of what name, nature, or quality ſoever they were, or to whoſe foundation, patronage, or gift ſoever they did belong, the Firſt-fruits, Revenues and Profits for one year of every ſuch Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, Colledge, Hoſpital, Archdeaconry, Deanry, Provoſtſhip, Prebend, Parſonage, Vicarage, Chantry, Free-chappel, or other Dignity, Benefice, Office, or Promotion Spiritual aforenamed, whereunto any ſuch perſon or perſons ſhould after the ſaid firſt day of January be nominated, elected, perfected, preſented, collated, or by any other means appointed: (2) And that every ſuch perſon and perſons, before any actual or real poſſeſſion, or medling with the profits of any ſuch Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Colledge, Hoſpital, Deanry, Provoſtſhip, Prebend, Parſonage, Vicarage, Chantry, Free-chappel, Priory, or other Dignity, Benefice, Office, or Promotion Spiritual, ſhould ſatisfie, content and pay, or compound or agree to pay to the Kings uſe at reaſonable days, upon good ſureties, the ſaid Firſt-fruits and Profits for one year.

Firſt-fruits, Raſt. 10.

A rehearſal of the Statute of 26 H. 8. cap. 3. touching Firſt-fruits and Tenths given to the King.

The Firſt-fruits.

II. And it was further enacted by the authority aforeſaid, That the Firſt-fruits of Benefices, before that time accuſtomed to be paid to the Biſhop of Norwich within his Dioceſs, and to the Archdeacon of Richmond within his Archdeaconry, or any other perſon or perſons within this Realm, or any other the Kings Dominions, ſhould from the ſaid firſt day of January, ceaſe and be extinct, and no longer be paid, but only to the Kings Highneſs, his Heirs and Succeſſors, in ſuch form as is before mentioned.

III. And further it was Enacted by the Authority aforeſaid, That the Kings Majeſty, his Heirs and Succeſſors, for more augmentation and maintenance of the Royal Eſtate of this Imperial Crown, ſhould yearly have, take, enjoy and receive, united and knit to his Imperial Crown, for ever, one yearly rent or penſion, amounting to the value of the tenth part of the revenues, rents, ferms, tithes, offerings, emoluments, and of all other profits, as well called ſpiritual as temporal, appertaining or belonging, or that from henceforth ſhould belong to any Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, Archdeaconry, Deanry, Hoſpital, Colledge, Houſe Collegiate, Prebend, Cathedral Church, Collegiate Church, Conventual Church, Parſonage, Vicarage, Chantry, Free-Chappel, or other Benefice or Promotion Spiritual, of what name, nature or quality ſoever they were, within any Dioceſs of this Realm, or in Wales, (2) the ſaid penſion or annual rent to be yearly paid for ever, to the ſaid late King, his Heirs and Succeſſors, at the Feaſt of the Nativity of our Lord GOD, and firſt payment thereof to begin at the Feaſt of the Nativity of our Lord GOD, which ſhould be in the year of our Lord God 1535. and to be paid yearly by ſuch as ſhould be appointed to have the collection thereof, before the firſt day of April next following, after the ſaid Feaſt of the Nativity of our Lord God, as in the ſaid Act more plainly doth appear:

The Tenths.

IV. And where alſo one other Act was made and eſtabliſhed in the ſaid Parliament the ſaid xxvj. year, That no Farmour of ſpiritual perſons, ſhould be compelled or charged to pay for their Leſſors Firſt-fruits or yearly penſion for the tenth granted unto the Kings Highneſs, notwithſtanding any covenant, contract, bond or other thing made to the contrary, as by the ſame Act more plainly appeareth.

Anno 26 H. 8. 17.

V. And

27 H. 8. cap. 8. V. And where alſo at one other Seſſion of the ſame Parliament, holden by prorogation at Weſtminſter in the xxvij. year of the Reign of your ſaid Father, one other Act was made and eſtabliſhed, That the Kings Spiritual Subjects ſhould be deducted and allowed of the tenth of their Spiritual Promotions for that firſt year for which they ſhould pay the Firſt-fruits, as in the ſaid Act more at large appeareth.

28 H. 8. 11. VI. And where alſo in one other Parliament of the ſad late King, holden at Weſtminſter in the xxviij. year of his Reign, amongſt other things, it was enacted and ordained, That the year in which the Firſt-fruits of every Benefice and Spiritual promotion ſhould be paid, ſhould begin and be accounted immediately after the avoidance thereof: (2) And that the tithes, commodities, revenues, caſualties and profits thereof (Chantries only except) in the time of vacation, ſhould belong and afferre to the next Incumbent, towards the payment of the Firſt-fruits; as by the ſame Act more at large appeareth.

32 H. 8. 22. VII. And where alſo in one other Parliament, holden upon prorogation at Weſtminſter in the thirty ſecond year of the Reign of the ſaid late King, one Act was made and eſtabliſhed, That Biſhops upon their accounts of, and for the ſaid yearly Tenth, ſhould be diſcharged by their Oaths, of payment of ſuch ſum or ſums of money of the ſaid annual rent, or tenth, as they could not lawfully levy: (2) and alſo an order appointed how the King ſhould be anſwered of the tenth of any Benefice and ſpiritual promotion, omitted in the original or former certificate of Benefices and Spiritual promotions made in the Exchequer; as by the ſame Act laſt mentioned more at large appeareth.

32 H. 8. 45. VIII. And where alſo in the ſame Seſſion and Parliament, holden in the ſaid thirty ſecond year of the Reign of your Highneſs ſaid noble Father, and by the authority of the ſame Parliament, one Court was erected, eſtabliſhed and made, for the better anſwering of the ſaid Firſt-fruits and Tenths unto the King, called The Court of Firſt-fruits and Tenths; as in the ſame Act of erection thereof more fully appeareth.

32 H. 8. 47. IX. And where alſo in the ſame Seſſion and Parliament one other Act was made, whereby the Biſhop of Norwich for the time being (being before that diſcharged from the Collection of the Tenth within his Dioceſs) ſhould be charged and chargeable for ever, for and with the collection of the ſame Tenth within his Dioceſs, and make payment thereof, as other Biſhops ſhould or ought to do within their Dioceſſes; as by the ſame Act more plainly appeareth.

34 H. 8. 2. X. And where alſo in one other Parliament of the ſaid late King, holden at Weſtminſter, upon prorogation in the thirty fourth year of his Reign, one Act was eſtabliſhed and made concerning Collectors and Receivers, to make payment of their Receits within three months next after the ſame ſhould be due and paid to the Kings uſe, under certain penalties therein expreſſed; as by the ſame Act more at large appeareth.

34 H. 8. 17. XI. And where alſo in the ſame Seſſion and Parliament it was enacted and eſtabliſhed, That the new erected Biſhops of Cheſter, Glouceſter, Peterborough, Briſtol, Oxford, and their Succeſſors for ever, ſhould pay their Tenths reſerved upon their Letters Patents on their ſeveral Erections, only in the ſaid Court of the Firſt-fruits and Tenths for ever; as by the ſame Act more at large appeareth.

37 H. 8. 23. XII. And where alſo in the Parliament of the ſaid late King, holden at Weſtminſter in the xxxvij. year of his Reign, one Act entituled, An Act for the union of Churches not exceeding the value of ſix pound, was eſtabliſhed and made, wherein is contained a Saving to the King of the Firſt-fruits and Tenths of all Churches and Chappels not exceeding the value of ſix pound, that then were, or from thenceforth ſhould be united and conſolidate in one; as in the ſame Act and Saving more largely appeareth.

2 Ed. 6. 20. XIII. An dwhere alſo in the Parliament of your Highneſs deareſt Brother of worthy memory, King Edward the Sixth, holden at Weſtminſter upon prorogation in the ſecond year of his Reign, one Act was made, That by the Certificate of the Biſhop of any Dioceſs within this Realm, or any of the Dominions of the ſame, of recuſance or non-payment of any Tenth of any Benefice or Spiritual Promotion, the Incumbent ſhould leeſe but that Benefice or promotion only; as by the ſame Act more plainly appeareth.

7 Ed. 6. 4. XIV. And where alſo in one other Parliament of the ſaid late King Edward,, holden at Weſtminſter in the ſeventh year of his Reign, one Act was made and eſtabliſhed, declaring how and in what ſort the under-Collectors of the Tenth in every Dioceſs, appointed by the Biſhop, ſhould be bound to diſcharge the Biſhops of that collection, and a longer day given for the payment of the Tenth: (2) and how the King ſhould be anſwered of the Tenth for the time of vacation of every Benefice and Spiritual promotion, and that the Patents of the collection of Tenths, ſhould be good only during the Incumbency of the Grantors; as in the ſame Act more at large is contained.

1 Mar. 10. XV. And where alſo in the ſecond Seſſion of Parliament of our late Sovereign Lady Queen Mary, your Majeſties deareſt Siſter, holden at Weſtminſter in the Firſt year of her Reign, one Act was made and eſtabliſhed, whereby full power and authority was given and appointed unto her Highneſs, at her will and pleaſure to alter, change, unite, tranſport, diſſolve, or determine, as well the ſaid Court of Firſt-fruits and Tenths, as the Court of Augmentations of the Revenues of the Kings Crown, and other Courts therein expreſſed, and to reduce the ſame Courts, or any of them, into one, two, or more Court or Courts, or to unite and annex the ſaid Courts or any two or more of them together, or to any other of her Majeſties Courts of Record, as to her it ſhould be thought moſt convenient and beſt, for the better, ſure, and more ſpeedy anſwering of her yearly revenues, caſualties, and profits then anſwerable in the ſaid Courts, or any of them, as in the ſame Act more at large is expreſſed: (2) By vigour and authority of which Act, the ſaid late Queen by her Graces four ſeveral Letters Patents, whereof two bear date the three and twentieth day of January, in the firſt year of her Reign, and the other two, the four and twentieth of January in the ſame year, did not only diſſolve, determine and extinguiſh the ſaid Courts, commonly called and entituled, The Court of Augmentations and Revenues of the Kings Crown, and the Courts of the Firſt-fruits and Tenth, and the juriſdiction and authority thereof; (3) but alſo did unite, tranſpoſe and annex the ſaid Courts of Augmentations

Queen Mary diſſolved the Courts of Firſt-fruits and Augmentations.

ons and Revenues of the Kings Crown, and of the Firſt-fruits and Tenths ſo diſſolved, to the ſame Court of the Exchequer, there to be and continue as a member and parcel of the ſame Court of the Exchequer: (4) and did appoint all and ſingular the Revenues, Caſualties, Profits and Hereditaments then anſwerable in the ſaid Courts, to the Order, Rule, Survey, and Governance of the ſaid Court of the Exchequer, there to be anſwered and accounted for ever, in ſuch order, manner and form, as in the ſaid Letters Patents, and two Schedules unto the ſaid Letters Patents annexed, is mentioned and declared, as by the tenour and purport of the ſaid Letters Patents and Schedules ſigned with her Highneſs hand, more plainly may appear.

and annexed them to the Exchequer.

XVI. By reaſon of all which ſaid premiſſes, not only the ſaid perpetual Revenues of the Firſt-fruits and Tenths granted by the ſaid Act in the Twenty ſixth year of the Reign of your Highneſs moſt noble Father, in augmentation and maintenance of the Crown of this Realm, but alſo the Tenths and yearly Rents reſerved nomine Decimæ, by any Letters Patents of your ſaid noble Father, ſithence the ſaid ſix and twentieth year of his Reign, and of your ſaid deareſt Brother and Siſter, or of any of them, made to any Biſhop and his Succeſſors, or to any Cathedral Church, Dean and Chapter, Colledge, or any other Eccleſiaſtical and Spiritual perſon or perſons, or Corporations, and their ſucceſſors for ever: (2) And alſo all and every the Rents, Revenues, Iſſues and Profits of all and ſingular Rectories, Parſonages and Benefices impropriate, glebe-lands, tithes, oblations, penſions, portions, and other profits and emoluments Eccleſiaſtical and Spiritual to the ſame belonging, being in the hands and poſſeſſion of your ſaid deareſt Siſter, at the ſaid Four and twentieth day of January, were ordered, anſwerable, and accounted for in the ſaid Court of the Exchequer, and were therein well and juſtly anſwered and paid unto her Highneſs uſe and behoof, like as the ſame had been unto the ſaid two noble Kings her ſaid Father and Brother, by the ſpace of Twenty years, without grief or contradiction of the Prelates and Clergy of the Realm, to the great aid, relief and ſupportation of the ineſtimable charges of the Crown of this Realm, which daily ſince the time of the making of the ſaid firſt Act have increaſed and grown more and more.

XVII. Which thing although the ſaid late Queen might and did manifeſtly feel and perceive to be moſt true, yet ſhe upon certain zealous and inconvenient reſpects, not ſufficiently, nor politickly enough weighing that matter, nor having due conſideration and regard to the maintenance and upholding, and good continuance of the Eſtate of the Imperial Crown of this Realm in ſucceſſion, which rather needed an augmentation, then any diminution, procured and willed an Act of Parliament to be made and provided in the ſecond and third years of the Reign of King Philip her late Husband, and her, That all payments of the ſaid Firſt-fruits, ſhould from thenceforth ceaſe and be clearly extinct and determined for ever: (2) and that as well all the ſaid Benefices and Spiritual Promotions, as the Poſſeſſors, Owners, and Incumbents thereof, and their Succeſſors, ſhould from and after the Eighth day of Auguſt in the ſaid ſecond and third years, and ſo from thenceforth at all times for ever, be clearly exonerate, acquitted and diſcharged againſt the ſaid late King Philip and Queen Mary, her Heirs and Succeſſors, of and from the payment and payments of all and every the ſaid Firſt-fruits, in as ample and large manner and form as they were before the making of the ſaid Act of the firſt and original Grant thereof, in the ſaid Six and twentieth year of the Reign of the ſaid late King your noble Father, and as though the ſame had never been had ne made.

Queen Maries zealous, but not politick reſpect.

By the Statute made 2 & 3 P. & M. 4. Sect. N. 2. the payment of Firſt-fruits and Tenths ceaſed.

XVIII. And further, That neither the ſaid perpetual Penſion, annual Rent or Tenth granted by the ſaid firſt Act of the Six and twentieth year of the ſaid noble King Henry: nor alſo the ſaid ſeveral annual Rents or Tenths reſerved nomine Decimæ by and upon the ſaid ſeveral Letters Patents of the ſaid late King and Queen, made to Spiritual perſons and Corporations as is aforeſaid, or any of them, from and after the Feaſt of St. Michael the Archangel then laſt paſt, ſhould any more be paid or payable unto the ſaid late King Philip and Queen Mary, her Heirs or Succeſſors; (2) but that as well all the ſaid Archbiſhopricks, Biſhopricks, and other Benefices, Dignities, Deans and Chapters, Colledges, Corporations, and Spiritual Promotions aforeſaid, as alſo the Poſſeſſors, Owners, Provietaries and Incumbents of the ſame, and their Succeſſors, from and after the ſaid Feaſt of St. Michael the Archangel, ſhould be clearly exonerate, acquitted and diſcharged of and from the payment thereof, againſt them, and the Heirs and Succeſſors of the ſame late Queen for ever.

XXIX. And furthermore, That the ſaid late King Philip and Queen Mary, her Heirs and Succeſſors, from and after the ſaid Feaſt of St. Michael the Archangel, ſhould not receive, perceive, take and enjoy any the Iſſues, Revenues, Profits or Commodities of the ſaid Rectories, Parſonages, Benefices, Glebe lands, Tithes, Pblations, Penſions, Portions, and other Profits and Emoluments Eccleſiaſtical and Spiritual aforeſaid, or of any of them, or of the Reverſion or Reverſions of them or any of them: (2) but in and by the ſaid Act, the ſame late King and Queen, clearly gave over, renounced and relinquiſhed as well the ſaid Rectories, Parſonages, Benefices, Glebe-lands, Tithes, Oblations, Penſions, Portions, and other Profits and Emoluments Eccleſiaſtical and ſpiritual aforeſaid, and every of them, and the Reverſion and Reverſions of them, and every of them, and all their Right, Title, Uſe, Intereſt and Demand of, in or to the ſame, from them and the Heirs and Succeſſors of the ſaid late Queen for ever, as alſo the ſaid perpetual Penſion, annual Rent and Tenth, and alſo the ſaid yearly Rents reſerved nomine Decimæ upon the ſaid ſeveral Letters Patents, and all their Right, Title and Intereſt which they or either of them, or the Heirs and Succeſſors of the ſaid late Queen, had or might have had, in or to the ſame.

XX. The ſame yearly Penſion, Tenths, yearly Rents, Parſonages, Emoluments and Profits to be perceived, taken, received, counted, employed, uſed and diſpoſed by the late Reverend Father in God Reginald Poole, late Cardinal and Legate, and ſuch other perſons as he ſhould name and appoint, and ſuch other as been ſpecially limited in the ſaid Act, to and for certain uſes, purpoſes and intents mentioned in the ſame Act, with divers Proviſions, and a Saving, in the ſame expreſſed and contained, as by the ſame more at large appeareth.

The Statute.

XXI. We your ſaid humble and obedient Subjects, the Lords Spiritual and Temporal, and Commons in this your preſent Parliament aſſembled, calling to our remembrance the huge, innumerable and ineſtimable Charges of the Royal Eſtate, and Imperial Crown of this Realm, and how the ſame is left unto your Majeſty, at this your firſt entry thereunto, greatly diminiſhed, as well by reaſon of the ſaid Act made in the ſaid ſecond and third years of the ſaid King Philip and Queen Mary, as otherwiſe, do conceive at the bottom of our hearts great ſorrow and heavineſs, as Subjects careful of their natural and Liege Sovereign Lady, upon whom dependeth the ſurety, worldly joy, and wealth of us all; (2) and being no leſs affected towards your Majeſties moſt Royal Perſon, and the preſervation and maintenance of the ſame, and of the Eſtate and Succeſſion of your Majeſties ſaid Crown, then were the firſt Grantors of that ſaid Firſt-fruits and Tenths towards your Highneſs moſt noble Father, and his ſaid Royal Eſtate, at the time of their ſaid Grant thereof to him made, do account of very right and good congruence no leſs then our moſt bounden duty, to move your Highneſs, and therewith moſt humbly to beſeech the ſame, that the great diſheriſon and decay committed and done to the Crown, and Eſtate Royal of this your Realm, and the Succeſſion thereof, by reaſon of the ſaid Act made in the ſaid ſecond and third years of the Reign of the ſaid King Philip and Queen Mary, may at this Parliament be reformed and avoided, and that with your Highneſs favour and Royal aſſent, it may be enacted, ordained, eſtabliſhed and provided by authority of this Parliament, in manner and form hereafter enſuing:

A repeal of the Statute of An. 2 & 3 P. & M. 4.

XXII. That is to ſay, That the ſaid Act made in the ſecond and third years of the Reign of the ſaid late King Philip and Queen Mary, and all Articles, Clauſes and Sentences therein contained, ſhall be, from and after the firſt day of this preſent Parliament, utterly and clearly repealed, made void, and of no force ne effect: (2) and all Authorities and Liberties granted, limited and appointed in and by the ſaid Act, to the ſaid late Cardinal Pool, or made, or derived, by force, ſtrength or colour of the ſame Act, by or from the ſaid late Cardinal, to any other perſon or perſons, bodies politick or corporate, to ceaſe and be utterly void and determined: (3) and that the ſaid Firſt-fruits, and all payments thereof, from and after the ſaid firſt day of this Parliament, ſhall be revived, and have their being and continuance again, and be deemed and adjudged to all intents, conſtructions and purpoſes in the Queens Highneſs moſt Royal perſon, her Heirs and Succeſſors, and united and annexed to the Imperial Crown of this Realm, of and in ſuch like and the ſame eſtate, intereſt, title, quantity, ſort, degree and condition, and in as ample and beneficial manner and form, as the ſame was or were in the perſon and poſſeſſion of the ſaid late Queen Mary, at and before the ſaid eighth day of Auguſt, in the ſaid Act of Extinguiſhment mentioned and expreſſed; the ſame Act of Extinguiſhment, or any Letters Patents, or any other matter or thing had, done or ſuffered by the ſaid late Queen, to the contrary thereof in any wiſe notwithſtanding.

The First-fruits revived.

XXIII. And alſo that as well ſo much of the ſaid perpetual and Annual Tenth and Penſion granted by the ſaid Act made in the Twenty ſeventh year of the Reign of the ſaid late King Henry the Eighth, as alſo ſo much of the ſaid yearly Rents reſerved upon the ſaid ſeveral Letters Patents nomine Decimæ, (2) and alſo ſo many of the ſaid Rectories, Parſonages, and Benefices impropriate, Glebe-lands, Tithes, Oblations, Penſions, Portions, and other Profits and Emoluments Eccleſiaſtical and Spiritual aforeſaid, and the reverſion and reverſions thereof, and all Rents, Emoluments and Profits incident to the ſame, as were in the hands and poſſeſſion of the ſaid late Queen Mary, at and before the ſaid Eighth day of Auguſt, ſhall from the ſaid Feaſt of St. Michael the Archangel laſt paſt, be veſted, adjudged and deemed, actually and really in the Seiſin and Poſſeſſion of our ſaid Sovereign Lady Queen Elizabeth, her Heirs and Succeſſors, to all intents, conſtructions and purpoſes, of and in ſuch like and the ſame eſtate, intereſt, order, degree, quality, ſort and condition, and as fully, wholly, largely and beneficially, as the ſame were in the ſeiſin and poſſeſſion of the ſaid late Queen Mary, at and before the ſame eighth day of Auguſt: (3) and that as well the ſaid Firſt-fruits and Tenths, and the order thereof, as alſo the ſaid Annual Rents reſerved nomine Decimæ, and the ſaid Rectories, Parſonages, Benefices, Glebe-lands, Tithes, Oblations, Penſions, Portions, and other Profits and Emoluments Eccleſiaſtical and Spiritual aforeſaid, and every of them, and the reverſion and reverſions of them, and of all Rents and Profits unto the ſame, or any of them incident or belonging, ſhall be within the order, ſurvey, rule, and governance of the ſaid Court of the Exchequer, in every degree, ſort and condition, as they were at and before the ſaid eighth day of Auguſt; the ſaid Act made in the ſaid ſecond and third years, or any other matter or thing to the contrary thereof notwithſtanding.

The Tenths revived, and Rents reſerved upon Patents and Promotions Eccleſiaſtical.

XXIV. And that ſo much of all and every the ſaid Acts and Statutes firſt recited, or of any other Act or Statute touching or concerning the order, levying, true anſwering and payment or qualification of the ſaid Firſt-fruits and Tenths, and of the ſaid Rectories, Parſonages, and Benefices impropriate, and of the Rents, Revenues, Emoluments and Profits thereof, and of all other the Premiſſes, and alſo the charge, diſcharge, or alteration of them, or any of them, or any matter or thing in any wiſe ſounding or tending thereunto, which were ſtanding and being in force, effect, and unrepealed at and before the ſaid eighth day of Auguſt (except only the ſaid Acts of the erections of the Courts of Augmentations, and Firſt-fruits and Tenths) ſhall be, remain, and continue in their full and perfect ſtrengths and forces, and be obſerved and put in due execution, according to the tenours and purports of the ſame, and every of them.

The before rehearſed Stat. revived.

St. 27 H. 8. 27.
St. 32 H. 8. 45.

The Queen ſhall have the Advowſon of Vicarages belonging to Rectories, &c.

XXV. And that the Queens Majeſty, her Heirs and Succeſſors, by authority of this preſent Parliament, ſhall from the ſaid firſt day of this preſent Parliament, have, hold, poſſeſs, and enjoy for ever, the Advowſons, Gifts and Patronages of all Vicarages belonging or incident to any of the ſaid Rectories, Parſonages impropriate, in the ſame ſort, quality, condition and degree, to all intents and purpoſes, as the ſame were in the perſon and poſſeſſion of the ſaid late Queen Mary, at and before the ſaid eighth day of Auguſt; any thing or act done by the ſame late Cardinal, or any Grant or Grants by Letters Patents made by the ſaid late Queen Mary, of the ſaid Advowſons and Patronages, or any of them, to any Eccleſiaſtical or

Spiritual perſon or perſons, or any Spiritual Corporation, to the contrary in any wiſe notwithſtanding:

A ſaving of the right of others.

XXVI. Saving to all and every perſon and perſons, bodies politick and corporate, and their Heirs, Executors, Succeſſors, and Aſſigns, and every of them, (other then ſuch perſons as be mentioned and named in any Letters Patents made by the ſaid Queen Mary, the ſaid eighth day of Auguſt, or at any time ſithence, or claiming only by or under the authority and ſtrength of the ſame Act or Letters Patents, or any of them) all ſuch right, title, intereſt, eſtate, offices, leaſes, grants, annuities, penſions, fees, corrodies, rents, and other yearly profits and commodities as they or any of them ought or ſhould have had, perceived or enjoyed, of, in, or by reaſon of any the Parſonages, Rectories, or of any other the premiſſes, in caſe the ſaid former Act now repealed, and this preſent Act of repeal had never been had ne made; Any thing in the ſame Acts, or either of them contained or ſounding to the contrary thereof in any wiſe notwithſtanding.

How penſions ſhall be paid.

XXVII. And be it further enacted by the authority aforeſaid, That from and after the ſaid Feaſt of Saint Michael the Archangel laſt paſt, and ſo from thenceforth from time to time, the ſaid penſions, annuities, rents, corrodies, fees, and other yearly payments, ſhall be paid and payable onely by our ſaid Sovereign Lady, her Heirs and Succeſſors, at the receit of the Exchequer, or in ſuch other places as the Queens Majeſty, her Heirs and Succeſſors ſhall appoint, to all and every perſon and perſons that ought to have and enjoy the ſame, in ſuch ſort, order and form as the ſame ſhould or ought to have been paid and payable, in caſe the ſaid Act now repealed had never been had ne made; Any thing therein, or elſe in this Act contained to the contrary thereof in any wiſe notwithſtanding.

They that were in arrearages for Rents, ſhall pay the ſame to the Queen.

XXVIII. And be it further enacted by the authority aforeſaid, That all and ſingular Incumbents, Proprietaries, Tenants, Farmors, Leſſees and Occupiers of the premiſſes, or any part thereof, their Heirs, Executors and Aſſigns, which the ſaid firſt day of this preſent Parliament were behind, or in any arrearages of and with the rents, farms, tenths, or other revenues, profits or duties, by them or any of them due and payable, for or by reaſon of the premiſſes, or any of them, ſhall and may be by the authority of this Act, ſeverally chargeable, accomptable and anſwerable to the Queens Majeſty, her Heirs and Succeſſors, in and at the ſaid Court of the Exchequer, of and for the ſame arrearages and duties as other Accomptants be and ſhall be in the ſame Court; Any thing in the ſaid Act now repealed in this Act, or any other matter or cauſe to the contrary thereof in any wiſe notwithſtanding.

Vicarages not exceeding x. li. ſhall pay no Firſt-fruits.

Parſonages not exceeding ten marks, ſhall pay no Firſt-fruits.

XXIX. And yet nevertheleſs, The Queens moſt excellent Majeſty, at the humble requeſt of her ſaid Subjects, of her abundant grace and bountifulneſs, is pleaſed and contented that it be enacted by the authority aforeſaid, That all and ſingular Vicarages not exceeding the yearly value of Ten pounds, after the rate and value upon the Records and Books of the rates and values for the Firſt-fruits and Tenths now remaining in the Exchequer, or that ſhall hereafter come and remain in the ſame Court, and alſo all and ſingular Parſonages not exceeding the yearly value of ten Marks after the like rate and valuation, and the Incumbents thereof and every of them, their Executors, Adminiſtrators, Succeſſors and Sureties, and every of them, from the ſaid Feaſt of Saint Michael the Archangel laſt paſt, ſhall be free and clearly diſcharged and acquitted for ever againſt the Queens Majeſty, her Heirs and Succeſſors, of and from the ſaid Firſt-fruits; Any thing in the ſaid Act of Firſt-fruits and Tenths made in the ſaid Six and twentieth year of the Reign of the ſaid late King Henry the Eighth, or in this Act of Repeal, or any other Act or Acts before recited, to the contrary thereof in any wiſe notwithſtanding.

The charge of the Incumbent which liveth half a year after the avoidance.

XXX. Provided always, and be it enacted by the authority aforeſaid, That if any Incumbent of any ſuch Promotion Spiritual as is aforeſaid, charged or chargeable to the payment of the ſaid Firſt-fruits, happen to live to the end of one half year next after the laſt avoidance of the ſame Promotion Spiritual, ſo as he hath received, or without fraud or covin might lawfully have received or enjoyed the Rents or Profits of that half year, and before the end of the other half year then next following, ſhall happen to die, or be lawfully evicted, removed, or put from the ſaid Promotion Spiritual, by judgment in any Action at the Common Law, without fraud or covin, that then every ſuch Incumbent, his Heirs, Executors, Adminiſtrators and Sureties, ſhall be charged and chargeable but onely with the fourth part of the Firſt-fruits due to be paid for ſuch his Promotion, and with no more of the ſaid Firſt-fruits; Any thing in this Act contained, or any Bond or Writing to be made for the payment of the ſaid Firſt-fruits, or any other matter or cauſe to the contrary notwithſtanding.

His charge which liveth a whole year, &c.

XXXI. And if it ſhall happen any ſuch Incumbent to live by the ſpace of one whole year next after the laſt avoidance of the ſame Spiritual Promotion, and after, before the end of one half year then next following, ſhall fortune to die, or to be lawfully evicted, removed, or put from the ſaid Promotion Spiritual, by Judgment in any Action at the common Law, without fraud or covin, that then every ſuch Incumbent, his Heirs, Executors, Adminiſtrators and Sureties ſhall be charged, and chargeable but only with the moiety and one half of the Firſt-fruits due to be paid for ſuch his Promotion Spiritual, and with no more of the ſame Firſt-fruits; Any thing in this Act contained, or any Bond or Writing obligatory to be made for the payment of the ſame Firſt-fruits, or any other matter or cauſe to the contrary notwithſtanding.

The charge of him which liveth a year and an half, &c.

XXXII. And if it ſhall happen any ſuch Incumbent to live to the end of one whole year and an half next after the laſt avoidance of ſuch Promotion Spiritual, and after, and before the end of ſix months then next following, ſhall fortune to die, or be lawfully evicted, removed, or put from the ſaid Promotion Spiritual, by Judgment in any Action at the Common Law, without fraud or covin, that then every ſuch Incumbent, his Heirs, Executors, Adminiſtrators and Sureties, ſhall be charged and chargeable but only with three parts of the Firſt-fruits of the ſame Promotion Spiritual, in four parts to be divided, and with no more; Any thing in this Act contained, or any Bond or Writing obligatory had or made for the payment of the ſaid Firſt-fruits, or any other matter or cauſe to the contrary notwithſtanding.

XXXIII. And if it ſhall happen any ſuch Incumbent to live to the end of two whole years next

The charge of him which liveth two whole years after, &c.

after the laſt avoidance of the ſame his Promotion Spiritual, and not be lawfully evicted, removed or put from the ſame promotion Spiritual, as is aforeſaid, that then every ſuch Incumbent, his heirs, executors, adminiſtrators and ſureties, ſhall content and pay to our ſaid Sovereign Lady the Queen, her Heirs and Succeſſors, the whole Firſt-fruits due to be paid for the ſame promotion Spiritual, according to the Eſtatute aforeſaid.

Grants made to the Univerſities or the Colledges in them, and to Eaton and Wincheſter Colledge.

XXXIV. Provided alſo, and be it enacted, That all grants, immunities, and liberties given to the Univerſities of Cambridge and Oxford, or to any Colledge or Hall in either the ſaid Univerſities, and to the Colledges of Eaton and Wincheſter, and unto every or any of them, by our late Sovereign Lord King Henry the Eighth, or any other the Queens Highneſs Progenitors or Predeceſſors, or by Act of Parliament, for or touching the releaſe or diſcharge of the ſaid Firſt-fruits and Tenths, or any part thereof, ſhall be always and remain in their full ſtrength and virtue: (2) and that all ſuch lawful conveyances and aſſurances in the Law, as were had or made before the making of this Act, to either of the ſaid Univerſities of Oxford and Cambridge, or to any Colledge or Hall within any of them, by what name or names ſoever they or any of them be incorporated or named of any the ſaid Parſonages or Benefices impropriate, or of any part of the ſame, or of any Patronages for the maintenance of Students, or Learning, ſhall be as good and effectual in the Law, to all intents, conſtructions and purpoſes, as though this Act had never been made.

The Chappel of St. George in Windſor.

XXXV. And be it further enacted by the authority aforeſaid, That the Dean and Canons of the free Chappel of St. George the Martyr, within the Caſtle of Windſor, and all the poſſeſſions and hereditaments of the ſame free Chappel, Deanry and Canons, by whatſoever name or names they be incorporated or known, ſhall be exonerated, and ſhall ſtand for ever diſcharged of the Tenths and Firſt-fruits before mentioned; Any thing in this Act, or any other Act or Statute before mentioned to the contrary thereof in any wiſe notwithſtanding.

Leaſes for years, or three lives.

XXXVI. Provided alſo, and be it enacted, That all Leaſes made before the xx. day of December laſt paſt for xxi. years, or three lives at the moſt, by any perſon or perſons, bodies politick or corporate being lawfully ſeiſed of or in any the ſaid Parſonages inpropriate, or of or in any other the premiſſes wont commonly to be let or ſet to ferm, then being out of Leaſe, or whereof there was not at the time of the making of the ſaid Leaſe or Leaſes, any former Leaſe to endure above one year then to come at the moſt; and upon which new Leaſe or Leaſes, the old yearly rent accuſtomarily wont to be paid for the ſame, by the ſpace of twenty years laſt before the making of ſuch Leaſe or Leaſes, or more yearly rent is reſerved and payable during the ſaid term: and all other lawful Grants by them or any of them heretofore made of any Office or Offices in old time wont commonly to be granted: and all gifts and grants of any Parſonage or Parſonages impropriate, heretofore belonging to the Archdeaconry of Wells, in the County of Somerſet, or to the Incumbent of the ſame Office or Dignity, or to the Incumbent of the ſame lately given and reſtored, ſhall be as good and effectual in the Law, as though this Act or any thing contained therein had not been had or made.

Grants of Offices wont to be granted.

The Archdeacon of Wells charged with payment of Firſt-fruits.

XXXVII. And be it further enacted by the authority aforeſaid, That the ſaid Archdeaconry, and all Rectories and Spiritual promotions given, aſſigned, limited or appointed to the ſame, and all and every Incumbent and Incumbents which hereafter ſhall be preſented, collated, preferred and admitted unto the ſaid Archdeaconry, and the Rectories and Spiritual promotions thereunto limited and appointed, or appertaining and belonging, ſhall ſtand, remain, and be charged and chargeable with the payment of the Firſt-fruits and Tenths for the ſame to the Queens Highneſs, her Heirs and Succeſſors, in ſuch like manner and form as other Spiritual promotions, and the Incumbents of the ſame, be and ſhall be charged and chargeable by this Act, or by any other Act or Statute before ſpecified.

The Benefices, &c. which were within the Order of the Dutchy Court ſhall ſo continue.

XXXVIII. Provided always, and be it further enacted by the authority aforeſaid, That ſo many of the ſaid Rectories, Parſonages and Benefices impropriate, glebe-lands, tithes, oblations, penſions, portions and other profits and emoluments Eccleſiaſtical and Spiritual, and every of them, and the reverſion and reverſions of them, and all rents and profits unto the ſame, or any of them incident or belonging, as were at and before the ſaid eighth day of Auguſt, in the hands and poſſeſſions of the ſaid late Queen Mary, and within the ſurvey, rule and order of the Court of the Dutchy of Lancaſter, ſhall be again within the order, ſurvey, rule and government of the ſaid Court, in ſuch and the ſame manner and form to all intents and purpoſes, as they were at and before the ſaid eighth day of Auguſt, in the ſaid ſecond and third years of the Reign of the ſaid late King and Queen; Any thing in this Act, or in the ſaid Act of the ſame late King and Queen, to the contrary thereof in any wiſe notwithſtanding.

They which be preſented to a Benefice, ſhall compound for their Firſt-fruits before the Feaſt of S. John Baptiſt.

XXXIX. Provided always, and be it further enacted by the Authority of this Parliament, That no perſon or perſons preſented, inſtituted or inducted, at any time ſithence the firſt day of this preſent Parliament, or that ſhall be preſented, inſtituted or inducted on this ſide the Feaſt of the Nativity of Saint John Baptiſt next coming, to any the ſaid Spiritual, or Eccleſiaſtical promotions chargeable to or with the payment of the Firſt-fruits, or one years profits of ſuch promotion, ſhall incur any penalty or forfeiture by entring into any of the ſaid Spiritual or Eccleſiaſtical promotions, or by taking the profits thereof, for the non payment or not compounding of or for the Firſt-fruits thereof, ſo that he or any other for him, ſhall or do compound for the ſame Firſt-fruits, according to the true meaning of the Statute, before the Feaſt of the ſaid Nativity of St. John Baptiſt; Any thing in this Act contained to the contray notwithſtanding.

The Revenues of Hoſpitals and Schools.

XL. Provided alſo, That this Act, nor any thing therein contained, ſhall not in any wiſe extend to charge any Hoſpital founded and uſed, and the poſſeſſions thereof employed to and for the relief of poor people, or any School or Schools, or the poſſeſſions or revenues of them, or any of them, with the payment of any Tenths or Firſt-fruits; Any thing in this Act before mentioned to the contrary in any wiſe notwithſtanding.

CAP. V.

Treaſon, Raſt. 25.

If any perſon ſhall compaſs or imagine to deprive the Queen or the heirs of her body to be begotten, being King or Queen of this Realm, from the Stile or Kingly Name of the Crown of this Realm: Or to deſtroy the Queen or any the heirs of her body, being King or Queen: Or to levy War againſt the Queen, or any the Heirs of her body within her Dominions: Or to depoſe the Queen or any of the Heirs of her body, &c. from the Imperial Crown of this Realm, and the ſame imaginations ſhall utter by open words, &c, Or ſhall publiſh, and directly ſay, That the Queen, during her life, is not, or ought not to be Queen: Or that after her death, the Heirs of her body ought not to be King or Queen: Or that any other perſon ought to be King or Queen, ſo long as any of the Heirs of her body ſhall be in life: Then ſuch offender ſhall forfeit to the Queen all his Goods and Chattels, and the profits of his Lands during his life. And if any perſon or perſons ſhall by Writing, Printing, overt deed or Act, commit any of the offences aforeſaid, it ſhall be adjudged high Treaſon. EXP. St. 12 El 1.

CAP VI.

News Raſt. 5.

The penalty mentioned in the Statute of 1 & 2 P. & M. 3. for ſpeaking falſe ſlanderous News of the King or Queen, or for committing any of the offences expreſſed in the ſaid Act, ſhall be expounded to extend to the Queen that now is, and to the heirs of her body. EXP.

CAP. VII.

Horſes, Raſt. 9.

A reviver of the Statute of 23 H. 8. 16. making it Felony to ſell, exchange, or deliver within Scotland, or to the uſe of any Scottiſhman, any Horſe. REP. 4 Jac. 1.

CAP. VIII.

Cordwainers, Raſt. 18.

A reviver of the Statute of 5 & 6 Ed. 6. 15. limiting what perſons (and for what purpoſes) may buy and ingroſs tanned Leather, and ſell the ſame again, and who not. And a repeal of the Statute of 1 M. 8. touching Curriers, Shoemakers, &c. The Currier ſhall deliver to the Shoemaker the Leather curried which he received, within five days in Summer, and ten days in Winter, if he may conveniently do it. No Shoemaker ſhall make any ſhoes or Boots of any Neats-Leather mingled, but only of it ſelf. REP. 5 El. 8. & 1 Jac. 22.

CAP. IX.

Ibid. 17.

No perſon having ten pounds Land or Rent, ſhall uſe or have any profit by the Myſtery of tanning of Leather, but an Apprentice or Covenant-ſervant brought up in that Trade four years: Neither ſhall any uſe that Trade, but in a City, Borough, Town-corporate or Market-town where ſellers ſhall be uſually appointed, unleſs he hath been an Apprentice, or a Covenant-ſervant four years, or the ſon and heir, or wife of a Tanner. Raw hides, Calves skins, tanned Leather red and unwrought, ſhall not be bought or ſold but in open Fair or Market. Two pieces called wombs, ſhall be cut off of every hide, to be converted to ſoal Leather, commonly called backs: Both the Backs and Wombs, ſhall be brought to Fairs and Markets to be ſold. Searchers and Sealers of Leather ſhall regiſter all Bargains for Leather, made in Fairs or Markets. The Statute of 2 & 3 Ed. 6. 11. revived. Rep. 5 El. 8. & 1 Jac. 22.

CAP. X.

Cordwainers, Raſt. 21.

It ſhall be Felony to convey, or procure to be conveyed into any Ship or other Veſſel, any Leather tanned or untanned, or any ſalt or untanned Hides, or any backs of ſole Leather, or any Tallow, to the intent to tranſport the ſame over the Sea to be ſold by way of Merchandiſe. REP. 18 El. 9.

CAP. XI.

An Act limiting the time for laying on Land Merchandiſes from beyond the Seas, and touching Cuſtoms for ſweet wines.

Merchants 5. Cuſtoms 18.

MOſt humbly ſhewing, beſeechen your Highneſs, your Lords and Commons in this preſent Parliament aſſembled, That where the ſums of money paid in the name of Cuſtoms, Subſidies of Wares and Merchandiſes, tranſported out, and brought into this your Highneſs Realm of England, by any Merchant, Stranger or Denizen, is an antient Revenue annexed and united to your Imperial Crown, (2) and hath in the time of King Edward the Third, and other your moſt noble Progenitors, amounted to great and notable ſums of money, till of late years many greedy and covetous perſons, reſpecting more their private gain and commodity, then their duty and allegiance, or the common profit of the Realm, have and do dayly as well by conveying the ſame their Wares or Merchandiſes out of creeks and places where no cuſtomer is reſident, as alſo by or through the negligence or corruption of the cuſtomer, ſearcher or other officer where they be reſident, as by divers other fraudulent, undue and ſubtile practices and devices, convey their Goods and Merchandiſes as well brought from the parts beyond the Sea, as tranſported out of this your Realm of England, without payment or agreeing for the payment of the cuſtoms and ſubſidies therefore due, (3) whereby the yearly Revenue aforeſaid is very much impaired and diminiſhed, to the great loſs and damage of your Highneſs, and to the great burden and charge of your loving Subjects, who by occaſion thereof have of late years been more charged with ſubſidies, and payment for the ſupplement of the ſaid loſs and damage, then elſe ſhould have been:

Several cauſes of the diminiſhing of the Queens Cuſtoms.

No goods ſhall be laden or diſcharged but in the day-light, and in open place.

II. That it may therefore be enacted by the authority of this preſent Parliament, That it ſhall not be lawful to or for any perſon or perſons whatſoever from and after the firſt day of September next coming, to lade or put, or cauſe to be laden or put off from any Wharf, Key, or other place on the Land, into any Ship, Veſſel, Crayer, Lighter or Bottom, any Goods, Wares or Merchandiſes whatſoever (Fiſh taken by your Highneſs ſubjects only excepted) to be tranſported into any place of the parts beyond the Seas, or into the Realm of Scotland, (2) or to take up, diſcharge and lay on Land, or cauſe or procure to be taken up or diſcharged out of any Lighter, Ship, Crayer, Veſſel or Bottom, being not in a leke or wreck, and laid on Land, any Goods, Wares or Merchandiſes whatſoever (Fiſh taken by any of your Highneſs Subjects, and Salt only excepted) to be brought from any the Parts beyond the Sea, or the Realm of Scotland by way of Merchandiſes, (3) but only in the day-light; that is to ſay, from the firſt of March unto the laſt of September, betwixt the ſun-riſing and ſun-ſetting; and from the laſt of September until the firſt of March, between the hours of ſeven in the morning and four at the afternoon, (4) and in and upon ſome ſuch open Place, Key or Wharf, Places, Keys or Wharfs, as your Highneſs, your Heirs or Succeſſors, ſhall on this ſide the ſaid firſt day of September, therefore aſſign and appoint by virtue of your Highneſs Commiſſion or Commiſſions, within your Graces Ports of London, Southampton, Briſtol, Weſtcheſter, Newcaſtle, and the Suburbs of the ſame, and every of them, (5) and in ſome open Place, Key, Wharf, Places, Keys or Wharfs, in all other Ports, Creeks, Havens or Roads (Hull only excepted) where a Cuſtomer, Controller and Searcher of ſuch Ports, Havens, Creeks or Roads, and every of them, or the ſervants of any of them, have by the ſpace of ten years laſt paſt been accuſtomably reſident, or hereafter ſhall be reſident, (6) upon pain of forfeiture of ſuch Goods, Wares or Merchandiſes ſo laden or diſcharged contrary to the true meaning of this Act; or the value thereof.

III. And be it further enacted by the authority aforeſaid, That no manner of perſon or perſons after the ſaid day, ſhall receive or take into any Ship, Crayer or other Veſſel, any Goods, At what times and places only the Maſter of a Ship ſhall receive or diſcharge his loading.

Wares or Merchandiſes (except before excepted) to be tranſported into any place beyond the Sea, or into the Realm of Scotland by way of Merchandize: (2) nor ſhall diſcharge nor lay on Land out of any Ship, Crayer or other Veſſel, any Goods, Wares or Merchandiſe (except before excepted) being brought from any place beyond the Sea, or out of the Realm of Scotland by way of Merchandiſe, in any other place or places, or at any other hours or times then is before limited and appointed, (3) upon pain that the owner and owners, maſter and maſters, or other perſon or perſons which ſhall take charge or guiding of any ſuch Ship, Crayer or Veſſel, or of the Merchants Goods during and for that voyage, ſhall forfeit and loſe for every ſuch offence, C. li. of lawful money of England.

A Shipper ſhall give notice to the Cuſtomer, of his departure.

IV. And be it further enacted by the authority aforeſaid, That no Maſter, Shipper or Purſer, or other perſon or perſons taking charge of the voyage, or of the Merchants Goods, ſhall after the ſaid day receive or take into any Ship, Crayer or other Veſſel, any Goods, Wares or Merchandiſe (except before excepted) to be carried or tranſported into any of the parts beyond the Sea, or into the Realm of Scotland, before he ſhall have ſignified to the Cuſtomer of the Port where he ladeth, and other Officers there, in the open Cuſtom houſe, if any ſuch be there, or elſe where the ſaid Officers, their deputies or ſervants, or any of them, be or ſhall be uſually reſident, that he intendeth to lade, and to what place he intendeth to paſs; (2) nor ſhall after his or their full lading, depart out of the Port, Creeks or Stream where he ſhall ſo lade, before he do in like manner ſignifie unto the Cuſtomer and other Officers, as is aforeſaid, of his lading, and what Merchants and other perſons ſhall have lading with him, or in his Ship, Crayer, Veſſel or Bottom, and further truly do anſwer to ſuch queſtions as ſhall be miniſtred to him or them by the Cuſtomer or other Officer, concerning ſuch Wares or Merchandiſes as he ſhall have laden, being examined upon his or their Oath, or otherwiſe, in the open Cuſtom-houſe or otherwiſe, as is aforeſaid, upon pain to forfeit for every ſuch default not truly advertiſing nor anſwering, as is aforeſaid, an C. li.

No maſter of a ſhip ſhall diſcharge the ſame before he hath certified the Cuſtoms.

V. And be it further enacted by the authority aforeſaid, That no Owner, Maſter, Purſer or other perſon taking charge of any Ship, Crayer, Veſſel or Bottom, wherein any Goods, Wares or Merchandiſes (except before excepted) ſhall be laden and brought from any the parts beyond the Sea, or the Realm of Scotland, ſhall after the ſaid day diſcharge into any Lighter or Bottom, and lay on Land, or procure, cauſe or willingly ſuffer to be diſcharged into any Lighter or Bottom, and to be laid on Land out of ſuch Ship, Crayer, Veſſel or Bottom, any Goods, Wares or Merchandiſe whatſoever, before ſuch Owner, Maſter, Purſer, or other perſon or perſons taking charge of the Ship, Crayer, Bottom or Veſſel, or the Merchants goods for that voyage, ſhall have ſignified and declared, to the Cuſtomer or other Officer of the Port, Haven or Creek where he arriveth, the names of every of the Merchants or Laders, and ſhall have truly anſwered to ſuch queſtions and interrogatories touching or concerning ſuch Goods, Wares or Merchandiſe as ſhall be then laden in any Ship, Veſſel or Bottom, as ſhall be to him miniſtred by ſuch Cuſtomer or other Officer, openly in the Cuſtom-houſe, or in ſuch other places as is aforeſaid, upon his or their Oath if need ſo require, (2) upon pain that every Maſter, Purſer, or other perſon or perſons taking charge of ſuch Ship, Crayer or other Veſſel for that voyage, ſhall forfeit and loſe for every ſuch default not advertiſing nor anſwering, as is aforeſaid, an C. li.

No man ſhall enter Goods in the Cuſtomers Book, but in the Owners name.
St. 3 H. 7. 7.
1 H. 8. 5.
2 & 3 Ed. 6. 22.

VI. And be it further enacted by the authority aforeſaid, That from and after the ſaid day, no perſon, Denizen ne ſtranger, do take upon him to enter or do, or cauſe to be entred into the Books of any Cuſtomer, or any other Officer and Officers of any Port or Haven within this Realm, or his or their Deputy or Deputies, Servant or Servants, any manner of Goods, Wares or Merchandiſe whatſoever, coming or brought into your Highneſs Realm, from any the Parts beyond the Sea, or from the Realm of Scotland, or going to be tranſported out of the ſame your Highneſs Realm, into any the parts beyond the Sea,, or into the Realm of Scotland, in the name or names of any other perſon or perſons, then the very Owner or Owners of the ſame Goods, Wares or Merchandiſes being not ſold, bargained or contracted for, to or with any perſon or perſons before ſuch entry, or before the arrival of ſuch Goods, Wares or Merchandiſe in the Parts beyond the Sea, upon pain of forfeiture of the value of the Goods ſo entred.

The penalty of an Officer of the Cuſtom-houſe concealing an offence.
3 H. 6. 3.

VII. And be it further enacted by the authority aforeſaid, That if any Warfenger, Crane-keeper, Searcher, Lighter-man, Weighter or other Officer, pertaining to the Subſidy, Cuſtom or cuſtom-houſe, do at any time after the ſaid day, conſent or know any offence or thing to be committed or done contrary to the true meaning of this Act, or any article therein contained, and do not within one month next after knowledge thereof had, diſcloſe the ſame to the chief Cuſtomer or other Officer of the Port where or wherein whoſe Office or charge any ſuch offence ſhall be committed or done, or elſe to the Lord Treaſurer, Chancellor, Under-Treaſurer, or one of the Barons of the Exchequer, or the Atturney General for the time being, ſhall for every ſuch concealment, or not diſcloſing ſuch offence as is aforeſaid, forfeit and loſe an C. li. of good and lawful money of England.

Where a Cuſtomer ſhall have a deputy in another place.
St, 1 H. 4. 13.
4 H. 4. 20.
13 H. 4. 5.

VIII. And be it further enacted by the authority aforeſaid, That the Cuſtomer of Hull ſhall have a ſervant or deputy continually reſident at the City of York, (2) and every other Cuſtomer, Comptroller and Searcher of every Port, ſhall from and after the day aforeſaid, aſſign and appoint to and in every of the places above mentioned, and in all and every Port, Creek or Road where the ſervant or any of them have been continually reſident by the ſpace of ten years, or hereafter ſhall be, as is aforeſaid, one able and ſufficient Deputy or ſervant at the leaſt; (3) and that as well all and every of the Cuſtomers, Comptrollers and Searchers, as all and every his or their deputy or deputies, ſervant and ſervants, ſhall from time to time do his and their diligent attendance, at the hours, times and places afore appointed, as well in the Cuſtom-houſe, as elſewhere, as it ſhall be moſt expedient and convenient for the ſpeedy diſpatch of the Merchant, and his Goods, Wares and Merchandiſe, and for the due execution of this Act, in ſuch things as to him or them ſhall appertain, without concealment or conſenting to any thing or things which may be to the hurt or damage of your Highneſs, your Heirs or Succeſſors, in the juſt anſwering of your Highnes due Cuſtoms and Subſidies, (4) upon pain that every ſuch Cuſtomer, Comptroller and Searcher ſhall forfeit and loſe for every offence by him or them committed or done, his or their ſeveral Office or Offices, and an C. li. of lawful money of England; the one moiety of all which forfeiture ſhall be to your Highneſs, your Heirs and Succeſſors, and the other moiety to him or them that will ſue for the ſame in any your Highneſs Courts; wherein no Eſſoin, Protection, Wager of Law or Injunction ſhall be admitted and allowed.

IX. And where of late years there hath been much greater quantity of ſweet Wines brought into this Realm then in time paſt hath been accuſtomed, which have been alſo brought from the ſame place where the Wine commonly called Malmſey is brought, and is of the ſame nature of Grape; and nevertheleſs, either by negligence, ignorance, or corruption of the Officers, there hath not been ſuch Cuſtom and Subſidy received for the ſame, to the uſe of your Highneſs and your Progenitors, as is due, and ought of very right to be paid for ſuch ſweet Wines coming through the Streights, commonly called the Straights of Marrock, otherwiſe Mallegay, to the great loſs and hindrance of your Highneſs, and the burden of us your loving Subjects:

X. For the avoiding of all ambiguities and doubts, and to the intent the Officers may more certainly know what they ought to receive for ſuch kind and nature of Merchandiſe, Be it enacted and declared by this preſent Act, and by the authority aforeſaid, That like Cuſtom and Subſidy is of very right to be paid, and ſhall from henceforth be paid for ſuch ſweet Wines as is aforeſaid, as is and hath been accuſtomed to be paid for Malmſies; any negligence, non-payment, uſage or cuſtom to the contrary in anywiſe notwithſtanding: (2) Saving to all and every Lord Marcher, and other perſon and perſons whatſoever, Body politick and corporate, all and every ſuch right, title and intereſt as they or any of them have, and of right ought to have in the payment or having of any ſuch franchiſe, liberty, cuſtom and ſubſidy, or any of them; Any thing in this Act to the contrary notwithſtanding.

Such Cuſtom ſhall be paid for ſweet Wines as had wont to be paid for Malmſeys.

XI. Provided always, and be it enacted, That it ſhall be lawful to ſhip, lade and tranſport into the Ports beyond the Sea, all manner of Corn and Grain out of the Counties of Norfolk and Suffolk, and either of them, at ſuch places as heretofore hath been accuſtomed, and between the hours in this Act appointed, when the ſame Corn and Grain ſhall not exceed the ſeveral prices mentioned in the Statute made in the fifth and ſixth year of our late Sovereign Lord King Edward the Sixth, intituled, An Act againſt Regrators, Foreſtallers and Engroſſers, the Cuſtoms and Subſidies thereof due, being well and truly paid; Any thing in this Act, or any other Act or Statute to the contrary notwithſtanding.

When Corn may be tranſported out of Norfolk and Suffolk.

5 & 6 Ed. 6. St. 3. Car. 4.

XII. Provided always, that this Act, nor any thing therein contained, be not prejudicial or hurtful to the Iſle of Angleſey, the Shires of Caernarvan and Flint in Northwales: but that the Inhabitants thereof, and every of them, may receive, lade and diſcharge according to their old ancient uſes, cuſtoms or liberties granted to them or any of their predeceſſors, by the late King of famous memory, King Henry the Eighth, or any of his Progenitors: ſo that they and every of them pay the Cuſtoms and Subſidies that ſhall be due, and diſcharge and load within the times and hours before mentioned; Any thing in this preſent Act to the contrary notwithſtanding. St. 31. El. 5. 14 Car. 2. cap. 11.

A proviſo for the inhabitants of Angleſey, Flint and Caernarvan.

C A P. XII.

An Act againſt the deceitful uſing of Linen Cloth.

Where certain evil diſpoſed and deceitful perſons, uſing to buy and ingroſs into their hands great ſtore of Lined Cloth, do uſe to caſt the pieces of Cloth over a beam or piece of timber made for their purpoſe, and do by ſundry devices rack, ſtretch and draw the ſame both of length and breadth; and that done, do then with battledoors, pieces of timber and wood, and other things, ſore beat the ſame, ever caſting thereupon certain deceitful liquors mingled with Chalk and other like things, whereby the ſaid Cloth is not only made to ſeem much finer and thicker to the eye then it is indeed, but alſo the threeds thereof to be looſed and made weak, that after three or four waſhings it will ſcarcely hold together, to the great deceit, hindrance and loſs of the Subjects of this Realm: (2) Be it therefore enacted by the authority of this preſent Parliament, That if any perſon or perſons, ſhall hereafter willingly uſe or cauſe to be uſed the foreſaid deceits, or any other Act or Acts, mean or means, to, in or with any kind of Linen Cloth, whereby the ſame ſhall be deceitful or worſe, to and for the good uſe thereof, that then the ſaid Cloth ſhall be forfeited, and the offender therein to be puniſhed by one months impriſonment at the leaſt, and ſhall pay ſuch fine as ſhall be aſſeſſed for his or their offence or offences, by the Juſtices before whom he or they ſhall be condemned, according to the tenour of this Act.

Linen 2. The inconveniences enſuing the deceitful uſing of Linen Cloth.

The Penalty for ſtretching or impairing of Linen Cloth.

II. And be it further enacted by the authority aforeſaid, That all and every the Juſtices of Oyer and Terminer, and Juſtices of Aſſiſes in all their Seſſions, and all Juſtices of Peace in every County and Place of this Realm, or three of them at the leaſt, whereof one to be of the Quorum, ſhall have full power and authority to enquire, hear and determine the offences aforeſaid in their Seſſions, by Information, indictment, or upon the traverſe of any preſentment or indictment found before the ſaid Juſtices, or any of them.

Which Juſtices may hear and determine the offences aforeſaid.

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, ſhall at the next Seſſions of the Peace after the ſaid ſeiſure (to be kept within the ſhire or Place where the ſeiſure was made, or before two Juſtices of Peace, whereof one to be of the Quorum,) make due information of the offence and of the ſeiſure of the ſaid Cloth; (2) or elſe ſhall procure the offenders to be thereof indicted at the ſaid next Seſſions after the ſaid ſeiſure; (3) and ſhall alſo be bound before the ſaid Juſtices by Recogniſance or Obligation, to the uſe of the Queens Majeſty, her Heirs and Succeſſors, in ſuch form as the ſaid Juſtices, or any of them ſhall think meet for the greatneſs of the matter, and to purſue the ſame matter with effect, and to give evidence as of right appertaineth, and alſo to pay and give the moiety of all that he or they ſhall ſo recover and receive, to the Sheriff or other Accomptant, to the

In what ſort he that ſeiſeth an offendors cloth, ſhall purſue his ſuit againſt him.

uſe of the Queens Majeſty, her Heirs and Succeſſors; (4) and the one half of all the forfeitures and fines of and for the premiſſes, to be unto the Queens Majeſty, her Heirs and Succeſſors, and the other moiety to him or them that ſhall make information, or procure indictments of and for the premiſſes, and ſhall follow the ſame with effect.

Certificate of the Eſtreat into the Exchequer.

IV. And further, Be it ordained and enacted by the authority aforeſaid, That the Juſtices before whom any ſuch offence ſhall be tried, ſhall certifie the ſame by their Eſtreat into the Exchequer, at the leaſt yearly at Michaelmas, as they be bound to do other their Eſtreats; and upon that Certificate, the Barons of the Exchequer to have full power and authority to make proceſs for ſo much thereof as by this Eſtatute ſhall appertain to the Queens Majeſty in like manner and form as they only do for any other fines and amerciaments ſo certified before them.

C A P. XIII.

An Act for ſhipping in Engliſh Bottoms.

Ships, Raſt. 12. The Statute of 5 R. 2. 3. & 4 H. 7. 10. prohibiting the bringing in, or carrying out of Merchandiſes but in Engliſh Ships, repealed. 6 R. 2. 8, 5 & 6 Ed. 6. 18.

WHere by divers Statutes made in the time of the Queens Majeſties moſt noble Progenitors, it hath been enacted and provided, That no perſon born within the Realm of England, or being of the legiance of the Prince of the ſaid Realm, or any the Dominions of the ſame, ſhould ſhip any manner of Merchandiſe, either out of the Realm, or into the ſame, but only in a Ship or Bottom whereof the ſaid Prince, or ſome other of their Subjects were Owners, Poſſeſſioners, Proprietaries and Maſters, and the Mariners of the ſame Veſſel, for the more part to be alſo their Subjects, upon divers pains and penalties, as in the ſaid Statutes more plainly appeareth; (2) Since the making of which ſaid Statutes, other foreign Princes finding themſelves agrieved with the ſaid ſeveral Acts, as thinking that the ſame were made to the hurt and prejudice of their Countrey and Navy, have made like penal Laws againſt ſuch as ſhould ſhip out of their Countreys in any other Veſſels then of their ſeveral Countreys and Dominions; by reaſon whereof there hath not only grown great diſpleaſure betwixt the foreign Princes and the Kings of this Realm, but alſo the Merchants have been ſore grieved and endamaged:

A repeal of the Statute of 5 R. 2. 3. & 4 H. 7. 10.

II. For reformation whereof, and for increaſe of continuance of amity, Be it enacted, That the ſeveral Acts made in the fifth year of King Richard the Second, the third Chapter, and in the fourth year of the late King of famous memory, King Henry the Seventh, intituled, Of Wine and Tholouſe Woad, ſhall be from hence forth clearly void and of none effect: (2) And nevertheleſs, for avoiding of great deceit practiſed, and now adays uſed by ſundry Subjects born within this Realm of England, and Dominions of the ſame, which enter in the Cuſtomers Books, Wares and Merchandiſes of Aliens born, in their own name, whereby the Queens Majeſty is defrauded in her Cuſtoms and Subſidies, to the great decay of the ancient Revenues of the Crown, (3) Be it enacted by the authority of this preſent Parliament, That all and every perſon and perſons, being Owner or Owners of any Goods, Wares or Merchandiſes, which after the firſt day of January next enſuing the Seſſion of this preſent Parliament, ſhall in time of Peace, and when there is no reſtraint made in Engliſh Ships, embark, ſhip, lade, or diſcharge by way of Merchandiſe, any Wares or Merchandiſe (Maſts, Ruff, Pitch, Tar and Corn only excepted) out of, or into any Ship, Bark, Hoye, Veſſel or Bottom whereof our ſaid Sovereign Lady the Queen, her Heirs or Succeſſors, or ſome of her or their Subjects of this Realm, or the Dominions of the ſame, be not Poſſeſſioners and Proprietaries, and the Maſters under God, and the Mariners of the ſame Ship or Ships, for the moſt part, be not Subjects of our ſaid Sovereign Lady her Heirs and Succeſſors, ſhall anſwer, yield and pay to the uſe of our ſaid Sovereign Lady the Queen, her Heirs and Succeſſors, ſuch Cuſtom and Subſidy for ſuch Wares and Merchandiſes ſo ſhipped, laden or diſcharged as is aforeſaid, rate and rate like, as ſtrangers and aliens born out of the obeyſance of our ſaid Sovereign Lady the Queens Majeſty, do and ought to pay for Wares and Merchandiſes of like nature and kind.

The penalty where any Merchandiſe ſhall be ſhipped or diſcharged, but in Engliſh Ships, St. 14 R. 2. 6.

There ſhall be no croſſing of the Sea with any Hoye or Plate of any Engliſh Subjects. 5 El. 5. 13 El. 15.

III. And be it further enacted by the authority aforeſaid, That no Hoye or Plate whereof any Engliſh Subject or Subjects is, be or ſhall be Owner or Owners at any time after the firſt day of January aforeſaid, from any Port, Creek or Place of this ſaid Realm of England, or any of the Dominions of the ſame, ſhall traverſe or croſs the Seas, in, to or for any of the Ports beyond the Seas, with any Wares, Goods or Merchandiſe, upon pain that the ſaid Owner or Owners ſhall forfeit and loſe the ſame Hoye or Plate, with all and every the Munition, Tackling, and other Neceſſaries pertaining thereunto: whereof the one moiety to be to the uſe and behoof of the Queens ſaid Majeſty, her Heirs and Succeſſors, and the other moiety to the perſon or perſons which will ſue for the ſame, by Bill, Plaint, Action or Information, in any her Highneſs Courts at Weſtminſter; in which caſe no Wager of Law, Protection or Eſſoin ſhall be admitted.

In what caſe Merchants may uſe ſtrangers Ships.

IV Provided always, and be it enacted, That it ſhall be lawful to the Merchants commonly called Merchant adventurers, and Merchants of the Staple, and every of them, at their ſeveral Fleets or Shippings of Cloth and Wooll, and either of them, from and out of the River of Thames only, being made twice in one year at the moſt, to embark, ſhip and lade any Goods, Wares or Merchandiſe, in or to any Ship, Veſſel or Bottom belonging or appertaining to any ſtranger or alien born, ſo long, and at ſuch time as there be not Ships, Veſſels or Bottoms belonging to the Queens Highneſs, her Heirs and Succeſſors, or any of her Subjects, in the ſaid River of Thames, ſufficient in number, and apt and meet for the ſure and ſafe conveyance of the Wares and Merchandiſe, into the Parts of Flanders, Holland, Zealand, or Brabant, or any of them, without paying any greater or more Cuſtom and Subſidy then Engliſhmen do and ought to pay; Any thing in this Act to the contrary notwithſtanding. (2) This Act to continue and ſtand in force for the ſpace of five years only, next immediately following this Seſſion of Parliament, and from thence to the end of the Parliament then next following.

V. Provided, That foraſmuch as the Merchants of the City of Briſtol have ſuſtained of late great loſſes at the Sea, by the enemies, by reaſon of taking of all their beſt ſhips with much ſubſtance, ſo that they be not of ability to provide ſufficient Ships and Veſſels of their own, within the time limited in this preſent Act: that they for lack of their own Ships, or any other Veſſels of the Queens Dominions, within fourty miles of the City of Briſtol, may load or embark their own Wares and Merchandiſes in ſtrangers Bottoms, without paying any other Cuſtom then for Wares and Merchandiſes laden in Engliſh Bottoms; This Act or any thing therein contained to the contrary notwithſtanding.

In what caſe Merchants of Briſtol may uſe ſtrangers ſhips.

C A P. XIV.

An Act for the continuing and making of Woollen Clothes in divers Towns in the County of Eſſex.

Whereas by a certain Act of Parliament begun at Weſtminſter the twentieth day of January, in the fourth and fifth years of the Reign of the late King Philip and Queen Mary, and there continued till the ſeventh day of March, in the ſaid fourth and fifth years of the Reign of the ſaid late King and Queen, amongſt other things it was enacted, That from and after the firſt day of May then next following, no perſon or perſons whatſoever ſhall uſe or exerciſe the Feat or Myſtery of making, weaving or rowing of Woollen Clothes, long or ſhort, or Kerſies, pinned Whites, or plain Streights, to the intent to put the ſame to ſale, but only in a Market Town where Cloth hath continually been uſed to be made by the ſpace of ten years then laſt paſt, or in a City, Borough or Town-corporate, upon pain of forfeiture for every ſuch Woollen Cloth or Kerſie made, woven or rowed out of ſuch City, Borough, Town-corporate or Market-Town, Five pounds:

Drapery 79. What perſons of Bocking, Weſtbarfold, Cockſhall and Dedham, may uſe the making of Cloth or Kerſie, as they might have done before the Statute of 4 & 5 P. & M. 5.

By the Statute 4 & 5 P. & M. 5. no Cloth ſhall be made to ſell, but in a Market Town, &c.

II. And where alſo it is provided in the ſaid Act, That it ſhall be lawful to any perſon, then uſing or exerciſing the Feat or Myſtery of making, weaving or rowing of Cloth or Kerſie, to inhabit or dwell where he then did dwell, and there to uſe the making, weaving or rowing of Cloth or Kerſie as he hath heretofore; Any thing in the ſaid Act notwithſtanding.

III. And where it is further provided by the ſaid Act, That it ſhall be lawful to all and every perſon or perſons which then did, or after that time ſhould inhabit or dwell in any of the Shires of North-Wales, or South-Wales, Cheſhire or Lancaſhire Weſtmerland, Cumberland, Northumberland, Biſhoprick of Durham, Cornwall, Suffolk, Kent, the Town of Goddelmine in the County of Surrey, or Yorkſhire, being not within twelve miles of the City of York, or in any of the Towns or Villages near adjoyning to the Water of Strowd in the County of Glouceſter, where Clothes hath been uſually made by the ſpace of twenty years then laſt paſt, and having been Apprentice to the Occupation of Cloth-making, or uſed the ſame by the ſpace of ſeven years, to ſet up, uſe and exerciſe the Feat or Myſtery of making, weaving or rowing of Woollen Cloth, out of a City, Borough or Market Town, as before that time they might have done; Any thing in the ſaid Act to the contrary notwithſtanding.

The Inhabitants of what places may make Cloth out of a Market Town.

IV. And foraſmuch as the Towns or Villages of Bocking, Weſtbarfold, Dedham and Cockſhall in the County of Eſſex, be fair large Towns, and as well planted for Cloth-making as the ſaid Town of Goddelmine, or better, and few Towns in this Realm better planted for that purpoſe, and have been inhabited of a long time with Cloth-makers, which have made, and daily do make good and true Cloth, to the great Common-weal of the Countrey there, and nothing prejudicial to or for the Common-wealth of this Realm: (2) Be it therefore ordained and enacted by the authority of this preſent Parliament, That it ſhall be lawful to all and every ſuch perſon and perſons which now do inhabit or dwell, or hereafter ſhall dwell in the ſaid Towns or Villages of Bocking, Weſtbarfold, Cockſhall and Dedham, or in any of them, now uſing or exerciſing, or that hereafter ſhall uſe or exerciſe the Feat or Myſtery of making, weaving or rowing of Cloth or Kerſie, by the ſpace of ſeven years at the leaſt, or have been Prentice thereto by the ſaid ſpace of ſeven years, to inhabit and dwell in the ſaid Towns and Villages of Bocking, Weſtbarfold, Cockſhall and Dedham, and in every or any of them, and to uſe the making, weaving or rowing of Cloth or Kerſie, as before this time they might have done if the ſaid Act had never been made; Any thing in the ſaid Act to the contrary thereof made, or any other Act, Statute or Law heretofore made, or hereafter to be made to the contrary hereof in any wiſe notwithſtanding. 27 El. 23.

C A P. XV.

An Act that Timber ſhall not be felled to make Coals for burning of Iron.

For the avoiding of deſtruction and waſting of Timber, Be it enacted by our Sovereign Lady the Queens Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons hereafter ſhall convert or employ, or cauſe to be converted or employed to Coal or other Fewel for the making of Iron, any Timber-tree or Timber-trees of Oak, Beech or Aſh, or of any part thereof, of the breadth of one foot ſquare at the ſtub, and growing within fourteen miles of the Sea, or any part of the Rivers of Thames, Severn, Wye, Humber, Dee, Tine, Teeſe, Trent, or any other River, Creek or Stream, by the which carriage is commonly uſed by Boat or other Veſſel, to any part of the Sea, (2) upon pain of forfeiture for every ſuch Tree, or any part thereof ſo employed or converted to Coal or other Fewel, for the making of Iron, as is aforeſaid, fourty ſhillings of lawful money of England; the one half of all which forfeitures to be to our Sovereign Lady the Queens Majeſty, and her Heirs and Succeſſors, and the other moiety to him or them that will ſue for the ſame by original Writ, Bill, Plaint or Information; wherein no Eſſoin, Protection, Injunction or Wager of Law ſhall be admitted or allowed.

Iron 1. What Timber Trees, and growing in which places, ſhall not be converted to fewel for the making of Iron.

II. Provided always, That this Act ſhall not extend to the County of Suſſex, nor to the Weild of Kent, nor to any the Pariſhes of Charlewood, Newdigate and Ligh in the Weild of the County of Surrey. (2) This Act to begin and take effect from and after the Feaſt of the Nativity of St. John Baptiſt next coming after this Seſſion of Parliament. St. 23 El. 5. 27 El. 19.

To what Shires or Places this Statute ſhall not extend.

C A P.

CAP. XVI.

Riots, Raſt. 16.

The Statute made Anno 1 Mar. againſt unlawful and rebellious aſſemblies, ſhall be continued during the Queens life, and until the end of the Parliament then next following. EXP.

CAP. XVII.

An Act for preſervation of Spawn and Fry of Fiſh.

Fiſh 3, &c. The penalty for taking of the Spawn or Fry of any Fiſh or Salmons, or Trouts not ſeaſonable, &c.

None ſhall take any Salmons or Trouts not in ſeaſon.

FOr the preſervation hereafter of Spawn, Fry, and young Breed of Eels, Salmons, Pikes, and of all other Fiſh which heretofore hath been much deſtroyed in Rivers and Streams ſalt and freſh within this Realm, inſomuch that in divers places they feed Swine and Dogs with the Fry and Spawn of Fiſh, and otherwiſe (lamentable and horrible to be reported) deſtroy the ſame, to the great hinderance and decay of the Common-wealth: (2) Be it therefore enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons, of what eſtate, degree or condition ſoever he or they be, from and after the firſt day of June next coming, within any manner of Net, Weele, But, Taining, Keppet, Lime, Creele, Raw, Fagnet, Trolnet, Trimenet, Trimboat, Saltbote, Webliſter, Seur, Lammet, or with any Device or Engine made of Hair, Wooll, Line, or Canvas, (3) or ſhall uſe any Heling-net, or Trimboat, or by any other Device, Engine, Cawtel, ways or means whatſoever heretofore made or deviſed. or hereafter to be made or deviſed, ſhall take and kill any young Brood, Spawn or Fry of Eels, Salmon, Pike or Pikerel, or of any other Fiſh in any Fludgate, Pipe at the Tail of a Mill, Wear, or in any Straits, Streams, Brooks, Rivers freſh or ſalt, within this Realm of England, Wales, Berwick, or the Marches thereof; (4) nor ſhall from and after the firſt day of June next coming, by any of the ways and means aforeſaid, or otherwiſe in any River or place above ſpecified, take and kill any Salmons or Trouts not being in ſeaſon, being kepper Salmons or kepper Trouts, ſhedder Salmons or ſhedder Trouts.

Of what length Fiſhes muſt be that ſhall be taken and killed.

II. And be it further enacted by authority aforeſaid, That no perſon or perſons, of what eſtate, degree or condition he or they ſhall be of, from and after the ſaid firſt day of June, by any of the means aforeſaid, in any of the Rivers or places above named, ſhall take and kill any Pike or Pikerel, not being in length ten inches Fiſh or more; (2) nor any Salmon not being in length ſixteen inches Fiſh or more; (3) nor any Trout not being in length eight inches or more: (4) nor any Barbel not being in length twelve inches or more.

Of what meſhe each Net ſhall be.

III. And to the intent the ſaid young Fry, Brood or Spawn may be preſerved according to the true meaning hereof, be it further enacted by the authority aforeſaid, That no manner of perſon or perſons, from and after the firſt day of June next coming, ſhall fiſh, or take Fiſh with any manner of Net, Tramel, Kepe, Wore, Hivie, Creele, or by any other engine, device, ways or means whatſoever, in any River or other places above mentioned, but only with Net or Tramel, whereof every meſhe or mask ſhall be two inches and a half broad, Angling excepted.

What Nets or other devices may be uſed for the taking of ſmall Fiſh.

IV. Provided nevertheleſs, and be it enacted by authority aforeſaid, That in all ſuch places where Smelts, Loches, Minnels, Bulheads, Gudgions or Eels, have been uſed to be taken and killed, that in all ſuch places it ſhall be lawful only for the taking of Smelts, Loches, Minnels, Gudgions and Eels, to uſe ſuch Nets, Lepes and other Engines, Devices, ways and means as heretofore have been uſed for the taking of the ſame: (2) ſo that ſuch perſon or perſons uſing or occupying ſuch Nets or other Engines as is laſt afore mentioned, do not take, kill or deſtroy any other Fiſh with the ſaid Nets or Engines, contrary to the tenour and form above in this Statute contained.

The penalty of the offender.

V. And be it further enacted, That if any perſon or perſons after the aforeſaid day limited in this preſent Act, offend in any of the points before rehearſed, contrary to the tenour, form and purpoſe of any part of the ſame, that then every ſuch perſon and perſons ſo offending, ſhall loſe and forfeit for every time of his or their offence, the ſum of Twenty pounds, and the Fiſh ſo taken contrary to the tenour hereof, and alſo the unlawful Nets, Engines, Devices and Inſtruments whatſoever they be, wherewith or whereby ſuch offence ſhall fortune to be made, committed or done.

What perſons ſhall have authority to enquire of, and determine the offences aforeſaid, and who ſhall have the forfeitures.

VI. And to the intent that a perfect execution may be had of this preſent Act, be it further ordained by authority aforeſaid, That the Lord Admiral of England, and the Mayor of the City of London for the time being, and all and every other perſon and perſons, bodies politick and corporate, which by grant or other lawful ways or means, lawfully have, or ought to have any conſervation or preſervation of any Rivers, Streams or Water, or puniſhments and corrections of offences committed in any of them, ſhall have full power and authority by virtue of this Act, to enquire of all the offences to be committed and done contrary to the effect and true meaning of this Act, within his or their ſuch lawful Rule, Government, Juriſdiction and Conſervancy, by the Oaths of twelve men or more, and to hear and determine all and every the ſame offences committed within his or their Juriſdiction, Conſervancy, Rule and Government.

VII. And that all ſuch pains and forfeitures as ſhall riſe or grow by reaſon of any ſuch conviction for any the offences aforeſaid, ſhall be to the uſe of every of the ſaid perſon and perſons being no body politick or corporate, nor head of any body politick or corporate before whom ſuch conviction as is aforeſaid ſhall be had, and to the uſe of every ſuch body politick and corporate as heretofore have lawfully had any fines, forfeitures and amerciaments for any offence unlawfully committed or done in any ſuch their Juriſdiction or Conſervancies upon conviction had before the head of any ſuch body politick or corporate.

VIII. And that alſo the Lord of every Leet within this Realm of England and Wales, or the Dominions of the ſame, ſhall have full power and authority to enquire of all the offences contrary to the purport, tenour and form of this Eſtatute within the precinct of their ſaid Leet: ſuch enquiry to be had in manner and form, and after ſuch ſort as common amerciaments, or other things inquirable in their Court Leet, have been lawfully uſed and accuſtomed to be had and made.

IX. And that upon every ſuch preſentment had in any Court or Leet, by the Oath of twelve men or more as is aforeſaid, of any offence or offences made contrary to the tenour of this Eſtatute: that then all ſuch forfeiture above in this Eſtatute limited and appointed for ſuch offence, ſhall be unto the Lord of the ſaid Leet for the time being, to his own uſe for ever, and ſhall be levied in ſuch manner and form as amerciaments for Affraies committed within the precinct of ſuch Leet, have been uſed and accuſtomed to be levied.

X. And if any Leet after the ſaid firſt day of June, be kept within this Realm of England or Wales, or the Dominions thereof, and the Steward of the ſaid Leet for the time being, or other for him, do not charge the Jury ſworn in ſuch Leet, to enquire of all the offences done within the precinct of the ſaid Leet, contrary to the tenour and form of this Eſtatute: that then the Steward of the ſaid Leet to loſe and forfeit Fourty ſhillings; the one moiety of which forfeitures ſhall be to the Queens Majeſty, her Heirs and Succeſſors, and the other moiety to him that will ſue for the ſame. (2) And if any Jury ſworn in any Leet, and being charged to enquire of the offences committed within the precinct of that Leet, do wilfully and willingly conceal and make default in preſentment, or do not preſent the offence and offenders: that then it ſhall be lawful to the Steward, or Bailey of the Leet, or his or their Deputy for the time being, to impanel one other Jury within the ſaid Leet, and to enquire of ſuch concealment, default, or non-preſentment, (3) and that upon ſuch concealment, default, or non-preſentment found and preſented, every of the ſaid Jurors which ſo did conceal, make default, or not preſent, ſhall loſe and forfeit for every ſuch offence Twenty ſhillings to the Lord of the ſaid Leet, the ſame to be levied in manner and form as is abovesaid for the other offences limited and expreſſed.

The forfeiture of the Steward of a Leet, that doth not give this Statute in charge.

The forfeiture of a Jury in a Leet, that doth conceal any offence.

XI. And it is further enacted by authority aforeſaid, That if the offences above mentioned touching the taking, killing, or deſtroying of Fiſh, or Fry and Spawn, be not preſented at the Leet where they ſhall be committed, within one year next after the offences committed, that the Juſtices of Peace in their Seſſions, Juſtices of Oyer and Determiner, and Juſtices of Aſſiſe in their ſeveral Circuits, ſhall have full power and authority to enquire thereof, and to hear and determine all the offences committed contrary to tenour of this Eſtatute:

Who may puniſh the ſaid offences, if they be not preſented in the Leet.

XII. Saving always to all and every perſon or perſons, bodies politick and corporate, and every of them, all ſuch Right, Title, Intereſt, Claim, Priviledge, and Conſervation, and enquiry, and puniſhment of and for the offences aforeſaid, as they or any of them lawfully have and enjoy, or of right ought to have and enjoy, by any manner of means; Any thing in this Act to the contrary notwithſtanding. (2) This Act to endure to the end of the next Parliament.

A ſaving of the Liberties of all perſons having right to enquire of, and puniſh the ſaid offences.

XIII. Provided always, that this Act, nor any thing therein contained, ſhall not extend to the Fiſhing of the River or Water of Tweed; (2) nor to any River or Water whereof the Queens Majeſty is anſwered by any yearly rent or profit; (3) nor to the Owners, Farmors, and Occupiers of the Rivers of Usk or Wye in the County of Monmouth, (4) for any Fiſh hereafter to be taken in any the Rivers or Waters before mentioned and expreſſed: (5) but that it ſhall be lawful at all ſeaſonable time and times hereafter, for ſuch as have or ſhall have any manner of Intereſt therein, to take and fiſh the ſaid Rivers and Waters, in ſuch manner and form as heretofore hath been uſed and accuſtomed, not uſing any Net or Engine, to the intent willingly to take, kill and deſtroy the Spawn, Breed, or Fry, breeding any kind of Fiſh within the ſaid ſeveral Rivers or Waters; this Act, or any thing therein mentioned or contained to the contrary notwithſtanding. 3 Car. 4. made perpetual.

To what perſons or matters this Statute doth not extend.

C A P. XVIII.

Horſes, Raſt. 3.

The Statutes made Anno 22 Hen. 8. 7. Anno 23 Hen. 8. 3. & 17. Anno 24 H. 8. 9. Anno 28 H. 8. 6. 8. 9. Anno 31 H. 8. 7. Anno 35 H. 8. 17. Anno 37 H. 8. 23. Anno 2 & 3 Ed. 6. 9. Anno 3 & 4 Ed. 6. 19. & 21. Anno 5 & 6 Ed. 6. 14. Anno 7 Ed. 6. 11. Anno 1 Mar. 12. 13. Anno 1 & 2 Phil. & Mar. 16. Anno 2 & 3 Phil. & Mar. 2. 3. & 5. ſhall be revived, and made to continue until the end of the next Parliament. Exp.

C A P. XIX. Leaſes, Raſt. 4.

Biſhops, Raſt. 14.

Leaſes and other aſſurance of Biſhops Lands.

All Gifts, Grants, Feoffments, Fines, and other Conveyance, or Eſtates, from the firſt day of this preſent Parliament, had, made, done or ſuffered, or to be had, made, done, or ſuffered by any Archbiſhop or Biſhop, (2) of any Honours, Caſtles, Manors, Lands, Tenements, or other Hereditaments, being parcel of the poſſeſſion of his Archbiſhoprick or Biſhoprick, or united, appertaining or belonging to any of the ſame, (3) to any perſon (other then to the Queen, her Heirs or Succeſſors) whereby any Eſtate ſhould or might paſs from the Archbiſhop or Biſhop, (4) other then for term of One and twenty years, or Three lives, from ſuch time as any Leaſe, Grant, or Aſſurance ſhall begin, (5) and whereupon the old accuſtomed yearly Rent, or more, ſhall be reſerved, payable yearly during the ſaid term of One and twenty years, or Three lives, (6) ſhall be utterly void; Any Law, Cuſtom, &c. notwithſtanding. Pr. Vide the Statute at large, Moor 107. pl. 250. & 1 Jac. cap. 3. Hetley 22, 23, 25.

1 Leon. 59, 148. Moor 253. pl. 400. Cok. l. 5. 2. Cro. El. 145, 430, 690. Cro. Jac. 173. Cro. Car. 47. 95. 258, 270. Jones 46.

C A P. XX.

A Subſidy of Tonnage and Poundage, granted to the Queen during her life, payable out of divers Merchandiſes. Exp.

Taxes, Raſt. 34. Cro. El. 533. Ibid. 34.

C A P. XXI.

The confirmation of a Subſidy and two Fifteens, granted to the Queen by the Temporalty. Exp.

Anno quinto Reginæ ELIZABETHÆ.

AT the Parliament holden at Weſtminſter the Twelfth day of January, in the Fifth year of our Sovereign Lady Elizabeth, by the Grace of God, of England, France and Ireland, Queen, Defender of the Faith, &c. To the high pleaſure of Almighty God, and the weal-publick of this Realm, were Enacted as followeth.

C A P. I.

An Act for the aſſurance of the Queens Royal Power over all Eſtates and Subjects within her Dominions.

FOr preſervation of the Queens moſt excellent Highneſs, her Heirs and Succeſſors, and the Dignity of the Imperial Crown of this Realm of England, and for avoiding both of ſuch hurts, perils, diſhonours and inconveniences, as have beforetime befallen, as well to the Queens Majeſties noble Progenitors, Kings of this Realm, as for the whole Eſtate thereof, by means of the juriſdiction and power of the See of Rome, unjuſtly claimed and uſurped within this Realm and the Dominions thereof, and alſo of the dangers by the Fautors of the ſaid uſurped Power, at this time grown to marvellows outrage and licentious boldneſs, and now requiring more ſharp reſtraint and correction of Laws, then hitherto in the time of the Queens Majeſties moſt mild and merciful Reign have been had, uſed, or eſtabliſhed:

Rome 1. Crown 5

II. Be it therefore enacted, ordained, and eſtabliſhed by the Queen our Sovereign Lady, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That if any perſon and perſons, dwelling, inhabiting, or reſiant within this Realm, or within any other the Queens Dominions, Seigniories, or Countries, or in the Marches of the ſame, or elſewhere, within or under her obeyſance and power, of what eſtate, dignity, preheminence, order, degree, or condition ſoever he or they be, after the firſt day of April, which ſhall be in the year of our Lord God One thouſand five hundred ſixty three, ſhall by writing, cyphering, printing, preaching or teaching, deed or act, adviſedly and wittingly, hold or ſtand with, or extol, ſet forth, maintain, or defend the authority juriſdiction, or power of the Biſhop of Rome, or of his See, heretofore claimed, uſed, or uſurped within this Realm, or in any Dominion or Countrey being of, within or under the Queens power or obeyſance, (2) or by any ſpeech, open deed or Act, adviſedly and wittingly attribute any ſuch manner of juriſdiction, authority, or preheminence to the ſaid See of Rome, or to any Biſhop of the ſame See for the time being, within this Realm, or in any the Queens Dominions or Countries: (3) that then every ſuch perſon or perſons ſo doing or offending, their abetters, procurors and counſellors, and alſo their aiders, aſſiſtants, and comforters, upon purpoſe, and to the intent to ſet forth, further, and extol the ſaid uſurped power, authority or juriſdiction of any of the ſaid Biſhop or Biſhops of Rome, and every of them, being thereof lawfully indicted or preſented within one year next after ſuch offences by him or them committed, and being lawfully convicted or attainted at any time after, according to the Laws of this Realm, for every ſuch default and offence, ſhall incur into the dangers, penalties, pains and forfeitures ordained and provided by the Statute of Proviſion and Præmunire, made in the ſixteenth year of the Reign of King Richard the ſecond.

The penalty for maintaining the authority of the Biſhop or See of Rome.
St. 28 H. 8. 10.
13 El. 2.

16 R. 2.

Which Juſtices may enquire of, and certifie the offences aforeſaid.

III. And it is alſo enacted by the authority aforeſaid, That as well Juſtices of Aſſiſe in their Circuits, as Juſtices of Peace within the limits of their Commiſſion and Authorities, or two of every ſuch Juſtices of Peace at the leaſt, whereof one to be of the Quorum, ſhall have full power and authority by virtue of this Act, in their quarter or open Seſſions, to enquire of all offences, contempts and tranſgreſſions, perpetrated, committed or done contrary to the true meaning of the premiſſes, in like manner and form as they may of other offences againſt the Queens Peace, (2) and ſhall certifie every preſentment afore them or any of them had or made concerning the ſame, or any part thereof, before the Queen, her Heirs and Succeſſors, in her or their Court commonly called the Kings Bench, within fourty days next after any ſuch preſentment had or made, if the Term be then open; and if not, at the firſt day of the full Term next following the ſaid fourty days, (3) upon pain that every of the Juſtices of Aſſiſe, or Juſtices of the Peace before whom ſuch preſentment ſhall be made, making default of ſuch Certificate contrary to this Statute, to loſe and forfeit for every ſuch default, one hundred pounds to the Queens Highneſs, her Heirs and Succeſſors.

The penalty for default of certificate of the ſaid offences.

The Juſtices of the Kings Bench may hear and determine the offences aforeſaid.

IV. And it is enacted by the authority aforeſaid, That the Juſtices of the Kings Bench, as well upon every ſuch Certificate, as by enquiry before themſelves, within the limits of their authorities, ſhall have full power and authority to hear, order, and determine every ſuch offence done or committed contrary to the true meaning of this preſent Act, according to the Laws of this Realm, in ſuch like manner and form to all intents and purpoſes, as if the perſon or perſons againſt whom any preſentment ſhall be had upon this Eſtatute, had been preſented upon any matter or offence expreſſed in the ſaid Eſtatute made in the ſaid ſixteenth year of King Richard the ſecond.

Theſe ſhall take the Oath ſet forth Anno 1 Eliz. 1.

V. And moreover, be it enacted by the authority aforeſaid, That as well all manner of perſons expreſſed and appointed in and by the Act made in the firſt year of the Queens Majeſties Reign that now is, intituled, An Act reſtoring to the Crown the ancient Juriſdiction over the Eſtate Eccleſiaſtical and Spiritual, and aboliſhing all Foreign Powers repugnant to the ſame, to take the Oath expreſſed and ſet forth in the ſame: (2) and all other perſons which have taken, or ſhall take Orders, commonly called Ordines Sacros, or Eccleſiaſtical Orders, have been, or ſhall be promoted, preferred, or admitted to any degree of Learning in any Univerſity within this Realm or Dominions to the ſame belonging: (3) And all Schoolmaſters, and publick and private Teachers of Children, (4) as alſo all manner of perſon and perſons that have taken, or hereafter ſhall take any Degree of Learning in or at the Common Laws of this Realm, as well Utter Barreſters, as Benchers, Readers, Ancients in any Houſe or Houſes of Court, (5) and all Principal Treaſurers, and ſuch as be of the grand Company of every Inn of Chancery, and all Attorneys, Protonotaries, and Philizers towards the Laws of this Realm, (6) and all manner of Sheriffs, Eſcheators, and Feodaries, and all other perſon and perſons which have taken, or ſhall take upon him or them, or have been or ſhall be admitted to any Miniſtry or Office, in, at, or belonging to the Common Law, or any other Law or Laws, of, to, or for the execution of them, or any of them, uſed or allowed, or at any time hereafter to be uſed or allowed within this Realm, or any of the Dominions or Countries belonging, or which hereafter ſhall happen to belong to the Crown or Dignity of the ſame, (7) and all other Officers or Miniſters of, or towards any Court whatſoever, (8) and every of them, ſhall take and pronounce a corporal Oath upon the Evangeliſts, before he or they ſhall be admitted, allowed, or ſuffered to take upon him or them to uſe, exerciſe, ſupply, or occupy any ſuch Vocation, Office, Degree, Miniſtry, Room or Service, as is aforeſaid, and that in the open Court whereunto he doth or ſhall ſerve or belong: (9) And if he or they do not or ſhall not ſerve or belong to any ordinary or open Court, then he or they ſhall take and pronounce the Oath aforeſaid, in an open place before a convenient aſſembly to witneſs the ſame, (10) and before ſuch perſon and perſons as have or ſhall have authority by common uſe, or otherwiſe, to admit or call any ſuch perſon or perſons as is aforeſaid, to any ſuch Vocation, Office, Miniſtry, Room or Service, or elſe before ſuch perſon or perſons as by the Queens Highneſs, her Heirs or Succeſſors, by Commiſſion under the Great Seal of England ſhall be named or aſſigned, to accept and take the ſame according to the tenour, effect, and form of the ſame Oath Verbatim, which is, and as it is already ſet

Takers of Eccleſiaſtical Orders.
Degrees in the Univerſities.
Schoolmaſters.
Utter Barreſters.
Benchers.
Readers.
Ancients.
Protonotaries.
Attorneys.
Philizers.
Sheriffs.
Eſcheators.
Feodaries.
Officers at the Common Law.

Officer at any Court.

ſet forth to be taken in the aforeſaid Act made in the Firſt year of the Queens Majeſties Reign.

VI. And alſo be it enacted by the authority of this preſent Parliament, That every Archbiſhop and Biſhop within this Realm, and Dominions of the ſame, ſhall have full power and authority by virtue of this Act, to tender or miniſter the Oath aforeſaid, to every or any Spiritual or Eccleſiaſtical perſon within their proper Dioceſs, as well in places and juriſdictions exempt, as elſewhere.

The Biſhop may tender the Oath to any Spiritual perſon.

VII. And be it enacted by the authority aforeſaid, That the Lord Chancellor or Keeper of the Great Seal of England for the time being, ſhall and may at all times hereafter by virtue of this Act, without further warrant, make and direct a Commiſſion or Commiſſions under the Great Seal of England, to any perſon or perſons, giving them or ſome of them thereby authority to tender and miniſter the Oath aforeſaid to ſuch perſon or perſons as by the aforeſaid Commiſſion or Commiſſions, the ſaid Commiſſioners ſhall be authorized to tender the ſame Oath unto.

The Lord Chancellor may direct Commiſſion to take the Oath of any perſon.

VIII. And be it alſo further enacted by the authority of this preſent Parliament, That if any perſon or perſons appointed or compellable by this Act, or by the ſaid Act made in the ſaid firſt year to take the ſaid Oath: or if any perſon or perſons to whom the ſaid Oath by any ſuch Commiſſion or Commiſſions ſhall be limited and appointed to be tendred, as is aforeſaid, do or ſhall at the time of the ſaid Oath ſo tendred, refuſe to take or pronounce the ſaid Oath, in manner and form aforeſaid, that then the party ſo refuſing, and being thereof lawfully indicted or preſented within one year next after any ſuch refuſal, and convicted or attainted at any time after, according to the Laws of this Realm, ſhall ſuffer and incur the dangers, penalties, pains and forfeitures, ordained and provided by the Statute of Proviſion and Præmunire aforeſaid, made in the Sixteenth year of the Reign of King Richard the Second. Cap. 5. Sect. 2. N. 6.

The penalty for the firſt refuſal of the Oath.

IX. And furthermore, be it enacted by the authority aforeſaid, That all and every ſuch perſon and perſons, having authority to tender the Oath aforeſaid, ſhall within forty days next after ſuch refuſal or refuſals of the ſaid Oath, if the term be then open, and if not, then at the firſt day of the full Term next following the ſaid forty days, make true certificate under his or their ſeal or ſeals, of the names, places, and degrees of the perſon and perſons ſo refuſing the ſame Oath, before the Queen, her Heirs or Succeſſors, in her or their Court commonly called the Kings Bench, (2) upon pain that every of the ſaid perſons having ſuch authority to tender the ſaid Oath, making default of ſuch certificate, ſhall for every ſuch default, forfeit an hundred pound to the Queens Highneſs, her Heirs or Succeſſors: (3) And that the Sheriff of the County where the ſaid Court commonly called the Kings Bench, ſhall for the time be holden, ſhall or may by virtue of this Act impannel a Jury of the ſame County, to enquire of and upon every ſuch refuſal and refuſals: (4) which Jury ſhall or may upon every ſuch certificate, and other evidence to them in that behalf to be given, by virtue of this Act proceed to indict the perſon and perſons ſo offending in ſuch ſort and degree, to all intents and purpoſes, as the ſame Jury may do of any offence or offences againſt the Queens Majeſties peace, perpetrated, committed or done within the ſame County, of and for which the ſame Jury is ſo impannelled.

Certificate of refuſal into the Kings Bench.

Indictment of the offender.

X. And for ſtronger defence and maintenance in this Act, it is further ordained, enacted and eſtabliſhed by the authority aforeſaid, That if any ſuch offender or offenders, as is aforeſaid, of the firſt part or branch of this Eſtatute, that is to ſay, by Writing, Cyphering, Printing, Preaching or Teaching, Deed or Act, adviſedly and wittingly hold or ſtand with, to extoll, ſet forth, maintain or defend the authority, Juriſdiction or Power of the Biſhop of Rome or of his See, heretofore claimed, uſed, or uſurped within this Realm, or in any Dominion or Countrey, being of, within or under the Queens power or obeyſance: (2) Or by any ſpeech, deed or act, adviſedly and wittingly attribute any ſuch manner of juriſdiction, authority or preheminence of the ſaid See of Rome, or to any Biſhop of the ſame See for the time being, within this Realm, or in any the Queens Dominions or Countreys, (3) or be to any ſuch offender or offenders abetting, procuring or counſelling, or aiding, aſſiſting or comforting, upon purpoſe, and to the intent to ſet forth, further, and extoll the ſaid uſurped power, authority or juriſdiction, after ſuch conviction and attainder, as is aforeſaid, do eftſoons commit or do the ſaid offences, or any of them, in manner and form aforeſaid, and be thereof duly convicted and attainted, as is aforeſaid.

It ſhall be Treaſon the ſecond time to maintain the authority of the Biſhop or See of Rome, or to refuſe the Oath.

XI. And alſo, That if any the perſons above named and appointed by this Act to take the Oath aforeſaid, do after the ſpace of three months after the firſt tender thereof, the ſecond time refuſe to take and pronounce, or do not take and pronounce the ſame, in form aforeſaid to be tendred; that then every ſuch offender or offenders, for the ſame ſecond offence and offences, ſhall fofeit, loſe, and ſuffer ſuch like and the ſame pains, forfeitures, judgment and execution, as is uſed in caſes of High Treaſon.

XII. Provided always, That this Act, nor any thing therein contained, nor any attainder to be had by force and virtue of this Act, ſhall not extend to make any corruption of bloud, the diſheriting of any heir, forfeiture of dower, nor to the prejudice of the right or title of any perſon or perſons, other then the right or title of the offender or offenders, during his, her, or their natural lives only.

No corruption of bloud or forfeiture of dower for any attainder of this Act.

XIII. And that it ſhall and may be lawful to every perſon and perſons, to whom the right or intereſt of any lands, tenements, or hereditaments, after the death of any ſuch offender or offenders, ſhould or might have appertained, if no ſuch attainder had been, to enter into the ſame, without any Ouſter le main to be ſued, in ſuch ſort as he or they might have done, if this Act had never been had ne made.

XIV. Provided alſo, That the Oath expreſſed in the ſaid Act made in the ſaid firſt year, ſhall be taken and expounded in ſuch form as is ſet forth in an admonition annexed to the Queens Majeſties Injunctions, publiſhed in the firſt year of her Majeſties Reign, That is to ſay, to confeſs and acknowledge in her Majeſty, her Heirs and Succeſſors, none other authority then that was challenged and lately uſed by the noble King Henry the Eighth, and

How the Oath expreſſed Anno 1 El. ſhall be expounded.

King Edward the Sixth; as in the ſaid Admonition more plainly may appear.

In what Courts and places this Act ſhall be publiſhed.

XV. And be it enacted by the authority aforeſaid, That this Act ſhall be openly read and publiſhed, and declared at every Quarter Seſſions by the Clerk of the Peace, and at every Leet and Law-day by the Steward of the Court, and once in every Term in the open Hall of every Houſe and Houſes of Court and Chancery, at the times, and by the perſons thereunto to be limited and appointed by the Lord Chancellor or Keeper of the Great Seal for the time being.

Every Knight, Citizen and Burgeſs of the Parliament, ſhall take the ſaid Oath before the Lord Steward or his Deputy.

XVI. And be it further enacted, That every perſon which hereafter ſhall be elected or appointed a Knight, Citizen, or Burgeſs, or Baron for any of the five Ports, for any Parliament or Parliaments hereafter to be holden, ſhall from henceforth, before he ſhall enter into the Parliament Houſe, or have any voice there, openly receive and pronounce the ſaid Oath before the Lord Steward for the time being, or his Deputy or Deputies for that time to be appointed: (2) And that he which ſhall enter into the Parliament Houſe without taking the ſaid Oath, ſhall be deemed no Knight, Citizen, Burgeſs, nor Baron for that Parliament, nor ſhall have any voice, but ſhall be to all intents, conſtructions and purpoſes, as if he had never been returned nor elected Knight, Citizen, Burgeſs, or Baron for that Parliament, and ſhall ſuffer ſuch pains aud penalties, as if he had preſumed to ſit in the ſame without Election, Return or Authority.

None of or above the degree of a Baron, ſhall be compelled to take the ſaid Oath.

XVII. Provided alway, That foraſmuch as the Queens Majeſty is otherwiſe ſufficiently aſſured of the Faith and Loyalty of the Temporal Lords of her High Court of Parliament; therefore this Act, nor any thing therein contained, ſhall not extend to compell any Temporal perſon, of or above the degree of a Baron of this Realm, to take or pronounce the Oath abovesaid, nor to incur any penalty limited by this Act, for not taking, or refuſing the ſame; any thing in this Act to the contrary in any wiſe notwithſtanding.

Charitable giving of alms to offenders, ſhall be no cauſe of forfeiture.

XVIII. Provided, and be it enacted by the authority aforeſaid, That charitable giving of reaſonable Alms to any of the offender or offenders above ſpecified, without fraud or covin, ſhall not be taken or interpreted to be any ſuch abetment, procuring, counſelling, aiding, aſſiſting or comforting, as thereby the giver of ſuch Alms ſhall incur any pain, penalty, or forfeiture appointed in this Act.

Peers offending, ſhall be tried by their Peers.

XIX. Provided alſo, And be it enacted by the authority of this preſent Parliament, That if any Peer of this Realm ſhall hereafter offend contrary to this Act, or any branch or article thereof, that in that and all ſuch caſe and caſes they ſhall be tried by their Peers, in ſuch manner and form as in other caſes of Treaſons they have uſed to be tried, and by none other means.

Who only ſhall be compelled to take the Oath upon the ſecond tender.

XX. Provided alſo further, and be it enacted, That no perſon ſhall be compelled by virtue of this Act to take the Oath abovementioned, at or upon the ſecond time of offering the ſame, according to the form appointed by this Statute, except the ſame perſon hath been, is, or ſhall be an Eccleſiaſtical perſon, that had, hath, or ſhall have in the time of one of the Reigns of the Queens Majeſties moſt noble Father, Brother or Siſter, or in the time of the Reign of the Queens Majeſty, her Heirs or Succeſſors, charge, cure, or office in the Church; (2) or any perſon or perſons as had, hath, or hereafter ſhall have any office or Miniſtry in any Eccleſiaſtical Court of this Realm, under any Archbiſhop or Biſhop, in any the times or Reigns aforeſaid; (3) or ſuch perſon or perſons as ſhall wilfully refuſe to obſerve the orders and rites for Divine Service, that be authorized to be uſed and obſerved in the Church of England, after that he or they ſhall be publickly by the Ordinary or ſome of his Officers for Eccleſiaſtical cauſes, admoniſhed to keep and obſerve the ſame; (4) Or ſuch as ſhall openly and adviſedly deprave by words, writings, or any other open fact, any of the rites and ceremonies at any time uſed, and authoriſed to be uſed in the Church of England; (5) Or that ſhall ſay or hear the private Maſs prohibited by the Laws of this Realm, (6) and that all ſuch perſons ſhall be compellable to take the Oath upon the ſecond tender or offer of the ſame, and incur the penalties for not taking of the ſaid Oath, and none other.

It is not lawful to ſlay one attainted in a Premunire.

XXI. And foraſmuch as it is doubtful, whether by the Laws of this Realm there be any puniſhment for ſuch as kill or ſlay any perſon or perſons attainted in or upon a Præmunire, (2) Be it therefore enacted by authority aforeſaid, That it ſhall not be lawful to any perſon or perſons to ſlay or kill any perſon or perſons in any manner attainted, or hereafter to be attainted, of, in, or upon any Præmunire, by pretence, reaſon, or authority of any judgment given, or hereafter to be given in or upon the ſame, or by pretence, reaſon, or force of any word or words, thing or things contained or ſpecified in any Statute, or Law of Proviſion and Præmunire, or in any of them; any Law or Statute, or opinion or expoſition of any Law or Statute to the contrary in any wiſe notwithſtanding:

Puniſhments inflicted by former laws.

XXII. Saving always the due execution of all and every perſon and perſons attainted, or to be attainted for any offence whereupon judgment of death now is, or ought to be, or hereafter may lawfully be given, by reaſon of this Statute, or otherwiſe: (2) And ſaving always all and every ſuch pains of death, or other hurt or puniſhment as heretofore might without danger of Law, be done upon any perſon or perſons that ſhall ſend or bring into this Realm, or any other the Queens Dominions, or within the ſame ſhall execute any ſummons, ſentence, excommunication, or other Proceſs againſt any perſon or perſons, from the Biſhop of Rome for the time being, or by or from the See of Rome, or the authority or juriſdiction of the ſame See.

Upon what proof only any perſon may be indicted.

XXIII. Provided always, and be it enacted by the authority aforeſaid, That no perſon or perſons ſhall hereafter be indicted for aſſiſting, aiding, maintaining, comforting, or abetting of any perſon or perſons for any the ſaid offences, in extolling, ſetting forth, or defending of the uſurped power and authority of the Biſhop of Rome, unleſs he or they be thereof lawfully accuſed by ſuch good and ſufficient teſtimony or proof, as by the Jury by whom he ſhall ſo be indicted, ſhall be thought good, lawful and ſufficient, to prove him or them guilty of the ſaid offences. Stat. 23 Eliz. 1.

CAP. II.

The Statute of 4 H. 7. 19. 7 H. 8. 1. and 27 H. 8. 22. ordained for the keeping in repair of Towns and houſes of husbandry, and maintaining of Tillage, ſhall be put in execution. The Statute of 5 & 6 Ed. 6. 5. and 2 & 3 P. & M. 2. provided for the re-edifying of houſes of husbandry, and the increaſe of Tillage, ſhall be repealed. Such lands, or ſo much in quantity, as in any Town, Village, Hamlet, Lordſhip, place known, or pariſh, as hath been put in Tillage, and eared in any one year, and ſo kept four years ſithence the Feaſt of Saint George the Martyr, Anno 20 H. 8. ſhall be eared and kept in Tillage according to the nature of the ſoil, and cuſtom of the Countrey, by the Occupier thereof, upon pain that every offender ſhall forfeit ten ſhillings an Acre yearly, to the next remainder or reverſion for the term of life, lives, or in tail; for the which he may diſtrain, or have A. B. P. or I: And in his default by the ſpace of one year, then he in the reverſion or remainder in fee-ſimple ſhall have the ſame remedy: And in his default, the immediate Lord of the Fee: And in his default, the Queen, or the Queen and Informer. But this Act ſhall not extend to any land converted from Tillage into Paſture, for the only keeping of his own horſes, draught oxen, kine, or other cattel, for the only victuals to be ſpent in his own houſe, ſo that he hath not other ſufficient paſture within five miles, nor to any Park, Warren of Conies, &c. ut ſupra. 5 Ed. 6. 5. REP. 39 Eliz. 1. & 21 Jac. 28. Coke pla. fol. 131.

Huſbandry, Raſt. 7. 1 Leonard. 274. Moor 117. pl. 262. 118. pl. 263. Savill. 6.

CAP. III.

A Reviver of the Statute of 22 H. 8. 12. & 2 & 4 Ed. 6. 16. touching relieving poor and impotent perſons, and puniſhment of Vagabonds. The poor and impotent perſons of every pariſh ſhall be relieved of that which every perſon will of their charity give weekly: And the ſame relief ſhall be gathered in every pariſh by Collectors aſſigned, and weekly diſtributed to the poor; for none of them ſhall openly go or ſit begging. And if any pariſhioner ſhall obſtinately refuſe to pay reaſonably towards the relief of the ſaid poor, or ſhall diſcourage others; then the Juſtices of Peace at the Quarter-Seſſions may tax him to a reaſonable weekly ſum, which if he refuſe to pay, they may commit him to priſon. And if any pariſh have in it more impotent poor perſons then they are able to relieve, then the Juſtices of the Peace of the County may licenſe ſo many of them as they ſhall think good, to beg in one or more Hundreds of the ſame County. And if any poor beg in any other place then he is licenſed, he ſhall be puniſhed as a Vagabond, according to the Statute of 22 H. 8. EXP. Stat. 14 Eliz. 5.

Vagabonds, Raſt. 8.

CAP. IV.

An Act containing divers Orders for Artificers, Labourers, Servants of Husbandry, and Apprentices.

Although there remain and ſtand in force preſently, a great number of Acts and Statutes concerning the retaining, departing, wages, and orders of Apprentices, Servants and Labourers, as well in Huſbandry, as in divers other Arts, Myſteries and Occupations; (2) yet partly for the imperfection and contrariety that is found, and doth appear in ſundry of the ſaid Laws, and for the variety and number of them, (3) and chiefly for that the wages and allowances limited and rated in many of the ſaid Statutes, are in divers places too ſmall, and not anſwerable to this time, reſpecting the advancement of prices of all things belonging to the ſaid ſervants and labourers, (4) the ſaid Laws cannot conveniently, without the great grief and burden of the poor labourer, and hired man, but put in good and due execution: (5) And as the ſaid ſeveral Acts and Statutes were at the time of the making of them, thought to be very good and beneficial for the Common-wealth of this Realm (as divers of them yet are:) ſo if the ſubſtance of as many of the ſaid Laws as are meet to be continued, ſhall be digeſted and reduced into one ſole Law and Statute, and in the ſame an uniform order preſcribed and limited concerning the wages and other orders for Apprentices, Servants and Lobourers, there is good hope that it will come to paſs, that the ſame Law (being duly executed) ſhould baniſh idleneſs, advance Huſbandry, and yield unto the hired perſon both in the time of Scarcity, and in the time of Plenty, a convenient proportion of wages.

Labourers 1. Juſtices of Peace, 66, &c. A repeal of ſo much of former Statutes as concern the hiring, keeping, departing, working, or order of ſervants, labourers, &c. And a declaration who ſhall be compellable to ſerve in handicrafts, and who in huſbandry, and their ſeveral duties, &c. Townſends Table 34.

II. Be it therefore enacted by the authority of this preſent Parliament, That as much of all the Eſtatutes heretofore made, and every branch of them, as touch or concern the hiring, keeping, departing, working, wages, or order of Servants, Workmen, Artificers, Apprentices and Labourers, or any of them, and the penalties and forfeitures concerning the ſame, ſhall be from and after the laſt day of September next enſuing, repealed and utterly void and of none effect, (2) and that all the Statutes, and every branch thereof, or any matter contained in them, and not repealed by this Statute, ſhall remain and be in full force and effect; Any thing in this Statute to the contrary notwithſtanding.

III. And be it further enacted by the authority aforeſaid, That no manner of perſon or perſons after the aforeſaid laſt day of September now next enſuing, ſhall retain, hire or take into ſervice, or cauſe to be retained or hired, or taken into ſervice, nor any perſon ſhall be retained, hired or taken into ſervice, by any means or colour, to work for any leſs time or term then for one whole year, in any of the Sciences, Crafts, Myſteries or Arts of Clothiers, Woollen Cloth Weavers, Tuckers, Fullers, Clothworkers, Sheermen, Dyers, Hoſiers, Taylors, Shoemakers, Tanners, Pewterers, Bakers, Brewers, Glovers, Cutlers, Smiths, Farriers, Curriers, Sadlers, Spurriers, Turners, Cappers, Hatmakers, or Feltmakers, Bowyers, Fletchers, Arrow-head makers, Butchers, Cooks or Millers.

No perſon ſhall retain a ſervant in theſe ſciences, under one whole year.

IV. And be it further enacted, That every perſon being unmarried, (2) and every other perſon being under the age of thirty years, that after the Feaſt of Eaſter next, ſhall marry, (3) and having been brought up in any of the ſaid Arts, Crafts or Sciences, (4) or that hath uſed or exerciſed any of them by the ſpace of three years or more, (5) and not having lands, tenements, rents, or hereditaments, Copy-hold, or Free-hold, of one eſtate of inheritance, or for term of any life or lives, of clear yearly value of fourty ſhillings; (6) nor being worth of his own goods the clear value of ten pound, (7) and ſo allowed by two Juſtices of the Peace of the County where he hath moſt commonly inhabited by the ſpace of one whole year, and under their hands and ſeals, (8) or by the Mayor or other Head-officers of the City, Borough, or Town-corporate where ſuch perſon hath moſt commonly dwelt by the ſpace of one whole year, and two Aldermen, or two other diſcreet Burgeſſes of the ſame City, Borough or Town-corporate, if there be no Aldermen, under their hands and ſeals; (9) nor being retained with any perſon in Huſbandry, or in any of the aforeſaid Arts and Sciences, according to this Statute; (10) nor lawfully retained in other Art or Science; (11) nor being lawfully retained in houſhold, or in any office with any Nobleman, Gentleman, or others, according to the Law of this Realm; (12) nor have a convenient

What ſort of perſons are compellable to ſerve in any of the Crafts aforeſaid.

farm, or other holding in tillage, whereupon he may employ his labour, (13) ſhall during the time that he or they ſhall be ſo unmarried, or under the age of thirty years, upon requeſt made by any perſon uſing the Art or Myſtery wherein the ſaid perſon ſo required hath been exerciſed, (as is aforeſaid) be retained, (14) and ſhall not refuſe to ſerve according to the tenour of this Statute, upon the pain and penalty hereafter mentioned.

No perſon ſhall put away his ſervant nor any ſervant ſhall depart from his Maſter, before the end of his time.

V. And be it further enacted, That no perſon which ſhall retain any ſervant, ſhall put away his or her ſaid ſervant, (2) and that no perſon retained according to this Statute, ſhall depart from his Maſter, Miſtreſs or Dame, before the end of his or her term, (3) upon the pain hereafter mentioned, (4) unleſs it be for ſome reaſonable and ſufficient cauſe or matter, or be allowed before two Juſtices of Peace, or one at the leaſt, within the ſaid County, or before the Mayor or other chief Officer of the City, Borough or Town-corporate, wherein the ſaid Maſter, Miſtreſs or Dame inhabiteth, to whom any of the parties grieved ſhall complain; (5) which ſaid Juſtices or Juſtice, Mayor or chief Officer, ſhall have and take upon them or him, the hearing and ordering of the matter betwixt the ſaid Maſter or Miſtreſs, or Dame and Servant, according to the equity of the cauſe.

The cauſe of the ſervants putting away, or departing, to be determined by a Juſtice of Peace, Mayor, Bailiff, &c.

No ſervant ſhall depart or be put away but upon a quarters warning.

VI. And that no ſuch Maſter, Miſtreſs or Dame, ſhall put away any ſuch Servant at the end of his term, or that any ſuch ſervant ſhall depart from his ſaid Maſter, Miſtreſs or Dame at the end of his term, without one quarters warning given before the end of his ſaid term, either by the ſaid Maſter, Miſtreſs or Dame, or Servant, the one to the other, upon the pain hereafter enſuing.

What ſort of perſons are compellable to ſerve by the year in huſbandry.

VII. And be it further enacted by the authority aforeſaid, That every perſon between the age of twelve years, and the age of ſixty years, not being lawfully retained, nor Apprentice with any Fiſherman or Mariner haunting the Seas, (2) nor being in ſervice with any Kidder or Carrier of any Corn, Grain or Meal for proviſion of the City of London, (3) nor with any Huſbandman in Huſbandry, (4) nor in any City, Town-corporate, or Market Town, in any of the Arts or Sciencies limited or appointed by this Eſtatute to have or take Apprentices, (5) nor being retained by the year, or half the year at the leaſt, for the digging, ſeeking, finding, getting, melting, fining, working, trying, making of any Silver, Tin, Lead, Iron, Copper, Stone, Sea-coal, Stone-coal, Moor-coal, or Cherk-coal, (6) nor being occupied in or about the making of any Glaſs, (7) nor being a Gentleman born, nor being a Student or Scholar in any of the Univerſities, or in any School, (8) nor having lands, tenements, rents, or hereditaments, for term of life, or of one eſtate of inheritance, of the clear yearly value of forty ſhillings, (9) nor being worth in goods and chattels to the value of ten pound, (10) nor having a father or mother then living, or other anceſtor whoſe heir apparent he is, then having lands, tenements or hereditaments, of the yearly value of ten pound, or above, or goods or chattels of the value of fourty pound, (11) nor being a neceſſary or convenient Officer or Servant lawfully retained, as is aforeſaid, (12) nor having a convenient farm or holding, whereupon he may or ſhall imploy his labour; (13) nor being otherwiſe lawfully retained, according to the true meaning of this Eſtatute, (14) ſhall after the aforeſaid laſt day of September now next enſuing, by virtue of this Eſtatute, be compelled to be retained to ſerve in Huſbandry by the year, with any perſon that keepeth Huſbandry, and will require any ſuch perſon ſo to ſerve within the ſame Shire where he ſhall be ſo required.

The forfeiture for putting away his ſervant within his term or at the end of his term, without warning.

VIII. And be it further enacted by the authority of this preſent Parliament, That if any perſon after he hath retained any ſervant, ſhall put away the ſame ſervant before the end of his term, unleſs it be for ſome reaſonable and ſufficient cauſe, to be allowed as is aforeſaid; (2) or if any ſuch Maſter, Miſtreſs or Dame, ſhall put away any ſuch ſervant at the end of his term, without one quarters warning given before the ſaid end, as is above remembred, (3) that then every ſuch Maſter, Miſtreſs or Dame ſo offending, unleſs he or they be able to prove by two ſufficient witneſſes, ſuch reaſonable and ſufficent cauſe of putting away of their ſervant or ſervants, during their term, or a quarters warning given afore the end of the ſaid term, as is aforeſaid, before the Juſtices of Oyer and Terminer, Juſtices of the Aſſiſe, Juſtices of Peace in the quarter Seſſions, or before the Mayor or other Head-Officer of any City, Borough or Town-corporate, and two Aldermen, or two other diſcreet Burgeſſes of the ſame City, Borough, or Town-corporate, if there be no Aldermen, or before the Lord Preſident and Council eſtabliſhed in the Marches of Wales, or before the Lord Preſident and Council for the time being eſtabliſhed in the North parts, ſhall forfeit the ſum of xl. s.

The puniſhment of a ſervant which performeth not his duty in ſervice or departure.

IX. And if any ſervant retained according to the form of this Eſtatute, depart from his Maſter, Miſtreſs or Dames ſervice, before the end of his term, unleſs it be for ſome reaſonable and ſufficient cauſe, to be allowed as is aforeſaid; (2) or if any ſervant at the end of his term, depart from his ſaid Maſter, Miſtreſs or Dames ſervice without one quarters warning given before the end of his ſaid term, in form aforeſaid, and before two lawful witneſſes; (3) or if any perſon or perſons compellable and bounden to be retainers, and to ſerve in Huſbandry, or in any other the Arts, Sciences or Myſteries above remembred, by the year or otherwiſe, do (upon requeſt made) refuſe to ſerve for the wages that ſhall be limited, rated and appointed, according to the form of this Statute, (4) or promiſe or covenant to ſerve, and do not ſerve according to the tenour of the ſame, (5) That then every ſervant ſo departing away, and every perſon ſo refuſing to ſerve for ſuch wages, upon complaint thereof made by the Maſter, Miſtreſs or Dame of the ſaid ſervant, or by the party to or with whom the ſaid refuſal is made, or promiſe not kept, to two Juſtices of Peace of the County, or to the Mayor or other Head-officer of the City, Borough or Town-corporate, and two Aldermen, or two other diſcreet Burgeſſes of the ſame City, Borough or Town-corporate, if there be no Aldermen, where the ſaid Maſter, Miſtreſs or Dame, or the ſaid party to or with whom the ſaid refuſal is made, and promiſe not kept, dwelleth, or to either of the Lords Preſidents and Council of Wales, and the North, the ſaid Juſtices, Lords Preſidents and Councils, and alſo the ſaid Mayors or other Head-officers, and other perſons of Cities, Boroughs, or Towns-corporate, or any of them, as is aforeſaid, ſhall have power by force of this Statute, to hear and examine the matter; (6) and finding the ſaid ſervant, or the ſaid party ſo refuſing faulty in the premiſſes, upon ſuch proofs and good matter as to their diſcretions ſhall be thought ſufficient to commit him or them to ward, there to remain without bail or mainpriſe, until the ſaid ſervant or party ſo offending ſhall be bound to the party to whom the offence ſhall be made, to ſerve and continue with him for the wages that then ſhall be limited and appointed, according to the tenour and form of this Eſtatute, and to be diſcharged upon his delivery, without paying any fee to the Goaler where he or they ſhall be ſo impriſoned.

X. And be it likewiſe enacted by the authority aforeſaid, That none of the ſaid retained perſons in Huſbandry, or in any the Arts or Sciences above remembred, after the time of his retainer expired, ſhall depart forth of one City, Town, or Pariſh to another, (2) nor out of the Lath, Rape, Wapentake or Hundred; (3) nor out of the County or Shire, where he laſt ſerved, to ſerve in any other City, Town-corporate, Lath, Rape, Wapentake, Hundred, Shire, or County, (4) unleſs he have a Teſtimonial under the Seal of the ſaid City or Town-corporate, or of the Conſtable or Conſtables, or other Head-officer or Officers, and of two other honeſt Houſholders of the City, Town, or Pariſh where he laſt ſerved, declaring his lawful departure, and the name of the Shire and place where he dwelled laſt before his departure, according to the form hereafter expreſſed in this Act: (5) which Certificate or Teſtimonial ſhall be written and delivered unto the ſaid ſervant, and alſo Regiſtred by the Parſon, Vicar, or Curate of the Pariſh where ſuch Maſter, Miſtreſs or Dame doth or ſhall dwell, taking for the doing thereof, two pence and not above: And the form thereof ſhall be as followeth;

None may depart forth of the City, Town, Pariſh, &c. without a teſtimonial.

Memorandum, That A. B. ſervant to C. D. of E. Huſbandman, or Taylor, &c. in the ſaid County, is licenſed to depart from his ſaid Maſter, and is at his liberty to ſerve elſewhere, according to the Statute in that caſe made and provided. In witneſs whereof, &c. Dated the day, month, year, and place, &c. of the making thereof.

The form of the teſtimonial.

XI. And be it further enacted by the authority aforeſaid, That no perſon or perſons that ſhall depart out of a ſervice, ſhall be retained or accepted into any other ſervice, without ſhewing before his retainer, ſuch Teſtimonial as is above remembred, to the chief Officer of the Town-corporate, and in every other Town and Place, to the Conſtable, Curate, Churchwarden, or other Head-officer of the ſame, where he ſhall be retained to ſerve, (2) upon the pain that every ſuch ſervant ſo departing without ſuch Certificate or Teſtimonial, ſhall be impriſoned until he procure a Teſtimonial or Certificate; (3) the which if he cannot do within the ſpace of one and twenty days next after the firſt day of his impriſonment, then the ſaid perſon to be whipped and uſed as a vagabond, according to the Laws in ſuch caſe provided: (4) And that every perſon retaining any ſuch ſervant, without ſhewing ſuch Teſtimonial or Certificate, as is aforeſaid, ſhall forfeit for every ſuch offence five pounds: (5) And if any ſuch perſon ſhall be taken with any counterfeit or forged Teſtimonial, then to be whipped as a vagabond.

No ſervant ſhall be retained without ſhewing his teſtimonial.

The maſter ſhall pay v. li. which retaineth a ſervant without a teſtimonial.

Counterfeit teſtimonial.

XII. And be it further enacted by the authority aforeſaid, That all Artificers and Labourers, being hired for wages by the day or week, ſhall betwixt the midſt of the months of March and September, be and continue at their work, at or before five of the clock in the morning, and continue at work, and not depart, until betwixt ſeven and eight of the clock at night (except it be in the time of breakfaſt, dinner, or drinking, the which times at the moſt ſhall not exceed above two hours and a half in a day, that is to ſay, at every drinking one half hour, for his dinner one hour, and for his ſleep when he is allowed to ſleep, the which is from the midſt of May, to the midſt of Auguſt, half an hour at the moſt, and at every breakfaſt one half hour:) (2) And all the ſaid Artificers and Labourers, between the midſt of September, and the midſt of March, ſhall be and continue at their work from the ſpring of the day in the morning, until the night of the ſame day, except it be in time afore appointed for breakfaſt and dinner, (3) upon pain to loſe and forfeit one peny for every hours abſence, to be deducted and defaulked out of his wages that ſhall ſo offend.

How long Labourers ſhall continue at their work.

XIII. And be it alſo enacted by the authority aforeſaid, That every Artificer and Labourer that ſhall be lawfully retained in and for the building or repairing of any Church, Houſe, Ship, Mill, or every other piece of work taken in great, in taſk, or in groſs, or that ſhall hereafter take upon him to make or finiſh any ſuch thing or work, ſhall continue and not depart from the ſame, unleſs it be for not paying of his wages or hire agreed on, or otherwiſe lawfully taken or appointed to ſerve the Queens Majeſty, her Heirs or Succeſſors, or for other lawful cauſe, or without licence of the Maſter or Owner of the work, or of them that have the charge thereof, before the finiſhing of the ſaid work, (2) upon pain of impriſonment by one month without bail or mainpriſe, (3) and the forfeiture of the ſum of five pounds to the party from whom he ſhall ſo depart; for the which, the ſaid party may have his action of debt againſt him that ſhall ſo depart, in any of the Queens Majeſties Courts of Record, over and beſides ſuch ordinary coſts and damages as may or ought to be recovered by the Common Laws, for or concerning any ſuch offence: In which Action, no Protection, wager of Law, or Eſſoin ſhall be admitted.

No Artificer or Labourer ſhall depart before his work be finiſhed.

XIV. And that no Artificer or Labourer retained in any ſervice, to work with the Queens Majeſty, or any other perſon, depart not from her ſaid Majeſty, or from the ſaid other perſon, until ſuch time as the work be finiſhed, if the perſon ſo retaining the Artificer or Labourer ſo long will have him, and pay him his wages or other duties; upon pain of impriſonment of every perſon ſo departing, by the ſpace of one month.

XV. And for the declaration and limitation what wages Servants, Labourers, and Artificers, either by the year or day, or otherwiſe, ſhall have and receive, Be it enacted by the authority of this preſent Parliament, That the Juſtices of Peace of every Shire, Riding, and Liberty within the limits of their ſeveral Commiſſions, or the more part of them, being then reſiant within the ſame, and the Sheriff of that County, if he conveniently may, and every Mayor, Bailiff, or other Head-officer within any City or Town-corporate, wherein is any Juſtice of Peace within the limits of the ſaid City, or Town-corporate, and of the ſaid Corporation, ſhall before the tenth day of June next coming, and afterward ſhall

The wages of ſervants, labourers, artificers, ſhall be aſſeſſed by the Juſtices of Peace, Sheriff, &c.

39 Eliz. 12.
1 Jac. 6.

yearly at every general Seſſions firſt to be holden and kept after Eaſter, or at ſome time convenient, within ſix weeks next following every of the ſaid Feaſts of Eaſter, aſſemble themſelves together; (2) and they (ſo aſſembled) calling unto them ſuch diſcreet and grave perſons of the ſaid County, or the ſaid City or Town-corporate as they ſhall think meet, and conferring together, reſpecting plenty or ſcarcity of the time, and other circumſtances neceſſarily to be conſidered, ſhall have authority by virtue thereof, within the limits and precincts of their ſeveral Commiſſions, to limit, rate, and appoint the wages as well of ſuch and ſo many of the ſaid Artificers, Handicrafts-men, Husband-men, or any other Labourer, Servant or Workman, whoſe wages in time paſt hath been by any Law or Statute rated and appointed, (3) as alſo the wages of all other Labourers, Artificers, Workmen, or Apprentices of Husbandry, which have not been rated, (4) as they the ſame Juſtices, Mayor, or Head-officers within their ſeveral Commiſſions or Liberties, ſhall think meet by their diſcretions, to be rated, limited, or appointed by the year, or by the day, week, month, or otherwiſe, with meat and drink, or without meat and drink, (5) and what wages every Workman or Labourer ſhall take by the great, for Mowing, Reaping, or Threſhing of Corn and Grain, or for Mowing or making of Hay, or for Ditching, Paving, Railing, or Hedging by the Rod, Pearch, Lugge, Yard, Pole, Rope, or Foot, and for any other kind of reaſonable labour or ſervice, (6) and ſhall yearly before the twelfth day of July next after the ſaid aſſeſſments and rates ſo appointed and made, certifie the ſame ingroſſed in Parchment, with the conſiderations and cauſes thereof, under their hands and ſeals, into the Queens moſt honourable Court of Chancery; (7) whereupon it ſhall be lawful to the Lord Chancellor of England, or Lord Keeper of the Great Seal for the time being, upon declaration thereof to the Queens Majeſty, her Heirs or Succeſſors, or to the Lords and others of the Privy Council for the time being, attendant upon their perſons, to cauſe to be Printed and ſet down before the firſt day of September next after the ſaid Certificate, into every County, to the Sheriff and Juſtices of Peace there, and to the ſaid Mayor, Bayliff, and Head-officers, ten or twelve Proclamations or more, containing in every of them the ſeveral rates appointed by the ſaid Juſtices and other Head-officers as is aforeſaid, with commandment by the ſaid Proclamations, to all perſons in the name of the Queens Majeſty, her Heirs or Succeſſors, ſtraightly to obſerve the ſame, and to all Juſtices, Sheriffs, and other Officers, to ſee the ſame duly and ſeverally obſerved, upon the danger of the puniſhment and forfeitures limited and appointed by this Eſtatute: (8) Upon receipt whereof the ſaid Sheriffs, Juſtices of Peace, and the Mayor and Head-officer in every City or Town-corporate, ſhall cauſe the ſame Proclamations to be entred of Record by the Clerk of the Peace, or by the Clerk of the City or Town-corporate: (9) And the ſaid Sheriffs, Juſtices, and other the ſaid Mayor, and Head-officer, ſhall forthwith in open Markets, upon the Market-days before Michaelmas then enſuing, cauſe the ſame Proclamation to be proclaimed in every City or Market-town within the limits of their Commiſſion, and the ſame Proclamation to be fixed in ſome convenient place of the ſaid City and Town, or in ſuch of the moſt occupied Market-towns, as to the ſaid Sheriffs, Juſtices of Peace, and to the ſaid Mayor and Head-officer ſhall be thought meet.

ALT. 39 El. 12. 1 Jac. 6.

Proclamations ſhall be made of the rates of the wages of ſervants, &c.

Continuance or alteration of the rates of wages at the Juſtices diſcretion.

XVI. And if the ſaid Sheriffs, Juſtices of Peace, or the Mayor or Head-officer, ſhall at their ſaid general Seſſions, or at any time after, within ſix weeks then following, upon their aſſembly and conference together, think it convenient to retain and keep for the year then to come, the rates and proportions of wages that they certified the year before, or to change or reform them or ſome part of them; then they ſhall before the ſaid twelfth day of July, yearly certifie into the ſaid Court of Chancery their reſolutions and determinations therein, to the intent that Proclamations may accordingly be renewed and ſent down. (2) And if it ſhall happen, that there be no need of any reformation or alteration of the rates of the ſaid wages, but that the former ſhall be thought meet to be continued; then the Proclamations for the year paſt, ſhall remain in force, until new Proclamations upon new rates concerning the ſaid wages, ſhall be ſent down according to the form of this Eſtatute.

The fine of the Juſtices, Mayors, Balliffs, &c. which be abſent at the taxing of ſervants wages

XVII. And be it further enacted by the authority of this preſent Parliament, That if all the ſaid Juſtices of Peace, reſiant within the Counties where they are or ſhall be Juſtices of Peace, Mayors, and Head-officers, do not before the tenth day of June next coming, and afterward yearly appear and aſſemble at the ſaid general Seſſions, or within ſix weeks next after the ſaid general Seſſions, and limit and rate the wages of the ſaid ſervants and labourers, or ſhall not conſider whether the former rates made, be meet to be continued, or to be altered and reformed in manner and form aforeſaid, or be negligent or remiſs in the Certificate thereof, in form above written, that then every Juſtice of Peace of the County, and every Mayor or Head-officers of the City or Town-corporate, in whom any ſuch default or negligence ſhall be found, being within the ſaid County, City, or Town-corporate at the time of the ſaid next aſſembly, or at the time of the ſaid Seſſions, or at the times of the ſaid rates of wages to be ſet, within ſix weeks next after every ſuch Seſſions, and not viſited with any ſuch ſickneſs as he could not travel thither without peril and danger of his life; or not having any other lawful and good excuſe, to be allowed by the Juſtices then aſſembled for the rating and taxing of wages, as is aforeſaid, or by the more part of them, upon a Corporal Oath and Affidavit, to be taken and made openly before the ſaid Juſtices upon the holy Evangeliſts, by ſome credible perſon aſſeſſed and taxed in the Book of Subſidy of that County, to the clear value of five pounds at the leaſt, or by ſuch other perſon as the moſt part of ſuch Juſtices ſhall allow and accept to take ſuch Oath, ſhall for ſuch default or negligence, forfeit unto the Queens Majeſty, her Heirs and Succeſſors, Ten pounds of lawful money of England.

The puniſhment of him which giveth more wages than is taxed by the Juſtices, &c.

XVIII. And be it further enacted by the authority aforeſaid, That if any perſon, after the ſaid Proclamation ſhall be ſo ſent down and publiſhed, ſhall by any ſecret ways or means, directly or indirectly retain or keep any ſervant, workman or labourer, or ſhall give any more or greater wages, or oher commodity, contrary to the true intent and purpoſe of this Eſtatute, or contrary to the rates or wages that ſhall be aſſeſſed or appointed in the ſaid Proclamations; that then every perſon that ſhall ſo offend, and be thereof lawfully convicted before any the Juſtices, or other Head-officers above remembred, or either of the ſaid Preſidents and Councels, ſhall ſuffer impriſonment by the ſpace of ten days, without bail or mainpriſe, and ſhall loſe and forfeit five pounds of lawful money of England.

XIX. And that every perſon that ſhall be ſo retained and take wages, contrary to this Eſtatute, or any branch thereof, or of the ſaid Proclamation, and ſhall be thereof convicted before the Juſtices aforeſaid, or any two of them, or before the Mayor or other Head-officers aforeſaid, ſhall ſuffer impriſonment by the ſpace of one and twenty days, without bail or mainpriſe.

The puniſhment of the ſervant, labourer, &c. which taketh more wages than is taxed.

XX. And that every retainer, promiſe, gift, or payment of wages, or other thing whatſoever, contrary to the true meaning of this Eſtatute, and every writing and bond to be made for that purpoſe, ſhall be utterly void and of none effect.

Every retainer contrary to this Statute, ſhall be void.

XXI. And be it enacted by the authority aforeſaid, that if any ſervant, workman or labourer, ſhall wilfully or maliciouſly, make any aſſault or affray upon his Maſter, Miſtreſs or Dame, or upon any other that ſhall at the time of ſuch aſſault or affray, have the charge or overſight of any ſuch ſervant, workman or labourer, or of the work wherein the ſervant, workman, or labourer is appointed or hired to work, and being thereof convicted before any two of the Juſtices, Mayor or other Head-officer aforeſaid, where the ſaid offence is committed, or before either of the ſaid Lords Preſidents and Councel before remembred, by confeſſion of the ſaid ſervant, workman or labourer, or by the teſtimony, witneſs and Oath of two honeſt men; that then every ſuch offendor ſhall ſuffer impriſonment by the ſpace of one whole year or leſs, by the diſcretion of two Juſtices of Peace, if it be without a Town-corporate; (2) and if it be within a Town-corporate, then by the diſcretion of the Mayor or Head-officer of the ſame Town-corporate, with two others of the diſcreeteſt perſons of the ſame Corporation, at the leaſt: (3) And if the offence ſhall require further puniſhment, then to receive ſuch other open puniſhment, ſo as it extend not to life or limb, as the Juſtices of Peace in open Seſſions, or as the more part of them, or the ſaid Mayor or Head-officer, and ſix or four at the leaſt, of the diſcreeteſt perſons of the ſame Corporation before whom the offence ſhall be examined, ſhall think convenient for the quality of the ſaid offence ſo done or committed.

The puniſhment of the ſervant which maketh aſſault upon his Maſter, Miſtreſs, Overſeer.

XXII. Provided always, and be it enacted by the authority aforeſaid, That in the time of Hay or Corn Harveſt, the Juſtices of Peace, and every of them, and alſo the Conſtable or other Head-officer of every Townſhip, upon requeſt, and for the avoiding of the loſs of any Corn, Grain, or Hay, ſhall and may cauſe all ſuch Artificers and perſons as be meet to labour, by the diſcretions of the ſaid Juſtices or Conſtables, or other Head-officers, or by any of them, to ſerve by the day, for the mowing, reaping, ſhearing, getting or inning of Corn, Grain, and Hay, according to the skill and quality of the perſon; (2) and that none of the ſaid perſons ſhall refuſe to do, upon pain to ſuffer impriſonment in the Stocks, by the ſpace of two days and one night: (3) and the Conſtable of the Town, or other Head-officer of the ſame, where the ſaid refuſal ſhall be made, upon complaint unto him made, ſhall have authority by virtue hereof, to ſet the ſaid offendor in the Stocks for the time aforeſaid, and ſhall puniſh him accordingly, upon pain to loſe and forfeit for not doing thereof, the ſum of fourty ſhillings.

Artificers compellable to work in Hay-time and Harveſt.

XXIII. Provided alſo, That all perſons of the Counties where they have accuſtomed to go into other Shires for Harveſt-work, and having at that time no Harveſt-work ſufficient in the ſame Town or County where he or they dwelt in the Winter then laſt paſt, bringing with him or them a Teſtimonial under the Hand and Seal of one Juſtice of the Peace of the Shire, or other Head-officer of the Town or place that he or they come from, teſtifying the ſame, for the which he ſhall pay not above one peny (other then ſuch perſons as ſhall be retained in ſervice according to the form of this Eſtatute) may repair and reſort in Harveſt of Hay or Corn, from the Counties wherein their dwelling places are, into any other place or County for the only mowing, reaping, and getting in of Hay, Corn, or Grain, and for the only working of Harveſt-works, as they might have done before the making of this Eſtatute; any thing herein contained to the contrary notwithſtanding.

A proviſo for ſome which do go into other Shires for work in Hay-time and Harveſt.

XXIV. And be it further enacted by the authority aforeſaid, That two Juſtices of Peace, the Mayor or other Head-officer of any City, Borough, or Town-Corporate, and two Aldermen, or two other diſcreet Burgeſſes of the ſame City, Borough, or Town-corporate, if there be no Aldermen, ſhall and may by virtue hereof, appoint any ſuch woman as is of the age of twelve years, and under the age of fourty years, and unmarried, and forth of ſervice, as they ſhall think meet to ſerve, to be retained or ſerve by the year, or by the week or day, for ſuch wages, and in ſuch reaſonable ſort and manner as they ſhall think meet; (2) and if any ſuch woman ſhall refuſe ſo to ſerve, then it ſhall be lawful for the ſaid Juſtices of Peace, Mayor, or Head-officers, to commit ſuch woman to ward, until ſhe ſhall be bounden to ſerve as is aforeſaid.

Women compellable to ſerve which be above twelve, and under forty years old, unmarried, and forth of ſervice.

XXV. And for the better advancement of Husbandry and Tillage, and to the intent that ſuch as are fit to be made Apprentices to Husbandry may be bounden thereunto, (2) Be it enacted by the authority of this preſent Parliament, That every perſon being an Houſholder, and having and uſing half a Plough-land at the leaſt in Tillage, may have and receive to an Apprentice any perſon above the age of ten years, and under the age of eighteen years, to ſerve in Husbandry, until his age of one and twenty years at the leaſt, or until the age of twenty four, as the parties can agree, and the ſaid retainer and taking of an Apprentice, to be made and done by Indenture.

Husbandmen may take Apprentices.

XXVI. And be it further enacted, That every perſon being an Houſholder, and twenty four years old at the leaſt, dwelling or inhabiting, or which ſhall dwell and inhabit in any City or Town-corporate, and uſing and exerciſing any Art, Myſtery, or manual Occupation there, ſhall and may after the Feaſt day of Saint John Baptiſt next coming, during the time that he ſhall ſo dwell or inhabit in any ſuch City or Town-corporate, and uſe and exerciſe any ſuch

Every houſeholder dwelling in any Town-corporate may take an Apprentice for ſeven years.

Art or Myſtery, or manual Occupation, have and retain the ſon of any Freeman, not occupying Husbandry, nor being a labourer, and inhabiting in the ſame or in any other City or Town that now is, or hereafter ſhall be and continue Incorporate, to ſerve and be bound as an Apprentice, after the cuſtom and order of the City of London, for ſeven years at the leaſt, ſo as the term and years of ſuch Apprentice do not expire or determine afore ſuch Apprentice ſhall be of the age of twenty four years at the leaſt.

Merchants, &c. may take no Apprentices, but ſuch whoſe parents may diſpend xl. s. of free-hold.

XXVII. Provided always, and be it enacted, That it ſhall not be lawful to any perſon dwelling in any City or Town-corporate, uſing or exerciſing any of the Myſteries or Crafts of a Merchant trafficking by traffick or trade into any the parts beyond the Sea, Mercer, Draper, Goldſmith, Ironmonger, Imbroiderer, or Clothier, that doth or ſhall put Cloth to making and ſale, to take any Apprentice or Servant to be inſtructed or taught in any of the Arts, Occupations, Crafts or Myſteries which they or any of them do uſe or exerciſe, except ſuch Servant or Apprentice be his ſon; (2) or elſe that the father and mother of ſuch Apprentice or Servant ſhall have at the time of taking ſuch Apprentice or Servant, lands, tenements, or other hereditaments, of the clear yearly value of forty ſhillings of one eſtate of Inheritance, or freehold at the leaſt, to be certified under the hands and ſeals of three Juſtices of the Peace of the Shire, or Shires where the ſaid lands, tenements, or other hereditaments do or ſhall lie, to the Mayor, Bayliff, or other Head-officers of that City or Town-corporate, and to be Inrolled among the Records there.

Whom they may have for their Apprentices which dwell in Market-towns not corporate.

XXVIII. And be it further enacted, That from and after the ſaid Feaſt of St. John the Baptiſt next, it ſhall be lawful to every perſon being an houſholder, and four and twenty year old at the leaſt, and not occupying Husbandry, nor being a labourer, dwelling or inhabiting, or that ſhall hereafter dwell or inhabit in any Town not being incorporate, that now is, or hereafter ſhall be a Market-town, ſo long as the ſame ſhall be weekly uſed, and kept as a Market-town, and uſing or exerciſing any Art, Myſtery, or manual Occupation, during the time of his abode there, and ſo uſing and exerciſing ſuch Art, Myſtery, or manual Occupation as aforeſaid, to have in like manner to Apprentice or Apprentices, the child or children of any other Artificer or Artificers, not occupying Husbandry, nor being a labourer, which now do, or hereafter ſhall inhabit or dwell in the ſame, or any other ſuch Market-town within the ſame Shire, to ſerve as an Apprentice or Apprentices as is aforeſaid, to any ſuch Art, Myſtery, or manual Occupation, as hath been uſually exerciſed in any ſuch Market-town, where ſuch Apprentice ſhall be bound in manner and form abovesaid.

What Apprentices Merchants, &c. dwelling in a Market-town not corporate may take.

XXIX. Provided always, and be it enacted, That it ſhall not be lawful to any perſon, dwelling or inhabiting in any ſuch Market-town, uſing or exerciſing the Feat, Myſtery or Art of a Merchant, trafficking or trading into the parts beyond the Seas, Mercer, Draper, Goldſmith, Ironmonger, Imbroyderer, or Clothier, that doth or ſhall put Cloth to making and ſale, to take any Apprentice, or in any wiſe to teach and inſtruct any perſon in the Arts, Sciences or Myſteries laſt before recited, after the Feaſt of St. John Baptiſt aforeſaid, except ſuch Servant or Apprentice ſhall be his ſon; or elſe that the father and mother of ſuch Apprentice ſhall have lands, tenements, or other hereditaments, at the time of taking ſuch Apprentice, of the clear yearly value of three ponnds, of one eſtate of Inheritance, or freehold at the leaſt, to be certified under the hands and ſeals of three Juſtices of the Peace, of the Shire or Shires where the ſaid lands, tenements, or other hereditaments do or ſhall lie, to the Head-officers or Head-officer, of ſuch Market-town where ſuch Apprentice or Servant ſhall be taken, there to be Inrolled by ſuch Head-officers always to remain of Record.

These Artificers may take Apprentices whoſe parents may diſpend no land.

XXX. And be it further enacted, That from and after the ſaid Feaſt, it ſhall be lawful to any perſon uſing or exerciſing the Art or Occupation of a Smith, Wheele-wright, Plough-wright, Mill-wright, Carpenter, Rough-maſon, Plaiſterer, Sawyer, Lime-burner, Brick-maker, Bricklayer, Tyler, Slater, Helier, Tylemaker, Linnen-weaver, Turner, Cooper, Miller, Earthen-potters, Woollen-weaver, weaving Huſwives or houſhold Cloth only, and none other Cloth; Fuller, otherwiſe called, Tucker or Walker, Burner of Oare and Woad-aſhes, Thatcher, or Shingler whereſoever he or they ſhall dwell or inhabit, to have or receive the ſon of any perſon as Apprentice in manner and form aforeſaid, to be taught and inſtructed in theſe Occupations only, and in none other, albeit the father or mother of any ſuch Apprentice have not any lands, tenements, or hereditaments.

None may uſe any manual occupation except he hath been Apprentice to the ſame.
St. 31 El. 5.
2 Bulſtr. 186.
3 Bulſtr. 179.
1 Roll. 10.
2 Roll. 379, 391.
Stiles 223, 383.

XXXI. And be it further enacted be the authority aforeſaid, That after the firſt day of May next coming, it ſhall not be lawful to any perſon or perſons, other then ſuch as now do lawfully uſe or exerciſe any Art, Myſtery or manual Occupation, (2) to ſet up, occupy, uſe or exerciſe any Craft, Myſtery or Occupation now uſed or occupied within the Realm of England or Wales, (3) except he ſhall have been brought up therein ſeven years at the leaſt as an Apprentice, in manner and form abovesaid; (4) nor to ſet any perſon on work in ſuch Myſtery, Art or Occupation, being not a workman at this day, (5) except he ſhall have been Apprentice, as is aforeſaid, (6) or elſe having ſerved as an Apprentice, as is aforeſaid, ſhall or will become a Journey-man, or hired by the year, (7) upon pain that every perſon willingly offending or doing the contrary, ſhall forfeit and loſe for every default, fourty ſhillings for every month.

What ſort of perſons Woollen weavers may take to be Apprentices. Rep.

XXXII. Provided always, and be it further enacted by the authority aforeſaid, That no perſon or perſons uſing or exerciſing the Art or Myſtery of a Woollen Cloth-weaver, other than ſuch as be inhabiting within the Counties of Cumberland, Weſtmerland, Lancaſter, and Wales, weaving Frizes, Cottons, or Huſwives Cloth only, making and weaving Woollen Cloth commonly ſold, or to be ſold by any Clothman or Clothier, ſhall take and have any Apprentice, or ſhall teach or in any wiſe inſtruct any perſon or perſons in the Science, Art or Occupation of Weaving aforeſaid, in any Village, Town or place (Cities, Towns corporate, and Market-towns only except) unleſs ſuch perſon be his ſon, or elſe that the father or mother of ſuch Apprentice or Servant, ſhall at the time of the taking of ſuch perſon or perſons to be Apprentice or Servant, or to be inſtructed, have lands or tenements, or other hereditaments, to the clear yearly value of three pounds at the leaſt, of an Eſtate of Inheritance, or Freehold, to be certified under the hands and ſeals of three Juſtices of the Peace of the Shire or Shires where the ſaid lands, tenements, or other hereditaments do or ſhall lie; (2) The effect of the Indenture to be Regiſtred within three months, in the Pariſh where ſuch Maſter ſhall dwell, and to pay for ſuch Regiſtring, four pence, (3) upon pain of forfeiture of twenty ſhillings for every month that any perſon ſhall otherwiſe take any Apprentice, or ſet any ſuch perſon on work contrary to the meaning of this Article.

XXXIII. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons that ſhall have three Apprentices in any the ſaid Crafts, Myſteries, or Occupations of a Cloth-maker, Fuller, Sheerman, Weaver, Tayler or Shoemaker, ſhall retain and keep one Journeyman, and for every other Apprentice above the number of the ſaid three Apprentices, one other Journeyman, upon pain for every default ten pounds.

He which hath three Apprentices muſt keep one Journeyman.

XXXIV. Provided always, That this Act, nor any thing therein contained, ſhall not extend to prejudice or hinder any liberties heretofore granted by any Act of Parliament, to or for the Company and Occupation of Worſted-makers and Worſted-weavers within the City of Norwich, or elſewhere within the County of Norfolk: which Liberties be in force until the beginning of this preſent Parliament; any thing therein contained to the contrary in any wiſe notwithſtanding.

A proviſo for the liberties of Worſted-makers in Norwich and Norfolk. St. 14 H. 8. 3.

XXXV. And be it further enacted, That if any perſon ſhall be required by any houſholder, having and uſing half a Plough-land at the leaſt in Tillage, to be an Apprentice, and to ſerve in huſbandry, or in any other kind of Art, Myſtery or Science before expreſſed, and ſhall refuſe ſo to do, That then upon complaint of ſuch houſe-keeper made to one Juſtice of the Peace of the County where the ſaid refuſal is or ſhall be made, or of ſuch houſholder inhabiting in any City, Town-corporate, or Market-town, to the Mayor, Bailiffs, or Head-officer of the ſaid City, Town-corporate, or Market-town, if any ſuch refuſal ſhall there be, they ſhall have full power and authority by virtue hereof, to ſend for the ſame perſon ſo refuſing: (2) And if the Juſtice, or the ſaid Mayor or Head-officer ſhall think the ſaid perſon meet and convenient to ſerve as an Apprentice in that Art, Labour, Science or Myſtery wherein he ſhall be ſo then required to ſerve: That then the ſaid Juſtice, or the ſaid Mayor or Head-officer, ſhall have power and authority by virtue hereof, if the ſaid perſon refuſe to be bound as an Apprentice, to commit him unto ward, there to remain until he be contented, and will be bounden to ſerve as an Apprentice ſhould ſerve, according to the true intent and meaning of this preſent Act. (3) And if any ſuch maſter ſhall miſuſe or evil intreat his Apprentice, or that the ſaid Apprentice ſhall have any juſt cauſe to complain, or the Apprentice do not his duty to his Maſter, then the ſaid Maſter or Apprentice being grieved, and having cauſe to complain, ſhall repair unto one Juſtice of Peace within the ſaid County, or to the Mayor or other Head-officer of the ſaid City, Town-corporate, Market-town, or other place where the ſaid Maſter dwelleth, who ſhall by his wiſdom and diſcretion take ſuch order and direction between the ſaid Maſter and his Apprentice, as the equity of the cauſe ſhall require; (4) and if for want of good conformity in the Maſter, the ſaid Juſtice of Peace, or the ſaid Mayor or Head-officer cannot compound and agree the matter between him and his Apprentice, then the ſaid Juſtice, or the ſaid Mayor or other Head-officer ſhall take Bond of the ſaid Maſter, to appear at the next Seſſions then to be holden in the ſaid County, or within the ſaid City, Town-corporate, or Market-town, to be before the Juſtices of the ſaid County, or the Mayor or Head-officer of the ſaid Town-corporate or Market-town, if the ſaid Maſter dwell within any ſuch; (5) and upon his appearance and hearing of the matter before the ſaid Juſtices, or the ſaid Mayor or other Head-officer, if it be thought meet unto them, to diſcharge the ſaid Apprentice of his Apprenticehood, that then the ſaid Juſtices, or four of them at the leaſt, whereof one to be of the Quorum, or the ſaid Mayor or other Head-officer, with the conſent of three other of his brethren, or men of beſt reputation within the ſaid City, Town-corporate or Market-town, ſhall have power by authority hereof, in writing under their hands and ſeals, to pronounce and declare, That they have diſcharged the ſaid Apprentice of his Apprenticehood, and the cauſe thereof, (6) and the ſaid writing ſo being made and enrolled by the Clerk of the Peace, or Town-clerk, amongſt the Records that he keepeth, ſhall be a ſufficient diſcharge for the ſaid Apprentice againſt his Maſter, his Executors and Adminiſtrators; the Indenture of the ſaid Apprenticehood, or any Law or Cuſtom to the contrary notwithſtanding. (7) And if the default ſhall be found to be in the Apprentice, then the ſaid Juſtices, or the ſaid Mayor or other Head-officer, with the aſſiſtance aforeſaid, ſhall cauſe ſuch due correction and puniſhment to be miniſtred unto him, as by their wiſdom and diſcretions ſhall be thought meet.

The puniſhment of him which refuſeth to be an Apprentice.

The remedy for the Apprentice which is miſuſed by his Maſter, and for the Maſter when the Apprentice doth not his duty.

Where an Apprentice may be diſcharged of his Apprenticehood.

XXXVI. Provided always, and be it enacted by authority of this preſent Parliament, That no perſon ſhall by force or colour of this Eſtatute, be bounden to enter into any Apprenticeſhip, other then ſuch as be under the age of xxi. years.

None ſhall be bound to be Apprentices but thoſe which be under xxi. years of age.

XXXVII. And to the end that this Eſtatute may from time to time be carefully and diligently put in good execution, according to the tenour and true meaning thereof, Be it enacted by authority of this preſent Parliament, That the Juſtices of Peace of every County, dividing themſelves into ſeveral limits, and likewiſe every Mayor and Head-officer of any City or Town-corporate, ſhall yearly between the Feaſt of St. Michael the Archangel, and the Nativity of our Lord, and between the Feaſt of the Nativity of St. John Baptiſt, by all ſuch ways and means as to their wiſdoms ſhall be thought moſt meet, make a ſpecial and diligent enquiry of the Branches and Articles of this Eſtatute, and of the good execution of the ſame, and where they ſhall find any default, to ſee the ſame ſeverely corrected and puniſhed, without favour, affection, malice or diſpleaſure.

Aſſembly of the Juſtices twice in the year for the due execution of this Statute.

XXXVIII. And in conſideration of the pains and travel that the ſaid Juſtices of Peace, and the ſaid Mayor and Head-officer ſhall take and ſuſtain in and about the execution of this Eſtatute, it is further ordained and enacted by authority of this preſent Parliament, That every Juſtice of Peace, Mayor or Head-officer, for every day that he ſhall ſit in and about the execution of this Eſtatute, ſhall have allowed unto him five ſhillings, to be allowed and paid unto him, or unto the ſaid Mayor or Head-officer, of the fines and forfeitures of the

The Juſtices allowance for their pains.

pains and penalties that ſhall be forfeited and due unto the Queens Majeſty, her Heirs and Succeſſors, by force of this Eſtatute, in ſuch manner and form as the ſaid Juſtices have been heretofore commonly paid for their coming and charges at the Quarter Seſſions; ſo that the ſitting of the ſaid Juſtices or Mayor, or Head-officer, be not at any one time above three days, and for the matters contained in this Eſtatute.

Who ſhall have the forfeitures mentioned in this Statute.

Hob. 18. Moor 886. 1 Cr. 499.

XXXIX. And be it enacted by authority aforeſaid, That the one half of all forfeitures and penalties expreſſed and mentioned in this Eſtatute, other then ſuch as are expreſly otherwiſe appointed, ſhall be to our Sovereign Lady the Queens Majeſty, her Heirs and Succeſſors, and the other moiety to him or them that ſhall ſue for the ſame in any of the Queens Majeſties Courts of Record, or before any of the Juſtices of Oyer and Terminer, or before any other Juſtices, or Preſident and Council before remembred, by action of debt, information, bill of complaint, or otherwiſe; in which actions or ſuits, no protections, wager of Law or Eſſoin ſhall be allowed; (2) and that the ſaid Juſtices, or two of them, whereof one to be of the Quorum, and the ſaid Preſidents and Council as is aforeſaid, and the ſaid Mayors or other Head-officers of Cities or Towns-corporate, ſhall have full power and authority to hear and determine all and every offence and offences that ſhall be committed or done againſt this Eſtatute, or againſt any branch thereof, as well upon indictment to be taken before them in the Seſſions of the Peace, as upon information, action of debt, or bill of complaint to be ſued or exhibited by any perſon, (3) and ſhall and may by virtue hereof, make proceſs againſt the defendant, and award execution, as in any other caſe they lawfully may by any the Laws and Statutes of this Realm, (4) and ſhall yearly in Michaelmas Term certifie by Eſtreat, the fines and forfeitures of every the offences contained in this Eſtatute, that ſhall be found before them, into the Court of Exchequer, in like ſort and form as they be bound to certifie the Eſtreats for other offences and forfeitures to be loſt before them; any thing in this Statute contained to the contrary notwithſtanding.

Juſtices of Peace, Mayor, &c. may hear and determine all offences committed againſt this Statute. 21 El. 5.

A proviſo for the Cities of London and Norwich.

XL. Provided always, That this Act, or any thing therein contained or mentioned, ſhall not be prejudicial or hurtful to the Cities of London and Norwich, or to the lawful liberties, uſages, cuſtoms or priviledges of the ſame Cities, for or concerning the having or taking of any Apprentice or Apprentices; but that the Citizens and Freemen of the ſame Cities ſhall and may take, have and retain Apprentices there, in ſuch manner and form as they might lawfully have done before the making of this Statute; this Act or any thing therein contained to the contrary in any wiſe notwithſtanding.

The forfeiture of him that taketh a Prentice otherwiſe then is limited by this Statute.

XLI. And be it alſo further enacted, That all indentures, covenants, promiſes and bargains of or for the having, taking or keeping of any Apprentice, otherwiſe hereafter to be made or taken, then is by this Statute limited, ordained and appointed, ſhall be clearly void in the Law to all intents and purpoſes; (2) and that every perſon that ſhall from henceforth take or newly retain any Apprentice contrary to the tenour and true meaning of this Act, ſhall forfeit and loſe for every Apprentice ſo by him taken, the ſum of ten pounds.

He that is bound Prentice within the age of xxi. years, is compellable to ſerve.

XLII. And becauſe there hath been, and is ſome queſtion and ſcruple moved, whether any perſon, being within the age of one and twenty years, and bounden to ſerve as an Apprentice, in any other place then in the ſaid city of London, ſhould be bounden, accepted and taken as an Apprentice;

XLIII. For the reſolution of the ſaid ſcruple and doubt, Be it enacted by authority of this preſent Parliament, That all and every ſuch perſon or perſons that at any time or times from henceforth ſhall be bounden by Indenture, to ſerve as an Apprentice in any Art, Science, Occupation or Labour, according to the tenour of this Eſtatute, and in manner and form aforeſaid, albeit the ſame Apprentice, or any of them, ſhall be within the age of one and twenty years, at the time of the making of their ſeveral Indentures, ſhall be bounden to ſerve for the years in their ſerveral Indentures contained, as amply and largely to every intent, as if the ſame Apprentice were of full age at the time of the making of ſuch Indentures; any law, uſage or cuſtom to the contrary notwithſtanding.

A proviſo for the inhabitants of Godalming in Surrey.

XLIV. Provided always, and be it enacted by the authority aforeſaid, That the inhabitants now dwelling or inhabiting, or that hereafter ſhall dwell or inhabit within the Town of Godalming within the County of Surrey, within the limits of the watch of the ſaid Town, may uſe and exerciſe ſuch Arts, Myſteries and Occupations, and take and uſe Apprentices and Servants, in ſuch manner and form as the inhabitants within Market-towns, by this Statute may lawfully do.

Who ſhall have the forfeiture in Cities and Towns-corporate.

Hob. Moor

XLV. Provided always, and be it enacted by the authority aforeſaid, That all manner amerciaments, fines, iſſues and forfeitures which ſhall ariſe, grow, or come by reaſon of any offences or defaults mentioned in this Act, or any branch thereof, within any City or Town-corporate, ſhall be levied, gathered and received by ſuch perſon or perſons of the ſame City or Town-corporate, as ſhall be appointed by the Mayor, or other Head-officers mentioned in this ſaid Act, to the uſe and maintenance of the ſame City or Town-corporate, in ſuch caſe and condition as any manner other amerciaments, fines, iſſues or forfeitures have been uſed to be levied and imployed within the ſame City or Town-corporate, by reaſon of any Grant or Charter from the Queens Majeſty that now is, or of any her Graces noble Progenitors, made and granted to the ſame City, Borough, or Town-corporate; any thing or clauſe before mentioned and expreſſed in this Act to the contrary notwithſtanding.

Retainings and covenants made before this Statute.

XLVI. Provided always, That this Act, or any thing therein contained, ſhall not extend to any lawful retainings or covenants had or made before the making of this Act, but that all and every the parties to ſuch retainings or covenants, ſhall and may have the ſame and like advantages of ſuch retainings and covenants, and of the Statutes heretofore in that behalf provided, as if this Act had never been had or made; any clauſe of repeal or other matter whatſoever in this Act to the contrary in any wiſe notwithſtanding.

A remedy for thoſe ſervants which depart

XLVII. And be it further enacted by the authority aforeſaid, That if any Servant or Apprentice of Husbandry, or of any Art Science or Occupation aforeſaid, unlawfully depart or flee into any other Shire, that it ſhall be lawful to the ſaid Juſtices of Peace, and to the ſaid Mayors, Bailiffs, and other Head-Officers of Cities and Towns-corporate, for the time being Juſtices of Peace there, to make and grant Writs of Capias, ſo many, and ſuch as ſhall be needful, to be directed to the Sheriffs of the Counties, or to other Head Officers of the places whither ſuch Servants or Apprentices ſhall ſo depart or flee, to take their bodies, returnable before them, at what time ſhall pleaſe them; ſo that if they come by ſuch Proceſs, that they be put in priſon till they ſhall find ſufficient ſurety, well and honeſtly to ſerve their Maſters, Miſtreſſes or Dames from whom they ſo departed or fled, according to the order of the Law.

from their maſters, and do flee into other Shires.

XLVIII. Provided always, That it ſhall be lawful to the High Conſtables of Hundreds in every Shire, to hold, keep and continue petty Seſſions, otherwiſe called Statute-Seſſions, within the limits of their authorities, in all Shires wherein ſuch Seſſions have been uſed to be kept, in ſuch manner and form as heretofore hath been uſed and accuſtomed, ſo as nothing be by them done therein contrary or repugnant to this preſent Act.

High Conſtables may keep Statute-Seſſions.

CAP. V.

An Act touching Politick Conſtitutions for the maintenance of the Navy.

For the better maintenance and encreaſe of the Navy of this Realm of England, be it enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority aforeſaid, That from the firſt day of April, Anno Dom. MDLXIV. and ſo from thenceforth it ſhall be lawful to all and every of the Subjects of our Sovereign Lady the Queen, her Heirs and Succeſſors, at his and their will and pleaſure, to carry and tranſport out of this Realm, in the Ships and other Veſſels of any of the Subjects aforeſaid, all and every kind of Herrings, and other Sea-Fiſh, to be taken upon the Seas by any of the Subjects aforeſaid (any Act of Parliament or Law to the contrary notwithſtanding) (2) and that all and every perſon and perſons which ſhall by virtue of this Act tranſport or carry any Herrings, or other Sea-Fiſh, from or out of any Port or Harbour of this Realm, to any place out of the Dominions of the Queens Majeſty, her Heirs or Succeſſors, ſhall be free from payment of any Cuſtom, Subſidy, or Poundage-money for the ſame Fiſh ſo carried or tranſported, during the ſpace of four whole years, beginning at the ſaid firſt day of April, MDLXIV. and alſo further during her Majeſties pleaſure.

Ships 1. Purveyors 24. Fiſh 13.

Conſtitutions for the maintenance of the Navy, &c.

Any Subject may carry Sea-fiſh forth of the Realm in any of the Queens ſubjects ſhips, without paying cuſtoms. Exp.

1 Jac. 5.
21 Jac. 28.
3 Car. 4.
13 El. 11.
27 El. 15 11.

II. And be it further enacted by the authority aforeſaid, That from the firſt day of May next coming, it ſhall not be lawful to any perſon or perſons in any Port, City, Town, Market, or other place within this Realm, to ſet price, make any reſtraint, or take or demand Toll or Tax of any Sea-Fiſh to be brought into this Realm, or any part thereof, being taken by any of the Subjects aforeſaid in the Ships and other Veſſels of the ſame Subjects, upon pain to every perſon offending contrary to the meaning hereof, to forfeit the value of the Fiſh ſo reſtrained, prized, tolled or taken; any liberty, cuſtom, grant, priviledge, or other matter whatſoever to the contrary in any wiſe notwithſtanding.

None ſhall ſet price of, make reſtraint, or demand Toll of Sea-fiſh brought into this Realm.

III. Provided always, That this preſent Act, nor any thing therein contained, ſhall be prejudicial or hurtful to the Mayor and Burgeſſes of the Kings Town upon Hull, or their Succeſſors, Mayors and Burgeſſes of the ſame Town, or to any other Officer or Miniſter of the ſame Town at any time hereafter, but that they and every of them may receive, have, and take all and every ſuch Toll, Cuſtoms, and Sums of Money of all and every ſuch perſon and perſons, as is limited, appointed, and ſet forth by them to be taken, in an Act of Parliament made in the Three and thirtieth year of the Reign of our late Sovereign Lord King Henry the Eighth: And that neither the ſaid Mayor and Burgeſſes of Kingſton upon Hull, nor any Inhabitant there, or any of them, ſhall take any advantage of the Article of this Eſtatute, for the carriage of any Herrings or ſalted Fiſh to any the parts beyond the Seas; Any thing in this preſent Act mentioned, contained, ſpecified or declared, in any wiſe to the contrary notwithſtanding.

Proviſo for the Mayor, &c. of Kingſton upon Hull.

33 H. 8. 33.

IV. Be it alſo enacted by the authority aforeſaid, That no Purveyor or other perſon whatſoever, ſhall from the ſaid firſt day of May, by virtue of any Commiſſion, or otherwiſe, take any Herring or Sea-Fiſh from any of the Subjects aforementioned, that ſhall take the ſame in the Ships or other Veſſels of the ſaid Subjects, as is aboveſaid, otherwiſe then by agreement of the owners or ſellers of the ſame Fiſh, upon pain for every Purveyor, and other perſon whatſoever, offending contrary to the tenour of this Act, to forfeit the double value of the Herrings or Fiſh ſo to be taken: (2) And it ſhall be lawful for any perſon, being owner or ſeller of any ſuch Sea-Fiſh ſo taken, as is aforeſaid, to withſtand any perſon that will (by any colour of purveying or otherwiſe) demand any ſuch Fiſh, or the Toll of any ſuch Fiſh, without the good will of the owner or ſeller, as aforeſaid.

No Purveyors ſhall take any Sea-fiſh of any that ſhall take the ſame in any Subjects ſhip.

V. Provided, That the Fiſh, called Compoſition-Fiſh, heretofore granted to the Queens Majeſty by the Subjects of this Realm travelling into Iſland, ſhall be taken by her Majeſties Officers and Purveyors, in ſuch ſort as the ſame hath been lawfully uſed to be taken before the making of this Act, (2) and ſaving to the Queens Majeſty, her Heirs and Succeſſors, and to all other perſons, ſuch Fiſhes as be known and uſed to be called Regal Fiſhes, whereunto her Majeſty, or the ſaid other perſons have, or ſhall have, right or intereſt, for ſuch recompence as heretofore hath been accuſtomed.

A proviſo for compoſition-fiſh.

Regal fiſhes.

VI. And be it further enacted by the authority aforeſaid, That from the firſt day of April, which ſhall be in the year of our Lord God, MDLXIV. it ſhall not be lawful to any perſon or perſons, to buy of any ſtranger born out of the Queens Majeſties obeyſance, or out of any ſtrangers Botttom, any Herring, being not ſufficiently ſalted, packed, and caſked, upon pain to every perſon and perſons ſo buying to forfeit the Herrings ſo by him or them to be bought, or the value thereof.

No Herring ſhall be brought forth of a ſtrangers bottom, which is not ſalted, packed, and caſked ſufficiently.

VII. Provided always, That this branch of this Act ſhall not extend to any Herrings to be bought, which by reaſon of ſhipwrack ſhall be brought into this Realm, but that it ſhall be lawful

A proviſo for Herrings brought into

this Realm by ſhipwrack.

lawful to all and every perſon and perſons, to buy all ſuch Herrings ſo brought by ſhip-wrack, as aforeſaid, as he or they lawfully might have done before the making of this Act; any thing in this Act contained to the contrary in any wiſe notwithſtanding.

No wares may be carried from one Port in this Realm to another in a ſtrangers ſhip.

VIII. Be it alſo further enacted by the authority aforeſaid, That from the Feaſt of Saint John Baptiſt next enſuing, it ſhall not be lawful to any perſon or perſons, to cauſe to be loaden and carried in any Bottom or Bottoms whereof any ſtranger or ſtrangers born then by owners, ſhipmaſters, or part owners, any kind of fiſh, victual, wares, or things of what kind or nature ſoever the ſame ſhall be, from one Port or Creek of this Realm, to another Port or Creek of the ſame Realm, (2) upon pain to every one that ſhall offend contrary to the true meaning of this branch of this preſent Act, to forfeit all the goods ſo laden or carried, or the the value thereof.

1 Eliz. 13. St. 13 Eliz. 15.

IX. And that from henceforth all Engliſh Hoyes and Plats may croſs the Seas, as far as Cane in Normandy, and Eaſtward as far as Norway; the Statute made in the Firſt year of the Queens Majeſties Reign, to the contrary hereof notwithſtanding.

All Cod and Lings muſt be brought unto this Realm looſe and not in barrels.

X. And foraſmuch as there is much deceitful packing uſed in Cod and Lings brought in Barrels, or other Caſks into this Realm, (2) Be it therefore enacted by the authority aforeſaid, That from and after the firſt day of April, in the year of our Lord God M.D.LXIV. it ſhall not be lawful to any perſon or perſons, to bring into this Realm any Cod or Lings in Barrels, or other Caſks, but looſe in bulk, and by tale, to be ſold within this Realm, (3) upon pain for every one that ſhall offend contrary to the tenour hereof, to forfeit all the Cod and Ling ſo to be brought in, or the value thereof.

Exp. St. 13 El. 11. St. 3 Car. 4. St. 21 Jac. 28. No Wine ſhall be brought forth of France, nor any Woad brought into this Realm, but in Engliſh ſhipping. 5 Ed. 6. 18. 4 H. 7. 10. 5 R. 2. 3.

XI. And be it further enacted, That from the Feaſt of Saint Michael the Archangel next following, no perſon or perſons whatſoever, ſhall bring into this Realm of England, or any part of the ſame, any Wine coming out of any the Dominions or Countries belonging to the Crown of France, or any Woad called Tholouſe-Woad, in any other Veſſel or Veſſels, but only in ſuch Veſſel and Veſſels, whereof ſome Subject or Subjects of the Queens Majeſty, her Heirs or Succeſſors, ſhall be then only owner, or part owner, (2) upon pain to forfeit all Wines and Woad brought contrary to the meaning hereof, according to the meaning of an Eſtatute made in the time of the Reign of King Henry the Seventh, concerning Wine of the Dutchy of Gaſcoign and Guyen, (except that there may be brought into Wales, or any Port within the County of Monmouth, Rochel Wines.)

Owners of Ships, Fiſhers on the Sea, Gunners and Shipwrights, may take Apprentices.

XII. Be it alſo enacted by the authority aforeſaid, That from henceforth it ſhall be lawful to all and every owner and owners of Ships or Veſſels, and to every houſholder, uſing and exerciſing the Trade of the Seas by Fiſhing, or otherwiſe, and to every Gunner or Gunners, commonly called Cannoneers, and to every Shipwright, to take and keep one or more Apprentice or Apprentices to be brought up in the ſaid Trade or Trades, every of the ſame Apprentice or Apprentices to be to them bound for ten years or under: (2) And every Apprentice ſo taken, being above ſeven years of age, ſhall be by the ſame Covenants bound, ordered, and uſed to all intents, according to the Cuſtom of the City of London: ſo that the ſame Covenant or Bond of Apprentiſhip be made by writing indented, and inrolled in the Town where the ſame Apprentice ſhall be then inhabiting, if it be a Town-corporate, and if the Town be not incorporate, then to be inrolled in the next Town incorporate to the habitation of every ſuch Apprentice: (3) And that the Officers of every ſuch Town-corporate, ſhall take for every ſuch Inrolment not above twelve pence; any Law, Statute, or other matter whatſoever to the contrary notwithſtanding.

A repeal of part of the Stat. of 5 & 6 Ed. 6. 14. made againſt Regrators, &c.

XIII. And be it further enacted, That ſo much of the Statute made in the Fifth and Sixth years of the late King Edward the Sixth, intituled, An Act againſt Regrators, Foreſtallers and Ingroſſers, and ſo much of all other Eſtatutes againſt Regrators, Foreſtallers and Ingroſſers, as doth and may concern the buying of Sea-fiſh unſalted, or mudde Fiſh, or any Wine, Oyl, or Salt, to be taken and brought in any Engliſh Subjects Ships, Crayers or other Veſſel, unto any Port, Creek or place of this Realm, ſhall from henceforth to all intents, conſtructions, and purpoſes, be utterly repealed and void, for ſo much of the ſaid Oyls, Wine, Sea-fiſh, mudde-fiſh, and Salt, as any buyer or buyers upon the Sea, by way of Foreſtalling or Regrating, ſhall and do bring and diſcharge in any Port or Haven within this Realm.

Every wedneſday ſhall be fiſh-day. Exp. St. 17 El. 1. St. 3 Car. 4.

XIV. And for the increaſe of proviſion of Fiſh by the more uſual and common eating thereof, Be it further enacted by the authority aforeſaid, That from the Feaſt of St. Michael the Archangel, in the year of our Lord God M.D.LXIV. every Wedneſday in every week throughout the whole year, which heretofore hath not by the Laws or Cuſtoms of this Realm been uſed and obſerved as a Fiſh day, and which ſhall not happen to fall in Chriſtmas week, or Eaſter week, ſhall be hereafter obſerved and kept, as the Saturdays in every week be or ought to be: (2) And that no manner of perſon ſhall eat any fleſh on the ſame day, otherwiſe then ought to be upon the common Saturday.

All fiſh-days ſhall be obſerved.

Forfeiture of three pound, or three months cloſe impriſonment, for eating of fleſh upon days prohibited. Alt. 25 El. 7.

XV. And be it further enacted by the authority aforeſaid, for the benefit and commodity of this Realm, to grow as well in maintenance of the Navy, as in ſparing and increaſe of fleſh victual of this Realm, That from and after the Feaſt of Pentecoſt next coming, it ſhall not be lawful to any perſon or perſons within this Realm, to eat any fleſh upon any days now uſually obſerved as Fiſh-days, or upon any Wedneſdays now newly limited to be obſerved as Fiſh-day, (2) upon pain that every perſon ſo offending herein, ſhall forfeit three pound for every time he or they ſhall offend, or elſe ſuffer three months cloſe impriſonment without bail or mainpriſe.

Forfeiture of a houſholder where fleſh is eaten.

How the forfeiture ſhall be beſtowed.

XVI. And every perſon or perſons within whoſe houſe any ſuch offence ſhall be done, and being privy or knowing thereof, and not effectually publiſhing or diſcloſing the ſame to ſome publick Officer, having authority to puniſh the ſame, for every ſuch offence to forfeit forty ſhillings; (2) All which forfeitures for not abſtaining from meats, ſhall be divided into three equal parts; that is, one part to the uſe of the Queens Majeſty, her Heirs or Succeſſors, the other part to the Informer, the third to the common uſe of the Pariſh where the offence is or ſhall be committed, and to be levied by the Churchwardens, after any conviction in that behalf.

XVII. Provided always, and be it enacted, That this Act, nor any thing herein contained concerning eating of fleſh, ſhall in any wiſe extend to any perſon or perſons that ſhall hereafter have any ſpecial licence, upon cauſes to be contained in the ſame Licence, and to be granted according to the Laws of this Realm in ſuch caſes provided;

A proviſo for them which have Licences to eat fleſh.

XVIII. All and every which ſaid Licence and Licences ſhall be void to all intents, unleſs the ſame contain the Conditions hereafter mentioned; that is to ſay, every Licence made to any perſon or perſons being of the degree of a Lord of Parliament, or of their Wives, ſhall be upon condition, that every ſuch perſon ſo to be licenſed, ſhall pay to the poor mans Box within the Pariſh where they ſhall dwell or remain, in the Feaſt of the Purification of the bleſſed Virgin Mary, or within ſix days after the ſame Feaſt, Six and twenty ſhillings and eight pence, the ſame to be paid within one month next after the ſame Feaſt, upon pain of forfeiture of every ſuch Licence. (2) And every Licence to any perſon of the degree of a Knight, or a Knights Wife, ſhall be upon condition, that every ſuch perſon ſo licenſed, ſhall pay yearly Thirteen ſhillings and four pence, to the uſe aforeſaid, and in form aforementioned. (3) And every Licence to any perſon or perſons being under the degrees aboveſaid, ſhall be upon condition, that every ſuch perſon ſo licenſed, ſhall pay yearly Six ſhillings and eight pence to the ſaid uſe, and in form aforementioned.

How much every perſon ſhall pay for his Licence.

XIX. Provided always, That no Licence ſhall extend to the eating of any Beef at any time of the year, nor to the eating of any Veal in any year, from the Feaſt of Saint Michael the Archangel, unto the firſt day of May.

XX. Provided alſo, That all perſons which by reaſon of notorious ſickneſs ſhall be enforced for recovery of health to eat fleſh for the time of their ſickneſs, ſhall be ſufficiently licenced by the Biſhop of the Dioceſs, (2) or by the Parſon, Vicar or Curate of the Pariſh where ſuch perſon ſhall be ſick, or of one of the next Pariſh adjoyning, if the ſaid Parſon, Vicar, or Curate of his or their own Pariſh be wilful, or if there be no Curate within the ſame Pariſh; (2) which Licence ſhall be made in writing ſigned with the hand of the Biſhop of the Dioceſs, or of the Parſon, Vicar or Curate, and not endure longer then the time of the ſickneſs: (3) And that if the ſickneſs ſhall continue above the ſpace of eight days after ſuch Licence granted, then the Licence ſhall be regiſtred in the Church Book, with the knowledge of one of the Churchwardens, (5) and the party licenſed ſhall give to the Curate Four pence for the entry thereof, and that Licence to endure no longer, but only for the time of his, her, or their ſickneſs.

Licences in times of ſickneſs.

XXI. And if any Licence by any Parſon, Vicar or Curate, be granted to any perſon or perſons, other then ſuch as evidently appear to have need thereof, by reaſon of their ſickneſs, not only every ſuch Licence ſhall be void, but alſo every ſuch Parſon, Vicar or Curate, ſhall forfeit for every ſuch Licence otherwiſe granted, Five marks.

XXII. Provided alſo, and be it enacted, That all Licences heretofore granted to any Subject of this Realm, by any of the late Kings, or by the late Queen Mary, or the Queens Majeſty now being, or by any Archbiſhop of this Realm, having authority ſo to do, ſhall be of as good force in Law for the Wedneſday now limited, and other accuſtomed Fiſh-days, as they were before the making of this Act for the ſaid other accuſtomed fiſh-days, ſo as the parties licenſed, do hereafter obſerve all ſuch conditions as be limited in this Eſtatute to ſuch as ſhall hereafter obtain any Licences.

The Licences granted to any perſons before the making of this Act, ſhall extend to the Wedneſdays.

XXIII. And ſuch perſons alſo as heretofore were or ought to be licenced by reaſon of age, or other impediment or cauſe, by order of the Eccleſiaſtical Laws, ſhall enjoy the ſame priviledge and accuſtomed Licences; Any thing in this Act to the contrary hereof in any wiſe notwithſtanding.

Licences by the Law Eccleſiaſtical.

XXIV. And be it enacted by the authority of this preſent Parliament, That no forfeiture of Ship, Crayer or other Veſſel, or of any apparel of the ſame, nor any other penalty or forfeiture, ſhall be extended or grow againſt any Owner or Owners of any Ship, Crayer, or other Veſſel, for the tranſporting or carrying of any Wheat or other Corn, or things prohibited by the Eſtatute made in the Parliament holden the firſt and ſecond years of King Philip and Queen Mary, unleſs the ſame Owner or Owners ſhall be witting, knowing, aiding, or conſenting to the prohibiting, tranſporting or carrying; The ſaid Statute, or any thing therein mentioned to the contrary hereof in any wiſe notwithſtanding.

1 & 2 P & M. 5.
In what only caſe the owner of a ſhip ſhall forfeit for tranſporting of corn.
Exp. St. 1 Jac. 25.
Stat. 21 Jac. 28.
Stat. 3 Car. 4.

XXV. And be it further enacted by the authority of this preſent Parliament, That all and every perſon and perſons, which be or ſhall be by the Laws and Eſtatutes of this Realm, or otherwiſe authoriſed to ſell Wines by retail, in the ſeveral Counties and places where they be or ſhall be ſo authoriſed, ſhall and may from henceforth ſell the ſaid Wines by pint, quart, pottle, gallon, or otherwiſe at ſuch price or prices, and in ſuch form as ſhall be limited by the Queens Majeſties Proclamation in that County or place, made with the aſſent of ſuch Lords and other perſons, as by the Statute made in the xxviij. year of the Reign of King Henry the Eighth, were authoriſed to ſet price upon Wines in groſs, without any pain or forfeiture for the ſame; Any Law, Uſage, or Eſtatute heretofore made or had to the contrary hereof in any wiſe notwithſtanding.

Wines ſhall be ſold at ſuch prices as ſhall be limited by the Queens Proclamation,
28 H. 8. 14.

XXVI. And be it further enacted by the authority of this preſent Parliament, That from and after the Feaſt of Saint Michael the Archangel next coming, it ſhall be lawful to all and every perſon and perſons, being Subjects to the Queens Majeſty, her Heirs and Succeſſors only out of ſuch Ports and Creeks, as by the Queens Majeſties Proclamation hereafter ſhall be publiſhed and appointed, and not elſewhere, to load, carry, or tranſport, any Wheat, Rye, Barley, Malt, Peace or Beans, into any Parts beyond the Seas, to ſell as a Merchandiſe, in Ships, Crayers, or other Veſſels, whereof any Engliſh-born Subjects then ſhall be the only Owners, (2) ſo that the price of the ſaid Corn or Grain ſo carried or tranſported, exceed not the prices hereafter following, at the times, havens and places where and when the ſame Corn or Grain ſhall be ſhipped and laden; viz. The quarter of Wheat at ten ſhillings; (3) the quarter of Rye, Peaſe or Beans; at eight ſhillings; (4) the quarter of Barley or Malt at ſix ſhillings eight pence of current money of England; Any Law, Uſage or

When and upon what prices and conditions each perſon may tranſport corn.
Alc. 1 Jac. 25.
21 Jac 28.
3 Car. 4.

Eſtatute heretofore made to the contrary hereof in any wiſe notwithſtanding.

The Statute of 18 H. 6. 19. ordained againſt Souldiers ſhall extend to Mariners and Gunners.

XXVII. And where doubt hath heretofore been, whether the Statute in the eigteenth year of the Reign of King Henry the Sixth, heretofore made againſt Souldiers retained which depart from their Captains without licence, did or ought to extend unto Mariners and Gunners ſerving on the Seas, taking wages of the King or Queen of this Realm, (2) Be it expreſſed, ordained, enacted and declared by authority of this preſent Parliament, That the ſaid Eſtatute made in the ſaid eighteenth year of the Reign of King Henry the Sixth, in all pains, forfeitures, and other things, did, doth, and hereafter ſhall extend, as well to all and every Mariner and Gunner having taken, or that ſhall hereafter take preſt or wages to ſerve the Queens Majeſty, her Heirs or Succeſſors, to all intents and purpoſes, as the ſame did or doth unto any Souldier; Any diverſities of opinion, doubt, matter or thing to the contrary hereof notwithſtanding.

In what caſes and places the Statute of 24 H. 8. 4. provided for the ſowing of Hemp and Flax, ſhall be revived. Rep. 35 Eliz. 7.

XXVIII. And where an Eſtatute concerning ſowing of Flax and Hemp, was made and provided in the Parliament holden in the three and twentieth year of the Reign of our late Sovereign Lord King Henry the Eighth, to be univerſal through every County of this Realm, for the better proviſion of Nets, for help and furtherance of Fiſhing, and for eſchewing of idleneſs,

XXIX. Be it ordained and enacted by authority of this preſent Parliament, That in every ſuch County of this Realm, or part of ſuch County, where by the Queens Majeſties Proclamation it ſhall hereafter be publiſhed, the ſaid Eſtatute to be commodious or profitable for the Commonwealth, the ſaid Eſtatute, and every Clauſe, Article and Proviſion therein contained, be and ſhall be revived, and ſtand in full force and ſtrength to be executed and performed, from the Feaſt of Saint Michael the Archangel next coming, in all things other then in the proportion of a Rood or fourth part of an Acre, and in the pain of three ſhillings and four pence, by the ſaid Eſtatute limited: (2) In place whereof, Be it ordained and enacted by the authority aforeſaid, that in every caſe and degree where by the ſaid former Eſtatute, one Rood or fourth part of an Acre is limited to be ſown with Lin-ſeen, otherwiſe Flax-ſeed, or Hemp-ſeed, from the ſaid Feaſt of Saint Michael the Archangel next coming: in ſtead and lieu of the ſaid Rood or fourth part of an Acre, one whole Acre or leſs, as by Proclamation in form aforeſaid ſhall be limited, ſhall be ſown with Lin-ſeed, otherwiſe Flax-ſeed or Hemp-ſeed, upon pain of forfeiture of Five pounds for every ſuch default or offence.

Which Magiſtrates ſhall enquire of, hear and determine the offences aforeſaid. 28 H. 8. 15.

XXX. And further, Be it ordained and enacted by the authority aforeſaid, That all and every of ſuch offences before mentioned, as hereafter ſhall be done on the main Sea, or coaſts of the Sea, being no part of the body of any County of this Realm, and without the precinct, juriſdiction and liberties of the Cinque Ports, and out of any Haven or Pier, ſhall be tryed and determined before the Lord Admiral of England or his Lieutenant, Deputy or Deputies, and other Juſtices of Oyer and Terminer, according to the form of the ſaid Eſtatute of Anno 28 Henrici 8. for cauſes of Piracy: (2) And if the ſame ſhall be done on the main Sea, or coaſts of the Sea, within the juriſdiction or liberty of the Cinque Ports, and out of any Haven or Port, then the ſame to be tried and determined before the ſaid Lord Warden of the ſaid Cinque Ports, or his Lieutenant or Judge, or before Juſtices of Oyer and Terminer, according to the true form of the ſaid Eſtatute of Anno 28 Henrici 8. for the cauſes of Piracy: (3) And for all and ſingular ſuch other of the offences before mentioned, as ſhall be done in the Land, or within any Haven or Pier, all Juſtices of Peace in their Seſſions, and Mayors, Sheriffs and Bailiffs, and other Head-Officers' in Cities and Towns-corporate, in their Seſſions, or other Courts within the limits of their Commiſſions or Authorities, ſhall have full power and authority to enquire of the offenders of this Act, as well by the Oaths of twelve men, as otherwiſe by information, and thereupon to hear and determine the ſame.

Who ſhall have the benefit of all the forfeitures aforeſaid.

XXXI. And if any perſon or perſons ſhall be preſented before the ſaid Judges, Juſtices or Officers, within the limits of their Authorities, or any information given to them of any offender of this Act, that then they ſhall have full power and authority upon any ſuch preſentment or information, to make Proceſs againſt the offenders of this Act, like as is commonly uſed upon indictment of Treſpaſs: (2) And if any be preſented, and afterward be convicted, by confeſſion or otherwiſe, that then every ſuch perſon ſhall ſuffer no leſs forfeiture or puniſhment then herein is before limited: (3) All which forfeitures to be levied in manner and form following; That is to ſay, ſuch forfeitures concerning eating of Fleſh, as are before limited to certain uſes, to be to the ſame uſes in that behalf before expreſſed; (4) and all ſuch forfeitures as according to the tenour of this Act ſhall be determinable before the ſaid Judges, Juſtices, or other Officers of the Admiralties aforeſaid, or before Commiſſioners of Oyer and Terminer in that behalf, ſhall be to the uſe of the Lord Admiral of England, or Lord Warden of the Cinque-Ports where ſuch offence ſhall be preſented, or where as the juriſdiction of the cauſe ſhall appertain:

XXXII. And all ſuch forfeitures as according to the tenour of this Act, ſhall be determinable before the Mayors, Sheriffs, Bailiffs, or other Head-Officers of Cities or Towns-corporate, ſhall be to the common uſe of the Corporation of the ſaid City or Town-corporate where ſuch offences ſhall be preſented, or whereas the juriſdiction of the Cauſe ſhall appertain.

XXXIII. And all ſuch forfeitures as according to the tenour of this Act, ſhall be determinable before the Juſtices of the Peace, ſhall be to the uſe of the Queens Majeſty, her Heirs and Succeſſors: (2) And if any perſon ſhall be convict by confeſſion, or otherwiſe upon any information made by any perſon or perſons, againſt any offender or offenders of this Act, in any cauſe (ſave for the eating of Fleſh firſt before ſpecially limited) that then every ſuch perſon ſo convict upon any information, ſhall loſe ſuch forfeiture as is before limited; the one half to ſuch as ſhall make the information, and the other half to thoſe which upon preſentment without ſpecial information, are before limited to have the whole forfeiture.

XXXIV. And that for the levying of every forfeiture growing by this Eſtatute, as well the ſaid Lord Admiral of England, Lord Warden of the Cinque Ports, their Lieutenants and

Judges, as the ſaid Juſtices, Mayors, Sheriffs, Bayliffs, and other Head-Officers within the limits of their Commiſſions or Authorities, have and ſhall have full power and authority to make ſuch Proceſs as they ſhall think good by their diſcretions.

What Proceſs ſhall be awarded againſt offenders.

XXXV. Provided always, That none information at the ſuit of any perſon concerning this Act, ſhall be of any effect to put any perſon to anſwer or loſs of forfeiture, except the ſaid information be commenced within half a year next after the offence done contrary to this Act; (1) nor that any information or preſentment for the Queens Majeſty, her Heirs or Succeſſors, or for the Admiral, Warden of the Cinque Ports, Mayors or other Officers aforeſaid, be of any effect, to put any perſon to any anſwer or loſs of any forfeiture by virtue of this Act, except the ſaid information or preſentment be within one year next after the offence done and committed contrary to this Act.

Within what time an information ſhall be made after the offence committed

XXXVI. Provided, and be it likewiſe enacted, That it ſhall be lawful to any perſon or perſons, to have at his or their Table, upon every Wedneſday being ordered by this Eſtatute to be obſerved as a Fiſh-day, one only uſual competent Diſh of Fleſh of one kind, and no more, ſo that he, ſhe, or they have alſo ſerved to the ſame Table and Meat at the ſame Meal, three full competent uſual Diſhes of Sea-fiſh of ſundry kinds, either freſh or ſalt, and that without fraud or covin, and ſo ſhall alſo order that the ſame Fiſh be meet and ſeaſonable, and that it ſhall be eaten or ſpent in like manner as upon Fridays or Saturdays in like caſe are uſed.

What diet each perſon muſt have upon his Table on the Wedneſday, which ſhall have licence to eat Fleſh.

XXXVII. And alſo ſuch perſons as have, or hereafter ſhall have, upon good and juſt conſideration, any lawful licence to eat Fleſh upon any Fiſh day (except ſuch perſons as for ſickneſs ſhall for the time be licenſed by the Biſhop of the Dioceſs, or by their Curates, or ſhall be licenſed by reaſon of age, or other impediment, allowed heretofore by the Eccleſiaſtical Laws of this Realm) ſhall be bound by force of this Statute, to have for every one Diſh of Fleſh ſerved to be eaten at their Table, one uſual Diſh of Sea-fiſh, freſh or ſalt, to be likewiſe ſerved at the ſame Table, and to be eaten or ſpent without fraud or covin, as the like kind is or ſhall be uſually eaten or ſpent on Saturdays.

XXXVIII. And that theſe two Articles and Clauſes next above, ſhall be taken and interpreted from time to time, in the favour of expence of Sea-fiſh, and that the offender or offenders herein, ſhall be puniſhed in like manner as is ordered by this Eſtatute, for puniſhment of ſuch as ſhall eat Fleſh upon Fridays, Saturdays, or other Fiſh-days.

XXXIX. And becauſe no manner of perſon ſhall miſ-judge of the intent of this Eſtatute, limiting orders to eat Fiſh, and to forbear eating of Fleſh, but that the ſame is purpoſely intended and meant politickly for the increaſe of Fiſhermen and Mariners, and repairing of Port Towns and Navigation, and not for any ſuperſtition to be maintained in the choice of Meats:

The intent of this Statute touching eating of Fiſh, and forbearing of Fleſh.

XL. Be it enacted, That whoſoever ſhall by preaching, teaching, writing, or open ſpeech notifie, that any eating of Fiſh, or forbearing of Fleſh mentioned in this Statute, is of any neceſſity for the ſaving of the ſoul of man, or that it is the Service of God, otherwiſe then as other politick Laws are and be; that then ſuch perſons ſhall be puniſhed as ſpreaders of falſe News are and ought to be.

Spreaders of falſe News.

XLI. Be it enacted in the favour of Fiſhermen and Mariners, haunting the Sea as Fiſhermen or Mariners, That none of them ſhall hereafter at any time be compelled againſt his or their will, to ſerve as any Soldiers upon the Land, or upon the Sea, otherwiſe then as a Mariner, except it ſhall be to ſerve under any Captain of ſome Ship or Veſſel, for landing to do ſome ſpecial Exploit, which Mariners have uſed to do; or under any other perſon having authority, to withſtand any Invaſion of Enemies, or to ſubdue any Rebellion within the Realm, and alſo except all ſuch perſons as by tenure, lawful cuſtom or covenant, be or ſhall be otherwiſe bound to ſerve.

Fiſhermen and Mariners ſhall not be compelled to ſerve as Soldiers, but in ſome caſes.

XLII. Provided always, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend to take away or diminiſh any liberty, priviledge, franchiſe, forfeiture or amerciament, fines, iſſues, wrecks of the Sea, or any other lawful inheritance or freehold, from any perſon or perſons, bodies politick or corporate, their heirs or ſucceſſors, for or touching any lawful liberty, authority or juriſdiction Admiral, or for conſervation of any Water that they or any of them now have lawfully, or hereafter ſhall have; any thing in the ſame to the contrary notwithſtanding.

A ſaving of the Liberties of all perſons.

XLIII. Provided always, and be it further enacted by the authority aforeſaid, That no Fiſhermen uſing or haunting the Sea, ſhall be taken by the Queens Majeſties Commiſſion, to ſerve her Highneſs as a Mariner on the Sea; but that the ſaid Commiſſion be firſt brought by her Highneſs Taker or Takers, to two Juſtices of Peace next inhabiting to the ſaid Sea-coſts, Towns or other Places where the ſaid Mariners are ſo to be taken, to the intent the ſaid Juſtices may chooſe out, and cauſe to be returned ſuch ſufficient number of able men, as in the ſaid Commiſſion ſhall be contained, to ſerve her Majeſty, as is aforeſaid:

In what caſes a Fiſherman ſhall be taken by Commiſſion to ſerve on the Sea as a Mariner.

XLIV. Saving always to the Cinque-Ports, and alſo to the Town of great Yarmouth, all ſuch lawful liberties as they juſtly have before the making of this Act, touching the Free Fair kept at Yarmouth, other then in buying of Strangers, and taking of Toll, as the ſame be before prohibited.

The Liberties of the five Ports and great Yarmouth in ſome caſes reſerved.

XLV. Provided always, That any thing in this Act contained, ſhall not be hurtful or prejudicial to any authority, ſtile, preheminence, dignity or juriſdiction belonging to the Office of the Lord Warden of the Cinque-Ports.

The Authority of the Lord Warden of the Cinque Ports.

XLVI. Provided always, That it ſhall and may be lawful to and for any perſon or perſons being Strangers born, to bring yearly in any Ship, Bottom or Veſſel whereof any Stranger or Strangers born, is or ſhall be Owner or Owners, into the Havens, Ports and Towns of the Iſle of Man, or into any of them, any of the Wines made in any of the Dominions or Countries belonging to the Crown of France; and in the ſame Ports and Towns, or any of them, to diſcharge the ſaid Wines ſo to be brought, ſo that there be not brought

What Wine may be brought in Strangers Ships into the Iſle of man.

and diſcharged by the ſame ſtrangers, in any ſuch ſtrangers Ships, Bottoms or Veſſels, in any one year, in or at the ſaid Havens, Ports and Towns, or any of them, above one hundred Tons at the moſt; This Act, or any thing therein contained to the contrary thereof notwithſtanding.

Wine brought in Strangers Ships into Chepſtow,

XLVII. Provided alſo, That it ſhall and may be lawful to and for any perſon or perſons being ſtrangers born, to bring yearly in any Ship, Veſſel or Bottom, whereof any ſtranger or ſtrangers born, is or ſhall be owner or owners, into the Haven, Port and Town of Chepſtow in the County of Monmouth, any Wines made in any of the ſaid Dominions or Countries belonging to the ſaid Crown of France, over and beſides all Rochel Wines heretofore in this Act allowed to be brought, and in the ſame Port and Town to diſcharge the ſaid Wines, ſo that there be not brought and diſcharged by the ſame ſtrangers, in any ſuch ſtrangers Ships, Bottoms, or Veſſels, in any one year, in or at the ſaid Haven, Port and Town, above one hundred Tons at the moſt; This Act, or any thing therein contained to the contrary notwithſtanding.

What Wine may be brought in Strangers Ships into Wales and Newport,

XLVIII. Provided alſo, That it ſhall and may be lawful to and for any perſon or perſons being ſtrangers born, to bring yearly in any Ship, Veſſel or Bottom, whereof any ſtranger or ſtrangers born, is or ſhall be Owner or Owners, into the Havens, Ports and Towns of Cardiff, Canarvan, Bewmarris, and other Havens, Ports and Towns of South-Wales, and North-Wales, or any of them; and into the Haven, Port and Town of Newport in the ſaid County of Monmouth, any of the ſaid Wines made in any of the ſaid Dominions or Countries belonging to the ſaid Crown of France, over and beſides all Rochel Wines heretofore in this Act allowed to be brought, and in and at the ſame Ports and Towns, or any of them, to diſcharge the ſaid Wines ſo to be brought, ſo that there be not brought and diſcharged by the ſame ſtrangers, in any ſuch ſtrangers Ships, Bottoms or Veſſels, in any one year, in or at the ſaid Havens, Ports and Towns, or any of them, above one hundred Tons at the moſt; This Act, or any thing therein contained to the contrary thereof notwithſtanding:

A ſaving of the Queens Duties.

XLIX. Saving unto the Queens Majeſty, her Heirs and Succeſſors, all ſuch duties and things which her Highneſs, her Heirs and Succeſſors ought to have and enjoy, be anſwered and paid for the ſaid three hundred Tons of Wines mentioned in the three laſt Proviſoes, to be brought and diſcharged, as in the ſame three Proviſoes been mentioned and declared; Any thing in this Act to the contrary thereof notwithſtanding.

The Lord Admiral, &c. ſhall have no greater authority then he had before.

L. Provided alſo, and be it further enacted by the authority aforeſaid, That this Act, or any thing or things therein contained, ſhall not in any manner of wiſe extend to give unto the Lord Admiral of England for the time being, or to any his Vice-Admiral, Judge or Judges of the Admiralty, his or their Deputy or Deputies, or to any other the Officers or Miniſters of the Admiralty, or to any others having or claiming any Admiral power, juriſdiction or authority within this Realm and Wales or any other the Queens Dominions, any other power, right, juriſdiction, preheminence or authority, then he or they, or any of them lawfully have, hath or had, or ought to have or enjoy before the making of this Act, other then for ſuch of the offences ſpecified in this Act, as hereafter ſhall be done upon the main Sea, within the juriſdiction of the Admiralty; This Act, or any Article, Branch, Clauſe, Proviſion or thing therein contained to the contrary thereof notwithſtanding.

LI. This Act ſhall continue and endure until the end of ten whole years, to be accounted from the Feaſt of St. Michael the Archangel, which ſhall be in the year of our Lord God, 1564, and from thence to the end of the next Parliament then following the end of the ſaid ten years. Stat. 35 Eliz. 7. 39 Eliz. 18. 1 Jac. 25. 1 Jac. 29. 21 Jac. 28. 3 Car. 4.

CAP. VI.

Apparel. Raſt. 5.

Whoſoever ſhall ſell or deliver to any perſon (having not in poſſeſſion Lands or Fees, to the clear yearly value of 3000li.) any foreign Wares not firſt grown, or firſt wrought within the Queens Dominions, appertaining to the clothing or adorning of the Body, for which Wares, or the workmanſhip thereof, the Seller ſhall not have received the whole money, or ſatiſfaction in hand, or within eight and twenty days after the making or delivery thereof, the Seller, Maker, &c. ſhall be without all remedy by order of any Law, Cuſtom or Decree, to recover any recompence for ſuch Wares, or the workmanſhip, whatſoever aſſurance he ſhall have by bond, ſurety, promiſe, or pain of the party, or any other: And all aſſurances and bonds in that caſe ſhall be void. EXP. 38 Ed. 3. 5. 7 Jac. 12.

CAP. VII.

An Act avoiding divers Foreign Wares made by Handicraftmen beyond the Seas.

Merchants 3. No perſon ſhall bring into this Realm to be ſold, Girdles, Rapiers, Daggers, &c. ready wrought and made beyond the Seas.

WHereas heretofore the Artificers of this Realm of England (as well within the City of London, as within other Cities, Towns and Boroughs of the ſame Realm) that is to wit, Girdlers, Cutlers, Sadlers, Glovers, Pointmakers, and ſuch like Handicraftſmen, have been in their ſaid Faculties greatly wrought, and greatly ſet on work, as well for ſuſtentation of themſelves, their Wives and Families, as for a good education of a great part of Youth of this Realm, in good Art and laudable Exerciſe, beſides the manifold Benefits, that by means or by reaſon of their Knowledges, Inventions, and continual Travel, daily and univerſally came to the whole Eſtate of the Commonwealth of the ſaid Realm:

The ſeveral inconveniences of bringing wares ready wrought, into England.

II. Yet notwithſtanding, ſo now it is, that by reaſon of the abundance of Foreign Wares brought into this Realm from the Parts of beyond the Seas, the ſaid Artificers are not only leſs occupied, and thereby utterly impoveriſhed, the Youth not trained in the ſaid Sciences and Exerciſes, and thereby the ſaid Faculties, and the exquiſite knowledges thereof, like in ſhort time within this Realm to decay; but alſo divers Cities and Towns within this Realm of England much thereby impaired, the whole Realm greatly endamaged, and other Countries notably enriched, and the people thereof well ſet on work, to their commodities and livings, in the Arts and Sciencies aforeſaid, and to the great diſcouragement of ſkilful Workmen of this Realm, being in very deed nothing inferiour to any Stranger in the Faculties aforeſaid.

III. For reformation whereof, Be it enacted by our Sovereign Lady the Queens Highneſs, and by the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons whatſoever, from or after the Feaſt of the Nativity of St. John Baptiſt now next enſuing, ſhall bring or cauſe to be brought into this Realm of England from the parts of beyond the Seas, any Girdles, Harneſs for Girdles, Rapiers, Daggers, Knives, Hilts, Pummels, Lockets, Chapes, Dagger-blades, Handles, Scabbards, and Sheaths for Knives, Saddles, Horſe-harneſs, Stirrups, Bits, Gloves, Points, Leather-laces or Pins, being ready made or wrought in any parts of beyond the Seas, to be ſold, bartred or exchanged, within this Realm of England or Wales, (2) upon pain to forfeit all ſuch Wares ſo to be brought contrary to the true meaning of this Act, in what hands ſoever they or any of them ſhall be found, or the very value thereof: The one half of the forfeiture to be to our Sovereign Lady the Queens Highneſs, her Heirs and Succeſſors, and the other moiety thereof to him or them that will ſeiſe the ſame, or ſue therefore in any Court of Record of the Queens Majeſty, her Heirs and Succeſſors, by Action of Debt, Bill, Plaint, Information or otherwiſe, where no Wager of Law, Eſſoin or Protection, ſhall be to him or them allowed. (3) This Act to continue and endure to the end of the next Parliament. 3 Car. 4. continued till the end of the firſt Seſſion of the next Parliament.

None ſhall bring into this Realm the Wares within mentioned ready wrought.
3 Ed. 4. 4.
1 R. 3. 12.
Star. 27 El. 11.

CAP. VIII.

No Butcher ſhall be a Tanner. Who only may be Tanners. The ſeveral duties of Tanners, Curriers and Shoemakers in ther Wares and Workmanſhips. Where, when, and by whom Leather ſhall be ſearched, ſealed and ſold. Oaks ſhall be felled in barking time only. A reſtraint of tranſporting of Leather. A repeal of the Statutes of 25 Ed. 3. 4. 13 R. 2. 12. 4 H. 4. 35. 2 H. 6. 7. 4 Ed. 4. 7. 1 H. 7. 5. 19 H. 7. 19. 3 H. 8. 10. 5 H. 8. 7. 14 H. 8. 9. 22 H. 8. 6. 24 H. 8. 1. 2 & 3 Ed. 6. 9. 1 Eliz. 18. 3 & 4 Ed. 6. 9. of part of the 5 & 6 Ed. 6. 15. 1 Eliz. 8. & 9. made touching Tanners, Curriers and Shoemakers, their Wares and Workmanſhip. REP. 1 Jac. 22.

Cordwainers,
Raſt. 21.
3 Leonard 104.

CAP. IX.

An Act for puniſhment of ſuch perſons as ſhall procure or commit any wilful Perjury.

Where in the Parliament holden at Weſtminſter in the Two and thirtieth year of the Reign of the late King of famous memory, King Henry the Eighth, amongſt other things, It was ordained, enacted and eſtabliſhed, That no perſon or perſons of what eſtate, degree or condition ſoever he or they were, ſhould from thenceforth unlawfully ſuborn any witneſs or witneſſes, by Letters, Rewards, Promiſes, or any other ſiniſter labour or means, for to maintain any matter or cauſe, or to the diſturbance or hindrance of Juſtice, or to the procurement or occaſion of any manner of perjury by falſe verdict or otherwiſe, in any of the Kings Courts of Chancery, the Star-Chamber, the Whitehall, or elſewhere within any of the Kings Dominions of England or Wales, or the Marches of the ſame, where any perſon or perſons have or from thenceforth ſhould have authority by verdict of the Kings Commiſſion, Patent or Writ, to hold plea of Land, or to examine, hear or determine any title of Lands, or any matter or witneſſes concerning the title, right or intereſt of any Lands, Tenements, or Hereditaments, upon pain of forfeiture for every ſuch offence, Ten pound, the one moiety thereof to be to the King, and the other to the party that would ſue for the ſame, as by the ſame Eſtatute amongſt divers other things, more plainly it doth appear:

Perjury 1.
Witneſs 1.
What puniſhment ſhall be inflicted upon perſons who commit wilful perjury.
A rehearſal of the Statute of 32 H. 8. 2. 9. made againſt the ſubornation of witneſſes.
Hetley 12.
Godbolt 71. pl. 86.
Savill 43, 46.

II. Sithence the making whereof, for that the ſaid penalty is ſo ſmall towards the Offendors in that behalf, the ſaid offence of ſubornation, and ſiniſter procurement of falſe witneſſes, hath nevertheleſs greatly increaſed and augmented, (2) and by reaſon of the wilful perjury committed by the ſame ſuborned witneſſes, divers and ſundry of the Queens Majeſties Subjects have ſuſtained diſheriſon and great impoveriſhment, as well of their Lands and Tenements, as alſo of their Goods and Chattels:

III. Be it therefore enacted by our Sovereign Lady the Queen, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every ſuch perſon and perſons, which at any time after the tenth day of April next coming, ſhall unlawfully and corruptly procure any witneſs or witneſſes by Letters, Rewards, Promiſes, or by any other ſiniſter and unlawful labour or means whatſoever, to commit any wilful and corrupt perjury, (2) in any matter or cauſe whatſoever, now depending, or which hereafter ſhall depend in ſuit and variance, by any Writ, Action, Bill, Complaint or Information, (3) in any wiſe touching or concerning any Lands, Tenements or Hereditaments, or any Goods, Chattels, Debts or Damages, (4) in any of the Courts before mentioned, or in any of the Queens Majeſties Courts of Record, or in any Leet, view of frank-pledge or Lawday, ancient Demean Court, Hundred Court, Court-baron, or in the Court or Courts of the Stannery in the Counties of Devon and Cornwall, (5) or ſhall likewiſe unlawfully and corruptly procure or ſuborn any witneſs or witneſſes, which ſhall from and after the ſaid tenth day of April be ſworn to teſtifie In perpetuam rei memoriam, (6) that then every ſuch Offendor or Offendors, ſhall for his, hers, or their ſaid offence, being thereof lawfully convicted or attainted, loſe and forfeit the ſum of Fourty pounds.

3 Inſt. 163, 16 . 166.
Hull 22.
3 Bulſtr. 147.
2 Leond. 198.
3 Leond. 201.
The penalty for procuring of wilful perjury.
Coke pla. fol. 302, 367.
Raſt. pla. fo. 481.
Golsb. 191. pl. 140.

IV. And if it happen any ſuch Offendor or Offendors, ſo being convicted or attainted, as aforeſaid, not to have any goods or Chattels, Lands or Tenements, to the value of Fourty pounds, that then every ſuch perſon ſo being convict or attainted of any the offences aforeſaid, ſhall for his or their ſaid offence, ſuffer impriſonment by the ſpace of one half year, without bail or mainpriſe, and to ſtand upon the Pillory the ſpace of one whole hour, in ſome Market-Town next adjoyning to the place where the offence was committed, in open Market there, or in the Market Town it ſelf where the offence was committed.

V. And that no perſon or perſons being ſo convicted or attainted, to be from thenceforth received as a witneſs to be depoſed and ſworn in any Court of Record within any of the Queens Highneſs Dominions of England, Wales, or the Marches of the ſame, until ſuch time as the Judgment given againſt the ſaid perſon or perſons ſhall be reverſed by Attaint or otherwiſe, (2) and that upon every ſuch reverſal, the parties grieved, to recover his or their

2 Leond. 12.
3 Leond. 78.

damages againſt all and every ſuch perſon and perſons as did procure the ſaid judgment ſo reverſed to be firſt given againſt them or any of them, by Action or Actions to be ſued upon his or their Caſe or Caſes, according to the common courſe of the Laws of this Realm.

The penalty of him that doth commit wilful perjury. Coke pla. fol. 164, 165, 166.

VI. And be it further enacted by the authority aforeſaid, That if any perſon or perſons after the ſaid tenth day of April next coming, either by the ſubornation, unlawful procurement, ſiniſter perſwaſion, or means of any other, or by their own act, conſent or agreement, wilfully and corruptly commit any manner of wilful Perjury, by his or their depoſition in any of the Courts before mentioned, or being examined Ad perpetuam rei memoriam, that then every perſon and perſons ſo offending, and being thereof duly convict or attainted by the Laws of this Realm, ſhall for his or their ſaid offence, loſe and forfeit Twenty pounds, and to have impriſonment by the ſpace of ſix months without bail or mainpriſe; (2) and the Oath of ſuch perſon or perſons ſo offending, from thenceforth not to be received in any Court of Record within this Realm of England or Wales, or the Marches of the ſame, until ſuch time as the Judgment given againſt the ſaid perſon or perſons ſhall be reverſed by Attaint or otherwiſe: (3) And that upon every ſuch reverſal, the parties grieved to recover his or their damages againſt all and every ſuch perſon and perſons as did procure the ſaid Judgment ſo reverſed to be given againſt them or any of them, by Action or Actions to be ſued upon his or their Caſe or Caſes, according to the courſe of the common Laws of this Realm.

VII. And if it happen the ſaid offendor or offendors ſo offending, not to have any Goods or Chattels to the value of Twenty pounds; that then he or they to be ſet on the Pillory in ſome Market-place within the Shire, City or Borough where the ſaid offence ſhall be committed, by the Sheriff or his Miniſters, if it ſhall fortune to be without any City or Town-Corporate; (2) And if it happen to be within any ſuch City or Town-Corporate, then by the ſaid Head Officer or Officers of ſuch City or Town-Corporate, or by his or their Miniſters, and there to have both his Ears nailed, and from thenceforth to be diſcredited and diſabled for ever to be ſworn in any of the Courts of Record aforeſaid, until ſuch time as the Judgment ſhall be reverſed, and thereupon to recover his damages in manner and form before mentioned:

Who ſhall have the forfeitures, and by what means. Hetley, 75.

VIII. The one moiety of all which ſums of money, goods and chattels to be forfeited in manner and form aforeſaid, to be to the Queen our Sovereign Lady, her Heirs and Succeſſors; and the other moiety to ſuch perſon or perſons as ſhall be grieved, hindred or moleſted by reaſon of any the offence or offences before mentioned, that will ſue for the ſame by Action of Debt, Bill, Plaint, Information or otherwiſe, in any of the Queens Majeſties Courts of Record, in the which no Wager of Law, Eſſoin, Protection or injunction to be allowed.

Who ſhall have authority to hear and determine the offences aforeſaid.

IX. And be it alſo enacted by the authority aforeſaid, That as well the Judge and Judges of every of the ſaid Courts where any ſuch Suite is or ſhall be, and whereupon any ſuch perjury is or ſhall happen to be committed, as alſo the Juſtices of Aſſiſes and Goal-delivery in their ſeveral Circuits, and the Juſtices of Peace in every County within this Realm, or in Wales, at their Quarter Seſſions, both within the Liberties and without, ſhall have full power and authority, by vertue hereof, to enquire of all and every the defaults and offences perpetrated, committed, or done contrary to this Act, by inquiſition, Preſentment, Bill or Information before them exhibited, or otherwiſe, lawfully to hear and determine the ſame and thereupon to give judgment, award proceſs, and execution of the ſame, according to the courſe of the Laws of this Realm.

This Statute ſhall be proclaimed at all Aſſizes.

X. And be it further enacted by the authority aforeſaid, That the Juſtices of Aſſize of every Circuit within this Realm, or elſewhere within the Queens Dominions, ſhall in every County within their Circuits, two times in the year, that is to ſay, in the time of their Sittings, make open Proclamation of this Eſtatute, or of the effect thereof, to the intent no perſon or perſons ſhall be ignorant or miſcogniſant of the penalties therein contained.

This Act ſhall not extend to any Court Eccleſiaſtical.

XI. Provided alſo, That this Act, nor any thing therein contained, ſhall not extend to any Spiritual or Eccleſiaſtical Court or Courts within this Realm of England or Wales, or the Marches of the ſame; But that all and every ſuch offendor or offendors as ſhall offend in form aforeſaid, ſhall and may be puniſhed by ſuch uſual and ordinary Laws as heretofore hath been and yet is uſed and frequented in the ſaid Eccleſiaſtical Courts; Any thing in this preſent Act contained to the contrary in any wiſe notwithſtanding.

Proceſs ſerved upon witneſſes to teſtifie. 1 Leond. 122. March 18.

XII. Provided alſo, and be it further enacted by the authority aforeſaid, That if any perſon or perſons, upon whom any Proceſs out of any of the Courts of Record within this Realm or Wales, ſhall be ſerved to teſtifie or depoſe, concerning any Cauſe or Matter depending in any of the ſame Courts, (2) and having tendred unto him or them, according to his or their countenance or calling, ſuch reaſonable ſums of money for his or their coſts and charges, as having regard to the diſtance of the places, is neceſſary to be allowed in that behalf, (3) do not appear according to the tenour of the ſaid Proceſs, having not a lawful and reaſonable let or impediment to the contrary; (2) that then the party in making default, to loſe and forfeit for every ſuch offence, Ten pound, and to yield ſuch further recompence to the party grieved, as by the diſcretion of the Judge of the Court out of the which the ſaid Proceſs ſhall be awarded, according to the loſs and hindrance that the party which procured the ſaid Proceſs ſhall ſuſtain, by reaſon of the non-appearance of the ſaid witneſs or witneſſes; (5) the ſaid ſeveral ſums to be recovered by the party ſo grieved againſt the offendor or offendors by Action of Debt, Bill, Plaint, or Information, in any of the Queens Majeſties Courts of Records, in which no Wager of Law, Eſſoin or Protection to be allowed.

The authority to puniſh perjury, given by the Statute of 11 H. 7. 25. ſaved.

XIII. Provided always, That this Act, or any thing therein contained, ſhall not extend in any wiſe to reſtrain the power and authority given by Act of Parliament made in the time of King Henry the Seventh, to the Lord Chancellor of England, and others of the Kings Counſel for the time being, to examine and puniſh Riots, Routs, hainous Perjuries, and other offences and miſdemeanings; which Lord Chancellor, and others ſithence the making of the ſaid Act, have moſt commonly uſed to hear and determine ſuch matters in the Court of Weſtminſter, commonly called the Star-chamber; (2) nor to reſtrain the power or authority of the Lord Preſident and Council in the Marches of Wales, or of the Lord Preſident and Council in the North, nor of any other Judge, having abſolute power to puniſh Perjury before the making of this Eſtatute; (3) But that they and every of them ſhall and may proceed in the puniſhment of all offences heretofore puniſhable, in ſuch wiſe as they might have done, and uſed to do, before the making of this Act, to all purpoſes, ſo that they ſet not upon the offendor or offendors leſs puniſhment then is contained in this Act. (4) This Act to continue to the end of the next Parliament. 29 Eliz. 5. made perpetual. 1 Jac. 25. continued. 21 Jac. 28. made perpetual. Coke lib 5. fol. 50, 99. Dyer fol. 242, 302, 323.

CAP. X.

An Act reviving a Statute made Anno 21 H. 8. touching Servants imbezelling their Maſters Goods.

WHere in the Parliament holden at London the third day of November, in the one and twentieth year of the Reign of the late King of moſt famous and worthy memory King Henry the Eighth, and from thence adjourned to Weſtminſter, and there holden and continued by divers Prorogations unto the Diſſolution thereof, it was ordained and enacted among other things, That all and ſingular ſervants to whom any Caskets, Jewels, Money, Goods or Chattels, by his or their Maſter or Maſters ſhould from henceforth be delivered to keep, that if any ſuch Servant or Servants withdraw him or them from their ſaid Maſters or Miſtreſſes, and go away with the ſaid Caskets, Jewels, Money, Goods or Chattels, or any part thereof, to the intent to ſteal the ſame, and defraud his or their ſaid Maſters and Miſtreſſes thereof, contrary to the truſt and confidence to him or them put by his or their Maſters and Miſtreſſes; or elſe being in Service of his ſaid Maſters or Miſtreſſes, without the aſſent or commandment of his Maſters or Miſtreſſes, imbezel the ſame Caskets, Jewels, Money, Goods or Chattels, or any part thereof, or otherwiſe convert the ſame to his own uſe, with like purpoſe to ſteal it, that if the ſaid Caskets, Jewels, Money, Goods or Chattels that any ſuch Servant ſhall go away with, or which he ſhall imbezel, with purpoſe to ſteal it, as is aforeſaid, be of the value of Fourty ſhillings or above; That then the ſame falſe, fraudulent, and untrue act and demeanor, ſhould from thenceforth be deemed and adjudged Felony, and that he or they ſo offending, ſhould be puniſhed as other Felons for Felony committed, by the courſe of the Common Law, as by the ſaid Act among other things therein contained, more at large it doth and may appear:

Felony 10. 21 H. 8. 7.

II. Which ſaid Act, in the Parliament begun and holden at Weſtminſter the fifth day of October, in the firſt year of the Reign of the late Queen Mary, and there continued to the one and twentieth day of the ſame month, that is to ſay, in the firſt Seſſion of the ſame Parliament, by the general words of one Act then and there made, intituled, An Act repealing certain Treaſons, Felonies, and Præmunire, was from thenceforth utterly repealed and made void:

1 Mar. 1.

III. And foraſmuch as ſithence the repeal of the ſame, the Act is thought neceſſary for the Common-wealth of this Realm, (2) Be it therefore enacted by our Sovereign Lady the Queens Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid Act made in the One and twentieth year, and every Clauſe, Article, Branch, Sentence, and Proviſion therein contained, be from henceforth revived, and put in due execution, according to the intent and meaning thereof, and from thenceforth ſhall ſtand good, and continue for ever. Stat. 27 H. 8. 17.

A reviver of the Statute of 21 H. 8. 7 whereby it is made felony for a ſervant to imbezel his maſters goods to the value of xl. s. or above.

CAP. XI.

An Act againſt the clipping, waſhing, rounding, and filing of Coins.

WHereas the offences of clipping, rounding, waſhing and filing of Money or Coins of this Realm, was declared by an Act of Parliament in the time of King Henry the Fifth, to be Treaſon to the King and the Realm, and according to the ſaid Act, the ſame offences were and did continue Treaſon until the firſt year of the Reign of Queen Mary; At which time the pains and penalties due for the ſaid offences, were abrogated and taken away by the general Act of repeal then made; (2) By reaſon whereof, divers falſe and evil diſpoſed perſons, perceiving themſelves to be looſe and free from the ſeverity and danger of the ſaid Law and penalty, have been of late the more hardy and bold, to attempt and practiſe, for wicked lucre and gains ſake, to diminiſh, impair and falſifie the Moneys and Coins currant within this Realm, and the Dominions of the ſame, by ſuch clipping, waſhing, rounding and filing thereof, not only to the great diſhonour of the Queens Majeſty our Sovereign Lady that now is, by whoſe great goodneſs new Moneys or Coins of the ſame are now reduced to as much fineneſs as ever hath been in any time of her noble Progenitors, but alſo to the great loſs and damage of the good Subjects of this Realm, and more is like to be hereafter, if the ſame be not ſpeedily met withall:

Treaſon 5. The clipping, &c. of Coins for gains ſake, ſhall be high Treaſon. Stat. 3 H. 5. 6. 1 Mar. 1. The prejudices redounding to the Queen, and the Realm by clipping, waſhing, &c. of money.

II. For remedy whereof, Be it enacted, declared and eſtabliſhed by the authority of this preſent Parliament, That from and after the firſt day of May next coming, clipping, waſhing, rounding, or filing for wicked lucre or gains ſake, of any the proper Moneys or Coins of this Realm, or the Dominions thereof, or of the Moneys or Coins of any other Realm, allowed and ſuffered to be currant within this Realm, or the Dominions thereof, at this preſent, or that hereafter at any time ſhall be the lawful Moneys or Coins of this Realm, or of the Dominions thereof, or of any other Realm, and by Proclamation allowed and ſuffered to be currant here, by the Queens Majeſty, her Heirs and Succeſſors, ſhall be taken, deemed, and adjudged by vertue of this Act to be Treaſon, (2) and the offenders therein, their Counſellors, Conſentors and Aiders, ſhall be from and after the ſame firſt day of May, taken, deemed and adjudged as offendors in Treaſon, and being thereof lawfully convicted or attainted, according to the due order and courſe of the Laws of this Realm, ſhall ſuffer pains of death,

The clipping, waſhing, rounding or filing of currant money, ſhall be adjudged Treaſon.

and loſe and forfeit all his and their Goods and Chattels, (3) and alſo ſhall loſe and forfeit all his and their Lands and Tenements, during his and their natural life or lives only.

They which have forfeitures of Lands or Goods by grant, ſhall in this caſe enjoy them.

III. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons which have any lawful grant to have and enjoy the forfeiture of Lands, Tenements, Goods or Chattels of offendors, and men attainted in high Treaſon, within any Manor, Lordſhip, Town, Pariſh, Hundred, or other Precinct within this Realm of England or Wales, ſhall and may at all times hereafter have like liberty to take, ſeiſe, and enjoy all ſuch forfeitures of Lands, Tenements, Goods and Chattels, as ſhall come to grow within their Liberties, by force of the Attainder of any perſon or perſons, for and upon any offence or offences made Treaſon by this Act, as they or any of them ſhould, ought, or might have, by vertue of any good and lawful grant to them or any of them heretofore had or made.

Theſe offences make no corruption of bloud, or forfeiture of Dower.

IV. Provided always, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained, nor any Attainder or Attainders of any perſon or perſons, for any offence or offences, made Treaſon by this Act, ſhall in any wiſe extend or be judged, interpreted or expounded, to make any corruption of bloud, to any the heir or heirs of any ſuch offendor or offendors, or to make the wife of any ſuch offendor to loſe or forfeit her dower, of or in any Lands, Tenements or Hereditaments, or other Title, Action, or intereſt in the ſame; Any thing in this Act contained, or any Attainder or Attainders, hereafter to be had for any offence or offences made Treaſon by this Act, to the contrary notwithſtanding.

Tryal of a Peer by Peers.

V. And be it further enacted by the authority aforeſaid, That if any of the Lords of the Parliament, or Peer of this Realm for the time being, ſhall fortune at any time hereafter to be indicted of any offence made Treaſon by this Act; that then they and every of them ſhall have his or their Trial by their Peers, as hath been uſed heretofore in caſes of high Treaſon. 18. Eliz. 1.

C A P. XII.

An Act touching Badgers of Corn, and Drovers of Cattel to be Licenſed.

Badger 1. Who ſhall be accounted an Ingroſſer by the Statute of 5 & 6 Ed 6. 14.

Where in the Seſſion of Parliament holden upon Prorogation at Weſtminſter, the three and twentieth day of January, in the fifth year of the Reign of our late Sovereign Lord King Edward the Sixth, amongſt other things it was enacted, That whatſoever perſon or perſons after the firſt day of May then next enſuing, ſhould ingroſs or get into his or their hands, by buying, contracting, or promiſe taking (other then by Demiſe, Grant, or Leaſe of Land, or Tithes) any Corn growing in the Fields, or any other Corn or Grain, Butter, Cheeſe, Fiſh, or other dead Victuals whatſoever, within the Realm of England, to the intent to ſell the ſame again, ſhall be accepted, reputed, and taken an unlawful Engroſſer or Engroſſors; (2) with a Proviſo, and Ordinance contained in the ſame Act, that it ſhould be lawful to every perſon or perſons being a common Badger, Kidder, Lader, or Carrier, which ſhall be licenſed, aſſigned, and allowed thereunto by three Juſtices of the Peace of the County where the ſaid Badger, Lader, Kidder, or Carrier ſhall dwell, which ſhall ſell or deliver in open Fair or Market, or to any other Victualler, or to any other perſon or perſons for the proviſion of his or their houſe or houſes, all ſuch Corn, Butter, or Cheeſe, as any ſuch perſon or perſons ſhall buy or cauſe to be bought, and that within one month next after he or they ſhall ſo buy any ſuch Corn, Grain, Butter or Cheeſe, ſo that the ſame ſhall be bought without foreſtalling; ſhall not be in any wiſe deemed, adjudged or taken any offence contrary to the ſaid Act:

A proviſo for a Badger, Carrier, &c. licenſed.

A Proviſo for a Drover of Cattel, or for buying of Corn to be tranſported from one Port to another.

II. And where alſo it is provided and enacted by the ſame Act of Parliament, That it ſhall be lawful to all and every perſon and perſons known for a common Drover or Drovers, being licenſed, authorized and allowed in writing by three Juſtices of Peace, whereof one to be of the Quorum, of the County or Counties where the ſame Drover or Drovers ſhall be moſt abiding and dwelling, to buy Cattel in ſuch Shires or Counties where Drovers have been wont in times paſt accuſtomarily to buy Cattel, at their free liberty and pleaſure, and to ſell the ſame again. (2) And that it ſhall be lawful to every perſon and perſons which ſhall be aſſigned and allowed by three Juſtices of the Peace of the County where he ſhall dwell, to buy (otherwiſe then by foreſtalling) Corn, Grain, or Cattel to be tranſported or carried by Water from any Port or place within this Realm or Wales, unto any other Port or place within the ſaid Realm or Dominions, as in the ſaid Act amongſt other things doth appear:

The inconveniencies enſuing the number of Drovers of Cattel, and Badgers, &c. of Corn and other Victuals.

III. Since the making of which Act, ſuch a great number of perſons ſeeking only to live eaſily, and to leave their honeſt labour, have and do daily ſeek to be allowed and licenſed to the ſaid Offices or doings, being moſt unfit and unmeet for thoſe purpoſes, and alſo very hurtful to the Common-wealth of this Realm, as well by the enhaunſing of prices of Corn and Grain, and other the ſaid Victuals, as alſo by the diminiſhing of the number of good and neceſſary husbandmen; which ſaid number of Drovers of Cattel, and Badgers, Laders, Kidders, and Carriers of Corn or Grain, are many times without good orders, and due conſideration, aſſigned and allowed thereunto, to the great prejudice of the Common-wealth:

To what kind of perſons, and at what places only, licence ſhall be granted to the Badgers, Drovers, &c. Savill 58.

IV. In conſideration whereof, Be it enacted by the Queen our Sovereign Lady, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliamend aſſembled, and by the authority of the ſame, That no Drover of Cattel, Badger, Lader, Kidder, Carrier, Buyer or Tranſporter of Corn or Grain, Butter and Cheeſe, be from and after the Feaſt of Eaſter next after the firſt day of this preſent Parliament, licenſed, admitted, aſſigned, or allowed to thoſe Offices or doings, or to any of them, but only in the general and open Quarter Seſſions of the Peace, to be holden in the Shire where ſuch perſon or perſons ſo to be admitted, aſſigned, or allowed, doth or ſhall dwell, and hath or ſhall have dwelled there by the ſpace of three years next before the Teſte of his ſaid licence. (2) And that no perſon or perſons after the firſt day of May next coming, be admitted to the ſaid

Offices

Officers or doings, or to any of them, but ſuch only as be or have been married men, and ſhall be at the time of ſuch licence to be granted, Houſholders, and not houſhold-ſervants, nor retainers to any perſon or perſons, and of the age of xxx. years at the leaſt: (3) And that all licences being made and granted, as is abovesaid, ſhall have continuance and be good only for one year next after the date hereof, and for no more nor longer time.

The date of the licences, and the Juſtices hands and ſeals.

V. Which ſaid licences, and every of them, ſhall bear date of the day and place where the ſaid Seſſions ſhall be holden, and ſhall be ſigned and ſealed with the proper hands and ſeals of three of the ſaid Juſtices of the Peace, being preſent at the ſame Seſſions, at the leaſt; whereof one to be of the Quorum, (2) upon pain that every perſon or perſons that ſhall take any licence contrary to this Ordinance, to loſe and forfeit to our Sovereign Lady the Queen, her Heirs and Succeſſors, Five pounds ſterling: (3) And that all licences made and granted, or hereafter to be made and granted, otherwiſe then is before expreſſed, ſhall from and after the ſaid firſt day of May next coming, be void and of none effect.

Bonds with ſureties ſhall be taken of Drovers, Carriers, &c. not to infringe this Act.

VI. And further, Be it enacted by the authority aforeſaid, That the Juſtices of the Peace, in the ſaid general and open Seſſions, ſhall or may, by their diſcretions, take bond and ſurety from time to time by Recogniſance, of ſuch as ſhall be admitted or allowed hereafter a common Drover of Cattel, Badger, Lader, Kidder, Carrier or Buyer of Corn, Grain, Butter or Cheeſe, that they nor any of them, ſhall by colour of his or their licence, foreſtall or ingroſs, or otherwiſe practiſe or do any any Act or thing contrary to the tenour and true meaning, or in defrauding the ſaid former Eſtatute, or of any matter or thing therein contained: (2) All which Licences, and every of them, and the ſaid Recogniſances, ſhall be made and written by the Clerk of the Peace of every County where ſuch Licence ſhall be granted, or by his lawful deputy, and by none other perſon or perſons: (3) And every perſon that ſhall have any ſuch Licence, ſhall pay to the Clerk of the Peace, or his deputy, for making thereof, Twelve pence at the moſt; and for every Recogniſance in form abovesaid, to be made and acknowledged, Eight pence at the moſt; and for regiſtring of the ſame Licence and Recogniſance, Four pence at the moſt: (4) For which ſaid Fee, the ſaid Clerk or his Deputy ſhall have and keep one Regiſter Book, and therein ſhall regiſter and write all the names, ſurnames, and dwelling-places of ſuch as ſhall be licenſed as aforeſaid, with a brief declaration or entry of the ſaid Licence, and of the day, time and place where ſuch Licence or Licences ſhall be granted: (5) Which Book or Regiſter the ſaid Clerk of the Peace or his Deputy ſhall have and bring to every Seſſions, to the intent that it may appear what number of Licences be and ſhall be from time to time granted, whereby the better conſideration may be had thereof.

The fees of the Clerk of the Peace.

None ſhall buy Corn to ſell again without ſpecial licence.

VII. Provided always, and be it further enacted by the authority aforeſaid, That no perſon or perſons, ſhall or may by authority of any ſuch Licence above mentioned, buy any Corn or Grain out of open Fair or Market to ſell again, unleſs ſuch perſon and perſons ſhall be thereunto licenſed, and ſhall have ſpecial and expreſs words contained in ſuch Licence or Licences, that he or they may ſo do, (2) upon pain to forfeit for every ſuch time that any ſuch perſon or perſons ſhall do the contrary, Five pounds: (3) the moiety of which forfeitures afore rehearſed, ſhall be to the Queen our Sovereign Lady, her Heirs and Succeſſors, and the other moiety to him or them that will ſue for the ſame in any of the Queens Courts of Record, by Bill, Plaint, Action of Debt or Information, in the which Bill, Plaint, Action or Information, no Wager of Law, Eſſoin or Protection, ſhall be admitted.

Who ſhall have the forfeitures.

Juſtices of Peace in their Seſſions ſhall enquire of, and determine theſe offences.

VIII. Be it alſo enacted by the authority aforeſaid, That the Juſtices of Peace in every County within this Realm or Wales, at the Quarter Seſſions, ſhall have full power and authority by virtue of this Act, to enquire, hear and determine all and every the defaults and offences perpetrated, committed or done contrary to this Act, within the County where any ſuch Seſſions ſhall be kept, by inquiſition, preſentment, bill or information before them exhibited, and by examination of two lawful witneſſes, or by any of the ſame ways or means, by the diſcretion of the ſaid Juſtices, and to make Proceſs thereupon, as though they were indicted before them by inquiſition, or by verdict of twelve men or more: (2) And upon the conviction of the offender, by information or ſuit of any other then the Queen, to make extracts of the moiety of the forfeitures to be levied to the Queens uſe, as they uſe to do of other fines and amerciaments grown in the Seſſions of Peace, and to award execution of the other moiety for the complainant or Informer againſt the offender, by Fieri facias or Capias, as the Queens Juſtices at Weſtminſter may do, and uſe to do; (3) and if any ſuch conviction or attainder ſhall hereafter happen to be at the Queens ſuit only, that then the whole forfeitures to be extracted and levied to the Queens uſe only.

A City, &c. may appoint Purveyors for their proviſion.

IX. Provided always, That this Act, or any thing therein contained, ſhall not in any wiſe extend to the prejudice of the liberty of any City or Town-corporate, but that they and every of them ſhall and may lawfully a[illegible]gn and licenſe Purveyors for the proviſion of the ſame City or Town-corporate, in ſuch manner and form as they might lawfully have done before the making of this Act.

To the Inhabitants of which Counties this Statute doth not extend.

X. Provided further, That this Act, nor any thing therein contained, ſhall be in any wiſe hurtful or prejudicial unto any the Inhabitants within the Counties of Weſtmerland, Cumberland, Lancaſter, Cheſter and York, or any of them, but that they may do as heretofore they have lawfully uſed to do; Any thing in this preſent Act to the contrary notwithſtanding. 13 Eliz. 25.

C A P. XIII.

An Act for the continuance of the Statute made 2 & 3 P. & M. for the amendment of Highways.

Highways 1. The Statute of 2 & 3 P. & M. 8. touching amending of Highways, continued, and the authorities of Superviſors of Highways enlarged.

Where in the Parliament holden at Weſtminſter in the ſecond and third years of the Reign of the late Princes, King Philip and Queen Mary, amongſt other good Acts then had and made, one neceſſary Statute was provided and eſtabliſhed for the amendment and reparation of the Highways within this Realm; which Act was made to endure and continue for ſeven years, and after the expiration of the ſaid ſeven years, to the end of the Parliament then next enſuing, as by the ſame Statute more plainly appeared; which ſeven years, foraſmuch as they be now expired and ended, and the ſaid Act is very beneficial, and moſt neceſſary to be continued for the eaſe and commonweal of the people of this Land; (2) Be it therefore enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this Parliament aſſembled, and by the authority thereof, That the ſaid Act made in the ſaid ſecond and third years of the Reign of King Philip and Queen Mary, touching and concerning the reparation and amendment of the Highways, and every Article and Branch of the ſame, ſhall from henceforth be, ſtand and continue in full force, effect and ſtrength, for and during the term of twenty years next following, from and after the beginning of this preſent Parliament, and after the expiration of the ſaid Twenty years, to the end of the Parliament then next after the end of the ſaid Twenty years to be holden and kept.

II. And foraſmuch as the ſaid Statute made in the ſecond and third years of King Philip and Queen Mary, in divers parts of this Realm ſerveth not to ſo good purpoſe and effect as it may be made, for that ſuch ſubſtance and matter as is moſt fit and convenient for the reparations of the ſaid ways, cannot be lawfully had, fetched and taken out of the ſeveral grounds and ſoyl thereunto nigh or adjoyning, being no great loſs or detriment to the owners of the ſame ſeveral grounds and ſoil, whereby the amendment of the ſaid ways is little increaſed, or elſe of very ſmall and ſlender continuance, to the great and continual charge and trouble of the poor people inhabiting thereabouts:

The Superviſors may take rubbiſh in other mens grounds for the mending of ways.

III. For reformation whereof, and that the reparations of the ſaid Highways may hereafter in good due manner, well and ſufficiently be made, (2) Be it further by the authority of this preſent Parliament enacted, That from henceforth it ſhall and may be lawful to all and every Superviſor and Superviſors, and Orderers of the works for the time being, for the amendment of the ſaid Highways, thereunto elected and appointed, according to the Statute made in the ſecond and third years of King Philip and Queen Mary, for the better reparation and amendment of the ways within their ſeveral Pariſhes and Limits where they ſhall be ſo made Superviſors (if it ſhall be ſo to them thought neceſſary,) to take or carry away of the rubbiſh or ſmalleſt broken ſtones of any quarry or quarries lying and being within the Pariſh where they ſhall be Superviſors, without licence, controllment or impeachment of the owner or owners. ſo much as by their diſcretions ſhall be deemed and adjudged neceſſary for the amendment of the ſaid ways: (3) And that for default of any quarry or quarries not being within their ſaid Pariſh or limits, or in default of rubbiſh not to be found in any ſuch quarry or quarries, it ſhall and may be lawful to every ſuch Superviſor or Superviſors, for the uſe aforeſaid, in the ſeveral grounds of any perſon or perſons being within the Pariſh and limits where they ſhall be Superviſors, and nigh adjoyning to the way or ways wherein ſuch reparations ſhall be thought neceſſary to be made, and wherein gravel, ſand or ſinders is likely to be found, to dig or cauſe to be digged, for gravel, ſand or ſinders, and likewiſe to gather ſtones lying upon any lands or grounds within the Pariſh, and meet to be uſed to ſuch ſervice and purpoſe, and thereof to take and carry away ſo much as by the diſcretion of the ſaid Superviſors ſhall be thought neceſſary to be employed in the amendment of the ſaid Highways.

What rubbiſh Superviſors may not dig, nor in what places.

IV. Provided always, That it ſhall not be lawful to any ſuch Superviſor or Superviſors by virtue of this Act, to cauſe any rubbiſh to be digged out of any quarry or quarries, but only ſhall extend to ſuch rubbiſh as ſhall be found there ready digged by the owner or owners of the ſaid quarry or quarries, or otherwiſe by his or their licence and commandment; (2) nor ſhall not extend or give authority to any Superviſor or Superviſors, to dig or cauſe to be digged, any gravel, ſand or ſinders, in the houſe, garden, orchard or meadow of any perſon or perſons; (3) nor that it ſhall be lawful by this Act to any ſuch Superviſor or Superviſors, to cauſe any more pits to be digged for gravel in any ſeveral and encloſed ground then one only; and that the ſame pit or hole ſo digged for gravel, as is aforeſaid, ſhall not by any way be in breadth or length, above ten yards over at the moſt: (4) And that every ſuch Superviſor as ſhall cauſe any ſuch pit to be made and digged for gravel, ſand or ſinders, as is aboveſaid, ſhall within one month next after any ſuch digging or pit made, cauſe the ſame to be filled and ſtopped up with earth, at the coſts and charges of the Pariſhioners, (5) upon pain to forfeit to the owner or owners of the ſoil wherein any ſuch pit ſhall be made and digged, for every default, Five marks, to be recovered by Action of Debt, as in other like caſes of debt hath been accuſtomed.

A Superviſor ſhall cauſe a pit digged for gravel, &c. to be ſtopped up again.

V. And foraſmuch as the Highways in ſundry places of this Realm, be full of continual Springs and Water-courſes, by continual increaſe and ſinking whereof into the ground, the ſaid ways are not only very deep and dangerous; but alſo for the moſt part impoſſible to be amended and repaired in any good and ſufficient manner, without ſome further remedy provided for the ſame:

Turning of a water-courſe into anothers ground.

VI. Be it therefore by the authority aforeſaid further enacted, That from henceforth every ſuch Superviſor and Superviſors, as is aforeſaid, ſhall by force of this Act, within the Pariſh or limits where he or they ſhall be Superviſors, have full power and authority to turn any ſuch Water-courſe, or Spring of Water being in any of the ſaid Highways, into any Ditch or Ditches of the ſeveral ground or ſoil of any perſon or perſons whatſoever next adjoining to the ſaid ways, in ſuch manner and form as by the diſcretions of the ſaid Superviſors ſhall be thought meeteſt and moſt convenient.

Fences and Ditches near the ways, ſhall be repaired, and the woods cut down.

VII. And be it further enacted by the authority aforeſaid, That the Heyes, Fences, Dikes, or Hedges next adjoining on either ſide to any high or common fairing way, ſhall from time to time be diked, ſcowred, repaired and kept low, and all Trees and Buſhes growing in the Highways, cut down by the owner or owners of the Ground or Soil which ſhall be incloſed with the ſaid Heyes, Fences, Dikes or Hedges aforeſaid, whereby the ſaid ways may be open, and the people have more ready and eaſie paſſage in the ſame: (2) And whereas in the ſaid Statute made in the ſaid ſecond and third years of the Reign of the ſaid King Philip and Queen Mary, there are but four days yearly appointed for the reparations and amendment of the ſaid High-ways, (3) Be it further by this preſent Parliament enacted, That from henceforth there ſhall be yearly ſix days, during the time and force of this Eſtatute, obſerved, uſed, and employed in reparation and amendment of the ſaid High-ways, in like manner and form as the ſaid four days were limited and appointed to be obſerved and kept, by the ſaid Eſtatute made in the ſecond and third years of King Philip and Queen Mary.

Six days appointed for the amending of High-ways.

VIII. And be it further enacted by the authority aforeſaid, That from henceforth all and every ſuch Superviſor and Superviſors for the time being, within one month next after default or offence made, done or committed by any perſon or perſons, contrary to the proviſion, purport, and true meaning of the ſaid Eſtatute made in the ſecond and third years of King Philip and Queen Mary, or contrary to the proviſion, purport and true meaning of this preſent Act, ſhall preſent every ſuch default or offence, to the next Juſtice of Peace for the time being, (2) upon pain to forfeit for every ſuch default or offence, in ſuch ſort not by them preſented, Fourty Shillings: (3) And that every ſuch Juſtice of Peace to whom any ſuch default or offence ſhall be preſented, as is aforeſaid, ſhall certifie the ſame preſentment ſo to him made, at the next general Seſſions within the ſaid County then next after to be holden, (4) upon pain to forfeit for not certifying of every ſuch preſentment of every ſuch default or offence, as is aforeſaid, a C. pounds: (5) And that the Juſtices of Peace of every County where the ſaid defaults or offences ſhall be committed, ſhall immediately have authority to enquire of any ſuch default or offence committed within the limits of their Commiſſion, at every their Quarter Seſſions, and to aſſeſs ſuch fines for the ſame, as they or two of them, whereof one to be of the Quorum, ſhall think meet.

The Superviſors ſhall preſent every offence to the next Juſtice.

Certificate of every offence preſented at the next Seſſions.

IX. And be it further enacted by the authority aforeſaid, That every Juſtice of Peace ſhall have authority by this Statute, upon his own proper knowledge, in the open general Seſſions, to make preſentment of any Highway not well and ſufficiently repaired and amended, or of any other default or offence committed and done within the County and limits of his Commiſſion, contrary to the proviſion and intent of this Statute, or the ſaid Statute made in the ſecond and third years of King Philip and Queen Mary: (2) And that every ſuch preſentment made by any ſuch Juſtices of Peace, upon his own knowledge, as is aforeſaid, ſhall be as good, and of the ſame force, ſtrength and effect in the Law, as if the ſame had been preſented, found, and adjudged by the Oath of twelve men: (3) And that for every ſuch default ſo preſented, as is aforeſaid, the Juſtices of the Peace of the ſaid County ſhall immediately, at the ſaid general Seſſions, have authority to aſſeſs ſuch fines as to them, or two of them, whereof the one to be of the Quorum, ſhall be thought meet: (4) Saving every perſon and perſons that ſhall be touched by any ſuch preſentment, to have his or their lawful Traverſe to the ſame preſentment as they might have upon any indictment of Treſpaſs, or forcible Entry, by the Laws of this Realm, before the making of this Eſtatute.

Every Juſtice of Peace may preſent defaults upon his own knowledge.

Aſſeſſing of fines for defaults.

Traverſe to a preſentment.

X. And that all ſuch fines, forfeitures and amerciaments to be aſſeſſed by the ſaid Juſtices of the Peace at their general Seſſions in any the caſes aforeſaid, ſhall be eſtreated by the Clerk of the Peace of the ſaid County, and ſhall be levied in ſuch manner and form, and employed to ſuch uſes and Intents, as in the ſaid Statute made in the ſecond and third years of King Philip and Queen Mary, is limited and appointed. (2) This Act to continue for twenty years next after the beginning of this preſent Parliament, and from thence until the end of the Parliament then next after to be holden. 29 El. 5. made perpetual. 18 El. 10. 27 El. 24.

Eſtreating and levying of the fines and amerciaments.

CAP. XIV.

An Act againſt forgers of falſe Deeds and Writings.

Foraſmuch as the wicked, pernicious, and dangerous practice of making, forging and publiſhing falſe and untrue Charters, Evidences, Deeds and Writings, hath of late time been very much more practiſed, uſed, and put in ure in all parts of this Realm, then in times paſſed, not only to the high diſpleaſure of God, but alſo to the great injury, wrong, hurt, damage, diſheriſon, and utter undoing of divers of the Queens Majeſties Subjects of this Realm, and to the great ſubverſion of Juſtice and Truth, (2) which ſeemeth to have grown and happened chiefly by reaſon that the pains and puniſhments limited for ſuch great and notable offences, by the Laws and Statutes of this Realm, before this time, have been, and yet are ſo ſmall, mild, and eaſie, and ſuch evil people have not been, nor yet are afraid to enterpriſe the practiſing and doing of ſuch offences:

Forging 1. The ſeveral penalties for forging of Deeds the firſt or ſecond time, &c.

Townſends Table 35.

The mildneſs of the Law hath increaſed the forging of Deeds.

II. Be it therefore Enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled and by the authority of the ſame, That if any perſon or perſons whatſoever, after the firſt day, of June now next coming, upon his or their own head or imagination, or elſe by falſe conſpiracy and fraud with others, ſhall wittingly, ſubtilly, and falſly forge or make, or ſubtilly cauſe, or wittingly aſſent to be forged or made, any falſe Deed, Charter, or Writing ſealed, Court-roll, or the Will of any perſon or perſons in writing, (2) to the intent that the ſtate of Freehold or Inheritance of any perſon or perſons, of, in, or to any Lands, Tenements, or Hereditaments, Freehold or Copyhold, or the right, title, or intereſt of any perſon or perſons, of, in, or to the ſame, or any of them, ſhall or may be moleſted, troubled, defeated, recovered or charged; (3) or after the ſaid firſt day of June, ſhall pronounce, publiſh, or ſhew forth in evidence any ſuch falſe and forged Deed, Charter, Writing, Court-roll, or Will, as true, knowing the ſame to be falſe and forged, as is aforeſaid, to the intent above remembred, (4) and ſhall be thereof convicted, either upon Action or Actions of forger of falſe Deeds, to be founded upon this Statute at the ſuit of the party grieved, or otherwiſe according to the order and due courſe of the Laws of this Realm, or upon bill or information to be exhibited into the Court of the Star-Chamber, according to the order and uſe of that Court, (5) ſhall pay unto the party grieves his double coſts and damages, to be found or aſſeſſed in that Court where ſuch conviction ſhall be, (6) and alſo ſhall be ſet upon the Pillory in ſome open Market Town, or other open place, and there to have both his Ears cut off, and alſo his Noſtrils to be ſlit

The penalty for forging or publiſhing of a falſe Deed, whereby anothers Free-hold ſhall be troubled.

and cut, and ſeared with a hot Iron, ſo as they may remain for a perpetual note or mark of his falſhood, (7) and ſhall forfeit to the Queen our Sovereign Lady, her Heirs and Succeſſors, the whole iſſues and profits of his Lands and Tenements during his life, (8) and alſo ſhall ſuffer and have perpetual impriſonment during his life; (9) The ſaid damages and coſts to be recovered at the ſuit of the party grieved, as is aforeſaid, to be firſt payed and levied of the Goods and Chattels of the Offender, and of the iſſues and profits of the ſaid Lands, Tenements and Hereditaments, of ſuch party convicted, or of one or both of them; the ſaid Title of our ſaid Sovereign Lady the Queen, her Heirs and Succeſſors to the ſame, notwithſtanding.

Forging of a Deed, whereby a leaſe or annuity may be claimed.

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons after the ſaid firſt day of June, upon his or their own head or imagination, or by falſe conſpiration or fraud had with any other, ſhall wittingly, ſubtilly and falſly forge or make, or wittingly, ſubtilly and falſly cauſe or aſſent to be made and forged, any falſe Charter, Deed or Writing, (2) to the intent that any perſon or perſons ſhall or may have or claim any eſtate or intereſt, for term of years, of, in, or to any manors, lands, tenements or hereditaments, not being Copyhold, or any annuity in Fee-ſimple, Fee-tail, or for term of life, lives, or years; (3) or after the ſaid day, ſhall, as is aforeſaid, forge, make, or cauſe or aſſent to be made or forged, any obligation, or bill obligatory, or any acquittance, releaſe, or other diſcharge of any Debt, Accompt, Action, Suit, Demand, or other thing perſonal; (4) or if any perſon or perſons, after the ſaid firſt day of June, ſhall pronounce, publiſh, or give in evidence, any ſuch falſe and forged Charter, Deed, Writing, Obligation, Bill obligatory, Acquittance, Releaſe, or Diſcharge, as true, knowing the ſame to be falſe and forged, (5) and ſhall be thereof convicted by any the ways or means aforeſaid, that then he ſhall pay unto the party grieved his double coſts and damages, to be found and aſſeſſed in ſuch Court where the ſaid conviction ſhall be, (6) and ſhall be alſo ſet upon the Pillory in ſome open Market Town, or other open place, and there to have one of his Ears cut off, (7) and alſo ſhall have and ſuffer impriſonment by the ſpace of one whole year, without bail or mainpriſe.

Forging of an obligation, acquittance, releaſe, or &c. Godbolt 62. pl. 75. 2 Brownl. 49.

The ſeveral remedies of the party grieved againſt the offendor.

IV. And be it further enacted by the authority aforeſaid, That the party and parties grieved, by reaſon of any the offences aforeſaid, ſhall and may at his and their pleaſure, have and ſue his Action of forger of falſe Deeds, upon this Statute, againſt any the offenders in the ſame, by original Writ out of the Queens Highneſs Court of Chancery, and ſhall and may have like Proceſs upon the ſame, as in caſes of Treſpaſs at the Common Law, (2) or may at his pleaſure take his Suit againſt any ſuch offenders, in any the premiſſes, by Bill before the Queens Highneſs, her Heirs and Succeſſors, in her Court commonly called the Kings-Bench, or in the Court of the Exchequer; in which Suits no Eſſoin, Injunction or Protection ſhall be allowed for the party Defendant.

He that is once puniſhed for an offence, ſhall not after, be impeached for the ſame.

V. And be it further enacted by the authority aforeſaid, That if the party Defendant ſhall be convicted for any the offences aforeſaid, according to the order and form above limited, and ſhall have received thereupon puniſhment corporal, according to this Act: that then he ſhall not eftſoons be impeached for the ſame offence.

The plaintiffs releaſe ſhall diſcharge only his own remedy.

VI. And be it further enacted by the authority aforeſaid, That although the party or parties Plaintiff in any ſuch Action or Bill to be ſued, as is aforeſaid, ſhall after verdict paſſed againſt the Defendant or Defendants, happen to releaſe or diſcharge the judgment or execution upon the ſame, or otherwiſe ſuffer the ſame to be diſcontinued: that yet nevertheleſs the ſame releaſe, diſcharge or diſcontinuance, ſhall extend only to diſcharge ſuch coſts and damages as the ſame Plaintiff ſhould have had againſt the Defendant; (2) and that the Judges before whom the ſaid Action or Suit ſhall be taken, ſhall and may proceed to judgment of, and upon the reſidue of the ſaid penalties and forfeitures, and to command execution upon the ſame; the ſaid releaſe, diſcontinuance, or other diſcharge had, made, done or ſuffered by the party Plaintiff, in any wiſe notwithſtanding; This Act, or any thing therein contained to the contrary in any wiſe notwithſtanding.

The puniſhment for the ſecond offence, is felony.

VII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons being hereafter convicted or condemned of any the offences aforeſaid, by any the ways or means above limited, ſhall after any ſuch his or their conviction or condemnation, eftſoons commit or perpetrate any of the ſaid offences in form aforeſaid; that then every ſuch ſecond offence or offences, ſhall be adjudged felony, (2) and the parties being thereof convicted or attainted according to the Laws of this Realm, ſhall ſuffer ſuch pains of death, loſs and forfeiture of their goods, chattels, lands and tenements, as in caſes of felony, by the common Laws of this Realm, ought to be loſt or forfeited, (3) without having any advantage or benefit of Clergy or Sanctuary: (4) Saving to every perſon and perſons, Bodies Politick and Corporate, their heirs and ſucceſſors, other then the ſaid offenders, and ſuch as claim to their uſes, all ſuch rights, titles, intereſts, poſſeſſions, liberties of diſtreſſes, leaſes, rents, reverſions, offices, and other profits and advantages which they or any of them ſhall have at the time of ſuch conviction or attainder, of, in, or to any the lands, tenements, or hereditaments of any ſuch perſon ſo as is aforeſaid convicted or attainted, or at any time before, in as large and as ample manner, to all intents and purpoſes, as if this Act had never been had ne made.

There ſhall be no forfeiture of Dower, or corruption of blood, for this felony.

VIII. Provided always, and be it enacted by the authority aforeſaid, That any ſuch conviction or attainder of felony, as is aforeſaid, or any forfeiture by reaſon of the ſame, ſhall not in any wiſe extend to take away the Dower of the Wife of any ſuch perſon attainted, nor to the cor-corruption of blood, or diſheriſon of any the heir or heirs of any ſuch perſon or perſons ſo attainted; This Act or any thing therein contained, or any other Statute, Law, Uſage, Cuſtom, or thing heretofore uſed to the contrary in any wiſe notwithſtanding.

Officials or Regiſters putting a ſeal to a will.

IX. Provided alſo, and be it further enacted by the authority aforeſaid, that this Act, or any thing therein contained, ſhall not extend to charge any Ordinary, or any their Commiſſaries, Officials, Regiſters, or any other their Officers or Miniſters, with any the offences aforeſaid, for putting their Seal of Office to any will to be exhibited, unto them, not knowing

ing the ſame to be falſe or forged, for Writing of the ſaid Will or Probate of the ſame; this Act or any thing therein contained to the contrary notwithſtanding.

Which Juſtices may hear and determine theſe offences.

X. And be it further enacted by the authority aforeſaid, That all and every Juſtices of Oyer and Determiner, and Juſtices of Aſſiſe in their Circuits, and every of them, ſhall have full power and authority in every of their open and general Seſſions, to enquire, hear and determine of all and every the offences aforeſaid committed, or done within the limits of their Commiſſion, and to make Proceſs for the execution of the ſame, as they may do againſt any perſon being indicted before them of Treſpaſs, or lawfully convicted thereof.

A Repeal of all other Statutes made againſt forgery. 1 H. 5. 3.

XI. And be it further enacted by the authority aforeſaid, That all other Statutes heretofore made and provided for forgery of falſe Deeds, Charters, Muniments or Writings, and all and every penalty appointed by the ſame, ſhall from and after the ſaid firſt day of June, be void and of none effect in the Law; Any ſuch Statute or thing therein contained to the contrary in any wiſe notwithſtanding.

To what perſons this Statute ſhall not extend.

XII. Provided always, That this Act, or any thing therein contained, ſhall not extend or be hurtful in any wiſe to any Proctor, Advocate or Regiſter of any Eccleſiaſtical Court within this Realm, for the writing, ſetting forth, or pleading of any Proxie made according to the Eccleſiaſtical Laws or Cuſtoms heretofore uſed and allowed by the Eccleſiaſtical Courts of this Realm, for the appearance of any perſon or perſons being cited to appear in any of the ſaid Courts Eccleſiaſtical, nor to any Archdeacon, or Official, for putting their authentique Seal to the ſaid Proxies or Proxie, neither yet to any Judge Eccleſiaſtical for admitting of the ſame: (2) But that they, and every of them may hereafter do in all points concerning the ſame, as they and every of them might lawfully have done before the making of this Act; Any thing in this Act to the contrary in any wiſe notwithſtanding.

Forging of Deeds before this Statute, or preſently after.

XIII. Provided always, and be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever, that hath of his or their own head, or by falſe conſpiracy and fraud with any other, wittingly, ſubtilly and falſly forged or made, or ſhall before the ſaid firſt day of June, forge and make any falſe Deed, Charter or Writing ſealed, or the Will of any perſon in Writing, or any Court-roll, to the intent that the Eſtate of freehold or inheritance, or the right, title, or intereſt of inheritance, or freehold of any perſon or perſons, of, in, or to any manors, lands, tenements or hereditaments, being freehold or copyhold, (3) or that by any ſuch forged Deed, Charter, Court-roll or Writing, before the ſaid firſt day of June, ſhall or may be moleſted, troubled or defeated of any the ſaid Eſtates of any lands tenements or hereditaments, being freehold or copyhold: (4) or if any perſon or perſons have heretofore publiſhed or ſhewed forth in evidence, or before the ſaid firſt day, ſhall publiſh or ſhew in evidence for the proof of any Title, any falſe or forged Deed, Charter, Writing, Will or Court-roll, as true, knowing the ſame to be falſe and forged as is aforeſaid, to the intent above remembred, (5) and ſhall be thereof attainted or convicted, according to the order of the Laws of this Realm, either in an Action of forger of falſe faits, or in an Action upon the Caſe at the Suit of the party grieved, his heirs, executors or aſſigns, that then the party ſo convicted, ſhall pay and yield damages and coſts of Suit to the Plaintiff, as ſhall be aſſeſſed according to the order of the Laws of this Realm in any ſuch like Action or Suit, (6) and ſhall ſuffer impriſonment, and pay Fine and Ranſom at the pleaſure of the Queens Majeſty, her Heirs and Succeſſors.

The penalty for pleading or publiſhing a forged Deed made before this Statute or ſhortly after.

XIV. And if any perſon or perſons, ſhall after the ſaid firſt day of June, plead, publiſh or ſhew forth in evidence or otherwiſe, for the proof of any Title, any falſe and forged Deed, Charter, Writing, Will or Court-roll (heretofore falſly made and forged, or to be falſly made and forged before the ſaid firſt day of June) as true, knowing the ſame to be falſe and forged, (2) to the intent to have or claim thereby an Eſtate of inheritance, freehold or leaſe of years, in or to any manors, lands, tenements, or hereditaments, or any annuity, rent or profit, forth of any manors, lands, tenements, or hereditaments, (3) or to the intent to alter, defeat, moleſt, trouble, charge or recover the Eſtate of inheritance, freehold or for years, of any perſon, in any manors, lands, tenements, rents or hereditaments, (4) That then every perſon and perſons that ſhall ſo offend, and ſhall be thereof convicted in form firſt above remembred, ſhall pay unto the party grieved, double coſts and damages, (5) and ſhall have impriſonment, loſs of ears, ſlitting and ſearing of noſe, and forfeiture of lands, in the ſame manner and form as above is limited for any perſon that ſhall offend by forging or publiſhing of any falſe Deed or Writing as is aforeſaid, after the aforeſaid firſt day of June.

A Lawyer or Attorney pleading a forged Deed.

XV. Provided always, and be it enacted by the authority aforeſaid, That this Act, nor any pain, forfeiture, or thing therein contained, ſhall extend to any Attorney, Lawyer, or Counſelor that ſhall for his Clyent plead, ſhew forth, or give in evidence any falſe and forged Deed or Charter, Will, Court-roll, or other Writing for true or good, being not party or privy to the forging of the ſame, for the pleading, ſhewing forth, or giving in evidence of the ſame; Any thing in this Act to the contrary notwithſtanding.

Pleading a writing exemplified, or ſetting a ſeal to the ſame.

XVI. Provided always, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend to any perſon or perſons that ſhall plead or ſhew forth any Deed or Writing exemplified under the great Seal of England, or under the Seal of any other authentique Court of this Realm: (2) nor ſhall extend to any Judge or Juſtice, or other perſon that ſhall cauſe any Seal of any Court to be ſet to any ſuch Deed, Charter, or Writing enrolled, not knowing the ſame to be falſe or forged; Any thing in this Act to the contrary notwithſtanding. Cok. l. 5. f. 50. Dyer f. 323.

CAP. XV.

An Act againſt fond and fantaſtical Prophecies.

Prophecies 1. Penalty for publiſhing any falſe and fantaſtical Prophecy upon Arms, Fields, Badges, &c. St. 3 Ed. 6. 15. St. 33 H. 8. 14.

FOraſmuch as ſithence the expiration and ending of the Statute made in the time of King Edward the Sixth, entituled, An Act againſt fond and fantaſtical Prophecies, divers evil diſpoſed perſons enclined to the ſtirring and moving of Factions, Seditions and Rebellions within this Realm, have been the more bold to attempt the like practice in feigning, imagining, inventing and publiſhing of ſuch fond and fantaſtical Prophecies, as well concerning the Queens Majeſty, as divers honourable Perſonages, Gentlemen and others of this Realm, as was uſed and practiſed before the making of the ſaid Statute, to the great diſquiet, trouble and peril of the Queens Majeſty, and of this her Realm:

The penalty for publiſhing of any phantaſtical Prophecy upon arms, &c. to make inſurrection, &c.

II. For remedy whereof, Be it ordained and enacted by the authority of this preſent Parliament, That if any perſon and perſons after the firſt day of May next coming, do adviſedly and directly advance, publiſh and ſet forth by Writing, Printing, Singing, or any other ſpeech or deed, to any perſon or perſons, any fond, phantaſtical or falſe Prophecy, upon or by the occaſion of any Arms, Fields, Beaſts, Badges, or the like things accuſtomed in Arms, Cogniſances or Signets, or upon, or by reaſon of any time, year or day, name, bloudſhed or war, (2) to the intent thereby to make any Rebellion, Inſurrection, Diſſention, loſs of Life, or other diſturbance within this Realm, and other the Queens Dominions, (3) that then every ſuch perſon being thereof lawfully convicted according to the courſe of the Laws of this Realm, for every ſuch offence ſhall ſuffer impriſonment of his body, by the ſpace of one year without bail or mainpriſe, and ſhall forfeit for every ſuch offence, the ſum of ten pounds.

The penalty for the ſecond offence.

III. And if any ſuch offender do after ſuch conviction eftſoons offend in any of the premiſſes, and be thereof lawfully convicted as is aforeſaid, that then every ſuch offendor ſhall for his ſecond offence, and conviction as is aforeſaid, ſuffer impriſonment of his body without bail or mainpriſe during his life, and ſhall forfeit all his goods and chattels reals and perſonals: (2) The moieties of every which forfeitures ſhall be to the Queens Highneſs, her Heirs and Succeſſors, and the other moieties thereof to him that ſhall or will ſue for the ſame in any of the Queens Courts of Record, by action, bill, plaint or information; in which caſe no eſſoin, wager of Law, or protection ſhall be allowed or admitted.

Which Juſtices may hear and determine the offences aforeſaid.

IV. And be it further enacted by the authority aforeſaid, That all and every Juſtice of Aſſiſe, Juſtice of Oyer and Determiner, and Juſtice of Peace, ſhall have full power and authority by virtue hereof to enquire, hear and determine all and every offence or offences abovesaid, committed or done within the limits of their Commiſſion, contrary to the tenor and meaning of this Act.

Within what time an offender muſt be accuſed.

V. Provided always, and be it enacted by the authority aforeſaid, That no perſon or perſons ſhall at any time hereafter be impeached of any offence hereafter to be committed or done contrary to this Act, unleſs he be therefore impeached or accuſed within ſix months next enſuing any ſuch offence by him or them committed or done.

CAP. XVI.

Conjuration 55. 13 Co. 59.

The ſeveral penalties of Conjuration, or Invocation of wicked Spirits, and Witchcraft, Enchantment, Charm or Sorcery. Rep. 1 Jac. 12. Stat. 33 H. 8. 8. 1 Ed. 6. 12.

CAP. XVII.

An Act for the puniſhment of the Vice of Buggery.

Felony 9. The Stat. of 25 H. 8. 6. whereby the committing of Buggery with mankind or beaſt, is made felony, revived. 1 Mar. 1. Sect. 5. N. 1.

Where in the Parliament begun at London the third day of November, in the one and twentieth year of the late King of moſt famous memory, King Henry the Eighth, and after by Prorogation holden at Weſtminſter, in the Five and twentieth year of the Reign of the ſaid late King, there was one Act and Statute made, intituled, An Act for the puniſhment of the Vice of Buggery, whereby the ſaid deteſtable Vice was made Felony, as in the ſaid Eſtatute more at large it doth and may appear: (2) For as much as the ſaid Statute concerning the puniſhment of the ſaid crime and offence of Buggery, ſtandeth at this preſent repealed and void by virtue of the Statute of Repeal made in the firſt year of the Reign of the late Queen Mary: Sithence which Repeal ſo had and made, divers evil diſpoſed perſons, have been the more bold to commit the ſaid moſt horrible and deteſtable Vice of Buggery aforeſaid, to the high diſpleaſure of Almighty God;

II. Be it enacted, ordained and eſtabliſhed by the Queen our Sovereign Lady, and by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid Statute before mentioned, made in the Five and twentieth year of the ſaid late King Henry the Eighth, for the puniſhment of the ſaid deteſtable Vice of Buggery, and every branch, clauſe, article and ſentence therein contained, ſhall from and after the firſt day of June next coming, be revived, and from thenceforth ſhall ſtand, remain, and be in full force, ſtrength, and effect for ever, in ſuch manner, form and condition as the ſame Statute was at the day of the death of the ſaid late King Henry the Eighth; the ſaid Statute of Repeal made in the ſaid firſt year of the ſaid late Queen Mary, or any words general or ſpecial therein contained, or any other Act or Acts, thing or things to the contrary notwithſtanding. St. 2 & 3 Ed. 6. 29. Coke pla. fol. 391.

CAP. XVIII.

An Act declaring the Authority of the Lord Keeper of the Great Seal, and the Lord Chancellor of England to be one.

Keeper of, &c. Rast.. 1.

Where ſome queſtion hath of late riſen, Whether like Place, Authority, Preheminence, Juriſdiction, and Power doth belong, and of right ought to belong to the Officer of the Lord Keeper of the Great Seal of England for the time being, as of right doth and ought to belong to the Office of the Lord Chancellor of England for the time being, or not:

The authority of the Lord Keeper of the Great Seal, and the Lord Chancellor, is all one.

Co. In. par. 87.

II. For declaration whereof, and in avoiding ſuch queſtion hereafter, Be it enacted and declared by the Queen our Sovereign Lady, the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the Common Law of this Realm is, and always was, and ought to be taken, that the Keeper of the Great Seal of England for the time being, hath always had, uſed and executed, and of right ought to have, uſe and execute, and from henceforth may have, perceive, take, uſe and execute, as of right belonging to the Office of the Keeper of the Great Seal of England for the time being, the ſame and like place, authority preheminence, juriſdiction, execution of Laws and all other cuſtoms, commodities and advantages as the Lord Chancellor of England for the time being, lawfully uſed, had, and ought to have, uſe and execute, as of right belonging to the Office of the Lord Chancellor of England for the time being, to all intents, conſtructions and purpoſes, and as if the ſame Keeper of the Great Seal for the time being, were Lord Chancellor of England.

CAP. XIX.

An Act to Repeal a Branch of a Statute made Anno primo Edw. 6. touching the conveying of Horſes out of the Realm.

Where in the Parliament holden at Weſtminſter, in the Firſt year of the Reign of the late King Edward the Sixth, Brother to our Sovereign Lady the Queens Majeſty that now is, amongſt divers other Statutes, there was one Act and Statute made againſt the carrying and conveying of any Horſes, Geldings, or Mares out of this Realm: In which Act, among other things, there is one Proviſo or Branch contained in theſe words hereafter following; That is to ſay, Provided always, That it ſhall be lawful to every of the Kings Subjects, that ſhall paſs over beyond the Sea, to Ship and carry with them Horſes or Geldings for their only occupation in their journeys, and not to the intent to ſell the ſame beyond the Sea, (2) and that intent to be judged by Oath of him or them that ſo will carry over any Horſe or Gelding; which Oath ſhall be taken before the Cuſtomers or their Deputies, or Searcher of every ſuch Port where the ſame Horſe or Gelding ſhall be Shipped, before the Shipping thereof, as by the ſame Act and Proviſo it doth and may appear: (3) And although the ſame Act and Statute, in all parts thereof (except the ſaid Proviſo) is very beneficial and profitable for this Realm: yet nevertheleſs, by colour of the ſaid Proviſo and Branch contained in the ſaid Statute, many evil diſpoſed perſons of a covetous and greedy deſire, do daily tranſport out of this Realm very great number of Horſes and Geldings, and do exchange and ſell the ſame in the parts beyond the Seas, for their own private lucre and gain; (4) And becauſe the trial of ſuch offences is by force of the ſaid Proviſo and Branch mentioned in the ſaid Statute, no otherwiſe to be tried or judged, but only by the Oath of the offender himſelf; therefore the offenders therein do eſcape unpuniſhed, and thereby many perſons are greatly incouraged daily to commit the like offences, contrary to the true meaning and intent of the ſaid Statute:

Horſes, Raſt. 10. In the Stat. of 1 Ed. 6. 5. touching carrying of horſes out of this Realm, this branch ſhall be repealed, viz. (for their only occupation in their journeys, and not to the intent to ſell) 1 Ed. 6. 5.

II. For redreſs whereof, Be it enacted by the Queens Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all the ſaid Proviſo and Branch before rehearſed and mentioned, and contained within the ſaid Act and Statutes, and every Article and Sentence contained within the ſaid Proviſo, ſhall from henceforth be repealed, made void, and of none effect: And that all the reſidue of the ſaid Act and Statute ſhall ſtand, remain, and be in full force and ſtrength; Any thing herein ſpecified to the contrary notwithſtanding.

CAP. XX.

An Act for further puniſhment of Vagabonds, calling themſelves Egyptians.

Whereas ſithence the Act made in the Firſt and Second years of the late King Philip and Queen Mary, for the puniſhment of that falſe and ſubtile company of Vagabonds, calling themſelves Egyptians, there is a ſcruple and doubt riſen, whether ſuch perſons as being born within this Realm of England, or other the Queens Highneſs Dominions, and are or ſhall become of the fellowſhip or company of the ſaid Vagabonds, by transforming or diſguiſing themſelves in their Apparel, or in a certain counterfeit ſpeech or behaviour, are puniſhable by the ſaid Act in like manner as others of that ſort are, being ſtrangers born, and tranſported into this Realm of England.

Egyptians 2.

II. Therefore for the avoiding of all doubts and ambiguities in that behalf, and to the intent that all ſuch ſturdy and falſe vagabonds of that ſort, living only upon the ſpoil of the ſimple people, may be condignly met withal and puniſhed, (2) Be it enacted by the Queen our Sovereign Lady, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid Statute made in the Firſt and Second years of the ſaid late King and Queen, concerning thoſe Vagabonds calling themſelves Egyptians, ſhall continue, remain and be in full force, ſtrength and effect.

The Stat. of 1 & 2 P. & M. 5. concerning Egyptians ſhall continue in force.

III. And yet moreover, be it enacted by the authority aforeſaid, That all and every perſon and perſons, which from and after the firſt day of May now next enſuing, ſhall be ſeen or found within this Realm of England or Wales, in any company or fellowſhip of Vagabonds, commonly called, or calling themſelves Egyptians, or counterfeiting, transforming or diſguiſing themſelves by their apparel, ſpeech, or other behaviour, like unto ſuch Vagabonds, commonly called, or calling themſelves Egyptians, and ſo ſhall or do continue and remain in the ſame, either at one time, or at ſeveral times, by the ſpace of one month: that then the ſaid perſon or perſons, ſhall by virtue of this Act be deemed and judged a felon and felons; (2) and ſhall therefore ſuffer pains of death, loſs of lands and goods, as in caſes of felony by the order of the Common Laws of this Realm, (3) and ſhall upon the trial of them, or any of them therein, be tried in the County, and by the inhabitants of the County or place where they or he ſhall be apprehended or taken, and not per medietatem linguæ, (4) and ſhall loſe the priviledge and benefit of Sanctuary and Clergy.

It ſhall be felony for Egyptians or others counterfeiting themſelves like to them, to remain a month in this Realm.

IV. Provided always, and be it enacted by the authority aforeſaid, That this Act ſhall not in any wiſe extend to any child or children being within the age of fourteen years, nor to any of the ſaid perſons being in priſon the laſt day of this preſent Parliament, ſo that he or they ſo being in priſon, do within fourteen days next after his or their delivery out of priſon, either depart out of this Realm of England and Wales, or put him or themſelves to ſome honeſt ſervice, or exerciſe ſome lawful work, trade or occupation, and utterly forſake the ſaid idle and falſe trade, converſation and behaviour of the ſaid counterfeit and diſguiſed Vagabonds, commonly called, or calling themſelves Egyptians.

To what perſons this Act ſhall not extend.

V. Provided

None born in the Realm, compellable to depart thence.

V. Provided alſo, and be it enacted by the authority aforeſaid, That the ſaid Act made in the Firſt and Second years of the ſaid late King and Queen, ſhall not extend to compel any perſon or perſons born within any the Queens Majeſties Dominions, to depart out of this Realm of England or Wales, but only to bind them and every of them to leave their ſaid naughty, idle, and ungodly life and company, and to place themſelves in ſome honeſt ſervice, or to exerciſe themſelves at home with their Parents, or elſewhere honeſtly in ſome lawful work, trade or occupation; Any thing mentioned in this ſaid former Act to the contrary hereof in any wiſe notwithſtanding.

CAP. XXI.

An Act for puniſhing of unlawful taking of Fiſh, Deer, or Hawks.

Fiſh 7. Hawks 1. How perſons for unlawful fiſhing, hunting in a Park, and taking of Hawks or Hawks eggs out of anothers ground, ſhall be puniſhed.

Where as well the Queens Majeſty, and her moſt noble Progenitors, as alſo the Noblemen, Gentlemen, and divers other perſons of great Dominions, Lordſhips, Manors and Poſſeſſions within this Realm, have of ancient and long time had, and many of them now of late, to their great coſts and charges, for the neceſſary and better proviſion and maintenance of their houſholds, have erected and made in and upon their ſeverll demeans, grounds and poſſeſſions, as well Pools, Stagnes, Stewes, Motes, Pits or Ponds, for the only increaſe of Fiſh, and have ſtored the ſame with Pickerel, Breme, Tench, Carp, and divers other good kinds of Fiſh, for the neceſſary increaſe of Victuals, and for the better maintenance and proviſion of their houſes, as is aforeſaid, (2) and alſo have emparked, environed and encloſed many parcels of their ſaid demeans, ſoils, grounds and poſſeſſions, for the breeding, cheriſhing and encreaſe, as well of Red, as Fallow Deer within their ſeveral Parks and Incloſures, for the clauſes afore declared; (3) and alſo have breeding within their Woods and Grounds, divers Eyries of Hawks of ſundry kinds, to their great pleaſure and commodity: (4) Yet nevertheleſs, the ſaid ſeveral Waters, Grounds, Parks and Incloſures ſo being had, erected and made, and alſo being ſo ſtored and repleniſhed, have been from time to time by evil diſpoſed perſons, of a very evil, wilful and inſolent diſpoſition, and of malice and diſpleaſure, not only by night-time broken and entred into, but alſo the heads and dammes of the ſaid Ponds, Pools, Stagnes, Motes, Stewes, or ſeveral Waters, have been maliciouſly, wilfully and unlawfully cut out, and the pales, fences and incloſures of the ſaid Parks and Grounds broken, caſt down, and ſet open, and the Fiſh, Deer, and Hawks within the ſame, taken, deſtroyed, carried away, and ſtollen, (5) not only to the great loſs and damage of the owners thereof, and to the ſmall incouragement of other good Subjects, minding the careful proviſion of ſuch neceſſary Victuals, but alſo to the manifeſt emboldning of many like wilful malefactors and malicious offenders, whereby many riots, man-ſlaughters, miſchiefs, and other inconveniences have been daily perpetrated, and are like to be committed and done, if circumſpect remedy be not hereunto provided:

31 H. 8. 2.

II. Be it therefore enacted by the Queens Majeſty, the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons after the Feaſt of Pentecoſt next coming, ſhall at any time by day or by night, unlawfully without authority, break, cut down, cut out or deſtroy any head or heads, dam or dams of any ponds, pools, motes, ſtagnes, ſtewes or ſeveral pits, wherein Fiſh are, or ſhall happen to be put in or ſtored withal, by the owners or poſſeſſioners thereof, (2) or do or ſhall wrongfully fiſh in any of the ſaid ſeveral ponds, pools, motes, ſtagnes, ſtewes or pits, (3) to the intents to deſtroy, kill, take or ſteal away any of the ſame Fiſh againſt the will, mind or pleaſure of the owners, or poſſeſſioners of the ſame, (4) not having any lawful title or authority ſo to do, and thereof be lawfully convicted, at the Suit of our Sovereign Lady the Queen, her Heirs or Succeſſors, or the party grieved, ſhall ſuffer impriſonment of his or their bodies by the ſpace of three month, (5) and ſhall yield and pay to the party grieved his treble damages; (6) and after the ſaid three months expired, ſhall find ſufficient Sureties for his or their good abearing againſt the Queen our Sovereign Lady, her Heirs and Succeſſors, and all her Leige people, for the ſpace of ſeven years after; or elſe remain and continue ſtill in priſon without bail or mainpriſe, until ſuch time as he or they ſo offending can and ſhall find ſufficient Sureties, during the ſaid time and ſpace of ſeven years, as is aforeſaid.

3 Jac. 13. 1.
2 Jac. 27.
Co. pl. f. 361.

III. And be it alſo enacted by authority of this preſent Parliament, That if any perſon or perſons, after the ſaid Feaſt of Pentecoſt next coming, at any time by night or by day, in manner aforeſaid, wrongfully or unlawfully break or enter into any Park impaled, or any other ſeveral ground cloſed with wall, pale or hedge, and uſed for the breeding and cheriſhing of Deer, and ſo wrongfully hunt, drive or chaſe out, or take, kill, or ſlea any Deer within any ſuch empaled park, or cloſed ground, with wall, pale or other incloſure, and uſed for Deer, as is aforeſaid, (2) or do or ſhall take away any Hawk or Hawks, or the eggs of any of them, by any ways or means unlawfully out of any the Woods or Ground of any perſon or perſons, (not having lawful authority or licence ſo to do) (3) and thereof be lawfully convicted at the Suit of our Sovereign Lady the Queen, or the party grieved, as is aforeſaid, ſhall likewiſe ſuffer impriſonment of his or their bodies by the ſpace of three months, (4) and ſhall yield and pay to the party grieved his treble damages; (5) and after the ſaid three months expired, ſhall find good Sureties for his or their good abearing, for the ſpace of ſeven years after, againſt the Queens Majeſty, her Heirs and Succeſſors, and all her Liege people, as is aforeſaid; or elſe ſhall remain and continue ſtill in priſon, without bail or mainpriſe, until ſuch time as he or they ſo offending, can and ſhall find ſufficient Sureties during the ſaid time of ſeven years as is afore rehearſed.

A Park incloſed by the licence of the Queen or, &c.

IV. Provided always, That this Act, or any thing therein contained, extend not to any Park or incloſed ground, hereafter to be made and uſed for Deer, without the Grant or Licence of our Sovereign Lady the Queen, her Heirs, Succeſſors or Progenitors.

The remedy of the party grieved, and before whom.

V. Provided always, and be it enacted by the Authority aforeſaid, That it ſhall be lawful for the party grieved, to ſue and take his further remedy againſt all and every ſuch offender and offenders, for his loſs and damages, and to recover the treble value of the ſame in this behalf,

half, as well before Juſtices of Oyer and Determiner, Juſtices of Aſſiſes in their Circuits, and Juſtices of the Peace, as elſewhere in any other the Queens Courts of Record; (2) and that upon the true ſatisfaction of the ſaid treble damages to the party grieved, or upon the confeſſion and knowledge thereof by the ſame party, before the ſaid Juſtices in open Seſſions to be holden within the County where the offence was committed, it ſhall be at the liberty of the ſame party grieved, to whom the ſaid offence was committed, to releaſe at his pleaſure the ſaid ſuretiſhip of good abearing, at any time within the ſaid ſeven years or before; Any thing in this preſent Act before ſpecified or expreſſed to the contrary notwithſtanding.

The party grieved may releaſe the ſuretiſhip of good abearing.

VI. And be it further enacted by the authority aforeſaid, That the Juſtices of Oyer and Determiner, Juſtices of Aſſiſe in their Circuits, and Juſtices of the Peace and Goal delivery in their Seſſions, ſhall by virtue hereof have power and authority to enquire, hear and determine all and ſingular the offences aforeſaid, and to make and award Proceſs thereupon, as well upon indictments taken before them, as by bill of complaint, information, or any other action; in which ſuit or action, no eſſoin, wager of Law, nor protection ſhall be allowed.

Which Juſtices may hear and determine the offences aforeſaid.

VII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, at any time hereafter ſhall fortune to be bound before any of the Juſtices before mentioned, to the Queen, her Heirs or Succeſſors, for his or their good abearing, for ſeven years, according to the tenor of this Act, and the ſame party or parties ſo bound, ſhall afterwards within the ſaid ſeven years, come before the Juſtices of the Peace of the ſaid County where the ſaid offence was committed, or ſome of them, in open Seſſions, and there in the ſaid open Seſſions confeſs and acknowledge his or their ſaid offence or offences, and be ſorry therefore, and ſatisfie the party or parties grieved, according to the tenor of this Act, that then the ſaid Juſtices before whom the confeſſion ſhall be ſo made, ſhall and may have power and authority by virtue of this Act, in the ſame open Seſſion, or in any other open Seſſion afterwards to be holden before the ſaid Juſtices in the ſaid County, within the ſaid term of ſeven years, if it ſhall ſeem good to their diſcretions, to diſcharge the ſaid Recognizance and Bond ſo taken, and alſo the ſaid party and parties ſo bound; This Act or any thing therein contained to the contrary nothwitſtanding.

In what caſe the Juſtices of Peace may releaſe the offendor of the good abearing.

CAP. XXII.

An Act againſt carrying over Seas, Sheep-skins and Pelts, not being Staple-ware.

For reformation of many griefs, lamentably declared this preſent Parliament, by divers Artificers of this Realm working Leather, It may pleaſe your Royal Majeſty, that it may be enacted and eſtabliſhed with the aſſent of this high Court of Parliament, That it ſhall not be lawful to or for any manner of perſon or perſons whatſoever, from and after the firſt day of May next coming, to make any Pelts, that is to ſay, to pull, ſhear, clip or take away the Wooll of any Sheep-skin or Lamb-skin, or to buy any skin of any Stag, Hind, Buck, Doe, Goat, Fawn or Kid, or the Pelts or Skins of any of them, unleſs ſuch perſon or perſons ſo making any Pelts, or buying ſuch Skins, as is aforeſaid, do make or cauſe to be made thereof, tawed or lawfully tanned Leather or Parchment, or otherwiſe convert the ſame into ſemits, pannels, or other their own neceſſary uſes, (2) upon pain that every perſon ſo making Pelts, or buying any of the Skins or Pelts aforeſaid, contrary to the meaning of this Act, ſhall forfeit and loſe the value of all ſuch Pelts or Skins ſo made and bought, and two ſhillings ſix pence for every Skin or Pelt ſo bought, or Pelt ſo made as is aforeſaid.

Merchants, Raſt. 48. Forfeiture of him who ſhall tranſport any skins of Stag, Hind, Buck, Doe, &c. or the Leather made of them, and for what purpoſes they be made and brought within this Realm.

II. And be it further enacted, That it ſhall not be lawful to or for any perſon or perſons whatſoever, from and after the Feaſt aforeſaid, to ſhip or convey, or cauſe or procure to be ſhipped or conveyed, in or to any ſhip, Boat or veſſel, in or upon the Sea, or in or upon any Haven, River, Creek or place within the Realm of England and Wales, or either of them, any manner of Sheep-skins, Woollfels, Shorlings, Morlings, or the skins of any Stag, Hind, Buck, Doe, Goat, Fawn or Kid, or the pelts or skins of any of them, or the Leather made of them, or any of them, to the intent to tranſport or carry the ſame into the parts beyond the Seas, there to be uttered, bartered or ſold by way of Merchandiſe or otherwiſe, (2) upon pain of forfeiture of all ſuch skins or pelts, bought, laden, ſhipped or tranſported contrary to the tenor and true meaning of this Act, or the value of them; (3) and alſo two ſhillings ſix pence of lawful money of England, for every ſuch Fell, Shorling, pelt or skin aforeſaid, bought, laden, ſhipped or tranſported contrary to the tenor and true meaning of this preſent Act: (4) The moiety of all which forfeitures ſhall be to our Sovereign Lady the Queens Majeſty, her Heirs and Succeſſors; and the other moiety to him or them that will ſue for the ſame by action, bill, plaint, information or otherwiſe, in any of the Queens Majeſties Courts: In which action no eſſoin, protection or injunction ſhall be admitted or allowed.

The penalty for tranſporting of ſheep-skins, lamb-skins, &c. REP. 8 El. 14.

III. Provided always, That it ſhall and may be lawful to the Merchants of the Staple, the Merchants of Newcaſtle upon Tine, Hartlepool and Berwick, their ſervants, factors and atturneys, and every of them, to carry and tranſport all ſuch lawful Wares as heretofore they have been accuſtomed and lawfully might; Any thing in this Act to the contrary notwithſtanding.

Wares that may be lawfully tranſported by any Merchant.

CAP. XXIII.

An Act for the due execution of the Writ de Excommunicato capiendo.

Foraſmuch as divers perſons offending in many great crimes and offences appertaining meerly to the juriſdiction and determination of the Eccleſiaſtical Courts and Judges of this Realm, are many times unpuniſhed for lack and want of the good and due execution of the Writ de Excommunicato capiendo, directed to the Sheriff of any County, for the taking and apprehending of any ſuch offendors: (2) The great abuſe whereof, as it ſhould ſeem, hath grown, for that the ſaid Writ is not returnable in any Court that might have the judgment of the well executing and ſerving of the ſaid Writ, according to the contents thereof; (3) but hitherto have been left only to the diſcretion of the Sheriffs and their Deputies, by whoſe negligences and defaults, for the moſt part, the ſaid Writ is not executed upon the offendors as it ought to be:

Excommengement. 1. The order of awarding and returning the writ of Excommunicato capiendo: what is to be done upon the parties appearance, and what if he cannot be found, and the cauſe of awarding this writ. Co. Inſt. 4. p. 219. Cro. El. 144. 1 Bulſtr. 182. 3 Bulſtr. 91.

(4) By reaſon whereof, ſuch offendors be greatly encouraged to continue their ſinful and criminous life, much to the diſpleaſure of Almighty God, and to the great contempt of the Eccleſiaſtical Laws of this Realm:

Awarding and returning of Excommunicato capiendo.

II. Wherefore, for the redreſs thereof, be it enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of May next coming, every Writ of Excommunicato capiendo that ſhall be granted and awarded out of the high Court of Chancery, againſt any perſon or perſons within the Realm of England, ſhall be made in the time of the Term, (2) and returnable before the Queens Highneſs, her Heirs and Succeſſors, in the Court commonly called the Kings Bench, in the Term next after the Teſte of the ſame Writ, (3) and the ſame Writ ſhall be made to contain at the leaſt twenty days between the Teſte and the return thereof: (4) And after the ſame Writ ſhall be ſo made and ſealed, that then the ſaid Writ ſhall be forthwith brought into the ſaid Court of the Kings Bench, and there in the preſence of the Juſtices, ſhall be opened and delivered of Record to the Sheriff or other Officer to whom the ſerving and execution thereof ſhall appertain, or to his or their Deputy or Deputies: (5) And if afterwards it ſhall or may appear to the Juſtices of the ſame Court for the time being, that the ſame Writ ſo delivered of Record, be not duly returned before them at the day of the return thereof, or that any other default or negligence hath been uſed or had in the not well ſerving and executing of the ſaid Writ; that then the Juſtices of the ſaid Court ſhall and may by authority of this Act, aſſeſs ſuch amerciament upon the ſaid Sheriff or other Officer in whom ſuch default ſhall appear, as to the diſcretion of the ſaid Juſtices ſhall be thought meet and convenient; which amerciament ſo aſſeſſed ſhall be eſtreated in the Court of Exchequer, as other amerciaments have been uſed.

The Sheriff ſhall be amerced for not returning of the Writ.

What ſhall be done with the body of the excommunicate.

III. And be it further enacted by the authority aforeſaid, That the Sheriff or other Officer to whom ſuch Writ of Excommunicato capiendo, or other Proceſs by virtue of this Act ſhall be directed, ſhall not in any wiſe be compelled to bring the body of ſuch perſon or perſons as ſhall be named in the ſaid Writ or Proceſs, into the ſaid Court of the Kings Bench at the day of the return thereof, (2) but ſhall only return the ſame Writ and Proceſs thither, with declaration briefly how and in what manner he hath ſerved and executed the ſame, to the intent that thereupon the ſaid Juſtices may then further therein proceed, according to the tenor and effect of this preſent Act.

If the Sheriff return Non eſt inventus.

Capias 1. Cro. Jac. 566.

IV. And if the ſaid Sheriff or other Officer to whom the execution of the ſaid Writ ſhall ſo appertain, do or ſhall return that the party or parties named in the ſaid Writ cannot be found within his Bailiwick; that then the ſaid Juſtices of the Kings Bench for the time being, upon every ſuch return, ſhall award one Writ of Capias againſt the ſaid perſon or perſons named in the ſaid Writ of Excommunicato capiendo, (2) returnable in the ſame Court in the Term time, two months at leaſt next after the Teſte thereof, (3) with a Proclamation to be contained within the ſaid Writ of Capias, that the Sheriff or other Officers to whom the ſaid Writ ſhall be directed, in the full County Court, or elſe at the general Aſſiſes and Goal delivery to be holden within the ſaid County, or at a quarter Seſſions to be holden before the Juſtices of the Peace within the ſaid County, ſhall make open Proclamation ten days at the leaſt before the return, that the party or parties named in the ſaid Writ, ſhall within ſix days next after ſuch Proclamation, yield his or their body or bodies to the priſon of the ſaid Sheriff or other ſuch Officer, there to remain as a priſoner, according to the tenor and effect of the firſt Writ of Excommunicato capiendo, upon pain of forfeiture of ten pounds: (4) And thereupon after ſuch Proclamation had, and the ſaid ſix days paſt and expired, then the ſaid Sheriff or other Officer to whom ſuch Writ of Capias ſhall be directed, ſhall make return of the ſame Writ of Capias into the ſaid Court of the Kings Bench, of all that he hath done in the execution thereof, and whether the party named in the ſaid Writ have yielded his body to priſon or not.

Ten pounds forfeiture for not appearance upon the firſt Capias.

V. And if upon the return of the ſaid Sheriff, it ſhall appear, that the party or parties named in the ſame Writ of Capias, or any of them, have not yielded their bodies to the Goal and Priſon of the ſaid Sheriff or other Officer, according to the effect of the ſame Proclamation; that then every ſuch perſon that ſo ſhall make default, ſhall for every ſuch default forfeit to the Queens Highneſs, her Heirs and Succeſſors, ten pounds, (2) which ſhall likewiſe be eſtreated by the ſaid Juſtices into the ſaid Court of Exchequer, in ſuch manner and form as fines and amerciaments there taxed and aſſeſſed, are uſed to be.

2 Capias

VI. And thereupon the ſaid Juſtices of the Kings Bench ſhall alſo award forth one other Writ of Capias againſt the ſaid perſon or perſons that ſo ſhall be returned to have made default, with ſuch like Proclamation as was contained in the firſt Capias, and a pain of twenty pounds, to be mentioned in the ſaid ſecond Writ and Proclamation: (2) And the Sheriff or other Officer to whom the ſaid ſecond Writ of Capias ſhall be ſo directed, ſhall ſerve and execute the ſaid Writ, in ſuch like manner and form, as before is expreſſed for the ſerving and executing of the ſaid firſt Writ of Capias. (3) And if the Sheriff or other Officer ſhall return upon the ſaid ſecond Capias, that he hath made the Proclamation according to the tenor and effect of the ſame Writ, and that the party hath not yielded his body to priſon, according to the tenor of the ſaid Proclamation; that then the ſaid party that ſo ſhall make default, ſhall for ſuch his contempt and default, forfeit to the Queens Highneſs, her Heirs and Succeſſors, the ſum of twenty pounds; (4) which ſaid ſum of twenty pounds, the ſaid Juſtices of the Kings Bench for the time being ſhall likewiſe cauſe to be eſtreated into the ſaid Court of Exchequer, in manner and form aforeſaid.

Twenty pound forfeiture upon the ſecond Capias.

3 Capias.

VII. And then the ſaid Juſtices ſhall likewiſe award forth one other Writ of Capias againſt the ſaid party, with ſuch like Proclamation and pain of forfeiture, as was contained in the ſaid ſecond Writ of Capias: (2) and the Sheriff or other Officer to whom the ſaid third Writ of Capias ſhall be ſo directed, ſhall ſerve and execute the ſaid third Writ of Capias, in ſuch like manner and form as before in this Act is expreſſed and declared, for the ſerving and executing of the ſaid firſt and ſecond Writs of Capias. (3) And if the Sheriff or other Officer to whom the execution of the ſaid third Writ ſhall appertain, do make return of the ſaid third Writ of Capias, that the party upon ſuch Proclamation, hath not yielded his body to priſon, according to the tenor thereof; that then every ſuch party for every ſuch contempt and default, ſhall likewiſe forfeit to the Queens Majeſty, her Heirs and Succeſſors, other xx. li. (4) which ſum of xx. li. ſhall likewiſe be eſtreated into the ſaid Court of the Exchequer, in manner and form aforeſaid: (5) and thereupon the ſaid Juſtices of the Kings Bench ſhall likewiſe award forth one Writ of Capias againſt the ſaid party, with like Proclamation, and like pain of forfeiture of xx. li. (6) And that alſo the ſaid Juſtices ſhall have authority by this Act, infinitely to award ſuch Proceſs of Capias, with ſuch like Proclamation, and pain of forfeiture of xx. li. as is before limited, againſt the ſaid party that ſo ſhall make default in yielding of his body to the priſon of the Sheriff, until ſuch time as by return of ſome of the ſaid Writs before the ſaid Juſtices, it ſhall and may appear, that the ſaid party hath yielded himſelf to the cuſtody of the ſaid Sheriff or other Officer, according to the tenor of the ſaid Proclamation, (7) and that the party upon every default and contempt by him made againſt the Proclamation of any of the ſaid Writs ſo infinitely to be awarded againſt him, ſhall incur like pain and forfeiture of xx. li. which ſhall likewiſe be eſtreated in manner and form aforeſaid.

Twenty pound forfeit upon the third Capias.

Awarding of Capias infinitely, and xx. li. forfeit upon every of them.

VIII. And be it further enacted by the authority aforeſaid, That when any perſon or perſons ſhall yield his or their body or bodies to the hands of the Sheriff or other Officer, upon any of the ſaid Writs of Capias, that then the ſaid party or parties that ſhall ſo yield themſelves, ſhall remain in the priſon and cuſtody of the ſaid Sheriff or other Officer, without bail, baſton or mainpriſe, in ſuch like manner and form, to all intents and purpoſes, as he or they ſhould or ought to have done, if he or they had been apprehended and taken upon the ſaid Writ of Excommunicato capiendo.

The offendor yielding his body, ſhall be committed to priſon.

IX. And be it further enacted by the authority aforeſaid, That if any Sheriff or other Officer by whom the ſaid Writ of Capias, or any of them, ſhall be returned, as is aforeſaid, do make an untrue return upon any the ſaid Writs, that the party named in the ſaid Writ hath not yielded his body upon the ſaid Proclamations, or any of them, where indeed the party did yield himſelf according to the effect of the ſame, That then every ſuch Sheriff or other Officer, for every ſuch falſe and untrue return, ſhall forfeit to the party grieved and damnified by the ſaid return, the ſum of fourty pounds; (2) for the which ſum of fourty pounds, the ſaid party grieved ſhall have his recovery and due remedy by action of debt, bill, plaint or information, in any of the Queens Courts of Record; in which action, bill, plaint or Information, no eſſoin, protection or wager of Law ſhall be admitted or allowed for the party defendant:

The forfeiture of a Sheriff for a falſe return.

X. Saving and reſerving to all Archbiſhops and Biſhops, and all others having authority to certifie any perſon excommunicated, and like authority to accept and receive the ſubmiſſion and ſatisfaction of the ſaid perſon ſo excommunicated, in manner and form heretofore uſed, (2) and him to abſolve and releaſe, and the ſame to ſignifie, as heretofore it hath been accuſtomed, to the Queens Majeſty, her Heirs and Succeſſors, into the high Court of Chancery, (3) and thereupon to have ſuch Writs for the deliverance of the ſaid perſon ſo abſolved and releaſed from the Sheriffs cuſtody or priſon, as heretofore they or any of them had, or of right ought or might have had; Any thing in this preſent Statute ſpecified or contained to the contrary hereof in any wiſe notwithſtanding.

The Biſhops authority to receive ſubmiſſion, and deliver the excommunicate.

XI. Provided always, That in Wales, the Counties Palatines of Lancaſter, Cheſter, Durham and Ely, and in the Cinque-ports, being juriſdictions and places exempt, where the Queens Majeſties Writ doth not run, and Proceſs of Capias from thence not returnable into the ſaid Court of the Kings Bench, after any Significavit being of Record in the ſaid Court of Chancery, the tenor of ſuch Significavit by Mittimus ſhall be ſent to ſuch of the head Officers of the ſaid Countrey of Wales, Counties Palatines, and places exempt, within whoſe Offices, charge or juriſdiction the offendors ſhall be reſiant; that is to ſay, to the Chancellor or Chamberlain for the ſaid County Palatine of Lancaſter and Cheſter, and for the Cinque-Ports, to the Lord Warden of the ſame, and for Wales and Ely, and the County Palatine of Durham, to the chief Juſtice or Juſtices there: (2) And thereupon every of the ſaid Juſtices and Officers to whom ſuch tenor of Significavit with Mittimus ſhall be directed and delivered, ſhall by virtue of this Eſtatute have power and authority to make like Proceſs to the inferior Officer and Officers to whom the execution of Proceſs there doth appertain, returnable before the Juſtices there, at their next Seſſion or Courts, two months at the leaſt after the Teſte of every ſuch Proceſs: (3) So always as in every degree they ſhall proceed in their Seſſions and Courts againſt the offendors, as the Juſtices of the ſaid Court of Kings Bench are limited by the tenor of this Act, in Term times to do and execute.

Proceſs out of liberties where the Queens Writ runneth not.

XII. Provided alſo, and be it enacted, That any perſon at the time of any Proceſs of Capias aforementioned, awarded, being in priſon, or out of this Realm in the parts beyond the Sea, or within age, or of non ſanæ memoriæ, or woman covert, ſhall not incur any of the pains or forfeitures afore mentioned, which ſhall grow by any return or default happening, during ſuch time of nonage, impriſonment, being beyond the Sea, or non ſanæ memoriæ; (2) And that by virtue of this Eſtatute, the party grieved may plead every ſuch cauſe or matter in bar of and upon the diſtreſs or other Proceſs that ſhall be made for levying of any of the ſaid pains or forfeitures.

Certain perſons diſcharged of the penalty aforeſaid.

Car. 199. 174.

XIII. And that if the offendor againſt whom any ſuch Writ of Excommunicato capiendo ſhall be awarded, ſhall not in the ſame Writ of Excommunicato capiendo have a ſufficient and lawful addition, according to the form of the Eſtatute of Primo of Henry the Fifth, in caſes of certain Suits, whereupon Proceſs of exigent are to be awarded: (2) Or if in the Significavit it be not contained, that the excommunication doth proceed upon ſome cauſe or contempt of ſome original matter of hereſie, or refuſing to have his or their child baptized, or to receive the holy Communion as it is now commonly uſed to be received in the Church of England, or to come to Divine Service now commonly uſed in the ſaid Church of England, or error in matters of

Addition according to the Statute of Anno 1 H. 5.

Religion or Doctrine now received and allowed in the ſaid Church of England, incontinency, uſury, ſimony, perjury in the Eccleſiaſtical Court, or idolatry, (3) That then all and every pains and forfeitures limited againſt ſuch perſons excommunicate by this Eſtatute by reaſon of ſuch Writ of Excommunicato capiendo, wanting ſufficient addition, or of ſuch Significavit wanting all the cauſes aforementioned, ſhall be utterly void in Law, (4) and by way of plea to be allowed to the party grieved.

Cauſes of Excommunication.

Addition with a Nuper.

XIV. And if the addition ſhall be with a Nuper of the place, Then in every ſuch caſe, at the awarding of the firſt Capias with Proclamation according to the form mentioned, one Writ of Proclamation (without any pain expreſſed) ſhall be awarded into the County where the offendor ſhall be moſt commonly reſiant at the time of the awarding of the ſaid Capias with pain, in the ſame writ of Proclamation, to be returnable the day of the return of the ſaid firſt Capias with pain, and Proclamation thereupon at ſome one ſuch time and Court, as is preſcribed for the Proclamation upon the ſaid firſt Capias with pain: (2) And if ſuch Proclamation be not made in the County where the offendor ſhall be moſt commonly reſiant in ſuch caſes of additions of Nuper, That then ſuch offendor ſhall ſuſtain no pain or forfeiture by virtue of this Eſtatute, for not yielding his or her body, according to the tenor aforementioned; any thing before ſpecified, and to the contrary hereof in any wiſe notwithſtanding.

CAP. XXVI.

Priſons, Raſt. 8.

The Statute of 23 H. 8. 2. touching the making and repairing of Gaols, ſhall be revived, and continue ten years: And the Juſtices of Peace in the Counties of Pembroke, Glamorgan, Cardigan, Radnor and Montgomery in Wales, ſhall have power to do and execute all things concerning the new making of Gaols, as the Juſtices and other perſons mentioned in the ſaid Statute. EXP.

CAP. XXV.

An Act to fill up Juries lacking in Wales de Circumſtantibus.

Jurors 23. In certain caſes in Wales de Circumſtantibus may be granted in the 12 ſhires in Wales, and in the County Palatine of Cheſter, &c. by the Juſtices at their great Seſſions.

A Rehearſal of the Statute of 35. H. 8. 6. touching the filling up a Jury de Circumſtantibus.

Where in the Parliament holden at Weſtminſter, in the Thirty fifth year of the Reign of our Sovereign Lord King Henry the Eighth, Father to our moſt dear Sovereign Lady the Queens Majeſty that now is, one wholſom and profitable Act and Eſtatute, amongſt other was then eſtabliſhed and enacted, entituled by the name of an Act concerning the appearance of Jurors in Niſi prius: (2) where amongſt other things in the Act, it was eſtabliſhed, That where a full Jury returned betwixt party and party, did not appear before the Juſtices of Aſſiſe, or Niſi prius, or elſe after appearance of a full Jury, by challenge of any of the parties, the Jury was like to remain untaken for default of Jurors, that the ſame Juſtices upon requeſt made by the party Plaintiff or Demandant, ſhould have authority by virtue of the ſame Act, to command the Sheriff, or other Miniſter or Miniſters to whom the making of the ſaid return ſhould appertain, to name and appoint, as often as need ſhould require, ſo many of ſuch other able perſons of the ſaid County, then preſent at the ſaid Aſſiſe or Niſi prius, as ſhould make up a full Jury: which perſons ſo to be named and impannelled by ſuch Sheriffs, or other Miniſter or Miniſters, ſhould be added to the former panel, and their names annexed to the ſame, and further, as in the ſame Act more plainly may appear: (3) Which ſaid beneficial Act doth not extend unto the twelve Shires of Wales, ne to the County Palatine of Cheſter, nor to the County Palatine of Lancaſter, nor to the County Palatine of Durham, by reaſon whereof, many Juries remain untaken betwixt the parties, what for lack of appearance of Jurors, and ſome becauſe of challenges, to the great hindrance of Juſtice, and great expences and charges to the parties:

Co. li. 5 Cro. Ja.

II. For reformation whereof, Be it enacted by the Queen our Sovereign Lady, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That in every of the Shires of Wales, that is to ſay, Pembroke, Carmarthen, Cardigan, Brecknock, Radnor, Glamorgan, Mountgomery, Denbigh, Flint, Merioneth, Angleſey, Carnarvan, and in the Palatine of Cheſter, and in the ſaid County Palatine of Durham, and in the ſaid County Palatine of Lancaſter, where a full jury ſhall not appear before the Juſtices of the great Seſſion in any of the ſaid Shires or Counties Palatines, or their Deputies there, or elſe after appearance of a full Jury, by challenge of any of the parties, the Jury is like to remain untaken for default of Jurors, That then the ſame Juſtices, in every of the ſaid Shires and Counties Palatines, for the time being, or their Deputy or Deputies, upon requeſt made by the party Plaintiff or Demandant, ſhall have full authority by virtue of this Act, to command the Sheriff, or other Miniſter or Miniſters to whom the making of the ſaid return ſhall appertain, to name and appoint as often as need ſhall require, ſo many of ſuch other able perſons of the ſaid Counties, then preſent at the ſaid great Seſſions, as ſhall make up a full Jury: which perſons ſo to be named and impannelled by ſuch Sheriffs, or other Miniſter or Miniſters, ſhall be added to the former Panel, and their names annexed to the ſame: (2) And that every of the parties ſhall or may have his or their Challenge to the Jurors ſo named, added and annexed to the ſaid former Panel, by the ſaid Sheriff, or other Miniſter or Miniſters, in ſuch wiſe as if they had been impannelled upon the Venire facias awarded to try the ſaid Jue: (3) And that the ſaid Juſtices, and every of them, and their Deputy or Deputies, ſhall and may proceed to the trial of every ſuch Iſſue with thoſe perſons that were before impannelled and returned, and with thoſe newly added and annexed to the ſaid former Panel by virtue of this Act, in ſuch wiſe as they might or ought to have done, if all the ſaid Jurors had been returned upon the Writ of Venire facias awarded to try the ſaid Iſſue: (4) and that all and every ſuch trial had, ſhall be as good and effectual in the Law, to all intents, conſtructions and purpoſes, as if ſuch trial had been had and tried by twelve of the Jurors, impannelled and returned upon the Writ of Venire facias awarded to try ſuch Iſſue: (5) And in caſe ſuch perſons as the ſaid Sheriff, Miniſter or Miniſters ſhall name and appoint, as is aforeſaid, or any of them, after they ſhall be called, be preſent, and do not appear, or after his or their appearance, do wilfully withdraw him or themſelves from the preſence of the Court, That then ſuch Juſtices, or their Deputies, ſhall and may ſet ſuch fine upon every ſuch Juror making default, or wilfully withdrawing himſelf, as aforeſaid, as they ſhall think good by their diſcretions; (6) the ſaid fine to be levied in ſuch manner and form as Iſſues

Challenge to the Jurors newly named.

A Juror newly impannelled, doth withdraw himſelf.

forfeited and loſt by Jurors for default of their appearance, as is provided by the Law and Cuſtom of the ſaid Countries of Wales, and Counties Palatines aforeſaid, where ſuch Iſſues are forfeited.

III. And be it further enacted by the authority aforeſaid, That where any Jury that ſhall be returned by the Sheriff, or other Miniſter or Miniſters, ſhall be made full by the commandment of the ſaid Juſtices or their Deputies, by virtue of this preſent Act, that yet nevertheleſs, ſuch perſons as were returned in the ſaid Panel, by the Sheriff, or other Miniſter or Miniſters, to try any ſuch Iſſue, that ſhall not appear, but make default, ſhall loſe the Iſſues upon them returned, in ſuch wiſe as though the ſame Jury had remained for default of Jurors.

The firſt Jurors making default, ſhall loſe their Iſſues.

IV. Provided always, and be it further enacted, That upon a reaſonable excuſe for the default of appearance of any Juror or Jurors, ſufficiently proved before the Juſtices of the great Seſſions, or their Deputies, in the Countries and Counties Palatines aforeſaid, at the day of their appearance, by the Oaths of two lawful and honeſt witneſſes, that the ſame Juſtices ſhall have authority by their diſcretions, to diſcharge every ſuch Juror of every ſuch forfeiture of Iſſues upon him returned, (2) and that the ſaid Sheriff or Sheriffs, or other Miniſter or Miniſters, having commandment by the ſaid Juſtices, to omit the returning of ſuch Iſſues, as is aforeſaid, upon ſuch Juror or Jurors, ſhall be therein diſcharged of the penalties aforeſaid for the non-returning of the ſaid Iſſues, and that yet notwithſtanding, the ſaid return to be good and effectual in the Law; Any Law, Uſage, Ordinance or Cuſtom to the contrary notwithſtanding.

Upon a reaſonable excuſe Jurors ſhall be diſcharged of Iſſues,

V. Provided alſo, and be it enacted by the authority aforeſaid, That if the ſaid Juſtices, or their Deputies, afore whom any ſuch Jury ſhould appear in the Shires or Counties Palatines where ſuch Iſſue is to be tried, do not come at the day and place appointed, That then every one of the ſame Jurors ſhall be diſcharged for forfeiting of any Iſſues upon him returned in the ſame Writ: (2) And the Sheriff, or other Miniſter or Miniſters, ſhall be likewiſe diſcharged of the penalties of this Eſtatute, for the non-returning of ſuch Iſſues as are before limited in this Act; Any article or ſentence herein contained to the contrary notwithſtanding.

If the Juſtices come not, the Jury ſhall be diſcharged of their Iſſues.

VI. And alſo be it further enacted by the authority aforeſaid, That if upon any ſuch Writ of Habeas corpora, or Diſtringas, Iſſues be returned upon any Hundredors, Juror or Jurors, by the Sheriffs, or other Miniſter or Miniſters to whom the execution of the ſame Writ or Writs ſhall appertain, whereas the ſame Hundredors and Jurors ſhall not be lawfully ſummoned, warned or diſtrained in that behalf, That then every ſuch Sheriff, or other Miniſter or Miniſters aforeſaid, ſhall loſe for every ſuch offence ſo committed, double ſo much as the ſaid Iſſues returned upon ſuch Hundredors or Jurors not lawfully ſummoned, warned or diſtrained, ſhall amount unto: (2) The moiety of all which forfeitures contained in this preſent Act, other then the Iſſues to be returned upon the Jurors, as is aforeſaid, ſhall be to the Queen our Sovereign Lady, her Heirs and Succeſſors, and the other half to him that will ſue for the ſame, by action of debt, bill, plaint or information, in the Queen her Graces great Court within the ſaid County where ſuch forfeiture ſhall happen to be, before the ſaid Juſtices, his or their Deputy or Deputies; in which no wager of Law, eſſoin or protection ſhall be allowed ne admitted: (3) Saving to all manner perſons, and bodies politick and corporate, their heirs and ſucceſſors, having lawful right, title and intereſt, to have ſuch Iſſues to be before any ſuch Juſtices or their Deputies, at any time or times hereafter loſt and forfeited, all ſuch right, title and intereſt as they or any of them ſhould or ought to have had to ſuch Iſſues to be loſt and forfeited, as though this Act had never been had or made.

The Sheriffs forfeiture for returning of Iſſues, upon a Juror not warned.

Who ſhall have the forfeitures, and by what means they ſhall be recovered.

VII. Provided alſo, That this Act nor any thing therein contained, ſhall not extend to any City or Town-corporate, or to any Sheriff, Miniſter or Miniſters in the ſame, for the return of any Inqueſt or Panel to be made and returned of perſons inhabiting in the ſaid Cities or Town-corporate, but that they and every of them ſhall and may return ſuch perſons in every ſuch Inqueſt and Panel, as before this time they might and have been accuſtomed to do, and as if this Act had never been had or made, ſo that the ſame Sheriff, Miniſter or Miniſters, return upon ſuch perſons as ſhall be impanelled, ſuch reaſonable Iſſues as they ought to return; Any thing in the ſame contained to the contrary notwithſtanding. 2 Ed. 6. 32.

Returning of Inqueſts in Cities and Towns-corporate.

C A P. XXVI.

Indentures of Bargain of Manors, Lands, &c. Enrolled ſix months after the Date of them in the Courts of the Counties of Lancaſter, Cheſter, and Biſhoprick of Durham, ſhall be good in Law.

FRom the Feaſt of Eaſter next, all Enrolments of ſuch Writings indented (viz. as be mentioned 27 H. 8. 16.) of any bargain and ſale after the ſaid Feaſt of Eaſter, to be made of any manors, lands, tenements, or other hereditaments, ſet, lying or being in the Counties of Lancaſter, Cheſter, and Biſhoprick of Durham, being made and enrolled within ſix months next after the date of any ſuch Writings indented in the Queens Court of Chancery at Lancaſter, or before the Queens Juſtice or Juſtices of Aſſiſes at Lancaſter aforeſaid, concerning any manors, lands, tenements or hereditaments within the ſaid County of Lancaſter, or in the Queens Court of the Exchequer at Cheſter, or before the Queens Juſtice or Juſtices of Aſſiſes at Cheſter aforeſaid, concerning any manors, lands, tenements or hereditaments within the ſaid County of Cheſter, or in the Court of Chancery at Dureſme, or before the Juſtice or Juſtices of Aſſiſes at Dureſme aforeſaid, concerning any manors, lands, tenements or hereditaments within the ſaid County of the Biſhoprick of Dureſme, ſhall be accepted, deemed, reputed and taken to be as good and available in Law, to all intents, as if the ſame Writings indented had been made and enrolled in any of the Queens Courts at Weſtminſter; Any thing in the ſaid former Act, &c. notwithſtanding.

Enrolments 4. Enrolments in Lancaſter, Cheſter, Durham.

II. Provided always, That this Act ſhall not extend to any manors, lands, tenements, or hereditaments lying within any City, Borough, or Town-corporate within any of the ſaid Counties, wherein the Mayors, Recorders, Bailiffs, or other Officer or Officers have authority, and have lawfully uſed to enroll any Evidences, Deeds or other Writing, within their

Corporate Towns.

their Precinct or Limits; Any thing in this Statute contained to the contrary notwithſtanding.

CAP. XXVII.

Fines levied before the Juſtices of the County Palatine of Durham, of Lands lying in the ſame County, ſhall be good.

Fines 12. Fines levied before the Juſtices of Aſſiſe at Durham.

ALL and ſingular fines which at any time hereafter ſhall be levied or knowledged before the Juſtice or Juſtices of the County Palatine of Durham for the time being, authoriſed for that purpoſe and cauſe, of any lands, tenement, or other hereditaments, lying or being within the ſaid County Palatine of Durham, which ſhall be openly read and proclaimed two ſeveral days in the open Seſſions in the preſence of the Juſtices of Aſſiſe at Durham, or one of them for the time being, at the ſame Seſſions that the ſame ſhall fortune to be ingroſſed, (2) and alſo that ſhall be openly read and proclaimed in the preſence of the Juſtices of Aſſiſe at Durham, or one of them for the time being, at two general Seſſions that ſhall be holden in the County Palatine of Durham, before the Juſtices of the ſame County, commonly called Juſtices of Aſſiſes at Durham, or one of them, next after the levying or ingroſſing of ſuch ſaid Fine, (3) ſhall be of like, and of the ſame force, ſtrength and effect in the Law, to all intents, conſtructions and purpoſes, as Fines being duly levied with Proclamations before the Queens Juſtices of her Common Pleas at Weſtminſter, be or ought to be.

CAP. XXVIII.

By whoſe Order the Bible, and Book of Common Prayer, ſhall be tranſlated into the Welſh Tongue.

Wales 125. The Bible and Book of Common Prayer tranſlated into the Welſh Tongue.

THe Biſhops of Hereford, Saint Davies, Aſaph, Bangor and Landaff, and their Succeſſors, ſhall take ſuch order amongſt themſelves for the Souls health of the Flocks committed to their charge within Wales, That the whole Bible containing the New Teſtament and the Old, with the Book of Common Prayer, and Adminiſtration of the Sacraments, as is now uſed within the Realm in Engliſh, to be truly and exactly tranſlated into the Britiſh or Welſh Tongue, (2) and that the ſame ſo tranſlated, being by them viewed, peruſed and allowed, be imprinted to ſuch number at the leaſt, that one of every ſort may be had for every Cathedral, Collegiate and Pariſh Church, and Chappel of Eaſe, in ſuch places and Countries of every the ſaid Dioceſſes where that Tongue is commonly ſpoken or uſed, before the firſt day of March, An. Dom. 1566. (3) And that from that day forth, the whole Divine Service ſhall be uſed and ſaid by the Curates and Miniſters throughout all the ſaid Dioceſſes where the Welſh Tongue is commonly uſed, in the ſaid Britiſh or Welſh Tongue, in ſuch manner and form as is now uſed in the Engliſh Tongue, and differing nothing in any order or form from the Engliſh Book: (4) for the which Books ſo imprinted, the Pariſhioners of every of the ſaid Pariſhes ſhall pay the one half or moiety, and the ſaid Parſon and Vicar of every of the ſaid Pariſhes (where both be) or elſe the one of them, where there is but one, ſhall pay the other half or moiety: (5) the prices of which Books ſhall be appointed and rated by the ſaid Biſhops and their Succeſſors, or by three of them at the leaſt; (6) The which things if the ſaid Biſhops or their Succeſſors neglect to do, then every one of them ſhall forfeit to the Queens Majeſty, her Heirs and Succeſſors, the ſum of xl. li. to be levied of their goods and chattels.

A Bible and Book of Common Prayer in Engliſh ſhall be in every Church in Wales.

II. And one Book containing the Bible, and one other Book of Common Prayer in the Engliſh Tongue, ſhall be brought and had in every Church throughout Wales, in which the Bible and book of Common Prayer in Welſh is to be had by force of this Act (if there be none already) before the firſt day of March, One thouſand five hundred ſixty ſix; (2) and the ſame books to remain in ſuch convenient places within the ſaid Churches, that ſuch as underſtand them may reſort at all convenient times to read and peruſe the ſame: And alſo ſuch as do not underſtand the ſaid Language. may, by conferring both Tongues together, the ſooner attain to the knowledge of the Engliſh Tongue, any thing in this Act to the contrary notwithſtanding.

CAP. XXIX.

Taxes, Raſt. 35. The confirmation of a Subſidy of ſix ſhillings in the pound, granted to the Queen by the Clergy, to be paid in three years. EXP.

CAP. XXX.

Ibid. 35. A Subſidy and two Fifteens granted to the Queen by the Temporalty. EXP.

CAP. XXXI.

Pardon, Raſt. 49. The Queens general and free Pardon confirmed by Parliament. Except, &c. EXP.

Anno octavo Reginæ ELIZABETHÆ.

AT the Parliament by Prorogation holden at Weſtminſter, the laſt day of September, in the eighth year of the Reign of our Sovereign Lady Elizabeth, by the Grace of God, of England, France and Ireland, Queen, Defender of the Faith, &c. And there continued until the diſſolution of the ſame, To the high pleaſure of Almighty God, and weal publick of this Realm, amongſt other were enacted as followeth.

CAP. I.

An Act declaring the making and conſecrating of the Archbiſhops and Biſhops of this Realm, to be good, lawful and perfect.

Biſhops 5. All Acts made by any perſon ſince 1 El. for the conſecrating, inveſting, &c. of any Archbiſhop or Biſhop, ſhall be good. A queſtion whether the making of Biſhops were duly and orderly done.

Cro. Ja.

FOraſmuch as divers queſtions by overmuch boldneſs of ſpeech and talk, amongſt many of the common ſort of people being unlearned, hath lately grown upon the making and conſecrating of Archbiſhops and Biſhops within this Realm, whether the ſame were and be duly and orderly done according to the Law or not, which is much tending to the ſlander of all the ſtate of Clergy, being one of the greateſt ſtates of this Realm: (2) Therefore for the avoiding of ſuch ſlanderous ſpeech, and to the intent that every man that is willing to know the truth, may plainly underſtand that the ſame evil ſpeech and talk is not grounded upon any juſt matter or cauſe, It is thought convenient hereby partly to touch ſuch authorities as do allow and approve the making and conſecrating of the ſame Archbiſhops and Biſhops to be duly and orderly done according to the Laws of this Realm, and thereupon further to provide for the more ſurety thereof, as hereafter ſhall be expreſſed.

II. Firſt, it is very well known to all degrees of this Realm, that the late King of moſt famous memory, King Henry the Eighth, as well by all the Clergy then of this Realm in their ſeveral Convocations, as alſo by all the Lords Spiritual and Temporal, and Commons aſſembled in divers of his Parliaments, was juſtly and rightly recogniſed and knowledged to have the ſupream Power, Juriſdiction, Order, Rule, and Authority over all the Eſtate Eccleſiaſtical of the ſame, and the ſame Power, Juriſdiction and Authority did uſe accordingly: (2) And that alſo the ſaid late King in the Five and twentieth year of his Reign, did by authority of Parliament, amongſt other things, ſet forth a certain Order of the manner and form how Archbiſhops and Biſhops within this Realm, and other his Dominions, ſhould be elected and made, as by the ſame more plainly appeareth: (3) And that alſo the late King of worthy memory, King Edward the Sixth, did lawfully ſucceed the ſaid late King Henry his Father, in the Imperial Crown of this Realm, and did juſtly poſſeſs and enjoy all the ſame Power, Juriſdiction and Authority before mentioned, as a thing to him deſcended with the ſame Imperial Crown, and ſo uſed the ſame during his life: (4) And that alſo the ſaid late King Edward the Sixth in his time, by authority of Parliament, cauſed a godly and virtuous Book, entituled, The Book of Common Prayer, and Adminiſtration of Sacraments, and other Rites and Ceremonies in the Church of England, to be made and ſet forth, not only for one uniform order of Service, Common Prayer, and the Adminiſtration of Sacraments, to be uſed within this Realm, and other his Dominions, but alſo did add and put to the ſame Book, a very good and godly order, and the manner and form how Archbiſhops, Biſhops, Prieſts, Deacons, and Miniſters ſhould from time to time be Conſecrated, Made and Ordered within this Realm, and other his Dominions, as by the ſame more plainly will and may appear: (5) And although in the time of the late Queen Mary, as well the ſaid Act and Statute made in the Five and twentieth year of the Reign of the ſaid late King Henry the Eighth, as alſo the ſeveral Acts and Statutes made in the Second, Third, Fourth, Fifth and Sixth years of the Reign of the ſaid late King Edward, for the authorizing and allowing of the ſaid Book of Common Prayer, and other the Premiſſes, amongſt divers other Acts and Statutes touching the ſaid Supream Authority, were repealed: Yet nevertheleſs, at the Parliament holden at Weſtminſter in the Firſt year of the Reign of our Sovereiugn Lady the Queens Majeſty that now is, by one other Act and Statute there made, all ſuch Juriſdictions, Priviledges, Superiorities, Preheminences Spiritual and Eccleſiaſtical, as by any Spiritual or Eccleſiaſtical Power or Authority hath heretofore been, or may lawfully be uſed over the Eccleſiaſtical Eſtate of this Realm, and the order, reformation and correction of the ſame, is fully and abſolutely by the authority of the ſame Parliament, united and annexed to the Imperial Crown of this Realm: (6) And by the ſame Act and Statuts there is alſo given to the Queens Highneſs, her Heirs and Succeſſors, Kings and Queens of this Realm, full Power and Authority by Letters Patents under the Great Seal of England, from time to time to aſſign, name and authorize ſuch perſon or perſons as he or they ſhall think meet and convenient to exerciſe, uſe, occupy and execute under her Highneſs, all manner of Juriſdictions, Priviledges, Preheminences and Authorities, in any wiſe touching or concerning any Spiritual or Eccleſiaſtical Power, or Juriſdiction within this Realm, or any other her Highneſs Dominions or Countries: (7) And alſo by the ſame Act and Statute, the ſaid Act made in the Five and twentieth year of the Reign of the ſaid late King Henry the Eighth, for the order and form of the electing and making of the ſaid Archbiſhops and Biſhops, together with divers other Statutes touching the Juriſdiction over the State Eccleſiaſtical, is revived, and made in full force and effect, as by the ſame Act and Statute plainly appeareth: (8) And that alſo by another Act and Statute made in the ſaid Parliament, in the firſt year of the Reign of our ſaid Sovereign Lady, entituled, An Act for the Uniformity of Common Prayer, and Service in the Church, and Adminiſtration of Sacraments, the ſaid Book of Common Prayer, and the Adminiſtration of Sacraments, and other the ſaid Orders, Rites and Ceremonies before mentioned, and all things therein contained, with certain additions therein newly added and appointed by the ſaid Eſtatute, is fully ſtabliſhed and authorized to be uſed in all places within this Realm, and all other the Queens Majeſties Dominions and Countries; as by the ſaid Act amongſt other things, more plainly appeareth: (9) Whereupon, our ſaid Sovereign Lady the Queens moſt excellent Majeſty, being moſt juſtly and lawfully inveſted in the Imperial Crown of this Realm, with all Authorities, Preheminences and Dignities thereunto appertaining; And thereby having in her Majeſties order and diſpoſition, all the ſaid Juriſdictions, Powers and Authorities over the State Eccleſiaſtical and Temporal, as well in caſes Eccleſiaſtical as Temporal, within this Realm, and other her Majeſties Dominions and Countries, hath by her Supream Authority, at divers times ſithence the biginning of her Majeſties Reign, cauſed divers and ſundry grave and well learned men to be duly Elected, Made and Conſecrated Archbiſhops and Biſhops of divers Archbiſhopricks and Biſhopricks within this Realm, and other her Majeſties Dominions and Countries, according to ſuch order and form, and with ſuch Ceremonies in and about their Conſecrations, as were allowed and ſet forth by the ſaid Acts, Statutes and Orders annexed to the ſaid Book of Common Prayer before mentioned: (10) And further, for the avoiding of all ambiguities and queſtions that might be objected againſt the lawful Confirmations, Inveſting and Conſecrations of the ſaid Archbiſhops and Biſhops, her Highneſs in her Letters Patents under the Great Seal of England, directed to any Archbiſhop, Biſhop, or others, for the Confirming, Inveſting and Conſecrating of any perſon elected to the Office or Dignity of any Archbiſhop or Biſhop, hath not only uſed ſuch words and ſentences as were accuſtomed to be uſed by the ſaid late King Henry and King Edward, her Majeſties Father and Brother, in their like Letters Patents made for ſuch cauſes, but alſo hath uſed and put in her Majeſties ſaid Letters Patents, divers other general words and ſentences, whereby her Highneſs by her Supream Power and Authority, hath diſpenſed with all cauſes or doubts of any imperfection or diſability, that can or may in any wiſe be objected againſt the ſame, as by her Majeſties ſaid Letters Patents remaining of Record, more plainly will appear: (11) So that to all thoſe that will well conſider of the effect and true intent of the ſaid Laws and Statutes,

26 H. 8. 1.

25 H. 8. 20.

5 & 6 Ed. 6. 12. Sect. 5. N. 4.

1 & 2 P. & M. 8.

1 El. 1. Sect. 17. N. 1.

1 El. 1. Sect. 18. N. 1.

1 El. 1. Sect. 7. N. 1.

1 El. 2.

The Queen by her ſupream authority cauſed divers perſons to be elected and conſecrated Archbiſhops and Biſhops.

The Queens diſpenſation of all doubts of imperfections or diſability of electing of Biſhops.

tutes, and of the ſupream and abſolute Authority of the Queens Highneſs, and which ſhe by her Majeſties ſaid Leters Patents hath uſed and put in ure in and about the Making and Conſecrating of the ſaid Archbiſhops and Biſhops, it is and may be very evident and apparent, that no cauſe of ſcruple, ambiguity or doubt, can or may juſtly be objected againſt the ſaid Elections, Confirmations or Conſecrations, or any other material thing meet to be uſed or had in or about the ſame; but that every thing requiſite and material for that purpoſe, hath been made and done as preciſely, and with as as great a care and diligence, rather more, as ever the like was done before her Majeſties time, as the Records of her Majeſties ſaid Father and Brothers time, and alſo of her own time, will more plainly teſtifie and declare:

A confirmation of the Statute of 1 El. 2. touching the Book of Common Prayer and Adminiſtration of the Sacraments.

III. Wherefore for the plain declaration of all the premiſſes, and to the intent that the ſame may the better be known to every of the Queens Majeſties Subjects, whereby ſuch evil ſpeech as heretofore hath been uſed againſt the high ſtate of Prelacy, may hereafter ceaſe, (2) Be it now declared and enacted by the authority of this preſent Parliament, that the ſaid Act and Statute made in the Firſt year of the Reign of our ſaid Sovereign Lady the Queens Majeſty, whereby the ſaid Book of Common Prayer, and the Adminiſtration of Sacraments, with other Rites and Ceremonies, is authorized and allowed to be uſed, ſhall ſtand and remain good and perfect to all reſpects and purpoſes: (3) And that ſuch order and form for the Conſecrating of Archdiſhops and Biſhops, and for the making of Prieſts, Deacons and Miniſters, as was ſet forth in the time of the ſaid late King Edward the Sixth, and added to the ſaid Book of Common Prayer, and authorized by Parliament in the Fifth and Sixth years of the ſaid late King, ſhall ſtand and be in full force and effect, and ſhall from henceforth be uſed and obſerved in all places within this Realm, and other the Queens Majeſties Dominions and Countries:

A confirmation of the Statute of 5 & 6 Ed. 6. 1. touching the form of conſecrating Archbiſhops, &c.

All Acts done by any perſon about conſecration or inveſting any perſon elected to be Biſhop by virtue of the Queens Letters Patents ſithence the beginning of her Reign, ſhall be good.

IV. And that all Acts and things heretofore had, made or done by any perſon or perſons, in or about any Conſecration, Confirmation or Inveſting of any perſon or perſons Elected to to the Office or Dignity of any Archbiſhop or Biſhop within this Realm, or within any other the Queens Majeſties Dominions or Countries, by virtue of the Queens Majeſties Letters Patents or Commiſſion ſithence the beginning of her Majeſties Reign, be and ſhall be by authority of this preſent Parliament, declared, judged and deemed, at and from every of the ſeveral times of the doing thereof, good and perfect to all reſpects and purpoſes; Any matter or thing that can or may be objected to the contrary thereof in any wiſe notwithſtanding:

All perſons made, and to be made Biſhops, Prieſts, Miniſters, &c. according to the Stat. of 5 & 6 Ed. 6. 1. be rightly made S. 39 El. 8.

V. And that all perſons that have been, or ſhall be Made, Ordered or Conſecrate Archbiſhops, Biſhops, Prieſts, Miniſters of Gods holy Word and Sacraments, or Deacons, after the form and order preſcribed in the ſaid order and form how Archbiſhops, Biſhops, Prieſts, Deacons and Miniſters ſhould be Conſecrated made and Ordered, be in very deed, and alſo by authority hereof, declared and enacted to be, and ſhall be Archbiſhops, Biſhops, Prieſts, Miniſters and Deacons, and rightly Made, Ordered and Conſecrated; Any Statute, Law, Canon, or other thing to the contrary notwithſtanding.

No perſon ſhall be impeached by any Certificate of any Biſhop heretofore made, touching the Oath of Supremacy made 1 El. 1.

VI. Provided always, and nevertheleſs be it enacted by the anthority aforeſaid, That no perſon or perſons ſhall at any time hereafter be impeached or moleſted, in body, lands, livings or goods, by occaſion or mean of any Certificate by any Archbiſhop or Biſhop heretofore made, or before the laſt day of this preſent Seſſion of Parliament to be made by virtue of any Act made in the firſt Seſſion of this preſent Parliament, touching or concerning the refuſal of the Oath declared and ſet forth by Act of Parliament in the Firſt year of the Reign of our Sovereign Lady Queen Elizabeth; Any thing in this Act, or any other Act or Statute heretofore made to the contrary notwithſtanding.

Dyer

VII. And that all tenders of the ſaid Oath made by any Archbiſhop or Biſhop aforeſaid, or before the laſt day of this preſent Seſſion to be made by authority of any Act eſtabliſhed in the firſt Seſſion of this preſent Parliament, and all refuſals of the ſaid Oath ſo tendered, or before the laſt day of this preſent Seſſion to be tendered by any Archbiſhop or Biſhop, by authority of any Act eſtabliſhed in the firſt Seſſion of this preſent Parliament, ſhall be void and of none effect or validity in the Law.

CAP. II.

An Act for avoiding of wrongful vexation touching the Writ of Latitat.

Damages I. The Defendant ſhall recover coſts and damages, where the Plaintiff doth delay or diſcontinue his Suit, or is nonſuit, &c. The inconvenience of purſuing of Suits upon malice without juſt cauſes. 1 Leon. 105.

1 Roll.

Where divers perſons, of their malicious minds, and without any juſt cauſe, do many times cauſe and procure others of the Queens Majeſties loving Subjects, to be very much moleſted and troubled, by attachments and arreſts made of their bodies, as well by Proceſs of Latitat, Alias and Pluries capias, ſued out of the Court commonly called the Kings Bench, as alſo by plaint, bill, or other Suit, in the Court commonly called the Marſhalſey, and within the City of London, and other Cities, Towns-corporate, and places where any liberty or priviledge is to hold pleas of Debt, Treſpaſs, and other perſonal Actions and Suits: (2) And when the parties that be arreſted or attached, are brought forth to anſwer to ſuch Actions and Suits as ſhould be objected againſt them, then many times there is no declaration or matter laid againſt the parties ſo arreſted or attached, whereunto they may make an anſwer, (3) and ſo the party arreſted is very maliciouſly put to great charges and expences, without any juſt or reaſonable cauſe: And yet nevertheleſs, hitherto, by order of the Law, the party ſo grieved and vexed, could never have any Coſts or Damages to him to be judged or awarded for the ſaid unjuſt vexation and trouble:

II. For remedy whereof, Be it enacted and ordained by the authority of this preſent Parliament, That when and as often as any perſon and perſons, after the firſt day of January next coming, ſhall ſue forth, or by any mean cauſe or procure to be ſued forth of the ſame Court, commonly called the Kings Bench, any of the Writs of Proceſs before mentioned, againſt any perſon or perſons which upon the ſame Writ or Writs ſhall happen to be arreſted, or which ſhall appear upon the return of any the ſaid Writs or Proceſs, (2) and ſhall put in his or their Bail or Bails, to anſwer ſuch Suit as ſhall be objected againſt him, according to the common order of the Court, (3) That then in every ſuch caſe, if the party or parties at whoſe ſuit, means, or procurement, the ſame Writ, Writs or Proceſs was obtained or ſued forth, do not within three days next after ſuch Bail had and taken, put into the ſame Court his or their declaration againſt the ſame party or parties againſt whom ſuch Writs or Proceſs hath been or ſhall be ſued: (4) or if after declaration had and put into the ſame Court, the Plaintiff in ſuch Caſe ſhall not proſecute the ſame with effect, but ſhall willingly and apparently to the ſame Court ſuffer his or their ſaid Suit to be delayed, (5) or ſhall after declaration ſo had, ſuffer the ſame Suit to be diſcontinued, or otherwiſe ſhall be non-ſuit in the ſame; (6) That then, in every ſuch Caſe, the Judges of the ſaid Court for the time being, ſhall by their diſcretions from time to time, as they ſhall ſee or perceive any ſuch default to be in the party or parties at whoſe ſuit, means, or procurement, ſuch Writs or Proceſs was ſued forth, award and judge to every ſuch perſon and perſons ſo arreſted, vexed, moleſted, or troubled by ſuch Writs or Suit, his and their coſts, damages, and charges by any means ſuſtained by occaſion of any ſuch Writs, Proceſs, Arreſts, or Suits, taken, ſued, or had againſt him, to be paid by ſuch perſon or perſons that ſo doth, or ſhall cauſe or procure any ſuch Writs or Proceſs to be ſued forth, as is aforeſaid.

Coſts, damages, and charges ſhall be awarded where the Plaintiff doth delay his ſuit, doth diſcontinue, or is non-ſuit in the Kings Bench. 23 H. 8. 15. 4 Jac. 3. Cro. El. 69. Cro. Jac. 111.

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, ſhall after the ſaid firſt day of January, cauſe or procure any other perſon or perſons to be attached or arreſted to anſwer to any Bill, Plaint, Action or Suit, in the ſaid Court of the Marſhalſey, or in any Court within the ſaid City of London, or in any City, Borough, Town-corporate, or or other place or places where any Liberty or Priviledge is uſed to hold Plea, in any Action or Actions perſonal, and do not, in all Courts having their continuance De die in diem, within three days next afer ſuch time as the party Defendant or Defendants ſhall be Bailed, or otherwiſe appear in Court, by force of any Arreſt or Attachment had and returned, and in all other Courts, at the next Seſſions or Court to be holden after ſuch Arreſts or Attachments, and appearance of the party Defendant or Defendants, whereas the ſaid party Defendant or Defendants ſhall be compelled, or ought to appear (unleſs a further day ſhall be ſpecially given by the diſcretion of the Court from whence any Precept, Proceſs, or Attachment ſhall be awarded) put, and exhibit his Bill or Declaration againſt ſuch perſon or perſons, as ſo by his ſuit and means ſhall be attached or arreſted into ſuch Court where the party by ſuch Attachment or Arreſt is compellable, or ought to appear: (2) or if any ſuch perſon or perſons at whoſe ſuit or means any ſuch Attachment or Arreſt of any perſon or perſons ſhall be ſo had and made, after his Declaration, Bill, or Plaint, exhibited, do not from thenceforth proſecute the ſame his Suit with effect, or ſhall ſuffer the ſame to be diſcontinued, or ſhall after be non-ſuit in the ſame, or willingly and apparently to the ſame Court, ſhall for vexation of the Defendant in ſuch Suit, delay the ſame Suit: (3) That then in every ſuch caſe the Judge or Judges of every ſuch Court before whom any perſon or perſons ſhall ſo be ſued, moleſted, or troubled, by occaſion or mean of ſuch Attachment or Arreſt, or by ſuch Suit or Suits, ſhall forthwith by his or their diſcretion, from time to time, as he or they ſhall ſee or perceive any ſuch default or delay in the party that cauſed or procured any ſuch Attachment or Arreſt to be had, award and judge to every ſuch perſon or perſons, which after the ſaid firſt day of January, ſhall be ſo attached, arreſted, moleſted, vexed or troubled, his Coſts, Damages, and Charges, by any means ſuſtained by occaſion of any ſuch Attachment, Arreſt, or Suit ſo had and taken againſt him, to be paid by ſuch perſon or perſons that ſo doth, or ſhall cauſe or procure any ſuch Attachment or Arreſt to be ſo had or made.

A remedy, if the Plaintiff do delay, diſcontinue, or is non-ſuit in the Marſhalſey, or any City or Town-corporate.

IV. And if any perſon or perſons, at any time after the firſt day of January, ſhall by any way or mean, maliciouſly, or for vexation or trouble, cauſe or procure any other perſon or perſons to be arreſted, or attached to anſwer in any the Courts or places aforeſaid, at the ſuit, or in the name of any perſon or perſons, where indeed there is no ſuch perſon or perſons known, or without the aſſent, conſent, or agreement of ſuch perſon or perſons, at whoſe ſuit, or in whoſe name ſuch Arreſt or Attachment is or ſhall be ſo had or procured: that then every ſuch perſon or perſons, that ſo ſhall cauſe or procure any ſuch Arreſt or Attachment of any other perſon or perſons, to be had or made for vexation or trouble, as is aforeſaid, and ſhall thereof be convicted, or lawfully accuſed by Indictment, Preſentment, or by the teſtimony of two ſufficient Witneſſes, or more, or other due proof, ſhall for every ſuch offence by him or them committed, done, or procured, have, and ſuffer impriſonment of his or their Body or Bodies by the ſpace of ſix months, without Bail or Mainpriſe: (2) And before he or they ſhall be delivered out of priſon, ſhall pay unto the party or parties ſo arreſted or attached by his or their means or procurement, treble the coſts, charges, damages, and expences, that he or they ſhall be put unto, by reaſon or occaſion of ſuch Arreſt or Attachment ſo had, (3) and ſhall alſo forfeit and pay unto ſuch perſon or perſons, in whoſe name, or at whoſe ſuit he or they ſhall ſo procure ſuch Arreſt or Attachment to be had or made, if then there ſhall be any ſuch perſon known, the ſum of Ten pounds for every ſuch offence.

The penalty for arreſting of any perſon at the ſuit of another not knowing thereof. Coke pl. fol. 160. Raſt. pl. fol. 591. Cro. El. 234.

V. And be it further enacted by the authority aforeſaid, That every perſon and perſons to whom any coſt, charges, damages, forfeiture or payment of any ſum or ſums of money, by authority of this Act ſhall be awarded, judged, or forfeited, ſhall and may at all times hereafter have his or their remedy for the recovery thereof, by Action of Debt, Bill, or Plaint, in any Court of Record, againſt ſuch perſon or perſons, their Heirs, Executors, or Adminiſtrators, as ſhould or ought to pay the ſame by virtue or force of this Act; in which Action, Bill, or Plaint, no Eſſoin, Protection, or Wager of Law ſhall be admitted or allowed to any the Defendant or Defendants in the ſame.

A remedy to recover the coſts and damages awarded. Raſt. pl. 598.

C A P. III.

An Act againſt carrying over Sea, Rambs, Lambs, or Sheep alive.

For ſundry good cauſes and conſiderations moved in this High Court of Parliament, Be it enacted by the authority of the ſame, That no manner of perſon or perſons, of what eſtate, degree, or condition ſoever he or they be, ſhall after the laſt day of February

Sheep 1. Penalty for conveying of any Sheep alive out of this Realm.

next enſuing, bring, deliver, ſend, receive, or take, or procure to be brought, delivered, ſent, or received into any Ship or Bottom, any Rams, Sheep or Lambs, or any manner of other kind of Sheep, being alive, to be carried and conveyed out of this Real of England, Wales, or Ireland, or out of any of the Queens Highneſs Dominions, (2) upon pain that every ſuch perſon or perſons, their Aiders, Abettors, Procurors and Comforters, ſhall for his or their firſt offence or offences, ſo done contrary to the true meaning of this Eſtatute, forfeit and loſe all his Goods for ever; whereof the one moiety ſhall be to the Queens Majeſty, her Heirs and Succeſſors, the other moiety to him or them that will ſue for the ſame in any Court of Record, wherein no Eſſoin, Protection, nor Wager of Law for the Defendants ſhall be admitted or allowed.

The ſecond offence Felony.

II. And further, every ſuch Offender or Offenders ſhall ſuffer impriſonment by the ſpace of one whole year, without bail and mainpriſe, and at the years end, ſhall in ſome open Market Town, in the fulneſs of the Market, on the Market day, have his left hand cut off, and that to be nailed up, in the openeſt place of ſuch Market: (2) And that every perſon or perſons eftſoons offending againſt this Statute, ſhall be adjudged a Felon, and ſhall ſuffer death as in caſes of Felony.

No corruption of Blood, or forfeiture of Dower.

III. Provided always, That this Act ſhall not extend to any corruption of blood, or be prejudicial or hurtful to any woman claiming Dower by or from any ſuch Offender or Offenders; Any thing in this Act to contrary notwithſtanding.

Which Juſtices may hear and determine the offences aforeſaid.

IV. And be it further enacted by the authority aforeſaid, That the Juſtices of Oyer and Terminer, Juſtices of Goal-delivery, and Juſtices of Peace in every County and Shire within this Realm of England and Wales, and other the Queens Majeſties Dominious, ſhall have full power and authority by virtue of this Act, to enquire of every Offender and Offenders contrary to the form and effect of this Act, and to hear and determine every Offence and Offences, committed, perpetrated and done contrary to the form and effect of the ſame, according to the courſe of the Laws of this Realm. 3 H. 6. 2.

CAP. IV.

An Act to take away the benefit of Clergy from certain Offenders for Felony.

Clergy 1. He that taketh away privily from the perſon of another, Money or Goods, not knowing thereof, ſhall not have his Clergy, &c.

The impudent boldneſs of Cut-purſes and Pick-purſes.

Where a certain kind of evil diſpoſed perſons, commonly called Cut-purſes, or Pick-purſes, but indeed by the Laws of this Land, very Felons and Thieves, do confeder together, making among themſelves, as it were, a Brotherhood or Fraternity of an Art or Myſtery, to live idly by the ſecret ſpoil of the good and true Subjects of this Realm; (2) And as well at Sermons and Preachings of the Word of God, and in places and time of doing Service and Common Prayer in Churches, Chappels, Cloſets, and Oratories: and not only there, but alſo in the Princes Palace, Houſe, yea and Preſence, and at the places and Courts of Juſtice, and at the times of miniſtration of the Laws in the ſame, and in Fairs, Markets, and other Aſſemblies of the People: yea, and at the time of doing of execution of ſuch as been attainted of any Murder, Felony, or other criminal cauſe, ordained chiefly for terror and example of evil Doers, do without reſpect or regard of any time, place, or perſon, or of any fear or dread of God, or any Law or puniſhment, under the cloak of honeſty, by their outward apparel, countenance and behaviour, ſubtilly, privily, craftily, and feloniouſly take the Goods of divers good and honeſt Subjects, from their perſons, by cutting and picking their Purſes, and other felonious ſleights and devices, to the utter undoing and impoveriſhing of many:

II. Be it therefore enacted by the authority of this preſent Parliament, That no perſon or perſons, which hereafter ſhall happen to be indicted or appealed for felonious taking of any Money, Goods or Chattels, from the perſon of any other, privily without his knowledge, in any place whatſoever, and thereupon found guilty by verdict of twelve men, or ſhall confeſs the ſame upon his or their arraignment, or will not anſwer directly to the ſame, according to the Laws of this Realm, or ſhall ſtand wilfully, or of malice, or obſtinately mute, or challenge peremptorily above the number of twenty, or ſhall be upon ſuch indictment or appeal outlawed, ſhall from henceforth be admitted to have the benefit of his or their Clergy, but utterly be excluded thereof, and ſhall ſuffer death, in ſuch manner and form, as they ſhould if they were no Clerks.

Where one ſhall be arraigned for a former offence, having his Clergy for a latter. St. 18 Eliz. 7. 25 Ed. 3. 5.

III. And alſo, whereas divers perſons do oft times commit, and do divers and ſundry deteſtable Murders, hainous Robberies and Felonies, and other capital Offences, for the which Clergy is not allowable by the Laws and Statutes of this Realm, and after the ſame Offences ſo done, either fly out of the County, or other parts of this Realm, into the parts beyond the Seas, or keep themſelves ſecret in other places where they are not known, for a great time, and after happen to commit ſome other Felony, for the which they may have their Clergy, and being arraigned for the ſame, have their Clergy to them allowed, and thereupon committed to the cuſtody of the Ordinary, according to the Law and cuſtom of this Realm, the former Offence, wherein Clergy is not grantable, being then not known, (2) and ſo by that means cannot after be impeached for the ſaid other horrible and great Offences, by the Law and Cuſtom of this Realm, to the great encouraging of Offenders, uſing ſuch practices of foreknowledge and ſet purpoſe, for their diſcharge of the ſame:

IV. For reformation whereof, Be it further enacted by the authority aforeſaid, That every perſon or perſons, which ſhall hereafter upon his and their arraignment for any Felony, be admitted to the benefit of his Clergy, by the Laws of this Realm, and delivered to the Ordinary for the ſame, and ſhall make his due purgation for the ſame Offence or Offences, whereupon he was ſo admitted to his Clergy, and ſhall before the ſame admiſſion to his Clergy, have committed aup other ſuch Offence, whereupon Clergy by the Laws or Statutes of this Realm is not allowable, and not being thereof indicted and acquitted, convicted, or attainted, or pardoned, ſhall and may be indicted or appealed for the ſame, and thereupon put to anſwer, and ordered and uſed in all things according to the Laws and Statutes of this Realm, in ſuch like manner and form, as though no ſuch admiſſion of Clergy had been; Any Law, Cuſtom, or Uſage to the contrary notwithſtanding.

CAP.

CAP. V.

For the avoiding of tedious Suits in Civil and Marine Cauſes.

FOr the avoiding as well of long and tedious Suits, as alſo of great Charges and Expences in proſecuting of Civil and Marine Cauſes, by reaſon of divers Appeals permitted to be made by order of the Laws Civil in ſuch Cauſes, and to the intent that as well Strangers, as alſo others the Subjects of this Realm, that ſhall have cauſe of Suit in thoſe matters, may have ſuch expedition in the ſame, as their natures and qualities do require, Be it enacted by the Queens Majeſty our Sovereign Lady, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from the laſt day of this preſent Seſſion of Parliament, all and every ſuch Judgment and Sentence definitive, as ſhall be given or pronounced in any Civil and Marine Cauſe, upon Appeal lawfully to be made therein to the Queens Majeſty in her Highneſs Court of Chancery, by ſuch Commiſſioners or Delegates as ſhall be nominated and appointed by her Majeſty, her heirs or Succeſſors, by Commiſſion under the half Seal, as it hath been heretofore uſed in ſuch caſes, ſhall be final, and no further Appeal to be had or made from the ſaid Judgment or Sentence definitive, or from the ſaid Commiſſioners or Delegates, for or in the ſame; Any Law, Uſage or Cuſtom to the contrary notwithſtanding. Cok. Inſt. 4 Part, 135.

Appeals 8. A Sentence definitive in a Civil and Marine Cauſe by Delegates appointed by Commiſſion, ſhall be final. 18 H. 6. 19.

CAP. VI.

An Act touching Clothworkers and Clothes ready wrought, to be Shipped over Sea.

FOr the better employment and relief of great multitudes of the Queens Subjects, uſing the Art and Labour of Cloth-working, It may pleaſe the Queens moſt excellent Majeſty, at the moſt humble Suits of her ſaid Subjects, that it be enacted,

II. And be it enacted by the authority of this preſent Parliament, That from henceforth for every nine Clothes unwrought, hereafter to be ſhipped or carried into any the Parts beyond the Seas, contrary to the form of any Statute heretofore made, and now remaining in ſtrength, by force of any Licence hereafter to be granted, the party that ſhall ſhip and carry over the ſame, ſhall ſhip and carry over alſo one like woollen Cloth, of like ſort, length, breadth, and goodneſs, ready wrought and dreſſed; that is to ſay, rowed, barbed, firſt courſed and ſhorn from the one end to the other, ſo that every tenth Cloth paſſing over the Seas in form aforeſaid, may and ſhall be dreſſed within this Realm, before the ſame ſhall be ſhipped or tranſported over, (2) upon pain to forfeit for every ſuch nine Clothes ſo to be ſhipped or tranſported contrary to the meaning of this Act, Ten pounds.

Drapery 102. No Kentiſh nor Suffolk clothes ſhall be tranſported unwrought: and for every nine Clothes unwrought, tranſported by Licence, one Cloth ſhall be wrought of like ſort, length, breadth, and goodneſs. 7 Ed. 4. 3. 3 H. 7. 11. 27 H. 8. 13. 33 H. 8. 19.

III. Provided always, That every ſuch tenth Cloth ſo to be tranſported ready wrought, ſhall not be accounted any of the Clothes permitted to be tranſported by force of ſuch Licence, but that ſuch perſon as ſhall have ſuch Licence, may tranſport according to ſuch Licence, the full number of Clothes unwrought mentioned in the ſame Licence, over and above the number of ſuch tenth Clothes, which they ſhall be compelled to ſhip and carry over by force of this Statute.

The tenth Cloth ſhall be none of the Licence.

IV. And be it further enacted by the authority aforeſaid, That from the laſt day of February now next coming, no perſon ſhall ſhip or carry into the Parts beyond the Seas, contrary to the form of any Statute heretofore made, now remaining in force, any Cloth, commonly called Kentiſh Cloth, or Suffolk Cloth, made or to be made in the Counties of Kent or Suffolk, unwrought and undreſſed within this Realm, that is to ſay, not rowed, barbed, firſt courſed and ſhorn, (2) upon pain to forfeit for every ſuch Cloth, commonly called Kentiſh or Suffolk Cloth, made or to be made in either of the ſaid Counties, ſo to be ſhipped or tranſported contrary to the form of this Statute, Fourty ſhillings.

Kentiſh or Suffolk Cloth ſhall not be tranſported unwrought by any Licence.

V. And that no Licence for tranſporting of any Cloth or Clothes, ſhall be conſtrued or expounded to extend to any ſuch Kentiſh or Suffolk Cloth, made, or to be made in either of the ſaid Counties, to be from henceforth tranſported.

VI. And that all forfeitures appointed by this Statute for tranſporting of Clothes, ſhall be the one half to the Queens Majeſty, her Heirs and Succeſſors, and the other moiety to the Maſter and Wardens of the ſaid Company of Cloth-workers, to the relief of the Poor of the ſaid Company, to be recovered in any Court of Record, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoin, Protection, or Wager of Law for the Defendant ſhall be admitted or allowed.

Who ſhall have the forfeiture, and by what means.

CAP VII.

An Act touching Drapers, Cottoners and Frizers of Shrewsbury.

FOraſmuch as in the Town of Shrewsbury in the County of Salop, there hath been time out of mind of man, and yet is, a Company, Fraternity, or Guild of the Art and Myſtery of Drapers; which ſaid Company, Fraternity, or Guild, hath been by a great time lawfully Incorporated, and made a Body Politick: (2) which ſaid Corporation and Fraternity, hath by reaſon of a certain Trade and Occupation of buying and ſelling of Welſh Cloth and Lining, commonly called Cottons, Frizes, and Plains, which they have had and uſed amongſt them, been able not only to live thereby, but alſo have at their common coſts provided Houſes and other Neceſſaries for poor people within the ſaid Town of Shrewsbury, whom alſo with further relief they do weekly help and maintain: (3) And by the ſame their Trade aforeſaid, have uſed moſt commonly to ſet on work above ſix hundred perſons of the Art or Science of Sheermen, or Frizers, within the ſaid Town of Shrewsbury, whereby as well they, as their poor Wives and Families, are wholly maintained and kept; (4) To the impeachment and hinderance of which ſaid Trade, divers Artificers, and other perſons within the ſaid Town of Shrewsbury, not being of the ſaid Company or Myſtery, nor brought up in the uſe of the ſaid Trade, have of late with great diſorder, upon a meer covetous deſire

Drapery 55. Who may uſe the Trade or Occupation of Drapers in Shrewsbury, or the Liberties thereof, &c. What benefit the ſame Company have received and done to others by buying and ſelling of Welſh Cloth and Lining.

The inconveniences that unſkilful perſons do, that deal in a Trade whereof they are ignorant.

and mind, intromitted with, and occupied the ſaid trade of buying Welſh Cloth or Lining, having no knowledge, experience or ſkill in the ſame; by reaſon whereof, the ſaid ignorant and unſkilful perſons have and do buy commonly and daily ſuch Welſh Cloth and Linings as is defective, and not truly made according to the good Laws and Statutes of this Realm in that behalf provided: (5) By means whereof, the ſaid Trade is greatly decayed and diſcredited, to the great loſs and hinderance of ſuch poor Sheermen and Frizers, as were wont to be ſet on work thereby, and of all others that were wont to be maintained and relieved by the ſaid Trade, as well in making as working of the ſaid Frizes, Cottons and Plains, and to the great deceit, damage and hinderance of all the Queens Majeſties Subjects that buy and provide the ſame, and to the ſlander and diſcredit of the ſaid Commodities in Foreign Parts, where, by the occaſion aforeſaid, they are grown out of eſtimation and credit.

The good intent of the Statute of 4 & 5 P. & M. 5.

II. And where moreover in the Parliament holden at Weſtminſter, in the fourth and fifth years of the Reign of our late Sovereign Lord and Lady, King Philip and Queen Mary, upon good and deliberate advice, amongſt other things it was enacted, That no perſon or perſons which ſhould buy to ſell again, by way of retail, or otherwiſe, any of the ſaid Welſh Linings, ſhould dreſs or work, or cauſe to be dreſſed and wrought within his or their dwelling-houſe or houſes, or in any other place by himſelf or his ſervant, any of the ſaid Welſh Linings, but ſhould put the ſame to ſome ſuch perſon or perſons as ſhould be of the Art or Science of Sheermen, Cottoners, or Frizers, to be by them wrought and dreſſed, upon pain of forfeiture for every Welſh Cloth or Lining frized or cottoned to the contrary, Six ſhillings and eight pence, as in the ſame Act doth appear: (2) Sithence which time, divers perſons for the defrauding of the ſaid Statute, have cauſed others to buy the ſaid Frizes, Cottons and Plains, and then to take the workmanſhip thereof unto themſelves, of ſuch buyers, uſing the like fraud, by buying and turning work over unto the ſame perſons of whom they receive work, to the manifeſt defrauding of the good intent and meaning of the ſaid Statute:

By what fraudulent means the good intent of the ſaid Statute is defeated

No perſon inhabiting in Shrewſbury, ſhall occupy the Trade of buying of Welſh Cottons, &c. unleſs he be free thereof. Rep. 14 El. 12.

III. For remedy whereof, and for the benefit and relief of the poor men that be Sheermen and Frizers, (2) Be it enacted by the authority of this preſent Parliament, That from and after the Feaſt of Eaſter next enſuing, no manner of perſon or perſons whatſoever, inhabiting and dwelling within the ſaid Town of Shrewſbury, or the Liberties and Franchiſes of the ſame Town, other then ſuch as have, or ſhall have ſerved as Apprentices in the ſaid Occupation and Science of Drapers, or be, or ſhall be free of the ſaid Science or Myſtery, ſhall occupy, uſe, exerciſe or frequent the ſaid Trade, Art, Myſtery or Science of buying of the ſaid Welſh Cloth or Lining, Cottons, Frizes and Plains, nor having any Factor or doer for him or them in the ſame, nor by any colour, engine or fraud, by any Occupier of the ſaid Frizes, Cottons and Plains, (3) upon pain that every perſon and perſons, inhabiting as is aforeſaid, and occupying, uſing or exerciſing the ſaid Trade, Occupation or Science of buying of Welſh Cloth and Lining, and not authorized by this preſent Act, ſhall loſe and forfeit for every piece of the ſame Clothes ſo bought, Six ſhillings and eight pence.

He that occupieth the Trade of buying of Frizes, Cottons, &c. ſhall not exerciſe to Frize or Cotton.

IV. And over that, be it further enacted, That no perſon dwelling and inhabiting, as is aforeſaid, and uſing and occupying the ſaid Trade of buying of Frizes, Cottons or Plains, ſhall uſe or exerciſe the Faculty of Frizing or Cottoning, upon pain to incur ſuch like forfeitures for every offence, as is above mentioned: (2) The moiety of all ſuch pains and forfeitures above mentioned, ſhall be to our Sovereign Lady the Queen, her Heirs and Succeſſors, and the other moiety to ſuch perſon or perſons as will ſue for the ſame in any Court of Record, by Action, Bill or Plaint of Debt; wherein no Protection, Eſſoin, Injunction or Wager of Law ſhall be allowed and admitted.

A Proviſo for them that occupied before the Trade of buying of Welſh Cloth.

V. Provided always, and be it further enacted by the authority aforeſaid, That this preſent Act, or any thing, ſentence or matter therein contained, ſhall not extend, or be in any wiſe prejudicial or hurtful to any ſuch perſon or perſons as have heretofore uſed, occupied, or frequented the ſaid Trade, Art, Myſtery or Science of buying or ſelling of Welſh Clothes or Linings aforeſaid, but that every ſuch perſon or perſons which hath or have uſed the ſaid Trade or Science as is aforeſaid, ſhall and may have and enjoy the like benefit, commodity and advantage, as well in buying and ſelling the ſaid Welſh Clothes and Linings as otherwiſe, in as large, free and ample manner and form, as if this Act had never been made.

Occupiers of the Trade of buying and ſelling Welſh Cloth, ſhall pay to their Sheermen ready money.

VI. And further, to the intent the ſaid poor Sheermen, Frizers and Cottoners, may be the better relieved and maintained, (2) Be it enacted by the authority aforeſaid, That all and every perſon and perſons occupying and uſing, or which hereafter at any time ſhall occupy or uſe the ſaid Trade, Science or Art of buying and ſelling of Welſh Cloth and Linings aforeſaid, and ſhall from the Feaſt of Eaſter next enſuing, deliver any Welſh Cloth or Linings aforeſaid, to be cottoned, frized, dreſſed or wrough, to any Sheerman, Cottoner or Frizer, ſhall deliver, content and pay to the ſaid Sheerman, Cottoner or Frizer, ready and preſent money for all his ſaid work, without any colour, fraud or engine whatſoever, and ſhall not deliver any Ware or other thing whatſoever in contentation or ſatisfaction of his ſaid work, or any part thereof, (3) upon pain that every perſon offending in that behalf, ſhall forthwith loſe all ſuch Liberties, Freedoms and Privileges, which he hath or ſhall have, as one of the ſaid Company, Fraternity or Guild of the ſaid Art and Myſtery of Drapers; and alſo ſhall for ever after, be utterly diſabled and excluded to uſe, occupy or enjoy, by himſelf, or by any other for him, or to his uſe, the ſaid Trade, Art, Myſtery or Science of buying or ſelling of Welſh Clothes or Linings; This Act, or any other matter or thing whatſoever to the contrary in any wiſe notwithſtanding.

CAP. VIII.

An Act for the Repeal of a Branch of a Statute made Anno 22 H. 8. touching the Stature of Horſes.

Horſes 3. The Statute of 3 . H. 8. 13. mentioning ſo much as the height of horſes feeding upon the mariſh grounds of the Counties of Huntington, Cambridge, Lincoln, &c. And of what height the horſes feeding there ſhall be.

WHere at the Parliament holden at Weſtminſter the two and thirtieth year of the Reign of the moſt victorious Prince of famous memory, King Henry the Eighth, moſt dear Father unto the Queens moſt excellent Highneſs, our Sovereign Lady that now is, amongſt other things it was ordained, eſtabliſhed and enacted by the ſaid late King, with the aſſent of the Lords Spiritual and Temporal, and the Commons of the ſame Parliament aſſembled, for the increaſe and breed of greater and ſtronger Horſes from thence after to be had within this Realm of England, That no Commoner or Commoners within any Foreſt, Chaſe, Moor, Mariſh, Heath, Common, or waſte Ground, nor any Officer or Officers of or within any of the ſaid Foreſts or Chaſes, nor any other perſon or perſons whatſoever he or they be, at any time after the laſt day of March, which ſhould be in the year of our Lord God 1543 then next following the Seſſion of the ſame, ſhould have or put to paſture into or upon any ſuch Ground, Foreſt, Chaſe, Moor, Mariſh, Heath, Common or waſte Ground, any ſtoned Horſe or Horſes being above the age of two years, and not being of the altitude and height of fifteen handful, to be meaſured from the loweſt part of the Hoof, unto the higher part of the Wither, and every handful to contain four inches of the Standard, to paſture, feed, or to be nouriſhed in or upon any of the ſaid Foreſts, Chaſes, Commons, Moors, Mariſhes, Heaths or waſte Grounds within any of the ſaid Shires and Territories of Norfolk, Suffolk, Cambridge, Buckingham, Huntington, Eſſex, Kent, Southampton, Northwiltſhire, Oxford, Bark, Worceſter, Glouceſter, Somerſet, Northwales, Southwales, Bedford, Warwick, Northampton, Yorkſhire, Cheſhire, Stafford, the County of the City of York, the Town and Liberties of Glouceſter, the County of the Town of Kingſton upon Hull, the County Palatine of Lancaſter, the County of Salop, Leiceſter, Hereford and Lincoln, or within any of them, (2) nor ſhall put to feed or paſture, any ſtoned Horſe or Horſes, being above the ſaid age of two years, and not being in height of fourteen handful to be meaſured as is aboveſaid, within or upon any like Ground or Grounds, as hath been above written, lying or being within any other Shire of this Realm, neither yet any of them, (3) upon pain of forfeiture and loſs of the ſaid Horſe or Horſes which ſhall be found in or upon any ſuch Ground, Foreſt, Chaſe, Moor, Mariſh, Heath, Common or waſte Grounds, at any time after the ſaid laſt day of March, which was in the year of our Lord God 1543, contrary to the form of the ſaid late Eſtatute, and further, as by the ſaid Eſtatute more fully and at large may appear: (4) By reaſon whereof, and ſince which time, divers and ſundry great and manifold hurts, hindrances and loſſes have happened and chanced as well to the inhabitants of the Moors, Mariſhes and Fenn Grounds within the Iſle of Ely, ſituate, lying and being in the ſaid County of Cambridge, as alſo to the inhabitants of other the Moors, Mariſhes and Fenn Grounds within the ſaid Shire, together with the Counties of Huntington, Northampton, Lincoln, Norfolk and Suffolk, next adjoyning and bordering upon the ſame Iſle: For that the ſaid Moors, Mariſhes and Fenn Grounds, becauſe of the rottenneſs, unfirmneſs, moiſture and wateriſhneſs, were never able, ne yet are, to breed, bear, or bring forth ſuch great breed of ſtoned Horſes, of ſuch highneſs and high ſtature, as within the aforeſaid Statutes are expreſſed, without danger and peril of the miring, drowning and periſhing of the ſame. (5) Whereupon many Promoters, taking occaſion by reaſon of the aforeſaid Eſtatute, have as well entred into the ſaid Iſle, as alſo other the Moors, Mariſhes and Fenn Grounds, in all the Countrey next bordering and adjoyning unto the ſame, and taking away by virtue and purvey of the ſaid Eſtatute, from divers poor men, not being able otherwiſe to remedy the ſame, their Horſe not being comparable of like ſtature to the ſaid Eſtatute, as well to the great loſs and hindrance of all the breed of Horſes there, no man daring to put any ſuch forth on the ſaid Ground, for fear of ſuch perſons; as alſo to the utter ſubverſion and decay of all the Tillage and Carriage within the ſaid Iſle, and others the Countreys round about the ſame, in time to come:

The inconveniences which enſued to divers perſons by the Statute of 32 H. 8. 13.

A repeal of ſo much of the Statute of 32 H. 8 13 as doth concern certain Counties and places.

II. For reformation and redreſs whereof, be it further enacted by the Queen our Sovereign Lady, the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, That as much of the aforeſaid Eſtatute, made in the ſaid two and thirtieth year of King Henry the Eighth, or yet any part, branch or article, or any parcel thereof, touching or concerning any the Mariſhes and ſeggy Fenn Grounds within the ſaid Iſle, ſituate, lying and being in the ſaid County of Cambridge, together with all other the Mariſhes and ſeggy Fenn Grounds within the ſaid Shires of Cambridge, Huntington, Northampton, Lincoln, Norfolk. ſhall be from hence forth utterly repealed, fruſtrate, void and of none effect in the Law; Any thing in the ſaid former Act expreſſed to the contrary notwithſtanding.

Of what height horſes ſhall be, feeding upon the Commons in the Iſle of Ely, &c.

III. Nevertheleſs, be it ordained and enacted by the authority of this preſent Parliament, That no perſon or perſons whatſoever he or they be, at any time after the laſt day of March next coming, ſhall have or put to paſture into or upon any Mariſh or ſeggy Fenn Ground within the ſaid Iſle of Ely, or into or upon any Mariſh or ſeggy Fenn Grounds within the ſaid Counties of Cambridge, Huntington, Northampton, Lincoln, Norfolk and Suffolk, or any of them, any ſtoned Horſe or Horſes, being above the age of two years, and not being of the altitude and height of thirteen handful, to be meaſured from the loweſt part of the Hoof of the Forefoot, unto the higher part of the Wither, and every handful to contain four inches of the Standard, to paſture, feed, or to be nouriſhed in or upon any the ſaid Mariſhes, or ſeggy Fenn Grounds within the ſaid Iſle, and within the ſaid Counties of Cambridge, Huntington, Northampton, Lincoln, Norfolk and Suffolk, or any of them, upon ſuch and the like pain, as by the ſaid former Act is limited and expreſſed.

CAP. IX.

An Act to repeal a Branch of the Statute made in the Twenty third year of King Henry the Eighth, touching the prices of Barrels and Kilderkins.

Coopers 1. So much of the Statute of 23 H. 8. 4. as concerneth the prices of Veſſels for Ale and Beer repealed, &c.

IN their moſt humble wiſe ſhewen unto the Queens moſt excellent Majeſty, and unto the Lords Spiritual and Temporal, and unto the Commons in this preſent Parliament aſſembled, the Coopers of the City of London, and of all other Cities and Towns within this Realm of England, That where in the Parliament holden by Prorogation at Weſtminſter the fifteenth day of January, in the three and twentieth year of the Reign of the late King of famous memory, King Henry the Eighth, Father to our ſaid Sovereign Lady the Queens Highneſs that now is, there was one Statute made and enacted, Entituled, An Act that no Brewers of Beer or Ale, ſhall make their Barrels, Kilderkins nor Firkins within them; and how much the ſame Barrels, Kilderkins and Firkins ſhall contain: (2) In which Statute, amongſt other things therein contained, It is enacted, That no Artificer of the Coopers ſhall inhaunce the prices of any ſuch Barrels, Kilderkins, Firkins, or other Veſſels, in the ſale of them to any Ale-brewer or Beer-brewer, or other perſon, as in the ſaid Act are mentioned, but ſhould keep the rates of ſuch prices, as in the ſame Act are expreſſed, and not above, (3) upon pain to forfeit for every Barrel, Kilderkin and Firkin defective or inhaunced in price, in any point contrary to the ſaid Act, Three ſhillings and four pence: That is to ſay, for every Beer-barrel, Nine pence, for every Beer-kilderkin, Five pence, for every Beer-firkin, Three pence, and the Ale-barrel, Sixteen pence, the Ale-kilderkin, Nine pence, and the Ale-firkin Five pence, as by the ſame Act amongſt divers other things therein contained, more fully and at large doth and may appear: (4) Since which time the Clove-board, and Stuff whereof the ſaid Veſſels and the Hoops thereof ſhould be made, are riſen and grown to ſuch exceſſive prices, that ſuch as do make the ſaid Veſſels, cannot make and ſell any ſuch Barrels Kilderkins, Firkins, or other veſſels, at the prices expreſſed in the ſaid Eſtatute, but to their great loſs and hindrance, whereby the Myſtery, Trade and Faculty of the ſaid Coopers is utterly overthrown, to the impoveriſhment and utter undoing of them, their Wives, Children and Families, as is moſt evident:

The difference between the old and new prices of Barrel-boards and Hoops.

II. Foraſmuch as at the time of the making the ſaid Eſtatute, the Coopers might have bought a thouſand of Barrel-boards for Twelve ſhillings, or thirteen ſhillings and four pence; and a thouſand of Kilderkin-boards for Nine ſhillings or Ten ſhillings, and a load of Hoops for Nine ſhillings or Ten ſhillings; and now a thouſand of Barrel-boards cannot be bought under Three and thirty ſhillings and four pence, and Fourty ſhillings; and a thouſand of Kilderkin-boards under Six and twenty ſhillings and eight pence, and a load of Hoops under Three and thirty ſhillings and four pence, and Fourty ſhillings, as is right well and notoriouſly known:

A repeal of ſo much of the Statute of 23 H. 8. 4. as toucheth the prices of Veſſels for Ale and Beer.

III. Be it therefore enacted by the Queens moſt excellent Majeſty, The Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That as much of every Article, Clauſe and Sentence compriſed in the ſaid Eſtatute, made in the ſaid three and twentieth year of the Reign of the ſaid late King, as doth touch and concern the prices of Barrels, Kilderkins, Firkins, and other Veſſels, and all and every pain and forfeiture expreſſed and declared in the ſaid Act, for ſelling of any of the ſaid kind of Veſſels above the prices before ſpecified, from the time of new prices to be ſet in form hereafter expreſſed, for ſuch places only as the ſame new prices ſhall be ſet, ſhall be clearly repealed, fruſtrate and made void.

Who ſhall rate the prices of Veſſels for Ale and Beer.

IV. And that from henceforth the prices of all Barrels, Kilderkins, Firkins, and other Veſſels to be ſold, for Ale, Beer or Sope to be uttered therein, ſhall be rated and taxed by Mayors, Bayliffs, and other Head-officer or Officers of every City and Town-corporate, where any ſuch veſſels ſhall be made, or offered to be ſold.

V. And where ſuch veſſels ſhall be made or ſold out of any City, Borough or Town-corporate, the prices thereof ſhall be rated and taxed by the Juſtices of the Peace, or the more part of them, being preſent in the general Quarter Seſſions, yearly next after Eaſter, at ſuch reaſonable prices as they ſhall think reaſonable by their diſcretions; The ſaid Eſtatute made in the ſaid three and twentieth year of the Reign of the ſaid late King Henry the Eighth, or any other Law, Cuſtom or Uſage to the contrary thereof in any wiſe notwithſtanding.

The forfeiture of Coopers not ſelling their Veſſels at the prices rated.

VI. And be it further enacted, That if the ſaid Coopers, or any of them, ſhall not make ſale according to ſuch prices as ſhall be rated as is aforeſaid, after Proclamation thereof made, that then every perſon and perſons ſo offending, ſhall for the ſame incur the pains and forfeitures mentioned in the ſaid Statute made the ſaid three and twentieth year of the Reign of the ſaid late King; That is to wit, for every Barrel, Kilderkin and Firkin which ſhall be ſold at greater price then ſhall be rated and taxed as is aforeſaid, the ſum of Three ſhillings and four pence, of lawfull money of England, whereof the one moiety to be to the Queens Highneſs, her Heirs and Succeſſors, and the other moiety to ſuch perſon or perſons as will ſue for the ſame by action of Debt in any Court of Record, wherein no Protection, Eſſoin or Wager of Law ſhall be allowed or admitted.

CAP. X.

An Act for Bowyers.

Bows 4. The Statutes made in the Reigns of Ed. 4. H. 7 & H. 8. concerning ſo much as the prices of Bows repealed.

MOſt humbly complaining, ſheweth unto your Highneſs, and to your High Court of Parliament, your obedient Subjects, the Bowyers dwelling and inhabiting within the City of London, and the Suburbs of the ſame, That where in the Parliament of the late King of moſt famous memory, King Henry the Eighth, begun and holden at Weſtminſter, the ſixteenth day of January, in the three and thirtieth year of the Reign of the ſaid late King, and there continued untill the firſt day of April then next following, there was one Act and Statute then made and provided, Entituled, An Act for the maintenance of Artillery, and debarring of unlawfull Games; (2) In which Act and Statute, amongſt other things, there is one branch contained and ſpecified, the tenour whereof is as hereafter followeth: That is to ſay, and to the intent that every perſon may have Bows of mean price, Be it enacted by the authority aforeſaid, That every Bowyer dwelling out of the City of London, ſhall after the Feaſt of the Purification of our Lady then next coming, for every Bow that he maketh of Yew, make three other Bows meet to ſhoot in, of Elm, Witchhaſel, Aſh, and other Wood apt for the ſame, under the pain to loſe and forfeit for every ſuch Bow ſo lacking, Three ſhillings and four pence. (3) And every Bowyer dwelling within the City and Suburbs of London, ſhall from and after the ſaid Feaſt of the Purification of our Lady then next coming, for every Bow of Yew, make two other Bows apt for ſhooting, of Aſh, Elm, Witchhaſel, or other Wood meet for the ſame, under the like pain and forfeiture, as by the ſaid Statute more plainly it doth and may appear: (4) And although the ſaid branch of the ſaid Statute be needful and expedient to remain and continue for ſuch Bowyers as do dwell and inhabit in the Countrey, and other places out of the City of London, and the Suburbs of the ſame; yet foraſmuch as there be very few or no Bows of Elm, Witchhaſel or Aſh, or any other Wood, then only of Yew, uſed or occupied by any perſon within the ſaid City and Suburbs of the ſame; therefore the ſaid branch of the ſaid Act and Statute before rehearſed, was not, ne is needful to be had and made for the Bowyers dwelling within the ſaid City and Suburbs.

And who may be Bowyers in London or the Suburbs thereof, &c.

II. And yet nevertheleſs your ſaid Subjects, for the avoiding of the danger and penalty contained in the ſaid branch, are daily inforced to make ſuch great number of Bows of Elm, Witchhaſel and Aſh, that they cannot in convenient time utter and ſell the ſame, but are conſtrained to keep ſuch Bows by them ſo made, until they be putrified, and not meet for any good uſe and purpoſe:

III. By reaſon whereof, much of the ſaid Wood of Elm, Witchhaſel and Aſh, is dayly waſted and conſumed in making of the ſaid Bows, and your ſaid Subjects, by ſuch loſſes as they dayly ſuſtain in making ſuch Bows, greatly impoveriſhed, and the Commonwealth thereby nothing advanced, but rather hindred.

IV. And where alſo the ſeveral Statutes of the noble King of famous memory, King Edward the Fourth, made in the two and twentieth year of his Reign, and in the third year of the Reign of King Henry the Seventh, Grandfather to our ſaid Soverign Lady, the Queens Majeſty, and in the ſaid xxxiii. year of the Reign of our ſaid late Sovereign Lord King Henry the Eighth, Father to our ſaid Sovereign Lady, there is mention made of the prices of Bows, which at thoſe ſeveral times was appointed to be but Three ſhillings and four pence, and not above, to ſell the beſt;

22 Ed. 4. 6.
3 H. 7. 13.
23 H. 8. 9.

V. At which ſaid times ſuch Bows might well have been ſo ſold to any perſon or perſons, according to the rates and prices expreſſed in the ſaid ſeveral Acts, until now, within this twenty years, the prices of Bow-ſtaves have diverſly been raiſed and enhaunced from Five pounds a hundred, to Twelve pounds, or thereabouts; for which cauſes the prices contained in the ſaid ſeveral ſtatutes, cannot be obſerved; and yet your Majeſties ſaid Subjects, the Bowyers, are preſently in danger of the ſaid ſeveral Statutes concerning the prices of Bows, which they humbly beſeech your Majeſty, with the aſſent of your High Court of Parliament; may be releaſed unto them, and the penalties appointed for the ſame.

VI. Be it therefore enacted, ordained and eſtabliſhed by the Queens Majeſty our Sovereign Lady, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid Eſtatutes of King Edward the Fourth, and King Henry the Seventh, concerning the prices of Bows, and all the branches contained in the ſaid Statute of King Henry the Eighth, ſo far forth as the ſame extendeth to the prices of Bows, therein expreſſed only, from the firſt day of this preſent Parliament, and ſo for ever, be thereby clearly repealed, and made void and fruſtrate, to all intents, conſtructions and purpoſes, (2) and alſo all and every clauſe and ſentence of the ſaid Statute of King Henry the Eighth before recited, tending to the making of Bows of Elm, Witchhaſel, Aſh, and other Wood, beſides Yew before rehearſed, or any penalty therein contained, for any the laſt rehearſed premiſſes, from henceforth for ever, ſhall not be intended, conſtrued or taken to extend to any Bowyer now dwelling or inhabiting, or which hereafter ſhall happen to dwell or inhabit within the Cities of London and Weſtminſter, or the Suburbs of any of them, or in the Borough of Southwark in the County of Surrey; The ſaid Statutes, or any thing in them, or any of them contained in any wiſe to the contrary notwithſtanding.

A repeal of ſo much of the Statutes of 24 Ed. 4. 4. 3 H. 7. 13. & 33 H. 8. 9. as do concern the prices of Bows, and the making of Bows of Elm, &c. in London, &c.

VII. And be it further enacted by the authority aforeſaid, That all and every the ſaid Bowyers within the ſaid Cities and Suburbs of London and Weſtminſter, and Borough of Southwark, ſhall from henceforth from time to time, and all times hereafter, provide and have in his or their cuſtody, the number of fifty good and able Bows of Elm, Witchhaſel or Aſh, at the leaſt, well and ſubſtantially made and wrought, (2) upon pain that every of the ſaid Bowyers, which by the ſpace of twenty days, ſhall not have in his cuſtody ſuch number of the ſaid Bows of Witchhaſel, Elm or Aſh ready made, and meet to be ſold and uſed, as aforeſaid, ſhall hereafter for every Bow lacking of the number aforeſaid, forfeit Ten ſhillings; the one moiety of which forfeiture ſhall be to our ſaid Sovereign Lady the Queens Majeſty, and the other moiety thereof ſhall be to him or them uſing the Art of an Armourer, Fletcher or maker of Bow-ſtrings that will ſue for the ſame, by Action of Debt, Bill, Plaint, or otherwiſe, in any Court of Record; in which Action and Suit, no Protection or Wager of Law ſhall in any wiſe be admitted or allowed for the Defendant.

A Bowyer dwelling in London or the Suburbs, ſhall have fifty Bows of Elm, &c.

VIII. Provided always, and be it enacted by the authority aforeſaid, That if any Bowyer, after the firſt day of May next coming, do ſell any Bows meet for mens ſhooting, being outlandiſh Yew, and of the beſt ſort, over and above the price of Six ſhillings and eight pence; (2) or do ſell any Bows meet for mens ſhooting, being of the ſecond ſort, over and above the price of Three ſhillings and four pence; (3) or ſhall ſell any Bows for men, as is aforeſaid, being of the courſer ſort, called Livery Bows, for and above the price of Two ſhillings apiece; or that ſhall after the ſaid firſt day of May, ſell any Bows being Engliſh Yew, over and above the

The ſeveral prices of ſeveral ſorts of Bows.

the price of two ſhillings the piece; (5) That then the Seller or Sellers of ſuch Bows, ſhall forfeit for every Bow ſo ſold over and above the price aforeſaid, Fourty ſhillings, the one moiety thereof to the Queens Majeſty, her Heirs and Succeſſors, and the other moiety to the party uſing the Art of an Armourer, Fletcher, or maker of Bow ſtrings, that will ſue for the ſame in any Court of Record, by Action of Debt, Bill, Plaint, or otherwiſe, wherein no Wager of Law, Eſſoin or Protection ſhall be admitted or allowed; Any thing in this Act, or in any other Act contained to the contrary in any wiſe notwithſtanding. (6) This Act to continue untill the laſt day of the firſt Seſſion of the next Parliament. 3 Car. 4. Continued until the end of the firſt Seſſion of the next Parliament.

CAP. XI.

An Act for uttering of Caps, and for the true making of Hats and Caps.

Hats 1. Corporations 18. Who may make Hats and Caps, and how they ſhall be made.

Where great multitudes of the Queens Majeſties true Subjects, uſing the Art of making woollen Caps, are impoveriſhed and decayed by the exceſſive uſe of Hats and Felts, and thereby divers good Cities and Towns brought to deſolation, great plenty of ſtrange Commodities, without neceſſity conſumed, and great numbers of people enforced to depend upon the having of Foreign Wools, to the diſcommodity of this Realm, the diſfurniture of ſervice to be done to the Queens Majeſty, and greater evident dangers, if remedy be not provided.

None ſhall work Hats with foreign wool, but which hath been Apprentice to the myſtery of Hat-making.

II. It may therefore pleaſe the Queens moſt excellent Majeſty, at the lamentable ſuit and complaint of her ſaid poor Subjects, That it be enacted by the authority of this preſent Parliament, That no perſon, by him or herſelf, or by any other, ſhall after the Feaſt of the Nativity of St. John Baptiſt next coming, make or work any Felt or Hat, of or with any Foreign Wooll or Stuff, unleſs ſuch perſon ſhall firſt have been Apprentice or Covenant-ſervant to ſuch Myſtery of Felt or Hat-making, by the ſpace of ſeven years at the leaſt, upon pain to forfeit for all ſuch Hats or Felts as he ſhall make, or cauſe to be made while he worketh contrary to the form of this Act, and Five pounds in money for every month that he ſhall ſo continue.

Caps of Felt, or of woollen Cloth not knit.

III. And be it enacted by the authority aforeſaid, That from the firſt day of April next coming, no perſon whatſoever ſhall make, ſell, or cauſe to be made or ſold, any Cap or other thing of Felt, but only Hats, (2) nor ſhall make, ſell, or cauſe to be made or ſold, any Cap of any woollen Cloth not knit. (3) And that no perſon, after the ſaid firſt day of April, ſhall dye, or cauſe to be dyed black, any Cap, with Bark or Swarf, but only with Copperas and Gall, or with Woad and Madder.

Dying of Caps

Thicking or fulling of Caps

IV. And (for the ſetting of many poor and impotent perſons to work, and for the better making of Caps) that no perſon, after the ſaid firſt day of April, ſhall thick or full in any Mill, or cauſe to be thicked or fulled in any Mill, any Cap, until ſuch time as the ſame Cap be firſt well ſcoured and cloſed upon the Bank, and half thicked at leaſt in the Footſtock.

Who only may wear a Hat or upper Cap of Velvet. Rep. 1 Jac. 25.

Who ſhall have the forfeiture. An. 1 Jac. 17.

V. And that no man under the degree of a Knight, or of a Lords Son, ſhall after the ſaid firſt day of April, wear any Hat or upper Cap of Velvet, or covered with Velvet, (2) on pain to forfeit for every Hat, Cap, or other thing to be made, dyed, thicked, fulled, ſold or worn contrary to the meaning of this Act, Ten ſhillings, whereof the one moiety ſhall be to the Queens Majeſty, her Heirs and Succeſſors, the other moiety to ſuch perſon then uſing the Feat of Cap-making, as will ſue for the ſame in any Court of Record, wherein no Eſſoin, Protection, or Wager of Law for the Defendant, ſhall be admitted or allowed.

Who may ſearch and reform Cappers and Hatters.

VI. And for the better and truer making of Caps or Hats within this Realm, Be it enacted by the authority aforeſaid, That it ſhall be lawful to the Maſter and Wardens of the Company of Haberdaſhers within the City of London, and to their Succeſſors for the time being, calling to them one of the Company of Cappers, and another of the makers of Hats, as often as need ſhall require, within the ſaid City, or within three miles of the ſame, to ſearch all and all manner of Cappers and makers of Hats, and the offendors and defaults by them found, to correct and puniſh by Fines, and otherwiſe, as in like caſes they do other offendors, and defaults within the ſaid Company: (2) And that it ſhall be lawful for all Mayors, Bayliffs, and other Head-officers in all other Cities and Towns corporate, to do the like.

Who may be Hat-maker, though he hath not been an Apprentice.

VII. Provided always, and be it enacted by the authority aforeſaid, That every Hat-maker, that now is a maker or worker of Hats, and being a Houſholder, Apprentice, Covenant-ſervant, or Journeyman, ſhall or may, during ſuch perſons natural life, continue making of Hats and Felts, albeit ſuch perſon were not bounden Apprentice to the ſame Art for the ſpace of ſeven years.

How many Apprentices Hat-makers may take.

VIII And be it enacted, That no maker or worker of Hats, ſhall take or receive any Apprentices contrary to the true meaning of this Act; that is to ſay, above two Apprentices at one time, nor thoſe for any leſs time then ſeven years at the leaſt, on pain to ſuffer for every Apprentice to be taken or received againſt the form of this Act, one months impriſonment in the Common Goal, without bail or mainpriſe: (2) And that every taking or receiving of an Apprentice contrary to this Act, ſhall be void; (3) and alſo ſuch perſon ſo taking or receiving, ſhall be from thenceforth diſabled to have any more Apprentices then one at one time.

A Hat-maker may uſe his own Child.

IX. Provided alway, That nothing in this Act ſhall extend to charge any perſon allowed to be Felt-maker or Hat-maker, with any pain or forfeiture, for ſetting or uſing his or their own Children to the making or working of Felts or Hats in his or their own Houſes. Provided that this Act ſhall not extend to any making of Hats with Worſted Yarn, in the City of Norwich. 1 Jac. 17.

CAP. XII.

An Act for the Aulnegers Fees in Lancaſter, and for length, breadth and weight of Cottons, Frizes and Rugs.

Drapery 3. & 95., &c.

Foraſmuch as divers Clothiers inhabiting within the County Palatine of Lancaſter, ſeeking inordinately their own ſingular gains, have of late practiſed privily, to convey and carry away out of the ſaid County divers Cottons, Frizes and Rugs there made to be ſold, before ſuch time as the Queens Aulneger of the ſaid County, hath fixed unto every ſuch Cloth the Queens Seal in that behalf appointed, and ſometime counterfeiting and ſetting to ſuch their Clothes, Seals of their own, (2) minding thereby, not only to defraud the ſaid Aulneger of his accuſtomable Fees, due to be paid to the Queens Highneſs uſe, for the ſealing of every ſuch Cloth, Cotton, Frize or Rug; but alſo to cover and hide the untrue and deceitful making of many of the ſaid Clothes, contrary to the true meaning of ſundry good and wholſom Eſtatutes and Laws heretofore made, as well for the true making of the Clothes beforeſaid, as alſo for the ſearching, trying and ſealing of the ſame, (3) to the no little prejudice and damage of the ſaid Aulneger, who ſtandeth charged with the payment of a great annual Farm to the Queens Majeſty for the ſaid Aulnege in deceit of her Highneſs Subjects, and diſcredit of the commodity of the ſaid Clothes:

No cloth ſhall be ſold before the party and Aulneger have ſet to their Seals.

II. For reformation whereof, Be it enacted by our ſaid Sovereign Lady the Queen, the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons, from and after the firſt day of April next coming, ſhall ſell or put to ſale within the ſaid County, or convey or carry or cauſe to be conveyed and carried out of the ſaid County of Lancaſter, any kind of Clothes, Cottons, Frizes or Rugs hereafter to be made within the ſaid County Palatine of Lancaſter, to be ſold, before ſuch time that the Owner or Maker of every ſuch Cloth, Cotton, Frize or Rug, ſhall fix and put to, or cauſe to be fixed or put to every ſuch Cloth, Frize, Cotton or Rug, one Seal of Lead, having the Mark of every ſuch Owner or Clothier engraved on the one ſide thereof, and the true length of every ſuch Cloth, Frize, Cotton, or Rug, as it is found being wet, to be engraved on the other ſide of the ſaid Seal: (2) And alſo the Queens Highneſs Aulneger of the ſaid County Palatine for the time being, upon trial of the weight of every ſuch Cotton, Frize and Rug, ſhall fix and put, or cauſe to be fixed and put to every ſuch Cotton, Frize or Rug, the Queens Highneſs Seal of Lead, having the Portcullis crowned, engraved on the one ſide thereof, and the true weight of every ſuch Cotton, Frize or Rug, to be engraved on the other ſide of the ſame Seal, (3) upon pain and forfeiture of all and every ſuch Clothes, Cottons, Frizes and Rugs, conveyed, carried, ſent, ſold and put to ſale, or to the intent to be ſold, being unſealed, contrary to the meaning of this preſent Act: the one moiety thereof to be to the uſe of the Queens Highneſs, her Heirs and Succeſſors, and the other moiety thereof to ſuch perſon or perſons that ſhall ſeiſe the ſame Cloth, Cotton, Frize or Rug, or will ſue for the ſame, to be recovered in any of the Queens Highneſs Courts of Record, by Bill, Plaint, Information or otherwiſe; wherein no Eſſoin, Protection, or Wager of Law ſhall be allowed for the Defendant.

Certain Towns in the County of Lancaſter wherein the Aulneger ſhall have his Deputies.

III. And be it further enacted by the authority of this preſent Parliament, That the ſaid Aulneger, after the ſaid firſt day of April, ſhall appoint and have his lawful Deputy within every of the ſeveral Towns of Mancheſter, Rachdale, Bolton, Blackborn and Bery, in the ſaid County where the ſaid Aulneger hath been accuſtomed to have his Deputy heretofore, (2) there to be ready upon lawful requeſt unto him made, without Delay, to weigh every of the ſaid Cottons, Frizes and Rugs, as ſhall be brought unto every ſuch Deputy, and ſealed with the Seal of the Owner or Maker of every of the ſame Clothes, in form aforeſaid, (3) and to fix and ſet to every of the ſaid Clothes, Cottons, Frizes and Rugs, the Queens Highneſs Seal beforeſaid, to be engraven in manner and form before mentioned, (4) upon pain of forfeiture of Twenty ſhillings for every Pack of Cottons, Frizes or Rugs ſealed by the ſaid Aulneger, or any of his ſaid Deputies, before the ſame be weighed in form aforeſaid: The one moiety whereof to be to the uſe of the Queens Highneſs, her Heirs and Succeſſors, and the other moiety thereof to him or them that will ſue for the ſame, in any of the Queens Majeſties Courts of Record, by Bill, Plaint, Information, Action of Debt, or otherwiſe; wherein no Wager of Law, Protection or Eſſoin ſhall be allowed.

How much the Aulneger may take for ſealing of Clothes.

IV. Provided always, and be it enacted by the authority aforeſaid, That it ſhall be lawful for the ſaid Aulneger or his Deputy, to have and take of the Owner or Maker of every of the ſaid Clothes, Cottons, Frizes or Rugs, for the weighing and ſealing of every Pack of the ſaid Clothes, Cottons, Frizes or Rugs, iii. d. (2) and for every piece of ſuch courſe Clothes, Cottons, Frizes and Rugs not amounting to a whole Pack, one Halfpeny, (3) and the ſame to be paid by the Owner or Bringer of the ſaid Clothes, at the weighing or ſealing of the ſame; Any Cuſtom, Uſe or Preſcription to the contrary in any wiſe notwithſtanding.

V. And forasmuch as ſuch perſons as commonly do uſe to utter and ſell the ſaid ſeveral kinds of Cottons, Frizes and Rugs, have been, and are daily moleſted, vexed and troubled, to their great loſs and hinderance, by means of the cruelty of Informers and Searchers, ſeeking continually their own private gain, by finding of the ſaid Cottons, Frizes and Rugs, at no time made according to ſuch form of weight, lengths and breadths, as by the former Statutes of this Realm lately made for the true making of woollen Cloth, is limited and appointed; (2) And for that the ſame perſons do alledge, That the makers of the ſaid Cottons, Frizes and Rugs, can by no means be reduced to obſerve the ſaid weights, lengths and breadths, in making of the ſaid Cottons, Frizes and Rugs, according to the form of the ſaid former Eſtatutes, without the utter undoing of great numbers of poor people, that are commonly the makers of ſuch kind of Clothes; and that by means hereof, the ſaid Cottons, Frizes and Rugs, ſithence the making of the ſaid Eſtatutes, hath been, and are more ſcarce and dearer then they were before the making of the ſaid Eſtatutes, and in nothing at all amended in ſubſtance or form of making:

The weight, length, and breadth of Cottons.

VI. For reformation thereof, Be it enacted, That from and after the firſt day of April next coming, every of the ſaid Cottons being ſufficiently milled or thicked, clean ſcoured, well wrought, and fully dried, ſhall weigh xxi. pound at the leaſt, and ſhall contain in length xxi. goads, or xx. goads at the leaſt, and in breadth at the moſt, three quarters of the yard, or within one nail of three quarters of the yard at the leaſt: (2) And that every of the ſaid Frizes or Rugs being thicked and fully dried, ſhall weigh xliv. pound at the leaſt, and ſhall

Frizes or Rugs.

contain in length, betwixt xxxv. yards, and xxxvii. yards, and ſhall contain in breadth at the moſt three quarters of the yard, or within one nail of three quarters at the leaſt, and not to be ſtrained upon the Tentors above one nail in breadth: (3) And alſo if any of the ſaid Cottons, Frizes or Rugs, ſhall be of any greater length then is before ſeverally expreſſed, that then every goad or yard ſo exceeding the ſaid ſeveral lengths, ſhall weigh after ſuch rate, as every goad or yard of ſuch Cottons, Frizes or Rugs, containing the ſaid ſeveral lengths, ſhall or ought to weigh, (4) upon pain of forfeiture for every goad or yard not weighing after ſuch rate, xii. d.

VII. And alſo if any of the ſaid Cottons, Frizes and Rugs, ſhall be of any leſs weight then is before ſeverally limited and appointed, that then all and every ſuch perſon and perſons that ſhall ſo ſell, or cauſe to be ſold any ſuch Cotton, Frize or Rug, ſhall forfeit for every pound lacking under iii. li. xii. d. (2) and for every pound weight lacking above iii. li. v. s. (3) The one half of which forfeitures ſhall be to our Sovereign Lady the Queens Highneſs, her Heirs and Succeſſors, and the other half thereof to ſuch perſon or perſons that ſhall ſue for the ſame, by Action of Debt, Bill, Plaint or Information, in any of the Queens Majeſties Courts of Record, wherein no Eſſoin, Protection, or Wager of Law ſhall be admitted or allowed for the Defendant.

All Acts made for the ſealing and making of Cottons, Frizes and Rugs, ſhall be void. 34 H. 8. 11.

VIII. And further, Be it enacted by the authority aforeſaid, That all and every branch, clauſe, ſentence and article, ſpecified and contained in any other Acts of Parliament before this time made, concerning the ſealing and making of the ſaid Cottons, Frizes and Rugs, ſhall be from henceforth utterly repealed, void, and of none effect; Any thing in the ſaid Acts contained to the contrary in any wiſe notwithſtanding.

The Liberties of Towns-corporate in Lancaſhire, ſaved.

IX. Provided always, That this Act ſhall not in any wiſe extend to be prejudicial or hurtful unto any Charter, or Liberty of any Borough or Corporate Town within the ſaid County Palatine of Lancaſter, concerning the making and putting to ſale of any woollen Cloth; Any thing therein contained to the contrary notwithſtanding.

CAP. XIII.

Mariners, Raſt. 2. Co. Inſt. 4 part, 49.

The Maſter, Wardens, and Aſſiſtants of the Trinity Houſe at Deptford Strond, may at their coſts from time to time, erect ſuch and ſo many Beacons, Marks and Signs for the Sea, in ſuch places of the Sea-ſhores, and Uplands near to the Sea-coaſts, only for the Sea-marks, as to them ſhall ſeem requiſite: And the ſame ſhall be continued, and renewed at their coſts. PR.

CAP. XIV.

An Act touching the tranſporting of Tawed Leather, made of Sheep-skins and Lamb-skins.

Marchants, Raſt. 49.

5 Eliz. 22.

FOraſmuch as in one Act made in the firſt Seſſion of this preſent Parliament, Intituled, An Act againſt the carrying of Sheepskins and Pelts over the Sea, not being Staple-ware, there is contained one Branch againſt the making of any Pelts by any perſon, other then ſuch as are permitted to make the ſame by the ſaid Statute: (2) The execution of which branch hath been put in ſuſpence, by reaſon that ſome other parts of the ſame Statute are ſuppoſed to be againſt the entercourſe of the Low-Countries of the King of Spain:

A repeal of ſo much only of the Stat. of 5 El. 22. as touching the tranſporting of tawed Leather of Sheep-ſkins and Lamb-ſkins.

II. Be it therefore declared and enacted by the authority of this preſent Parliament, That the ſaid firſt branch of the ſaid Statute, being not againſt the ſaid entercourſe, ſhall from henceforth be put in due execution: (2) And foraſmuch as great multitudes of the Queens Majeſties Liege People have been ſet on work, by converting of Sheeps-skins and Lamb-skins into tawed Leather and Parchment, here within this Realm, which by one other branch of the ſaid Statute is prohibited to be tranſported out of the Realm in Leather: (3) And where the converting of ſuch Skins into Leather and Parchment, hath been great maintainance of many thouſands of the Subjects of this Realm, and greater daily will be, to the great benefit of this Realm, if the ſaid firſt branch concerning making of Pelts, ſhould be duly put in execution, where otherwiſe, if the ſaid Pelts ſhould be tranſported into other Realms, the ſame would be an occaſion of the impoveriſhing of many of the natural Engliſh people of this Realm: (4) Be it therefore enacted by authority of this preſent Parliament, That ſo much of the ſaid Statute as concerneth the tranſporting of tawed Leather to be made of Sheep-skins and Lamb-skins, ſhall from henceforth, as touching only the tranſporting of ſuch tawed Leather, be repealed and void; Any thing in the ſaid Statute to the contrary notwithſtanding. St. 14 Car. 2. cap. 7.

CAP. XV.

Crows, Raſt. 2. 14 Eliz. 11. 2 Bulſt. 60.

The Branch only of the Statute of 24 H. 8. 10. ſhall be revived, which concerneth the proviſion, uſe, and maintenance of Nets and Shrops for the deſtruction of Crows, &c. And all the reſt of that Statute ſhall be repealed. Several Rewards aſſigned for the taking and bringing of the Heads and Eggs of divers ravenous Birds and Vermine. EXP.

CAP. XVI.

An Act that in divers Counties there ſhall be but one Sheriff of one County.

Sheriffs, 29.

The Sheriffwick of ſeveral Counties divided into two Sheriffs which before had but one.

The reaſons for both.

WHereas the Counties and Shires of Surry and Suſſex, Eſſex and Hertford, Somerſet and Dorſet, Warwick and Leiceſter, Nottingham and Derby, Oxon and Berks, of long time have had but one Sheriff to ſerve for two of the ſaid Counties; that is to ſay, one for Surry and Suſſex, and one other for Eſſex and Hertford, and one other for Somerſet and Dorſet, and one other for Warwick and Leiceſter, and one other for Nottingham and Derby, and one other for Oxon and Berks: (2) The occaſion whereof, in the beginning (as it ſhould ſeem) was, for that every of the ſaid ſeveral Counties were not then ſo well inhabited with Gentlemen of good ability to ſerve in the ſaid Office, as (thanks be to God) they be at this preſent: (3) And foraſmuch as the Service and Charges of that Office of Sheriffwick of the ſaid Counties, is more then in times paſt it hath been, and is now commonly greater then one Sheriff is able to ſerve and ſupply; therefore ſuch Gentlemen as do dwell in the ſaid ſeveral Counties, are very deſirous to have for every of the ſaid Counties one Sheriff to be yearly made and appointed for the ſame: (4) And for that the having of ſeveral Sheriffs accordingly, cannot be hurtful to any, but thereby may grow ſome eaſe of charges and trouble to ſuch as ſhall hereafter

after be appointed to ſuch Office, and alſo the ſaid Office better ſerved and executed, then heretofore hath been:

II. Be it therefore enacted by the authority of this preſent Parliament, That the Queens moſt excellent Majeſty, her Heirs and Succeſſors, Kings or Queens of this Realm, ſhall and may from and after the firſt day of November, which ſhall be in the year of our Lord God, One thouſand five hundred threeſcore and ſeven, yearly chuſe and make for every of the ſaid Counties before named, one ſufficient and able perſon to be Sheriff of the ſame, in ſuch like manner and form as is and hath been uſed to be choſen, made, and done for any other County or Shire within this Realm; any Law, Cuſtom or Uſage heretofore had or uſed to the contrary thereof notwithſtanding: (2) And that every perſon which after the ſaid firſt day of November, ſhall be made and appointed Sheriff for any of the ſaid Counties, ſhall be accomptable and uſed in the order of his Account, and all other things and allowance to him to be made in the Court of Exchequer, and all other Courts and Places, in ſuch manner and form as is commonly uſed for Sheriffs in like caſes.

There ſhall be one Sheriff of every the Counties aforeſaid.

III. Provided always, and be it further enacted by the authority aforeſaid, That the Barons of the Queens Highneſs, her Heirs and Succeſſors, of the Court of Exchequer, for the time being, calling unto them as well her or their Graces Officers of Remembrancer, and the Treaſurers Remembrancer, together with the Clerk of the Pipe of the ſame Court, as alſo the ſeveral Sheriffs, the which next after the ſaid firſt day of November, ſhall be by her Highneſs, her Heirs and Succeſſors, conſtituted, named and appointed of every the ſaid ſeveral Counties of Surry and Suſſex, Eſſex and Hertford, Somerſet and Dorſet, Warwick and Leiceſter, Nottingham and Derby, Oxon and Barks, ſhall have by virtue of this Act of Parliament, full power and authority, to ſever and divide by the diſcretion and judgment of the ſaid Barons, all and ſingular the Proffers of the ſaid Counties of Surry and Suſſex, Eſſex and Hertford, Somerſet and Dorſet, Warwick and Leiceſter, Nottingham and Derby, Oxon and Barks. (2) The which ſaid ſeverance and diviſion of the ſaid Proffers, ſhall be entred of Record in the ſaid Court of Exchequer, and ſhall be final and perpetual, during ſo long time as this preſent Act of Parliament ſhall endure and have continuance.

The ſeverance of the proffers of the aforeſaid Sheriffwicks divided.

IV. And be it further enacted by the authority aforeſaid, That in ſuch and the ſame manner and form as the ſaid Proffers ſhall be divided, even ſo the tail of reward of every of the aforeſaid Countries, where any tail of reward hereafter ſhall be taken, ſhall be ſevered and divided in manner and form aforeſaid.

The tail of reward ſhall be ſevered.

V. And be it likewiſe further enacted by the authority aforeſaid, That the ſaid Barons for the time being, of the Queens Highneſs ſaid Court of Exchequer, and of her Heirs and Succeſſors, calling unto them the ſaid Officers of the Treaſurers Remembrancer, and the Clerk of the Pipe, ſhall have full power and authority from time to time, to take order and appointment for the true and ſpeedy payment and contentation of ſuch Creation Money, Fees and Annuities, and all other ſums of money as have been accuſtomed to have been paid, or of right ought to have been paid to any perſon or perſons, by the hands of the ſaid ſeveral Sheriffs: (2) And that ſuch order, direction, and appointment ſo made, had, and taken by the ſaid Barons, in manner and form laſt before recited, ſhall be obſerved, performed, fulfilled and kept yearly, as well by both the Sheriffs of the ſaid ſeveral Counties of Surry and Suſſex, for the time being, as by the ſaid ſeveral Sheriffs for the time being of the ſaid Counties of Eſſex and Hertford, and Somerſet, and Dorſet, and of Warwick and Leiceſter, and of Nottingham and Derby, and of Oxon and Barks; Any Uſage, Law or Cuſtom to the contrary in any wiſe notwithſtanding.

Order for the payment of Creation money, Fees, and other money accuſtomed to be paid.

VI. Provided always, and be it further enacted by the authority aforeſaid, That no Sheriff hereafter to be choſen and made of any one of the ſaid Counties in this Act mentioned, ſhall pay in any Court of Record for any duty belonging properly to the Office of Sheriff, any other fees or charges, then only the one half of the charges and fees which he ſhould be compelled to have paid, if he had been Sheriff of two of the ſaid Shires and Counties, as before the making of this Act was uſed; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

But half the charges ſhall be paid by Sheriffwicks divided in any Court of Record.

VII. This Act to continue and endure unto the end of three whole years, to be accounted from the Feaſt of All Saints, in the year of our Lord God, A thouſand five hundred threeſcore and ſeven, and from thence to the end of the next Parliament then next following the end of the ſaid three years. 13 El. made perpetual, ſaving for the Sheriffs of Suſſex and Surry.

CAP. XVII.

A confirmation of a Subſidy of Four ſhillings in the Pound granted to the Queen by the Clergy, to be pain in three years. Exp.

Taxes, Raſt. 35.

CAP. XVIII.

The Queens free and general Pardon, confirmed by Parliament. Except, &c. Rep.

Pardon, Raſt. 49.

CAP. XIX.

A Grant by the Temporalty to the Queen, of one Subſidy, and of one Fifteen and Tenth. Exp.

Taxes, Raſt. 35.

Anno decimo tertio Reginæ ELIZABETHÆ.

AT the Parliament begun and holden at Weſtminſter, the Second day of April, in the Thirteenth year of the Reign of our moſt Gracious Sovereign Lady Elizabeth, by the Grace of God, of England, France and Ireland, Queen, Defender of the Faith, &c. And there continued until the Diſſolution of the ſame, To the high pleaſure of Almighty God, and weal publick of this Realm, were Enacted as followeth.

CAP. I.

It ſhall be high Treaſon to intend deſtruction or bodily harm to the Queen, or to levy War, or to move others to War againſt her, or to affirm, That the Queen ought not to enjoy the Crown, but ſome other perſon; or to publiſh, That the Queen is an Heretick, Schiſmatick, Tyrant, Infidel, or Uſurper of the Crown; or to claim right to the Crown, or to uſurp the ſame during the Queens life; or to affirm the right in Succeſſion of the Crown in ſome other then the Queen; or to affirm, That the Laws and Statutes do not bind the right of the Crown, and the deſcent, limitation, inheritance, or governance thereof. 1 Mar. 10, 12.

Treaſon, Raſt. 27. 3 Inſt. *6*, 10. 12, 14. Cok. Inſtit. 4 part, 3*6*.

II. Whoſoever ſhall during the Queens liſe, by any Book or Work written, or printed, expreſly affirm, (before the ſame be eſtabliſhed by Parliament) that any one particular perſon is, or ought to be Heir and Succeſſor to the Queen, except the ſame be the natural Iſſue of her Body: Or ſhall wilfully ſet up in open place, or ſpread any Books or Scrowls to that effect: Or ſhall print, bind or put to ſale, or utter, cauſe, &c. any ſuch Book or Writing, he, his Abettors and Counſellors, ſhall for the firſt offence be a whole year impriſoned, and forſeit half his Goods, and for the ſecond offence ſhall incur the Penalty of a Præmunire. Exp. Stat. 26 H. 8. 13. 1 Ed. 6. 12. 1 & 2 P. & M. 10. 1 El. 5.

CAP. II.

An Act againſt the bringing in, and putting in execution of Bulls, Writings, or Inſtruments and other Superſtitious things from the See of Rome.

Rome 2. A rehearſal of the Statute of 5 El. 1. touching the aboliſhing of the authority of the Biſhop and See of Rome.

WHere in the Parliament holden at Weſtminſter, in the fifth year of the Reign of our Sovereign Lady the Queens Majeſty that now is, by one Act and Statute then and there made, Entituled, An Act for the aſſurance of the Queens Majeſties Royal Power over all States and Subjects within her Highneſs Dominions, it is among other things very well ordained and provided, for the aboliſhing of the uſurped Power and Juriſdiction of the Biſhop of Rome, and of the See of Rome, heretofore unlawfully claimed and uſurped within this Realm, and other the Dominions to the Queens Majeſty belonging, That no perſon or perſons ſhall hold or ſtand with, to ſet forth, maintain, defend or extoll the ſame uſurped power, or attribute any manner of juriſdiction, authority or preheminence to the ſame to be had or uſed within this Realm, or any the ſaid Dominions, upon pain to incur the danger, penalties and forfeitures ordained and provided by the Statute of Proviſion and Præmunire, made in the ſixteenth year of the Reign of King Richard the Second, as by the ſame Act more at large it doth and may appear: (2) And yet nevertheleſs, divers ſeditious and very evil diſpoſed people, without the reſpect of their Duty to Almighty GOD, or of the Faith and Allegiance which they ought to bear and have to our ſaid Sovereign Lady the Queen, and without all fear and regard had to the ſaid good Law and Statute, or the pains therein limited, but minding as it ſhould ſeem, very ſeditiouſly and unnaturally, not only to bring this Realm, and the Imperial Crown thereof (being in very deed of it ſelf moſt free) into the thraldom and ſubjection of that foreign, uſurped, and unlawful juriſdiction, preheminence and authority claimed by the See of Rome, (3) but alſo to eſtrange and alienate the minds and hearts of ſundry her Majeſties Subjects from their dutiful obedience, and to raiſe and ſtir ſedition and rebellion within this Realm, to the diſturbance of the moſt happy peace thereof, (4) have lately procured and obtained to themſelves from the ſaid Biſhop of Rome, and his ſaid See, divers Bulls and Writings, the effect whereof hath been, and is, to abſolve and reconcile all thoſe that will be contented to forſake their due obedience to our moſt gracious Sovereign Lady the Queens Majeſty, and to yield and ſubject themſelves to the ſaid feigned, unlawful and uſurped authority; (5) and by colour of the ſaid Bulls and Writings, the ſaid wicked perſons very ſecretly, and moſt ſeditiouſly, in ſuch parts of this Realm where the people for want of good inſtruction are moſt weak, ſimple and ignorant, and thereby fartheſt from the good underſtanding of their Duties toward GOD and the Queens Majeſty, have by their lewd and ſubtil practiſes and perſwaſions, ſo far forth wrought, that ſundry ſimple and ignorant perſons have been contented to be reconciled to the ſaid uſurped authority of the See of Rome, and to take abſolution at the hands of the ſaid naughty and ſubtil practiſers, (6) whereby hath grown great diſobedience and boldneſs in many, not only to withdraw and abſent themſelves from all divine Service, now moſt godly ſet forth and uſed within this Realm, but alſo have thought themſelves diſcharged of, and from all Obedience, Duty and Allegiance to her Majeſty, whereby moſt wicked and unnatural rebellion hath enſued, and to the further danger of this Realm is hereafter very like to be renewed, if the ungodly and wicked attempts in that behalf be not by ſeverity of Laws reſtrained and bridled:

16 R. 2. 5.

The effect of Bulls brought from Rome.

Putting in ure any Bull of abſolution or reconciliation from the Biſhop of Rome.

II. For remedy and redreſs whereof, and to prevent the great miſchiefs and inconveniences that thereby may enſue, Be it Enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons, after the firſt day of July next coming, ſhall uſe, or put in ure in any place within this Realm, or in any the Queens Dominions, any ſuch Bill, Writing, or Inſtrument written or printed, of abſolution or reconciliation, at any time heretofore obtained and gotten, or at any time hereafter to be obtained or gotten from the ſaid Biſhop of Rome, or any his Succeſſors, or from any other perſon or perſons authorized, or claiming authority by or from the ſaid Biſhop of Rome, his Predeceſſors or Succeſſors, or See of Rome; (2) Or if any perſon or perſons after the ſaid firſt day of July, ſhall take upon him or them by colour of any ſuch Bull, Writing, Inſtrument, or Authority, to abſolve or reconcile any perſon or perſons; Or to grant or promiſe to any perſon or perſons within this Realm, or any other the Queens Majeſties Dominions, any ſuch abſolution or reconciliation, by any ſpeech, preaching, teaching, writing, or any other open deed: (3) Or if any perſons within this Realm, or any the Queens Dominions, after the ſaid firſt day of July, ſhall willingly receive and take any ſuch abſolution or reconciliation:

Abſolving or reconciling of any perſon and being abſolved or reconciled.

Getting of any Bull from Rome, containing any matter whatſoever, or publiſhing or putting in ure the ſame.

III. Or elſe, if any perſon or perſons have obtained or gotten ſince the laſt day of the Parliament holden in the firſt year of the Queens Majeſties Reign, or after the ſaid firſt day of July, ſhall obtain or get from the ſaid Biſhop of Rome, or any his Succeſſors or See of Rome, any manner of Bull, Writing or Inſtrument, written or printed, containing any thing, matter or cauſe whatſoever: (2) Or ſhall publiſh, or by any ways or means put in ure any ſuch Bull, Writing or Inſtrument; (3) That then all and every ſuch act and acts, offence and offences, ſhall be deemed and adjudged by the authority of this Act, to be high Treaſon, (4) and the offender and offenders therein, their procurors, abettors and counſellors to the fact, and committing of the ſaid offence or offences, ſhall be deemed and adjudged high Traytors to the Queen and the Realm, (5) and being thereof lawfully indicted and attainted, according to the courſe of the Laws

3 Inſt. 101. 105.

Laws of this Realm, ſhall ſuffer pains of death, and alſo loſe and forfeit all their Lands, tenements, Hereditaments, Goods, and Chattels, as in caſes of high Treaſon by the Laws of this Realm ought to be loſt and forfeited.

Aiders, comforters, and maintainers of offendors after the offence.

IV. And be it further enacted by the authority aforeſaid, That all and every aiders, comforters, or maintainers of any the ſaid offendor or offendors, after the committing of any the ſaid Acts or offences, to the intent to ſet forth, uphold, or allow the doing or execution of the ſaid uſurped Power, Juriſdiction or Authority, touching or concerning the premiſſes, or any part thereof, ſhall incur the pains, and penalties contained in the Statute of Præmunire, made in the ſixteenth year of the Reign of King Richard the Second.

Concealing or not diſcloſing a bull or reconciliation offered.

V. Provided always, and be it further enacted by the authority aforeſaid, That if any perſon or perſons to whom any ſuch Abſolution, Reconciliation, Bull, Writing or Inſtrument as is aforeſaid, ſhall after the ſaid firſt day of July, be offered, moved, or perſwaded to be uſed, put in ure, or executed, ſhall conceal the ſame offer, motion or perſwaſion, and not diſcloſe and ſignifie the ſame by writing or otherwiſe, within ſix weeks then next following, to ſome of the Queens Majeſties Privy council, or elſe to the Preſident or Vice-Preſident of the Queens Majeſties Council, eſtabliſhed in the North parts, or in the Marches of Wales, for the time being, that then the ſame perſon or perſons ſo concealing, and not diſcloſing, or not ſignifying the ſaid offer, motion or perſwaſion, ſhall incur the loſs, danger, penalty, and forfeiture of miſpriſion of high Treaſon:

VI. And that no perſon or perſons ſhall at any time hereafter be impeached, moleſted or troubled in or for miſpriſion of Treaſon, for any offence or offences made Treaſon by this Act, other than ſuch as by this Act are before declared to be in caſe of miſpriſion of high Treaſon.

Bringing into the Realm or uſing of Agnus Dei, Pictures, Croſſes, &c.

VII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall at any time after the ſaid firſt day of July, bring into this Realm of England, or any the Dominions of the ſame, any token or tokens, thing or things, called or named by the name of Agnus Dei, or any Croſſes, Pictures, Beads, or ſuch like vain and ſuperſtitious things, from the Biſhop or See of Rome, or from any perſon or perſons authorized, or claiming authority by or from the ſaid Biſhop or See of Rome, to conſecrate or hallow the ſame; (Which ſaid Agnus Dei is uſed to be ſpecially hallowed and conſecrated, as it is termed, by the ſaid Biſhop in his own perſon, and the ſaid Croſſes, Pictures, Beads, and ſuch like ſuperſtitious things been alſo hallowed either by the ſame Biſhop, or by others having power, or pretending to have power for the ſame, by or from him or his ſaid See, and divers pardons, immunities and exemptions granted by the authority of the ſaid See, to ſuch as ſhall receive and uſe the ſame: (2) And that if the ſame perſon or perſons ſo bringing in as is aforeſaid, ſuch Agnus Dei, and other like things as have been before ſpecified, ſhall deliver, or cauſe, or offer to be delivered the ſame or any of them to any Subject of this Realm, or of any the Dominions of the ſame, to be worn or uſed in any wiſe: (3) that then as well the ſame perſon and perſons ſo doing, as alſo all and every other perſon or perſons which ſhall receive and take the ſame, to the intent to uſe or wear the ſame, being thereof lawfully convicted and attainted by the order of the Common Laws of this Realm, ſhall incur into the dangers, penalties, pains and forfeitures ordained and provided by the Statute of Præmunire and Proviſion, made in the ſixteenth year of the Reign of King Richard the Second.

n Co. 131.
1 Rol. 255.

Apprehending an offendor, or diſcloſing his name.

VIII. Provided nevertheleſs, and be it further enacted by the authority aforeſaid, That if any perſon to whom any ſuch Agnus Dei, or other the things aforeſaid, ſhall be tendred and offered to be delivered, ſhall apprehend the party ſo offering the ſame, and bring him to the next Juſtice of Peace of that Shire where ſuch tender ſhall be made, if he ſhall be of power, and able ſo to do; or for lack of ſuch ability, ſhall within the ſpace of three days next after ſuch offer made as is aforeſaid, diſcloſe the name and names of ſuch perſon or perſons as ſo ſhall make the ſame offer, and the dwelling place, or place of reſort of the ſame perſon or perſons (which he ſhall endeavour himſelf to know by all the ways and means he can) to the Ordinary of that Dioceſs, or to any Juſtice of Peace of that Shire were ſuch perſon or perſons to whom ſuch offer ſhall be made as is aforeſaid, ſhall be reſiant: (2) and alſo if ſuch perſon or perſons to whom ſuch offer ſhall be made, ſhall happen to receive any ſuch Agnus Dei, or other thing above remembred, and ſhall within the ſpace of one day next after ſuch receit, deliver the ſame to any Juſtice of Peace within the ſame Shire where the party ſo receiving ſhall be then reſiant, or ſhall happen to be: (3) that then every ſuch perſon or perſons doing any the acts or things in this proviſion above mentioned, in form above declared, ſhall not by force of this Statute incur any danger or penalty appointed by this Statute, or any other pain or penalty; this Act, or any thing therein contained to the contrary in any wiſe notwithſtanding.

Delivering an Agnus Dei received to the Ordinary, or a Juſtice of Peace.

A pardon to them that ſhall bring in to be cancelled thoſe bulls which before they received.

IX. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons which at any time ſince the beginning of the firſt year of the Queens Majeſties Reign that now is, have brought or cauſe to be brought into this Realm any ſuch bulls, writings, or inſtruments of reconciliation only as are above mentioned, and now have any of the ſame bulls, Writings, or inſtruments in his or their hands or cuſtody, and ſhall and do within the ſpace of three months next after the end of any Seſſion, or diſſolution of this preſent Parliament, bring and deliver all ſuch bulls, writings and inſtruments which they or any of them now have in his or their cuſtody, to the Biſhop of the Dioceſs where ſuch abſolution hath been given and received, to the intent that the ſame bulls, writings or inſtruments may be cancelled and defaced, and ſhall openly and publickly before ſuch Biſhop, confeſs and acknowledge his or their offence therein, and humbly deſire to be received, reſtored and admitted to the Church of England, ſhall ſtand and be clearly pardoned and diſcharged of all and every offence and offences done or committed in any matter or cauſe concerning any of the ſaid bulls, writings or inſtruments, for or touching ſuch abſolution or reconciliation only. (2) And that all and every perſon or perſons which have received or taken any abſolution from the ſaid Biſhop of Rome, or his ſaid See of Rome, of any reconciliation unto the ſaid Biſhop or to the ſaid See of Rome, ſithence the ſaid firſt year of the Reign of our ſaid Sovereign Lady

A pardon of all thoſe that have been reconciled to the Biſhop of

Rome, and do confeſs it, and ſubmit themſelves.

the Queen, and ſhall within the ſaid ſpace of three months next after any Seſſion, or diſſolution of this preſent Parliament, come before the Biſhop of the Dioceſs of ſuch place where ſuch abſolution or reconciliation was had or made, and ſhall publickly and openly before the ſame Biſhop, confeſs and acknowledge his or their offence therein, and humbly deſire to be received, reſtored, and admitted to the Church of England, ſhall likewiſe ſtand and be clearly pardoned and diſcharged of all and every offence and offences done or committed in any matter or cauſe concerning the ſaid Bulls, Writings or Inſtructions, for or touching only receiving of ſuch abſolution or reconciliation, and for and concerning all abſolution or reconciliation had or received by colour of any the ſaid Bulls, Writings or Inſtruments only.

The penalty of a Juſtice of Peace, not diſcloſing an offence declared unto him.

X. Provided alſo and be it further enacted by the authority aforeſaid, That if any Juſtice of Peace, to whom any matter of offence before mentioned, ſhall be uttered, ſhewed or declared as is aforeſaid, do not within the ſpace of xiv. days next after it ſhall be to him ſhewed or uttered, ſignifie or declare the ſame to ſome one of the Queens Majeſties Privy Council, that then the ſame Juſtice of Peace ſhall incur the danger, pain and forfeiture provided by the ſaid Statute made in the ſaid ſixteenth year of King Richard the Second.

Tryal of a Nobleman by his Peers.

XI. Provided alſo, and be it further enacted by the authority aforeſaid, That if any Nobleman being a Peer of this Realm, ſhall at any time hereafter happen to be indicted for any the offence or offences aforeſaid, that then every ſuch Nobleman and Peer of this Realm, ſhall have his tryal by his Peers, as in caſes of high Treaſon, and miſpriſion of Treaſon hath heretofore been accuſtomed or uſed:

A ſaving of the right of others.

XII. Saving to all and every perſon or perſons, bodies politick and corporate, their Heirs and Succeſſors, and the Heirs and Succeſſors of every of them, other than the ſaid offenders and their Heirs, claiming only as Heir or Heirs to any ſuch offenders, and ſuch perſon and perſons as claim to any their uſes, (2) all ſuch Rights, Titles, Intereſts, Poſſeſſions, Leaſes, Rents, Reverſions, Remainders, Offices, Fees, and all other Profits, Commodities, and Hereditaments, as they or any of them ſhall have at the day of the committing of ſuch offence or offences or any time before, in as large and ample manner to all intents and purpoſes, as if this Act had never been had or made; any thing herein contained to the contrary thereof notwithſtanding. 23 Eliz. 1.

CAP. III.

Fugitives.
Raſt. 1.
Lane 47.
Poph. 18.
1 Roll. 187. pl. 18.
Moor 194. pl. 343.

3 Inſt.
Savill.

If any born within this Realm, or made free Denizen, hath departed, or ſhall depart the Realm without the Queens Licence under the Great or Privy Seal, and ſhall not return again within ſix months after warning by Proclamation, he ſhall forfeit to the Queen, the profits of all his Lands during his life, and alſo all his goods and chattels. The like penalty he ſhall ſuſtain, which having Licence, ſhall not return within ſix months after his Licence expired. The offender ſhall have reſtitution upon ſubmiſſion. Fraudulent Aſſurances made by fugitives of their lands and goods to deceive the Queen, ſhall be void. Exp. 14. El. 6. Stat. 5. R. 2. 2. 4 Jac. 1. 12 R. 2. 8.

CAP. VI.

An Act to make the Lands, Tenements, Goods and Chattels of Tellers, Receivers, &c. liable to the payment of their Debts.

Treaſurers, Receivers, and other accomptants Lands ſhall be liable for the payment of the Queens debts by them not paid, &c. 14. El. 7

Coke 11. fol. 53.

FOr the better ſecurity of the Queens Majeſty, her Heirs and Succeſſors, againſt ſuch as ſhall have the receipt and charge of the Money and Treaſure of her Highneſs, her Heirs and Succeſſors, (2) Be it declared and enacted by the Queens Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all Lands, Tenements, Profits Commodities and Hereditaments (3) which any Treaſurer or Receiver, in or belonging to any of the Queens Majeſties Courts of the Exchequer, Wards and Liveries, or Dutchy of Lancaſter, Treaſurer of the Chamber, Cofferer of the Houſhold to the Queens Majeſty, her Heirs and Succeſſors, Treaſurer for the Wars, Treaſurer of any Fort, Town or Caſtle where any Garriſon is or ſhall be kept, Treaſurer of the Admiralty or Navy, Treaſurer or other perſon accomptable to the Queens Majeſty, her Heirs or Succeſſors for any office or charge, of or within the Mint, Treaſurer or the Receiver of any ſums of money in preſt or otherwiſe, for the uſe of the Queens Majeſty, her Heirs or Succeſſors, or for proviſions of victual, for the fortifications, buildings or works, or for any other proviſions to be uſed in any the Offices of the Queens Majeſties Ordnance and Artillery, Armory, Wardrobe, Tents and Pavilions or Revels, Cuſtomer, Collector, Farmer of Cuſtoms, Subſidies, Impoſts, or other duties within any Port of the Realm, Collector of the Tenths of the Clergy, Collector of any Subſidy or Fifteen, Receiver general of the Revenues of any County or Counties, anſwerable in the Receipt of the Exchequer, or in the Court of Wards and Liveries, or the Dutchy of Lancaſter, Clerk of the Hamper, (4) now hath, or at any time hereafter ſhall have, within the time whilſt he or they, or any of them ſhall remain accomptable, (5) ſhall for the payment and ſatiſfaction unto the Queens Majeſty, her Heirs and Succeſſors, of his or their arrearages at any time hereafter to be lawfully according to the Laws of this Realm adjudged and determined upon his or their accompt (all his due and reaſonable petitions being allowed) be liable to the payment thereof, (6) and be put and had in execution, for the payment of ſuch arrearages, or debts, to be ſo adjudged and determined upon any ſuch Treaſurer, Receiver, Teller, Cuſtomer, Collector, Farmer, Officer or Accomptant, as is before named, (7) in like and in as large and beneficial manner to all intents and purpoſes, as if the ſame Treaſurer, Receiver, Teller, Cuſtomer, Farmer or Collector, upon whom any ſuch arrearages or debts ſhall be ſo adjudged or determined, had the day he became firſt Officer or Accomptant, ſtood bound by Writing obligatory having the effect of a Statute of the Staple, to her Majeſty, her Heirs or Succeſſors for the true anſwering and payment of the ſame arrearages or debts.

Certain caſes wherein the Queen may ſell the Accomptants Lands.
1 Leonard. 98.

2. Roll.

II. And foraſmuch as many times it may come to paſs, that the Queens Highneſs, her Heirs or Succeſſors, ſhall not or may not be conveniently ſatisfied of the debt to be determined or due upon any Accompt or Farm as is aforeſaid, by way of extent, for that the yearly value of the Lands extended will not ſatisfie her Highneſs, her Heirs or Succeſſors, within the compaſs of many years, ſo as thereby great loſs might enſue to her Highneſs, her Heirs and Succeſſors; (2) For remedy thereof be it further enacted, That if any Treaſurer, Receiver Collector, Farmer, Cuſtomer, Teller, Collector of Cuſtom, Subſidy or Impoſt, or other perſon accomptant before mentioned, which ſhall from and after the Feaſt of St. Michael the Archangel now next coming, receive or be chargeable with money or treaſure of our ſaid Sovereign Lady the Queen, her Heirs or Succeſſors, (3) and ſhall upon the determining of his or their accompt (all his and their due petitions to them upon the ſame accompt being allowed) or by reaſon of any farm as aforeſaid, be found in arrearages, to owe unto our ſaid Sovereign Lady the Queen, her Heirs or Succeſſors, any ſum or ſums of money, (4) and ſhall not within the ſpace of ſix months next after his or their accompts finiſhed, or debt known, (having allowance of his or their due and reaſonable Petitions as is aforeſaid) truly ſatisfie and pay all ſuch arrearages and ſums of money as he or they ſhall owe, upon determination of his or their accompt, or upon his or their debt known as is aforeſaid, (5) that then it ſhall and may be lawful to the Queens Highneſs, her Heirs and Succeſſors, at any time, and from time to time after the ſaid ſix months ended, to make ſale by her or their Letters Patents under the Great Seal of England, of ſo much of the lands, tenements and hereditaments of every ſuch accomptant or Debtor ſo being found in arrearages, or in debt as is above mentioned, as may ſuffice our ſaid Sovereign Lady the Queen, her Heirs or Succeſſors, for the ſatisfaction of his or their debt or arrearages, to be determined or adjudged upon his or their accompt or farm as is aforeſaid, (all due petitions being allowed as is aforeſaid) until her Majeſty, her Heirs or Succeſſors, be by ſuch ſale fully ſatisfied and paid, of ſuch arrearages and debt to be found upon accompt or farm as is aforeſaid.

III. And if any overplus of money ſhall be reſerved or had upon any ſuch ſale, then the ſame ſhall be paid and delivered to the Accomptant or Farmer, or his Heirs, by the Officer that ſhall receive the money upon any of the ſaid ſales, without any further or other warrant in that behalf to be made or obtained.

Delivery of the overplus to the owner of the Land.

IV. And be it further enacted by the authority aforeſaid, That all the ſaid ſales to be made by the Queens Majeſty, her Heirs or Succeſſors as is aforeſaid, ſhall be good and available in Law againſt the party accomptant indebted as is aforeſaid, and his heirs claiming as heirs, and againſt the Queens Majeſty, her heirs and ſucceſſors, notwithſtanding any former charge or incumbrance to her Majeſty, her heirs and ſucceſſors, by the perſon or perſons for whoſe debt or duty the ſame ſhall fortune to be ſold.

The ſale good againſt the Queen and Accomptant.

V. And be it further enacted by the authority aforeſaid, That if any perſon or perſons accomptant, or indebted as is aforeſaid, ſhall at any time after he or they ſhall become accomptant or chargeable as is aforeſaid, purchaſe and buy, or cauſe to be purchaſed and bought, any lands, tenements or hereditaments, and cauſe the aſſurance thereof to be made in the name of any other perſon or perſons, where the ſame is indeed meant or intended to the uſe, profit or behoof of ſuch perſon accomptant or indebted, or of any other perſon or perſons, and that the ſame manner of purchaſing, and ſecret uſes, profits or behoof, ſhall be found by office or inquiſition, That then all and every lands, tenements and hereditaments ſo to be bought or purchaſed, or cauſed to be purchaſed (as is before mentioned in this laſt proviſo) ſhall by virtue of this Act, be taken, deemed and uſed for the ſatisfaction of the arrearages and debt of every ſuch accomptant or debtor as is above mentioned, to all intents and purpoſes, as though the perſon or perſons indebted, upon his or their accompt or farm, were thereof actually ſeiſed of ſuch eſtate that was conveyed to any perſon or perſons, by any ſuch accomptant or debtor, or by his means as is aforeſaid: (2) And that all ſales to be thereof made by the Queens Majeſty, her heirs or ſucceſſors, for ſatisfaction of ſuch debt or arrearages as ſhall be found, as is aforeſaid, to be due and owing to our ſaid Sovereign Lady the Queen, her heirs and ſucceſſors, ſhall be of the like effect, and be uſed and done in ſuch like manner and form as is before expreſſed.

Accomptant purchaſeth Lands in others names.

VI. And whereas heretofore ſome Treaſurers, Tellers, Receivers, Collectors and others, having had charge of the Queens Majeſties money and treaſure, have gotten into their hands great ſums of the Queens Majeſties money and treaſure, ſithence the beginning of her Majeſties Reign, and have moſt fraudulently imployed her Majeſties money and treaſure, which they had in their charge, in ſundry wiſe to their own uſes, partly in the purchaſing her Majeſties own Lands, and partly in purchaſing Lands of others: (2) and to the intent the ſame ſhould not be liable to ſatisfie and pay her Majeſty, her Heirs or Succeſſors of that which to her or them ſhould appertain, have purchaſed the ſame ſometimes in their own names, and ſometimes in the names of ſundry their friends and kinsfolks, wives or children, and yet nevertheleſs have taken and received the rents and revenues thereof to their own uſes:

Lands purchaſed by accomptants ſince the beginning of the Queens Reign.

VII. Be it therefore further enacted and ordained by the authority aforeſaid, That all and ſingular Lands, Tenements and Hereditaments, which any Treaſurer, Receiver, Teller, Cuſtomer, Collector, Officer or Accomptant before named, hath heretofore ſince the beginning of the Queens Majeſties Reign, purchaſed or cauſe to be purchaſed, to the intent the ſame ſhould not be liable as is aforeſaid (the fraud and covin aforeſaid, being firſt found by Office or Inquiſition) ſhall and may be ſeized and taken by her Majeſty, her Heirs and Succeſſors, and retained by her Majeſty, her Heirs and Succeſſors, in fee-ſimple, to be ſold or otherwiſe uſed at her and their wills and pleaſures, towards the payment and ſatisfaction of all and every arrearages already ſet or determined and adjudged, or that hereafter ſhall be ſet, determined or adjudged, upon his or their accompt (all reaſonable and due petitions being allowed) at ſuch rate and value as the ſame were purchaſed or bought, or cauſed to be purchaſed or bought by any ſuch Treaſurer, Receiver, Teller, Cuſtomer or Collector before named, or by any other perſon to their uſe.

VIII. Provided always, That if the Lands and Tenements ſo to be ſeized, taken or ſold by her Majeſty, her Heirs or Succeſſors, as is laſt above mentioned, do ſurmount after the rate and value aforeſaid, the debt and arrearages to be ſet, determined and adjudged upon the accompt of any Treaſurer, Receiver,, Teller, Cuſtomer, Collector or Accomptant before named, that then her Majeſty, her heirs and ſucceſſors, ſhall take and ſeize only ſo much as ſhall amount after the rate and value aforeſaid, to the juſt payment and ſatisfaction of ſuch debt and arrearage as hath been or ſhall be ſet, determined or adjudged upon his or their accompt as is aforeſaid.

The Queen ſhall ſeize only ſo much Land as will ſatisfie her.

No Biſhops lands ſhall be chargeable.

IX. Provided always, and be it further enacted by the authority aforeſaid, That no Biſhop having the collection of any Subſidy or Tenths, or any his Lands, Tenements or Hereditaments, whereof he is ſeiſed in the right of his Biſhoprick, ſhall be charged by virtue of this Act, for any arrearages of Tenths or Subſidy, otherwiſe or in any other manner then he might lawfully have been before the making of this Act; any thing herein contained to the contrary thereof notwithſtanding.

Accomptants whoſe receipt exceedeth not 300 l.

X. And be it alſo further provided and enacted by the authority aforeſaid, That this Act or any thing therein contained, ſhall not in any wiſe extend to charge any Treaſurer, Receiver, Teller, Cuſtomer, Collector or Accomptant aforeſaid, having any yearly Receipt, (2) nor any their Lands, Tenements or Hereditaments, whoſe yearly Receipt, Collection and Charge, or whoſe whole Receipt from the beginning of his Charge, is not or hath not been, or hereafter ſhall not be above the ſum of CCC li. (3) otherwiſe, or in any other manner and form then he or they might lawfully have been charged before the making of this Act; any thing herein contained to the contrary thereof notwithſtanding.

XI. And foraſmuch as ſundry the Accomptants before named, namely, The Treaſurer of the Chamber, and Cofferer of the houſhold of our ſaid Sovereign Lady the Queen, her Heirs and Succeſſors, Treaſurers of Wars or Gariſons, Treaſurers of the Navy, Treaſurers or Receivers of any ſums of money for proviſion of Victual, or for fortifications, or for Buildings, and Maſter of the Wardrobe, are by order of their Offices and charge, after their Accompts ended and determined, to diſburſe, expend and defray the debt remaining upon their Accompts, in ſuch charges as are neceſſarily and incidently to be ſpent and provided in their Offices and Charges, ſo as they are not of ſuch ſums of money, or debt remaining upon their accompt, to make preſent payment and ſatisfaction as other Accomptants are:

Accomptants which are not to make preſent payment.

XII. Be it therefore enacted and ordained by the authority aforeſaid, That this Act or any thing therein contained, ſhall not extend to give any power or authority to make ſale of any Lands, Tenements or Hereditaments, for any ſuch debt to be ſet and adjudged in any of his or their Accompts mentioned in this branch, unleſs the Queens Majeſty, her Heirs and Succeſſors, upon the ending or determining of his or their Accompts (all his or their due petitions to them upon the ſame Accompts being allowed) require or command preſent payment thereof, or therwiſe eftſoons require a new Accompt of the ſame debt, ſo ſet or remaining in any the Accompts mentioned in this branch; and that then the ſame debt, or any part thereof, ſhall be found to be owing and unexpended in the matters or charges pertaining to any of their ſaid Offices or Charges mentioned in this branch, and the ſame debt remain unpaid by the ſpace of ſix months after ſuch requeſt or commandment.

This Act ſhall not charge any Sheriff, Eſcheator or Bailiff of Liberties.

XIII. Provided alway, That this Act ſhall not extend to charge any Sheriff, Eſcheator or Bailiff of Liberties, or the Lands, Tenements or Hereditaments of any Sheriff, Eſcheator or Bailiff of Liberties, nor of any their Heirs or Aſſigns, for any thing touching his or their Office of Sheriffwick, Eſcheatorſhip or Bailiffwick, nor for any money by him or them received, or to be received by reaſon of any their ſaid Offices, otherwiſe, or in any other manner then he or they might lawfully have been charged before the making of this Act; any thing herein contained to the contrary notwithſtanding.

Lands purchaſed bona fide.

XIV. Provided alſo, That this Act as touching only the ſale of any Lands or Tenements, ſhall not extend to any Lands, Tenements or Hereditaments, which any perſon or perſons now have or enjoy, and have purchaſed or obtained bona fide, and not being privy or conſenting unto any ſuch intent to defraud the Queens Majeſty as is abovesaid: (2) And that it ſhall be lawful to every perſon and perſons whoſe Lands, Tenements or Hereditaments, ſhall by any Office or Inquiſition, be found to be fraudulently conveyed or aſſured as is abovesaid, to have his or their lawful Traverſe to every ſuch Office or Inquiſition; (3) and if it be found with the party that tendereth the Traverſe, that then he ſhall have the ſaid Lands out of the Princes hands without any Petition, Livery, or Ouſtre le maine, or any other Suit to be had, made, or uſed: (4) and the ſame being found for ſuch perſon or perſons ſo traverſing the ſame Lands, Tenements and Hereditaments, ſhall be adjudged as not liable, chargeable, nor to be ſold by force of this Statute.

Any party grieved may have the Traverſe.

If the Queen do ſell the Accomptants lands, his ſureties ſhall be diſcharged for ſo much.

XV. Provided alſo, and be it enacted, That if the Queens Majeſty, her Heirs or Succeſſors, ſhall by any ſale of Lands by force of this Statute, be fully ſatisfied of the debt or arrearages of any ſuch accomptant, or debtor, or any part thereof, then the ſureties of ſuch accomptant or debtor ſhall be diſcharged of ſo much of the debt, forfeiture and arrearages as ſo ſhall be ſatisfied, and ſo for the reſidue only, ſhall be ratably according to their abilities charged; Any thing in this or any other Statute to the contrary notwithſtanding.

Certain perſons not chargeable by this Act.

XVI. Provided always, That this Act, nor any thing therein contained, ſhall in any wiſe extend to charge Henry Golding Eſquire, and Thomas Neale, one of the Queens Majeſties Auditors, or the Lands or Tenements of either of them, to whom the Queens Majeſty hath demiſed any Cuſtoms, Subſidies or Impoſts, in any thing only touching the ſaid Demiſes and Leaſe, otherwiſe, or in any other manner than they might have been lawfully charged if this Act had never been had or made, except they or either of them do hereafter take any of the profits of the ſaid Subſidies, Cuſtoms or Impoſts, by force of the ſaid Demiſe; any thing herein contained to the contrary thereof notwithſtanding. 14 Eliz. 7. 27 Eliz. 3. 1 Jac. 25.

CAP. V.

An Act againſt fraudulent Deeds, Alienations, &c.

Fraudulent, &c. 1. Fraudulent Deeds made to avoid the debts of others, ſhall be void, and the penalties of the parties to ſuch fraudulent Aſſurances. 2 Bulſtr. 218.

For the avoiding and aboliſhing of feigned, covenous and fraudulent Feoffments, Gifts, Grants, Alienations, Conveyances, Bonds, Suits, Judgments, and Executions, as well of Lands and Tenements, as of Goods and Chattels, more commonly uſed and practiſed in theſe days, then hath been ſeen or heard of heretofore: (2) Which Feoffments, Gifts, Grants, Alienations, Conveyances, Bonds, Suits, Judgments and Executions, have been, and are deviſed and contrived of malice, fraud, covin, colluſion or guile, to the end, purpoſe and intent, to delay, hinder or defraud Creditors and others of their juſt and lawful

Actions, Suits, Debts, Accompts, Damages, Penalties, Forfeitures, Heriots, Mortuaries and Reliefs, not only to the let or hindrance of the due courſe and execution of Law and Juſtice, but alſo to the overthrow of all true and plain dealing, bargaining and cheviſance, between man and man, without the which no Common-wealth or civil Society can be maintained or continued:

II. Be it therefore declared, ordained and enacted by the authority of this preſent Parliament, That all and every Feoffment, Gift, Grant, Alienation, Bargain and Conveyance of Lands, Tenements, Hereditaments, Goods and Chattels, or of any of them, or of any Leaſe, Rent, Common or other profit or charge out of the ſame Lands, Tenements, Hereditaments, Goods and Chattels, or any of them, by writing or otherwiſe: (2) and all and every Bond, Suit, Judgment and execution, at any time had or made ſithence the beginning of the Queens Majeſties Reign that now is, or at any time hereafter to be had or made, (3) to or for any intent or purpoſe before declared and expreſſed, ſhall be from henceforth deemed and taken (only as againſt that perſon or perſons, his or their Heirs, Succeſſors, Executors, Adminiſtrators and Aſſigns, and every of them, whoſe Actions, Suits, Debts, Accompts, Damages, Penalties, Forfeitures, Heriots, Mortuaries and Reliefs, by ſuch guileful, covenous or fraudulent devices and practiſes as is aforeſaid, are, ſhall or might be in any wiſe diſturbed, hindered, delayed or defrauded) to be clearly and utterly void, fruſtrate, and of none effect; any pretence, colour, fained conſideration, expreſſing of uſe, or any other matter or thing to the contrary notwithſtanding.

All fraudulent conveyances made to avoid the debt or duty of others, ſhall be void.
Raſt. pla. f. 207.
Stat. 27 El. 4.
2 Leon 9. 283.
2 Roll. 483.
Latch. 222.

III. And be it further enacted by the authority aforeſaid, That all and every the parties to ſuch feigned, covenous or fraudulent Feoffment, Gift, Grant, Alienation, Bargain, Conveyance, Bonds, Suits, Judgments, Executions, and other things before expreſſed, and being privy and knowing of the ſame, or any of them, (2) which at any time after the tenth day of June next coming, ſhall wittingly and willingly put in ure, avow, maintain, juſtifie or defend the ſame, or any of them as true, ſimple, and done, had or made, Bona fide, and upon good conſideration: (3) or ſhall alien or aſſign any the Lands, Tenements, Goods, Leaſes, or other things before mentioned, to him or them conveyed as is aforeſaid, or any part thereof, (4) ſhall incur the penalty and forfeiture, of one years value of the ſaid Lands, Tenements and Hereditaments, Leaſes, Rents, Commons, or other profits, of or out of the ſame, (5) and the whole value of the ſaid Goods and Chattels, (6) and alſo ſo much Money, as are or ſhall be contained in ſuch covenous and feigned Bond; (7) the one moiety whereof to be to the Queens Majeſty, her Heirs and Succeſſors, and the other moiety to the party or parties grieved by ſuch fained and fraudulent Feoffment, Gift, Grant, Alienation, Bargain, Conveyance, Bonds, Suits, Judgments, Executions, Leaſes, Rents, Commons, Profits, Charges, and other things aforeſaid, to be recovered in any of the Queens Courts of Record, by Action of Debt, Bill, Plaint, or Information, wherein none Eſſoin, Protection or Wager of Law ſhall be admitted for the Defendant or Defendants, (8) and alſo being thereof lawfully convicted, ſhall ſuffer impriſonment for one half year without bail or mainpriſe.

The forfeiture of the parties to fraudulent Deeds.
Coke pla. f. 163.

Who ſhall have the forfeiture, and by what means.

IV. Provided always, and be it further enacted by the authority aforeſaid, That whereas ſundry common recoveries of Lands, Tenements and Hereditaments, have heretofore been had, and hereafter may be had againſt Tenant in Tail, or other Tenant of the Freehold, the reverſion or remainder, or the right of reverſion or remainder then being in any other perſon or perſons, (2) that every ſuch common recovery heretofore had, and hereafter to be had of any Lands, Tenements or Hereditaments, ſhall as touching ſuch perſon and perſons which then had any remainder or reverſion, or right of remainder or reverſion, and againſt the Heirs of every of them, ſtand, remain, and be of ſuch like force and effect, and of none other, as the ſame ſhould have been if this Act had never been had, ne made.

Common recoveries againſt the tenants of freehold.

V. Provided always, and be it further enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend to make void any eſtate or conveyance, by reaſon whereof any perſon or perſons ſhall uſe any voucher in any Writ of Formedon, now depending or hereafter to be depending, but that all and every ſuch vouchers in any Writ of Formedon, ſhall ſtand, and be in full force and effect, as if this Act had never been had, ne made; any thing before in this Act contained to the contrary notwithſtanding.

Making an eſtate whereby a voucher may be uſed in a Formedon.

VI. Provided alſo, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend to any eſtate or intereſt in Lands, Tenements, Hereditaments, Leaſes, Rents, Commons, Profits, Goods or Chattels, had, made, conveyed or aſſured, or hereafter to be had, made, conveyed or aſſured; which eſtate or intereſt, is or ſhall be upon good conſideration, and bona fide, lawfully conveyed or aſſured to any perſon or perſons, or bodies politick or corporate, not having at the time of ſuch conveyance or aſſurance to them made, any manner of notice or knowledge of ſuch covin, fraud or colluſion, as is aforeſaid; any thing before mentioned to the contrary hereof notwithſtanding.

Eſtates made upon good conſideration, and Bona fide.

(II) This Act to endure unto the end of the firſt Seſſion of the next Parliament. 29 Eliz. 5. made perpetual. 2 R. 3. 3 H. 7. 4. 50. Ed. 3. 6.

C A P. VI.

An Act that the Exemplification or Conſtat of Letters Patents, ſhall be as good and available as the Letters Patents themſelves,

For the avoiding of all ſuch doubts, queſtions and ambiguities, as heretofore have riſen and been moved, and of ſuch as hereafter might riſe and be moved, in and upon the Statute made in the Parliament begun and holden at Weſtminſter, the fourth day of November, in the third year of the Reign of our late Sovereign Lord King Edward the Sixth, entituled, An Act concerning Grants and Gifts, made by Patentees, out of Letters Patents, and for a due and full ſupply of all ſuch wants as may be thought to be therein:

Exemplification 1.
A ſupply of the Statute of 3 & 4 Ed. 6. 4.

II. Be it enacted and declared by the authority of this preſent Parliament, That all and every Patentee and Patentees, their Heirs, Succeſſors, Executors and Aſſigns, and all and every other perſon and perſons, having by or from them, or any of them, or under their Title, An exemplification of Letters Patents, ſhall be of the ſame force as the Letters Patents themſelves.

any Eſtate or intereſt, of, in or to any Lands, Tenements or Hereditaments, or any other thing whatſoever, to ſuch Patentee or Patentees heretofore granted by any Letters Patents, either of the moſt famous Princes, King Henry the Eighth, King Edward the Sixth, Queen Mary, King Philip and Queen Mary, or by any of them, or by the Queens moſt excellent Majeſty that now is, at any time ſithence the fourth day of February, in the xxvii. year of the Reign of the ſaid late King Henry the Eighth, or elſe by the Queens Majeſty that now is, her Heirs or Succeſſors, at any time hereafter to be granted, ſhall and may at all times hereafter in any of the Queens Highneſs Courts, her Heirs and Succeſſors, or elſewhere by the authority of this preſent Act, make and convey, and be allowed and ſuffered to make and convey to and for him, them, and every of themſelves, ſuch claim or title by way of Declaration Plaint, Avowry, Barre, Replication, or other pleading whatſoever, as well againſt the Queens Highneſs, her Heirs and Succeſſors, and every of them, as againſt all and every other perſon and perſons whatſoever, for, or concerning the Lands, Tenements, Hereditaments, or other things whatſoever ſpecified or contained in any ſuch Letters Patents, or of, for, or concerning any part or parcel thereof, by ſhewing forth an Exemplification or Conſtat under the Great Seal of England, of the Enrollment of the ſame Letters Patents, or of ſo much thereof as ſhall and may ſerve to or for ſuch title, claime or matter, the ſame Letters Patents then being and remaining in force, not lawfully ſurrendred nor cancelled, for or concerning ſo much and ſuch a part and parcel of ſuch Lands, Tenements, Hereditaments, or other thing whereunto ſuch title or claim ſhall be made, as if the ſame Letters Patents were pleaded and ſhewed forth; Any Law, Uſage or other thing whatſoever to the contrary notwithſtanding. Coke pla. fo. 541.

CAP. VII.

An Act touching Orders for Bankrupts.

Bankrupts 1. Who is a Bankrupt, how and by whom his body, lands, and goods ſhall be ordered for payment of the Creditors. 34 H. 8. 8. Co. Inſt. 4 part. 277. Cro El. 13. pl. 6. 1 Bulſtr. 131. Who ſhall be ſaid a Bankrupt.

FOraſmuch as notwithſtanding the Statute made againſt Bankrupts in the xxxiv. year of the Reign of our late Sovereign Lord King Henry the Eighth, thoſe kind of perſons have and do ſtill increaſe into great and exceſſive numbers, and are like more to do, if ſome better proviſion be not made for the repreſſion of them, and for a plain declaration to be made and ſet forth, who is and ought to be taken and deemed for a Bankrupt: (2) Therefore be it enacted and eſtabliſhed by the authority of this preſent Parliament, That if any Merchant or other perſon, uſing or exerciſing the Trade of Merchandize, by way of Bargaining, Exchange, Rechange, Bartry, Cheviſance, or otherwiſe, ingroſs or by retail, (3) or ſeeking his or her trade of living, by buying and ſelling, (4) and being Subject born of this Realm, or of any the Queens Dominions or Denizen (5) ſithence the firſt day of this preſent Parliament, hath, or at any time hereafter ſhall depart the Realm, (6) or begin to keep his or her houſe or houſes, or otherwiſe to abſent him or her ſelf, (7) or take Sanctuary, (8) or ſuffer him or her ſelf willingly to be arreſted for any debt or other thing, not grown or due for money delivered, ware ſold, or any other juſt or lawful Cauſe, or good conſideration or purpoſes, (9) hath or will ſuffer him or her ſelf to be outlawed, or yield him or her ſelf to priſon, or depart from his or her dwelling houſe or houſes, (10) to the intent or purpoſe to defraud or hinder any of his or her Creditors, being alſo a Subject born as is aforeſaid, of the juſt debt or duty of ſuch Creditor or Creditors, ſhall be reputed, deemed and token for a Bankrupt.

The Lord Chancellor may grant a Commiſſion to take order for Bankrupts Bodies, lands and goods The authority of the Commiſſioners. 2 Bulſtr 26. 236, &c.

II. And be it enacted by the authority aforeſaid, That the Lord Chancellor of England, or Lord Keeper of the Great Seal of England for the time being, upon every complaint made to him in Writing, againſt ſuch perſon or perſons being Bankrupt as is before defined, ſhall have full power and authority by Commiſſion under the Great Seal of England, to name, aſſign and appoint ſuch wiſe and honeſt diſcreet perſons, as to him ſhall ſeem good: (2) Who, or the moſt part of them, by virtue of this Act and of ſuch Commiſſion, ſhall have full power and authority to take by their diſcretions ſuch order and direction with the body and bodies of ſuch perſon wherſoever he or ſhe may be had, either in his or her houſe or houſes, Sanctuary or elſewhere, as well by impriſonment of his or her body or bodies, (3) as alſo with all his or her Lands, Tenements, Hereditaments, as well Copy or Cuſtomary-hold, as Free-hold, which he or ſhe ſhall have in his or her own right before he or ſhe became Bankrupt, (4) & alſo with all ſuch Lands, Tenements and Hereditaments as ſuch perſon ſhall have purchaſed, or obtained for money, or other recompence, joyntly with his wife, children or child, to the only uſe of ſuch offendor or offendors, (5) or of, or for ſuch uſe, intereſt, right or title as ſuch offendor or offendors then ſhall have in the ſame, which he or ſhe may lawfully depart withall, (6) or with any perſon or perſons of truſt to any ſecret uſe of ſuch offendor or offendors, (7) and alſo with his or her money goods, chattels, wares, merchandizes and debts whereſoever they may be found or known, (8) and cauſe the ſaid lands, tenements, fees, annuities, offices, goods, chattels, wares, merchandizes and debts to be ſearched, viewed, rented and appriſed to the beſt value they may, (9) and by Deed indented, inrolled in one of the Queens Majeſties Courts of Record, to make ſale of the ſaid lands, tenements and hereditaments, and of all deeds, writings and evidences touching only the ſame, belonging to ſuch offendor or offendors, debtor or debtors; and alſo of all fees, annuities, offices, goods and chattels, (10) or otherwiſe to order the ſame for true ſatisfaction, and payment of the ſaid Creditors; that is to ſay, To every of the ſaid Creditors a portion, rate like, according to the quantitie of his or their debts: (11) and that every direction, order, bargain ſale and other thing done by the ſaid perſons ſo authorized as is aforeſaid, ſhall be good and effectual in the Law, to all intents, conſtructions and purpoſes, againſt the ſaid offendor or offendors, debtor or debtors, his or their wife or wives, heir or heirs, child and children, and ſuch perſon and perſons as by ſuch jont-purchaſe with the ſaid offendor or offendors as is aforeſaid, have or ſhall have any eſtate or intereſt in the premiſes, (12) and againſt all other perſon or perſons claiming by, from, or under ſuch offendor or offendors, debtor or debtors, by any act or acts had, made or done after any ſuch perſon ſhall become Bankrupt as is aforeſaid, (13) and alſo againſt the Lords of the Manors, whereof the ſaid Copy hold or Cuſtomary Lands been holden, their Heirs, Succeſſors and Aſſigns, and every of them.

The Commiſſioners may ſell Bankrupts lands, goods, &c.

Againſt what perſons the Commiſſioners ſale of a Bonkrupts lands, goods, &c. ſhall be evailable.

III. Provided

Vendees of Copy-hold lands ſhall compound with the Lord of the manor for their Fines.

III Provided always and be it enacted by the authority aforeſaid, That all and every perſon or perſons to whom the ſale of Copy-hold or Cuſtomary Lands or Tenements ſhall be made, ſhall, before ſuch time as they or any of them ſhall enter or take any profit of the ſame Lands or Tenements, agree and compound with the Lords of the Manors of whom the ſame ſhould be holden, for ſuch Fines or Incomes as heretofore hath been moſt uſual and accuſtomed to be yielded or paid therefore: (2) and that upon every ſuch agreement or compoſition, the ſaid Lords for the time being, at the next Court to be holden at or for the ſaid Manors, ſhall not only grant unto the ſaid Vendee or Vendees upon requeſt, the ſame Copy or Cuſtomary Lands or Tenements, by Copy of Court-roll of the ſame Manors for ſuch Eſtate or Intereſt as to them ſhall be ſo ſold, and reſerving the antient Rents, Cuſtoms and Services: but alſo in the ſame Court admit them Tenants of the ſame Copy or Cuſtomary Lands, as other Copy-holders of the ſame Manors have been wont to be admitted, and to receive their fealty accordingly.

The Commiſſioners ſhall declare to the Bankrupt how they have beſtowed his lands and goods.

IV. Provided always, and be it enacted by the authority aforeſaid, That ſuch of the ſaid Commiſſioners as ſhall put the ſaid Commiſſion in execution, ſhall upon lawful requeſt to them made by the ſaid bankrupts, not only make a true declaration to the ſame Bankrupts, of the imploying and beſtowing of their ſaid Lands, Tenements, Offices, Fees, Goods, Chattels and Debts. ſo paid and ſatisfied to their ſaid Creditors, but alſo make payment of the overplus of the ſame, if any ſuch ſhall be, to the ſaid Bankrupts, their Executors, Adminiſtrators or Aſſigns.

The remedy where goods or debts of Bankrupts be in the hands of others.

V. And be it further enacted by the authority aforeſaid, That if after any ſuch act or offence committed and complaint thereof made to the ſaid Commiſſioners ſo to be appointed as is aforeſaid, or the more part of them. by any party grieved as is aforeſaid, concerning the premiſſes, knowing, ſuppoſing, or ſuſpecting any of the goods, chattels, wares, merchandiſes, or debts of ſuch offendor or offendors, debtor or debtors, to be in the cuſtody, uſe, occupying, keeping or poſſeſſion of any perſon or perſons; or any perſon or perſons to be indebted to any ſuch offendor or offendors, do make relation thereof, to the ſaid Commiſſioners ſo to be appointed, or the more part of them, that then the ſaid Commiſſioners or the moſt part of them, ſhall by virtue hereof and of the ſaid Commiſſion, have full power and authority to ſend for, and call before them by ſuch proceſs, ways or means as they ſhall think convenient by their diſcretions, all and every ſuch perſon and perſons ſo known, ſuſpected, or ſuppoſed to have any ſuch goods, chattels, wares, merchandiſes, or debts in his or their cuſtody, uſe, occupation, keeping or poſſeſſion, or ſuppoſed or ſuſpected to be indebted to ſuch offendor or offendors, (2) and upon their appearance, to examine them and every of them, as well by their oaths as otherwiſe, by ſuch ways and means as the ſaid Commiſſioners, or the more part of them by their diſcretions ſhall think meet and convenient, for and upon the ſpecialty, certainty, true declaration and knowledge of all and ſingular ſuch goods, chattels, wares, merchandizes, and debts of any ſuch offendor or offendors as ſuppoſed or ſuſpected to be in his or their cuſtody, uſe, occupation or poſſeſſion, and all ſuch debts as by them ſhall be ſuppoſed or ſuſpected to be owing to any ſuch offendor or offendors.

The penalty of ſuch as be examined, that will not diſcloſe the truth, or refuſe to ſwear.

VI. And if any ſuch perſon or perſons upon ſuch examination, do not diſcloſe and plainly declare, and ſhew the whole truth of ſuch things as he or they ſhall be examined of concerning the premiſſes to his knowledge, or do deny to ſwear, then every ſuch perſon or perſons ſo denying to ſwear, or being examined, do not declare the plain and whole truth concerning the premiſſes, upon due proof thereof to be made before the ſaid Commiſſioners, or the more part of them ſo to be appointed as is aforeſaid, by witneſs, examination, or otherwiſe, as to the ſaid Commiſſioners, or the more part of them, ſhall ſeem ſufficient in that behalf, ſhall loſe and forfeit double the value of all ſuch goods, chattels, wares, merchandizes and debts, by them or any of them ſo concealed, and not wholly and plainly declared and ſhewed: (2) which forfeiture ſhall be levied by the ſaid Commiſſioners, or the more part of them, of the Lands, Tenements, Hereditaments, Goods and Chattels of ſuch perſon ſo denying to ſwear, or not diſcloſing the whole truth as is aforeſaid, by ſuch ways and means, and in ſuch manner and form as is before limited and appointed for the principal offendor or offendors, debtor or debtors, (3) and the ſame forfeiture or forfeitures to be diſtributed or imployed to and for the ſatisfaction ann payment of the debts of the ſaid Creditor or Creditors, in ſuch like manner, rate, and form as is before declared concerning the ordering of the Lands and Tenements, Offices, Fees, Goods and Chattels of ſuch Offendor or Offendors, Debtor or Debtors as is aforeſaid.

How the forfeiture ſhall be recovered and imployed.

A remedy againſt them which do detain the goods of Bankrupts.

VII. And be it further enacted, That if at any time before or after that any ſuch perſon or perſons departeth the Realm, or ſhall keep his or their houſe or houſes, or otherwiſe abſent him or themſelves, or take Sanctuary, or ſuffer him or themſelves to be arreſted, outlawed, or yield his or their bodies to priſon as is aforeſaid, any perſon or perſons ſo fradulently by covin or colluſion, claim, demand, recover, poſſeſs, or detain any debts, duties, goods, chattels, lands or tenements, by writing, truſt or otherwiſe, which were or ſhall be due, belonging or appertaining to any ſuch offendor or offendors, other then ſuch as he or they can and do prove to be due by right and conſcience in form aforeſaid for money paid, wares delivered, or other juſt conſideration, or cauſe reaſonable to the juſt value thereof, before the ſaid Commiſſioners ſo to be appointed, or the more part of them as is aforeſaid, and the ſame to proceed (bona fide) without fraud or covin: that then every ſuch perſon or perſons ſo craftily demanding, claiming, having, poſſeſſing, or detaining any ſuch debt, duty or other thing as is aforeſaid, ſhall forfeit and loſe double as much as he or they ſo claim, demand, detain, or poſſeſs: which ſaid forfeiture ſhall be levied, recovered, and imployed in manner and form as is afore rehearſed.

How the forfeitures ſhall be beſtowed after the Bankrupts debts be paid.

VIII. Provided alſo, and be it enacted by the authority aforeſaid, That if it ſhall fortune the Creditors of any ſuch Bankrupt as is aforeſaid, to be ſatisfied and paid off their Debts and Duties of or with the proper Lands, Tenements, Goods, Chattels and Debts of the ſaid Bankrupts, or of, or with the ſame, and ſome part of the forfeitures of the ſaid double values to be forfeited, as is aforeſaid, and there ſhall remain an overplus of the ſaid forfeiture of the ſaid double values, That then the one moiety of the ſaid overplus of the ſaid forfeitures of the double values ſo remaining, ſhall be by the ſaid Commiſſioners ſo executing the ſaid Commiſſion, within convenient time after the levying thereof, paid unto the Queens Majeſty, her Heirs and Succeſſors; and the other moiety thereof ſhall be by the ſaid Commiſſioners, employed and diſtributed to and amongſt the poor within the Hoſpitals in every City, Town or County where any ſuch Bankrupt ſhall happen to be; Any thing in this Act to the contrary thereof notwithſtanding.

A remedy againſt him which withdraweth himſelf from his dwelling place

IX. And be it further enacted by authority aforeſaid, That if any ſuch perſon or perſons which is or ſhall be indebted, do of purpoſe withdraw him or themſelves out of or from his or their uſual Manſion-houſe or houſes, That then upon complaint thereof made to the ſaid Commiſſioners having authority, as is aforeſaid, the ſame Commiſſioners, or the more part of them, ſhall by virtue and authority of this preſent Act, have full power and authority to award five Proclamations to be made in the Queens name, upon five ſundry Market-days, in ſuch places near the place where ſuch Bankrupt hath moſt commonly dwelled or made his abode, commanding him or them by the ſame Proclamation in the Queens name, to return with all convenient ſpeed, and to yield his or their body before the ſaid Commiſſioners having authority, as is aforeſaid, or one of them, at ſuch time and place as by the ſaid Proclamation ſhall be appointed: (2) and if the ſaid perſon do not according to ſuch Proclamation, repair and yield his or their body, as is aforeſaid, That then the body of all and every ſuch offendor or offendors, ſhall be adjudged, taken and deemed to all intents and purpoſes, out of the Queens Protection: (3) And that alſo every perſon and perſons that ſhall willingly and wittingly help to hide or convey, or ſhall willingly and wittingly receive, detain, or keep ſecretly, any perſon or perſons ſo demanded by Proclamation, as is aforeſaid, ſhall ſuffer ſuch pains by impriſonment of his or their bodies, or pay ſuch fine to our Sovereign Lady the Queens Majeſty, her Heirs and Succeſſors, as to the ſaid Lord Chancellor or Lord Keeper of the Great Seal (being informed thereof) by the Commiſſioners ſo to be appointed as is aforeſaid, or the more part of them, ſhall ſeem meet and convenient for their ſaid offence or offences.

The penalty of a Bankrupt not yielding himſelf after Proclamation, and of ſuch as do hide or receive him.

A remedy for the creditor, if he be not ſatisfied of his whole debt.

X. Provided always, and be it further Enacted, That if the creditors of any ſuch offendor or offendors, debtor or debtors, which ſo do depart the Realm, keep his or their Houſe or Houſes, or otherwiſe abſent, or withdraw him or themſelves into places unknown, or take Sanctuary, or will ſuffer him or themſelves to be arreſted or outlawed, or yield his or their bodies into priſon purpoſely, and for the cauſes aforeſaid, be not fully ſatisfied, or otherwiſe contented for their Debts and Duties, by the ways and means before ſpecified and declared, that then the ſaid creditor or creditors, and every of them, ſhall and may have their remedy for the recovery and levying of the reſidue of their ſaid Debts or Duties, whereof they ſhall not be fully ſatisfied, paid or otherwiſe contented in form aforeſaid, againſt the offendor or offendors, in like manner and form as they ſhould and might have had before the making of this Act: (2) And that the ſaid creditor or creditors, and every of them, ſhall be only barred and excluded by virtue of this Act, of and for every ſuch part and portion of the ſaid Debts and Duties as ſhall be paid, ſatisfied, diſtributed or delivered unto him or them, by order of the ſaid perſons, as is aforeſaid, and of no more portion or parcel thereof; Any thing herein ſpecified that may be taken or conſtrued to the contrary notwithſtanding.

Lands, &c. extendable, which be purchaſed, or do deſcend to a Bankrupt.

XI. Provided always, and be it alſo Enacted by the authority aforeſaid, That if any perſon or perſons which is or ſhall be publiſhed and declared to be a Bankrupt by virtue of this Act, ſhall at any time after, purchaſe any Lands, Tenements, Hereditaments, free or copy, offices, fees, goods or chattels: (2) or that any Lands, Tenements, Hereditaments, free or copy, offices, fees, goods or chattels, ſhall deſcend, revert, or by any means come to any ſuch perſon or perſons being Bankrupts, as is aforeſaid, before ſuch time as their debts due to their creditors, ſhall be fully ſatisfied and paid, or otherwiſe agreed for, (3) That then the ſaid Lands, Tenements, Hereditaments, as well free as copy offices, fees, goods, and chattels, ſhall by virtue of this Act, by the ſaid Commiſſioners to be appointed, as is aforeſaid, or the more part of them, be bargained, ſold, extended, delivered and uſed for and towards the payment of the ſaid creditors, in ſuch like manner and form as other the Lands, Tenements, Hereditaments, free or copy, offices, fees, goods and chattels, of the ſaid Bankrupts, which they had when they were declared firſt to be Bankrupts, ſhould or might have been bargained, ſold, diſpoſed, or uſed by virtue of this Act. 1 Cro. 558.

Lands conveyed away before the party become Bankrupt. Moor 594. pl. 805.

XII. Provided always, That this Act ſhall not extend to any Lands, Tenements or Hereditaments, free, or copy hold, which heretofore have been aſſured by any ſuch Bankrupt, or hereafter ſhall be aſſured by any Bankrupt before he become Bankrupt: ſo that always ſuch aſſurance to be made bona fide, and not to the uſe of the Bankrupt himſelf only, or of his Heirs: (2) And that the parties to whoſe uſe ſuch aſſurance hath or ſhall be made, be not at or before the making of ſuch aſſurance, privy or conſenting to the fraudulent purpoſe of any ſuch Bankrupt, to deceive his creditors. 1 Jac. 15. 21 Jac. 19. Co. l. 2. [illegible]

CAP. VIII.

An Act againſt Uſury.

Uſury 6. The Statute of 37 H. 8. 9. revived, and the Statute of 5 Ed. 6. 20. repealed; both which were made againſt Uſury, &c. Seld. de Jure Nat. & Gent. &c. lib. 6. cap. 9. pag. 748.

Whereas in the Parliament holden the ſeven and thirtieth year of the Reign of our late Sovereign Lord King Henry the Eighth, of famous memory, there was then made and eſtabliſhed one good Act for the reformation of Uſury: by which Act the vice of Uſury was well repreſſed, and ſpecially the corrupt cheviſance and bargaining by way of ſale of wares, and ſhifts of intereſt: And where ſince that time by one other Act made in the fifth and ſixth years of the Reign of our late Sovereign Lord King Edward the ſixth, the ſaid former Act was repealed, and new Proviſoes for repreſſing of Uſury deviſed and enacted: which ſaid latter Act hath not done ſo much good as was hoped it ſhould, but rather the ſaid vice of Uſury 3 Inſt. 151. 2 Roll. 142.

Uſury, and eſpecially by way of ſale of wares, and ſhifts of intereſt hath much more exceedingly abounded, to the utter undoing of many Gentlemen, Merchants, Occupiers and others, and to the importable hurt of the Commonwealth, (4) as well for that in the ſaid later Act, there is no proviſion againſt ſuch corrupt ſhifts and ſales of Wares, as alſo for that there is no difference of pain, forfeiture or puniſhment upon the greater or leſſer exactions and oppreſſions, by reaſon of lones upon uſury:

II. Be it therefore enacted, That the ſaid later Statute made in the fifth and ſixth years of the Reign of King Edward the Sixth, and every Branch and Article of the ſame, from and after the five and twentieth day of June next coming, ſhall be utterly abrogated, repealed and made void: (2) and that the ſaid Act made in the ſeven and thirtieth year of King Henry the eighth, from and after the five and twentieth day of June next coming, ſhall be revived, and ſtand in full force, ſtrength and effect.

The Stat. of 5 & 6 Ed. 6. 20. repealed, and the Stat. of 37 H. 8. 9. revived.

III. And be it further enacted, That all Bonds, contracts and aſſurances, collateral or other, to be made for payment of any principal, or money to be lent, (2) or covenant to be performed, upon or for any uſury in lending or doing of any thing againſt the ſaid Act now revived, (3) upon or by which lone or doing there ſhall be reſerved or taken above the rate of x. l. for the hundred for one year, ſhall be utterly void. Hob. 72. 1 Bulſtr. 17. 2 Bulſtr. 34.

All Contracts and Aſſurances whereby above 10 li. in the 100 li. ſhall be reſerved ſhall be void.

Noy 2.
Hetley 25.
Raſt. pl. f. 689.

IV. And be it further enacted, That all Brokers, Solicitors, and Drivers of Bargains for Contracts, or other doings againſt the ſaid Statute now revived, whereupon ſhall be reſerved or taken more then after the rate of ten pound for the lone of one hundred pound for a year, ſhall be to all intents and purpoſes judged, puniſhed and uſed as Councellors, Attorneys or Advocates, in any caſe of Præmunire.

The penalty of Brokers and Drivers of uſurious Bargains.
Co. pl. f. 433.

V. And foraſmuch as all Uſury being forbidden by the Law of God, is ſin and deteſtable, (2) Be it enacted, That all Uſury, Lone, and forbearing of Money, or giving days for forbearing of Money by way of Lone, Cheviſance, Shifts, Sale of Wares, Contracts, or other doings whatſoever, for gain, mentioned in the ſaid Statute, which is now revived, whereupon is reſerved or taken, or covenanted to be reſerved, payed or given to the Lender, Contracter, Shifter, Forbearer or Deliverer, above the ſum of ten pound for the Lone or forbearing of a hundred pound for one year, or after that rate for a more or leſſer ſum or time, ſhall be from the five and twentieth day of June next coming, puniſhed in form following; that is to ſay, that every ſuch offender againſt this branch of this preſent Statute, ſhall forfeit ſo much as ſhall be reſerved by way of Uſury above the Principal, for any money ſo to be lent or forborn; (3) All ſuch forfeitures to be recovered and employed, as is limited for forfeitures by the ſaid former Statute now revived.

He that taketh 10 l. or leſs for the lone of 100 l. ſhall forfeit the Intereſt only.
1 Bulſtr. 36.
Golsb. 39. pl. 15.

VI. And be it further enacted, That Juſtices of Oyer and Terminer, and Juſtices of Aſſiſe in their Circuits, Juſtices of Peace in their Seſſions, Mayors, Sheriffs, and Bailiffs of Cities, ſhall alſo have full power and authority to enquire, hear and determine of all and ſingular offences committed againſt the ſaid Statute now revived.

Which Magiſtrates may hear and determine the offences aforeſaid.

VII. And be it further enacted, That the ſaid Statute now revived ſhall be moſt largely and ſtrongly conſtrued for the repreſſing of Uſury, againſt all perſons that ſhall offend againſt the true meaning of the ſaid Statute, by any way or device, directly or indirectly.

The Stat. of 37 H. 8. 9. ſhall be conſtrued ſtrongly for the repreſſing of Uſury.

VIII. Provided alway, that this Statute doth not extend, nor ſhall be expounded to extend unto any allowances or payments for the finding of Orphans, according to the ancient rates or cuſtoms of the City of London, or any other City where like order is for the cuſtody of Orphans and their Goods, as in the ſaid City of London.

X. Provided always, and be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall from and after the ſaid five and twentieth day of June, offend contrary to the ſaid Statute revived by this preſent Act, made in the ſeven and thirtieth year of the Reign of the ſaid late King Henry the Eighth, That then all and every ſuch offender and offenders, ſhall and may alſo be puniſhed and corrected according to the Eccleſiaſtical Laws heretofore made againſt Uſury: (2) And that all and every perſon and perſons offending in Uſury, Shifts or Cheviſance, againſt this preſent Act, and not taking or receiving but only after the rate of ten pounds in the hundred, or under, for a year, ſhall be only puniſhed by the pains and forfeitures provided and appointed by this Act, againſt ſuch as ſhall not take or receive over and above the rate of ten pound in the hundred for a year, and not otherwiſe. (3) This Act to continue and endure for and during the ſpace of five years next after the end of this preſent Parliament, and from thence unto the end of the firſt Seſſion of the Parliament then next enſuing.

In what caſe an offender ſhall be alſo puniſhed by the Eccleſiaſtical Law.

X. And be it further enacted by the authority aforeſaid, That if this preſent Act ſhall not be continued in the firſt Seſſion of the Parliament next enſuing the ſaid term of five years, and then in the ſame Seſſion no other Statute or Proviſion made againſt Uſury or corrupt Cheviſance, That then all and every the Laws and Statutes repealed by this Act, ſhall remain and be of ſuch like force and effect, as if this preſent Act had never been had ne made. 39 Eliz. 18. made perpetual. Dyer fo. 364, 366. Stat. 31 El. 5. 21 Jac. 17.

CAP. IX.

An Act for the Commiſſion of Sewers.

FOraſmuch as no Commiſſion of Sewers, by the Statutes heretofore made, may have continuance above the ſpace of five years, (2) Be it therefore Enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from henceforth all and every Commiſſion and Commiſſions of Sewers now ſtanding in force, or that hereafter ſhall be granted and made, ſhall ſtand and continue in force for the term of ten years next enſuing the Date of every ſuch Commiſſion, unleſs the ſame Commiſſion or Commiſſions be, or hereafter ſhall be repealed or determined, by reaſon of any new Commiſſion in that behalf made, or by Superſedeas: (3) And that all ſuch Laws, Ordinances and Conſtitutions as be or ſhall be duly made by force of any ſuch Commiſſion, according to the

Sewers 12. &c.
Stat. 3 Ed. 6. 9.

Stat. 23 H. 8. 5.
A Commiſſion of Sewers ſhall continue ten years.

The orders of the Commiſſioners of Sewers ſhall be of force without the certificate of them or the Royal aſſent.

the tenour and effect limited in any former Statute heretofore made touching Commiſſion or Commiſſions of Sewers, and being written in Parchment indented, and under the Seals of the ſaid Commiſſioners, or ſix of them (whereof the one part ſhall remain with the Clerk appointed and to be appointed for the Commiſſion of Sewers for the time being, and the other part in ſuch place as the ſame Commiſſioners, or ſix of them, ſhall order and appoint) ſhall without any Certificate thereof to be made into the Court of Chancery, and without the Royal aſſent to the ſame had, ſtand and continue in full force and effect, notwithſtanding any determination of any ſuch Commiſſion by Superſedeas, until ſuch time as the ſame Laws, Conſtitutions and Ordinances ſhall be altered, repealed, or made void by the Commiſſioners after to be aſſigned and appointed for Sewers in thoſe parts where the ſame Laws, &c. Ordinances and Conſtitutions were made, ordained and conſtituted, or by ſix of them.

The Commiſſioners of Sewers orders ſhall continue though the Commiſſion do expire.

II. And be it further enacted by the authority aforeſaid, That at all times from and after the end and expiration of the term of ten years next enſuing the Date or Teſte of any Commiſſion of Sewers hereafter to be made, all ſuch Laws, Ordinances and Conſtitutions as were made by virtue of any ſuch Commiſſion, and written in Parchment indented and ſealed, as is above mentioned, without certificate thereof, or the aſſent Royal to the ſame had, as is aforeſaid, ſhall notwithſtanding the determination of any ſuch Commiſſion by the expiration of the term of ten years next enſuing the Date of any ſuch Commiſſion of Sewers, likewiſe continue in force for and by the ſpace of one whole year then next enſuing: (2) And that the Juſtices of Peace in the Shire and Shires where the ſame Laws, Ordinances and Conſtitutions are to be executed within their ſeveral Coommiſſions or Limits, or ſix of them, whereof two to be of the Quorum, ſhall have power and authority by the ſpace of one whole year next after the expiration of every ſuch Commiſſion, to execute the ſame Laws, Ordinances and Conſtitutions, and every of them, as fully, and in as ample manner and form as the Commiſſioners, or any of them named and appointed in every or any Commiſſion ſo expired, might or ſhould have done, to all intents and purpoſes, as if the ſaid Commiſſion or Commiſſions had continued in force.

The Juſtices of Peace may for one year execute the Commiſſion of Sewers, unleſs a new Commiſſion be granted.

III. Provided always, and be it nevertheleſs enacted, That if any new Commiſſion of Sewers ſhall be made within the ſaid year, that then immediately from and after ſuch Commiſſion newly made and publiſhed, the power of the ſaid Juſtices of the Peace, and every of them, in any wiſe concerning the execution of any ſuch Laws, Ordinances and Conſtitutions of Sewers, ſhall utterly ceaſe; Any thing or things in this Act to the contrary expreſſed in any wiſe notwithſtanding.

A Farmer of Lands chargeable, ſhall not be Commiſſioner within the ſame Precinct.

IV. And be it further enacted, That no Farmer or Farmers for term of years, of any Manors, Lands or Tenements, lying or being within the precincts or limits of any ſuch Commiſſion of Sewers, which be, or hereafter may be ordered and chargeable by any Laws, Ordinances or Conſtitutions made or to be made by virtue of any ſuch Commiſſion wherein he or they ſhall be named or appointed Commiſſioner or Commiſſioners, not having Eſtate of freehold within the Realm of England, of or in Manors, Lands or Tenements, of the yearly value of forty pounds, ſhall at any time hereafter have power to ſit, or in any wiſe intermeddle with the execution of ſuch Commiſſion or Commiſſions, during the time he or they ſhall continue or be ſuch Farmer or Farmers of any ſuch Manors, Lands or Tenements, and ſhall not have Eſtate of freehold, as is aforeſaid; (2) but that every ſuch Commiſſion, as having reſpect only to every ſuch perſon or perſons, for ſuch and ſo long time as he or they ſhall be and continue Farmer or Farmers, of any ſuch Manors, Lands or Tenements, ſhall be deemed and adjudged in Law, to be as void and of none effect; Any thing in the ſame Commiſſion, or any Statute or Law heretofore made to the contrary notwithſtanding.

There ſhall be no certificate or return of the Commiſſion.

V. And be it further enacted by the authority aforeſaid, That from henceforth the ſaid Commiſſioners, or any of them, ſhall not be compelled or compellable to make any Certificate or Return of the ſaid Commiſſions, or any of them, or of any their Ordinances, Laws or Doings, by the authority of any the ſaid Commiſſions, nor ſhall have any Fine, Pain or Amerciament ſet upon them, or any of them, or any ways to be moleſted in Body, Lands or Goods, for that cauſe.

The fines and amerciaments ſhal be eſtreated into the Exchequer.

VI. And yet nevertheleſs, to the intent the Queens Majeſty our Sovereign Lady, her heirs and ſucceſſors, may at all times hereafter be truly anſwered of all ſuch Iſſues, Fines, and Amerciaments as ſhall happen, grow or be forfeited by virtue of any ſuch Commiſſion, or by the execution thereof, (2) Be it alſo enacted, That the Clerk and Clerks appointed, and hereafter to be appointed, for and in any ſuch Commiſſion and Commiſſions of Sewers, ſhall yearly truly eſtreat all the ſaid Iſſues, Fines, Penalties, Forfeitures and Amerciaments that ſhall be due and anſwerable to her Highneſs, her heirs and ſucceſſors, (3) and the ſame Eſtreats ſhall yearly deliver into the Court of the Exchequer, at ſuch time and times, and in ſuch manner and form as Juſtices aſſigned to and for the conſervation of the Peace in any wiſe ſhould or ought to do by virtue of their Commiſſion, (4) upon pain to forfeit to our Sovereign Lady the Queen her heirs and ſucceſſors, for every default in that behalf made, five pound.

In what caſe a Farmer of Lands chargeable may be a Commiſſioner.

VII. Provided always, That it ſhall be lawful for any Commiſſioner, being alſo a Farmer, and not having Lands and Tenements to the clear yearly value of forty pounds of freehold, to ſit by virtue of the ſaid Commiſſion, and have his voice and full authority with others, to make and eſtabliſh Ordinances for Sewers according to the tenor of the Commiſſion touching and concerning all Lands and Tenements within the Precinct of every ſuch Commiſſion, other then ſuch Lands and Tenements as he or they, for the time being, hold and enjoy as Farmer, as he or they might have done before the making of this Statute; Any thing therein contained to the contrary notwithſtanding.

CAP. X.

Fraudulent Deeds made by Spiritual Perſons to defeat their Succeſſors of remedy for Dilapidations, ſhall be void, &c.

Eccleſiaſtical perſ0 1s 7. Dilapidat. 1. 3 Bulſtr 290. Wrongs and frauds practiſed by divers Eccleſiaſtical perſons.

WHere divers and ſundry Eccleſiaſtical perſons of this Realm, being endowed and poſſeſſed of ancient Palaces, Manſion-houſes, and other Edifices and Buildings belonging to their Eccleſiaſtical Benefices or Livings, have of late years not only ſuffered the ſame for want of due reparations, partly to run to great ruine and decay, and in ſome part utterly to fall down to the ground, converting the Timber, Lead and Stones to their own benefit and commodity, (2) but alſo have made deeds of gift, colourable alienations, and other conveyances of like effect, of their goods and chattels in their lives time, to the intent and of purpoſe after their deaths to defeat and defraud their Succeſſors of ſuch actions and remedies as otherwiſe they might and ſhould have had for the ſame againſt their Executors or Adminiſtrators of their goods, by the Laws Eccleſiaſtical of this Realm, (3) to the great defacing of the State Eccleſiaſtical, and intolerable charges of their Succeſſors, and evil precedent and example for others, if ſpeedy remedy be not provided:

How the ſucceſſor ſhall have remedy where the predeceſſor doth make a fraudulent Deed to defeat him for Dilapidations. Stat 14. El. 5. 1 Leond. 307, 330.

II. Be it therefore enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any Archbiſhop, Biſhop, Dean, Archdeacon, Provoſt, Treaſurer, Chaunter, Chancellor, Prebendary, or any other having any Dignity or Office in any Cathedral or Collegiate Church within this Realm; (2) or if any Parſon, Vicar, or other Incumbent of any Eccleſiaſtical Living whereunto do belong any Houſe or Houſes, or other Buildings, which by Law or Cuſtom he is bound to keep and maintain in reparation, (3) do from henceforth make any Deed or Deeds of gift or alienation, or other like Conveyances of his moveable goods or Chattels, to the intent and purpoſe aforeſaid; That then the Succeſſor and Succeſſors of him that ſhall make ſuch Deed or Deeds of gift or alienation, ſhall and may commence Suit, and have ſuch remedy in any Court Eccleſiaſtical of this Realm, competent for the matter againſt him or them to whom ſuch Deed or Deeds of gift or alienation ſhall be ſo made, for the amendment and reparation of ſo much of the ſaid dilapidations and decays, or juſt recompence for the ſame, as hath happened by his fact or default, (4) in ſuch ſort as he might, ſhould or ought lawfully to have, if he or they to whom ſuch Deed or Deeds of gift or alienation ſhall be ſo made, were Executor or Executors, of the Teſtament and laſt Will of him that made ſuch Deed or Deeds of gift or alienation, or were Adminiſtrator or Adminiſtrators of his goods or Chattels; Any Law, Cuſtom or other thing to the contrary in any wiſe notwithſtanding.

1 Roll. 151.171. 168. 101. 2 Roll. 169. 170. 275. 403: 405. 408. What conveyances, and for what time ſpiritual perſons may make of their Lands, Tythes, &c. Stat. 14. El. 11. Stat 18. El. 11. 2 Bulſt, 205. Moor. 593, pl. 802.

III. And for that long and unreaſonable Leaſes made by Colledges, Deans and Chapters, Parſons and Vicars, and other having Spiritual Promotions, be the chiefeſt cauſes of the Dilapidations, and the decay of all Spiritual Livings and Hoſpitality, and the utter impoveriſhing of all Succeſſors Incumbents of the ſame, (2) Be it enacted by the authority aforeſaid, That from henceforth all Leaſes, Gifts, Grants, Feoffments, Conveyances or Eſtates, to be made, had, done, or ſuffered (3) by any Maſter and Fellows of any Colledge, Dean and Chapter of any Cathedral or Collegiate Church, Maſter or Guardian of any Hoſpital, Parſon, Vicar or any other having any Spiritual or Eccleſiaſtical Living, or any Houſes, Lands, Tythes, Tenements, or other Hereditaments, being any parcel of the Poſſeſſions of any ſuch Colledge, Cathedral Church, Chappel, Hoſpital, Parſonage, Vicarage, or other Spiritual Promotion, or any ways appertaining or belonging to the ſame, or any of them, to any perſon or perſons, Bodies politick or corporate, (4) (other then for the term of one and twenty years, or three lives, from the time as any ſuch Leaſe or Grant ſhall be made or granted, whereupon the accuſtomed yearly Rent or more ſhall be reſerved, and payable yearly during the ſaid term) (5) ſhall be utterly void and of none effect, to all intents, conſtructions and purpoſes; Any Law, Cuſtom, or Uſage to the contrary any ways notwithſtanding.

Terms aſſigned by the private Statute of any Colledge in an Univerſity.

IV. Provided nevertheleſs, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained, ſhall be taken or conſtrued to make good any Leaſe, or other Grant to be made by any ſuch Colledge or Collegiate Church within either of both the Univerſities of Oxford and Cambridge, or elſewhere within the Realm of England, for more years then are limited by the private Statutes of the ſame Colledge.

New Leaſes made upon the ſurrender of old or former covenants. 1 Anderſ. 65.

V. Provided always, That this Act ſhall not extend to any Leaſe hereafter to be made upon ſurrender of any Leaſe heretofore made, or by reaſon of any covenant or condition contained in any Leaſe heretofore made, and now continuing, ſo that the Leaſe to be made do not contain more years then the reſidue of the years of the former Leaſe now continuing ſhall be at the time of ſuch Leaſe hereafter to be made, nor any leſs Rent then is reſerved in the ſaid former Leaſe. Cok. lib. 4. fol. 120. lib. 5. fol. 14. Stat. 1 Jac. 25. 21 Jac. 28.

CAP. XI.

An Act for the maintenance of Navigation.

Navigation 1 Ships 1. Fiſh 9. So much of the Stat of 5 El. 5. as concerneth the tranſporting of Sea-fiſh and Herring in Engliſh Ships with croſs ſails, without the payment of Cuſtom, revived, &c.

WHere in the Parliament holden at Weſtminſter in the fifth year of your Majeſties Reign, there was, among other, made and provided an Act touching certain politick Conſtitutions made for the maintenance of the Navy, and in the ſame, amongſt other things, it was enacted, That from the firſt day of April in the year of our Lord God, M. D. lxiv. and ſo from thenceforth, it ſhould be lawful to all and every the Subjects of your Majeſty, your Heirs and Succeſſors, at his and their will and pleaſure, to carry and tranſport out of this Realm, in their Ships and other Veſſels of any the Subjects aforeſaid, all and every kind of Herring, and other Sea-fiſh to be taken upon the Sea by any the Subjects aforeſaid; any Act of Parliament or Law to the contrary notwithſtanding: (2) And that all and every Perſon and Perſons which ſhould by virtue of that Act tranſport or carry any Herring or Sea-fiſh from out of any Port or Harbour of this Realm, to any place out of the

Dominions of your Majeſty, your Heirs and Succeſſors, ſhould be free from payment of any Cuſtoms, Subſidy, or Poundage-money, for the ſame Fiſh ſo carried or tranſported during the ſpace of four whole years, beginning at the ſaid firſt day of April, M D. lxiv, and ſo further during your Majeſties pleaſure; which term of four years is now expired and ended:

A continuance of part of the Stat. of 5 El. for ſix years. EXP.

II. And where it is by experience found, that the ſaid Act hath been a very good Act, and greatly increaſed the Navy and Fiſhermen and cauſeth many poor men to be ſet a work, and is in great likelihood daily to increaſe the ſame more and more. (2) It may pleaſe your moſt excellent Majeſty, of your abundant grace, that it may be enacted by authority of this preſent Parliament, That ſo much of the ſaid Act as is above recited for liberty of tranſporting of Herring and Sea-fiſh, by the natural born Subjects of your Majeſty, your Heirs or Succeſſors, and for freedom from paying of any Cuſtom, Subſidy or Poundage-money, ſhall be revived, and ſhall from thence forth continue for the ſpace of ſix years from the end of this Seſſion of Parliament, and from thenceforth during your Majeſties moſt gracious pleaſure, ſo that ſuch tranſporting be in Veſſels, with croſs Sails.

5 Eliz.5.Sect.10, N. 1.

III. And where alſo in the ſaid Act made in the ſaid fifth year, amongſt other things, all manner of perſons are generally forbidden to bring into this Realm any Cods or Lings, in Barrels or other Casks, upon pain of forfeiture of all the Cods and Lings ſo to be brought in, or the value thereof contrary to the tenour of this Act: (2) Foraſmuch as by that Branch of the ſaid Statute, it was well intended and meant to meet with the fraud of Strangers and other which brought into this Realm great quantity of Cods and Lings deceitfully packed in Barrels, and not meant to hinder any the Queens Majeſties Subjects uſing uprightneſs and truth in the barrelling of ſuch Fiſh: (3) May it therefore pleaſe your Majeſty, that it be further enacted by the authority aforeſaid, That after the Feaſt of Eaſter, which ſhall be in the year of our Lord God one thouſand five hundred ſeventy five, it ſhall be lawful from thenceforth to all your Majeſties loving Subjects born within this Realm, or within any other your Majeſties Dominions, (uſing no fraud or deceit in packing or barrelling thereof) for the term of ſix years next enſuing, to bring into this Realm, or any other your Highneſs Dominions, all ſuch Cods and Lings as they ſhall happen to take upon the Sea by their own fiſhing in Veſſels with croſs Sails, without incurring any forfeiture or penalty therefore; Any thing in the ſaid Act contained to the contrary notwithſtanding.

What Cods may be brought into the Realm in barrels and casks, EXP. 27 Eliz. 15.

IV. And for the avoiding of the lewd Outrages committed and done upon the Sea-coaſts of Norfolk and Suffolk, by the Catches, Mongers and Picards pretending to buy freſh Herrings, and which do cut in ſunder divers pieces of Fiſhermens Nets travelling the high Seas to take freſh Herrings, to the utter undoing of the ſaid poor Fiſhermen, (2) Be it therefore enacted, ordained, and eſtabliſhed by the authority of this preſent Parliament, That no perſon or perſons uſing any Ship, Boat or Veſſel called Catch, Monger or Picard, or other Veſſel of like uſe, ſhall in time of common fiſhing upon the ſaid Sea-coaſts of Norfolk and Suffolk, between the fourteenth day of September and the fourteenth day of November, from Sun-ſetting to Sun-riſing, ankor upon the main Sea, or in the common Stream or Trade of fiſhing, where the Fiſhermen uſe to drive, (3) upon pain to forfeit their Catch, Monger, Picard or Veſſel, with the Tackle and all the Fiſh in the ſame, or the value thereof; the one half to your Majeſty, your Heirs and Succeſſors, the other half to the Bailiffs, Burgeſſes and Commonalty of the Town of great Yarmouth, to be imployed to the recompenſing his damages to the Party whoſe nets ſhall ſo be cut, and to the building and repairing of the decayed Haven there, and to be taken by way of ſeizure, or otherwiſe to be recovered by Bill, Action, or Information, in any of your Majeſties Courts of Record; Any Statute, Law or Uſe to the contrary notwithſtanding.

What kind of ſhips ſhall not ankor upon the ſea in the time of common fiſhing.

V. And where your Subjects uſing the Trade of fiſhing for Herring, having of many years, and time out of mind, uſed to pack their Herring in Cask of Barrels, containing about two and thirty Gallons of uſual Wine meaſure, and with ſuch Aſſize hath been uſually gaged and allowed at your honourable City of London, and do contain the ſame meaſure of two and thirty Gallons, according to ſuch uſual Braſs meaſure as is out of your honourable Court of Exchequer delivered to your ſaid honourable City of London, (2) which meaſure yet hath lately been quarrelled at by certain Informers, for that the ſame contain not two and thirty Gallons, by the old meaſure of Standard, which they never did, though peradventure the extremity of old Statutes in words, by ſome mens conſtruction, might be ſtretched to require ſo much: (3) And for that the uſual Barrels now be as great as ever within the time of any memory they have been known to be, and the alteration thereof would be a great decay and peril of undoing to the ſaid Fiſhermen: (4) It may alſo pleaſe your moſt excellent Majeſty, that it be alſo enacted and declared, That the ſaid Aſſize of two and thirty Gallons of Wine meaſure, which is about eight and twenty Gallons by old Standard well packed, and containing in every Barrel uſually a thouſand full Herrings at the leaſt, is and ſhall be taken for good, true and lawful Aſſize of Herring Barrels, throughout the whole Liberty of the ſaid Town of great Yarmouth, and elſewhere; Any ancient or former Law or Statute to the contrary notwithſtanding.

The Aſſize of Herring barrels.

No foreing fiſh ſhall be dried within England to be ſold.

VI. Be it further enacted, That no Fiſh hereafter to be taken or brought into this Realm by any Stranger, nor any fiſh commonly called Scottiſh Fiſh, or Flemiſh Fiſh, ſhall be dried within England to be ſold, upon pain of forfeiture of all ſuch Fiſh to be dried contrary to the meaning of this Act, or the value thereof: (2) which forfeiture ſhall be to ſuch perſon dwelling at any Town where is any Port, Peer or Haven, as will ſeize the ſame Fiſh, or will ſue for the ſame value in any Court of Record, to be imployed to the reparation and maintenance of ſuch Port, Peer or Haven as is next to the place where the offence ſhall be committed.

C A P. XII.

An Act for the Miniſters of the Church to be of ſound Religion.

That the Churches of the Queens Majeſties Dominions may be ſerved with Paſtors of ſound Religion, (2) Be it enacted by the authority of this preſent Parliament, That every perſon under the degree of a Biſhop, which doth, or ſhall pretend to be a Prieſt or Miniſter of Gods holy Word and Sacraments, by reaſon of any other form of Inſtitution, Conſecration, or Ordering, than the form ſet forth by Parliament in the time of the late King of moſt worthy memory, King Edward the Sixth, or now uſed in the Reign of our moſt gracious Sovereign Lady, before the Feaſt of the Nativity of Chriſt next following, (3) ſhall in the preſence of the Biſhop or Guardian of the Spiritualties of ſome one Dioceſs where he hath or ſhall have Eccleſiaſtical Living, declare his aſſent, and ſubſcribe to all the Articles of Religion, which only concern the Confeſſion of the true Chriſtian Faith, and the Doctrine of the Sacraments, compriſed in a Book imprinted, Entitled, Articles, whereupon it was agreed by the Archbiſhops and Biſhops of both Provinces, and the whole Clergy in the Convocation holden at London, in the year of our Lord God, One thouſand five hundred ſixty and two, according to the computation of the Church of England, for the avoiding of the diverſities of Opinions, and for the eſtabliſhing of conſent touching true Religion, put forth by the Queens Authority: (4) and ſhall bring from ſuch Biſhop or Guardian of Spiritualties in writing, under his Seal authentick, a teſtimonial of ſuch aſſent and ſubſcription, (5) and openly on ſome Sunday in the time of ſome publick Service, afternoon, in every Church where by reaſon of any Eccleſiaſtical Living he ought to attend, read both the ſaid Teſtimonial, and the ſaid Articles, (6) upon pain that every ſuch perſon which ſhall not before the ſaid Feaſt do as is above appointed, ſhall be (ipſo facto) deprived, and all his Eccleſiaſtical Promotions ſhall be void, as if he then were naturally dead.

Eccleſiaſtical perſons 1.

3 Ed. 6. 12.
5 Ed. 6. 1.

Every Eccleſiaſtical perſon ſhall ſubſcribe to the Articles touching the confeſſion of the Faith, and declare his aſſent thereunto.

Co. Inſt. 4 par. 323.
March 84, 119.
Vaugh. 131, 133.
Lane 4

Reading of the Articles, and Teſtimonial.

II. And that if any perſon Eccleſiaſtical, or which ſhall have Eccleſiaſtical Living, ſhall adviſedly maintain or affirm any Doctrine directly contrary or repugnant to any of the ſaid Articles, and being convented before the Biſhop of the Dioceſs, or the Ordinary, or before the Queens Highneſs Commiſſioners in cauſes Eccleſiaſtical, ſhall perſiſt therein, or not revoke his error, or after ſuch revocation eftſoon affirm ſuch untrue Doctrine, ſuch maintaining or affirming, and perſiſting, or ſuch eftſoon affirming, ſhall be juſt cauſe to deprive ſuch perſon of his Eccleſiaſtical Promotion; And it ſhall be lawful to the Biſhop of the Dioceſs, or the Ordinary, or the ſaid Commiſſioners, to deprive ſuch perſon ſo perſiſting, or lawfully convicted of ſuch eftſoons affirming, and upon ſuch ſentence of deprivation pronounced, he ſhall be indeed deprived.

The penalty for maintaining of Doctrine againſt the Articles.

III. And that no perſon ſhall hereafter be admitted to any Benefice with Cure, except he then be of the age of three and twenty years at the leaſt, and a Deacon, and ſhall firſt have ſubſcribed the ſaid Articles in preſence of the Ordinary, and publickly read the ſame in the Pariſh Church of that Benefice, with declaration of his unfeigned aſſent to the ſame: (2) And that every perſon after the end of this Seſſion of Parliament, to be admitted to a Benefice with Cure, except that within two months after his induction he do publickly read the ſaid Articles in the ſame Church whereof he ſhall have Cure, in the time of Common Prayer there, with declaration of his unfeigned aſſent thereunto, and be admitted to miniſter the Sacraments within one year after his induction, if he be not ſo admitted before, ſhall be upon every ſuch default, ipſo facto, immediately deprived.

Several things required in him which ſhall be admitted to a Benefice.

1 Leonard. 230.
1 Anderſ. 62.

IV. And that no perſon now permitted by any diſpenſations or otherwiſe, ſhall retain any Benefice with Cure, being under the age of one and twenty years, or not being Deacon at the leaſt, or which ſhall not be admitted as is aforeſaid, within one year after the making of this Act, or within ſix months after he ſhall accompliſh the age of four and twenty years, on pain that ſuch his diſpenſation ſhall be meerly void.

V. And that none ſhall be made Miniſter, or admitted to Preach or Adminiſter the Sacraments, being under the age of four and twenty years, (2) nor unleſs he firſt bring to the Biſhop of that Dioceſs, from men known to the Biſhop to be of ſound Religion, a Teſtimonial of his honeſt life, and of his profeſſing the Doctrine expreſſed in the ſaid Articles: (3) nor unleſs he be able to anſwer and render to the Ordinary an account of his Faith in Latin, according to the ſaid Articles, or have ſpecial Gift and Ability to be a Preacher: (4) nor ſhall be admitted to the Order of Deacon or Miniſtry, unleſs he ſhall firſt ſubſcribe to the ſaid Articlicles.

The age of a Miniſter or Preacher, and his Teſtimonial.

3 Bulſtr. 90.

VI. And that none hereafter ſhall be admitted to any Benefice with Cure, of or above the value of thirty pounds yearly in the Queens Books, unleſs he ſhall then be a Batchelor of Divinity, or a Preacher lawfully allowed by ſome Biſhop within this Realm, or by one of the Univerſities of Cambridge or Oxford.

Who may have a Benefice of the yearly value of xxx. l.

VII. And that all admiſſions to Benefices, Inſtitutions and Injunctions, to be made of any perſon contrary to the form or any proviſion of this Act, and all Tolerations, Diſpenſations, Qualifications and Licences whatſoever to be made to the contrary hereof, ſhall be meerly void in Law, as if they never were.

All Admiſſions, Inductions, Tolerations.

VIII. Provided alway, That no title to confer or preſent by lapſe, ſhall accrue upon any deprivation, ipſo facto, but after ſix months after notice of ſuch deprivation given by the Ordinary to the Patron. 1 Roll. 155.

No lapſe upon Deprivation but after notice.

C A P. XIII.

An Act for the increaſe of Tillage, and maintenance of the Navy.

For the better increaſe of Tillage, and for maintenance and increaſe of the Navy and Mariners of this Realm, (2) Be it enacted, That from and after the Feaſt of the Nativity of St. John Baptiſt next coming, it ſhall be lawful to all and every perſon and perſons, being Subjects of the Queens Majeſty, her Heirs and Succeſſors, and inhabiting within her Highneſs Realms and Dominions, only out of ſuch Ports and Creeks where are or ſhall be reſident a Cuſtomer or Collector of Subſidy of Tonnage and Poundage, or one of their Deputies,

Corn 7.
Cuſtom 4.
When Corn may be tranſported, and when not.

Corn may be tranſported out of ſome Ports, and with ſome kind of Ships, when the prices be allowed reaſonable.

ties, and not elſewhere, to load, carry, or tranſport any Wheat, Rye, Barley, Malt, Peaſe or Beans, into any parts beyond the Seas, being in amity with this Realm, and not prohibited by any reſtraint or Proclamation, only to ſell as a Merchandiſe in Ships, Crayers, or other Veſſels, bearing croſs Sails, whereof any Engliſh-born Subjects inhabiting within her Highneſs Realms and Dominions, then ſhall be the only Owners, (3) at ſuch times as the ſeveral prices thereof ſhall be ſo reaſonable and moderate in the ſeveral Counties where any ſuch tranſportation ſhall be intended, as that no prohibition ſhall be made either by the Queens Majeſty, her Heirs or Succeſſors, by Proclamation to be made in the Shire Town, or in any Port Towns of the County, or elſe by ſome order of the Lord Preſident and Councel in the North, or the Lord Preſident and Councel in Wales, within their ſeveral juriſdictions, or of the Juſtices of Aſſiſe at their Seſſions in other Shires, out of the juriſdiction of the ſaid two Preſidents and Councels, or by the more part of the Juſtices of the Peace of the County at their Quarter Seſſions, (4) in this manner following; that is, The ſaid Lord Preſident and Councels for the Shires within their Juriſdictions, the Juſtices of Aſſiſe at their ſeveral Seſſions in other Shires out of the ſaid Juriſdictions belonging to the ſaid Counſels in the North, and in Wales, yearly ſhall upon conference with the Inhabitants of the Countrey, of the cheapneſs and dearth of any the ſaid kinds of Grain within the Counties within the Juriſdictions of the ſaid Councels, or in the other Countries within the limits of the ſaid Juſtices of Aſſiſe, by their diſcretion determine whether it ſhall be meet at any time to permit any Grain to be carried out of the Realm, by any Port within the ſaid ſeveral Juriſdictions or Limits, (5) and ſo ſhall in writing under their hands and Seals cauſe and make a determination either for permiſſion or prohibition, and the ſame cauſe to be by the Sheriffs of the Counties publiſhed, and affixed in as many accuſtomed Market Towns and Ports within the ſaid Shire, as they ſhall think convenient, and in ſuch manner as the Queens Majeſties Proclamations are uſually publiſhed and affixed: (6) which determination of the ſaid Preſidents and Councils in their Juriſdictions, and of the Juſtices of Aſſiſe in their Limits, ſhall continue in force for the time, place, and manner therein expreſſed, until the ſaid Preſidents and Councels ſhall otherwiſe order, or until the Juſtices of Aſſiſe at their being in their ſaid Circuits in every of the ſaid Counties, ſhall alter, or otherwiſe order the ſame, (7) except the ſame ſhall be otherwiſe in the mean time altered or countermanded by the Queens Majeſty, her Heirs or Succeſſors, or by ſome order of the Juſtices of the Peace in the Counties ſituated out of the Juriſdictions of the ſaid two Councels, in their Quarter Seſſions to be holden in the mean time, or the greater part of them, ſhall find the ſame determination of the Juſtices of Aſſiſe to be hurtful to the County, by means of dearth, or to be a great hinderance to Tillage by means of too much cheapneſs, and ſhall by their writings under their Hands and Seals make any determination to the contrary, either for permiſſion or prohibition of carriage of any kind of Grain out of the Realm, and the ſame determination ſhall cauſe to be in like manner publiſhed and affixed, as above is ſaid: (8) which determination ſhall alſo continue in force, except the ſame ſhall be altered by the Queens Majeſty, her Heirs and Succeſſors, or until the Juſtices of Aſſiſe, at their being in their ſaid Circuits in every of the ſaid Counties afore to them limited, ſhall alter, or otherwiſe order the ſame; who ſhall and may upon new conference had, by their diſcretions from time to time alter and change the ſaid determinations in the whole, or in part, as to their diſcretions ſhall ſeem meet, and the ſame ſhall alſo cauſe to be publiſhed, as is before preſcribed.

Who ſhall have authority to determine of the tranſporting of Corn or the reſtraint thereof.

The Juſtices order ſhall be firſt notified to the Queen or her Councel, and then allowed.

II. Provided neverthleſs, That neither any of the ſaid Preſidents and Counſels, nor the ſaid Juſtices of Aſſiſe, nor the ſaid Juſtices of Peace above mentioned, ſhall publiſh any their determinations above mentioned, until the ſame ſhall be firſt by writing notified to the Queens Majeſty, or to her Privy Council, and by her Majeſty or her Privy Council ſhall be liked or allowed.

The Cuſtom due to the Queen, of corn tranſported either by force of this Statute, or by Licence.

III. Provided alſo, That the Queens Majeſty, her Heirs and Succeſſors, ſhall have and receive by the Cuſtomers and Officers of her Ports, for the Cuſtom or Poundage of every quarter of Wheat to be tranſported by force of this Statute, twelve pence; (2) and of every quarter of any other Grain, eight pence, (3) and of every quarter of Wheat that ſhall be by any ſpecial Licence hereafter to be granted, tranſported out of the Realm, and not by force of this Statute, two ſhillings, (4) and of every quarter of other Grain, ſixteen pence, (5) notwithſtanding any manner of words that ſhall be contained or inſerted in any Licences to the contrary: (6) which ſaid ſeveral ſums ſo to be had or taken as Cuſtom or Poundage, to be full in ſatisfaction of all manner of Cuſtom or Poundage for the ſaid Corn or Grain, by any Conſtitution, Order, Statute, Law or Cuſtom, heretofore made, uſed or taken for tranſporting of any ſuch manner of Corn or Grain.

The Queen by Proclamation may reſtrain the tranſporting of Corn.

IV. Provided alſo, and be it enacted by the authority of this preſent Parliament, That the Queens Majeſty, her Heirs and Succeſſors, may at all times by her Writ of Proclamation to be publiſhed generally in the whole Realm, or in the Counties of the Realm where any Port Towns are, command, that no perſon ſhall by virtue of this Act tranſport or carry out any manner of Grain to any parts out of her Dominions, either generally out of any Port in the Realm, or particularly out of any ſpecial Ports to be in the ſame Proclamation named; and that it may not be lawful for any perſon to carry out any ſuch Grain, contrary to the tenor of the ſame Proclamation, upon ſuch pains as by the Laws of the Realm are and have been provided. Stat. 1 & 2 P. & M. 5. 1 Jac. 25. 3 Car. 4.

CAP. XIV.

An Act for the bringing of Bowſtaves into this Realm.

Bows 1. The benefit of Archery and the cauſe of the decay thereof.

Whereas the uſe of Archery not only hath ever been, but alſo yet is, by Gods ſpecial gift to the Engliſh Nation, a ſingular defence of this Realm, and an occaſion of many noble Victories, and both a very wholſom exerciſe for the health and ſtrength of mens bodies, and a maintenance of a great number of the Queens true Subjects and Artificers, as Bowyers, Fletchers, Stringers, Arrowhead-makers, and others of this Realm: and for that among other cauſes of the decay of Archery, one great cauſe is, the exceſſive price of Bowſtaves, which groweth principally by the ſcarcity of Bowſtaves brought into this Realm; (2) For reformation whereof, be it enacted by the authority of this preſent Parliament, That all the Statutes made in the Twelfth year of the Reign of King Edward the Fourth, concerning bringing in of a certain number of Bowſtaves, according to the weight or value of other Wares to be brought into this Realm, ſhall from henceforth be duly put in execution: (3) And be it enacted & declared by this preſent Statute, That all Merchant-ſtrangers uſing to bring Wares into this Realm from the eaſt-parts, as well from the ſeventy two Hanſe Towns, be comprized and meant under the name of, and bound as the Merchants mentioned and bound by the ſaid Statute, to bring in Bowſtaves, upon like pains and forfeitures as by the ſaid Statutes are appointed. (4) And where the greateſt cauſe of not putting the ſaid Statute in execution, hath been, that the forfeitures thereby limited, are by the ſaid Statute given only to the Queens Majeſty, her Heirs and Succeſſors, without any reward to the perſon that ſhall ſue for the ſame; (5) be it enacted, That from henceforth all the forfeitures appointed by the ſaid Statutes, ſhall be imployed in form following; that is to ſay, the one half thereof to the Queens Majeſty, her Heirs and Succeſſors, the other half to ſuch perſons as ſhall ſue for the ſame in any Court of Record, wherein no eſſoign, protection, nor wager of Law for the Defendant ſhall be admitted or allowed. (6) And it may pleaſe the Queens moſt excellent Majeſty, That it be on her Highneſs part ſtraightly charged and commanded, That all the Statutes now remaining in force, for repreſſing of unlawful Games, and for the maintenance and uſe of Archery, ſhall be duly put in execution for ever, under the pains in the ſaid Statutes contained.

A confirmation of the Stat. of 12. Ed. 4. 2. touching the bringing into this Realm of Bowſtaves. What ſort of Merchants are compellable to bring Bowſtaves into this Realm.

Who ſhall have the forfeitures, and by what means. Stat. 1 R. 3. 11. 33 H. 8. 9. 8 El. 10.

C A P. XV.

An Act that no Hoy or Plate ſhall croſs the Seas.

Where at the Parliament holden at Weſtminſter, in the Firſt year of your Highneſs Reign, it was amongſt other things enacted, That no Hoy or Plate, whereof any Engliſh Subject then was or ſhould be Owner or Owners, at any time after the firſt day of January next enſuing the Seſſion of the ſame Parliament, from any Port, Creek or place of this Realm of England, or any of the Dominions of the ſame, ſhould traverſe or croſs the Seas into or for any of the Ports beyond the Seas, with any Wares, Goods and Merchandiſes, (2) upon pain that the ſaid Owner or Owners ſhould forfeit and loſe the ſame Hoy or Plate, with all and every the munition, tackling, and other neceſſaries pertaining thereunto, as by the ſame Statute more at large doth and may appear: (3) And whereas by an Eſtatute made in the Fifth year of your Highneſs Reign, it is amongſt other things enacted, That from thenceforth all Engliſh Hoys and Plates might croſs the Seas as far as Cane in Normandy, and Eaſtward as far as Norway; the ſaid Statute made in the Firſt year of your Highneſs Reign, to the contrary thereof notwithſtanding. (4) And foraſmuch as the ſaid branch in the ſaid Eſtatute made in the Fifth year of your Reign, tendeth greatly to the decay of Mariners and Ships, by the marvellous increaſe of Hoys; (5) Be it therefore enacted by the authority aforeſaid, That from the Feaſt of S. Michael, the Archangel next coming, the ſaid clauſe contained in the ſaid Eſtatute made in the ſaid Fifth year of your Reign, for the croſſing of the Seas by Hoys and Plates, ſhall be utterly Repealed and made void and of none effect: (6) And that from the ſaid Feaſt of S. Michael the Archangel next, the ſaid Eſtatute made in the Firſt year of your Reign, prohibiting the croſſing of the Seas by Hoys and Plates, be obſerved and kept; the ſaid Eſtatute made in the Fifth year of your Majeſties Reign, to the contrary hereof notwithſtanding. (7) This Act to continue until the end of the next Parliament. EXP.

Ships, Raſt. 17. 1 El. 13.

5 El. 5.

A reviver of the Statute of 1 El. 13. and repeal of the Statute of 5 El. 5. touching Hoys croſſing the Seas.

C A P. XVI.

The Convictions, Outlawries and Attainders of Charles Earl of Weſtmerland, and fifty ſeven others Attainted of Treaſon for open Rebellion in the North parts, confirmed. The Queen, her Heirs and Succeſſors, ſhall have for this time all the lands and goods which any of the ſaid perſons attainted within the Biſhoprick of Durham, againſt the Biſhop and his Succeſſors, though he claimeth Jura Regalia, and challengeth all the ſaid Forfeitures in the right of his Church. PR. Stat. 18. El. 4.

Attainders, Raſt. 10.

C A P. XVII.

Robert Earl of Liceſter ſhall have authority to found an Hoſpital in Warwick or Kenelworth, for relief of poor and impotent people: which Hoſpital ſhall have capacity to purchaſe Lands in any County of England, not exceeding the yearly value of two hundred pounds above all charges, that be not holden of the Queen immediately by Knights ſervice in chief, or elſe by knights ſervice not in chief. PR.

Hoſpital, Raſt. 3.

C A P. XVIII.

The river of Lee, otherwiſe called Ware River, by a new cut or trench (to be made within ten years, at the charges of the Lord Mayor Commonality and Citizens of London) ſhall be made to convey by water, all victuals, corn, and other neceſſaries, from the Town of Ware to the City of London, and from London to Ware. PR. Stat. 3. H. 6. 5. 9. H. 6. 9.

Lee, Raſt. 1

C A P. XIX.

Every perſon above the age of ſeven years ſhall wear upon the Sabbath and holy day (unleſs in the time of their travels out of their Towns, Hamlets, &c.) upon their head, a Cap of Wool knit, thicked and dreſſed in England, made within this Realm, and only dreſſed and finiſhed by ſome of the Trade of Cappers, upon pain to forfeit for every day not wearing, three ſhillings four pence: Except Maids, Ladies, Gentlewomen, Noble perſonages, and every Lord, Knight, and Gentlewoman of twenty marks land and their heirs, and ſuch as have born Office of worſhip in any City, Burough, Town, Hamlet or Shire; and the Wardens of the worſhipful Companies of London. REP. 39 Eliz. 18. Sect. 45. N. 2.

Hats, Raſt. 6.

C A P. XX.

An Act touching Leaſes of Benefices, and other Eccleſiaſtical Livings with Cure.

That the Livings appointed for Eccleſiaſtical Miniſters, may not by corrupt and indirect dealings be transferred to other uſes, (2) Be it enacted by the Authority of this preſent Parliament, That no Leaſe after the fifteenth day of May, next following the beginning of this Parliament, to be made of any Benefice or Eccleſiaſtical promotion with Cure, or any part thereof, and not being impropriated, ſhalt endure any longer then while the Leſſor ſhall be ordinarily reſident, and ſerving the Cure of ſuch Benefice without abſence above fourſcore days in any one year, but that every ſuch Leaſe, ſo ſoon as it, or any part thereof, ſhall come to any poſſeſſion or uſe above forbidden, or immediately upon ſuch abſence, ſhall ceaſe and be void; and the Incumbent ſo offending, ſhall for the ſame loſe one years profit of his ſaid

Godbolt 29 pl. 111. pl. Poph. 8. Eccleſiaſtical perſons 9, &c. How long the Leaſe of a Benefice ſhall endure. Co. pl. f. 205. 1 Leon. 307. 333.

Stat. 14. El. 11. Sect. 49. 1 Bulſtr. 111. 18 El. 11. 4 El. 9. No Benefice with cure ſhall be charged with a penſion. The Parſons Leaſe to his Curate. 3 Leon. 102. 1 Leon. 100.

Benefice, to be diſtributed by the Ordinary among the Poor of the Pariſh: And that all chargings of ſuch Benefices with Cure, hereafter with any Penſion or with any Profit out of the ſame to be yielded or taken, hereafter to be made, other then Rents to be reſerved upon Leaſes hereafter to be made, according to the meaning of this Act, ſhall be utterly void.

II. Provided, That every Parſon by the Laws of this Realm allowed to have two Benefices, may demiſe the one of them upon which he ſhall not then be moſt ordinarily reſident, to his Curate only, that ſhall there ſerve the Cure for him; (2) but ſuch Leaſe ſhall endure no longer then during ſuch Curates reſidence, without abſence above fourty days in any one year. (3) This Act to continue to the end of the next Parliament. 3 Car. 4 made perpetual. Note, That in this Statute, theſe words (ſo ſoon as it, or any part thereof, ſhall come to any poſſeſſion or uſe above forbidden, or) are Repealed. 14 Eliz. 11 Sect 14. N. 1.

CAP. XXI.

Purveyors 33.

An Act that Purveyors ſhall take away Grain, Corn or Victual within five miles of Cambridge and Oxford.

CAP. XXII.

Sheriffs 29.

An Act for continuance of the ſeverance of the Sheriffs in ſundry Counties.

CAP XXIII.

Paving, Raſt. 6.

A Way without Algate in the Suburbs of London, ſometime called the Bars without Algate: and a Way leading from the old Cage, to the North end of Nightingal-lane: And another Way between the ſaid old Cage and Craſs Mill in the Pariſh of St. Mary, ſhall be paved with Stone, and ſo ſhall be for ever continued by thoſe which be ſeized in fee-ſimple, fee-tail, or for term of life, of lands adjoyning to the ſaid Highway, on the one ſide, or on the other, unto the midſt of the ſaid ways, upon pain to forfeit iij. s. iv. d. for every yard ſquare not paved. PR. 23 Eliz. 12.

CAP. XXIV.

Ipſwich, Raſt. 1.

The Streets of Ipſwich in the County of Suffolk, and the Suburbs thereof, ſhall be paved with good paving Stone, and for ever repaired by the Owners, Landlords, or Terre-tenants, along, from and againſt their houſes, lands and Tenements adjoyning to the ſtreet, viz. ſo much of the ſaid ſtreet in length, as his houſe, lands, &c. ſo adjoyning, extendeth unto, and in breadth, during all the ſaid length, to the Channel, or to ſuch place as the Channel there, ſhall be appointed by the Bailiffs, or on pain of forfeiture for every yard ſquare, not ſufficiently repaired, viij. d. The Bailiffs of Ipſwich, and the Portmen there, the Churchwardens, and four of every Pariſh, ſhall have authority to tax upon every houſe, ground and tenement, free and copy, ſcituate within the ſeveral Pariſhes of Ipſwich, reaſonable ſums of money to be yearly payed, as well toward the finding of a convenient ſtipendary Miniſter within every Pariſh, as for the reparation of the Churches there. PR.

CAP. XXV.

An Act for Reviving and Continuance of certain Statutes.

Woods 1. Divers Statutes for winding of wool, touching attaints, for preſervation of Woods againſt Foreſtallers &c. keeping of milch kine, and breeding of calves made perpetual; and other Statutes revived &c. 21 H. 8. 17. 23 H. 8. 3. 35 H. 8. 17. 5 & 6 Ed. 6. 14. 2 & 3 P. & M. 3.

Where in the Parliament begun and holden at London the third day of November, in the One and twentieth year of the Reign of our late moſt dread Sovereign Lord of famous memory King Henry the Eighth, and from thence adjourned to Weſtminſter, and there holden and continued by divers Prorogations, until the Diſſolution thereof, an Act was made for the true winding of Wools.

II. And where alſo in the ſame Parliament, one other Act was made, and eſtabliſhed for attaints to be ſued for the puniſhment of perjury upon untrue verdicts.

III. And where in the Parliament holden at Weſtminſter the xxxv. year of the Reign of our ſaid late Sovereign Lord King Henry the Eighth, one Act was made for the preſervation of Woods.

IV. And where alſo at the Seſſion of Parliament by Prorogation holden at Weſtminſter the three and twentieth day of January, in the Fifth year of the Reign of our late Sovereign Lord King Edward the Sixth, one Act was then and there made againſt Regrators, Foreſtallers and Ingroſſers.

V. And where alſo at a Parliament begun and holden at Weſtminſter the xxi. day of October, in the Second and Third years of the Reign of the late King Philip and Queen Mary, and there continued until the Diſſolution of the ſame, one Act was made then and there for keeping of Milch Kine, and for the breeding and rearing of Calves; (2) all which Acts were by ſundry Acts of Parliament continued in force and effect, until the end and Diſſolution of the laſt Parliament of our Sovereign Lady the Queens Majeſty that now is, at which time the ſame ſeveral Acts, and every of them were diſcontinued, and loſt their force and effect; (3) Which Acts above mentioned, and every of them, by proof and experience, have ſince the making of the ſame, been tried and found to be very neceſſary, beneficial and profitable for the Common wealth, and therefore are thought good to be made perpetual: (4) Be it therefore enacted by the Queens Majeſty our ſaid Sovereign Lady, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid Acts above remembred, and every of them, and all and every the branches, clauſes and proviſions in them and every of them contained, ſhall be revived, and from henceforth remain and continue in force and effect for ever.

Anno 8. El.

The five former Statutes revived, to continue for ever.

21 H. 8. 8.

VI. And where alſo in the ſaid Parliament begun and holden at London, on the third day of November, in the ſaid One and twentieth year of the Reign of the ſaid late King Henry the Eighth, and from thence adjourned to Weſtminſter, and there continued by Prorogation until the Diſſolution thereof, one Act was there made, entituled, An Act againſt the killing of young Beaſts, called Weynlings.

3 & 4 Ed. 6. 19.

VII. And where in the Seſſion of a Parliament ended at Weſtminſter in the firſt day of February, in the Fourth year of the Reign of our ſaid late Sovereign Lord King Edward the Sixth, one Act was made concerning the buying and ſelling of Rother Beaſts.

3 & 4 Ed. 6. 21.

VIII. And alſo one other Act was then and there likewiſe made, entituled, An Act for buying and ſelling of Butter and Cheeſe; (2) all which Acts were continued until the end of the laſt Parliament of our Sovereign Lady the Queens Majeſty that now is, at which time the ſame were likewiſe for defect of further continuance, diſcontinued, and loſt their force and effects.

5 El. 2.

IX. And where alſo an Act was made in the firſt Seſſion of the ſaid Parliament, holden in the Fifth year of her Majeſties Reign, entituled, An Act for the maintenance and increaſe of Tillage.

5 El. 3.

X. And one other Act then alſo made, entituled, An Act for the relief of the poor; which were to endure to the end of the next Seſſion of the ſame Parliament, and then alſo in the end of the ſaid Parliament, diſcontinued and loſt their force and effect, for defect of further continuance.

XI. And where alſo in the Parliament begun and holden at Weſtminſter, in the xxiii. day of January, in the firſt year of the reign of the Queens Majeſty that now is, and there continued by Prorogation until the diſſolution thereof, one Act was then and there made, entituled, An Act for the Preſervation of Spawn and Fry of Fiſh: which Act was to endure to the end of the next Parliament, and then in the ſame next Parliament was not any further continued, and ſo likewiſe loſt his force and effect.

1 El. 17.

XII. Foraſmuch as all the ſaid ſeveral Acts, and every of them laſt recited, do ſeem by tryal and experience of them hitherto had, to be good, profitable, and neceſſary for the Commonwealth of this Realm, and therefore to be revived, and to have further continuance, (2) Be it therefore enacted by our ſaid Sovereign Lady the Queens Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that all the ſaid laſt mentioned Acts, and every of them, and all the articles, clauſes and proviſions in them and every of them contained, ſhall be likewiſe revived, and ſhall from henceforth continue and endure in full force and effect, until the end of the next Parliament.

The laſt mentioned ſix Acts revived and continued until the end of the next Parliament.

XIII. And where alſo one Act entituled, An Act for the making of Gaols in divers Shires of this Realm, was made in the aforeſaid Parliament, begun and holden in the third day of November, in the Three and twentieth year of the Reign of our ſaid late Sovereign Lord King Henry the Eighth, and ſithence by divers Act continued until the death of the ſame late King; (2) and after in the laſt Seſſion of the Parliament begun and holden upon Prorogation at Weſtminſter, the four and twentieth day of October, in the Firſt year of the Reign of our ſaid late Sovereign Lady, Queen Mary, the ſame Act, and all clauſes and ſentences therein contained, was then made to continue and endure until the end of ten years then next enſuing to the ſame Parliament; (3) which Act afterwards in the Firſt Seſſion of Parliament, begun and holden at Weſtminſter the twelfth day of January, in the Fifth year of the Reign of our ſaid Sovereign Lady the Queens Majeſty that now is, and there by Prorogation continued until the Diſſolution thereof, was by one Act then and there made and entituled, An Act for the reviving of a Statute made Anno 23 Henrici octavi, touching the repairing of Gaols, made to continue and endure in full force and effect, and to be obſerved and kept in all things, unto the end and term of ten years next enſuing the laſt day of the ſame Parliament, and was alſo by the ſaid Act made in the Fifth year of her Majeſties Reign, in certain points and articles enlarged, as by the ſaid Act more fully appeareth: (4) And foraſmuch as the ſaid Acts made in the ſaid Three and twentieth year of the Reign of the ſaid late King Henry the Eighth, and in the ſaid Seſſion of Parliament holden in the Fifth year of our ſaid Sovereign Lady the Queens Majeſty that now is, touching the making and repairing of Gaols, are thought to be very good and beneficial for the Commonwealth of this Realm, and do not yet extend to the County of Cambridge, (5) Be it therefore enacted, That the ſaid Acts ſhall extend to the ſaid County of Cambridge, and to and for the making and repairing of Gaols in the ſame County, in all and every thing and Article, as fully and in as ample manner and form as the ſame Acts, and either of them, do extend to the Counties and Gaols in them, and either of them, ſpecially mentioned, and as though the ſaid County of Cambridge, and the Gaol in the ſame County, had been in the ſame Acts, and either of them ſpecially mentioned; (6) and that the ſaid Acts, and every clauſe, ſentence and proviſion in them, and in either of them contained ſhall continue and endure, and be obſerved in all things, as well within the ſaid County of Cambridge as in other the Counties or Shires in the ſame Acts, and in either of them ſpecified for ten whole years next enſuing the end and determination of the ten years mentioned in the ſaid Act, made in the ſaid Fifth year of the Reign of our ſaid Sovereign Lady the Queens Majeſty that now is.

Anno 23 H. 8. 2.

1 M. 14.

5 El. 24.

The Stat. of 23 H. 8. 6 & 5 El. 24. ſhall extend to the County of Cambridge, and endure ten years.

XIV. And where in the firſt Seſſion of the Parliament begun and holden at Weſtminſter, in the Fifth year of the Reign of our Sovereign Lady the Queens Majeſty that now is, and from thence continued by Prorogation, until the Diſſolution thereof, one Act was then and there made, entituled, An Act for the avoiding of divers foreign Wares made by Handycraftſmen beyond the Seas, (2) and one other Act entituled, An Act for the puniſhment of ſuch perſons as ſhould procure or commit any wilful perjury; which Acts were limited to endure to the end of the next Parliament:

5 El. 7.

3 E. 7.

XV. And where alſo in the laſt Seſſion of the ſame Parliament holden by Prorogation at Weſtminſter, in the Eighth year of the Reign of the Queens moſt excellent Majeſty that now is, one Act was then and there made, entituled, An Act for Bowyers, and the prices of Bows, and was made to continue to the end of the firſt Seſſion of the next Parliament:

8 El. 10.

XVI. And alſo withall one other Act then made, entituled, An Act for the preſervation of Grain, and to continue to the end of the next Parliament enſuing: (2) All which ſeveral Acts without further continuance, will end and diſcontinue in this preſent Parliament, and alſo loſe their force and effects; Wherefore, and foraſmuch as the ſame ſeveral Acts and every of them, do ſeem good, beneficial and needful to be further continued for the weal and profit of this Realm, (3) Be it therefore further enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſame Acts and every of them, and each and every article, clauſe and ſentence in them and every of them contained, ſhall continue, be, and endure in full force and effect, until the end of the next Parliament.

8 El. 15.

The foreſaid Stat. of 5 El. 7. & 9 and of 8 El. 10 & 15. continued until the end of the next Parliament.

XVII. Provided nevertheleſs, and be it enacted by the authority aforeſaid, That the ſaid Act concerning the avoiding of foreign Wares, made by Handicraftſmen beyond the Seas, or any clauſe, article or meaning therein contained, ſhall not in any wiſe extend or be prejudicial to any entercourſe or treaties of any entercourſe now ſtanding in force, had or made between the Progenitors of the Queens Majeſty, or her Highneſs, and any others; any thing heretofore or now, ordained or enacted to the contrary in any wiſe notwithſtanding.

14 El. 11. This Proviſo is repealed.

XVIII. For the more increaſe of Woods, where by an Act of Parliament made in the Five and thirtieth year of the Reign of King Henry the Eighth, intituled, For the preſervation of Woods,

35 H. 8. 17.

&c. there are ſeveral clauſes limiting how many years all manner of Lands, or coppice-woods, being ſeveral or in common, ſhall next after the felling thereof, be ſufficiently incloſed, or the Springs thereof otherwiſe ſaved and preſerved from deſtruction, as by the ſame Act more particularly appeareth: (2) For that by experience it is found, that the ſpace and time of the ſaid ſeveral years of incloſure or preſervation is not ſufficient; (3) Be it enacted by authority of this preſent Parliament, that from the twentieth of June next, all manner of Woods or Coppice intended by the ſaid Act to be incloſed, and the Springs thereof preſerved, ſhall be ſufficiently incloſed, or the Springs thereof otherwiſe ſaved from deſtruction, by the ſpace of two full years more then in the ſeveral clauſes of the ſaid Acts is ſeverally limited, according to the age of the Woods felled, upon like pains as are contained in the aforeſaid clauſes of the ſaid Act, concerning incloſure or preſervation of the ſaid Woods, Coppice or Springs; (4) and that from the ſaid twentieth of June next following, it ſhall not be lawful for any manner of Cattel in any Coppice-Woods incloſed to be preſerved, from the time of the ſale thereof, until the end of five years, nor from the end of five years, any other Cattel but Calves and yearling Colts only, until the end of ſix years,. if the Wood was under the age of fourteen years at the laſt fall, or until the end of eight years, if the Wood was above the age of fourteen years at the time of the laſt fall, &c.

How long time the ſpring of Woods ſhall be preſerved in ſeveralty.

At what age of Wood, Cattel may be put into them, and then what Cattel.

XIX. Provided, That this addition to the Statute of Woods, ſhall continue as long in force as the aforeſaid Statute made in the xxxv. year of the Reign of King Henry the Eighth.

5 El. 12. Who may be buyer, badger, or carrier of corn, Butter, &c.

XX. Provided always, and be it enacted by the authority aforeſaid, That no perſon or perſons ſhall be a Buyer, Badger, Kidder or Carrier of Corn, Cattel, Butter, Cheeſe, and ſuch like kind of Victual, in none other manner nor form then is contained in a Statute made in the Fifth year of the Reign of our Sovereign Lady Queen Elizabeth, nor ſhall be any other ways admitted or licenſed to be a Buyer, Badger, Kidder or Carrier as is aforeſaid, then is mentioned and appointed by the ſaid Statute; any thing in this or any other Act heretofore to the contrary notwithſtanding.

To which foreign victuals the Statute of 5 & 6 Ed. 6. c 14. ſhall not extend

XXI. Provided always, and be it enacted, That the ſaid Act againſt Regrators, Foreſtallers and ingroſſers, is not meant to extend, nor ſhall extend to any Wines, Oyls, Sugars, Spices, Currans, nor other foreign Victuals, brought, or to be brought into this Realm from beyond the Seas; Fiſh and Salt only excepted.

CAP. XXVI.

Taxes, Raſt. 36.

A Confirmation of a Subſidy of vi. s. in the pound, granted to the Queen by the Clergy, to be paid in three years. EXP.

CAP. XXVII.

A Confirmation of two Fifteens and Tenths, and one Subſidy granted to the Queen by the Temporalty. EXP.

Ibid. 36.

CAP. XXVIII.

Pardon, Raſt. 49.

A Confirmation of the Queens free and general Pardon. Except, &c. EXP.

Anno decimo quarto Reginæ ELIZABETHÆ.

AT this preſent Seſſion of Parliament holden at Weſtminſter, the eighth day of May, in the Fourteenth year of the Reign or our Sovereign Lady Elizabeth, by the Grace of God, of England, France and Ireland, Queen, Defender of the Faith, &c. And there continued until the laſt day of June following; To the high pleaſure of Almighty God, and weal publick of this Realm amongſt other wee enacted as followeth.

CAP. I.

Felony, Raſt. 30.

It ſhall be Felony to take or keep from the Queen any of the Caſtles, Forts, Holds, &c. or to raze, or burn any Caſtle or Fort having the Queens Munition or Ordinance therein, or guarded with Souldiers, and adviſedly to expreſs the ſame by words, act or writings. It ſhall be high Treaſon to withhold from the Queen any of the Caſtles, Holds, &c. or any of her Ships, Artillery or Fortification of War; or to burn and deſtroy any of her Ships, or to bar any Haven. EXP.

CAP. II.

Treaſon, Raſt. 29.

The penalty for conſpiring, deviſing or going about to enlarge any Priſoner committed to priſon or cuſtody by the Queens ſpecial commandment, for any Treaſon, or ſuſpicion of Treaſon concerning her own perſon, and the ſame conſpiracy, device, &c. by expreſs words, writing or other matter, manifeſtly to declare, or ſet forth, before the Priſoner ſhall be indicted, ſhall be deemed miſpriſion of Treaſon, after Indictment, Felony, after Attainder, high Treaſon. EXP. 3 Inſt. 6. 12. 14.

CAP. III.

An Act againſt the forging and counterfeiting of foreign Coin being not currant within this Realm

Treaſon 4. It is miſpriſion of high Treaſon to forge money, which is not the Coin of this Realm nor currant therein.

FOraſmuch as by the Laws or Statutes of this Realm, ſmall or no condigne puniſhment is at this time provided for ſuch evil diſpoſed perſons as ſhall counterfeit or forge ſuch kind of Gold or Silver of other Realms, as is not the proper Coin of this Realm, nor currant in payment within this Realm; by reaſon whereof divers evil diſpoſed perſons as well without this Realm as within, are encouraged and emboldned daily to counterfeit or forge ſuch kind of Gold and Silver, and utter the ſame in this Realm, in great deceit of her Majeſties Subjects: (2) Be it enacted by our Sovereign Lady the Queen, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons hereafter falſly forge or counterfeit any ſuch kind of Coin of Gold or Silver, as is not the proper Coin of this Realm, not permitted to be currant within this Realm; that then every ſuch offence ſhall be deemed and judged miſpriſion of high Treaſon, (3) and the offendors therein, their procurors, aidors and abettors, being convict according to the Laws of this Realm of ſuch offences, ſhall be impriſoned, and forfeit ſuch Lands, goods and chattels, as in caſes of miſpriſion of Treaſon for concealment of high Treaſon.

The penalty of forging of Coin which is not the money of this Realm, nor currant therein.

CAP. IV.

Cordwayners, Raſt. 21.

The Statute of 1 El. 10 prohibiting the tranſporting of Leather, Tallow, and raw Hides, ſhall be revived for ſeven years. EXP. & Rep. 18. Eliz. 9.

CAP.

CAP. V.

How Vagabonds ſhall be puniſhed, and the Poor relieved.

A Repeal of the Statute of 22 H.8.12.& 3 & 4 Ed. 6. 16. & 5 Ed. 6. 2. provided for the relief of the poor, and puniſhment of Vagabonds. A Vagabond above the age of fourteen years, ſhall be adjudged to be grievouſly whipped, and burned through the griſtle of the right ear, with a hot Iron of the compaſs of an inch, unleſs ſome credible perſon will take him into his ſervice for a year. And if being of the age of eighteen years, he after do fall again into a roguiſh life, he ſhall ſuffer death as a Felon, unleſs ſome credible perſon will take him into ſervice for two years. And if he fall a third time into a roguiſh life, he ſhall be adjudged a Felon. Who ſhall be adjudged Vagabonds; The penalty for the relief of them. Who may make Paſports and Licences, and to whom. Aſſeſments ſhall be made of the Pariſhioners of every Pariſh, for the relief of the poor of the ſame Pariſh. Every Biſhop ſhall viſit and reform Hoſpitals within his Dioceſs. No perſon ſhall bring any Rogue out of Ireland, or the iſle of Man, into England. EXP.

Co. Inſt 577. 3 Inſt. 173.

Vagabonds. Raſt. 9. 35 El. 7, Rep. 39 El. 4, 18. 43 El. 2. 2 H. 5. 1. 1 Jac. 25.

(XXXVII.) II. It ſhall and may be lawful for the Juſtices of the Peace of every Shire within this Realm, at their general quarter Seſſions of the Peace to be holden within the ſame Shires, or the moſt part of the ſaid Juſtices being then preſent, to Rate and Tax every Pariſh within the ſaid Shires, at ſuch reaſonable ſums of money, for and towards the relief of the ſaid Priſoners, as they ſhall think convenient by their diſcretions; ſo that the ſaid Taxation and Rate doth not exceed above ſix pence or eight pence by the week out of every Pariſh; and that the Church-wardens of every Pariſh within this Realm for the time being ſhall every Sunday levy the ſame, and once every quarter in the year pay to the High-conſtables, or Head-officers of every Town, Pariſh, Hundred, Riding or Wapentake within this Realm, all ſuch ſums of Money as their Pariſh ſhall be Rated and Taxed, for, and towards the relief of the ſaid Priſoners, within their ſaid ſeveral Pariſhes; And that the ſaid High-conſtables and Head-officers, and every of them, ſhall pay all ſuch ſums of Money ſo to them payed by the ſaid Church-wardens, at every general quarter Seſſions to be holden within the ſaid ſeveral Shires, to ſuch ſufficient perſons dwelling nigh the ſaid Gaols, as ſhall be appointed by the ſaid Juſtices in their ſaid open quarter Seſſions, to be there ready to receive the ſaid Money ſo collected as is aforeſaid; And that the Collectors for the ſaid Priſoners, ſhall weekly diſtribute and pay all ſuch ſums of Money as they and every of them ſhall receive for the relief of the ſaid Priſoners as aforeſaid, upon pain as well the ſaid Church-wardens of every Pariſh, Conſtables and Head-officers of every Hundred, or Wapentake, as alſo the ſaid Collectors appointed for the Collection and Contribution of the ſaid Priſoners, ſo making default as aforeſaid, to forfeit five pounds; the one moiety thereof ſhall be to the uſe of the Queens Majeſty, her Heirs and Succeſſors, and the other moiety to the relief of the Priſoners; Any Statute, Law, Cuſtom, Uſe, or other thing to the contrary in any wiſe notwithſtanding.

A proviſion for the relief of the priſoners in the Common Gaol 1 Jac. 25. 21 Jac. 28. 3 Car. 4.

The forfeiture of the Church-wardens, Conſtables or Collectors omitting their duties.

(XXXVIII.) III. Provided always, That the Juſtices of Peace within any County of this Realm, or Wales, ſhall not intromit or enter into any City, Borough, place or Town-corporate, where be any Juſtice or Juſtices of Peace, for any ſuch City, Borough, place or Town-corporate, for the execution of any branch, article or ſentence of this Act, for, or concerning any offence, matter, or cauſe growing or ariſing within the precincts, liberties or juriſdictions of ſuch City, Borough, Place or Town-corporate; but that it may and ſhall be lawful to the Juſtice and Juſtices of the Peace, Mayor, Bailiffs, and other Head officers of thoſe Cities, Boroughs, Places, and Towns corporate where there be Juſtice or Juſtices, to proceed to the execution of this Act, within the precinct and compaſs of their liberties, in ſuch manner and form as the Juſtices of Peace in any County may or ought to do within the ſame County by virtue of this Act; any matter or thing in this Act expreſſed to the contrary thereof, notwithſtanding.

Juſtices of Peace ſhall not meddle in any City, Borough, &c. but the Mayors or Officers of the ſame.

(XXXIX.) IV. And that every Juſtice and Juſtices of the Peace, within every ſuch City, Borough, Place, and Town-corporate, for every offence by them, or any of them to be committed contrary to the intent and meaning of this Statute, ſhall be puniſhable, and chargeable, as other Juſtices of Peace at large in the Counties, are by this Act above appointed to be.

CAP. VI.

The Queen may make Grants by copy of Court-roll, uſual Wood ſales, or other things of Fugitives lands, as tenant pur terme dauter vie, may do. The Rents of Fugitives lands ſhall be anſwerable in the Exchequer, and of Dutchy lands, in the Court of the Dutchy of Lancanſter. EXP. 3 Inſt. 178. Lane. 47.

Fugitives, Raſt 2.

CAP. VII.

An Act againſt the Deceipts of Under-collectors of the Tenths and other Subſidies to the Clergy.

For avoiding and redreſs of great deceits done to the Queens Majeſty, and to the Prelates and Clergy of this Realm, by Under-collectors of the Tenths and Subſidies of the Clergy, appointed by and under the Archbiſhops and Biſhops of this Realm, and Deans and Chapters (Sede vacante, (2) Be it enacted, That the Statute made in the Thirteenth year of her Majeſties Reign, to make the lands, tenements, goods and chattels of Tellers, Receivers, &c. to be liable to the payment of their debts, ſhall to all intents and purpoſes, as amply and largely extend, and be conſtrued to extend to all ſuch Under-collectors of Tenths and Subſidies of the Clergy, and to their lands, tenements and hereditaments, goods and chattels, for ſatisfying of ſuch money as they have Collected, or ſhall Collect of the ſaid Tenths and Subſidies, to the uſe of the Queens Majeſty, her Heirs or Succeſſors (of what yearly ſum ſoever the charge of their collection is, or ſhall be) in like form as it doth extend to the Tellers, Receivers, and other perſons accomptant, whom the ſaid Act ſpecially and expreſly concerneth, and in as ample wiſe, as if ſuch Under-collectors were immediately accomptant to the Queens Majeſty, her Heirs or Succeſſors; any proviſion in the ſaid Statute, or other matter whatſoever to the contrary, notwithſtanding.

Accomptant 40. Debt to the King, Raſt. 9. The Statute of 13 El. 4. enabling Treaſurers and Receivers lands to be liable to the payment of the Queens debts, ſhall extend to Under-collectors of Tenths and Subſidies.

II. And that every ſuch Under-collector, ſhall upon Proceſs to be awarded out of the Court of Exchequer, be chargeable to account for his receipt of ſuch Tenths and Subſidies, as any Receiver immediately accomptant to her Majeſty, is or ought to be; (2) and that every Archbiſhop and Biſhop, and Dean and Chapter (Sede vacante) to whoſe charge the Collection

The Under-collectors ſhall account in the Exchequer. The Biſhop ſhall be diſcharged of ſo

of

much as is levied of his Under-collectors lands or goods.

of ſuch Tenths or Subſidies doth or ſhall appertain, ſhall be diſcharged of ſo much of the ſaid Tenths and Subſidies, as ſhall be ſatisfied to the Queens Majeſty, her Heirs or Succeſſors, of or by the lands, tenements, hereditaments, goods or chattels of ſuch Under-collector, or his heirs, without any other warrant whatſoever in that behalf to be obtained. 1 Jac. 25.

CAP. VIII.

An Act for avoiding of Recoveries ſuffered by colluſion of Tenants for term of life, and ſuch others.

Recoveries 5. A recovery had by the aſſent of parties againſt Tenant for term of life, without the aſſent of him in reverſion or remainder, ſhall be void, and the Statute of 32 H. 8. 31. repealed.

Where divers perſons, being ſeized, or that have been ſeized of lands, tenements and hereditaments, as Tenants by the courteſie of England, Tenants in tail after poſſibility of iſſue, extinct or otherwiſe, only for term of life or lives, or of eſtates determinable upon life or lives, have heretofore permitted and ſuffered other perſons by agreement or covin between them had, to recover the ſame lands and tenements, and other hereditaments, againſt the ſame particular Tenants, in the Queens Majeſties Court, (2) or have permitted and ſuffered themſelves to be vouched by other perſons, by agreement or covin between them had, in Recoveries ſuffered of the ſame lands, tenements, and other hereditaments, in the Queens Majeſties Court, (3) to the great Prejudice of thoſe to whom the reverſion or remainder thereof hath appertained, or ought to appertain:

Cok pla. f. 655, 670.

II. For remedy whereof, be it enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all ſuch Recoveries hereafter to be had or proſecuted by agreement of the parties, or by covin as is aforeſaid, againſt ſuch particular Tenant of any lands, tenements, or hereditaments, whereof the ſame particular Tenant is or hereafter ſhall be ſeized of any ſuch particular Eſtate as is aforeſaid, (2) or againſt any other with voucher over of any ſuch particular Tenant, or of any having or that had right or title to any ſuch particular Eſtate of Tenancy as is aforeſaid, (3) ſhall from henceforth, as againſt ſuch perſon or perſons to whom any reverſion or remainder thereof by force of any conveyance or device before that time had or made, ſhall, ought, or lawfully may appertain, and againſt their heirs and ſucceſſors be clearly and utterly void and of none effect; any law or uſage heretofore had to the contrary thereof, in any wiſe notwithſtanding.

2 Leond. 60. 63. Recoveries againſt tenants for life, &c. by covin, ſhall be void. Moor 690. pl. 953.

5 Aſſ. pl. 7. Cok. l. 1. f. 1 L. 1. f. 6 Cro. El. 56

III. Provided alway, That this Act nor any thing therein contained, ſhall extend or be prejudicial to any perſon or perſons that ſhall hereafter by good title recover any lands, tenements, or hereditaments, without fraud, or covin, by reaſon of any former right or title; (2) but that all and every ſuch Recovery and Recoveries ſo to be had, or proſecuted upon former rights or titles, ſhall ſtand and be in like force, ſtrength and effect, as they were before the making of this Act; any thing herein contained to the contrary in any wiſe notwithſtanding.

Recovery by good title.

IV. Provided alſo, That all and every ſuch Recovery and Recoveries to be had or proſecuted of any lands, tenements, or hereditaments, as aforeſaid, by the aſſent and agreement of any perſon or perſons to whom any reverſion or remainder thereof then ſhall or ought to appertain (ſo that the ſame aſſent and agreement do appear of Record in any Court of our Sovereign Lady the Queens Majeſty, her Heirs or Succeſſors) ſhall ſtand and be in like force, ſtrength, and of like effect, againſt ſuch perſon and perſons that ſhall ſo aſſent and agree, their heirs and ſucceſſors, as they were before the making of this Act; any thing herein contained to the contrary, in any wiſe notwithſtanding.

A recovery by the aſſent of him in the reverſion or remainder.

Cok. l. 10. f. 4

V. Be it further enacted by the authority aforeſaid, That one Act made in the Two and thirtieth year of our late Sovereign Lord King Henry the Eighth, entituled, An Act for the avoiding of Recoveries by colluſion, by tenants for term of life, ſhall be from the firſt day of July next enſuing, repealed, and ſhall no longer ſtand in force. Coke Inſt. 356. a. 362. a.

A repeal of the Statute of 23 H. 8 touching recoveries.

CAP. IX.

An Act declaring that the Tenant and Defendant may have a Tales de Circumſtantibus, as well as the Demandant or Plaintiff.

Jurors 25. St. 35 H. 8. 6. 5 El. 25.

For the avoiding of great and chargeable delays oftentimes happening unto Tenants and Defendants, (2) Be it enacted, That in all caſes, whereas the party Plaintiff or Demandant, by any Statute heretofore made, may have upon his or their requeſt made unto the Juſtices of Niſi prius, within this Realm of England, or to the Juſtices of Oyer, or of Aſſiſes, of the twelve Shires of Wales, and of the Counties Palatines of Lancaſter, Cheſter and Durham, a Tales de Circumſtantibus, that in all and every ſuch caſe and caſes, the party and parties, tenants, actors, avowants & defendants (if the Plaintiffs or Demandants ſhall upon the calling of the principal pannel or jury, forbear or refuſe to pray the ſame) ſhall and may upon his or their requeſt or deſire, have upon the ſame record, and by the ſame Juſtices, the Tales or Taleſſes unto them granted, in like manner, form and degree, to all reſpects and purpoſes, as the Plaintiff or Demandant in any ſuit or Action, may have the ſame, by any Statute or Ordinance hiretofore made or ſet forth; (3) and the rather for the ſpeedy tryal of the iſſue or iſſues joyned, or hereafter to be joyned in any plea, ſuit or Action; Any Law, Cuſtom or Uſage heretofore uſed to the contrary thereof in any wiſe notwithſtanding.

Dyer f. 318

In what cauſes a Tales de Circumſtantibus ſhall be granted at the tenants or defendants ſuit.

II. Provided alſo, and be it further enacted by the authority aforeſaid, That in all popular actions, informations, bills or ſuits commenced or had, or hereafter to be commenced or had in any the Queens Majeſtis Courts of Record, upon any penal Laws or Statutes, wherein any perſon doth or ſhall ſue or proſecute, or inform, as well for the Queens Majeſty, her Heirs and Succeſſors, as for himſelf, whereupon iſſue is or ſhall be joyned to be tryed by the County, That therein the party Defendant or Defendants ſhall be admitted to pray, and have a Tales de Circumſtantibus, as in other caſes aforeſaid.

The defendant may have a Tales in popular actions.

CAP.

CAP. X.

No perſon uſing the Trade of making of Kerſies, ſhall purpoſely make any above the length of eighteen yards. Rep. 3 Jac. 16.

Drapery, Rast. 65.

CAP. XI.

An Act for the Continuation, Explanation, Perfecting and Enlarging of divers Statutes.

Ecclesiastical perſons 8, &c. Several Statutes made in the Reigns of King H. 8. King Ed. 6. & Queen Eliz. revived, continued and explained, &c.

WHere in the Parliament holden upon Prorogation at Weſtminſter the fourth day of February, in the Four and twentieth year of the Reign of the late King Henry the Eighth, one Act was there made, entituled, An Act to continue and renew the Act made againſt killing of Calves; and one other Act, entituled, An Act againſt killing of young beaſts, called wainlings. 24 H. 8. 7.

II. And where in the Seſſion of a Parliament ended at Weſtminſter on the firſt day of February, in the Fourth year of the Reign of our late Sovereign Lord King Edward the Sixth, one Act was made concerning the buying and ſelling of Rother Beaſts. 21 H. 8. 9. Anno 3 & 4 Ed. 6. 19.

III. And alſo one other Act was then and there likewiſe made, entituled, An Act for the buying and ſelling of Butter and Cheeſe. 3 & 4 Ed. 6. 21.

IV. And where alſo an Act was made in the firſt Seſſion of the Parliament holden in the Fifth year of the Queens Majeſties Reign, entituled, An Act for the maintenance and increaſe of Tillage. 5 El. 2.

V. And where alſo in the Parliament begun at Weſtminſter on the three and twentieth day of January, in the Firſt year of the Reign of the Queens Majeſty that now is, and there continued by Prorogation until the Diſſolution thereof, one Act was then and there made, entituled, An Act for the preſervation of ſpawn and fry of Fiſh. 1 El. 17.

VI. And where alſo in the firſt Seſſion of the Parliament begun and holden at Weſtminſter, in the Fifth year of the Reign of our Sovereign Lady the Queens Majeſty that now is, and from thence continued by Prorogation until the Diſſolution thereof, one Act was then and there made, entituled, An Act for the avoiding of divers foreign Wares made by handicraftſmen beyond the Seas. 5 El. 7.

VII. An one other Act, entituled, An Act for the puniſhment of ſuch perſons as ſhould procure or commit any wilful perjury; which Acts were limited to endure to the end of the next Parliament. 5 El. 9.

VIII. And where alſo in the firſt Seſſion of the ſame Parliament holden by Prorogation at Weſtminſter, in the Eighth year of the Reign of the Queens moſt excellent Majeſty that now is one Act was then and there made, entituled, An Act for Bowyers, and the prices of Bows, and was made to continue to the end of the firſt Seſſion of the next Parliament. 8 El. 10.

IX. And alſo one other Act was then made, entituled, An Act for the preſervation of Grain; (2) all which ſeveral Acts and Statutes were made to continue but for certain times; and all which Acts made in the ſaid Fourth year of king Edward the Sixth, and in the ſaid Firſt, Fifth and Eighth years of the Queens Majeſties Reign, were at the laſt Parliament holden at Weſtminſter the ſecond of April, in the Thirteenth year of the Reign of our ſaid Sovereign Lady the Queens Majeſty, made to continue and ſtand in force unto the end of the next Parliament then next following. 8 El. 15. 13 25.

X. And where alſo in the Parliament begun and holden at Weſtminſter the ſecond day of April, in the Thirteenth year of the Reign of our ſaid Sovereign Lady the Queen, one Act and Statute was then and there made, for the avoiding and aboliſhing of feigned, covenous and fraudulent feoffments, gifts, grants, alienations, conveyances, bonds, ſuits, judgments, and executions, entituled, An Act againſt fraudulent deeds, gifts, grants, alienations, &c. which Act and Statute was then made to endure unto the end of the firſt Seſſion of the next Parliament, as by the ſaid Act more plainly will appear. 13 El. 5.

XI. And where alſo in the ſaid Parliament begun and holden at Weſtminſter the ſaid ſecond day of April, there was alſo one other Act and Statute made for the avoiding of ſome Leaſes in certain caſes, to be made of Eccleſiaſtical promotions with Cure, entituled, An Act touching Leaſes of Benefices, with other Eccleſiaſtical Livings with Cure; which Act was likewiſe made to continue to the end of the next Parliament. 13 El. cap. 20.

XII. And where alſo there was one other Act and Statute made in the Parliament begun and holden at Weſtminſter the ſaid ſecond day of April, in the ſaid Thirteenth year, entituled, An Act that Purveyors may take Grain, Corn or Victuals within five miles of Cambridge and Oxford, in certain caſes, which was made likewiſe to continue to the laſt day of the next Parliament. 33 El. 21.

A repeal of a Proviſo contained in the Statute of 13 El. 25.

XIII. And where in the Statute made in the Thirteenth year of the Queens Majeſties Reign, entituled, An Act for the reviving and continuance of certain Statutes, is contained one Proviſo, That the ſaid Act concerning the avoiding of foreign Wares made by Handicraftſmen beyond the Seas, or any clauſe, article or meaning therein contained, ſhould not in any wiſe extend or be prejudicial to any entercourſe, or treaties of any entercourſe then ſtanding in force, had or made between the Progenitors of the Queens Majeſty or her Highneſs, and any others: (2) Now for good conſiderations, and ſpecially that ſtrangers may not be at liberty, and the Queens Majeſties natural Subjects reſtrained, be it enacted, That the ſaid Proviſo, and every clauſe, article and matter therein contained, ſhall from henceforth be Repealed and utterly Void.

Certain Words contained in the Statute of 13 El. 10 Sect. 1, N. 2. diſcontinued.

XIV. Provided alſo and be it enacted, That theſe words, [So ſoon as it, or any part thereof, come to any poſſeſſion or uſe above forbidden, or] which words are contained in the ſaid Statute made in the ſaid Thirteenth year, touching Leaſes or Benefices, and other Eccleſiaſtical Livings with Cure, ſhall not be revived by this Act, but remain diſcontinued, and ſhall from henceforth be omitted out of the ſaid Act; any thing in the ſaid Act, or in this Act to the contrary notwithſtanding.

Co pl. f. 205. Bonds and covenants for the enjoying of leaſes, ſhall be void

XV. And where ſundry evil diſpoſed perſons have defrauded the true meaning of the laſt mentioned Statute made in the ſaid Thirteenth year, by Bonds and Covenants of ſuffering other perſons to enjoy Eccleſiaſtical Livings, and the fruits thereof, for that ſuch Bonds and

Cove-

43. El. 9. 1 Bulſtr. 112. 3 Bluſtr. 202. Moor 641. pl. 883.

Covenants are not in Law taken to be Leaſes, although indeed they amount to as much: (2) Be it therefore enacted, That all Bonds, Contracts, Promiſes, and Covenants hereafter to be made for ſuffering or permitting any perſon to enjoy any Benefice or Eccleſiaſtical promotion with Cure, or to take profits or fruits thereof, other then ſuch Bonds and Covenants as ſhall be made for aſſurance of any Leaſe heretofore made, ſhall be to all intents and purpoſes, adjudged of ſuch force and validity, and not otherwiſe, as Leaſes by the ſame perſons made of ſuch Benefices and Eccleſiaſtical promotions with Cure.

Moor. 6

Laſes made by Curates, of Benefices with Cure.

1 Roll.

XVI. And be it further declared and enacted, That all Leaſes Bonds, Promiſes and Covenants of and concerning Benefices and Eccleſiaſtical Livings with Cure, to be made by any Curate, ſhall be of no other, nor better force, validity or continuance, then if the ſame had been made by the Beneficed perſon himſelf that demiſed, or ſhall demiſe the ſame to any ſuch Curate.

13. El. 10.

XVII. And where in one other Act made in the ſaid Thirteenth year, entituled An Act againſt fraudulent gifts, to the intent to defeat dilapidations of Eccleſiaſtical Livings, and for Leaſes to be granted by Collegiate Churches, there is one branch to avoid certain Leaſes to be made by Maſters and Fellows of Colledges, Deans and Chapters of Cathedral or Collegiate Churches, Maſters or Guardians of any Hoſpital, or by any Parſon, Vicar, or any other having any Spiritual or Eccleſiaſtical Living, (2) be it enacted, That the ſaid branch, nor any thing therein contained, ſhall not extend to any Grant, Aſſurance, or Leaſe of any Houſes belonging to any perſons, or bodies politick or corporate aforeſaid, nor to any grounds to ſuch houſes appertaining, which houſes be ſituate in any City, Borough, Town-corporate, or Market-town, or the Suburbs of any of them, (3) but that all ſuch houſes and grounds may be granted, demiſed and aſſured, as by the Laws of this Realm and the ſeveral Statutes of the ſaid Colledges, Cathedral Churches and Hoſpitals, they lawfully might have been before the making of the ſaid Statute, or lawfully might be, if the ſaid Statute were not, (4) ſo alway that ſuch houſe be not the capital or dwelling houſe uſed for the habitation of the perſons aboveſaid, nor have ground to the ſame belonging, above the quantity of ten Acres; any thing in the ſaid Act to the contrary notwithſtanding.

Leaſes made by ſpiritual perſons, of houſes in Cities or Corporate-Towns. 2 Leond. 188. 1 Roll. 161.

Money recovered for dilapidations, ſhall be imployed in repair of the ſame houſes.

XVIII. And be it further Enacted, that all ſums of money hereafter to be recovered, for or in name of Dilapidations, by ſentence, compoſition or otherwiſe, ſhall within two years after ſuch receipt, be truly imployed upon the buildings and reparations, in reſpect whereof ſuch money for dilapidations ſhall be paid, (2) on pain that every perſon ſo receiving, and not imploying as aforeſaid, ſhall forfeit double as much as ſo ſhall be by him received, and not imployed; the which forfeiture ſhall be to the uſe of the Queens Majeſty, her Heirs and Succeſſors.

Certain obſervations in the Leaſes to be made by ſpiritual perſons, according to this Statute.

No Colledge ſhall alien any houſe without preſent and ſufficient ſatisfaction.

XIX. Provided alway, and be it enacted, That no Leaſe ſhall be permitted to be made by force of this Act, in reverſion, (2) nor without reſerving the accuſtomed yearly rent at the leaſt, (3) nor without charging the Leſſee with the reparation, (4) nor for longer term then fourty years at the moſt; (5) nor any houſes ſhall be permitted to be aliened, unleſs that in recompence thereof, there ſhall be afore, with or preſently after ſuch alienation, good, lawful and ſufficient aſſurance made in Fee-ſimple abſolutely to ſuch Colledges, Houſes, bodies politick or corporate, and their ſucceſſors of lands of as good value, and of as great yearly value at the leaſt, as ſo ſhall be aliened; any Statute to the contrary notwithſtanding.

The firſt mentioned 13 Stat. continued until the end of the next Parliament.

XX. And foraſmuch as all the ſame ſeveral Acts and Statutes, and every of them, do ſeem good, beneficial and needful to be further continued, for the weal and profit of this Realm, (2) be it therefore now enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſame ſeveral Acts and Statutes, and every of them, and all and every article, clauſe and ſentence in them and every of them contained, ſhall continue, be and endure in full force and effect, until the end of the next Parliament. Stat. 39 El. 18.

CAP. XII.

An Act for the repeal of a Statute made in the Town of Shrewsbury, in Anno octavo of the Queens Majeſty.

Drapery, Raſt. 63. So much of the Stat of 8 El. 7. as reſtraineth any of the Inhabitants of Shrewsbury to buy Welſh Cloth, Cottens or Frizes, repealed.

Where at the Parliament holden at Weſtminſter the laſt day of September, in the Eighth year of the Reign of our Sovereign Lady the Queens moſt excellent Majeſty, there was an Act made, entituled, An Act touching Drapers, Cottoners, and Frizers in the Town of Shrewsbury, in the County of Salop: and in the ſame Act there is contained matter then ſuppoſed for the benefit of the ſaid Town of Shrewsbury, in advancing the Corporations, of Drapers, Cottoners, and Frizers of the ſaid Town: (2) And it was thereby enacted, That from and after the Feaſt of Eaſter then next enſuing, no manner perſon or perſons whatſoever, inhabiting and dwelling within the ſaid Town of Shrewsbury, or the liberties or franchiſes of the ſame Town (other than ſuch as then had, or then after ſhould ſerve as Apprentice in the Occupation and Science of Drapers, or then had been, or thereafter ſhould be free of the ſaid Science or Myſtery) ſhould occupy, uſe, exerciſe or frequent the ſaid Trade, Art, Myſtery or Science of buying of the ſaid Welſh Cloth, or Lining, Cottons, Frizes or Plains, nor have any Factor or doer for him or them in the ſame, nor by any colour, engine or fraud, buy any of the ſaid Frizes, Linings, Cottons and Plains, (3) upon pain that every perſon and Perſons inhabiting, as is aforeſaid, and occupying, uſing or exerciſing the ſaid Trade, Art, Myſtery, Occupation or Science of buying of Welſh Clothes and Linings, &c, and not authorized by the ſaid Act ſhould loſe and forfeit for every piece of the ſaid Cloathes bought, ſix ſhillings eight pence:

The inconveniences enſuing upon the making of the aforeſaid Act to the poor Inhabitants of Shrewsbury, and others.

II. And where ſithence the making of the ſaid Act, experience hath plainly taught in the ſaid Town, that the ſaid Act hath not only not brought the good effect that then was hoped and ſurmiſed, but alſo hath been, and now is likely to be the very greateſt cauſe of the impoveriſhing and undoing of the poor Artificers and others, at whoſe Suit the ſaid Act was procured, for that there be now ſithence the making of the ſaid Statue, much fewer perſons to ſet them a work than before; (2) and by reſtraining all other inhabitors of the ſaid Town of Shrewsbury, from the former lawful Trade ever heretofore uſed of buying of Welſh Clothes, Frizes, Cottons, Linings and Plains (leaving the ſame nevertheleſs free of all the Subjects of England without any reſtraint, ſaving for the ſaid Inhabitants of the Town of Shrewsbury, and the liberties and franchiſes of the ſame Town only) hath been the evident occaſion of great decay, not only to the ſaid Town, and the liberties and franchiſes of the ſame, but alſo to a great and infinite number of poor people in Northwales, that is to ſay, in the Counties of Montgomery, Denbigh, Merioneth, and alſo the Town of Oſweſter, and the greateſt part of the Countrey thereabouts, where the ſaid Welſh Clothes, Frizes, Cottons, Linings and Plains, are made and ſold, which were wont to be maintained and relieved by Trade of making or working of the ſaid Frizes, Cottons, &c. contrary to the expectation that then was wrongfully received:

III. Be it therefore at, the humble Suit of the Inhabitants of the ſaid Town, and alſo of the ſaid Artificers, for whoſe benefit the ſaid Act was ſuppoſed to be provided, enacted, That the ſaid Act, and all the matter in the ſaid Act contained, ſhall from henceforth be Repealed and made void; Any thing in the ſaid Act to the contrary notwithſtanding.

A Repeal of part of the Star. of 8 El. 7. and a confirmation of the reſidue.

IV. Provided always, That ſo much of the ſaid Statute of the Eighth year of our Sovereign Lady the Queens Majeſty that now is, and every article and branch therein contained as toucheth the preſent and ready payment of money to Sheermen, Cottoners and Frizers, for their work, and alſo as toucheth the reſtraint of ſuch as ſhall, or do occupy or uſe the trade of buying of Frizes, Cottons of Plains, from the uſe or exerciſe of the faculty of Frizing or Cottoning, ſhall ſtand and be in force; Any thing in this Statute to the contrary notwithſtanding.

8 El. 7. Sect. 6. N. 2.

CAP. XIII.

Hexam and Hexamſhire, with the Liberties thereof ſhall be within the County of Northumberland.

Anno decimo octavo Reginæ ELIZABETHÆ.

AT this preſent Seſſion of Parliament by Prorogation holden at Weſtminſter, the eighth day of February, in the Eighteenth year of the Reign of our moſt gracious Sovereign Lady Elizabeth, by the Grace of God, of England, France and Ireland, Queen, Defender of the Faith, &c. And there continued until the fifteenth day of March following; to the high pleaſure of Almighty God, and weal publick of this Realm, were enacted as followeth.

Hexam. 1.

CAP. I.

An Act againſt the diminiſhing and impairing of the Queens Majeſties Coin, and other Coins currant within this Realm.

WHereas the offences of clipping, rounding, waſhing and filing, for wicked lucre or gains ſake, of any the proper Moneys or Coins of this Realm, or the Dominions thereof, or of the Moneys or Coins of any other Realm, allowed by Proclamation, and ſuffered to be current within this Realm, or the Dominions thereof, by a Statute made in the Fifth year of the Queens Majeſties Reign, are taken, deemed, and adjudged to be Treaſon, (2) and the offenders therein, the counſellers, conſenters, and aiders likewiſe deemed and adjudged as offenders in Treaſon, and being thereof lawfully convicted or attainted according to the due order and courſe of the Laws of this Realm, are to ſuffer pains of death, and to loſe and forfeit all his and their goods and chattels, and alſo all his and their lands and tenements, during his and their natural life or lives only, as by the ſaid Eſtatute thereof made, among other things therein contained, more at large it doth and may appear: (3) Sithence the making of which good Law and Statute, divers falſe and evil diſpoſed perſons knowing that the ſaid Law, being, as it is penal, ought to be taken and expounded ſtrictly according to the words thereof, and the like offences, not by any equity to receive the puniſhment or pains, have ſithence the making of the ſaid Law and Statute moſt wickedly deviſed and practiſed, for wicked lucre and gains ſake, other Arts, undue ways and means, to falſifie, impair, diminiſh, and lighten, as well the proper Moneys, and Coins of other Realms allowed and ſuffered to be current within this Realm and the Dominions thereof by her Majeſties Proclamation, to the great damage, loſs, hurt, and deceit as well of her Majeſty, as of all her faithful and loving Subjects, and more is like hereafter to be practiſed and done, if the ſame be not ſpeedily met withal; (4) For reformation and remedy whereof, be it enacted, declared, and eſtabliſhed by authority of this preſent Parliament, That if any perſon or perſons, of what eſtate degree, or condition ſoever he or they be, ſhall from and after the firſt day of April next coming, for wicked lucre or gains ſake, by any art, ways or means whatſoever, impair, diminiſh, falſifie, ſcale, or lighten the proper Moneys or Coins of this Realm, or any the Dominions thereof, or the Moneys or Coins of this Realm allowed and ſuffered to be current at the time of the offence committed within this Realm of England, or any the Dominions of the ſame, by the Proclamation of the Queens Majeſty, her Heirs or Succeſſors, ſhall be taken, adjudged, and deemed to be Treaſon, (5) and the offenders therein, their counſellers, conſenters, aiders, ſhall be likewiſe deemed and adjudged as offenders in Treaſon, and being thereof lawfully convicted or attainted, according to the due order of the Laws of this Realm, ſhall ſuffer pains of death, (6) and loſe and forfeit all their goods and chattels to the Queens Majeſty, her Heirs and Succeſſors, and ſhall alſo loſe and forfeit to the Queens Highneſs, her Heirs and Succeſſors, all their Lands, Tenements and Hereditaments, during his or their natural life or lives only.

Treaſon. 6. Diminiſhing, ſkaling, or lightning of Coin current within this Realm, ſhall be high Treaſon. 5 Eliz. 11 3 Inſt. 17.

Other undue means practiſed to falſifie the money not within the ſtrict words of the foreſaid Statute.

II. Provided always, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained, nor any attainder or attainders of any perſon or Perſons for any offence or offences made Treaſon by this Act, ſhall in any wiſe extend, or be judged, interpreted, or expounded to make any corruption of bloud to any the heir or heirs of any ſuch offender or offenders, or to make the wife of any ſuch offender to loſe or forfeit her Dower, of or in any lands, tene-

No corruption of bloud or forfeiture of Dower for this Treaſon.

tenements or Hereditaments, or her title, action, or intereſt to the ſame; Any thing in this Act contained, or any attainder or attainders hereafter to be had for any offence or offences made Treaſon by this Act to the contrary notwithſtanding.

Trial of a Peer by his Peers.

III. And be it further enacted by the authority aforeſaid, That if any the Lords of the Parliament, or Peer of the Realm for the time being, ſhall fortune at any time hereafter to be indicted of any offence made Treaſon by this Act, that then they and every of them ſhall have his or their trial by their Peers, as hath been uſed heretofore in caſes of high Treaſon, St. 25. Ed. 3. 2. 1 M. 6. 5. El. 11.

CAP II.

An Act for confirmation of Letters Patents.

Patents. 3. &c. A confirmation of the aſſurance made of any lands to the Queen by any other perſon ſince the beginning of her Reign.

1 Roll. 15 154, 159, 172.

Where ſithence the eighteenth day of November, in the firſt year of the Queens Majeſties Reign, divers and ſundry honors, caſtles, manors, lands, tenements, rents, reverſions, ſervices and other hereditaments, have been conveyed and aſſured to her Highneſs, her Heirs and Succeſſors, by, or from divers aed ſundy perſons and bodies Politick, as well for the diſcharge and ſatisfaction of great debts and ſums of money, as for other good conſiderations; (2) For the perfect aſſurance, confirmation, and further ſurety whereof, Be it enacted by the authority of this preſeut Parliament, That all feoffments, fines, ſurrenders, aſſurances, conveyances, and eſtates in any ways conveyed, had or made, or to be had or made at any time, during the ſpace of ſeven years, next after the end of this preſent Seſſion of Parliament, to or for our ſaid Sovereign Lady the Queens Majeſty, by or from any perſon or perſons, bodies politick or corporate, of any honors, caſtles, manors, lands tenements, rents, reverſions, ſervices, and other hereditaments, for any debt, ſum or ſums of money, or other conſideration whatſoever ſhall ſtand, remain, and be good and available in the Law, to all intents, conſtructions and purpoſes, according to the true meaning, intent and purport of the ſame: (3) Saving to all and every perſon and perſons, and to their heirs, bodies politick and corporate, and to their ſucceſſors and every of them, (other then ſuch perſon or perſons, and their heirs and wives, being parties or privies, to ſuch conveyances or aſſurances, and every of them, bodies politick or corporate, and their ſucceſſors, and every of them, of, or from whom the Queens Highneſs hath had, obtained or purchaſed, or ſhall obtain or purchaſe during the ſpace of ſeven years, any manors, meſſuages, lands, tenements, rents, reverſions, ſervices or hereditaments, by exchange, gift, bargain, fine, feoffment, recovery, deed enrolled, or otherwiſe) (4) all ſuch right, title, intereſt, uſe, poſſeſſion, rents, reverſions, remainders, offices, fees, commons, profits and commodities whatſoever, which they or any of them have, might, or ought to have had, of, in or to the premiſſes, or any part thereof, in as large and ample manner form and condition, to all intents, conſtructions, and purpoſes, as if this Act had never been had ne made; this preſent Act, or any thing therein contained to the contrary notwithſtanding.

Roll. 41

Moor. 338. pl. 458.

The right of others ſaved.

Cok. 1. c. l. 11. f. 67. Cro. Jac. 3 Cro. Car. 1 Jones 217.

II. And where our ſaid Sovereign Lady the Queens Highneſs ſithence the ſaid eighteenth day of November, in the firſt year of her Majeſties Reign, as well for divers and great ſums of money, as alſo for divers and ſundry other conſiderations, hath bargained, ſold, given and granted by her Graces ſundry Letters Patents, Indentures, or other writings, ſealed under the great Seal of England, or the Seal of the Dutchy of Lancaſter, or the Seal of the County Palatine of Lancaſter, as well to bodies politick and corporate, as to divers and ſundry other her loving and obedient Subjects, divers and ſundry honors, manors, lands tenements, rents, reverſions, ſervices, and other hereditaments, in fee ſimple, fee-tail, or for term of life, lives or years, as in the ſame ſeveral Letters Patents, Indentures, and other writings is mentioned and declared.

A confirmation of the Letters Patents of the Queen made ſithence the beginning of her Reign or to be made ſeven years after. Co. pl. 1. 382. 582. 1 Roll. 159.

S. vill. 59

III. And to the intent the ſame Letters Patents, Indentures and other writings ſhould be good, available, and of perfect force and effect to all and every her Highneſs loving Subjects, according to the true meaning and effect of the ſame. (2) Be it enacted and eſtabliſhed by authority of this preſent Parliament, That as well all and ſingular Letters Patents, Indentures, and other Writings Sealed under the great Seal of England, or under the Seal of the Dutchy of Lancaſter, or the Seal of the County Palatine of Lancaſter, and heretofore made or granted by our ſaid Sovereign Lady the Queen, for any Sums of money, or for and upon any other conſideration, as all other Letters Patents hereafter to be made by our ſaid Sovereign Lady the Queen, for any ſum or ſums of money, or other conſiderations, during the ſaid ſpace of ſeven years next enſuing the making of this Act, to any Body Politick or Corporate, or to any other perſon or perſons whatſoever, of any Honors, Caſtles, Manors, Lordſhips, Granges, Meſes, Lands, Tenements, Meadows, Paſtures, Rents, Reverſions, Services, Woods, Advowſons, Nominations, Patronages, Annuities, Rights, Intereſts, Entries, Conditions, Leets, Courts, Liberties, Priviledges, Franchiſes, or of any other Hereditaments, with their appurtenances, or of any other part or parcel of them, ſealed with or under the Great Seal of England, or under the Seal of the Dutchy of Lancaſter, or the Seal of the County Palatine of Lancaſter, of whatſoever kind, nature or quality they or any of them be, or ſhall be reputed, known or taken, with their appurtenances, or any part or parcel of them, ſhall be good, perfect and effectual in the Law, and ſhall ſtand, be taken, reputed, deemed and adjudged good, perfect, ſure, available and effectual in the Law, againſt the Queens Majeſty, her Heirs and Succeſſors, according to the tenour and effect of the ſaid Letters Patents, (3) the ſame to be expounded, conſtrued, deemed and adjudged moſt beneficially for the Patentees and Grantees of the ſame, and their Aſſignees, according unto the words and purport of every the ſaid Letters Patents, without any confirmation, licence or toleration of the Queen, her Heirs or Succeſſors; (4) any miſ-naming miſ-recital or non-recital of any the ſame Honors, Caſtles, Manors Lands, Tenements and other the Premiſſes, or of any parcel thereof: (5) Or any lack of finding of Offices or Inquiſitions, of and in the Premiſſes, or any part thereof, whereby the Title of the Queens Highneſs therein ought to have been found, before the making of the ſame Letters Patents or other Writings: (6) Or any miſ-recital or non-recital of Leaſes thereof before made, as well of Record as not of Record:

Defects in Letters Patents ſaved. 1 Cr. 172.

cord: (7) Or any lack of the certainty, miſ-caſting, rating or ſetting forth of the yearly value and rate of the Premiſſes, or of the yearly Rents, reſerved of and for the Premiſſes, or any parcel thereof mentioned or contained in any of the ſaid Letters Patents, or other Writings, (8) Or for that the Premiſſes be, or any part thereof is valued to a more or leſs value in the ſaid Letters Patents or Writings, then the ſaid Manors, Lands, Tenements, and other the Premiſſes then were, or ſhall be in yearly value: (9) Or any miſ-naming, or not true naming of the Towns, Hamlets, Pariſhes or Counties where the ſame Honors, Manors, Lands, Tenements, Hereditaments, and other the Premiſſes, and every parcel thereof, or any parcel thereof, lien or been: (10) Or any lack of the true naming of the Lands, Tenements or Hereditaments, or of the natures, kinds, ſorts, qualities or quantities of the ſaid Poſſeſſions or Hereditaments, or any parcel thereof: (11) Or any lack of the true naming of the Corporation: (23) Or any lack of the Attornment, Livery or Seiſin: (13) Or any miſ-naming of any the late Tenanes or Farmors of the ſame Honors, Manors, Lands, Tenements and Hereditaments, or any part thereof ſo ſold, granted or given, notwithſtanding.

Patents of Offices.

IV. Provided, That this Act, or any thing therein contained, ſhall not extend to make any Letters Patents of any Office or Offices, to be of any other effect, force or ſtrength, then the ſame Letters Patents were, or ſhould have been before the making of this Act.

A ſatisfaction to the Queen for the overplus of the value of the lands by her granted.

V. Provided alſo, That all and ſingular ſuch Patentees, Grantees and Donees, and every of them which at any time heretofore ſithence the ſaid eighteenth day of November, have obtained and gotten of our ſaid Sovereign Lady the Queen, or at any time hereafter during the ſaid ſpace of ſeven years, ſhall obtain and get of our ſaid Sovereign Lady the Queens Majeſty that now is, by way of exchange, or for any ſum or ſums of money, or other conſiderations, any Letters Patents of any manors, lands, tenements or hereditaments whatſoever, which at the date and making any of the ſame Letters Patents ſo made, ſithence the ſaid eighteenth day of November, or hereafter to be made during the ſaid ſpace of ſeven years, as is aforeſaid, were or ſhall be at the time of the making of ſuch Letters Patents, of better and more yearly value to the Queens Highneſs, and ſo anſwered in yearly Rent and Ferm, then was, is, or ſhall be contained, mentioned and ſpecified in any ſuch Letters Patents, or in the particulars or rate thereof made, or to be made by any Auditor or Auditors, Surveyor or Surveyors, or other Officer: That then every ſuch Patentee, Grantee, or Donee, their Heirs, Executors or Aſſigns, and every of them, within one year next after Office, or other due proof, order and decree thereof made and had, or to be made and had within the ſpace and term of ten years next after the end of this preſent Seſſion of Parliament in the Court of the Exchequer, ſhall content and pay unto the Queens Majeſty, her Heirs and Succeſſors, for the ſame, overplus and more value of the ſame manors, lands, tenements and other hereditaments whatſoever, with their appurtenances, ſo ſold, given, granted or exchanged, as is aforeſaid, after the rate of threeſcore years purchaſe, (2) and according to ſuch yearly value and rate as the ſame manors, lands, tenements and other hereditaments whatſoever were, and anſwered at the time of the making of any ſuch Letters Patents ſo made or to be made, in manner and form aforeſaid; Any thing contained in ſuch Letters Patents to the contrary in any wiſe notwithſtanding.

Fourty years purchaſe.

Patents or Grants whereunto this Statute ſhall not extend.

VI. Provided alſo, That this Act, or any Proviſo therein contained, ſhall not in any wiſe extend to confirm, ratifie and make good any Leaſe or Leaſes made or to de made by our Sovereign Lady the Queen, for term of life, lives or for years, whereupon the old and accuſtomed Rents or more, be not, or hereafter ſhall not be reſerved and yearly payable during the time and term of every ſuch Leaſe: (2) Nor that this preſent Act ſhall in any wiſe extend to revive or make good any Letters Patents made of any Office or Offices to any Controller, Cuſtomer, Aulneger, Searcher, nor to any Letters Patents of the grant of any other Office or Offices heretofore granted or made by the Queens Majeſty which now be, or at any time heretoſore have been annihilated, determined and made void by judgment, by authority of Parliament, or by decree: (3) nor to any Patents to be made to any perſon or perſons for term of years, or during the minority of any heir, of any manors, lands or tenements, whereof any Traverſe hereafter ſhall be tendred within three months after any Office found and certified into any the Queens Majeſties Courts of Record: (4) ne to make good any Letters Patents made by our Sovereign Lady, of any Office or Offices to be of any other effect, force or ſtrength, then the ſame Letters Patents were or ſhould have been before the making of this Act.

Patents of concealed Lands, 21 Jac. 2. 2 Anderſ. 110.

VII. Provided alſo, That this Act, or any thing therein contained, ſhall not extend to any Letters Patents which at any time heretoſore ſithence the beginning of the Queens Majeſties Reign, have been, or hereafter ſhall be made by the Queens Highneſs, to any perſon or perſons, of any manors, lands, tenements, rents, reverſions, ſervices or other hereditaments, by force of any Information, Suit or Suggeſtion, made, or to be made to her Highneſs, that the ſame manors, lands, tenements and other hereditaments ſo contained in any ſuch Letters Patents, were concealed lands, (2) but that the ſame Letters Patents, and every of them, ſhall ſtand, remain and be in the ſame force, ſtrength and effect as they were before the making of this Act; Any thing in this Act mentioned to the contrary notwithſtanding: (3) Saving to all and every other perſon or perſons, and bodies politick and corporate, their heirs and ſucceſſors, and every of them, all ſuch right, title, intereſt, poſſeſſion, eſtate, leaſes, rents, ſervices, commons, and all other profits and commodities whatſoever, as they or any of them ſhould or might have had before the Letters Patents thereof made, if this Act had never been had ne made; Any thing therein contained to the contrary notwithſtanding. Stat. 43 El. 1. 35 El. 3. 34 H. 8. 21. 1 Ed. 6. 8. 7 Ed. 6. 3. 4 & 5 P & M. 1.

CAP. III.

Juſtices of Peace ſhall order the puniſhment of the Mother, and reputed Father of a Baſtard, &c.

Baſtardy 1. 1 Roll 274. 2 Roll 82. Stiles 207, 246. 283.

A Rogue ſhall be conveyed from Conſtable to Conſtable, until he come to the Goal. A Stock to ſet the Poor on work, ſhall be provided in every City and Town-corporate. Houſes of Correction ſhall be aſſigned in every County. Lands holden in Soccage may, during twenty years, be given towards the maintenance of Houſes of Correction, and Stocks for the Poor. Exp.

Cro. Car. 350. 436.

II. Concerning Baſtards begotten and born out of lawful Matrimony (an offence againſt Gods Law or mans Law) the ſaid Baſtards being now left to be kept at the charges of the Pariſh where they be born, to the great burden of the ſame Pariſh, and in defrauding of the relief of the impotent and aged true poor of the ſame Pariſh, and to the evil example and encouragement of lewd life: (2) It is ordained and enacted by the authority aforeſaid, That two Juſtices of the Peace, whereof one to be of the Quorum, in or next unto the limits where the Pariſh Church is within which Pariſh ſuch Baſtard ſhall be born, upon examination of the cauſe and circumſtance) ſhall and may by their diſcretion take order, as well for the puniſhment of the mother and reputed father of ſuch Baſtard-child, as alſo for the better relief of every ſuch Pariſh in part or in all; (3) and ſhall and may likewiſe by like diſcretion take order for the keeping of every ſuch Baſtard-child, by charging ſuch mother or reputed father, with the payment of money weekly, or other ſuſtentation for the relief of ſuch Child, in ſuch wiſe as they ſhall think meet and convenient: (4) And if after the ſame order by them ſubſcribed under their hands, any the ſaid perſons, viz. mother or reputed father, upon notice thereof, ſhall not for their part obſerve and perform the ſaid order, that then every ſuch party ſo making default, in not performing of the ſaid order, to be committed to ward to the common Goal, (5) there to remain without bail or mainpriſe, except he, ſhe or they ſhall put in ſufficient ſurety to perform the ſaid order, or elſe perſonally to appear at the next general Seſſions of the Peace to be holden in that County where ſuch order ſhall be taken, (6) and alſo to abide ſuch order as the ſaid Juſtices of the Peace, or the more part of them, then and there ſhall take in that behalf (if they then and there ſhall take any; (7) and that if at the ſaid Seſſions the ſaid Juſtices ſhall take no other order, then to abide and perform the order before made, as is abovesaid. 3 Car. 4. continued until the end of the firſt Seſſion of the next Parliament.

Co. k. l. 4. f.

2 Bulſt. 341, 348. 350, 355.

A Proviſion for the keeping of Baſtards.

7 Jac. 4.

CAP. IV.

Fraudulent Deeds 2. Savill 8.

Every perſon which hath or claimeth to have any Eſtate of Inheritance, Leaſe or Rent, not already entred of Record in the Exchequer, of, in, or to any Lands or Hereditaments, &c. by any Aſſurance made by Charles Earl of Weſtmerland, or any other Rebels in the North attainted, named in the Statute of 13 El. 16. or in any of the Records of their ſeveral Attainders, at any time within two years next before the ſeventh day of November, Anno 11 of the Queens Reign, ſhall within one year next enſuing the firſt day of May next, openly ſhew forth in the Exchequer, in the Term time, the ſame his Conveyance, and exhibit the ſame to be Inrolled of Record: Or elſe every ſuch Conveyance made by any of the ſaid Rebels ſhall be void: And after the ſaid party which exhibiteth the ſame Conveyance, may within one year produce Witneſſes to be examined in the Exchequer, to prove the ſame to be made bona fide: And yet if at the Suit of the Queen, or any of her Patentees, it ſhall be found by Verdict, that any ſuch Conveyance was made by covin, to defraud the Queen of her forfeiture, it ſhall be void: But this Act ſhall not extend to any Bargain and Sale made of Lands by Deed Indented and Inrolled, nor to Leaſes for three lives, or one and twenty years, nor to Eſtates granted by Copy according to the cuſtom of the Manor ſo uſed to be letten, by the ſpace of twenty years, whereupon the old accuſtomed yearly Rent or more, ſhall be reſerved. PR. Co. lib. 7. fol. 11. St. 13 El. 16.

CAP. V.

An Act to redreſs Diſorders in common Informers.

Actions 3, &c.

The duty of an Informer in proſecuting a ſuit upon a penal Statute, and his puniſhment if he abuſe it.

A note of the day, month, and year of the exhibiting of an Information.

Cro. El. 77. 434. 3 Inſt. 135. 192.

For redreſſing of divers diſorders in common Informers, and for better Execution of penal Laws, (2) be it enacted, That every Informer upon any penal Statute ſhall exhibit his Suit in proper perſon, and purſue the ſame only by himſelf, or by his Attorney in Court; (3) and that none ſhall be admitted or received to purſue againſt any perſon or perſons upon any penal Statute, but by way of Information, or original Action, and not otherwiſe, (4) nor ſhall have ne uſe any Deputy or Deputies at all; (5) and that upon every ſuch Information which ſhall be exhibited, a ſpecial note be made of the very day, month and year of the exhibiting thereof into any Office, or to any Officer, which lawfully may receive the ſame, without any manner of antedate thereof to be made, and that the ſame Information be accompted and taken to be of Record from that time forward, and not before. (6) And be it likewiſe enacted for the conſideration aforeſaid, That no proceſs be ſued out upon ſuch information, until the information be exhibited in form aforeſaid, (7) and that upon every ſuch proceſs ſhall be indorſed as well the parties name that purſueth ſame proceſs, as alſo the Statute upon which the information in that behalf made, is grounded: (8) And that every Clerk making out proceſs contrary to the tenor and proviſion of this Act, ſhall forfeit and loſe fourty ſhillings for every ſuch offence, the one half to be to the Queens Majeſty, her Heirs and Succeſſors, and the other half to the party againſt whom any ſuch defective proceſs ſhall be awarded, to be recovered in any Court of Record, by action of debt or information, in which no eſſoin, protection, injunction or wager of Law ſhall be permitted or allowed.

Indorſement of the Proceſs awarded upon an Information.

Where the trial of an Iſſue ſhall be in a Suit upon a penal Statute. Stiles 381.

II. And be it further enacted, That no Jury ſhall be compelled to appear in any of the Queens Majeſties' Courts of Weſtminſter, for the trial of any Iſſue in any ſuch Suit upon any penal Law, for any offence committed above thirty miles from the City of Weſtminſter, except in caſe where the Atturney general for the time being, for ſome reaſonable cauſe in that behalf to be ſhewed, ſhall require the ſame to be tried at the Bar, in any of the Courts of the Queens Majeſty, her Heirs or Succeſſors at Weſtminſter aforeſaid: (2) which requeſt ſhall be noted on the backſide of the Writ of Diſtringas thereupon awarded, to the end the Sheriff or his Bayliff may and ſhall ſignifie the ſame to the Jury that are in ſuch caſe impannelled.

No Informer ſhall compound with the Defendant, but by conſent of the Court.

2 Bulſtr. 137.

The penalty of an Informer delaying or diſcontinuing his Suit, or being nonſuit, &c.

2 Leon. 116. Savill 50.

Hob. 252. Hull 35. Hetley 11. 2 Rol. 10. 116.

III. And be it further enacted, That no ſuch Informer or Plaintiff, ſhall or may compound or agree with any perſon or perſons that ſhall offend, or ſhall be ſurmiſed to offend againſt any penal Statute, for ſuch offence committed, or pretended to be committed, but after anſwer made in Court unto the Information or Suit in that behalf exhibited or proſecuted: (2) nor after anſwer, but by the order or conſent of the Court in which the ſame Information or Suit ſhall be depending, upon pains and penalties hereafter in this preſent Act ſet down and declared (3) And that if any ſuch Informer or Plaintiff, as aforeſaid, ſhall willingly delay his Suit, or ſhall diſcontinue, or be nonſuit in the ſame, or ſhall have the trial or matter paſt againſt him therein by verdict or Judgment of Law, that then in every ſuch caſe the ſame Informer or Plaintiff ſhall yield, ſatisfie and pay unto the party defendant, his coſts, charges and damages, to be aſſigned by the Court in which the ſame Suit ſhall be attempted: (4) For the recovery and execution whereof, every ſuch Defendant ſhall immediately upon the ſame coſts, charges and damages aſſigned, have his Capias ad ſatisfac. fieri fecit, or Elegit, to be awarded unto him out of the ſame Court in which the ſame ſhall be ſo aſſigned, as is aforeſaid, as in other caſes of execution.

The puniſhment of an Informer miſbehaving himſelf in the proſecution of his Suit, &c. 2 Bulſtr. 18.

IV. And be it alſo enacted, That if any perſon or perſons (except the Clerks of the Court only, for making out of proceſs otherwiſe then is above appointed) ſhall offend in ſuing out of proceſs, making of compoſition, or other miſdemeanour, contrary to the true intent and meaning of this Statute, or ſhall by colour or pretence of proceſs, or without proceſs, upon colour or pretence of any matter of offence againſt any penal Law, make any compoſition, or take any money, reward or promiſe of reward, for himſelf, or to the uſe of any other, without order or conſent of ſome of her Majeſties Courts at Weſtminſter, that then he or they ſo offending, being thereof lawfully convicted, ſhall ſtand on the Pillory in ſome Market Town next adjoyning where the ſame offence ſhall be committed, in the open Market time, and therein remain by the ſpace of two hours, (2) and ſhall from and after ſuch conviction, for ever be diſabled to purſue, or be Plaintiff or informer in any Suit or Information upon any Statute popular or penal, (3) and ſhall alſo for every ſuch offence forfeit and loſe Ten pounds of lawful Engliſh money, the one half thereof to the Queens Majeſty, her Heirs and Succeſſors, and the other half to the party grieved thereby, to be recovered in any Court of Record, by action of debt or information; in which no eſſoin, protection, injunction or wager of Law, ſhall be permitted or allowed: (4) And that Juſtices of Oyer and Terminer, Juſtices of Aſſiſe in their Circuits, and Juſtices of Peace in their quarter Seſſions, ſhall have full power and authority to hear and determine all offences to be committed or done contrary to the true intent and meaning of this preſent Act.

Which Juſtices may hear and determine them.

Purſuing upon the Statute againſt Maintenance, Champerty, &c.

V. Provided always, and nevertheleſs be it enacted, That it ſhall and may be lawful and for any perſon or perſons grieved by means of any manner of Maintenance, Champerty, buying of titles or imbracery, to purſue upon any the Statutes provided and ſet forth againſt Maintenance, Champerty, buying of titles or imbracery, as he or they might have done before the making of this Act; Any thing in this Act contained to the contrary in any wiſe notwithſtanding.

Penalties given to perſons certain, and not generally.

VI. Provided alſo, That this Act ſhall not extend to any Suit already depending, (2) nor ſhall reſtrain any certain perſon, body politick or corporate, to whom or to whoſe uſe any forfeiture, penalty or ſuit is or ſhall be ſpecially limited or granted by virtue of any Statute, and not generally to any perſon that will ſue, but that every ſuch certain perſon, body politick or corporate which might ſue or inform, as if this Act were not made, may in ſuch caſe ſue, inform and purſue, as he or they might have done, if this Act were never had nor made.

Officers uſing to exhibit Informations.

VII. And provided alſo, that neither this Act, nor any thing therein contained, ſhall in any wiſe extend to any ſuch Officers of Record, as have in reſpect of their Offices heretofore lawfully uſed to exhibit informations, or ſue upon penal Laws, (2) nor to any Officers informing or purſuing for matters only concerning his or their Offices, (3) but that they and every of them may inform and purſue in that behalf, as they might have done before the making of this Act; Any thing in this Act contained to the contrary in any wiſe notwithſtanding.

VIII. This Act to take force and effect from the Feaſt of Eaſter next coming, and from thenceforth to endure unto the end of the firſt Seſſion of the next Parliament. 27 El. 10. made perpetual. 31 El. 5.

C A P. VI.

An Act for maintenance of the Colledges in the Univerſities, and of Wincheſter and Eaton.

Leaſes 4, &c. Upon Leaſes made by Colledges, a third part of the rent ſhall be reſerved in Corn. 1 Leon. 307, 330. Savil 129.

FOr the better maintenance of Learning, and the relief of Scholars in the Univerſities of Cambridge and Oxford, and the Colledges of Wincheſter and Eaton, (2) Be it enacted by the Queens Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no Maſter, Provoſt, Preſident, Warden, Dean, Governor, Rector or chief Ruler of any Colledge, Cathedral Church, Hall or Houſe of Learning in any of the Univerſities aforeſaid, nor any Provoſt, Warden, or other Head-officer of the ſaid Colledges of Wincheſter or Eaton, nor the Corporation of any of the ſame, by what title, ſtile or name ſoever they now be, ſhall or may be called, after the end of this preſent Seſſion of Parliament, ſhall make any Leaſe for life, lives or years, of any Farm or any their lands, tenements or other hereditaments to the which any tithes, arable land, meadow or paſture, doth or ſhall appertain, except that the one third part at the leaſt of the old Rent be reſerved in Corn for the ſaid Colledges, Cathedral Church, Halls and Houſes; that is to ſay, in good Wheat, after vj. s. viij. d. the quarter, or under, and good Mault at v. s. the quarter or under, to be delivered yearly upon days prefixed, at the ſaid Colledges, Cathedral Churches, Halls or Houſes; (3) and for default thereof, to pay to the ſaid Colledges, Cathedral Church, Halls or Houſes, in ready money, at the election of the ſaid Leſſees, their Executors, Adminiſtrators and Aſſigns, after the rate of the beſt Wheat and Mault in the Market of Cambridge, for the Rents that are to be paid to the uſe of the Houſe or Houſes there; and in the Market of Oxford, for the Rents that are to be paid to the uſe of the Houſe or Houſes there; and in the Market of Wincheſter, for the Rents that are to be paid to the uſe of the Houſe or Houſes there; and in the Market at Windſor, for the Rents that are to be paid to the uſe of the Houſe or Houſes at Eaton, is or ſhall be ſold the next Market day before the ſaid Rent ſhall be due, without fraud or deceit: (4) And that all Leaſes otherwiſe hereafter to be made, and all collateral Bonds, or aſſurance to the contrary by any of the ſaid Corporations, ſhall be void in Law to all intents and purpoſes: (5) The ſame Wheat, Mault or Money coming of the ſame, to be expended to the uſe of the relief of the Commons and Diet of the ſaid Colledges, Cathedral Church, Halls and Houſes only, (6) and by no fraud or colour, let or ſold away from the profit of the ſaid Colledges, Cathedral Church, Hall and Houſes, and the Fellows and Scholars in the ſame, and the uſe aforeſaid, upon pain of deprivation of the Governour and chief Rulers of the ſaid Colledges, Cathedral Church, Halls and Houſes, and all other thereunto conſenting.

Mouncken Barn in Suſſex.

II. Provided always, That this Act, nor any thing therein contained, ſhall not extend, or be in any wiſe prejudicial to any Leaſe to be made of a Barn called Mouncken Barn, with a certain portion of Tithes, riſing, growing and being in the Pariſh of Southweek in the County of Suſſex, being parcel of the Poſſeſſions of Maudlin Colledge in Oxford, ſo that the term demiſed in and by the ſaid Leaſe exceed not the number of ten years, from and after the Feaſt of St. Michael the Archangel next coming; Any thing therein ſpecified to the contrary notwithſtanding.

Fifield demiſed to White.

III. Provided alſo, That this Act ſhall not extend to any Leaſe to be made by the Preſident and Scholars of the Colledge of Saint John Baptiſt in Oxford, to any Heir-male of Sir Thomas White, late Knight and Alderman of London, Founder of the ſaid Colledge; which Leaſe ſhall be made according to the meaning of the Foundation and Statutes of the ſaid Colledge of the Manor of Fifield, and no other Hereditaments.

CAP. VII.

An Act to take away Clergy from the Offenders in Rape and Burglary, and an Order for the delivery of Clerks convict without purgation.

Clergy 10. 3 Inſt. 65, 214.

None ſhall have Clergy that committeth Rape or Burglary.

For the repreſſing of the moſt wicked and felonious Rapes or Raviſhments of Women, Maids, Wives and Damoſels, and of felonious Burglaries, and for the avoiding of ſundry perjuries and other abuſes, in and about the purgation of Clerks convict, delivered to the Ordinaries, (2) Be it enacted and ordained by the authority of this preſent Parliament, that if any perſon or perſons ſhall fortune at any time after the firſt day of June next enſuing, to commit or do any manner of felonious Rape, Raviſhment or Burglary, and to be found guilty by Verdict, of any ſuch felonious Rape or Burglary, (3) or that any perſon or perſons ſhall fortune to be outlawed for any the offences aforeſaid, (4) or upon his or their Arraignment ſhall confeſs any ſuch felonious Rape or Burglary, (5) That in every ſuch caſe, every perſon and perſons ſo being found guilty, outlawed, or confeſſing any of the ſaid felonious Rapes or Burglaries, ſhall ſuffer pains of death, and forfeit, as in caſes of felony hath been uſed and accuſtomed by the common Laws of this Realm, without any allowance of the priviledge or benefit of Clergy; Any Law, Cuſtom or Uſage heretofore had, made or uſed to the contrary notwithſtanding.

Hob. 291. Co. l. 11. f.

No man allowed his Clergy, ſhall be committed to the Ordinary, but preſently delivered. 4 H. 7. 13. 3 Ed. 1. 2.

II. And moreover, be it further enacted by the authority aforeſaid, That every perſon and perſons, which at any time after the end of this preſent Seſſion of Parliament, ſhall be admitted and allowed to have the benefit or priviledge of his or their Clergy, ſhall not thereupon be delivered to the Ordinary, as hath been accuſtomed, but after ſuch Clergy allowed, and burning in the Hand, according to the Statute in that behalf provided, ſhall forthwith be enlarged and delivered out of priſon by the Juſtices before whom ſuch Clergy ſhall be granted, that cauſe notwithſtanding.

Hob. 294. Co. l. 5. l. Cro. Jac.

The Juſtices may retain offenders in priſon for a time. 2 Bulſtr. 137.

III. Provided nevertheleſs, and be it alſo enacted by the authority aforeſaid, That the Juſtices before whom any ſuch allowance of Clergy ſhall be had, ſhall and may for the further correction of ſuch perſons to whom Clergy ſhall be allowed, detain and keep them in priſon for ſuch convenient time as the ſame Juſtices in their diſcretions ſhall think convenient, ſo as the ſame do not exceed one years impriſonment; Any Law or Uſage heretofore had or uſed to the contrary in any wiſe notwithſtanding.

To know a woman carnally under the age of ten years, ſhall be Felony.

IV. And for plain declaration of Law, Be it enacted, That if any perſon ſhall unlawfully and carnally know and abuſe any woman-child under the age of ten years, every ſuch unlawful and carnal knowledge ſhall be felony, and the offender thereof being duly convicted, ſhall ſuffer as a Felon without allowance of Clergy.

He that is allowed his Clergy, ſhall anſwer to other Felonies. 25 Ed. 3. 5. 8 Eliz. 4.

V. Provided always, That all and every perſon and perſons, which ſhall hereafter be admitted to have the benefit of his or their Clergy, ſhall notwithſtanding his or their admiſſion to the ſame, be put to anſwer to all other Felonies whereof he or they ſhall be hereafter indicted or appealed, and not being thereof before acquitted, convicted, attainted or pardoned, (2) and ſhall in ſuch manner and form be arraigned, tried, adjudged and ſuffer ſuch execution for the ſame, as he or they ſhould have done, if, as Clerk or Clerks convict, they had been delivered to the Ordinary, and there had made his or their purgations; Any thing in this Act contained to the contrary notwithſtanding.

12 Co. Dyer f.

CAP. VIII.

An Act for the appointing of Juſtices in the Shires of Wales.

Wales 5. The Queen may appoint Juſtices of Aſſiſes in Wales, and of what things they may hold Plea. 27 H. 8. 26. 34 H. 8. 26.

12 Co.

Whereas by divers laudable Statutes, Uſages and Laws of this Realm, for the good Government and Adminiſtration of Juſtice within the Principality and Dominion of Wales, and the County Palatine of Cheſter, it hath been eſtabliſhed, uſed and enacted among other things, That there ſhall be holden and kept Seſſions twice in every year, in every of the Shires in the ſaid Dominion and Principality of Wales; that is to ſay, in the Shires of Glamorgan, Brecknock, Radnor, Caermarthen, Pembroke, the Town and County of Haverford-weſt, Cardigan, Montgomery, Denbigh, Flint, Caernarvon, Merioneth and Angleſey, and in the ſaid County Palatine of Cheſter; the which Seſſions are called the Kings great Seſſions: (2) And that the Juſtice of Cheſter for the time being, ſhall hold and keep Seſſions twice in every year in the Shires of Cheſter, Denbigh, Flint and Montgomery: (3) And likewiſe that the Juſtice of North-wales ſhall hold and keep Seſſions twice every year, in every of the ſaid Shires of Caernarvon, Merioneth and Angleſey; (4) And that alſo one perſon learned in the Laws of this Realm of England, by the Queens Majeſty to be appointed, ſhall be Juſtice of the Shires of Radnor, Brecknock and Glamorgan, and ſhall in likewiſe hold and keep Seſſions twice in every year in every of the ſame Shires: (5) And that one other perſon learned in the Laws of this Realm, to be appointed as is aforeſaid, ſhall be Juſtice of the Shires of Caermarthen, Pembroke and Cardigan, and the Town and County of Haverford-weſt, and ſhall likewiſe hold and keep Seſſions twice in every year in every of the ſaid Shires: (6) And that the ſaid perſons or Juſtices, and every of them then being, or that hereafter ſhould be, ſhould have ſeveral Letters Patents and Commiſſions for their Offices under the Great Seal of England, to be exerciſed by themſelves, or their ſufficient Deputies, according to the purports and intents in the Ordinances ſpecified:

II. Foraſmuch as by the good adminiſtration of Juſtice within the ſaid Shires and Counties, the ſame Principality and Dominion of Wales, and the ſaid County Palatine of Cheſter, are reduced to great obedience of her Majeſties Laws, and the ſame greatly inhabited, manured and peopled, (2) and for all and all manner of Cauſes, Pleas, Actions, as well real, perſonal, and mixt, as Treaſons, Pleas of the Crown, Attaints, Conſpiracies, Aſſiſes, Quare impedit, Appeals of Murder, Maims, and Felony, and Trial upon all Murders, Manſlaughters and Felonies whatſoever ariſing within the ſaid ſeveral Circuits, are by the ſaid Laws, Uſages and Statutes impleadable, impleaded and determinable before one only Juſtice, as is aforeſaid: (3) And for that many great and weighty cauſes, matters, queſtions, demurrers and ambiguities in Law do hereupon daily ariſe, increaſe, and are like more and more to increaſe within the ſaid Shires, to the infinite trouble of ſuch one Juſtice within every of the ſaid ſeveral Circuits, and to the great decay and hindrance of adminiſtration of Juſtice:

The benefits enſuing by the adminiſtration of Juſtice in Wales, Cheſhire, &c.

To have one Judge overcharged with the hearing of many cauſes, is a great delay of Juſtice.

III. For the better and more ſpeedy remedy whereof, her Majeſties Subjects of the ſaid Principality and Dominion of Wales, and County Palatine of Cheſter, have made their moſt humble Petition and Suit to her Highneſs, to have two Juſtices learned in the Laws in every of the ſaid ſeveral Circuits: (2) And foraſmuch as ſame queſtion, ambiguity and doubt hath been heretofore made, whether her Highneſs by her Letters Patents under the Great Seal of England, might or may authorize, conſtitute or appoint two perſons or more, to be her Highneſs Juſtices in every of the ſaid ſeveral Circuits, or Grant Commiſſion or Commiſſions of aſſociation or aſſociations, to or with every or any ſuch ſeveral Juſtice and Juſtices, or no: and alſo whether after ſuch Grant, the adminiſtration of Juſtice in thoſe Offices and Function done by two, may be ſufficiently rewarded by Law, or no: (3) For plain explanation whereof, and for the better redreſs, and more ſpeedy adminiſtration of Juſtice to be had touching the premiſſes, Be it declared, explained, enacted and eſtabliſhed by the Queens moſt excellent Majeſty, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the Queens Highneſs, her Heirs and Succeſſors, may and ſhall at her and their will and pleaſure, have full power, prerogative and authority from time to time, to conſtitute, authorize, name or appoint two or more learned, as aforeſaid, in the Laws of this Realm, to the Juſtices of and for the ſaid Counties of Cheſter, Flint, Denbigh and Montgomery: (4) and two or more learned, as aforeſaid, to be Juſtices of North-wales, viz. of and for the ſaid Shires of Angleſey, Caernarvon and Merioneth: (5) and likewiſe two or more learned, as aforeſaid, to be Juſtices of and for the ſaid Circuit and Shires of Radnor, Glamorgan and Brecknock: (6) and alſo two more learned, as aforeſaid, to be Juſtices of and for the ſaid Circuit and Shires of Cardigan, Caermarthen, and Pembroke, and the Town and County of Haverford-weſt; Any Law, Uſage, Opinion, or Statute to the contrary notwithſtanding.

IV. And that her Majeſty, her Heirs and Succeſſors, may and ſhall, at her and their good will and pleaſure, from time to time, aſſociate and grant Commiſſion and Commiſſions of aſſociation or aſſociations under the Great Seal of England, to any perſon or perſons learned, as aforeſaid, to be aſſociate to or with every or any ſucy ſeveral Juſtice or Juſtices for the time being, of the ſaid ſeveral Circuits and Counties aforeſaid, or in any of the ſaid Counties: (2) And that all and every ſuch two Juſtices or more, within every of the ſaid ſeveral Circuits and Counties, and alſo that every ſuch Juſtice or Juſtices, together with ſuch perſon or perſons aſſociate (if any ſuch aſſociation or aſſociations ſhall happen to be, as aforeſaid) during ſuch aſſociation, and after ſuch aſſociation ended, or without ſuch aſſociation, ſuch Juſtice or Juſtices ſhall have the like full power, preheminence, authority and juriſdicition from henceforth, to all intents, conſtructions, purpoſes and effects, as any one Juſtice within any the ſaid Circuits or Shires aforeſaid, now hath, or at any time heretofore had or ought to have; (3) And alſo ſhall have like power, authority, preheminence and juriſdiction to keep and hold the ſeveral Seſſions aforeſaid, twice in every year, in every of the ſaid Shires within their ſeveral Circuits aforeſaid, (4) and to hear, determine, order, award, adjudge, receive, take knowledge of, and execute all and ſingular cauſes, matters, pleas of Aſſiſes, treaſons, murders, felonies, indictments, appeals of murder, felony and maims, actions real, perſonal and mixt ſuits, plaints, informations, quarrels, attaints, conſpiracies, quare impedit, and all actions grounded upon any Statute or Statutes, Writs, Proceſſes, Returns, Eſſoins, Verdicts, Judgments, Fines, Acknowledges, Confeſſions, Warrants and Executions, Actions and Acts whatſoever, and to do, perform, obſerve, accompliſh, and make all and every other act and acts, matter and matters, thing and things whatſoever, in like, and in as ample, beneficial, lawful and effectual manner and form, to all conſtructions, qualities, intents and purpoſes, as any of the now ſeveral Juſtices, or any of the now Juſtice or Juſtices within the ſame ſeveral Circuit or Ciruits, and Counties aforeſaid, may, ought, hath or might lawfully do by force of any Law, Uſage or Statute heretofore had, made or uſed before the making of this Act: (5) and that from henceforth all and ſingular Writs, Proceſſes, Returns, Eſſoins, Verdicts, Judgments, Fines, Recoveries, Recogniſances, Acknowledges, Confeſſions, Act and Acts, Thing and Things, Matter and Matters, as aforeſaid, had, made, taken, done, returned, heard, determined, awarded, adjudged or executed by or before any ſuch two Juſtices or more, or any ſuch Juſtice or Juſtices, and Aſſociate or Aſſociates, as aforeſaid, to be appointed, nominated, authorized or conſtituted, as aforeſaid, ſhall be allowed, taken, conſtrued, expounded and adjudged as good effectual and available, to all intents, conſtructions and purpoſes, as if the ſame had been made, taken, done, returned, heard, determined, awarded, adjudged or executed by or before any ſuch one Juſtice, or one of the Juſtices now, or late being Juſtice or Juſtices of the ſame Circuit, or ſeveral Circuits aforeſaid; Any Law, Uſage, Statute, Act, Ordinance or Preſcription to the contrary in any wiſe notwithſtanding.

The Queen may grant Commiſſions of Aſſociations to any perſon licenced to be aſſociate with Juſtices.

Of what things the two Juſtices, or they with the Aſſociates, may hold Seſſions.

CAP. IX.

An Act againſt the Tranſporting of Leather, Tallow, and raw Hides.

Cordwainers, Rait. 18. Leather 50. 1 El. 10. 14 El. 4.

5 El. 8. A repeal of the Stat. of 1 El. 8. and 14 El. 4. prohibiting the tranſporting of Leather, &c.

A revivor of the Stat. of 1 El. 8. touching the tranſporting of Leather. Rep. 1 Jac. 22.

WHere in the Parliament holden at *Weſtminſter* in the firſt year of the Reign of the Queens moſt excellent Majeſty, one Act was made, that the carrying of Leather, Tallow and raw Hides, out of the Realm for Merchandiſes, ſhould be felony: which Act was made to endure but for a certain time, and afterwards was diſcontinued, and ſithence, *viz.* in the firſt Seſſion of this preſent Parliament renewed to have continuance for certain years yet to come: (2) And where alſo in the Parliament holden in the fifth year of her Majeſties Reign, one other Act was made, upon great advice, conference and deliberation, concerning Tanners, Curriers, Shoemakers and other Artificers occupying the cutting of Leather, (3) and thereby all former Acts were repealed concerning the ſame, by which means it was hoped that the goodneſs of Leather, and the exceſs prices thereof, as alſo of Tallow, ſhould have been remedied, which notwithſtanding daily hath increaſed, and yet doth; the cauſe whereof is, that being ſhipped for foreign parties, or tranſported out of the Realm, no forfeiture is given to him or them that will ſeiſe or ſue for the ſame: (4) For remedy whereof, be it enacted by the Queen our Sovereign Lady, and by the authority of this preſent Parliament, That the ſaid Act made in the ſaid firſt year, and continued in the ſaid firſt Seſſion of this preſent Parliament, ſhall be repealed, (5) and that ſo much of the ſaid Act made in the ſaid fifth year, and Proviſoes therein contained, as do or doth concern the tranſporting of Leather or Hides, ſhall be continued and duly put in execution.

The penalty for ſhipping or loading of any Leather, Tallow, or raw Hides, to the intent to be tranſported.

The forfeiture of the owner of a Ship Maſter and Mariners offending.

II. And be it further enacted, That it ſhall not be lawful for any perſon or perſons, to lade, ſhip or carry in any Veſſel or Ship, or otherwiſe, any Leather, Tallow or raw Hides, of intent to tranſport or carry the ſame into any place or places of the Parts beyond the Seas, or into the Realm of *Scotland*, by Land or by Sea, other then *Scottiſh* Hides, according to the ſaid Proviſo in the ſaid Act made in the ſaid fifth year, (2) upon the pain and forfeitures hereafter enſuing; that is to ſay, upon the pain of the forfeiture of the ſaid Leather, Tallow or raw Hides ſo laden or tranſported, and treble the value thereof, to be forfeited by the owner or owners: (3) and alſo the owners of the ſaid Ships or Veſſels, knowing of ſuch offence, to forfeit the ſaid Ships or Veſſels, with all their apparel and furniture to them and every of them belonging; (4) and the Maſter and Mariners knowing of ſuch offence, to forfeit all their goods and chattels, and to have impriſonment by the ſpace of one year without Bail or Mainpriſe; (5) the one moiety of all which forfeitures to be to the Queens Majeſty, her Heirs and Succeſſors, the other moiety to him or them that will ſue for the ſame, by action of debt or information in any Court of Record; in which ſuit, no protection nor wager of Law ſhall be admitted.

By what means the Maſter or Owner of a Ship or Mariner may eſcape the penalty aforeſaid.

III. Provided always, That if any owner of any ſuch Ship or Veſſel, or any Maſter or Mariner knowing any ſuch tranſportation of Leather, Tallow or raw Hides, ſhall within three months next after his knowledge thereof, or after his return into this Realm, give good information *bona fide*, before any of the Barons of the Queen Majeſties Court of the Exchequer, or before the Lord Preſident or Council in the North, or in the Marches of *Wales*, or before the Head-Officer of any Port where he ſhall firſt arrive, upon his or their Oath, of the Number and quantity of Leather, Tallow, raw Hides, ſo carried, conveyed or tranſported, and whom, where and in what Ship or Veſſel, and afterwards ſhall be ready upon reaſonable warning by proceſs, to juſtifie and prove the ſame for the Queens Majeſty, that then ſuch owner or owners, Maſter, Mariner or Mariners, ſhall not forfeit his or their Ship, Veſſel or Veſſels, nor incur the forfeitures aforeſaid; Any thing herein contained to the contrary notwithſtanding.

The Subſidy of Hides Calves-skins, and Tallow tranſported.

IV. And be it further enacted by the authority aforeſaid, That every perſon or perſons whatſoever, that ſhall ſhip or carry any Leather, Tallow or raw Hides, otherwiſe than by force of the ſaid Proviſo made in the ſaid fifth year, into the Parts of beyond the Seas from henceforth, ſhall pay to the Queens Majeſty, her Heirs and Succeſſors for every Hide ſo to be carried by the name of Subſidy, the ſum of Ten ſhillings, (2) and for every dozen of Calveskins, Three ſhillings four pence, (3) and for every hundred pound weight of Tallow, Six ſhillings eight pence.

Cuſtomers, Comptrollers and Farmers ſhall be accomptant for the ſaid Cuſtoms.

V. And further, That Cuſtomers, Comptrollers, Farmors and Superviſors of Cuſtoms and Subſidy ſhall be accomptant to the Queens Majeſty, her Heirs and Succeſſors, to pay the ſaid Cuſtom and Subſidy for all ſuch Goods entred and laden, upon the pains and penalties contained in the Statute made for falſe concealment of Cuſtoms and Subſidy, in the third year of the Reign of King *Henry* the Sixth. St. 14 Car. 2. cap. 7.

CAP. X.

An Act of Addition unto the former Acts for amending and repairing of High-ways.

High-ways 12, &c.

Who, and for what every perſon ſhall be charged toward the amending and maintenance of High-ways.

2 & 3 P&M, 8. 5 El. 13.

WHere in the Parliament holden at *Weſtminſter*, in the ſecond and third year of the Reign of our late Sovereign Lord and Lady King *Philip* and Queen *Mary*, an Act was made and ordained for the amending and repairing of the High-ways:

The charge of each perſon towards the repairing of High-ways, having v. l. in goods, or xl. s. in lands.

II. And whereas there is one other Act made in the fifth year of our Sovereign Lady the Queen that now is, for the better amendment of High-ways, wherein ſome doubts and defects had been: (2) For explanation thereof, and better proviſion hereafter to be made for amendment of High-ways, Be it explained and enacted by the Queens Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That every perſon or perſons (except ſuch as ſhall dwell in the City of *London*) that ſhall be aſſeſſed to the payment of any Subſidy to her Majeſty to Five pounds in Goods, or Fourty ſhillings in Lands, or above, during all ſuch time as he ſhall ſtand ſo aſſeſſed and not altered, and being none of the parties chargeable for the amendment of High-ways, by any former Law, but as a Cottager, ſhall find two able men yearly to labour in the High-ways, at ſuch days and times as by the ſaid ſeveral Statutes are limited and appointed.

The charge of him that hath one plough-

III. And every other that hereafter ſhall occupy a Plough-land in Tillage or Paſture, lying and being in ſeveral Pariſhes, ſhall be chargeable, to the making of the ways within the Pariſh where he dwelleth, as far forth, and in ſuch manner and form as any perſon having a Plough-land in any one Pariſh, is, or ought to be chargeable by reaſon of the ſaid former Statutes or either of them.

land in ſeveral Pariſhes.

IV. And that every perſon or perſons occupying and keeping in his or their hands or poſſeſſion, ſeveral or divers Plough-lands, as aforeſaid, in ſeveral or divers Towns, ſhall be charged to find in each Town or Pariſh (where the Plough-lands, being in his occupying, do lie) one Cart, Wain, Tumbrel, Dungpot or Court, Sleads, Cars or Drag, furniſhed for the amendment and repairing of the High-ways within the ſeveral Pariſhes where the ſaid Plough-lands do lie, in ſuch manner and form, as if he or they were a Pariſhioner dwelling within the Pariſhes where the ſame ſeveral Plough-lands lie.

The charge of him that hath ſeveral plough-lands in ſeveral Pariſhes.

V. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons that ſhall not repair, ditch or ſcour any hayes, fences, ditches or hedges adjoyning to any High-way or common Fairing-way, or ſhall not cut down or keep low all trees and buſhes growing in, or next adjoyning to any the ſaid Ways, according to the true intent and meaning of the above recited Act made in the fifth year of the Queens Majeſties Reign that now is, for every offence committed therein, contrary to the true intent thereof, ſhall forfeit and loſe for every default, Ten ſhillings.

The penalty for not ſcouring ditches, hayes, and fences, or not cutting down of buſhes.

VI. And that all and every perſon or perſons that ſhall accupy any Lands adjoyning to the ſaid ground ſo adjoyning to any ſuch High-way, or common Fairing-way, where any ditching or ſcouring ſhould or ought to be, as aforeſaid, ſhall from time to time, as need ſhall require, ditch and ſcour in his and their ground ſo adjoyning, whereby the water conveyed from the ſaid High-way or common Fairing-way over the ground next adjoyning, may have paſſage over the ſaid ground ſo next adjoyning, upon pain of forfeiture for every time ſo offending, for every rod not ſo ditched and ſcoured, Twelve pence.

VII. And for the better keeping of the High-ways paſſable for her Majeſties people, Be it enacted by the authority aforeſaid, That no perſon or perſons having any ground by Leaſe or otherwiſe, adjoyning to any High-way or common Fairing-way, leading to any Market-town, ſhall caſt or ſcour any ditch, and throw or lay the ſoyl thereof into the High-way, and ſuffer it to lie there by the ſpace of ſix months, to the annoyance of the ſaid High-way or common Fairing-way, upon pain of forfeiture for every load of ſoyl ſo caſt into the High-way or common Fairing-way, in ditching or ſcouring, Twelve pence: (2) And where any heretofore have been ſo caſt into the High-way or common Fairing-way, that there is a bank between the ſaid way and the ditch, it ſhall be lawful for the Surveyors and Workmen, by the Laws and Statutes of this Realm apointed for the amendment of the ſaid ways, to make ſluces and other devices by their diſcretions, to convey the water out of the ſaid way into the ditch; Any Law, Right, Intereſt, Cuſtom or Uſage to the contrary notwithſtanding.

The penalty for caſting of ſoyl into the way.

Making of ſluces to convey the water.

VIII. And that all and every penalty, ſum or ſums of money forfeited for any cauſe within this Statute, ſhall be levied in every Pariſh by the Surveyors of the ways within that Pariſh for the time being, by diſtreſs and ſale of diſtreſs, in manner and form as fines or amerciaments in Leets have been uſed, and the money ſo levied to be employed upon the High-way or common Fairing-way where the offence was committed: (2) And if the Surveyors ſhall not or will not levy and employ the ſame within one year after the offence ſo committed, that then the ſaid ſum or ſums, forfeiture or forfeitures, ſhall be levied in form aforeſaid, by the Conſtables or Church-wardens of the Town or Pariſh where the work ought to be done in the High-ways (as aforeſaid) (3) and that he or they ſo levying any of the ſaid penalties or forfeitures, ſhall make and yield ſuch account appointed in the before recited Statutes, or either of them.

How the forfeitures ariſing by this Statute ſhall be levied and employed.

IX. And be it further enacted by the authority aforeſaid, That all and every Juſtices of Aſſize, Juſtices of Oyer and Terminer, Juſtices of the Peace in the Seſſions, and Stewards of Leets and Lawdays, in their Leets and Lawdays, ſhall hear and determine all and every offence, matter and cauſe that ſhall grow, come or riſe by reaſon of this Statute.

Which Officers may hear and determine the offences aforeſaid.

X. And where the Ferry or Paſſage, called the Kings Ferry, within the Iſle of Shippey, in the County of Kent, before the making of the Statute of the Highways, was uſually repaired and maintained time out of memory of man, at the Charges of the Inhabitants and Land-occupiers within the whole Iſle, by taxation and ſeſſment at one Court or Lawday, time out of mind, yearly holden on the Monday next after the Feaſt of Pentecoſt, at Kingsborow within the ſaid Iſle, in the name of the Queens Majeſty and her Progenitors, only for the maintenance of the ſame Ferry: (2) Be it therefore enacted, That the ſaid Court ſhall be duly kept, in ſuch manner and form as hath been heretofore accuſtomed, (3) and that it ſhall and may be lawful to and for the Jury impanelled, and ſworn at the ſame Court for the time being, by their diſcretions reaſonably to aſſeſs and tax themſelves, and all other the Inhabitants and Land-occupiers of the ſaid Iſle indifferently, according to the rate of Land in every mans occupying, towards the maintenance of the ſaid Ferry and Paſſage, and the ways belonging or leading to the ſame, ſo as no Acre of freſh Marſh and upland be taxed above the rate of a peny in one year, nor of every ten Acres of ſalt Marſh above the rate of a peny in one year: (4) And that all and every thing, profit, benefit and commodity which heretofore hath been given by any perſon or perſons whatſoever, towards the maintenance of the ſaid Paſſage or Ferry, ſhall be had and levied to the maintenance of the ſaid Paſſage or Ferry, (5) and that the Ferry-warden for the time being ſhall have full power and authority to levy, recover, and receive the ſame, and the taxes and aſſeſſments of every perſon and perſons by way of diſtreſs upon the Extreats made out by the Steward of the ſaid Court, as all amerciaments are uſed to be levied that are extreated out of other the Queens Majeſties Leets and Law-days: (6) And that the ſaid Ferry-warden ſhall beſtow the money ſo levied, upon the repairing and maintenance of the ſaid Ferry, Paſſage and Ways, and thereof ſhall give accompt, as they have been accuſtomed, to the Steward of the ſaid Court and Homage, there to be ſworn at the next Law-day following, and all arrearages in his hands remaining, ſhall deliver over to the next Ferry-warden, on pain to forfeit the double of the ſaid arrearages, to be levied as other

By what perſons and means Kings-Ferry in the Iſle of Shippey in Kent, ſhall be repaired.

How freſh and upland Marſh ſhall be taxed, and how ſalt Marſh, by the Acre.

Things given to the maintenance of the Ferry.

The Ferry-warden ſhall beſtow the money upon the repair thereof, and make payment of the arrearages.

pains and amerciaments in the Court aforeſaid aſſeſſed, and to be employed to the maintenance of the ſaid Paſſage or Ferry.

Taxing of the Inhabitants for the repair of the way from Middleton to the Ferry.

XI. And foraſmuch as the uſual High-way, leading from the Market-town called Middleton, to the ſaid Ferry, is preſently in ſuch decay, that neither Man nor Beaſt without great danger, is able to paſs, whatſoever neceſſity ſhould ſuddenly happen for men to repair into or out of the ſaid Iſle, and the Pariſh where the ſame lieth is not able to repair the ſame: (2) Be it therefore further enacted, That it ſhall be lawful from henceforth yearly, during the ſpace of ten years, for three Juſtices of Peace, whereof one to be of the Quorum, next inhabiting to the ſaid Town of Middleton within the ſaid County of Kent, reaſonably to aſſeſs and tax all and every Land-occupiers, dwelling out of the ſaid Iſle, and within four miles diſtant from the ſaid Ferry, as to their diſcretion ſhall ſeem convenient, not exceeding the ſum of one peny upon every Acre of freſh Marſh and upland, in one year, and upon every ten Acres of Salt Marſh, one peny in one year, and to aſſign and appoint ſuch perſon and perſons as they ſhall think meet for the collecting and employing of the ſame upon the ſaid High-ways: (3) and that it ſhall be lawful for the ſaid three Juſtices for the time being, yearly during the ſaid ten years, to take account and reckoning of the ſaid perſon and perſons, touching or concerning the ſaid money ſo to be levied or employed. Stat. 27 El. 24.

CAP. XI.

An Act for explanation of the Statutes Entituled, againſt defeating of Dilapidations, and againſt Leaſes to be made of Spiritual Promotions in ſome reſpects.

Eccleſiaſtical perſons 7. A Leaſe or other conveyance to be made of any Spiritual Living, whereof there is a Leaſe in being, not to be determined within three years, and all bonds and covenants for renewing thereof, ſhall be void, &c. A rehearſal of the Statute of 13 El. 10. touching aſſurances made by Spiritual perſons, of their Lands, Tithes, &c.

Whereas by the Statute made in a Parliament holden at Weſtminſter the ſecond day of April, in the thirteenth year of the Reign of our moſt gracious Sovereign Lady, Entituled, An Act againſt fraudulent Gifts, to the intent to defeat Dilapidations of Eccleſiaſtical Livings, and for Leaſes to be granted by Collegiate Churches, It was amongſt other things enacted by the authority of Parliament, That from thenceforth all Leaſes, Gifts, Grants, Feoffments, Conveyances of Eſtates to be made, had, done or ſuffered (2) by any Maſter and fellows of any College, or by any Dean and Chapter of any Cathedral or Collegiate Church, Maſter or Guardian of any Hoſpital, Parſon, Vicar, or any other having any Spiritual or Eccleſiaſtical Living, or any Houſes, Lands, Tithes, Tenements or other Hereditaments, being any parcel of the Poſſeſſions of any ſuch College, Cathedral Church, Chapter, Hoſpital, Parſonage, Vicarage, or other Spiritual Promotion, or any ways appertaining or belonging to the ſame, or of any of them, to any perſon or perſons, Bodies Politick or Corporate, (3) other then for the term of xxj. years, or three lives, from the time of any ſuch Leaſe or Grant ſhall be made or granted, whereupon the accuſtomed yearly Rent or more ſhall be reſerved, and payable yearly during the ſaid term, (4) ſhall be utterly void and of none effect, to all intents, conſtructions and purpoſes; Any Law, Cuſtom or Uſage to the contrary notwithſtanding, as in the ſaid Act more plainly appeareth:

Practices to defeat the mending of the foreſaid Stat. 1 And. 65 Leaſes by Spiritual perſons of their Lands in Leaſe.

II. Sithence the making of which ſaid Eſtatute, divers of the ſaid Eccleſiaſtical and Spiritual perſons, and others, having Spiritual or Eccleſiaſtical Livings, having from time to time made Leaſes for the term of xxj. years, or three lives, long before the expiration of the former years, contrary to the true meaning and intent of the Statute: (2) Be it therefore enacted by this preſent Parliament, That all Leaſes hereafter to be made by any of the ſaid Eccleſiaſtical, Spiritual or Collegiate perſons or others, of any the ſaid Eccleſiaſtical, Spiritual or Collegiate lands, tenements or hereditaments whereof any former Leaſe for years is in being, not to be expired, ſurrendred or ended within three years next after the making of any ſuch new Leaſe, ſhall be void, fruſtrate and of none effect; Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

A bond or covenant for the renewing of a Leaſe. Moor 789. pl. 1089.

III. And be it likewiſe enacted by the authority aforeſaid, That all and every Bond and Covenant whatſoever hereafter to be made, for renewing or making of any Leaſe or Leaſes, contrary to the true intent of this Act, or of the ſaid Act made in the ſaid xiij. year, ſhall be utterly void; Any Law, Statute, Ordinance or other thing whatſoever to the contrary in any wiſe notwithſtanding.

Leaſes made before this Statute.

IV. Provided always, That this Act, nor any thing therein contained, ſhall extend or be prejudicial to make fruſtrate or void any Leaſe or Leaſes heretofore made by any of the ſaid Spiritual or Eccleſiaſtical perſon or perſons, or any of them, but that the ſame, and every of them are of the like force and effect, as they or any of them were before the making of this preſent Statute; This Act, or any thing therein contained to the contrary notwithſtanding.

Sir Thomas White Founder of St. Johns College in Oxford.

V. And where Sir Thomas White, late Knight and Alderman of London, for advancement of good Learning, hath founded one College in the Univerſity of Oxford, called St. John Baptiſts College, and being ſeiſed of the Manor of Fiſhyde, alias Fifield, in the County of Berks did together with all other his Lands, Tenements and Hereditaments, give and aſſure the ſaid Manor, with all the appurtenances, to the Preſident and Scholars of the ſaid College, for ever: (2) And nevertheleſs, the ſaid Sir Thomas White having then one Ralph White his Brother living, and ſundry Kinſmen, to whom by courſe of the common Law his Lands might have deſcended, did deviſe and order, and by the Statutes which he provided for the ſaid Houſe, and by order of the now Viſitor of the ſaid College, it is ordained, That the ſaid Manor of Fiſhyde, alias Fifield, with the appurtenances, ſhould be demiſed by the ſaid Preſident and Scholars for the time being, to the ſaid Ralph, for the term of xcix. years, if the ſaid Ralph ſhould ſo long live, and ſo it is intended, that from heir-male to heir-male of the ſaid Sir Thomas White, new deviſes ſhould from time to time be made of the ſaid Manor with the appurtenances, to every ſuch heir-male ſucceſſively, for the term of xcix. years, if ſuch heir-male ſhould ſo long live, yielding to the ſaid Preſident and Scholars for the time being, ſuch Rent as now is reſerved, with ſuch further covenants and conditions, as by the ſaid Sir Thomas White or Viſitor is agreed and appointed:

VI. And where ſince the deceaſe of the ſaid Sir Thomas White, the ſaid aſſurances to the ſaid Preſident and Scholars, in all, or the moſt part of the lands, tenements and hereditaments of the ſaid Founder, were found in ſome reſpect unperfect, and inſufficient in Law, and that thereupon the ſaid Ralph White, to whom the advantage of ſuch imperfection came by Law did nevertheleſs take no ſuch advantage, but did willingly make perfect the ſaid aſſurances, according to the true meaning of the ſaid Sir Thomas White his Brother, accepting only one Leaſe of the ſaid Manor, in ſuch ſort by the ſaid Viſitor was appointed, with the Copyholds, and other Appurtenances of the ſaid Manor: (2) For remedy whereof, be it enacted, That the Preſident and Scholars of the ſaid Colledge may from time to time demiſe the ſaid Manor, Copyholds, and other Appurtenances, to every Heir-male of the ſaid Sir Thomas White ſucceſſively, according to the form of Leaſe thereof already made to the ſaid Ralph, and that every ſuch Leaſe ſo to be made, and every Covenant made, or to be made for the performance of the ſame, ſhall be good in Law, as if the ſaid Act made in the ſaid xiij. year had never been had nor made; Any thing in the ſaid Act made in the xiij. year, or any other Act or matter whatſoever to the contrary notwithſtanding.

A Leaſe may be made to Ralph White of the Manor of Fifield, by St. Johns Colledge in Oxford.

VII. And whereas in one other Statute made in the ſaid xiij. year of her Majeſty, entituled, An Act touching Leaſes of Benefices, and other Eccleſiaſtical Livings with Cure, one clauſe is contained, That the Incumbent offending the purport of the ſaid Statute, ſhall for the ſame loſe one years profit of his ſaid Benefice, to be diſtributed by the Ordinary among the poor of the Pariſh, as by the ſaid branch in the ſaid laſt recited Statute appeareth: (2) Be it therefore enacted by the authority aforeſaid, That after complaint made to the Ordinary, and ſentence given upon any offence committed by the Incumbent, whereby he ſhall or ought to loſe one years profit of his Benefice, as aforeſhewed, that the Ordinary within two months after ſuch ſentence given, and requeſt to him made by the Church-wardens of the ſaid Pariſh, or one of them, ſhall grant the ſequeſtration of ſuch profits, to ſuch Inhabitant or Inhabitants within the Pariſh where ſuch Benefice ſhall be, as to him ſhall ſeem meet and convenient; (3) and upon default therein by the Ordinary, that it may and ſhall be lawful to every Pariſhioner where the Benefice is, to retain and keep his or their Tithes, and likewiſe for the Church-wardens of the ſaid Pariſh, to enter and take the profits of the Glebe-lands, and other Rents and Duties of every ſuch Benefice, to be employed to the uſe of the poor, as aforeſaid, until ſuch time as Sequeſtration ſhall be committed by the Ordinary, and then as well the Church-wardens as Pariſhioners, to yield account of, and make payment to him or them to whom ſuch Sequeſtration ſhall be committed; (4) and that he or they to whom ſuch Sequeſtration ſhall be committed from time to time, ſhall juſtly and truly employ and beſtow the ſaid Profits, or the true and juſt value thereof, without fraud or guile, to ſuch uſes as by the ſaid Statute is limited and appointed, (5) upon pain of forfeiture of the double value of ſuch withholden Profits, to be recovered in the Eccleſiaſtical Court by the poor of the ſaid Pariſh. Co. l. 4. 120. Co. Inſt. 44.

13 El. 20.

In what caſe ſequeſtration may be granted by the Ordinary, of a Benefice demiſed contrary to the Statute of 13 El. 20.

In what caſe the Pariſhioners may retain the tithes.

CAP. XII.

An Act for trial of Niſi prius in the County of Middleſex.

Whereas heretofore all Iſſues joyned in any of the Courts of Record at Weſtminſter, triable in the County of Middleſex, have been uſually tried at the Bars in the ſaid Courts in Weſtminſter: (2) And whereas a great number of Actions have of late years been brought in the ſaid County of Middleſex, for ſpeedineſs of trial, and that for ſmall cauſes, (3) by reaſon whereof, the Judges of the ſame Courts have not only been letted and hindred, in their proceedings in matters of great weight depending before them, by demurrer or otherwiſe, to the great delay of Juſtice, and an occaſion of great expences and charges of a number of the Queens Majeſties moſt loving Subjects, but alſo to the trouble and charge of the Free-holders of the ſaid County, who are compelled to give daily attendance at the ſeveral Bars of the ſame ſeveral Courts, for the trial of the ſaid Iſſues: (4) For reformation whereof, Be it enacted by the Queens moſt excellent Majeſty, our Sovereign Lady, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from henceforth the Chief Juſtice of England for the time being, upon Iſſues joyned or to be joyned in the Court called the Kings Bench, or in the Court of Chancery, the Chief Juſtice of the Common Pleas for the time being, upon Iſſues joyned or to be joyned in the Court of Common Pleas, and the Chief Baron of the Exchequer for the time being, upon Iſſues joyned or to be joyned in the Court of the Exchequer, (5) or in the abſence or default of any of them, two other Judges or Barons of the ſame ſeveral Courts where it ſhall happen either of the ſame Chief Juſtices, or the Chief Baron for the time being, to be abſent, (6) ſhall or may at their diſcretions, within the ſaid Hall called Weſtminſter-Hall in Weſtminſter, or in the place where the Court of Exchequer is commonly kept in the ſaid County of Middleſex, as Juſtices of Niſi prius for the ſaid County of Middleſex, within the term-time, or within four days next after the end of every or any Term, ſeverally try all manner of Iſſues joyned or to be joyned in any of the ſaid ſeveral Courts, which by the ordinary courſe of the Laws of the Realm, ought to be tried in any of the ſaid Courts by an Inqueſt of the ſaid County of Middleſex: (7) And that Commiſſions and Writs of Niſi prius ſhall be awarded in ſuch caſes, and in ſuch form as they are or have been uſed in any other Shire of this Realm: (8) And that it ſhall be lawful for any perſon or perſons from henceforth, upon reaſonable warning given to the adverſe party, or his or their Attorney, as hath been accuſtomed in ſuch like caſes, to take or ſue forth Writs and Records of Niſi prius, for the trial of the ſaid Iſſues in the ſaid County of Middleſex, as they may do upon any Iſſue joyned, triable in any other County, (9) and thereupon take the Jury in ſuch manner and form, and with awarding of Tales de Circumſtantibus, and awarding the Non-ſuit, as is uſed for the trial of Iſſues joyned, or Non-ſuits to be awarded in the ſaid Courts, or any of them, triable within the City of London, or within any other County of this Realm of England: (10) And that the Sheriffs of the ſaid County of Middleſex for the time being, ſhall make return of all Writs of Niſi prius which ſhall be delivered to them, or to their, or any of their ſufficient Deputy for the time being, before the ſaid Judges, Baron or Barons, and every of them, and ſhall give their

Niſi prius 4. Raſt. 9.

Iſſues joyned in the Chancery, Kings Bench, Common Pleas or Exchequer, may be tried by Niſi prius in Weſtminſter-Hall.

The Sheriff of Middleſex his attendance.

attendance

The Jurors and parties witneſſes bound by the trial.

attendance upon the ſaid Juſtices, Baron and Barons, as well for the returning of ſuch Tales as ſhall be prayed de Circumſtantibus, for the trying of the ſaid Iſſues, as for the doing and executing of all other thing and things to the Office of Sheriff in ſuch caſe belonging and appertaining: (11) And that all perſons to be impanelled in ſuch Juries, and the parties to the ſame Iſſues and Suits, and the witneſſes for the ſame, ſhall be charged and bound in ſuch and the like ſort, and upon like pains and penalties, for their not appearance and attendance, or for their, or any of their miſdemeanour or default before the ſaid Juſtices of Niſi prius, as they ſhould have been, if the ſame Iſſue had been tried in the Court from whence the Niſi prius thereof was awarded: (12) All which ſeveral trials ſo to be had before the ſaid ſeveral Juſtices, Baron or Barons, ſhall by authority of this preſent Parliament, ſtand and be as good and available in Law, as if the ſame had been tried in the Term-time, at the Bar in the Court where ſuch Iſſue was joyned or triable; Any Law, Uſage or Cuſtom heretofore made, uſed or accuſtomed to the contrary hereof in any wiſe notwithſtanding.

C A P. XIII.

Office 7.

An Act concerning Officers found within the Counties Palatines.

C A P. XIV.

An Act for reformation of Jeofails.

Jeofails 2. Attorney 13 After Verdict given in a Court of Record, there ſhall be no ſtay of Judment, or reſerving thereof for want of form, falſe Latine, variance, &c. when an Attorney ſhall deliver his Warrant of Record.

Hob. 49. 64, 72. Jones 324.

BE it enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any verdict of twelve men or more ſhall be given in any action, ſuit, bill, plaint, or demand, in any Court of Record, the Judgment thereupon ſhall not be ſtayed or reverſed by reaſon of any default in form, or lack of form, touching falſe Latine, or variance from the Regiſter, or other defaults in form, in any Writ original or judicial, count, declaration, plaint, bill, ſuit or demand, or for want of any Writ Original, or judicial, or by reaſon of any imperfect or inſufficient return of any Sheriff or other Officer, or for want of any Warrant of Attorney, or by reaſon of any manner of default in proceſs, upon or after any aid prier or voucher, nor any ſuch Record or Judgment after Verdict to be given hereafter, ſhall be reverſed for any the defects or cauſes aforeſaid; Any Law, Statute or Uſage to the contrary notwithſtanding.

Co. l. 5. f. 35, 36, 37, 41, 4 l. 8. f. 163. Cro. El. 57. Pl. 6. 339. 57 Cro. Jac. 1 236, 674. Cro. Car. 9 223, 278, 28 295. Hob. 38.

1 Bulſt. 130, 152. 2 Bulſt. 67. 3 Bulſt. 278, 224, 228, 301. Moor 402. pl. 535. Moor 465. pl. 657. 1 Leon. 30, 75, 329 2 Leon. 74. Hetley 123. March 121. Hull. 92 Savil 37, 130. 1 Roll 22, 295, 338, 417. 2 Roll 87, 124, 161, 168, 247, 255, 285, 382. Godbolt 107. pl. 137. Goldsb. 126, 188.

To what things this Statute ſhall not extend.

Dyer 6. 130 182.

II. Provided always, and be it further enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend to any writ, declaration, or ſuit of appeal of felony or murder, nor to any Indictment, or preſentment of felony, murder, treaſon or other matter, nor to any proceſs upon any of them, nor to any writ, bill, action or information upon any popular or penal Statute; Any thing aforeſaid to the contrary notwithſtanding.

When an Attorney ſhall enter his Warrant of Record.

III. Provided alſo, and be it enacted by the authority aforeſaid, That all Attorneys in any ſuit or action in any Court of Record, ſhall deliver in the Warant of Attorneys in ſuch action or ſuit, wherein they be named Attorneys, to be entred or filed of Record, in ſuch manner and form as heretofore by the Law or Statutes in that behalf made they ſhould or ought to have done, upon pain to forfeit ten pounds for every ſuch offence: the one moiety thereof to be to the Queens Majeſty, her Heirs and Succeſſors, and the other moiety to ſuch Officer or Officers to whom, or in whoſe Office the ſame Warrant ſhould be delivered, entred or filed, and to ſuffer impriſonment by the diſcretion of the Juſtices of the Court for the time being, where any ſuch default ſhall fortune to be had or made, the ſaid Ten pounds to be recovered by Action of Debt, Bill or Information, in which no Eſſoin, Protection or Wager of of Law ſhall be allowed. St. 32 H. 8. 30. 2 Ed. 6. 32. 21 Jac. 13.

C A P. XV.

An Act for reformation of abuſes in Goldſmiths.

Gold 10. A Goldſmith ſhall ſet his mark to his Ware: of what fineneſs his Wares of Gold and Silver ſhall be of.

WHere certain evil diſpoſed Goldſmiths deceitfully do make and ſell Plate, and other Gold and Silver Wares, to the great defrauding of her Majeſty, and her good Subjects: (2) For remedy whereof, Be it enacted by the authority of this preſent Parliament, That no Goldſmith, from the twentieth day of April next coming, ſhall work, ſell, exchange, or cauſe to be wrought, ſold or exchanged, any Plate or other Goldſmiths Ware of Gold, leſs in fineneſs then that of two and twenty Carrects, and that he uſe no ſother, amell, or other ſtuffings whatſoever, in any of their works, more then is neceſſary for the finiſhing of the ſame, (3) and that they take not above the rate of Twelve pence for the ounce of Gold (beſides the faſhion) more then the buyer ſhall or may be allowed for the ſame at the Queens Exchange or Mint, upon pain to forfeit the value of the thing ſo ſold or exchanged: (4) and that from the ſaid twentieth day of April, no Goldſmith ſhall make, ſell or exchange in any place within this Realm, any Plate or Goldſmiths Wares of Silver, leſs in fineneſs then that of eleven ounces two peny weight, (5) nor take above the rate of Twelve pence for every pound weight of Plate or Wares of Silver, beſides the Faſhion, more then the buyer ſhall or may be allowed for the ſame at the Queens Exhange or Mint, (6) nor put to ſale, exchange or ſell any Plate or Goldſmiths Work of Silver, before he hath ſet his own Mark to ſo much thereof as conveniently may bear the ſame, (7) upon pain to forfeit the value of the thing ſo ſold or exchanged. (8) And if any Goldſmith ſhall make any Goldſmiths Work or Plate, and the ſame after the ſaid twentieth day of April ſhall be touched, marked and allowed for good, by the Wardens or Maſters of that Myſtery, and if in the ſame there ſhall be found any falſhood or deceit; then the Wardens and Corporation of that Myſtery for the time being, ſhall forfeit and pay the value of the thing ſo exchanged or ſold; (9) the one moiety of all which forfeitures ſhall be to the uſe of the Queens Majeſty, and the other moiety to the uſe of ſuch party grieved and ſuſtaining loſs thereby, as will ſue for the ſame in any Court of Record, by Action, Bill, Plaint, Information or otherwiſe, wherein no Eſſoin, Protection or Wager of Law ſhall be admitted for the Defendant.

The fineneſs of ſilver plate, and what the Goldſmith ſhall take more then the buyer ſhall have for it at the Mint. St. 17 Ed. 3. 7. 2 H. 6. 14.

The penalty if falſhood be found in plate or work marked by the Wardens of the Goldſmiths. 17 Ed. 4. 1.

CAP. XVI.

Perſons dwelling in the Counties of Somerſet, Glouceſter and Wilts, out of Corporate Towns, may make Clothes notwithſtanding the Statute of 4 & 5 P. & M. 5. &c. Rep. 21 Jac. 28.

Drapery 80. &c.

CAP. XVII.

The morrow after the Quarter Seſſions holden next after Eaſter in Kent, the Wardens and Commonalty of the Lands contributary to Rocheſter Bridge, ſhall for ever aſſemble at the Caſtle of Rocheſter, and there Elect by the moſt Voices, two perſons of the ſame Commonalty to be Wardens of the ſaid Bridge, and twelve perſons of the ſame Commonalty to be Aſſiſtants to the ſaid two Wardens, for one year after the Feaſt of Pentecoſt then following: And the two Wardens ſo choſen, ſhall do their endeavour that year to benefit the ſaid Bridge; and ſhall receive the Fines, Rents and Revenues of the Lands belonging to the Bridge, and of all Contribution-money payable to the uſe of the ſame Bridge, and ſhall anſwer and pay out of the ſame, as cauſe ſhall require. The new Wardens ſhall be bound to the former Wardens to make an Account. The old Wardens ſhall account the Thurſday in Whitſun-week. The Wardens and Aſſiſtants ſhall ſubſcribe to all Leaſes made of the Bridges Lands: which Leaſes ſhall be made but of ſuch effect as Tenant in Tail may do by the Statute of 32 H. 8. 28. and for no Fines. And every ſeven year there ſhall be made a Terrar of the Lands Leaſed. No owners or Tenants of Lands contributary to the manitenance of the ſaid Bridge ſhall be Aſſeſſed to pay towards the maintenance thereof, but only when the Rents or Profits of the Lands belonging to the ſame be not ſufficient.

Bridges, Raſt. 4.

CAP. XVIII.

The County of Glouceſter and the County of Monmouth ſhall for ever be chargeable for the maintenance, repairing and new making of Chepſtow Bridge, as often as need ſhall require, viz. either of them for ſuch part and moiety as lieth in the middle of the Stream of the Water of Wye, on the ſides of the Lordſhips of Chepſtow and Tydenham: And for the Aſſeſſment, Collection and Employing of the Money thereupon to be ſpent, ſuch order ſhall be obſerved as is appointed by the Statute of 22 H. 8. 5. Rep. 2 Jac. 23.

Ibid. 2.

CAP. XIX.

Every perſon which ſhall be immediate Owner, Landlord, or Terre-tenant of any Houſe, Lands or Tenements within the City of Chicheſter, in Fee-ſimple, Fee-tail, for life or years, ſhall from time to time, or by the Aſſignment of the Mayor of the City, cauſe to be Paved with good Paving-Stones, along, from and againſt his Houſe, Lands, &c. adjoyning to the Street, ſo much of the ſaid Street as in length to the Channel, upon pain of forſeiture of Three ſhillings four pence for every yard ſquare not Paved. The Leſſees for years, or at will, may defaulk ſo much of their Lords Rent, as they ſhall beſtow in ſuch Paving, unleſs they ſhall otherwiſe covenant. PR.

Paving, Raſt. 7.

CAP. XX.

An Act for the repairing and amending of the Bridges and High-ways near unto the city of Oxford.

Foraſmuch as your Highneſſes Univerſity and City of Oxford hath received from your Highneſs, and your noble Progenitors, great priviledges and prerogatives, as alſo the inhabitants and dwellers within the compas and precinct of five miles thereunto adjoyning, as chiefly by a Statute made in the ſecond and third year of King Philip and Queen Mary, entituled, An Act that no Purveyor ſhould take any Grain, Corn, or other Victual within the compaſs or precinct of five miles of the ſaid City; and in the thirteenth year of your Majeſties Reign, hath been renewed and enlarged: (2) By means whereof, the inhabitants aforeſaid, not only to themſelves, but to their poſterity, by the markets of your ſaid City, is like to reap much gain, profit commodity and advantage, by utterance of their Corn, Grain, and Victual: ſaving that the Ways, Bridges and Paſſages leading from your Highneſs Manors, and other places of this Realm, to your Highneſſes City, (being for the moſt part Water works) within theſe two years by force of Waters are ſo decayed, faln down and not repaired that your Highneſs and Subjects, with your and their Carriage, travelling that way as other travailing out of all parts of this Realm, are much annoyed and incumbred, and the inhabitants there are not able, without great danger, to travail or repair unto the ſaid City, or bring to the Markets their Corn, Grain, Victual or other Neceſſaries, to the great hurt of the ſaid City, as dearth like to enſue within the Univerſity and City.

Bridges, Raſt.

2 & 3 P.& M. 15.

13 El. 2. 1.

The ways near Oxford decayed, and the Inhabitants not able to repair them.

II. May it therefore pleaſe your Highneſs, that it may be enacted by this preſent Parliament, That every perſon and perſons reſiant, dwelling or inhabiting within the compaſs, Circuit or Precinct of five miles of your Highneſs Univerſity and City of Oxford, or Franchiſes of the ſame, having in his or their hands or occupation, to the uſe of himſelf or any other the quantity of one yard land or upward, in Tillage, Paſture or other Ground; or having, keeping, uſing or Occupying as Draught-Cart, Plough or Wayn, at his or their own proper coſts and charges, ſhall find and ſend, or cauſe to be found and ſent, for and to the mending, repairing and up-building of the decayed Bridges, Ways and Paſſages ſituate, lying and being within one mile of the ſaid City of Oxford, for every yard-land, one Wayn or Draught-Cart, furniſhed after the cuſtom of the Countrey, with Oxen, Horſe and other Cattel, with all other Neceſſaries meet and convenient to carry things for ſuch manner of purpoſe, with able men to load and unload the ſame Draught-Cart, or Wayn: (2) And every other Houſholder, Cottager or Labourer dwelling or inhabiting within the aforeſaid compaſs, Precinct or Circuit, (being no hired Servant) ſhall by his or their ſelves, or other ſufficient Labourer, having with them ſufficient Tools, at their like proper coſts and charges, find and ſend, in and to the mending, repairing and building of the decayed Bridges, Ways, Cawſeys and Paſſages, one ſufficient Man or Labourer, to work and labour in and upon the aforeſaid decayed Premiſſes: (3) And that every perſon or perſons that by the meaning of this Act is chargeable with Cart, Carriage, Work or Labour, ſhall by the commandment or commandments of certain Supervisors hereafter to be appointed and nominated by the Vicechancellor and Mayor, with other Juſtices of the Univerſity and City of Oxford for the time being, by the ſpace of ſix whole days, ſhall do their Carriages, keep their Work, fetch their Carriages, and do their Labour, at ſuch Place or Places, and in ſuch Works, as to them or any of them ſhall be nominated and appointed: (4) And upon pain that every perſon or perſons making default abovesaid, for every days default, or any part thereof, ſhall loſe and forfeit Five ſhillings, to be levied and employed only to the mending of the ſaid Bridges and Cauſeys.

How they that have land, meadow or paſture in occupation next to Oxford, ſhall be charged towards the repair of the ways there. Alt. 35 El. 7.

The Cottagers and Labourers charge.

The forfeitures of them which make default.

III. And that it ſhall be lawful to and for the aforeſaid Superviſors for the time being, for the more ſpeedy amendment of the aforeſaid decays, in ſuch place and places as by the diſcretion of the Vicechancellor, Mayor or Superviſors, ſhall be thought neceſſary, to dig or cauſe to be digged, within the ſeveral Grounds of any perſon or perſons, for Gravel, Sand, Rubbiſh, Stone or Cinders, and other things, according to the Statute made in the ſecond and third year of King Philip and Queen Mary for Highways: (2) And that the aforeſaid ſix days

Digging of gravel, ſand, rubbiſh or ſtone in other mens grounds. 2 & 3 P. & M. 8.

Carriages, Works, or Labours, according to the true meaning, intent and purport of this preſent Act, ſhall be done, finiſhed and performed, by all manner of perſon or perſons by this Act chargeable, between the Feaſt of St. John Baptiſt next after this preſent Seſſion of Parliament, and the Feaſt of All Saints, next after that: (3) And upon twelve days warning given, or ſent in writing from the Vicechancellor and Mayor of the City of Oxford for the time being, or from either of them, to the Conſtable or other Officer, of any Borough, Pariſh, Head-Officer or Governour of every other Place whatſoever, that by this Act ought to ſerve.

Diſtreſs for default of payment of the forfeiture.

IV. And for the performance of this Act, be it enacted, That if any perſon or perſons ſhall make any default as is aforeſaid, having not made any manner of reaſonable compoſition or agreement for the ſame default, that then it ſhall be lawful for the Vicechancellor and Mayor of the City of Oxford for the time being, or other their Officers appointed, to diſtrain within any of the Boroughs, Towns, Pariſhes or other places where ſuch perſon or perſons dwelleth that maketh default, or refuſeth, (2) and the ſame diſtreſs to lead, drive and carry away, and the ſame to withhold till they and every of them have, or ſhall pay the forfeitures limited and appointed in this preſent Act, as alſo the charges of keeping ſuch diſtreſs ſo taken.

V. Provided always, and be it enacted, that this Act ſhall endure for the ſpace of ſeven years next enſuing the end of this preſent Parliament, and from thence to the end of the Parliament then next following, and no longer. 3 Car. 4. continued until the end of the firſt Seſſion of the next Parliament.

CAP. XXI.

Towns, Raſt 7.

It ſhall be lawful for every perſon to buy and ſell within the Borough of New-woodſtock in the County of Oxford, all manner of Wools and Yarns brought into the ſaid Borough, upon the uſual Market and Fair-days, and the ſame to uſe and employ to their beſt profit. PR.

CAP. XXII.

Taxes, Raſt. 37.

The confirmation of a Subſidy of Six ſhillings in the Pound granted to the Queen by the Clergy, to be paid in three years. EXP.

CAP. XXIII.

Ibid. 37.

Two Fifteens aud Tenths, and one Subſidy granted to the Queen by the Temporalty. EXP.

CAP XXIV.

Pardon, Raſt. 49.

A confirmation by Parliament, of the Queens free and general Pardon. EXP.

Anno viceſimo tertio Reginæ ELIZABETHÆ.

AT this preſent Seſſion of Parliament by Prorogation holden at Weſtminſter, the Sixteenth day of January in the Three and twentieth year of the Reign of our moſt gracious Sovereign Lady Elizabeth, by the Grace of God, of England, France and Ireland, Queen, Defender of the Faith, &c. And there continued until the Eighteenth of March following; To the high pleaſure of Almighty God, and the weal-publick of this Realm, were Enacted as followeth.

CAP. I.

An Act to retain the Queens Majeſties Subjects in their due Obedience.

Rome 7. Sacraments 11 Recuſants 1. 13 Eliz. 2.

3 Inſt. 19

WHere ſithence the Statute made in the thirteenth year of the Reign of the Queen our Sovereign Lady, Entituled, An Act againſt the bringing in, and putting in execution of Bulls, Writings and Inſtruments, and other Superſtitious things from the See of Rome, divers evil affected perſons have practiſed, contrary to the meaning of the ſaid Statute, by other means then by Bulls or Inſtruments, Written or Printed, to withdraw divers the Queens Majeſties Subjects from their natural Obedience to her Majeſty, to obey the ſaid uſurped authority of Rome, and in reſpect of the ſame, to perſwade great numbers to withdraw their due obedience from her Majeſties Laws, eſtabliſhed for the due Service of Almighty God:

Treaſon to withdraw any from the Religion eſtabliſhed, to the Romiſh Religion. St. 3 Jac. 4. 1 Leond. 239.

II. For reformation whereof, and to declare the true meaning of the ſaid Law, be it declared and enacted by the authority of this preſent Parliament, That all perſons whatſoever, which have or ſhall have, or ſhall pretend to have power, or ſhall by any ways or means put in practice to abſolve, perſwade, or withdraw any of the Queens Majeſties Subjects, or any within her Highneſs Realms and Dominions, from their natural obedience to her Majeſty: (2) or to withdraw them for that intent from the Religion now by her Highneſs Authority eſtabliſhed within her Highneſs Dominions, to the Romiſh Religion, (3) or to move them or any of them, to promiſe any Obedience to any pretended Authority of the See of Rome, or of any other Prince, State or Potentate, to be had or uſed within her Dominions, (4) or ſhall do any overt act to that intent and purpoſe, and every of them, ſhall be to all intents adjudged to be Traytors, and being thereof lawfully convicted, ſhall have Judgment, ſuffer and forfeit as in caſe of High Treaſon. (5) And if any perſon ſhall after the end of this Seſſion of Parliament, by any means be willingly abſolved or withdrawn as aforeſaid, or willingly be reconciled, or ſhall promiſe any Obedience to any ſuch pretended Authority, Prince, State or Potentate as is aforeſaid, that then every ſuch perſon, their Procurers and Counſellers thereunto, being thereof lawfully convicted, ſhall be taken, tried and judged, and ſhall ſuffer and forfeit as in caſes of High Treaſon.

It ſhall be treaſon to be reconciled or withdrawn to the Romiſh Religion.

The penalty of Aiders, Maintainers, and Concealers.

III. And be it likewiſe enacted and declared, That all and every perſon and perſons that ſhall wittingly be aiders or maintainers of ſuch perſons ſo offending as is above expreſſed, or of any of them knowing the ſame, or which ſhall conceal any offence as aforeſaid, and ſhall not within twenty days at the furtheſt, after ſuch perſons knowledge of ſuch offence, diſcloſe the ſame to ſome Juſtice of Peace, or other higher Officer, ſhall be taken, tried and judged, and ſhall ſuffer and forfeit as offenders in miſpriſion of Treaſon.

The forfeiture for ſaying or hearing of Maſs.

IV. And be it likewiſe enacted, That every perſon which ſhall ſay or ſing Maſs, being thereof lawfully convicted, ſhall forfeit the ſum of Two hundred marks, and be committed to priſon in the next Goal, there to remain by the ſpace of one year, and from thenceforth till he have paid the ſaid ſum of Two hundred marks: (2) And that every perſon which ſhall willingly hear Maſs, ſhall forfeit the ſum of One hundred marks, and ſuffer impriſonment for a year.

The penalty for not coming to the Church by the ſpace of

Hob. 97. 206. Co. l. 11. f. 56. Cro. Jac. 12 Co. 131. 1 Roll

V. Be it alſo further enacted by the authority aforeſaid, That every perſon above the age of ſixteen years, which ſhall not repair to ſome Church, Chappel, or uſual place of Common Prayer, but forbear the ſame, contrary to the tenour of a Statute made in the firſt year of her Majeſties Reign, for Uniformity of Common Prayer, and being thereof lawfully convicted, ſhall forfeit to the Queens Majeſty for every month after the end of this Seſſion of Parliament which he or ſhe ſhall ſo forbear, Twenty pounds of lawful Engliſh money; (2) and that over and beſides the ſaid forfeitures, every perſon ſo forbearing, by the ſpace of twelve months as aforeſaid, ſhall for his or her obſtinacy, after Certificate thereof in Writing made into the Court commonly called the Kings Bench, by the Ordinary of the Dioceſs, a Juſtice of Aſſiſe and Gaol-delivery, or a Juſtice of Peace of the County where ſuch Offendor ſhall dwell or be, be bound with two ſufficient Sureties in the ſum of Two hundred pounds at leaſt, to the good behaviour, (3) and ſo to continue bound, until ſuch time as the perſons ſo bound do conform themſelves and come to the Church, according to the true meaning of the ſaid Statute made in the ſaid firſt year of the Queens Majeſties Reign. 2 Bulſtr. 324. 3 Bulſtr. 87.

a month, according to the Stat. 1 El. 2. Stat. 29. Eliz. 6. 35 Eliz. 1. 1 Jac. 4. 3 Jac. 4. 5. Hob 127. 1 Leond. 241. 2 Leond. 5. 1 Anderſ. 138.

VI. And be it further enacted, That if any perſon or perſons, body politick or corporate, after the Feaſt of Pentecoſt next coming, ſhall keep or maintain any School-maſter which ſhall not repair to Church as is aforeſaid, or be allowed by the Biſhop or Ordinary of the Dioceſs where ſuch School-maſter ſhall be ſo kept, ſhall forfeit and loſe for every month ſo keeping him, Ten pounds.

The forfeiture for keeping of a Schoolmaſter not repairing to the Church, or be allowed by the Ordinary. 1 Jac. 4.

VII. (Provided, That no ſuch Ordinary, or their Miniſters, ſhall take any thing for the ſaid allowance.) (2) And ſuch School-maſter or Teacher, preſuming to teach contrary to this Act, and being thereof lawfully convict, ſhall be diſabled to be a Teacher of Youth, and ſhall ſuffer impriſonment without bail or mainprize for one year.

VIII. And be it likewiſe enacted, That all and every offences againſt this Act, or againſt the Acts of the firſt, fifth, or thirteenth years of her Majeſties Reign, touching acknowledging of her Majeſties Supream Government in cauſes Eccleſiaſtical, or other matters touching the Service of God, or coming to Church, or eſtabliſhment of true Religion in this Realm, ſhall and may be enquirable, as well before Juſtices of Peace, as other Juſtices named in the ſame Statutes, within one year and a day after every ſuch offence committed; Any thing in this Act, or in any other Act to the contrary notwithſtanding.

Which Juſtices may enquire of offences done againſt the Statute of 1 Eliz. 1. 5 Eliz. 1. 23 Eliz. 2.

IX. Be it likewiſe enacted, That the Juſtices of Oyer and Terminer, and Juſtiſes of Aſſiſe, and of Gaol-delivery, in their ſeveral limits, ſhall have power to enquire, hear and determine of all offences againſt this Statute: (2) And Juſtices of Peace in their open Quarter Seſſions of Peace, ſhall have power by virtue of this Act to enquire, hear and determine of all offences againſt this Act (except Treaſon, and miſpriſion of Treaſon.)

29 Eliz. 6.

X. Provided alway, That every perſon guilty of any offence againſt this Statute, other then Treaſon, and miſpriſion of Treaſon, which ſhall before he be thereof indicted, or at his arraignment or tryal before judgment, ſubmit and conform himſelf before the Biſhop of the Dioceſs where he ſhall be reſident, or before the Juſtices where he ſhall be indicted, arraigned or tried, (having not before made like ſubmiſſion at any his tryal, being indicted for his firſt like offence) ſhall upon his recognition of ſuch ſubmiſſion in open Aſſiſes or Seſſions of the County where ſuch perſon ſhall be reſident, be diſcharged of all and every the ſaid offences againſt this Act (except Treaſon and miſpriſion of Treaſon) and of all pains and forfeitures for the ſame.

A remedy for a guilty perſon conforming himſelf. Co. pla. fo. 569. St. 29 Eliz. 6.

XI. And be it likewiſe enacted, That all forfeitures of any ſums of money limited by this Act ſhall be divided in three equal parts, whereof one third part ſhall be to the Queens Majeſty to her own uſe, one other third part to the Queens Majeſty, for relief of the poor in the Pariſh where the offence ſhall be committed, to be delivered by Warrant to the principal Officers in the Receipt of the Exchequer without further Warrant from her Majeſty, and the other third part to ſuch perſon as will ſue for the ſame in any Court of Record, by Action of Debt, Bill, Plaint or Information; in which Suit, no Eſſoin, Protection, or Wager of Law ſhall be allowed. (2) And that every perſon which ſhall forfeit any ſums of money by virtue of this Act, and ſhall not be able, or ſhall fail to pay the ſame within three months after Judgment thereof given, ſhall be committed to priſon, there to remain until he have paid the ſaid ſums, or conform himſelf to go to Church, and there do as is aforeſaid.

Who ſhall have the money forfeited by this Statute.

He ſhall be impriſoned that is not able, or doth not pay the forfeiture.

XII. Provided alſo, That every perſon which uſually on the Sunday ſhall have in his or her houſe Divine Service which is eſtabliſhed by the Law of this Realm, and be thereat himſelf or her ſelf uſually or moſt commonly preſent, and ſhall not obſtinately refuſe to come to Church, and there to do as is aforeſaid, and ſhall alſo four times in the year at the leaſt be preſent at the Divine Service in the Church of the Pariſh where he or ſhe ſhall be reſident, or in ſome other common Church, or ſuch Chappel of eaſe, ſhall not incur any pain or penalty limited by this Act for not repairing to Church.

Service in a mans private houſe.

XIII. And be it likewiſe enacted and declared, That every grant, Conveyance, Bond, Judgment and execution had or made ſince the beginning of this Seſſion of Parliament, or hereafter to be had or made, of covenous purpoſe to defraud any Intereſt, Right or Title, that may or ought to grow to the Queen, or to any other perſon, by means of any Conviction or judgment by virtue of this Statute, or of the ſaid Statute of the ſaid thirteenth year, ſhall be, and be adjudged to be utterly void againſt the Queen, and againſt ſuch as ſhall ſue for any part of the ſaid penalties in form aforeſaid.

Fraudulent aſſurances to defeat forfeitures. 2 Leond. 132. Moor 523. pl. 691.

XIV. Provided always, That if any Peer of this Realm ſhall happen to be indicted of any offence made Treaſon or miſpriſion of Treaſon by this Act, he ſhall have his trial by his Peers, as in other like caſes is accuſtomed.

Tryal of a Peer by his Peers. 29 Eliz. 6.

XV. Provided alſo, That neither this Act, nor any thing therein contained, ſhall extend to take away or abridge the authority or juriſdiction of the Eccleſiaſtical Cenſures for any cauſe or matter, but that the Archbiſhops and Biſhops, and other the Eccleſiaſtical Judges may do and proceed, as before the making of this Act they lawfully did or might have done; Any thing in this Act to the contrary notwithſtanding. Stat. 5 Eliz. 1.

Eccleſiaſtical Cenſures.

CAP. II.

News, Raſt. 6. 3 Inſt. 6. Savil. 49.

If any perſon ſhall adviſedly and with a malicious intent, of his own imagination, ſpeak any falſe and ſlanderous News or Tales againſt the Queen that now is, then he ſhall have both his ears cut off, except he pay two hundred pounds to the Queens uſe in the Exchequer within two months after Judgment: And if he ſpeak ſuch ſlanderous News of the report of any other, he ſhall have one of his ears cut off, except he pay Two hundred Marks, &c. And if any perſon once convict, ſhall offend again, it ſhall be adjudged Felony. And if any perſon within this Realm or without, ſhall deviſe, write, print, or ſet forth any Book, Rime, Ballad, Letter or Writing, containing any falſe, ſeditious and ſlanderous matter, to the defamation of the Queen; or to the ſtirring or moving of any Rebellion: Or ſhall cauſe any ſuch Book, Rime, Writing, &c. to be written, printed or publiſhed: Or ſhall by ſetting of any Figure, caſting of Nativity, or by Calculation, Propheſying, Witchcraft, Conjuration, &c. ſeek to know, and ſhall ſet forth by expreſs words, deeds or writings, how long the Queen ſhall live: Or who ſhall Reign as King or Queen after her deceaſe: Or ſhall utter any Propheſies to any ſuch intent: Or ſhall wiſh or deſire the death or deprivation of the Queen, or any thing to the ſame effect: Then every ſuch offence ſhall be adjudged Felony. Exp. 1 & 2 P. & M. 9. 1 Eliz. 6.

CAP. III.

An Act for the reformation of Errors in Fines and Recoveries.

Fines 22.

Inrolment of Fines and Recoveries. Hetley 147.

The validity of the Inrolment.

FOr the appeaſing of Suits, the avoiding of falſe practices, deceits, devices and miſdemeanours, and for helping of negligences and miſpriſions of Clerks and Officers, dangerous to the aſſurance of mens Lands and Hereditaments, (2) Be it enacted by the Queens moſt excellent Majeſty our Sovereign Lady, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That every Writ of Covenant, and other Writ, whereupon any Fine heretofore hath been levied, or hereafter ſhall be levied, the return thereof, the Writ of Dedimus poteſtatem, made for the knowledging of any of the ſame Fines, the return thereof, the concord, note and foot of every ſuch Fine, the Proclamations made thereupon, and the Kings Silver: (3) and alſo every Original Writ of Entry in the Poſt, or other Writ, whereupon any common Recovery hath been ſuffered, or hereafter ſhall be ſuffered or paſſed, the Writs of Summon. ad Warrantizandum, the Returns of the ſaid Originals and Writs of Summon. ad Warrantizandum, and every Warrant of Atturney, had or to be had, as well of every Demandant and Tenant, as Vouchee extant and remaining, or that ſhall be extant and in being, (4) may upon the requeſt or election of any perſon, be inrolled in Rolls of Parchment by ſuch perſons, and for ſuch conſiderations, as hereafter in this Act ſhall be mentioned; and that the Inrolments of the ſame, or of any part thereof, ſhall be of as good force and validity in law, to all intents, reſpects and purpoſes, for ſo much of every of them ſo inrolled, as the ſame being extant and remaining, were or ought by Law to be.

For what Errours, Fines and Recoveries are not reverſable.

II. And be it further enacted by the authority aforeſaid, That no Fine, Proclamations upon Fines, or common Recovery heretofore had, levied, ſuffered or paſſed, or hereafter to be had, levied, ſuffered or paſſed, ſhall be reverſable by any Writ of Error, or falſe incongrue Latine, raſure, interlining, miſ-entring of any Warrant of Atturney, or of any Proclamation, miſ-returning or not returning of the Sheriff, or other want of form in words, and not matter of Subſtance.

What perſons may have Writs of Error to reverſe Fines or Recoveries, and in what caſes.

III. Provided always, That this Act, nor any thing therein contained, ſhall bar or exclude any perſon or perſons from any Writ of Error which ſhall be had, taken or purſued, within five years next after the end of the Seſſion of this preſent Parliament, upon any Fine or Recovery heretofore, had or ſuffered, nor from any Writ of Error which ſhall be had, taken, or purſued upon any Fine or Recovery heretofore levied, knowledged or had; Which Fine or Fines, Recovery or Recoveries, or any part or parcel of them, or any of them now is, or at any time before the firſt day of June, which ſhall be in the year of our Lord God, One thouſand five hundred eighty two, ſhall be exemplified under the Great Seal of England, at and by the ſuit of any perſon that is or may be entituled to have or ſue any Writ of Error upon any the Fines or Recoveries heretofore paſſed: (2) Nor to bar any Feme covert, or any perſon within the age of one and twenty years, or to any that is non compos mentis, in Priſon or beyond the Seas, of or from any Writ of Error to be had or proſecuted, for the reverſing any Fine or Recovery, heretofore paſſed, levied or ſuffered, ſo that ſuch Feme Covert, or her Heirs, within ſeven years next after that ſhe become ſole; and ſuch perſon within the age of one and twenty years, and ſuch perſon that is non compos mentis, within ſeven years next after he ſhall become of ſane memory, and in default thereof, the Heirs of ſuch perſon that is non compos mentis, within ſeven years next after the death of ſuch perſon being non compos mentis; And ſuch perſon in Priſon, or his Heirs, within ſeven years next after the ſame perſon ſhall be at liberty; And ſuch perſon beyond the Seas, or his Heirs, within ſeven years next after the return of ſuch perſon into this Realm of England, or the death of the ſaid perſon, if he ſhall before his return die in any foreign Countrey, ſhall ſue, take and proſecute their Writs of Error, as their caſes ſeverally ſhall require, for reverſing of any the ſaid Fines or Recoveries heretofore paſſed, levied or ſuffered.

A remedy for the Heir, where the Anceſtor dies hanging the Suit.

IV. Provided always, and be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall within the time and years before mentioned, commence or ſue his or their Writs of Error, for the reverſing of any the ſaid Fines or Recoveries heretofore paſſed, which Suit ſhall fortune to abate by the death of any the parties to the ſame, That then it ſhall and may be lawful for his and their Heirs, at any time within one year next after the ſaid ſeven years expired, to have, ſue and take the Writ of Error, for the reverſing of every ſuch Fine and Recovery: (2) And if ſuch Heir be an Infant within the age of one and twenty years, then within one year next after the full age of ſuch Infant; Any thing in this preſent Act contained to the contrary thereof in any wiſe notwithſtanding.

The day and year ſhall be certified of the knowledge of a Fine or Warrent of Atturney, for the ſuffering of a Recovery.

Cro. El.

V. And be it further enacted by the authority of this preſent Parliament, That every perſon that ſhall at any time hereafter take the knowledge of any Fine or Warrant of Atturney of any Tenant or vouchee, for ſuffering any common Recovery, or ſhall certifie them or any of them, ſhall with the Certificate of the Concord or Warrant of Atturney, certifie alſo the day and year wherein the ſame was knowledged: (2) And that no perſon that taketh any ſuch knowledge of any Fine or Warrant for any Recovery, ſhall be bounden, or by any means inforced to certifie any ſuch knowledge or Warrant, except it be within one year next after the ſaid knowledge taken: (3) And that no Clerk or Officer ſhall receive any Writ of Covenant or Writ of Entry, whereupon any Fine or common Recovery is hereafter to paſs, unleſs the day of the knowledge of the ſame Fine and Warrant ſhall appear in or by ſuch Certificate, (4) upon pain that every Clerk that ſhall receive any ſuch Writ, ſhall forfeit for every time that he ſhall ſo offend, the ſum of five pounds: (5) And that no Atturnment in or upon any Fine be entred upon Record, except the party mentioned to Atturn therein, firſt have appeared in the Court in perſon, or by Atturney warranted by the hand of one of the Juſtices of the one Bench or the other, or of one Juſtiſe of Aſſiſe, upon a Writ of Quid juris clamat, Quem Redditum reddit, or per quæ ſervitia, as the caſe requireth: (6) And that every Entry of Atturnment hereafter to be made, where there ſhall be no appearance as afore is ſaid, ſhall be utterly void and of none effect, without any Writ of Error, or other means to be uſed for the avoiding thereof.

Atturnment upon a Fine.

VI And be it further enacted by the authority aforeſaid, That there ſhall be for ever, one Office for the Inrolment aforeſaid, which ſhall be and continue an Office for ever, called the Office of Inrolments of Writs for Fines and Recoveries: (2) And that the Juſtices of the Common Pleas for the time being (other then the Chief Juſtice) ſhall have and take the care and charge of and for the Inrolments aforeſaid, and ſhall have and enjoy the ſaid Office, and the diſpoſition thereof, and carefully ſee and look to the execution thereof: (3) And in conſideration of their charges, pain and travel there, ſhall have and take the ſums of money hereafter following, and no more: That is to ſay, for the Inrolment and examination of every Fine, and the parts thereof before mentioned, the ſum of Six ſhillings eight pence: (4) And for the Inrolment of the ſaid parts of every Recovery, and the examination thereof, Six ſhillings eight pence: (5) And for every Exemplification of the Inrolment of any Fine, Five ſhillings: (6) And for the Exemplification and Returns of every Writ of Entry, Summons, and Warrantizands and Warrants, Five ſhillings: (7) And for the ſearch of the Rolls of one year, Four pence: (8) And for the Copy of one Sheet of Paper containing Fourteen Lines, Four pence: (9) And that the ſaid Juſtices, or one of them, ſhall examine the Inrolments of every ſuch Fine and parts of Recoveries, and forthwith after examination thereof, and immediately after the Inrolment of every ſuch Fine and parts and Recoveries, write his Name that ſo examineth, with his own hand in the Roll thereof (10) upon pain that the ſaid Juſtices ſhall forfeit to our Sovereign Lady the Queens Majeſty, the ſum of Five pounds, for every time that they, or ſome one of them ſhall make default of ſuch examination, or writing of his or their Name as afore is ſaid: (11) And that it ſhall and may be lawful to and for the Juſtices of the ſaid Court of Common pleas, from time to time to take order in all things that ſhall be convenient and needful for the Inrolments aforeſaid, and upon examination in the ſaid Court, to Aſſeſs ſuch Fine or Amerciament upon any Clerk, Sheriff, Deputy, Atturney, and other perſon, for his and their miſpriſion, contempt and negligence for not doing, or miſdoing in any thing, of, in, or concerning the ſaid Fines and Recoveries, or any part of them, or either of them, as by the ſaid Juſtices of the ſaid Court of Common Pleas for the time being, ſhall be thought meet and convenient: (12) The ſaid Fine and Amerciament to be Extreated amongſt other Fines and Amerciaments of that Court where ſuch offence or miſpriſion ſhall be committed.

The Officer of Inrolments of Writs for Fines and Recoveries.

The Fees for Inrolment of Fines and Recoveries.

The Juſtices may aſſeſs Fines for miſpriſion, contempt, negligence.

VII. And be it further enacted by the authority of this preſent Parliament, That the Chirograhper of Fines of the Common Pleas for the time being, for ever ſhall write and make, or cauſe to be written and made for every County where her Majeſties Writ runneth, one Table, wherein ſhall be contained ſuch Contents of every Fine that ſhall paſs in any one Term, as hereafter is mentioned: that is to ſay, The Name of the County wherein the Tenements mentioned in any Fine be, the Name of every Plaintiff and Deforciant, and of every Manor named in the Fine, if any ſuch be, and of the Towns and places where the Tenements in ſuch Fine compriſed do lie: (2) And the firſt day of the next Term after the Ingroſſing of every ſuch Fine, ſhall fix every of the ſaid Tables upon ſome open place in the Court of Common Pleas, and ſo every day of the ſaid Term, during the time of ſitting of the ſaid Court: (3) And that the ſaid Chirographer ſhall deliver to every Sheriff of every County, his Under-Sheriff or Deputy, fair written in Parchment, a perfect Content of the Table ſo to be made for that Shire, in the Term that ſhall next before the Aſſiſes be holden in the ſaid County, or elſe where, between that Term and the ſaid Aſſiſes: (4) And that every ſuch Sheriff to whom ſuch Parchments with the Contents aforeſaid ſhall be delivered, the firſt day of the next Aſſiſes after the delivery thereof unto him, and every day during the ſaid Aſſiſes, ſhall fix and ſet up the ſame Writing undefaced, in ſome open place in the Court where the Juſtiſes of Aſſiſe of that County ſhall ſit, and ſhall ſee the ſame to continue there during ſuch time as the ſaid Juſtices ſhall ſit there in Court, (5) upon pain that every Chirographer and Sheriff offending againſt any thing in this Act contained, ſhall forfeit to our Sovereign Lady the Queens Majeſty the ſum of Five pounds, the one moiety whereof ſhall be to the Queens Majeſty, her Heirs and Succeſſors, and the other moiety to him or them that will ſue for the ſame in any Court of Record; wherein no Eſſoin, Protection, or Wager of Law ſhall be allowed: (6) And that the Chirographer for the time being, ſhall have and take for every ſuch Content of every Fine ſo ſet down in the Table aforeſaid, Four pence.

A Table containing the Content of every Fine, ſhall be ſet up in the Common Pleas, and at every Aſſiſes.

The Chirographers Fee for writing the Content of a Fine.

VIII. And foraſmuch as upon great examinaton it appeareth, that divers Fines and Recoveries have been heretofore levied and ſuffered of divers Manors, Meſſuages, Lands, Tenements and Hereditaments which ſometime were the Inheritance of George, ſomtimes Earl of Kent, great Grandfather to Henry now Earl of Kent, in uſe, poſſeſſion, reverſion or remainder, whereunto the ſaid now Earl of Kent, pretendeth title, in uſe, poſſeſſion, reverſion or remainder, which if they be erronious, as is pretended, do much vary from the general cauſe and miſchief for which this Statute meaneth to provide: (2) Be it therefore enacted by the authority aforeſaid, That neither this Statute, nor any thing therein contained, ſhall extend to take away any Writ of Errour whereunto any perſon or perſons is now, or hereafter ſhall

The Earl of Kent his Title.

be lawfully entituled, for the reverſing of the ſaid Fines and Recoveries, or any of them, heretofore levied or ſuffered of any of the ſaid Manors, Meſſuages, Lands, Tenements or Hereditaments which late were any part or parcel of the Inheritance of the ſaid George, ſometime Earl of Kent, in uſe, poſſeſſion, reverſion or remainder; Any thing in this Statute contained to the contrary thereof in any wiſe notwithſtanding.

IX. Provided always, and be it enacted by the authority aforeſaid, That it ſhall be lawful for the Juſtices Clerks authorized by their Warrant, in the ſaid ſeveral Offices and Places where the ſame Records, or any of them do or ſhall remain, to write out or inroll the ſame Records, and every part thereof, without any thing to be paid therefore: (2) And that the ſaid Records, nor any of them, for the writing out, or making the Rolls thereof by the Clerks of the ſaid Juſtices, otherwiſe then for the examination thereof by the Juſtices, ſhall be brought or carried forth of the ſaid Offices or Places.

The Records ſhall not be carried forth of the Office.

No amendment of Fines, &c. after exemplification.

X. And be it further enacted by the authority aforeſaid, That none of the Fines or Recoveries heretofore levied, paſſed or ſuffered, which ſhall be exemplified under the Great Seal, according to the form of this Act, ſhall after ſuch exemplification had, be in any wiſe amended. 27. Eliz. 9.

CAP. IV.

Caſtles, Raſt. 5.

The Queen ſhall and may as need ſhall require, by Commiſſion under the Great Seal, give authority to certain Commiſſioners in all and every the Counties of Nothumberland, Cumberland, Weſtmerland, and the County Palatine of Durham, or in any one of them, to enquire what Tenancies, and Houſes of Habitation, ſithence Anno 27 H. 8. be decayed, and not occupied by men able to ſerve as Horſemen or Footmen, according to the antient duty of thoſe Tenancies, and to examine the probable cauſes of thoſe Ruines, and of all the wants and evil furnitures of the ſaid Horſemen and Footmen, and to give order for the reformation thereof with all ſpeed, for the defence of the Frontiers toward Scotland. EXP. & REP. 4 Jac. 1.

CAP. V.

An Act touching Iron Mills near unto the City of London and the River of Thames.

Iron 4.

Woods growing within a certain compaſs of London or Thames, ſhall not be felled to be converted to Coals for making of Iron Works.

In what places Iron Works ſhall be erected.

Iron Mills the great decay of Wood.

Whereas by reaſon of the late erection of ſundry Iron Mills in divers places of this Realm not far diſtant from the City of London, and the Suburbs of the ſame, or from the Downs and Sea-coaſts of Suſſex, the neceſſary proviſion of Wood, as well Timber fit for building and other uſes, as alſo all other fellable Wood ſerving for Fewel, doth daily decay and become ſcant, and will in time to come become much more ſcarcer, by reaſon whereof the prices are grown to be very great and unreaſonable, and in time to come will be much more, if ſome remedy be not provided; to the great damage not only of the Inhabitants of the ſaid City of London and the Suburbs of the ſame, but alſo to all others the Queens Majeſties moſt loving Subjects having occaſion daily from all parts of the Realm, to repair unto the ſame and the places aboveſaid: (2) For remedy whereof, Be it therefore enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament here aſſembled,, and by the authority of the ſame, That no perſon or perſons from and after the Feaſt-day of the Nativity of Saint John Baptiſt next coming, ſhall convert or employ, or cauſe to be converted or employed to Coal or other Fewel for the making of Iron, or of Iron Metal in any Iron Mills, Furnace or Hammer, in any manner of Wood or Underwood now growing, or which hereafter ſhall grow within the compaſs and precinct of two and Twenty miles from and about the City or London or the Suburbs of the ſame, or within two and twenty miles of the River Thames, from Dorcheſter in the County of Oxford downwards the ſaid River of Thames, nor within four miles of the foot of the Hills called the Downs, betwixt Arundel and Pemſey in the County of Suſſex, nor within four miles of any of the Towns of Winchelſey and Rye, nor within two miles of the Town of Pemſey, nor within three miles of the Town of Haſtings in the ſaid County, (3) upon pain to forfeit for every load of Wood ſo to be employed or converted into Coal or other Fewel for the making of Iron or Iron metal, in any Iron-Mill, Furnace or Hammer as is aforeſaid, Fourty ſhillings of lawful money of England: the one half of all which forfeitures to be to our Soveraign Lady the Queens Majeſty, and to her Heirs and Succeſſors, and the other moiety to him or them that will ſue for the ſame, by Original Writ, Bill, Plaint or Information, wherein no Eſſoin, Protection, or Injunction, or Wager of Law ſhall be admitted or allowed.

Woods growing in the Wields of Surrey, Suſſex, and Kent.

II. Provided always, That this Act ſhall not extend to any Woods growing or to grow in any ſuch part of the Wields of Surrey, Suſſex, or Kent, within the ſaid twenty two miles of the ſaid City of London and the River of Thames, as is diſtant above eighteen miles from the City of London, and eight miles from the ſaid River of Thames.

New Iron-works.

III. And be it likewiſe further enacted, That from henceforth no new Iron-works ſhall be erected within twenty two miles of the ſaid City of London, nor within fourteen miles of the River of Thames, nor within four miles of the Downs aforeſaid, or of the ſaid Towns of Pemſey, Winchelſey, Haſtings, or Rye, upon pain of One hundred pounds of lawful money of England, likewiſe to be recovered and employed as is aforeſaid.

The Woods of Chriſtopher Darrel.

IV. Provided alſo, That this Act, nor any thing therein contained, ſhall extend to any Woods or Underwoods now ſtanding or growing, or which hereafter ſhall ſtand or grow in or upon any Lands of Chriſtopher Darrel Gentleman, in the Pariſh of Newdigate, within the Wield of the County of Surrey; which Woods of the ſaid Chriſtopher have heretofore been, and be by him preſerved and coppiſed for the uſe of his Iron-works in thoſe parts. St. 1 El. 15. 27 El. 19.

CAP. VI.

Dover Raſt. 3.

For every Ship, Veſſel or Crayer whereof any of the Queens Subjects ſhall be owners, or part-owners, of the burden of twenty Tuns or upward, loading or diſcharging within this Realm, and paſſing to and from any foreign Countrey, during eight years, there ſhall be paid for every ſuch Voyage by the Maſter or owner of ſuch Ship, &c. Three pence for every Tun of Burden of every ſuch Ship, &c. (except veſſels laden with Sea-coals or Grindſtones) toward the repair of Dover Haven; and for every Chaldron of Sea-coal or Grindſtone, One peny half peny. Exp. 31. Eliz. 13. 35 Eliz. 7. 39 El. 18. 43 El. 9. 1 Jac. 32.

CAP. VII.

Ships. Raſt. 18.

It ſhall not be lawful to any Engliſh-man or woman, or Denizen, to go or ſend into any other foreign Countrey, for the buying or bringing into this Realm any ſalted Fiſh, or ſalted Herring, nor to make any agreement with any Stranger or other, for ſuch bringing of Salted Fiſh, &c. And no ſalted Fiſh or, &c. ſhall be brought hither out of any foreign Dominion, but by the owners thereof, being aliens, without the procurement of any of the Queens Subjects. Rep. 39 El. 10. 33 H. 8. 2. 27 El. 15. 13 El. 11.

CAP.

CAP. VIII.

An Act touching the true making, melting, and working of Wax.

Wax I. Penalty for uſing deceit by mixture in melting of Wax, &c.

Where by the goodneſs of God this Land doth yield great plenty of Hony and Wax, as not only hath and doth ſuffice the neceſſary uſes of the Queens Majeſty and her Subjects, to be ſpent within this Realm, but alſo a great quantity to be ſpared, to be tranſported unto the Realms and Countries beyond the Seas, by way of Merchandiſe, to the great benefit of her Majeſty and the Realm; (2) And yet nevertheleſs, a great part of the Wax, made and melted within this Realm, hath been found to be of late very corrupt, by reaſon of the deceitful mixture thereof, and the makers and ſellers of Hony alſo have not only uſed to put the ſaid Hony in Cask of deceitful aſſiſe, but have uſed alſo deceitfull mixtues of the ſame: (3) Be it therefore enacted by the authority of this preſent Parliament, That every perſon within this Realm, or the Dominions of the ſame, which ſhall after the Feaſt of Pentecoſt next enſuing, in the making and melting of Wax, by any way or means uſe or practiſe, or cauſe to be be uſed or wractiſed any manner of deceit by mixture and mingling the ſame with Roſin, Tallow, Turpentine, or any other deceitful thing, to the intent to ſell and utter the ſame, or offer the ſame to be ſold or uttered for Wax, to any perſon or perſons whatſoever, ſhall forfeit and loſe the ſame mingled or corrupted Wax: (4) And if the ſame corrupted Wax ſhall happen to be ſold before ſuch fault and corruption ſhall be found, that then the ſaid melter, mingler or corrupter, cauſer or procurer thereof, ſhall forfeit for every pound Two ſhillings, whereof the one half to the Queens Majeſty, the other half to the party deceived, if he will ſue for it, or any other perſon or perſons that will ſue for the ſame, in any the Queens Majeſties Courts of Record.

Every melter of Wax ſhall have a Mark.

II. And to the intent that the offenders in theſe kinds of deceits, may be the better and ſooner known and found out, Be it enacted by the authority aforeſaid, That every melter and maker up of unwrought Wax, ſhall have for himſelf a Stamp or Mark of the breadth of Six pence, wherein two Letters ſhall be plainly graven, ſignifying his Name and Sirname, and with the ſame ſhall Stamp every piece of Wax to be printed or ſtamped triangle, in three places upon the out ſide of the upper part of every piece ſo melted and caſt, upon the pain to forfeit the value of every piece or Cake ſold or offered to be ſold, and not ſo ſtamped or marked.

Wrought Wax ſhall be good Stuff, and marked with a Stamp or Seal.

III. And be it further enacted by the authority aforeſaid, That no manner of perſon ne perſons within this Realm, or the Dominions thereof, ſhall from the ſaid Feaſt of Pentecoſt, melt, mix, work or ſell any manner of wrought Wax, Stuff, or Wares wrought with Wax, as in Lights, Staff-torches, red Wax, or Sealing Wax, Book Candle, Searing-Candle, Searing of dead Corps, Links, green Wax, red Wax, or any other work or thing whatſoever, to be done or wrought with Wax to be put to ſale, but with good, wholſom, pure, and convenient Stuff, meet in ſuch wares or Work in convenient quantity to be uſed: (2) And that every perſon or perſons that ſhall work or ſell ſuch Stuff, or Wares of Wax, have a Mark, Stamp, or Seal, to ſet on his or their Work, by him or them wrought or ſold, to the intent, that if any deceit be uſed or done, it may be known who were the workers thereof, (3) and ſuch perſon or perſons as ſhall be found or known to work or ſell, or to ſale put any ſuch falſe Wax, or Wares wrought with Wax to be put to ſale, ſhall forfeit and loſe the ſame corrupted or deceitful Wax and Wares, the one half to be to the Queens Majeſty, her Heirs and Succeſſors, and the other to the party deceived, if he ſhall ſue for the ſame; or otherwiſe to him or them that will ſue for the ſame by Action of Debt, Bill, Plaint or Information in any the Queens Majeſties Courts of Record, wherein no Eſſoin, Protection or Wager of Law ſhall be allowed.

The forfeiture of him that will work or ſell wrought Wax corrupted.

IV. And be it further enacted by the authority aforeſaid, That every perſon and perſons whoſoever, which after the Feaſt of Pentecoſt aforeſaid, ſhall ſell or offer to be ſold, any corrupted and falſe mingled Wax, ſhall loſe and forfeit the ſaid Wax: The one moiety thereof to be to the Queens Majeſty, and the other to the party deceived, if he ſhall ſue for the ſame; or otherwiſe to him or them that will ſue for the ſame as is aforeſaid: (2) And that all Barrels, Kilderkins and Firkins filled with Hony by the maker and filler, ſhall be marked with two Letters ſtanding for his Name and Sirname, each Letter of an inch and half of length at the leaſt, burnt upon the head of the Cask with a hot Iron, (3) upon the pain to forfeit Six ſhillings eight pence for every Barrel, Kilderkin, Firkin or Cask ſold or offered to be ſold, and not ſo marked: (4) And that if any perſon or perſons do, or ſhall after the four and twentieth day of Auguſt next coming, after the end of this Seſſion of Parliament, fill and ſell, or cauſe to be filled or ſold, or offered to be ſold, any Barrel, Kilderkin or Firkin with Hony, for or in the name of a Barrel, Kilderkin, or Firkin, containing leſs then two and thirty Wine Gallons the Barrel; ſixteen Wine Gallons the Kilderkin; and eight Wine Gallons the Firkin: every perſon and perſons ſo offending, ſhall forfeit and loſe for every half Gallon ſo lacking, Five pounds of Engliſh money: (5) And every perſon and perſons that ſhall corrupt the Honey ſo ſold or to be ſold, with any deceitful mixture, ſhall forfeit the Barrel or Veſſel, and Honey therein contained: the one moiety whereof to be to our Sovereign Lady the Queens Majeſty, and the other to him or them that will ſue for the ſame as aforeſaid.

Veſſels of Hony ſhall be marked with two Letters.

The Content of every veſſel for Hony to be ſold.

The penalty for corrupting of Hony.

Selling Wax of their own Bees.

V. Provided always, That this Act as touching the marking of Wax, ſhall not extend to any perſon or perſons, ſelling the Wax of their own Bees in open market, in ſmall pieces, (2) nor to any ſervant or ſervants, or other perſons mingling or corrupting any Wax by commandment of their Maſter or other perſon having authority over them, ſo as they will confeſs the ſame.

The penalty for counterfeiting of Marks, or marking with anothers Mark.

VI. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall at any time hereafter counterfeit any the marks above mentioned, or ſhall ſet to the mark or marks of any other perſon or perſons, without the conſent of the ſame perſon or perſons whoſe names the ſaid marks ſhall ſignifie; that every ſuch offender in the premiſſes, ſhall forfeit for every ſuch default v. li. (2) The one moiety thereof to be to the Queens Majeſty, her Heirs and Succeſſors, and the other moiety to the party deceived, if he will ſue for the ſame; or otherwiſe to any other perſon or perſons that ſhall ſue for the ſame, by Bill, Action, or Information, in any the Queens Majeſties Courts of Record, wherein no Eſſoin, Protection or Wager of Law ſhall be admitted or allowed for the Defendant: (3) And for non-ſufficiency of payment thereof, to be ſet on the Pillory, in the next Market Town to the place where ſuch offence ſhall be committed, and to ſuffer three months impriſonment without bail or mainpriſe, for every ſuch offence committed contrary to this Article of this preſent Act.

CAP. IX.

An Act for aboliſhing of certain deceitful Stuff uſed in Dying of Cloth, &c.

Dyers I.

WHereas of late years there hath been brought into this Realm of England from beyond the Seas, a certain kind of Ware or Stuff called Logwood, alias Blockwood, wherewith divers Dyers, Clothiers, Hatmakers and others, have and do Dye daily, divers woad Clothes, Kerſies, Wolls, Peniſtones, Bays, Cottons, Hoſe-yarn, Hats, Caps, Flannels, Woodmalls, Mockadoes, Raſhes, Buffins, Tuft Mockadoes and other things; (2) Foraſmuch as the Colours made with the ſaid Stuff called Logwood, alias Blockwood, is falſe and deceitful, and the Clothes and other things therewith dyed, are not only ſold and uttered, to the great deceit of the Queens loving Subjects within this her Realm of England. but alſo beyond the Seas, to the great diſcredit and ſlander, as well of the Merchants, as the Dyers of this Realm:

Logwood ſhall be forfeited, openly burned, and no Cloth or Wooll ſhall be dyed therewith.

II. For reformation whereof, be it ordained, enacted and eſtabliſhed by the Queen our Sovereign Lady, and by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all ſuch Logwood, alias Blockwood, in whoſe hands ſoever the ſame ſhall be found, after the Feaſt of Saint Michael the Archangel next enſuing, ſhall be forfeited, and openly burned by authority of the Mayor or other Head-Officer, of the City or Town-corporate; or two Juſtices of Peace of the County where it ſhall be found: (2) And that from and after twenty days after the end of this Seſſion of Parliament, no perſon of what degree ſoever he be, ſhall dye or cauſe to be dyed, any Cloth, Wool, or any other of the Premiſſes above mentioned, or any thing whatſoever, with any of the ſaid Ware or Stuff called Logwood, alias Blockwood, (3) upon pain that the Dyer of every ſuch ſeveral thing ſo dyed, ſhall forfeit the value of the thing ſo dyed, the one moiety to the uſe of the Queens Majeſty, her Heirs or Succeſſors, and the other moiety to him that will ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any Court of Record, in which Suit, no Eſſoin, Protection, Wager of Law, nor Writ of Privilege for the Defendant ſhall be admitted or allowed: (4) and the party offending being thereof convicted, to remain in priſon without bail or mainpriſe, till he have ſatisfied the ſame value.

III. And where Clothes, Kerſies, and Hoſen, have been dyed with a colour which is commonly called a galled and mathered black, or with a colour commonly called a ſhoomake and mathered black; which colours, although they carry a ſhew of a good, true and perfect colour of woaded and mathered black, and of ſuch as do buy the ſaid colours, either in Cloth, Kerſie, or Hoſe, taken ſo to be notwithſtanding in proof and wearing prove contrary, to the great deceit of the Queens Subjects, and diſcrediting of the Cloth and other things ſo dyed: (2) For reformation whereof, be it enacted, That no kind of Cloth or Clothes, Kerſies, Bays, Friſadoes broad or narrow, Hoſen, or other things being in the nature of Cloth, ſhall from henceforth be mathered for a black, except the ſame be firſt grounded with Woad only, or with Woad and a Nele, alias blew Inde, unleſs the madder be put in with the ſhoomake or gallis (3) And that from and after twenty days after the end of this Seſſion of Parliament, no perſon of what degree ſoever he be, ſhall dye or cauſe to be dyed any Cloth or Clothes, or other things aboveſaid, of what kind or nature ſoever, mathered for a black, not having a ground of Woad only, or of Woad and a Nele, alias blew Inde, unleſs the madder be put in with the ſhoomake or gallis, (4) upon pain that the Dyer of every ſuch ſeveral thing ſo dyed, ſhall forfeit the value of the ſame thing ſo dyed, the one moiety thereof to the uſe of the Queens Majeſty, her Heirs or Succeſſors, and the other moiety to him that will ſue for the ſame, by action of debt, bill, plaint, or information, in any Court of Record; in which ſuit, no eſſoin, protection, wager of Law, nor writ of privilege for the Defendant ſhal be admitted or allowed, (5) and the party offending being thereof convicted, to remain in priſon without bail or mainpriſe, till he have ſatisfied the ſame value.

No Cloth ſhall be mathered for black, unleſs it be firſt grounded with Woad.

Galle black. ſhoomake black, plainblack.

IV. Provided always, That it ſhall and may be lawful to dye all manner of galle black, ſhoomake black, alias plain black wherein no mather ſhall be uſed, as heretofore lawfully hath been done; this, or any thing therein contained to the contrary notwithſtanding.

A Dyer ſhall fix a Seal of Lead to his Cloth with the Letter M.

V. Provided always, that every Dyer that ſhall after the Feaſt of Pentecoſt next enſuing the end of this Seſſion of Parliament, dye any of the ſaid Clothes, Kerſies, or Friſadoes mathered and not woaded, ſhall before he deliver any of the ſame forth of his hands, fix a Seal of Lead to every of them, in which the Letter M. ſignifying Mathered, ſhall be contained, (2) upon pain that every Dyer offending to the contrary, ſhall forfeit for every yard of the ſaid Cloth, Kerſies, Bays, or Friſadoes, the ſum of iii. s. iv. d. (3) And that if any perſon ſhall ſell any Cloth, Kerſies, Bays, or Friſadoes mathered and not woaded, after the ſaid Feaſt of Pentecoſt, and ſhall not firſt give notice to the buyer thereof, that the ſame is not woaded, ſhall forfeit alſo the double value of ſuch Cloth, Kerſies, Bays and Friſadoes as he ſhall ſo ſell, (4) which forfeitures ſhall be to the party that ſhall ſue for the ſame in any Court of Record, by action of debt, bill, plaint, or information, wherein no eſſoin, protection, or wager of Law ſhall lie. St. 24 H. 8. 2. 39 El. 11. 14 Car. cap. 11.

CAP. X.

An Act for the preſervation of Pheaſants and Partridges.

WHere the Game of Pheaſants and Partridges is within theſe few years in manner utterly decayed and deſtroyed in all parts of this Realm, by means of ſuch as take them with nets, ſnares, and other engines and devices, as well by day as by night, (2) and alſo by occaſion of ſuch as do uſe hawking in the beginning of Harveſt, before the young Pheaſants and Partridges be of any bigneſs, to the great ſpoil and hurt of Corn and Graſs then ſtanding and growing in the Fields:

II. For reformation thereof, be it enacted, eſtabliſhed, and ordained by the Queen our Sovereign Lady, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no manner of perſon or perſons, of what eſtate, degree or condition ſoever, ſhall at any time or times, from and after the firſt day of April next enſuing, take, kill, or deſtroy any Pheaſants or Partridges with any manner of nets, ſnares, gins, engines, rowſting, lowſing, or other devices whatſoever, in the night time, (2) upon pain of forfeiture for every Pheaſant ſo taken, killed or deſtroyed, contrary to the true meaning of this Act, the ſum of xx. s. (3) and for every Partridge ſo taken, killed or deſtroyed, the ſum of x. s. (4) the which ſaid penalties and forfeitures, if every perſon or perſons ſo offending, do not pay within ten days next after his or their conviction, then to have one months impriſonment without bail or mainpriſe; (5) and further over and beſides ſuch forfeiture or impriſonment, to put in Bond with good Sureties for the ſpace of two years, that he ſhall not take, kill, or deſtroy any Partridges or Pheaſants, contrary to the true meaning of this Act, (6) the ſame Bond to be taken by ſome Juſtice of the Peace of the County where the ſaid offence ſhall be committed: (7) the one half of all which ſaid ſeveral forfeitures to be to the chief Lord or Lords of the Liberties, Lordſhips or manors upon and in which the ſame ſhall be ſo taken, killed or deſtroyed, and the other moiety to ſuch perſon or perſons as will ſue for the ſame in any of her Majeſties Courts of Record, by bill, plaint, or information; in which ſuit, no eſſoin, protection, or wager of Law ſhall be allowed.

The penalty for taking or killing of Pheaſants or Partridges in the night. 11 H. 7. 17. 3 Bulſtr. 178.

Who ſhall have the forfeitures, and by what means they ſhall be recovered.

III. Provided always, That if ſuch perſon to whom the one half of the ſaid forfeiture is appointed for the taking, killing, or deſtroying of Partridges or Pheaſants, contrary to the tenour and true meaning of this Act, ſhall diſpence with, licence or procure any taking, killing, or deſtroying of any Partridges or Pheaſants, contrary to the form of this Act, That then all ſuch forfeitures and penalties as ſuch perſon or perſons ſhould have by virtue of this Act, ſhall be to the poor of the Pariſh where ſuch taking, killing, or deſtroying ſhall be committed, and that to be levied or recovered in manner and form aforeſaid, by any one of the Church-wardens of the Pariſh where the offences ſhall be committed.

IV. And be it likewiſe further enacted by the authority aforeſaid, That no manner of perſon or perſons from and after the ſaid firſt day of April, ſhall hawk, or with his Spaniels hunt in any ground where Corn or other Grain ſhall then grow, (except it be in his own ground) at ſuch time as any eared or codded Corn or Grain ſhall be ſtanding and growing upon the ſame, nor before ſuch time as ſuch Corn and Grain ſhall be ſhocked, cocked, hilled, or copped, (2) upon pain of forfeiture for every time that he ſhall ſo hawk or hunt as aforeſaid (without the conſent of the owner of the Corn or Grain) to ſuch perſon or perſons as ſhall be owner of the ſaid eared or codded Corn or Grain, xl. s. and the ſame to be levied or recovered in manner and form aforeſaid.

The forfeiture for hawking in eared or codded Corn ſtanding, or before the Corn ſhall be ſhocked.

V. Provided always, and be it further enacted by the authority aforeſaid, That the Juſtices of Aſſiſes in their Circuits, and Juſtices of the Peace in every Shire, County and Town-corporate within this Realm, in their Seſſions, within their ſeveral limits of their Commiſſion, and Stewards of Leets, Liberties and Lawdays, within their ſeveral Juriſdictions, ſhall and may by virtue hereof, hear, enquire and determine of all and every offence or offences which ſhall be committed within the precinct of their Liberties, Juriſdictions or Franchiſes, againſt the tenour of this Act: (2) And further, That every Juſtice of the Peace within every County of this Realm, ſhall within the limits of his Commiſſion have power and authority by virtue hereof, to examine all offendors in the premiſſes within the County where he is or ſhall be Juſtice, if ſo be that the ſaid offence or offences ſhall not before be heard or determined by the Juſtices of Aſſiſe in their Circuits, or by the Stewards of Leets, Liberties, or Lawdays within their ſaid ſeveral Juriſdictions, (3) and alſo take Bond with good Sureties for his and their appearance that ſhall ſo offend, to appear at the next general Seſſions of the Peace, to be holden in the ſame County where the ſame offence ſhall be committed, to anſwer the ſaid offence, and to pay the penalties, or receive the puniſhment by this Act appointed or limitted.

Which officers may hear and determine the offences aforeſaid.

A Juſtice of Peace may examine an offendor, and bind him to appear at the next Seſſions.

VI. Provided always, That this Act ſhall not in any wiſe extend to Lowbellers, Tramellers or others, which ſhall unwillingly happen to take any Partridges or Pheaſants by night under any Tramel, Lowbel, Roadnet or other Engine, ſo as they and every of them do preſently looſe and let go every Pheaſant and Partridge ſo taken, and ſuffer them preſently to fly and go at large at the place where they ſhall happen ſo to be taken, without willingly killing, or wilfully hurting any ſuch Pheaſant or Partride ſo taken in any manner of ſort; any thing in this Act contained to the contrary notwithſtanding. 1 Jac. 27. 7 Jac. 11.

Pheaſants or Partridges unwillingly taken and let go again.

CAP. XI.

The County of Glamorgan in South-Wales, and the Town of Cardiff therein ſtanding near unto the River of Toffe ſhall joyntly proceed together to the re-edifying of the Bridge there; viz. the County ſhall always beſtow five parts of the charges, and the Town of Cardiff one part: and ſo for every v. li. payable by the County, the Town of Cardiff and Liberties ſhall ſtand charged with xx. s. and ſo from time to time for the maintaining of the ſaid Bridge, ſhall defray all ſuch charges as ſhall be neceſſary in like proportion. PR.

Bridges, Raſt 5.

CAP. XII.

An Addition to the Statute of 13 El. 23. touching the Paving of a Street without Algate, in the Suburbs of London, leading to the Queens Store-houſe of the Minories toward the Tower of London, and other places near thereunto. Every perſon that hath lands adjoyning to the North-ſide of Hog-lane, ſhall ſcour and keep ſcoured and cleanſed the Ditch there againſt the ſaid Lands, upon pain to forfeit to the Queen vi. s. viii. d. for every Rod not cleanſed. PR.

Paving, Ra

CAP. XIII.

A continuance for two years of certain Statutes not in Print, made Anno 5, 8 & 14 El. touching the inning and fencing of Earith, Lyſnes, and Plumſted Marſh, in the County of Kent; And ſome further benefits granted to the Inners. PR. 27 El. 27. 3 Jac. 8.

Plumſted Marſh, 1.

CAP. XVI.

A Confirmation of a Subſidy of vi. s. viii. d. in the pound, granted to the Queen by the Clergy, to be paid in three years. EXP.

Taxes, Raſt. 38.

CAP.

CAP. XV.

Taxes, Raſt. 38.

A grant of a Subſidy and two Fifteens to the Queen by the Temporalty. &c. EXP.

CAP. XVI.

Pardon, Raſt. 49.

A confirmation of the Queens general and free Pardon: Except, &c. EXP.

Anno viceſimo ſeptimo Reginæ ELIZABETHÆ.

AT the Parliament begun and holden at Weſtminſter, the three and twentieth day of November, in the Seven and twentieth year of the Reign of our moſt gracious Sovereign Lady Elizabeth, by the Grace of God, of England, France and Ireland, Queen, Defender of the Faith, &c. And there continued until the nine and twentieth day of March following; To the high pleaſure of Almighty God, and weal-publick of this Realm, were enacted as followeth.

CAP. I.

Crown, Raſt. 11.

Four and twenty perſons at the leaſt, whereof part of the Queens Privy Councel, and the reſidue being Peers of the Realm, by the Queens Commiſſion ſhall examine the offences of ſuch as ſhall make any open invaſion or Rebellion within this Realm, or attempt hurt to the Queens Perſon, by, or for any pretending title to the Crown; who after Judgment given and publiſhed by Proclamation, ſhall be diſabled to have, or pretend title to the Crown: And thereupon every perſon ſhall be purſued to death by all the Queens Subjects, by whom or whoſe means, aſſent or privity, any ſuch Rebellion ſhall be denounced to be made, or other thing attempted, compaſſed or imagined againſt the Queens Perſon. If any Act ſhall be executed, whereby the Queens life ſhall be ſhortened, the offendors ſhall be proſecuted to death, and diſabled to pretend title to the Crown: The meaning of the aſſociation was to the effect aforeſaid. EXP.

CAP. II.

An Act againſt Jeſuits, Seminary Prieſts, and other ſuch like diſobedient perſons.

Jeſuits 1. Jeſuits and Prieſts in England ſhall depart and none ſhall come into this Realm. The penalty for relieving of them, &c.

The cauſes why Jeſuits and Prieſts do come into this Realm.

WHereas divers perſons called or profeſſed Jeſuits, Seminary Prieſts, and other Prieſts, which have been, and from time to time are made in the parts beyond the Seas, by or according to the Order and Rites of the Romiſh Church, have of late comen and been ſent and daily do come and are ſent into this Realm of England, and other the Queens Majeſties Dominions, (2) of purpoſe (as it hath appeared, as well by ſundry of their own Examinations and Confeſſions, as divers other manifeſt means and proofs) not only to withdraw her Highneſs Subjects from their due obedience to her Majeſty, but alſo to ſtir up and move Sedition, Rebellion, and open Hoſtility within the ſame her Highneſs Realms and Dominions, (3) to the great endangering of the ſafety of her moſt Royal Perſon, and to the utter ruine, deſolation and overthrow of the whole Realm, if the ſame be not the ſooner by ſome good means foreſeen and prevented:

All Jeſuits and Prieſts ſhall depart forth of the Realm.

Poph. 93.

II. For reformation whereof, be it ordained, eſtabliſhed and enacted by the Queens moſt excellent Majeſty, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame Parliament, That all and every Jeſuits, Seminary Prieſts, and other Prieſts whatſoever made or ordained out of the Realm of England, or other her Highneſs Dominions, or within any of her Majeſties Realms or Dominions, by any authority power or juriſdiction derived, challenged or pretended from the See of Rome, ſince the Feaſt of the Nativity of St. John Baptiſt, in the firſt year of her Highneſs Reign, ſhall within forty days next after the end of this preſent Seſſion of Parliament, depart out of this Realm of England, and out of all other her Highneſs Realms and Dominions, if the wind, weather and paſſage ſhall ſerve for the ſame, or elſe ſo ſoon after the end of the ſaid forty days as the wind, weather and paſſage ſhall ſo ſerve.

No Jeſuits or Prieſts ſhall come into, or remain in this Realm.

III. And be it further enacted by the authority aforeſaid, That it ſhall not be lawful to or for any Jeſuit, Seminary Prieſt, or other ſuch Prieſt, Deacon, or Religious or Eccleſiaſtical perſon whatſoever being born within this Realm, or any other her Highneſs Dominions, and heretofore ſince the ſaid Feaſt of the Nativity of St. John Baptiſt, in the Firſt year of her Majeſties Reign, made, ordained or profeſſed, or hereafter to be made, ordained or profeſſed by any authority or juriſdiction derived, challenged or pretended from the See of Rome, by or of what name, title or degree ſoever the ſame ſhall be called or known, to come into, be or remain in any part of this Realm, or any other her Highneſs Dominions, after the end of the ſame forty days, other than in ſuch ſpecial caſes, and upon ſuch ſpecial occaſions only, and for ſuch time only as is expreſſed in this Act; and if he do, that then every ſuch offence ſhall be taken and adjudged to be high Treaſon, and every perſon ſo offending, ſhall for his offence be adjudged a Traitor, and ſhall ſuffer, loſe and forfeit as in caſe of high Treaſon.

Receiving or relieving a Jeſuit or Prieſt ſhall be Felony. 1 Bulſtr. 181.

IV. And every perſon which after the end of the ſame forty days, and after ſuch time of departure as is before limited and appointed, ſhall wittingly and willingly receive, relieve, comfort, aid or maintain any ſuch Jeſuit, Seminary Prieſt, or other Prieſt, Deacon, or Religious or Eccleſiaſtical perſon, as is aforeſaid, being at liberty, or out of hold, knowing him to be a Jeſuit, Seminary Prieſt, or other ſuch Prieſt, Deacon, or Religious or Eccleſiaſtical perſon, as is aforeſaid, ſhall alſo for ſuch offence be adjudged a Felon, without benefit of Clergy, and ſuffer death, loſe and forfeit as in caſe of one attainted of Felony.

They which be in Seminaries, ſhall after Proclamation return and take the Oath.

12 Co. 11. Latch. 1.

V. And be it further enacted by the authority aforeſaid, If any of her Majeſties Subjects (not being a Jeſuit, Seminary Prieſt, or other ſuch Prieſt, Deacon, or Religious or Eccleſiaſtical perſon, as is before mentioned) now being, or which hereafter ſhall be of, or brought up in any Colledge of Jeſuits, or Seminary already erected and ordained, or hereafter to be erected or ordained in the parts beyond the Seas, or out of this Realm in any foreign parts, ſhall not within ſix months next after Proclamation in that behalf to be made in the City of London, under the Great Seal of England, return into this Realm, and thereupon within two days next after ſuch return, before the Biſhop of the Dioceſs, or two Juſtices of Peace of the County where he ſhall arrive, ſubmit himſelf to her Majeſty and her Laws, and take the Oath ſet forth by Act in the Firſt year of her Reign, That then every ſuch perſon which ſhall otherwiſe return, come into, or be in this Realm, or any other her Highneſs Diminions, for ſuch offence of Returning or being in this Realm, or any other her Highneſs Dominions, without ſubmiſſion, as aforeſaid, ſhall alſo be adjudged a Traitor, and ſuffer, loſe and forfeit as in caſe of high Treaſon.

VI. And be it further enacted by the authority aforeſaid, If any perſon under her Majeſties ſubjection or obedience, ſhall at any time after the end of the ſaid forty days, by way of exchange, or by any other ſhift, way or means whatſoever, wittingly and willingly, either directly or indirectly, convey, deliver or ſend, or cauſe or procure to be conveyed or delivered, to be ſent over the Seas, or out of this Realm, or out of any other her Majeſties Dominions or Territories, into any foreign parts, (2) or ſhall otherwiſe wittingly or willingly yield, give or contribute any money or other relief, to or for any Jeſuit, Seminary Prieſt or ſuch other Prieſt, Deacon, or Religious or Eccleſiaſtical perſon as is aforeſaid, (3) or to or for the maintenance or relief of any Colledge of Jeſuits, or Seminary already erected or ordained, or hereafter to be erected or ordained in any the parts beyond the Seas, or out of this Realm in any foreign parts, (4) or of any perſon then being of or in the ſame Colledges or Seminaries, and not returned into this Realm with ſubmiſſion, as in this Act is expreſſed, and continuing in the ſame Realm, (5) That then every ſuch perſon ſo offending, for the ſame offence ſhall incur the danger and penalty of Præmunire, mentioned in the Statute of Præmunire made in the Sixteenth year of the Reign of King Richard the Second.

Sending relief to any Jeſuit, Prieſt or other perſon abiding in a Seminary.

16 R. 2. 5.

VII. And be it further enacted by the authority aforeſaid, That it ſhall not be lawful for any perſon of, or under her Highneſs obedience, at any time after the ſaid forty days, during her Majeſties life (which God long preſerve,) to ſend his or her Child, or other perſon being under his or her Government, into any the parts beyond the Seas out of her Highneſs obedience, without the ſpecial licence of her Majeſty, or of four of her Highneſs Privy Council, under their Hands in that behalf firſt had or obtained (except Merchants, for ſuch only as they or any of them ſhall ſend over the Seas, only for or about his, her or their Trade of Merchandize, or to ſerve as Mariners, and not otherwiſe) upon pain to forfeit and loſe for every ſuch their offence, the ſum of one C. l.

None ſhall ſend his child or other beyond the Seas, without licence.
EXP. 3 Jac. 5.

VIII. And be it alſo enacted by the authority aforeſaid, That every offence to be committed or done againſt the tenor of this Act, ſhall and may be enquired of, heard and determined as well in the Court commonly called the Kings Bench, in the County where the ſame Court ſhall for the time be, as alſo in any other County within this Realm, or any other her Highneſs Dominions where the offence is or ſhall be committed, or where the offendor ſhall be apprehended and taken.

Where the offences committed againſt this Act ſhall be enquired of and determined.

IX. Provided alſo, and be it enacted by the authority aforeſaid, That it ſhall and may be lawful for and to every Owner and Maſter of any Ship, Bark or Boat, at any time within the ſaid forty days, or other time before limited for their departure, to tranſport into any the parts beyond the Seas, any Jeſuit, Seminary prieſt, or other ſuch Prieſt aforeſaid, ſo as the ſame Jeſuit, Seminary prieſt, or other Prieſt aforeſaid ſo to be tranſported, to deliver unto the Mayor, or other chief Officer of the Town, Port or place where he ſhall be taken in to be tranſporten, his Name, and in what place he received ſuch Order, and how long he hath remained in this Realm, or in any other her Highneſs Dominions, being under her obedience.

Tranſporting of Jeſuits, Prieſts, &c.

X. Provided alſo, That this Act, or any thing therein contained, ſhall not in any wiſe extend to any ſuch Jeſuit, Seminary Prieſt, or other ſuch Prieſt, Deacon, or Religious or Eccleſiaſtical perſon, as is before mentioned, as ſhall at any time within the ſaid forty days, or within three days after that he ſhall hereafter come into this Realm, or any other her Highneſs Dominions, ſubmit himſelf to ſome Archbiſhop or Biſhop of this Realm, or to ſome Juſtice of Peace within the County where he ſhall arrive or land, and do thereupon truly and ſincerely before the ſame Archbiſhop, Biſhop, or ſuch Juſtice of Peace, take the ſaid Oath ſet forth in Anno primo, and by writing under his hand confeſs and acknowledge, and from thenceforth continue his due obedience unto her Highneſs Laws, Statutes and Ordinances made and provided, or to be made or provided in cauſes of Religion.

A Jeſuit or Prieſt ſubmitting himſelf, and taking the Oath and obeying the Laws.

XI. Provided always, if it happen at any time hereafter, any Peer of this Realm to be indicted of any offence made Treaſon, Felony or Præmunire by this Act, that he ſhall have his Tryal by his Peers, as in other caſes of Treaſon, Felony or Præmunire is accuſtomed.

XII. Provided nevertheleſs, and it is declared by authority aforeſaid, That if any ſuch Jeſuit, Seminary prieſt, or other Prieſt abovesaid, ſhall fortune to be ſo weak or infirm of body, that he or they may not paſs out of this Realm by the time here limited without imminent danger of life, and this underſtood as well by the corporal Oath of the party, as by other good means, unto the Biſhop of the Dioceſs, and two Juſtices of the Peace of the ſame County where ſuch perſon or perſons do dwell or abide, That then and upon good ſufficient Bond of the perſon or perſons, with Sureties, of the ſum of CC li. at the leaſt, with condition that he or they ſhall be of good behaviour towards our Sovereign Lady the Queen, and all her liege people, Then he or they ſo licenſed, and doing as is aforeſaid, ſhall and may remain and be ſtill within this Realm, without any loſs or danger to fall on him or them by this Act, for ſo long time as by the ſame Biſhop and Juſtices ſhall be limited and appointed, ſo as the ſame time of abode exceed not the ſpace of ſix months at the moſt: (2) And that no perſon or perſons ſhall ſuſtain any loſs, or incur any danger by this Act, for the receiving or maintaining of any ſuch perſon or perſons ſo licenſed, as is aforeſaid, for and during ſuch time only as ſuch perſons ſhall be ſo licenſed to tarry within this Realm; Any thing contained in this Act to the contrary notwithſtanding.

XIII. And be it alſo further enacted by authority aforeſaid, That every perſon or perſons being Subjects of this Realm, which after the ſaid forty days ſhall know and underſtand that any ſuch Jeſuit, Seminary prieſt, or other prieſt abovesaid, ſhall abide, ſtay, tarry, or be within this Realm, or other the Queens Dominions and Countries, contrary to the true meaning of this Act, and ſhall not diſcover the ſame unto ſome Juſtices of the Peace, or other higher Officer, within twelve days next after his ſaid knowledge, but willingly conceal his knowledge

One knowing a Jeſuit or Prieſt to remain in the Realm, doth not diſcover it to a Juſtice of Peace.

therein, That every ſuch offendor ſhall make fine and be impriſoned at the Queens pleaſure; (2) And that if ſuch Juſtice of Peace, or other ſuch Officer to whom ſuch matter ſhall be diſcovered, do not within eight and twenty days then next following, give information thereof to ſome of the Queens Privy Counſel, or to the Preſident of the Queens Council ſtabliſhed in the North, or in the Marches of Wales, for the time being, That then he or they ſo offending, ſhall for every ſuch offence forfeit the ſum of two hundred Marks.

XIV. And be it likewiſe enacted by the authority aforeſaid, That ſuch of the Privy Council, Preſident or Vice-preſident to whom ſuch information ſhall be made, ſhall thereupon deliver a note in writing ſubſcribed with his own hand, to the party by whom he ſhall receive ſuch information, teſtifying that ſuch information was made unto him.

All Oaths, Bonds and Submiſſions certified into the Chancery.

XV. And be it alſo enacted, That all ſuch Oaths, Bonds and Submiſſions as ſhall be made by force of this Act, as aforeſaid, ſhall be certified into the Chancery by ſuch parties before whom the ſame ſhall be made, within three months after ſuch ſubmiſſion, (2) upon pain to forfeit and loſe for every ſuch offence, C l. of lawful Engliſh money; the ſaid forfeiture to be to the Queen, her Heirs and Succeſſors:

None ſubmitting himſelf, ſhall come within ten miles of the Queen.

XVI. And that if any perſon ſo ſubmiting himſelf as aforeſaid, do at any time within the ſpace of ten years after ſuch ſubmiſſion made, come within ten miles of ſuch place where her Majeſty ſhall be, without the ſpecial licence from her Majeſty in that behalf to be obtained in Writing under her Hand, That then, and from thenceforth, ſuch perſon ſhall take no benefit of his ſaid ſubmiſſion, but that the ſame ſubmiſſion ſhall be void, as if the ſame had never been. 1 Jac. 4. 3 Jac. 5.

CAP. III.

An Act for the explanation of an Act made in the Thirteenth year of the Queens Majeſties Reign, Entituled, An Act to make the Lands, Tenements, Goods and Chattels of Tellers, Receivers, &c. liable to the payment of their Debts.

Accompt 42. A queſtion ariſing upon the expoſition of Statute of 13 El 4.

Where in the Parliament holden at Weſtminſter the ſecond day of April in the Thirteenth year of the Reign of our Sovereign Lady Queen Elizabeth, there was amongſt other things An Act made, entituled, An Act to make lands, tenements, goods and chattels of Tellers, Receivers, &c. liable to pay their debts; (2) upon which Act ſome doubt and queſtion hath been moved, whether the Queens Highneſs, her Heirs and Succeſſors, might for the ſatisfaction of her and their debts and farms, by her or their Letters Patents under the Great Seal of England, make ſale of all the lands, tenements and hereditaments whereof her Highneſs, her Heirs and Succeſſors, have power or authority to make ſale by virtue of the ſame Act, after the Death of ſuch Accomptant or Debtor, as is mentioned in the ſaid Act, or where the Accompt of ſuch Accomptant or Debtor was not or is not made, or his or their Debt known in the life-time of the ſame Accomptant or Debtor:

Sale of the accomptants lands after his death.

II For declaration and explaining whereof, Be it ordained and enacted by the authority of this Preſent Parliament, That the ſaid Act, in every part thereof, touching the power given by that recited Act unto her Highneſs, her Heirs and Succeſſors, to make ſale of any the Lands, Tenements and Hereditaments by the ſame Act limited to be ſold, is, ſhall and ought to be expounded and intended as well in caſe where the ſale is to be made after the death of ſuch accomptant or debtor, as where it is to be made in his or their life-time; (2) and alſo as well in caſe where the accompt is made, or the debt known within eight years after the death of ſuch accomptant or debtor, as where the ſame accompt is made, or the debt known in the life-time of the ſame accomptant or debtor; Any ambiguity or queſtion that hath riſen or grown, or may ariſe, grow or be conceived upon the letter of the ſame Act, to the contrary thereof in any wiſe notwithſtanding.

The Accomptants debt known within eight years after his death.

Proceſs againſt the accomptants heir before the ſale of his lands.

III. Provided always, and be it enacted by the authority aforeſaid, That after the death of ſuch accomptant and debtor as is mentioned in the ſaid recited Act, and before ſuch time as any the Lands, Tenements and hereditaments deſcended unto the heir of ſuch accomptant or debtor, as heir unto the ſame accomptant or debtor, ſhall be ſold as aforeſaid, a Scire facias ſhall be awarded out of her Majeſties Court of Exchequer, unto the Sheriff of the County where any ſuch Lands do lie, to garniſh the ſame heir, to ſhew cauſe why the ſame Lands, Tenements and Hereditaments ſo to him deſcended as aforeſaid, ſhould not be put to ſale for ſatisfaction of the ſaid debts or farms in the ſame Act mentioned, according to the tenour of the ſaid Act; whereupon if the heir do not within a convenient time upon a Garniſhment or two Nichils returned, ſhew and prove unto the ſaid Court, that the Executors or Adminiſtrators of ſuch accomptant or debtor have ſufficient which ought to anſwer or be liable for the ſame debt or farm, and whereby the ſaid debt or farm ſhall and may be duly and fully ſatisfied, That then after ten months next after ſuch two Nichils, or Garniſhment returned, the ſame Lands, Tenements and Hereditaments ſhall be ſold by her Majeſty, her Heirs and Succeſſors, and the money hereof coming, diſpoſed according to the true intent and meaning of the ſaid former recited Act.

The heirs ſale good to him which is not conſenting to defraud the Queen.

IV. And be it further enacted by the authority aforeſaid, that the ſaid recited Act, and this Statute of explanation alſo, as touching only the ſale of any Lands, Tenements or Hereditaments to be made after the death of ſuch accomptant or debtor as aforeſaid, ſhall not extend to any Lands, Tenements or Hereditaments which any perſon or perſons not being privy or conſenting unto any ſuch intent to defraud the Queens Majeſty, her Heirs and Succeſſors, as in the ſaid recited Act is mentioned, now have or enjoy, or have purchaſed or obtained, or before any Scire facias ſo to be awarded, as aforeſaid, ſhall have or enjoy, purchaſe or obtain bona fide, and upon good conſideration; Any thing in this Act, or in the before-mentioned Act, to the contrary thereof in any wiſe notwithſtanding.

V. Provided always, and be it enacted, that this Act of explanation ſhall extend only

To which Accomptants this Statute of explanation ſhall extend.

unto ſuch as have been, or ſhall be Tellers, Receivers, Treaſurers, Cuſtomers, Cofferers of the Houſholds, Farmors of Impoſt, Collectors, Bailiffs, Victuallers, and other Officers of Receipts and Accompts unto our Sovereign Lady the Queens Majeſty, her Heirs and Succeſſors, and to every of them, their Heirs, Executors and Adminiſtrators, and to no other.

Proceſs againſt the heir, where the debt groweth in the Court of Wards or Dutchy.

VI. Provided alſo, and be it further enacted by the authority aforeſaid, That in ſuch caſes where any accompt ſhall or ought to be made, or any debts ſhall be owing in the Courts of the Dutchy of Lancaſter, and Wards and Liveries, or in any of them, Then after the death of ſuch accomptant or debtor as is mentioned in the ſaid former Act, in any of the ſaid laſt mentioned Courts, and before ſuch time as any of the Lands, Tenements or Hereditaments deſcended unto the heir of ſuch accomptant or debtor, as heir unto the ſame accomptant or debtor, ſhall be ſold as aforeſaid, ſuch Proceſs ſhall be awarded as hereafter is expreſſed; that is to wit, Firſt a privy Seal, commanding the ſame heir to make perſonal appearance in the Court out of which the ſame privy Seal ſhall be awarded, to ſhew cauſe as in the Writ of Scire facias to be awarded out of the Exchequer is before appointed: (2) And if the ſame heir ſhall make default at the day of return of the ſame privy Seal, That then upon the Affidavit made, that the ſame privy Seal was duly ſerved, either upon the perſon of the ſame heir, or left at the place of his or her dwelling or moſt uſual abode, an Attachment with Proclamation ſhall be awarded againſt the ſame heir, and ſhall be openly publiſhed and proclaimed in ſome Market Town in the County where the ſame heir was laſt dwelling, or made his or her uſual abode, upon ſome Market-day there in the open time of Market, twenty days at the leaſt before the return thereof: (3) And if upon return thereof the ſaid heir ſhall eftſoon make default, That then all things ſhall be done and executed for the ſale of the ſame Lands, Tenements and Hereditaments, and for the full ſatisfaction of the ſame debt or farm, in like and as large and ample manner and form, to all intents and purpoſes as before in this Act is limited and appointed in caſes where default is made upon a Garniſhment, or two Nichils returned upon a Scire facias awarded out of the ſaid Court of Exchequer.

No ſale of the heirs lands during his minority.

VII. Provided alſo, and be it likewiſe enacted, That if the heir of any accomptant or debtor before mentioned, ſhall happen to be within the age of one and twenty years when any ſuch Proceſs ſhall fortune to be awarded, that then during the time of his or her nonage, this Act, or any thing therein contained, ſhall not in any wiſe be extended, executed or put in ure as touching or concerning only the ſelling of Lands, Tenements or Hereditaments of any ſuch Heir; any thing in the ſame Act contained to the contrary in any wiſe notwithſtanding: (2) And yet nevertheleſs, after ſuch time as any ſuch heir ſhall accompliſh the full age of twenty one years, all and ſingular the Lands, Tenements and Hereditaments deſcended unto the ſame Heir from any ſuch debtor or accomptant as aforeſaid, ſhall at all times during the ſpace of eight years then next enſuing, be ſubject and liable to be ſold for the payment and ſatisfaction of her Majeſty, her Heirs and Succeſſors, according to the intent and true meaning of this Act, in ſuch manner and form, to all intents and purpoſes, as if the ſame heir had been of full age at the time of the death of ſuch debtor or accomptant.

The Heirs lands liable to ſale eight years after he ſhall accompliſh his full age.

No ſale of lands where the accomptant hath a Quietus eſt.

VIII. Provided always, and be it further enacted, That this Act, or any thing therein contained, ſhall not extend to the ſale of the Lands, Tenements or Hereditaments of any ſuch heir, for or by reaſon of any accompt, debt or farm whereof any ſuch debtor or accomptant have or ſhall have a Quietus eſt, or Diſcharge in his or her life-time. Stat. 39. Eliz. 7. 1 Jac. 25.

CAP. IV.

An Act againſt covenous and fraudulent Conveyances.

Fraudulent Deeds 4. Rait. 5. Statutes 15.

FOraſmuch as not only the Queens moſt excellent Majeſty, but alſo divers of her Highneſs good and loving Subjects, and Bodies Politick and Corporate, after the Conveyances obtained or to be obtained, and Purchaſes made or to be made of Lands, Tenements, Leaſes, Eſtates and Hereditaments, for money or other good conſiderations, may have, incur and receive great loſs and prejudice by reaſon of fraudulent and covenous conveyances, Eſtates, Gifts, Grants, Charges, and Limitations of uſes heretofore made, or hereafter to be made, of, in, or out of Lands, Tenements or Hereditaments ſo purchaſed; (2) which ſaid Gifts, Grants, Charges, Eſtates, Uſes and Conveyances were, or hereafter ſhall be meant and intended by the parties that ſo make the ſame, to be fraudulent and covenous, of purpoſe and intent to deceive ſuch as have purchaſed, or ſhall purchaſe the ſame; (3) or elſe by the ſecret intent of the parties, the ſame to be to their own proper uſe, and at their free diſpoſition, (4) coloured nevertheleſs by a feigned countenance, and ſhew of words and ſentences, as though the ſame were made bona fide, for good cauſes, and upon juſt and lawful conſiderations.

Fraudulent conveyances made to deceive purchaſers, ſhall be void. Moor 602. pl. 833. 615. pl. 842. & 843. 1 Roll. 167. Lane 47. Bridgm. 22. Goldsb. 8. pl. 11.

o El. 3. f. 80. 5. f. 60. 6. f. 72. 11. f. 47. o El. 44. o. Jac. 158.

II. For remedy of which inconveniencies, and for avoiding of ſuch fraudulent, fained and covenous Conveyances, Gifts, Grants, Charges, Uſes and Eſtates, and for the maintenance of upright and juſt dealing in the purchaſing of Lands, Tenements and Hereditaments, (2) Be it ordained and enacted by the authority of this preſent Parliament, That all and every Conveyance, Grant, Charge, Leaſe, Eſtate, Incumbrance, and Limitation of Uſe or Uſes, of in, or out of any Lands, Tenements or other Hereditaments whatſoever, had or made any time heretofore ſithence the beginning of the Queens Majeſties Reign that now is, or at any time hereafter to be had or made, for the intent and of purpoſe to defraud and deceive ſuch perſon or perſons, bodies politick or corporate, as have purchaſed, or ſhall afterwards purchaſe in fee-ſimple, fee-tail, for life, lives or years, the ſame Lands, Tenements and Hereditaments, or any part or parcel thereof ſo formerly conveyed, granted, leaſed, charged, incumbred or limited in uſe, (3) or to defraud and deceive ſuch as have or ſhall purchaſe any Rent, profit or commodity in or out of the ſame, or any part thereof, (4) ſhall be deemed and taken only as againſt that perſon and perſons, bodies politick and corporate, his and their heirs, ſucceſſors, executors, adminiſtrators and aſſigns, and againſt all and every other perſon and perſons lawfully having or claiming by, from or under them or any of them which have purchaſed, or ſhall hereafter ſo purchaſe for money or other good conſideration the ſame Lands, Tenements or Hereditaments,

Cok. pl. 1, 677.

Hereditaments, or any part or parcel thereof, or any rent, profit or commodity in or out of the ſame, to be utterly void, fruſtrate and of none effect; (5) Any pretence, colour, fained conſideration, or expreſſing of any uſe or uſes to the contrary notwithſtanding.

Hob. 166

The penalty of the parties to fraudulent conveyances, which do avow the ſame.

III. And be it further enacted by the authority aforeſaid, That all and every the parties to ſuch fained, covenous and fraudulent Gifts, Grants, Leaſes, Charges or Conveyances before expreſſed, or being privy or knowing of the ſame, or any of them, which after the xx. day of April next coming ſhall wittingly and willingly put in ure, avow, maintain, juſtifie or defend the ſame, or any of them, as true, ſimple, and done, had or made, bona fide, or upon good conſideration, to the diſturbance or hindrance of the ſaid purchaſer or purchaſers, leſſees or grantees, or of or to the diſturbance or hindrance of their heirs and ſucceſſors, executors, adminiſtrators, or aſſigns, or ſuch as have or ſhall lawfully claim any thing by, from or under them or any of them, ſhall incur the penalty and forfeiture of one years value of the ſaid Lands, Tenements and Hereditaments ſo purchaſed or charged; (2) the one moiety whereof to the Queens Majeſty, her Heirs and Succeſſors, and the other moiety to the party or parties grieved by ſuch fained and fraudulent Gift, Grant, Leaſe, Conveyance, Incumbrance, or Limitation of Uſe, to be recovered in any of the Queens Courts of Record, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoin, Protection or Wager of Law ſhall be admitted for the Defendant or Defendants; (3) and alſo being thereof lawfully convicted, ſhall ſuffer impriſonment for one half year, without bail or mainpriſe.

Conveyances made upon good conſiderations, and bona fide. Goldsb. 118. pl. 2. 2 Roll. 260, 305.

IV. Provided alſo, and be it enacted by the authority aforeſaid, that this Act, or any thing therein contained, ſhall not extend or be conſtrued to impeach, defeat, make void or fruſtrate any Conveyance, Aſſignment of Leaſe, Aſſurance, Grant, Charge, Leaſe, Eſtate, Intereſt, or Limitation of Uſe or Uſes, of, in, to or out of any Lands, Tenements or Hereditaments heretofore at any time had or made, or hereafter to be had or made, upon or for good conſideration and bona fide, to any perſon or perſons, bodies politick or corporate, any thing before mentioned to the contrary hereof notwithſtanding.

Co. 1. 3. f

Lands firſt conveyed with condition of revocation or alteration and after ſold for money, or other good conſideration.

V. And be it further enacted by the authority aforeſaid, That if any perſon or perſons have heretofore ſithence the beginning of the Queens Majeſties Reign that now is, made, or hereafter ſhall make any conveyance, gift, grant, demiſe, charge, limitation of uſe or uſes, or aſſurance of, in or out of any lands, tenements or hereditaments, with any clauſe proviſion, article or condition of revocation, determination or alteration, at his or their will or pleaſure, of ſuch conveyance, aſſurance, grants, limitations of uſes or eſtates of, in or out of the ſaid lands, tenements or hereditaments, or of in or out of any part or parcel of them, contained or mentioned in any writing, deed or indenture of ſuch aſſurance, conveyance, grant or gift, (2) and after ſuch conveyance, grant, gift, demiſe, charge, limitation of uſes or aſſurance ſo made or had, ſhall or do bargain, ſell, demiſe, grant, convey or charge the ſame lands, tenements or hereditaments, or any part or parcel thereof, to any perſon or perſons, bodies politick and corporate, for money or other good conſideration paid or given (the ſaid firſt conveyance, aſſurance, gift, grant, demiſe, charge or limitation not by him or them revoked, made void or altered, according to the power and authority reſerved or expreſſed unto him or them, in, and by the ſaid ſecret Conveyance, Aſſurance, Gift or Grant,) (3) That then the ſaid former Conveyance, Aſſurance, Gift, Demiſe and Grant, as touching the ſaid Lands, Tenements and Hereditaments, ſo after bargained, ſold, conveyed, demiſed or charged againſt the ſaid Bargainees, Vendees, Leſſees, Grantees, and every of them, their heirs, ſucceſſo,s, executors and aſſigns, and againſt all and every perſon and perſons which have, ſhall, or may lawfully claim any thing, by, from, or under them, or any of them, ſhall be deemed, taken, and judged to be void, fruſtrate, and of none effect, by vertue and force of this preſent Act.

Co. 1. 3. f
Cro. Jac.

Mortgages lawfully made.

VI. Provided nevertheleſs, That no lawfull Mortgage made, or to be made, bona fide, and without fraud or covin, upon good conſideration, ſhall be impeached or impaired by force of this Act, but ſhall ſtand in the like force and effect as the ſame ſhould have done if this Act had never been had nor made; Any thing in this Act to the contrary in any wiſe notwithſtanding.

Statute Merchant, &c. ſhall be entred in the Office of the Clerk of Recognizances. St. 23 H. 8. 6.

VII. And be it further enacted by the authority aforeſaid, That all the whole tenor and contents of all Statute Merchant, and Statutes of the Staple, hereafter to be knowledged, ſhall within ſix months next after ſuch knowledging, be entred in the office of the Clerk of Recognizances, taken according to the Statute made in the three and twentieth year of the Reign of the late King Henry the Eighth, by the ſhewing forth of the ſaid Statute Merchant, or Statute Staple ſo knowledged, unto the ſaid Clerk, (2) which ſaid Clerk of the Recognizances ſhall enter, or cauſe to be entred the ſame Statutes into a Book for that purpoſe to be provided, and ſafely kept by him, taking viii. d. and no more, for every ſuch entry.

The Statute not entred, void againſt the purchaſer.

VIII. And be it further enacted, That if the party to whom any ſuch Statute Merchant or of the Staple ſhall be knowledged, his executors or adminiſtrators, do, or ſhall not within four months next after the knowledging of any ſuch Statute, bring and deliver, or cauſe to be brought and delivered unto the ſaid Clerk, or his Deputy or Deputies for the time being, all and every ſuch Statute and Statutes as ſhall be ſo knowledged to him or to his uſe, whereby, and to the intent that the ſaid Clerk, his Deputy or Deputies may take and enter a true Copy thereof, That then every ſuch Statute Merchant and of the Staple not ſo entred, ſhall be void, fruſtrate, and of none effect, againſt all and every ſuch perſon and perſons, and Bodies Politick and Corporate, their heirs, ſucceſſors, executors, adminiſtrators and aſſigns only, as ſhall after the knowledging of the ſaid Statutes, or any of them, purchaſe for money or other good conſideration, the Lands, Tenements or Hereditaments, which are liable to the ſame Statute Merchant, or of the Staple, or any part or parcel thereof, or any Rent, Leaſe, or Profit of, or out of the ſame.

The forfeiture of the Clerk not entring, or not endorſing a Statute.

IX. And if the ſaid Clerk, or his Deputy or Deputies for the time being, ſhall not upon ſuch ſhewing and delivery unto him or them of any Statute Merchant, or of the Staple, enter or cauſe to be entred the ſame in his ſaid Book within the ſaid time of ſix months, and alſo endorſe upon every ſuch Statute ſo by him entred, the day and year of the ſaid Entry, with his or their own Name, that then every ſuch Clerk failing or defective in that behalf, ſhall forfeit and loſe for every Statute Merchant, and of the Staple, ſo brought unto him or them, and not entred and endorſed, or cauſed to be entred and endorſed, as aforeſaid, the ſum of Twenty pounds; (2) the one moiety whereof to be to the Queens Majeſty, her Heirs and Succeſſors, and the other moiety to him or them that will ſue for the ſame in any of the Queens Courts of Record, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection, or Wager of Law ſhall be allowed.

X. And be it further enacted by the authority aforeſaid, That no Clerk of the ſaid Recognizances ſhall or may take, for or in reſpect, of any ſearch to be made for or concerning any Statute Merchant, or of the Staple, ſo to be entred as aforeſaid, above Two pence for one years ſearch, and ſo after the rate of Two pence for every year, and not above, (2) upon pain to forfeit and loſe to the party or parties grieved thereby, twenty times as much as he ſhall take contrary to the true meaning of this Act, to be recovered in any of the Queens Majeſties Courts of Record, by Action of Debt, Bill, Plaint or Information, wherein no Protection or Wager of Law ſhall be allowed. (3) This Act to continue for the ſpace of ten years, and from thenceforth unto the end of the Parliament then next following.

Clerk of the Recognizances Fees to ſearch.

XI. Provided always, That this Act, nor any thing therein contained, ſhall not extend or be conſtrued to make good any Purchaſe, Grant, Leaſe, Charge or Profit, of, in, or out of any Lands, Tenements or Hereditaments heretofore made void, defeated, or undone, by reaſon of any former Conveyance, Grant or Aſſurance, ſo as the party or parties, or their Heirs or aſſigns, which have ſo defeated or made void the ſame, were in actual poſſeſſion the firſt day of this preſent Parliament, of, or in the ſaid Lands, Tenements or Hereditaments, whereof, or out of which any ſuch Purchaſe, Grant, Leaſe, Charge or Profit was made.

Aſſurance of Lands defeated and the party in poſſeſſion at the time of the Statute.

XII. Provided that this Act, nor any thing therein contained, ſhall extend in any ſort to reſtrain or impair the juriſdiction, power or authority of the Court of Star-Chamber. Stat. 39 Eliz. 18. made perpetual. Cok. Inſtit. 3. b.

The authority of the Court of Star-chamber.

CAP V.

An Act for furtherance of Juſtice, in caſe of Demurrer, and pleadings.

Forasmuch as exceſſive charges and expences, and great delay and hindrance of Juſtice hath grown in Actions and Suits between the Subjects of this Realm, by reaſon that upon ſome ſmall miſtaking, or want of form in pleading, Judgments are often reverſed by Writs of Error, and oftentimes upon Demurrers in Law given otherwiſe then the matter in Law and very right of the cauſe doth require, whereby the parties are conſtrained either utterly to loſe their right, or elſe after long time and great trouble and expences, to renew again their Suits; (2) For remedy thereof, Be it enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from henceforth, after Demurrer joyned and entred in any Action or Suit in any Court of Record within this Realm, the Judges ſhall proceed and give Judgment according as the very right of the cauſe and matter in Law ſhall appear unto them, without regarding any imperfection, defect or want of form in any Writ, Return, Plaint, Decaration, or other Pleading, Proceſs or courſe of Proceeding whatſoever, except thoſe only which the party demurring ſhall ſpecially and particularly ſet down and expreſs together with his Demurrer; (2) and that no judgment to be given ſhall be reverſed by any Writ or Error, for any ſuch imperfection, defect, or want of form, as is aforeſaid, except ſuch only as is before excepted.

Demurrer 1 After Demurrer joyned and entred, Judgment ſhall be given, notwithſtanding any defect in proceſs or pleading: what defects in form ſhall be amended by the Court, and what not.
1 Leonard. 44. 80. 193, 228.
1 Anderſ. 168, 172.
The party demurring ſhall ſet down the cauſes.
1 Leond. 311.
Cok. pl. fol. 421.

II. And be it further enacted that after Demurrers joyned and entred, the Court where the ſame ſhall be, ſhall and may by virtue of this Act from time to time amend all and every ſuch imperfections, defects, and wants of form, as is before mentioned, other then thoſe only which the party demurring ſhall ſpecially and particularly expreſs and ſet down together with his Demurrer, as is aforeſaid.

The Court may amend defects of form after Demurrers joyned. 8 H. 6. 12.

III. Provided always, and be it further Enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend to any Writ, Declaration, or Suit of Appeal of Felony or Murder, (2) nor to any Indictment or Preſentment of Felony, Murder, Treaſon, or other matter, nor to any Proceſs upon any of them, (3) nor to any Writ, Bill, Action or Information upon any popular or penal Statute; Any thing aforeſaid to the contrary notwithſtanding.

Appeal, indictment and preſentment of felony, murder, treaſon.

CAP. VI.

An Act for returning of ſufficient Jurors, and for better expedition of Trials.

For the returning of more able and more ſufficient Jurors for Trials to be hereafter had between party and party, and for reformation of abuſes in Sheriffs and other Miniſters, who for reward oftentimes do ſpare at home the moſt able and ſufficient Freeholders, and return the poorer and ſimpler ſort, leaſt able to diſcern the cauſes in queſtion, and moſt unable to bear the charges of appearance and attendances in ſuch caſes, (2) Be it ordained and enacted by authority of this preſent Parliament, That in all caſes where any Jurors to be returned for trial of any Iſſue or Iſſues joyned in any of the Queens Majeſties Courts of the Kings Bench, Common Pleas, and the Exchequer, or before Juſtices of Aſſize, by the Laws of this Realm now in force, ought to have Eſtate of Freehold in Lands, Tenements or Hereditaments, of the clear yearly value of Fourty ſhillings, that in every ſuch caſe, the Jurors that ſhall be returned from and after the end of this preſent Seſſion of Parliament, ſhall every of them have Eſtate of Freehold Lands, Tenements or Hereditaments, to the clear yearly value of Four pound at the leaſt, (3) and that the Writs of Venire facias, which from and after the end of this preſent Seſſion of Parliament ſhall be awarded and directed for the impannelling of Juries in caſes aforeſaid, ſhall be in this Form, Regina &c. Præcipimus, &c. quod venire facial coram, &c. duodicem liberos & legales homines de vicineto de B. quorum quilibet habeat quatuor libros terræ, tenementorum, vel redituum per annum ad minus, per quos rei veritas

Jurors 19, &c. What Jurors and Iſſues ſhall be returned upon every perſon impannelled; how the Sheriff ſhall be puniſhed for returning one ſummoned, that is not, or for taking reward to ſpare any, &c.
Godbolt 34. pl. 127.
Palmer 386.
2 Roll 331, 367, 395.
Venire facias where each Juror muſt diſpend iv. l. of Freehold.
1 Leond 55.

melius ſciri poterit, & qui nec, &c. and ſo forth the reſidue of the ſaid Writ after the ancient form; (4) and that upon every ſuch Writ and Writs of Venire facias, the Sheriff or other Miniſters unto whom the making of the Pannel ſhall appertain, ſhall not return in any ſuch Pannel any perſon, unleſs he may diſpend Four pound by the year at the leaſt of Freehold out of ancient Demeſne, within the County where the Iſſue is to be tried, (5) upon pain to forfeit for every perſon being returned in any ſuch Pannel, that cannot diſpend Four pound Freehold, as is aforeſaid, Twenty ſhillings.

Iſſues returned upon Jurors.

II. And further be it enacted by the authority aforeſaid, That upon every firſt Writ of Habeas corpora, or Diſtringas, with a Niſi prius, delivered of Record by the Sheriff, or other Miniſter or Miniſters to whom the making of the Return ſhall appertain, ſhall from and after the twentieth day of May next enſuing, return in Iſſues upon every perſon impannelled and returned upon any ſuch Writ, at the leaſt Ten ſhillings; (2) and at the ſecond Writ of Habeas corpora, or Diſtringas, with a Niſi prius, upon every perſon impannelled and returned upon any Writ, Twenty ſhillings at the leaſt; (3) and at the third Writ of Habeas corpora, or Diſtringas, with a Niſi prius, that ſhall be further awarded upon every perſon impannelled and returned upon ſuch Writ, Thirty ſhillings: (4) And upon every Writ that ſhall be further awarded to try any Iſſues, to double the Iſſues laſt afore ſpecified, until a full Jury be ſworn, or the Proceſs otherwiſe ceaſed or determined, (5) upon pain to forfeit for every return of Iſſues contrary to the form aforeſaid, Five pound.

Iſſues returned upon a Juror not ſummoned.

III. And be it further enacted, That if any Sheriff, Under-ſheriff, Bayliff, or other Miniſter, from and after the end of this preſent Seſſion of Parliament, do return any perſon or perſons to be ſummoned to appear in any Jury,, wherein he ſhall for default of his appearance, loſe or forfeit any Iſſues, where in truth ſuch perſon ſhall not be lawfully ſummoned; that then the ſame Sheriff, Under-ſheriff, Bayliff, or other Miniſter, by whoſe default ſuch perſon ſhall be returned ſummoned, as aforeſaid, ſhall forfeit, loſe, and pay unto the ſaid perſon and perſons ſo returned. double the value of the Iſſues by ſuch Juror or Jurors loſt or forfeited for his default of appearance.

Receiving reward for the not returning of a Juror.

IV. And be it further enacted by the authority aforeſaid, That if any Sheriff, Under-ſheriff, Sheriffs Deputy, Sheriff or Under-ſheriffs Clerk, or any Bayliff of Franchiſe, ſhall at any time after the end of this preſent Seſſion of Parliament, receive take, or have by himſelf, or by any other, any ſum of money, reward, or any other profit directly or indirectly, or do take any promiſe, make any agreement or aſſent, to have any ſum of money, reward, or other profit, directly or indirectly, of any perſon or perſons, for the ſparing, not warning, or not returning of any ſuch perſon to be ſworn as a Juror, for the trial of any Iſſue joyned, or to be joyned in any of the Queens Majeſties Courts aforeſaid, or before any Juſtices; that then every Sheriff, Under-ſheriff, Sheriffs Deputy, Sheriff or Underſheriff his Clerk, or Bayliff of Liberty or Franchiſe ſo offending, to forfeit for every ſuch offence, the ſum of Five pound; (2) the one moiety thereof to our Sovereign Lady the Queens Majeſty, and the other moiety thereof to ſuch perſon or perſons as will ſue for the ſame in any Court of Record, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoin, Protection, or Wager of Law ſhall be allowed to the Defendant.

Two Hundreders ſufficent in a perſonal Action.

V. And further be it ordained and enacted by the authority aforeſaid, That from and after the end of this preſent Seſſion of Parliament, at or upon the trial of an Iſſue joyned in any perſonal Action, no further challenge for the Hundred ſhall be admitted, if two ſufficient Hundreders do appear at and upon the trial of ſuch Iſſue.

Other challenges.

VI. Provided nevertheleſs, That all other challenges principal, or for other cauſe, ſhall be admitted, allowed and tried in ſuch order and form, as if this Act had never been had or made.

Juries returned in a Corporate Town, or Wales.

VII. Provided alſo, That this Act ſhall not extend to any Juries or Iſſues to be returned in any City or Town-corporate, or other Town or place priviledged to hold Plea, or in the twelve Shires of Wales, but that they ſhall and may be returned, as heretofore they lawfully might have been; this Act, or any thing therein contained to the contrary in any wiſe notwithſtanding. Stat. 35. H. 8. 6. 2 Ed. 6. 32.

CAP. VII.

An Act for reformation of Abuſes in collection of Iſſues loſt by Jurors.

Jurors 33. No Juror ſhall be returned without addition of his dwelling-place, and how Iſſues loſt ſhall be levied.

Whereas there are within this Realm of England, in ſundry Counties of the ſame, divers Freeholders of one Name, and often ſundry times ſome one or mo of them been returned and impannelled in Juries, for trial of matters between party and party, (2) and if it happen any one of them ſo returned to make default, or loſe Iſſues, when the ſame are eſtreated to be levied, the Bayliff or other Collectors thereof, for lucre and gain, do demand and require the ſame of every one within the ſame County that is of that Name, (3) and do perſwade every perſon that is dwelling in that County, and ſo named, that he is the party that hath loſt thoſe Iſſues, and compel him to pay the ſame, by the diſtreſs of his or their Goods and Chattels, to their great moleſtation and trouble, (4) and yet nevertheleſs many times do detain and keep all or the more part of the Iſſues ſo collected, to their own uſe, in contempt of the Queens Majeſties Laws, and to the great grievance of her loving Subjects, and contrary to all equity and good conſcience:

The dwelling-place of every Juror ſhall be returned.

II. For remedy whereof, be it enacted by the authority of this preſent Parliament, That from and after fourty days after the end of this Seſſion of Parliament, no Sheriff, Coroner or other perſon to whom it ſhall appertain to make return of any Writ, ſhall return any Juror dwelling out of any Liberty without the true addition of the place of his dwelling or abode at the time of the ſaid return, or within one year next before the making of any ſuch return, or ſome other addition, by which the party returned may be known; (2) nor any Juror within any Liberty, with other addition then ſuch as ſhall be delivered to him by the Bayliff of the ſaid Liberty, or his Deputy, certified under his or their hand; (3) nor any Bayliff of any Liberty, nor any his or their Deputy or Deputies, ſhall of himſelf return any Juror, or deliver to the Sheriff, his Under-ſheriff, Deputy or Deputies, the names of any perſons to be returned upon any Pannel or Jury, without the true addition certified under his or their hands to the Sheriff, of the place of dwelling or abode of every perſon ſo to be returned at the time of the ſaid return, or within one year next before the ſaid return, or ſome other addition, by which the party returned may be known: (4) And that no extract of Iſſues againſt any Juror returned as aforeſaid, ſhall be delivered out, received or put in ure, without ſuch addition as is put in the original Pannel or Tales, wherein ſuch Juror ſhall be ſo returned: (5) And that no Under-ſheriff, Bayliff, or other Officer or perſon whatſoever, ſhall collect, levy or gather any Iſſues ſo eſtreated, of any other perſon or perſons, then of ſuch perſon and perſons as by vertue of the ſaid Eſtreat is of right charged or chargeable with the payment of the ſaid Iſſues, (6) upon pain that every Clerk that ſhall write or deliver, or cauſe or procure any ſuch Eſtreat, to be delivered out, received or put in ure, and every other perſon offending contrary to the intent and meaning of this Act, ſhall forfeit to the Queens Majeſty, her Heirs and Succeſſors, Five marks, and to the party grieved, or which ſhall ſuſtain any loſs thereby, the ſum of Five marks of lawful Engliſh money; (7) all which forfeitures and penalties ſhall and may be recovered by Action of Debt, Bill, Plaint, or Information in any Court of Record, wherein no Eſſoin, Protection, or Wager of Law ſhall be allowed.

In every extract of Iſſues againſt a Juror, his addition ſhall be put.

III. And be it further enacted by the authority aforeſaid, That juſtices of Oyer and Terminer within the Limits of their Commiſſion, Juſtices of Aſſiſe in their Circuits, and Juſtices of Peace, as well within Liberties as without, within the limits of their Commiſſion, ſhall by virtue of this preſent Act, have full power and authority to enquire, hear and determine all and every the offences aforeſaid committed, or to be committed within the ſeveral limits, circuit or precinct of their ſeveral Commiſſion or Commiſſions, and to award forth proceſs of execution for the levying of the forfeitures. (2) This Act to endure to the end of the next Parliament. 39 Eliz. 18. made perpetual.

Which Officers have authority to hear and determine the offences aforeſaid.

C A P. VIII.

An Act for redreſs of erroneous Judgments in the Court commonly called the Kings Bench.

El. 731. Jac. 171, 314. Car. 286, 72. Roll 139, 294, Roll 75, 140.

FOraſmuch as erroneous Judgments given in the Court called the Kings Bench, are only to be reformed by the high Court of Parliament, (2) which Court of Parliament is not in theſe days ſo often holden, as in ancient time it hath been, neither yet (in reſpect of greater affairs of this Realm) ſuch erroneous Judgments can be well conſidered of, and determined during the time of the Parliament, whereby the Subjects of this Realm are greatly hindered and delayed of Juſtice in ſuch caſes:

Error 3. Erroneous judgments given in the Kings Bench by the Common Laws, are only reverſible in Parliament.

II. Be it therefore enacted by the authority of this preſent Parliament, That where any Judgment ſhall at any time hereafter be given in the ſaid Court of the Kings Bench, in any Suit or Action of Debt, Detinue, Covenant, Account, Action upon the Caſe, Ejectione firmæ, or Treſpaſs firſt commenced, or to be firſt commenced there, (other then ſuch only, where the Queens Majeſty ſhall be party) the Party Plaintiff or Defendant, againſt whom any ſuch Judgment ſhall be given, may at his election ſue forth out of the Court of Chancery, a ſpecial Writ of Error to be deviſed in the ſaid Court of Chancery, (2) directed to the Chief Juſtice of the ſaid Court of the Kings Bench for the time being, commanding him to cauſe the ſaid Record, and all things concerning the ſaid Judgment, to be brought before the Juſtices of the Common Bench, and the Barons of the Exchequer, into the Exchequer-Chamber, there to be examined by the ſaid Juſtices of the Common Bench, and Barons aforeſaid; (3) which ſaid Juſtices of the Common Bench, and ſuch Barons of the Exchequer as are of the degree of the Coyf, or ſix of them at the leaſt, by vertue of this preſent Act, ſhall thereupon have full power and authority to examine all ſuch errors as ſhall be aſſigned or found in or upon any ſuch Judgment, (4) and thereupon to reverſe or affirm the ſaid Judgment, as the Law ſhall require, other then for errors to be aſſigned or found for or concerning the Juriſdiction of the ſaid Court of Kings Bench, or for any want of form in any Writ, Return, Plaint, Bill, Declaration, or other Pleading, Proceſs, Verdict or Proceeding whatſoever; (5) and that after the ſame ſhall be removed and brought back into the ſaid Court of the Kings Bench, that ſuch further Proceeding may be thereupon, as well for Execution as otherwiſe, as ſhall appertain.

3 Bulſtr. 331. Moor 694. pl. 963.

Before whom Judgments given in certain Actions in the Kings Bench, may be examined. 2 Roll 434.

III. And be it further enacted, That ſuch Reverſal or Affirmation of any ſuch former Judgment ſhall not be ſo final, but that the party who findeth him grieved therewith, ſhall and may ſue in the high Court of Parliament, for the further and due examination of the ſaid Judgment, in ſuch ſort as is now uſed upon erroneous Judgments in the ſaid Court of Kings Bench. Stat. 31 Eliz. 1. Stat. 14 Ed. 3. 5. Cok. pla. fol. 2, 24, 37.

Erroneous Judgment examined in Parliament.

C A P. IX.

An Act for reformation of Errors in Fines and Recoveries in the twelve Shires of Wales, and Counties Palatine, and for exemplification of Fines and Recoveries generally.

WHereas in the Parliament by Prorogation holden at Weſtminſter in the three and twentieth year of her Majeſties Reign that now is, one good and beneficial Statute was made and ordained for the appeaſing of Suits, the avoiding of falſe practices, deceits, devices and miſdemenors, and for helping of negligences and miſpriſions of Clerks and Officers, dangerous to Aſſurances of mens Lands and Hereditaments, Entituled, An Act for the reformation of Errors in Fines and Recoveries; (2) foraſmuch as the ſaid Statute, or ſundry good and neceſſary clauſes and parts thereof, doth not extend to Fines and Recoveries levied, had and ſuffered in the twelve Shires of Wales, that is to ſay, Glamorgan, Brecknock, Radnor, Caermarthen, Pembroke, Cardigan, Mountgomery, Denbeigh, Flint, Caernarvon, Angliſey, and Merioneth, the Town and County of Haverford-weſt, and the Counties Palatine of Cheſter, Lancaſter, and Dureſm, (3) Be it enacted by our Sovereign Lady the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That every Writ of Covenant, and other Writ whereupon any Fine heretofore hath been levied, or hereafter ſhall be levied, the return thereof; the Writ of

Fines 31. Stat. 23 Eliz. 3.

Co. 117.

Inrollment of Fines and Recoveries in Wales, and the Counties Palatine.

of Dedimus poteſtatem, made for the acknowledging of any of the ſame Fines, the return thereof; the Concord, Note and Foot of every ſuch Fine, the Proclamations made thereupon, and the Kings Silver; (4) and alſo every Original Writ of Entry in the Poſt, or other Writ whereupon any common Recovery hath been ſuffered, or hereafter ſhall be ſuffered or paſſed; the Writs of Summon. ad Warrantizandum, the Returns of the ſaid Originals and Writs of Summon. ad Warrantizandum, and every Warrant of Atturney, had or to be had, as well of every Demandant and Tenant, as Vouchee extant and remaining, or that ſhall be extant and being in the Courts of Aſſiſes or great Seſſions within the ſaid twelve Shires of Wales, Town and County of Haverford-weſt, and Counties Palatines, or in the cuſtody of the Officers to whom the charge of keeping thereof doth appertain, (6) may upon the requeſt or election of any perſon or perſons, be inrolled in Rolls of Parchment by ſuch perſons, and for ſuch conſiderations as hereafter in this Act ſhall be mentioned: (7) And that the Inrollments of the ſame, or any part thereof, ſhall be of as good force and validity in Law, to all intents, reſpects and purpoſes, for ſo much of any of them ſo inrolled, as the ſame being extant and remaining, were or ought by Law to be.

For what Errours Fines and Recoveries are reverſible.

II. Be it further enacted by the authority aforeſaid, That no Fine, Proclamations upon Fines, or common Recovery heretofore had, levied ſuffered or paſſed, or hereafer to be had, levied, ſuffered or paſſed in any of the ſaid twelve Shires of Wales, Town and County of Haverdford-weſt or Counties Palatine, ſhall be reverſed or reverſible by any Writ of Error, for falſe or incongrue Latine, raſure, interlining, miſ-entring of any Warrant of Atturney, or of any Proclamation miſ-returning, or not returning of the Sheriff, or other want of form in words, and not in matter of ſubſtance.

In what caſes, and what perſons may have Writs of Errour to reverſe Fines or Recoveries.

III. Provided always That neither this Act, nor any thing therein contained, ſhall bar or exclude any perſon or perſons from any Writ of Error which ſhall be had, taken or purſued within five years next after the end of the Seſſion of this preſent Parliament, upon any Fine or Recovery heretofore had or ſuffered in any of the Courts aforeſaid; nor from any Writ of Error which ſhall be had, taken or purſued, upon any Fine or Recovery heretofore levied, acknowledged or had in any of the ſaid Courts aforeſaid, within any of the ſaid twelve Shires of Wales, or Town and County of Haverford-weſt: (2) Which Fine or Recovery, or any part or parcel thereof now is, or at any time before the firſt day of June, whith ſhall be in the year of our Lord God, 1585, ſhall be exemplified under the Judicial Seal of the ſaid Courts, at or by the ſuit of any perſon that is or may be entituled to have or ſue any Writ of Error upon any the ſame Fines or Recoveries heretofore paſſed; nor from any Writ of Error which ſhall be had, taken or purſued upon any Fine or Recovery heretofore levied, acknowledged or had in any of the Courts aforeſaid, within any of the ſaid Counties Palatine: (3) which Fine or Recovery, any or part or parcel thereof now is, or at any time before the ſaid firſt day of June, which ſhall be in the year of our Lord God, 1585. ſhall be exemplified under the Seal of the ſame County Palatine where the ſame Fine or Recovery ſhall be ſo levied, knowledged or had, at or by the ſuit of any perſon that is, or may be entituled, to have or ſue any Writ of Error upon the ſame fine or Recovery ſo heretofore paſſed; (4) Nor to bar any Feme Covert, or any perſon within the age of one and twenty years, or any perſon that is non compos mentis, in Priſon or beyond the Seas, or of, or from any Writ of Error to be had or proſecuted for the reverſing of any Fine or Recovery heretofore paſſed, levied or ſuffered in any of the ſaid twelve Shires of Wales, Town and County of Haverford-weſt, or Counties Palatine, (5) So that ſuch Feme Covert or her heirs, within ſeven years next after that ſhe become ſole, and ſuch perſon within the age of one and twenty years, or his heirs within ſeven years next after he ſhall come and be of full age of one and twenty years; and ſuch perſon that is non compos mentis, within ſeven years next after he ſhall become of ſanæ memoriæ, and in default thereof, the heirs of ſuch perſon that is non compos mentis, within ſeven years next after the death of any ſuch perſon being non compos mentis; and ſuch perſon in Priſon, or his heirs within ſeven years next after the ſame perſon ſhall be at liberty, and ſuch perſon beyond the Seas, or his heirs within ſeven years next after the return of ſuch perſon into this Realm of England, or the death of the ſaid perſon, if he ſhall before his return die in any foreign Countrey, ſhall ſue, take and proſecute their Writs of Error, as their Cauſes ſhall ſeverally require, for reverſing of any of the ſaid Fines or Recoveries heretofore paſſed, levied or ſuffered.

A remedy for the heir, where the anceſtor dieth hanging the Suit.

IV. Provided always, and be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall within the time and years aforeſaid, commence or ſue his or their Writs of Error, for reverſing of any the ſaid Fines or Recoveries heretofore paſſed, which Suit ſhall fortune to abate by the death of any of the parties to the ſame, that then it ſhall and may be lawful for his and their heirs, at any time within one year next after the ſaid ſeven years expired to have, ſue, and take their Writ of Error for the reverſing of every ſuch Fine and Recovery; (2) and if ſuch heir be an infant within the age of one and twenty years, then within one year next after the full age of ſuch infant; Any thing in this preſent Act contained to the contrary thereof in any wiſe notwithſtanding.

The day and year of the knowledge of a Fine or Warrant of Atturney for a Recovery ſhall be certified.

V. And be it further enacted by the authority of this preſent Parliament, That every perſon that ſhall at any time hereafter take the knowledge of any Fine or Warrant of Atturney, of any Tenant or Vouchee, for ſuffering any common Recovery to be levied, knowledged, paſſed or had, within any the twelve Shires of Wales, Town and County of Haverford-weſt, or Counties Palatine, or ſhall certifie them or any of them, ſhall with the Certificate of the Concord or Warrant of Atturney, certifie alſo the day and year wherein the ſame was acknowledged; (2) And that no perſon that taketh any ſuch knowledge of any Fine or Warrant for any Recovery, ſhall be bound, or by any means inforced to certifie any ſuch knowledge of any Fine or Warrant, except it be within one year next after the ſaid knowledge taken.

VI. And that no Clerk or Officer in any of the ſaid twelve Shires of Wales, Town and County of Haverford-weſt, or Counties Palatine, ſhall receive any Writ of Covenant, or

Writ of Entry, or any other Writ whereupon any Fine or common Recovery is hereafter to paſs, unleſs the day of the knowledge of the ſame Fine and Warrant ſhall appear in, or by ſuch Certificate, upon pain that every Clerk that ſhall receive any ſuch Writ, ſhall forfeit for every time that he ſhall ſo offend, the ſum of Fourty ſhillings: (2) And that no Attournment in or upon any ſuch Fine in any of the Courts aforeſaid, be entred upon Record, except the party mentioned to Attourn therein, firſt have appeared in the Court, in perſon, or by Atturney warranted by the hands of one of the Juſtices of the ſame Court, upon a Writ of Quid Juris Clamat, quem redditum redd. or per quæ ſervitia, as the caſe requireth: (3) And that every entry of Attournment hereafter to be made in any of the Courts aforeſaid, wherein there ſhall be no appearance as aforeſaid, ſhall be utterly void and of none effect, without any Writ of Error, or other means to be uſed for avoiding thereof.

Attornment.

VII. And be it further enacted by the authority aforeſaid, That there ſhall be for ever an Office for the Inrollments aforeſaid, in every of the ſaid twelve Shires of Wales, Town and County of Haverford-weſt, and Counties Palatine, which ſhall be and continue an Office for ever, called the Office of Inrollments of Fines and Recoveries; and that the Juſtices of the ſaid twelve Shires of Wales, Town and County of Haverford-weſt, and Counties Palatine for the time being, that is to wit, every of them within the limits and precincts of their ſeveral Authorities and Commiſſions, ſhall have and take the care and charge of, and for the Inrollments aforeſaid, and ſhall have and enjoy the ſaid Office and the Diſpoſition thereof, and carefully ſee and look to the execution thereof; (2) and in conſideration of their charges pain and travel therein, ſhall have and take the ſums of money hereafter following, and no more, that is to ſay for the Inrollment and examination of every Fine and the parts thereof, Five ſhillings, (3) and for the Inrollment and examination of every Recovery and the parts thereof, Five ſhillings, (4) and for every exemplification of the Inrollment of every Fine and the parts thereof, Three ſhillings four pence, (5) and for every exemplification of the Inrollment of every Recovery and the parts thereof, Three ſhillings four pence, (6) and for the ſearch of the Rolls for one year, Four pence, (7) and for the Copy of one ſheet of Paper, containing fourteen Lines, Four pence: (8) And that the Juſtices of the ſaid Courts of Aſſiſes, or great Seſſions for the time being, within the ſaid twelve Shires of Wales, Town and County of Haverford-weſt, and Counties Palatine, or any one of them, within the ſeveral limits and precincts or their ſaid ſeveral Commiſſions, ſhall examine the Inrollment of every ſuch Fine and Recovery and of the parts thereof, and after ſuch examination of the Inrollment of every ſuch Fine and Recovery and of the parts thereof, ſhall immediately write his Name that ſo examineth, with his own Hand in the Roll thereof, upon pain that the ſaid Juſtices ſhall forfeit to our Sovereign Lady the Queens Majeſty, the ſum of Fourty ſhillings for every time that they or one of them ſhall make default of ſuch examination or writing of his or their Name as is aforeſaid; (9) and that it ſhall and may be lawful for the ſaid Juſtices or any of them for the time being, to take order in all things that ſhall be convenient and needful for the Inrollments aforeſaid, (10) and upon examination in the ſaid Courts to aſſeſs ſuch Fine or Amerciament upon any Clerk, Sheriff, Deputy, Atturney, or any other perſon for his and their miſpriſion, contempt and negligence, for not doing, or miſ-doing in any thing, of, in or concerning the ſaid Fines or Recoveries, or any part of them, or either of them, as by the ſaid Juſtices for the time being, or any one of them ſhall be thought meet and convenient; (11) The ſaid Fine and Amerciament to be eſtreated amongſt other Fines and Amerciaments of that Court where ſuch offence or miſpriſion ſhall be committed.

The Office of Inrollments. Fees of Inrollments and Exemplifications of Fines and Recoveries.

Aſſeſſing of Fines for miſpriſion, contempt, or negligence.

VIII. And be it further enacted by the authority aforeſaid, That the exemplification of any ſuch Inrollment of any Fine or Recovery, or of any part thereof, within any of the ſaid twelve Shires of Wales, or the ſaid Town and County of Haverford-weſt, under the Judicial Seal of the ſaid Shire, Town or County where ſuch Fine or Recovery was levied, had or paſſed, (2) and the exemplification of any ſuch Inrollment of any Fine or Recovery, or of any part thereof, within any of the ſaid Counties Palatine, under the Seal of that County Palatine where ſuch Fine or Recovery was levied, had, or paſſed, (3) ſhall be of as good force and validity in the Law, to all intents, reſpects and purpoſes, for ſuch part, and ſo much of any of them as ſhall be ſo exemplified, as the very original Record it ſelf being extant and remaining, were, or ought by Law to be.

The Exemplification of as good force as the original Record.

IX. Provided always, and be it enacted by the authority aforeſaid, That it ſhall be lawful for the Juſtices Clerks authorized by their Warrant in the ſaid ſeveral Offices and Places where the ſame Records, or any of them do or ſhall remain, to write out or Inroll the ſame Records, and every part thereof, (2) and that the ſaid Records, nor any of them, for the writing out or making the Rolls thereof by the Clerks of the ſaid Juſtices, ſhall be brought or carried forth of the ſaid Offices or Places.

Records ſhall not be carried forth of the Offices.

X. And be it further enacted by the authority aforeſaid, That none of the ſaid Fines or Recoveries aforeſaid, heretofore levied, paſſed or ſuffered, which ſhall be exemplified under any judicial Seal of any the ſaid Shires, of Wales, or Town or County of Haverford-weſt, or under the ſeal of any of the ſaid Counties Palatine, according to the form of this Act, ſhall after ſuch exemplifications had, be in any wiſe amended.

No fine or Recovery ſhall be amended after Exemplification.

XI. Provided always, That this Act or any thing therein contained, ſhould not in any wiſe extend to the prejudice of the heirs of Sir Edward Grey Knight, Lord Powys, deceaſed, or of Sir Edward Herbert Knight, or his heirs or aſſigns, Henry Vernon, or John Vernon, Eſquires, or their heirs or aſſigns, for or concerning any Fine levied, or Recovery ſuffered, by or againſt the ſaid Lord Powys, of any Baronies, Honors, Manors, Lands, Tenements or Hereditaments in the County of Montgomery, or any exemplification thereof, or for or concerning any Writ of Error, brought, or to be brought for the reverſing of any ſuch Fine or Recovery; But that they and every of them, ſhall have and enjoy the ſame right, title, benefit and advantage to all intents and purpoſes, as if this Act had never been had or made.

The heirs of the Lord Powys, Sir Edward Herbert, Vernon.

The Earl of Kent his Title.

XII. And foraſmuch as upon great examination, it appeareth, That divers Fines and Recoveries have been heretofore levied and ſuffered of divers Caſtles, Manors, Meſſuages, Lands, Tenements and Hereditaments, which ſometime were the Inheritance of George, ſometime Earl of Kent, great Grandfather to Henry now Earl of Kent, in uſe, poſſeſſion, reverſion or remainder, whereunto the ſaid now Earl of Kent pretended title, in uſe, poſſeſſion, reverſion or remainder; which if they be Erronious as is pretended, do much vary from the general cauſe and miſchief for which this Statute meaneth to provide; Be it therefore enacted by the authority aforeſaid, That neither this Statute nor any thing therein contained, ſhall extend to take away any Writ of Error whereunto any perſon or perſons is now or hereafter ſhall be lawfully entituled to have, for the reverſing of the ſaid Fines and Recoveries, or any of them heretofore levied or ſuffered of any of the ſaid Caſtles, Manors, Meſſuages, Lands, Tenements, which late were any part or parcel of the Inheritance of the ſaid George ſometime Earl of Kent, in uſe, poſſeſſion, reverſion or remainder; Any thing in this Statute contained to the contrary thereof in any wiſe notwithſtanding. 23 Eliz. 3.

CAP. X.

An Act for the continuance of a former Statute, Entituled, An Act to redreſs Diſorders in common Informers upon Penal Laws, made in the Eighteenth year of the Queens Majeſties Reign.

Action p. 3. The Stat. of 18 Eliz. 5. touching Informers upon penal Statutes, made perpetual.

Where in the Parliament holden at Weſtmiſter the eighth day of February, in the eighteenth year of the Reign of our moſt gracious Sovereign Lady Queen Elizabeth, there was amongſt others, an Act made, entituled, An Act to redreſs diſorders in common Informers upon penal Laws; which Act is to continue in force and effect but unto the end of this Seſſion of this preſent Parliament; Foraſmuch as the ſaid Act is found by experience ſince the making of the ſame Act to be very neceſſary, beneficial, and expedient for the Commonwealth:

II. Be it therefore enacted by the authority of this preſent Parliament, That the ſame Act above remembred, and all and every the branches, clauſes and proviſions in the ſame contained, ſhall remain, continue, and be from henceforth in full force and effect for ever.

CAP. XI.

Fiſh 13. Raſt. 16.

Certain Statutes, viz. xix. made in the Reigns of King Hen. 8. King Ed. 6. and Queen Eliz. revived, and made to continue until the end of the next Parliament. EXP. A repeal of ſo much of the Statute of 5 Eliz. 5. as concerneth the eating of Fiſh, and reſtraineth the eating of Fleſh upon the Wedneſday. Sea-fiſh may be ſold any day in the week ſaving Sunday. Victuallers ſhall utter no Fleſh in Lent, nor upon Fridays or Saturdays. All manner of Pins may be brought into this Realm. EXP. 35 Eliz. 7. 39 Eliz. 18. Cock. pl. fol. 371.

CAP. XII.

An Act for Swearing of Under-Sheriffs and other Under-Officers and Miniſters.

Sheriffs 82. Under-ſheriffs, Bayliffs of Liberties, Sheriffs Clerks and Deputies, ſhall be twice ſworn. Complaints of the miſdemeanor of Under-ſheriffs.

Foraſmuch as grievous complaints are many times made of the miſdemeanour and evil behaviour of Under-ſheriffs, who oftentimes having to them committed by the High-ſheriff, the whole or part of the exerciſing and executing of the Office of the High-ſheriff, and not taking any corporal Oath as the High-ſheriff doth, for the executing and diſcharging of the ſame Office, do therefore daily moſt injuriouſly, through corruption and affection, impannel Jurors for the Queens Majeſty, and betwixt party and party, to the great loſs, damage and hinderance of divers her Majeſties loving Subjects of this Realm:

2 Eliz. 1. The Oath of Supremacy.

The Under-ſheriffs Oath touching the impannelling of Juries.

II. For reformation whereof, Be it enacted by the authority of this Parliament, That all and every perſon and perſons that from and after the laſt day of the Seſſion of this preſent Parliament, ſhall be admitted to, or take upon him the executing of the Office of an Under-ſheriff in any Shire or County within this Realm of England, before he intermeddle with the uſe or exerciſe of the ſaid Office, ſhall receive and take a corporal Oath upon the holy Evangeliſts, before the Juſtices of Aſſiſe, or one of them of the ſame Circuit wherein that County is whereof he ſhall be Under-ſheriff, or before the Cuſtos Rotulorum, or two Juſtices of the Peace, whereof one to be of the Quorum of the ſaid County whereof he ſhall be Under-ſheriff as aforeſaid, (2) for and concerning the Supremacy, in ſuch manner and form, as that Oath is expreſſed and declared in one Act of Parliament made and ordained in the firſt year of the Reign our Sovereign Lady the Queens Majeſty, (3) together with which Oath he ſhall in like ſort, before the ſame perſon or perſons, receive and take another corporal Oath as followeth, (that is to ſay,) I A B. ſhall not uſe or exerciſe the Office of under-Sheriff corruptly, during the time that I ſhall remain therein, neither ſhall or will accept, receive or take by any colour, means or device whatſoever, or conſent to the taking of any manner of fee or reward of any perſon or perſons for the impannelling or returning of any Inqueſt, Jury or Tales in any Court of Record, for the Queen, or betwixt party and party, above Two ſhillings, or the value thereof, or ſuch fees as are allowed and appointed for the ſame by the Laws and Statutes of this Realm, but will according to my power, truly and indifferently with convenient ſpeed impannel all Jurors, and return all ſuch Writ or Writs touching the ſame as ſhall appertain to be done by my Duty or Office, during the time that I ſhall remain in the ſaid Office. So help me God. (4) And likewiſe be it enacted by the authority aforeſaid, That this Act ſhall be a ſufficient warrant to the perſons appointed by this Act to miniſter the Oath aforeſaid, for the minſtring thereof accordingly.

The Under-ſheriff choſen at the time of the Statute making.

III. And be it further enacted by the authority aforeſaid, That every Under-ſheriff that is already choſen and appointed for the executing of the ſaid Office of Under-ſheriff for the year or time begun, of, or upon the laſt change of Sheriffs, ſhall within fourty days next enſuing the Seſſion of this preſent Parliament, receive and take the Oaths mentioned in this Act, before ſuch perſon or perſons as by this Act is, or are or limited appointed to miniſter the ſame.

Bayliffs of Franchiſes Sheriffs Clerks and Deputies, ſhall take the aforeſaid Oath.

IV. And be it further enacted by the authority aforeſaid, That every Bailiff of Franchiſes, Deputy and Clerk of every Sheriff and Under-ſheriff, and every other perſon and perſons which after fourty days after the end of this Seſſion of Parliament, ſhall have authority, or take upon him to impannel or return an Inqueſt, Jury or Tales, or to intermeddle with execution of Proceſs in any Court of Record, ſhall before he or they intermeddle with any further execution thereof, receive and take the Oaths aforeſaid, corporally before the perſon or perſons appointed by this Act to miniſter the ſame, or before the Head-Officer of the Place, if it be a Town-Corporate, changing only the words (the Office of the Under-ſheriff) contained in the Oath expreſſed in this Act, to ſuch words as are convenient for the Deputation, Office or Place in which the party which taketh the Oath is to be exerciſed in: (2) And if any the ſaid perſons limited to take the Oath aforeſaid, do take upon him to impannel or return an Inqueſt, Jury or Tales, or to intermeddle with the execution of Proceſs, not having before taken the Oaths aforeſaid, that then every ſuch perſon ſhall loſe and forfeit the ſum of Fourty pounds of currant Engliſh money, the one moiety to be to the uſe of our Sovereign Lady the Queen, the other moiety to him or them that will ſue for the ſame.

The forfeiture of the offenders, and how it may be recovered.

V. And be it further enacted by the authority aforeſaid, That if an Under-ſheriff or other perſon mentioned in this Act, or any of them, at any time and times, from and after fourty days next enſuing the laſt day of this preſent Seſſion of Parliament, ſhall do or commit any act or Acts contrary to the Oaths aforeſaid, or either of them, or contrary to the true intent and meaning of this Act, that then every ſuch perſon ſo offending, ſhall forfeit and loſe for every ſuch offence to the party or parties grieved, his or their treble damages: (2) All which ſeveral forfeitures before mentioned, ſhall or may by the authority of this preſent Act, be recovered, had, and levied by Action of Debt, Bill, Plaint or Information in any of the Qeens Majeſties Court of Record; in which Actions, Suits, Plaints or Informations, nor Wager of Law, Eſſoin or Protection ſhall be allowed.

Which Officers may hear and determine the offences aforeſaid.

VI. And be it further enacted by the authority aforeſaid, That the Juſtices of Aſſiſe, and Juſtices of Peace in their open Seſſions, ſhall have full power within their limits of their authority, to hear and determine the defaults done contrary to this Act, as well by Preſentment and Information as Indictment, (2) and upon conviction of the offenders, to award execution for the levying of the forfeitures aforeſaid, by Fieri facias, Attachment, Capias or Exigent.

CAP. XIII.

An Act for the following of Hue and Cry.

Hue and Cry: How and by whom Hue and Cries are to be made and the penalty for default thereof, &c. The effect of the Statutes of 13 Ed. 1. 1 & 2. & 28 Ed. 3. 11. touching anſwering for robbery.

Whereas by two ancient Statutes, the one made in the Parliament holden at Wincheſter, in the thirteenth year of the Reign of King Edward the Firſt, and the other in the eight and twentieth year of the Reign of King Edward the Third, it was for the better repreſſing of Roberies and Felonies (amongſt other things) enacted to this effect That if the Countrey do not anſwer for the Bodies of ſuch Malefactors, that then the pain ſhould be ſuch, that is to wit, that the people dwelling in the Countrey ſhall be anſwerable for the Robberies done, and the Damages, (2) ſo that the whole Hundred where the Robbery ſhall be done, with the Franchiſes which are within the precinct of the ſame Hundred ſhall anſwer the Robberies done; (3) And if the Robbery chance to be done in the diviſion of two Hundreds, that then both the Hundreds together, with the Franchiſes within the precinct of them, ſhall be anſwerable, as in the ſaid two ſeveral Statutes it doth more at large appear:

Several inconveniences enſuing the aforeſaid Statutes touching Hue and Cry.

II. Foraſmuch as the ſaid parts of the ſeveral Statutes being of late days more commonly put in execution, then heretofore they have been, are found by experience to be very hard and extream to many of the Queens Majeſties good Subjects, becauſe by the ſame Statutes they do remain charged with the penalties therein contained, notwithſtanding their inability to ſatisfie the ſame, and though they do as much as in reaſon might be required in purſuing ſuch Malefactors and offenders, (2) whereby both large ſcope of negligence is given to the Inhabitants and Reſiants in other Hundreds and Counties, not to proſecute the Hue and Cry made, followed and brought unto them, by reaſon they are not chargeable for any portion of the Goods robbed, nor with any Damages in that behalf given, (3) and alſo great encouragement and emboldening is likewiſe given unto the Offenders, to commit daily more Felonies and Roberies, as ſeeing it in manner impoſſible for the Inhabitants and Reſitants of the ſaid Hundred and Franchiſes wherein the Robbery is committed, to apprehend them without the aid of the other Hundreds and Counties adjoyning, (4) and for that alſo the party robbed having remedy by the aforeſaid Statutes for the recovering of his Goods robbed, and damages, againſt the Inhabitants and Reſiants of the hundred wherein the Robbery was committed, is many times negligent and careleſs in proſecuting and purſuing the ſaid Malefactors and Offenders: (5) Our Sovereign Lady the Queens Majeſty, not willing therefore that her people ſhould be impoveriſhed by any ſuch pain or penalty which ſhould be hard or grievous to them, and having ſpecial regard to abate the power of Felons, and to repreſs Felonies, (6) doth for remedy hereof, with the conſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by the authority of the ſame Parliament, eſtabliſh, and enact, That the Inhabitants and Reſitants of every, or any ſuch Hundred (with the Franchiſes within the precinct thereof) wherein neligence, fault or defect of purſuit, and freſh ſuit, after Hue and Cry made, ſhall happen to be, from and after fourty days next after the end of this preſent Seſſion of Parliament, ſhall anſwer and ſatisfie the one moiety or half of all and every ſuch ſum and ſums of money and damages, as ſhall by force or virtue of the ſaid Statutes or either of them, be recovered or had againſt, or of the ſaid Hundred, with the Franchiſes therein, in which any Robbery or Flony ſhall at any time hereafter be committed or done: (7) And that the ſame moiety ſhall and may be recovered by Action of Debt, Bill, Plaint or Information, in any ſuch Robbery and Recovery, for the party and parties robbed ſhall be, without naming the of the Queens Majeſties Courts of Record at Weſtminſter, by, and in the name of the Clerk of the Peace for the time being, of, or in every ſuch County within this Realm where any ſuch Robbery and Recovery, by the party or parties robbed ſhall be, without naming the Chriſtian name or Surname of the ſaid Clerk of the Peace; (8) whith moiety ſo recovered, ſhall be to the only uſe and behoof of the Inhabitants of the ſaid Hundred where any ſuch Robbery or Felony ſhall be committed or done.

Hob. 246. The Inhabitants of the hundred where freſh ſuit ſhall not be made, ſhall anſwer half damages.

The moiety ſhall be recovered by the Clerk of the Peace.

III. And

The death or removing of the Clerk of the Peace ſhall not ceaſe the ſuit.

III. And be it further enacted by the authority aforeſaid, That if any Clerk of the Peace, of or in any County within this Realm, ſhall at any time hereafter commence or prefer any ſuch Suit, Action or Information, and ſhall after the ſame ſo ſued, commenced or preferred, happen to die, or to be removed out of his Office, before recovery and execution had; that yet no ſuch Action, Bill, Plaint or Information, ſued, commenced, or preferred, ſhall by ſuch diſplacing or death be abated, diſcontinued or ended, (2) but that it ſhall and may be lawful to and for the Clerk of the Peace next ſucceeding in the ſaid County, to proſecute, purſue, and follow all and every ſuch Action, Bill, Plaint, Suit and Information, for the cauſes aforeſaid, ſo hanging and depending, in ſuch manner and form, and to all Intents and purpoſes, as that the Clerk of the Peace might have done which firſt commenced or preferred the ſaid Suit, Bill, Plaint or Information.

IV. And although the whole Hundred where ſuch Robberies and Felonies are committed, with the Liberties within the precinct thereof, are by the ſaid two former Statutes, charged with the anſwering to the party robbed his damages; yet nevertheleſs, the recovery and execution by and for the party or parties robbed, is had againſt one or a very few perſons of the ſaid Inhabitants, and he and they ſo charged, have not heretofore by Law had any mean or way to have any contribution of or from the reſidue of the ſaid Hundred where the ſaid Robbery is committed, to the great impoveriſhment of them againſt ſuch recovery or execution is had;

A remedy for thoſe againſt whom recovery and execution is had to have contribution.

V. For remedy whereof, Be it enacted by the authority aforeſaid, That after execution of damages by the party or parties ſo robbed had, it ſhall and may be lawful (upon complaint made by the party or parties ſo charged) to and for two Juſtices of the Peace (whereof one to be of the Quorum) of the ſame County, inhabiting within the ſaid Hundred, or near unto the ſame where any ſuch execution ſhall be had, to aſſeſs and tax rateably and proportionably, according to their diſcretions, all and every the Towns, Pariſhes, Villages and Hamlets, as well of the ſaid Hundred where any ſuch Robbery ſhall be committed, as of the Liberties within the ſaid Hundred, to, and towards an equal contribution to be had and made for the relief of the Inhabitant or Inhabitants againſt whom the party or parties robbed, before that time had his or their execution; (2) And that after ſuch taxation made, the Conſtables, Conſtable, Headboroughs, or Headborough of every ſuch Town, Pariſh, Village and Hamlet, ſhall by virtue of this preſent Act, have full power and authority within their ſeveral limits, rateably and proportionably to tax and aſſeſs according to their abilities, every inhabitant and dweller in every ſuch Town, Pariſh, Village and Hamlet for and towards the payment of ſuch Taxation and Aſſeſſment, as ſhall be ſo made upon every ſuch Town, Pariſh, Village and Hamlet, for and towards the payment of ſuch Taxation and Aſſeſſment, as ſhall be ſo made upon every ſuch Town, Pariſh, Village and Hamlet as aforeſaid, by the ſaid Juſtices: (3) And that if any Inhabitant of any ſuch Town, Pariſh, Village or Hamlet, ſhall obſtinately refuſe and deny to pay the ſaid Taxation and Aſſeſſment, ſo by the ſaid Conſtables, Conſtable, Headboroughs or Headborough Taxed and Aſſeſſed, that then it ſhall and may be lawful to and for the ſaid Conſtables and Headboroughs, and every of them within their ſeveral limits and juriſdictions, to diſtrain all and every perſon and perſons ſo refuſing and denying, by his and their Goods and Chattels, (4) and the ſame Diſtreſs to ſell, and the money thereof coming, to retain to the uſe aforeſaid; (5) and if the goods or Chattels ſo diſtrained and ſold, ſhall be of more value then the ſaid Taxation ſhall come unto, that then the reſidue of the ſaid money, over and above the ſaid Taxation ſhall be delivered unto the ſaid perſon or perſons ſo diſtrained.

The taxation of the Towns by the Juſtices.

The taxation of the inhabitants by the Conſtables.

Diſtraining and ſale of diſtreſs for default of payment.

The Conſtables ſhall deliver the money collected, to the Juſtices.

VI. And be it further enacted, That all and every the ſaid Conſtables and Headboroughs, after that they have within their ſeveral limits and Juriſdictions, levied and collected their ſaid Rates and ſums of money ſo Taxed, ſhall within ten days after ſuch Collection, pay and deliver the ſame over unto the ſaid Juſtices of Peace, or one of them, to the uſe and behoof of the ſaid Inhabitant or Inhabitants for whom ſuch Rate, Taxation and Aſſeſſment ſhall be had or made as aforeſaid; (2) which money ſo paid, ſhall by the Juſtices or Juſtice ſo receiving the ſame, be delivered over (upon requeſt made) unto the ſaid Inhabitant or Inhabitants to whoſe uſe the ſame was collected.

Levying of the contribution in the Hundred where default of purſuit ſhall be.

VII. And be it further enacted by the authority aforeſaid, That the like Taxation, Aſſeſſment, levying by diſtreſs and payment, as aforeſaid, ſhall be had and done within every Hundred where default or negligence of purſuit, and freſh ſuit ſhall be, for and to the benefit of all and every Inhabitant and Inhabitants, of the ſame Hundred where ſuch default ſhall be, that ſhall at any time hereafter by virtue of this preſent Act, have any damages or money levied of them, for or to the payment of the one moiety, or half of the money recovered againſt the ſaid Hundred where any Robbery ſhall be hereafter committed.

No penalty where any of the offenders be apprehended.
March 10, 11.

Cok. lib. fol. 7.

VIII. Provided alſo, and be it further enacted by the authority aforeſaid, That where any Robbery is, or ſhall be hereafter committed by two, or a greater number of Malefactors, and that it happen any one of the ſaid Offenders to be apprehended by purſuit to be made according to the ſaid former mentioned Laws and Statutes, or according to this preſent Act, that then, and in ſuch caſe, no Hundred or Franchiſe ſhall in any wiſe incur, or fall into the penalty, loſs or forfeiture mentioned either in this preſent Act, or in any the ſaid former Statutes, although the reſidue of the ſaid Malefactors ſhall happen to eſcape, and not be apprehended; Any thing in this Statute, or in the ſaid former Statutes to the contrary notwithſtanding.

The Suit ſhall be commenced within one year after the Robbery.

Hob.

IX. Provided alſo, That no perſon or perſons hereafter robbed, ſhall take any benefit by virtue of any the ſaid former Statutes, to charge any Hundred where any ſuch Robbery ſhall be committed, except he or they ſo robbed, ſhall commence his or their Suit or Action within one year next after ſuch Robbery ſo to be committed.

In what ſort Hue, and Cry, and purſuit of Felons ſhall be made.

Dyer fol.

X. And be it further enacted by the authority aforeſaid, That no Hue and Cry, or purſuit hereafter to be done or made by the County, or Inhabitants of any Hundred, ſhall be allowed and taken to be a lawful Hue and Cry, or purſuit, upon or after the ſaid Felons or Offenders, except] the ſame Hue and Cry, or purſuit be done and made by Horſemen and Footmen; Any Uſage or Cuſtom to the contrary notwithſtanding.

The party robbed ſhall give notice thereof to the Inhabitants of ſome Town, &c.

Cok. lib. 7. fol. 7. Cro. Jac. 41.

XI. And be it further enacted by the authority of this preſent Parliament, That no perſon or perſons that ſhall hereafter happen to be robbed, ſhall have or maintain any Action, or take any benefit by virtue of the ſaid two mentioned Statutes, or either of them, except the ſame perſon and perſons ſo robbed, ſhall with as much convenient ſpeed as may be, give notice and intelligence of the ſaid Felony or Robbery ſo committed, unto ſome of the Inhabitants of ſome time, Village or Hamlet near unto the place where any ſuch Robbery ſhall be committed; (2) nor ſhall bring or have any Action upon and by virtue of any the Statutes aforeſaid, except he or they ſhall firſt within twenty days next before ſuch Action to be brought, be examined upon his or their corporal Oath to be taken before ſome Juſtice of the Peace of the County where the Robbery was committed, inhabiting within the ſaid Hundred where the Robbery was committed, or near unto the ſame, whether he or they do know the parties that committed the ſaid Robbery, or any of them; (3) And if upon examination it be confeſſed, that he or they do know the parties that committed the ſaid Robbery, or any of them, That then he or they ſo confeſſing, ſhall before the ſaid Action be commenced or brought, enter into ſufficient Bond by Recognizance before the ſaid Juſtice before whom the ſaid examination is had, effectually to proſecute the ſame perſon and perſons ſo known to have committed the ſaid Robbery by Indictment, or otherwiſe, according to the due courſe of the Laws of this Realm. 29 Eliz., 25.

Cro. El. 142, 212.

The party robbed examined before a Juſtice, whether he knew any of the offenders. Cok. pla. fo. 348, Raſt pla. fo. 406.

CAP. XIV.

An Act for reviving of a former Statute made for the true making of Malt.

Malt 1.

WHereas in the Parliament holden at Weſtminſter, upon Prorogation the Fourth day of November, in the ſecond year of the Reign of the late King of moſt famous memory King Edward the Sixth, moſt dear brother to our Sovereign Lady the Queens Majeſty that now is, there was amongſt other things, one good and neceſſary Act of Parliament made and eſtabliſhed, entituled, An Act for the true making of Malt; (2) which ſaid Statute was after diſcontinued, and ſo reſteth and remaineth as yet, albeit in truth, during the continuance thereof, the ſame did much good to the Commonwealth, and ſo would it do ſtill, if the ſame might be revived and ſtand in force as heretofore it hath done:

A reviver of the Statute made 2 Ed. 6 10. for the making of Malt.

II. In conſideration whereof, may it pleaſe her Highneſs, with the conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that it may be enacted, That the ſaid former Act and Statute above mentioned, and every Branch, Article and Proviſo therein contained, ſhall be revived, and from henceforth continue, ſtand and endure in force and ſtrength, to all intents, conſtructions and purpoſes, and ſhall be obſerved and kept in all things, according to the tenor, effect and true meaning of the ſame. (2) This Act to continue for the time of three years now next following, after the end of this preſent Seſſion of Parliament; and after the end of the ſaid three years, then to the end of the Parliament then next following. 3 Car. 4. Continued untill the end of the firſt Seſſion of the next Parliament.

CAP. XV.

Ships, Raſt. 19

It ſhall be lawful to any of the Queens Subjects, to bring into this Realm from the parts beyond the Sea, in Engliſh Ships or Crayers, being ſailed by Engliſh Mariners with croſs Sails, Herring, Staple-fiſh, and Ling fiſh, for ſerving of the North parts paying the Queens Cuſtom and Subſidy for the ſame: So as none of the ſaid Fiſh be ſhipped from any of thoſe North parts into any Place of England, South, or South-weſt from Boſton; Any Statute or Proviſo notwithſtanding, &c. But this ſhall not be prejudicial to the Town or Burgeſſes of Berwick. Exp. 5 Eliz. 5. 13 Eliz. 11. & 23 Eliz. 7.

CAP. XVI.

Cordwainers. Raſt. 23.

It ſhall not be lawful to any perſon (ſaving a Tanner, his Executors, Adminiſtrators, or Legatories, or to them to whom tanned Leather ſhall be forfeited) to ſell or put away any tanned Leather unwrought, not converted into made Wares, in defrauding the true meaning of the Statute of 5 Eliz. 8. Exp.

CAP. XVII.

An Act touching the breadth of white Woollen Clothes made within the Counties of Wilts, Glouceſter, Somerſet and Oxon, &c.

Drapery 12. &c. Of what length, breadth and weight Whites made in the Counties of Glouceſter, Somerſet, and Wiltſhire, and elſewhere, ſhall be. 5 & 6 Ed. 6 6.

WHereas in the Parliament holden at Weſtminſter in the fifth and ſixth years of the Reign of our late Sovereign Lord King Edward the Sixth, one Statute was made, Entituled, An Act for the true making of Woollen Cloth, whereby (amongſt other things) it was enacted, That all Whites and Reds, which after the Feaſt of St. Michael the Archangel then next coming, ſhould be made in the Shires or Counties of Wiltſhire, Glouceſter and Somerſet, or any of them, or elſewhere of like making, and all other Whites which ſhould be made in any other parts of this Realm of England, and not before in the ſame Statute remembred, ſhould contain in length, being thorow wet, between ſix and eight and twenty yards, and ſhould be ſeven quarters of the yard in breadth within the Liſts, at the leaſt, and liſted according to the ancient cuſtom; and being well ſcoured, thicked, milled and fully dried, ſhould weigh every piece lxiv. li. being white, and lx. li. being coloured, at the leaſt, as by the ſaid Act, among other Clauſes, Articles and Proviſions contained in the ſame, more plainly is expreſſed.

The weight of the ſaid Clothes. 4 & 5 P. & M. 5.

II. And whereas alſo in the Parliament holden at Weſtminſter in the fourth and fifth years of the Reigns of our late Sovereign Lord and Lady King Philip and Queen Mary, one other Statute was made, Entituled, An Act touching the making of Woollen Clothes, whereby alſo (amongſt other things) it was ordained, eſtabliſhed, enacted and provided, That every white Cloth which ſhould be made in the Counties of Wiltſhire, Glouceſter and Somerſet, or any of them, or elſewhere of like making, appointed by the ſaid Act made in the ſaid fifth and ſixth years of King Edward the Sixth, to weigh threeſcore and four pound, ſhould weigh, being well ſcoured, thicked, milled and fully dryed, threeſcore and one pound at the leaſt, (2) with a Proviſion in the ſame laſt recited Act contained, That no perſon or perſons ſhould incur the danger, penalty or forfeiture limited and appointed for any offence in the ſaid former recited Act, which was mitigated, or otherwiſe appointed by the ſame Act made in the fourth and fifth years of King Philip and Queen Mary, as by the ſame Act made in the fourth and fifth years of King Philip and Queen Mary, amongſt divers Clauſes, Articles and Proviſoes therein contained, more plainly is expreſſed: (3) Sithence the making of which ſaid ſeveral Statutes, although the makers of the ſaid Clothes have endeavoured themſelves according to their beſt skill and induſtry, to perform and fulfil the ſaid recited Statute in every of their Clothes, as much as in them did lie, as touching the breadth of Clothes, and to that end and purpoſe have allowed, and do allow ſo much Yarn and Stuff to every ſuch Cloth as might ſufficiently ſerve to make all the ſaid Clothes full out in length and breadth, according to the ſaid former Statute made in the fifth and ſixth years of King Edward the Sixth, and in weight according to the ſaid Branch of the ſaid Statute made in the fourth and fifth years of the Reigns of the late King Philip and Queen Mary; (4) yet notwithſtanding many times, by reaſon of the divers natures in the Wools, and by the great diverſities in the Spinning, Carding and Milling, many of the ſaid Clothes made within the ſaid Counties of Wiltſhire, Glouceſter, Somerſet, and Oxon, and elſewhere of like making, do not contain full ſeven quarters in breadth, according to the ſaid Statute made in the fifth and ſixth years of King Ed. 6. and yet do hold their full weight or more, according to the former Statute made in the time of the ſaid King Philip and Queen Mary, and no default touching the breadth can juſtly be imputed to the maker thereof, for that the ſaid Cloth-makers (as experience daily ſheweth) cannot obſerve the ſaid former Statute in all the ſaid Clothes, as touching the breadth, although they endeavour themſelves never ſo much thereunto, (5) which Clothes not containing their full aſſiſe in breadth as is aforeſaid, are many times taken and ſeized by the Searchers of London, when they come to their Market at Blackwell-Hall, to the great loſs and damage of the ſaid Cloth-makers, and to the great hinderance of Cloth-making within the ſaid Counties.

The reaſons wherefore the foreſaid Stat. of 5 & 6. Ed. 6. & 4 & 5 P. & M. cannot be performed, and yet no default in the Clothier.

The breadth of Clothes made in Wiltſhire, Glouceſter, Somerſet and Oxfordſhire.

III. In conſideration whereof, albeit it is not hereby intended to repeal or make void the ſaid former recited Eſtatutes, or either of them, otherwiſe then is hereafter expreſſed, yet nevertheleſs, Be it enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons ſhall be hereafter Charged for any ſuch default which hereafter ſhall be in any of the ſaid Clothes mentioned in this Act, for want of breadth of ſeven quarters, ſo that the ſame Cloth do contain in breadth, being thorowly wet, ſix quarters and an half at the leaſt within the Liſts unwrought, and Liſted according to the ancient cuſtom; Any thing in any of the former Statutes mentioned to the contrary in any wiſe notwithſtanding.

The penalty if the Cloth do not contain in breadth, ſix quarters and an half.

IV. Provided always, and be it enacted by the authority aforeſaid, That if any of the ſaid Clothes ſhall not contain ſix quarters and an half at the leaſt within the Liſts, as aforeſaid, that then every perſon offending in that behalf, ſhall for every ſuch Cloth be ſubject to ſuch pains, penalties and forfeitures, as were by force of the former recited Statute of the fifth and ſixth years of King Edward the Sixth, to have been forfeited for want of breadth of ſeven quarters within the Liſts.

The weight of Narrow-liſted Whites, and Broad-liſted Whites.

V. And be it nevertheleſs enacted by the authority aforeſaid, That if any Cloth to be made within any of the ſaid Counties, or elſewhere of like making, called Narrow liſted Whites, being well ſcoured, thicked, milled, and fully dried, ſhall contain in weight any leſs then Sixty one pound at the leaſt; (2) or if any Cloth to be made within any of the ſaid Counties, or elſewhere of lie making, called Broad-liſted Whites, being well ſcoured, thicked, milled, and fully dried, ſhall contain in weight any leſs then ſixty three pound at the leaſt, (3) or if any of the ſaid Clothes, called Narrow-liſted or Broad-liſted Whites, ſhall contain in length any more then twenty and eight yards at the moſt; (4) that then every of the ſaid Clothiers therein offending, ſhall incur double ſuch penalties and forfeitures for every pound ſo wanting of the ſeveral weights above limited, and for every yard ſo exceeding in length, and not weighing after ſuch rate as is before expreſſed, as by the ſaid Statute of the fourth and fifth years of King Philip and Queen Mary is provided and appointed. (5) This Act to endure and continue for the ſpace of five years next after the end of this Seſſion of this preſent Parliament, and from the end of the ſaid five years, until the end of the next Seſſion of Parliament then next enſuing 35 Eliz. 7. made to continue for ever.

The length of Narrow-liſted and Broad-liſted Whites. Rep. 43. El. 10.

The penalty of the Clothiers offending.

CAP. VIII.

An Act concerning the making of Woollen Clothes in the Counties of Devon and Cornwall, called plain white Straight, and pinned white Straight.

Drapery 57. Part of the Statute of 5 Ed. 6. 6. and the whole Statute of 7 Ed. 6. 9. reſtraining the putting of hair, flocks, or Lambs-wool into plain white Straights, & pinned white Straights made in Devon and Cornwall, repealed, &c.

WHere in the Parliament upon Prorogation holden at Weſtminſter the twenty third of January, in the fifth year of the Reign of the late King of famous Memory, Edw, VI. one Act was made for true making of Woollen Clothes; by which Act, amongſt other things it was enacted, That from and after the Feaſt of St. Michael the Archangel next enſuing the making of the ſaid Act, no perſon or perſons ſhould put any Hair, Flocks, or Yarn of Lambs-wooll into any Cloth, Kerſie, Frize, or Cotton made and ſold, or offered to be ſold, as in the ſaid Act is expreſſed, upon pain to forfeit every ſuch Cloth, Kerſis, Frize and Cotton, wherein any ſuch Yarn, Hair, or Flocks ſhould be put, or the value of ſuch Cloth, Kerſie, Frize or Cotton, as by the ſaid Act it doth and may appear:

II. And whereas by another Act made in the Parliament holden at Weſtminſter in the ſeventh year of the Reign of the ſaid late King, Entituled, An Act for the making of plain white Straights, and pinned white Straights, in Devon and Cornwall, the ſaid former Act was altered, and liberty given to the Makers of the ſaid Clothes, called plain white Straights, and pinned white Straights, to uſe in making the ſaid Clothes, Flocks, Hair, or Yarn made of Lambs-wooll, and by the Statute divers Rules and Orders were appointed for making of the ſaid Clothes, called plain white Straights, and pinned white Straights, as by the ſaid Statute doth appear: (2) Now for that the Orders and Rules both by the ſaid Statute made in the ſaid fifth year, as alſo in the ſaid ſeventh year of the ſaid late King Edward the

Sixth, tend to the utter undoing and decay of great numbers and multitudes of people which live by the Trade of Clothing, and are not profitable any longer to be kept in theſe Counties and Places, where the ſaid Clothes, called plain white Straights, and pinned white Straights are uſually made, the ſame Clothes being but a baſe and courſe kind of Clothes, uſually made for the uſe of the poor people beyond the Seas, and moſt commonly ſhipped into Britain, and there uttered for a Merchandize, to ſerve the uſe of the poorer ſort there: (2) And eſpeſially for that ſithence the making of the ſaid Statute, the Yarn wherewith the ſaid Clothes, called plain white Straights, and pinned white Straights, are uſually made, to the great benefit of the poor people where the ſame are made, is grown ſmaller and finer, whereby many more poor people are ſet on work with ſpinning of the ſame, then either at or before the making of any the ſaid ſeveral Statutes they were, ſo that the Weight, length and breadth cannot agree, as before it did in making the ſaid Clothes:

III. Be it therefore enacted by the Queens Majeſty our Sovereign Lady, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the Branch made in the ſaid fifth year, which prohibiteth putting of Hair, Flocks, or Yarn made of Lambs-wool in any Cloth or Frize, having regard unto the ſaid Clothes, called plain white Straights, and pinned white Straights, be utterly repealed and made void.

IV. And that the ſaid Statute alſo made in the ſaid ſeventh year of the Reign of the ſaid late King, and every Branch, Article, and Clauſe therein, be from henceforth utterly repealed, and void for ever.

V. And that it be further enacted, That from henceforth it ſhall be lawful to all and every the Queens Majeſties Subjects inhabiting, or which ſhall hereafter inhabit within the ſaid Counties of Devon and Cornwall, as well in Towns Corporate, Market Towns, or elſewhere, to weave and make the ſaid Clothes, called plain white Straights, and pinned white Straights, and to uſe and occupy in making the ſaid Clothes, called plain white Straights, and Pinned white Straights, Flocks, Hair, and Yarn made of Lambs-wool, (2) and to have, keep and uſe in his or their houſes three Looms, and not above, for making of the Clothes aforeſaid, (3) and to make the ſame Clothes, of ſuch length, weight, and breadth, as the Merchant ſhall like or accept, to buy the ſame for Merchandizes, or appoint the ſame to be made for the uſe and moſt acceptable allowance of the Country people where the ſame ſhall be tranſported for Merchandizes, for that in truth none of the ſame are worn or occupied within this Realm; The ſaid Statute made in the ſaid fifth year of the Reign of the ſaid late King Edward the Sixth, or any other Law or Statute heretofore made to the contrary notwithſtanding.

What Stuff may be put into Cloth made in Devon and Cornwall. 43 Eliz. 10.

How many Looms a workman may keep in his houſe in Devon, &c.

VI. Provided always, That in defrauding of her Majeſties Cuſtom, no piece of the ſaid Clothes ſhall be made above twelve pounds in weight, or above fourteen yards in length, or one yard in breadth, (2) upon pain of forfeiture of all ſuch Clothes made over and above the ſaid length, breadth or weight, or the value thereof: The one moiety to the Queens Majeſty, her Heirs, and Succeſſors, and the other Moiety thereof to him that will ſue for the ſame by Writ, Bill, Plaint, or Information in any Court of Record, wherein no Eſſoin, Protection or Wager of Law ſhall be allowed. 43 El. 10.

The weight length, and breadth of certain Clothes made in Devon and Cornwall.

CAP. XIX.

An Act for the preſervation of Timber in the Weilds of the Counties of Suſſex, Surrey and Kent, and for the amendment of High-ways decayed by Carriages to and from Iron-Mills there.

Whereas by the over-great negligence or number of Iron-works which have been and yet are in the Wields of the Counties of Suſſex, Surrey and Kent, it is thought that the great plenty of Timber which hath grown in thoſe parts hath been greatly decayed and ſpoilen, and will in ſhort time be utterly conſumed and waſted, if ſome convenient remedy therein be not timely provided; (2) Be it therefore enacted by our Sovereign Lady the Queens Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons, from and after the feaſt of Eaſter next after the end of this preſent Seſſion of Parliament, ſhall make, erect, build, or new ſet up, at or in any place within the Counties of Suſſex, Surrey or Kent, or any of them, any manner of Iron-Mills, Furnace, Finary or Blomary, for the making and working of any manner of Iron, or Iron-metal, other then either upon ſuch old and former Bayes or Pens, wherupon hath lately been, or at the time of the new errection ſhall be then ſtanding ſome Iron-Mills, Furnace or Hammer, or elſe in and upon ſuch Lands as the party or parties ſo erecting any ſuch intended new Work, ſhall continually furniſh the ſame with ſufficient ſupply of his or their own proper Woods ſtanding or growing in and upon his or their own proper Soil or Land, being to him or them in Fee-ſimple Fee-tail, or for term of life or lives, without impeachment of waſte at the leaſt, and not otherwiſe; (3) nor ſhall convert or employ, or cauſe to be converted or employed to Coals, or other Fewel, for the making or working of Iron or Iron-metal, in or about any manner of Iron-Mills, Furnace, Hammer, Finary, Forge, or Blomary, the body or bodies of any ſound Timber Tree or Trees, apt for the making of good and ſufficient Cleft Wares, or Sawing Timber of Oak, Aſh or Elm, growing of the breadth or bigneſs of one foot ſquare art the ſtub, or any pat of the ſame body or bodies or any ſuch Tree or Trees, (4) upon pain of forfeiture for every Iron-Mill, Furnace, Forge, Finary or Blomary, made, erected, builed, or ſet up, contrary to the tenor and true meaning of this Act, the ſum of Three hundred pounds; (5) and for every body of every ſuch Timber Tree ſo employed or converted to Coal or other Fewel, for the making or working of Iron, as is aforeſaid, the ſum of Fourty ſhillings of lawful money of England; (6) the one half of which forfeitures to be to our Sovereign Lady the Queens Majeſty, her Heirs and Succeſſors, and the other half to him or them that will ſue for the ſame by Original Writ, Bill, Plaint or Information, wherein no Eſſoin, Protection, or Wager of Law ſhall be admitted or allowed.

Iron 7. No new Iron-Mills ſhall be made in Suſſex, Surrey or Kent, nor good Timber ſhall be conſumed by the making of Iron, and the High-ways there ſhall be repaired and amended. 1 Eliz. 15. 23 Eliz. 1.

Timber ſhall not be employed to the making of Iron.

The forfeitures for the offences aforeſaid.

Which Toppers or Offals of Timber may be employed to Iron-works.

A remedy for the repair of High-ways in Suſſex, Surrey and Kent. REP. 39 Eliz. 19.

Two ſhillings and ſix pence ſhall be in lieu of every Cart-load of Gravel, &c. uncarried.

In what caſe the Surveyors ſhall appoint where the gravel ſhall be laid

How the forfeitures ſhall be imployed.

A remedy where the offender doth not pay the forfeiture.

II. Provided always and be it further enacted by the authority aforeſaid,, That it ſhall and may be lawful to and for the Owners of ſuch Trees (the bodies whereof have been, or ſhall be from time to time converted and employed to, or for any manner of Timber or Cleft-ware within the Wellds of Suſſex, Surrey, or Kent, or any of them, the ſame not being within eighteen miles of the City of London, or eight miles of the River of Thames, or four miles of the Towns of Rye, and Winchelſey, or within three miles of Haſtings, or within four miles of the foot of the Hills called the Downs, between Arundel, and Pemſey in the County of Suſſex aforeſaid, or any of them) to employ the tops and offals of all ſuch Trees, to or for Coals, or other Fewel ſerving to or for Iron-works, at their own will and pleaſures, this Statute, or any other to the contrary hereof in any wiſe notwithſtanding: (2) And foraſmuch as the Highways in the ſaid Counties of Suſſex, Surrey, and Kent, are in many places greatly impaired and ſpoiled by means of carriages of Coals, Mines and Iron, to and from the Iron-works in the ſaid Counties, to the great hinderance of the common paſſages of the Queens Majeſties Subjects travelling through the ſame: (3) For remedy whereof, Be it further enacted by the authority aforeſaid, That the Occupiers of all manner of Iron-works whatſoever, as Owners or Farmors of the ſame, by or for any Eſtate or Eſtates of Inheritance for life, lives, or for term of year or years, which ſhall at any time hereafter carry, or cauſe to be carried any Coals, Mine or Iron, to or for any their Iron-works between the twelfth day of October, and the firſt day of May yearly, ſhall likewiſe yearly carry and lay, or cauſe to be carried and laid for every ſix loads of Coals or Mine, as well as alſo for every Tun of Iron which ſhall be carried by any manner of Wayn or Cart, between the ſaid Twelfth day of October, and the firſt day of May, yearly, by the ſpace of one mile, thorow any High-ways, being under any the Hills commonly called the North Downs of Surrey, and Kent, to or from any manner of Iron-work, one uſual Cart-load of Cinder, Gravel, Stone, Sand or Chalk, meet for the repairing and amending of the ſaid High-ways, to be laid and employed in ſuch place and places of the ſaid High-ways, as by any Juſtice of the Peace of any of the Counties aforeſaid, dwelling near unto the places where the High-ways within the limits aforeſaid, ſhall be moſt annoyed by any the means aforeſaid, according to the greater and more preſent neceſſity ſhall be appointed or aſſigned; (4) or elſe pay or cauſe to be paid, for and in allowance of every Cart-load, in manner and form aforeſaid, to have been ſo carried and laid, Two ſhillings ſix pence, within eight days after the demand thereof, to the hands of the ſaid Juſtice of Peace, or his Aſſignee, the ſame to be levied after default of payment upon the demand thereof, from time to time, upon ſuch Iron as ſhall be by and thorow the ſame High-ways ſo carried, by way of diſtreſs. (5) And if ſuch Juſtice of Peace, by reaſon of abſence or other occaſion, do not or ſhall not within forty days next after the ſaid firſt day of May yearly, aſſign or appoint where, and in what place of the High-ways the ſaid cinder, gravel, ſtone, ſand or chalk, to be carried as aforeſaid, ſhall be laid, or where, and how the money thereof due, or ſo paid, ſhall be employed and beſtowed; that then the ſame cinder, gravel, ſtone, ſand or chalk, ſhall be laid and imployed by ſuch perſon and perſons as by this Act are to carry and lay the ſame, or to cauſe the ſame to be carried and laid in ſuch place and places of the High-ways, as the Surveyors of the Highways within the Pariſh for the time being, where the High-ways ſhall be moſt annoyed, as is aforeſaid, ſhall aſſign or appoint, (6) or in default thereof pay to the ſaid Surveyors for every ſuch load due, and uncarried, ii. s. vi. d. in manner and form aforeſaid, (7) upon pain of forfeiture of x. s. for every load of cinder, gravel, ſtone, ſand or chalk not carried, laid and imployed in the High-ways, or ii. s. vi. unpaid as is aforeſaid, to be forfeited and paid by the perſon and perſons which by this Act ought to carry and lay or cauſe to be carried and laid the cinder, gravel, ſtone, ſand or chalk, or therefore to have paid, as is aforeſaid, after due preſentment and conviction thereof had before the Juſtice of Oyer, and Terminer, or Juſtices of Peace in any of their open Seſſion or Seſſions to be holden before them, or any of them; (8) All which ſum and ſums of Money to be forfeited by reaſon of this Act, for or in default of carriage and laying of the ſaid cinder, gravel, ſtone, ſand or chalk, or payment thereof due, as aforeſaid, ſhall be likewiſe beſtowed and imployed upon the amendment and repairing of the High-ways in the ſaid Pariſhes, where the cauſe of forfeiture by default or refuſal grew, and was given, at and by the diſcretion of any ſuch Juſtice of Peace as ſhall dwell and be reſiant next unto the place or places being moſt annoyed by the Carriages aforeſaid, and where the money therefore due ſhould have been paid, as aforeſaid, (9) and the ſame to be levied by way of diſtreſs by any Conſtable, Tithing-man, Headborough, or other Officer thereunto to be aſſigned by warrant made in open Seſſions by any Clerk of the Peace of the County where any offence or offences aforeſaid ſhall be committed, or by any two Juſtices of the Peace, whereof one to be of the Quorum, which were preſent at the Seſſions wherein the ſaid conviction of or for any the offences aforeſaid ſhall be had: (10) And if no ſufficient diſtreſs can be found by the ſaid Officer appointed to levy the ſame, or if the ſaid offendor ſhall abſtinately refuſe to pay the ſame forfeiture, or do not pay the ſame within xx. days after a lawful demand of the ſame, by the ſaid Officer to be appointed for the levying thereof, as aforeſaid, that then every perſon ſo denying or refuſing, and not paying the ſame forfeiture within xx. days, as aforeſaid, to forfeit the double ſum he ſhould before have paid, to be levied by ſuch ways and means, as to two of the Juſtices of Peace of the ſame County where the ſaid offence ſhall be committed, whereof one to be of the Quorum, ſhall be thought moſt meet; (11) the ſame forfeiture to be likewiſe imployed upon the amendment of the High-ways, as the other forfeiture ſhould have been, if ſame had been levied according to the true intent and meaning of this Statute.

CAP. XX.

It ſhall be lawful to the Mayor and Commonalty of Plimouth in the County of Devon, and their Succeſſors, to dig and mine a Trench or Ditch containing in breadth betwixt ſix oy ſeven foot over in all places, through all the Grounds lying between the Town of Plimouth, and any part of the River of Mew, for the neceſſary conveying of the ſaid River to the ſaid Town, and to do Reparations, and make all things neceſſary, whereby the River may be brought and continue unto the ſaid Town without the let of any perſon, the ſaid Mayor and Commonalty paying to the Owners and Farmors of the ſaid Grounds, the value of the Ground ſo digged, to be aſſeſſed by two Juſtices of Aſſiſe; but the ſaid River ſhall not be conveyed through any perſons Houſe, Orchard or Garden, nor to the hinderance of the water-courſe of any Mill, withought the Owners conſent. PR.

Havens, Raſt. 14.

CAP. XXI.

It ſhall be lawful to any perſon to ſet any Net with any Boat called a Stalboat, or other Boat or Veſſel whatſoever, within the entry or mouth of Orford Haven in the County of Suffolk, or in the Gull, being a branch of the ſaid Haven, except the Mask or Shale of every ſuch Net throughout the whole do contain two inches and a half at the leaſt in the wideneſs from knot to knot, upon pain to forfeit the Net ſo ſet, or the value thereof, and five pound to the Queen and I. to be recovered by A. B. P. or I. wherein no W. and P. &c. PR. Stat. 4 H. 7. 21.

Ibid. 15.

CAP. XXII.

It ſhall be lawful to the Mayor and Citizens of the City of Chicheſter in the County of Suſſex, their Succeſſors and Aſſigns, at any time hereafter to lay out ſo much ground in ſuch places as they ſhall think moſt meet for that purpoſe, for the making of a new Channel, from ſuch place of the Haven of the ſaid City, unto the Suburbs thereof, between the Dell Key there, and a place called Fiſhborn, and in ſuch length and breadth throughout, as to them ſhall ſeem neceſſary, for the conveying the water along the Channel unto the Suburbs; and alſo to enter into any Lands within half a mile of the ſaid new Channel, where any Brooks, Waters, Streams or Springs ſhall be, and to aſſign and lay out ſuch quantity thereof as ſhall be convenient to bring the ſame Brooks, &c. into the ſaid Channel. PR.

Ibid. 16.

CAP. XXIII.

An Act for the Clothiers of Boxſted in the County of Eſſex.

Drapery 78.

CAP. XXIV.

An Act for repairing and maintaining of the Sea-banks and Sea-works on the Sea Coaſts in the County of Norfolk.

Whereas in the Parliament holden at Weſtminſter, in the ſecond and third years of the Reign of the late King Philip and Queen Mary, one Act was made and ordained for the mending and maintaining of High-ways; which ſaid Act having no longer continuance but for ſeven years after the end of the ſame Parliament, was afterwards by one other Act of Parliament made in the fifth year of the Queens Majeſties Reign that now is, revived to have further continuance for a certain time yet enduring; in which ſaid Act made in the fifth year, and one other Act made in the eighteenth year of her Majeſties Reign, there were contained divers further Additions and Ordinances, tending to the amendment and maintenance of the ſaid High-ways: (2) And whereas the Sea-banks and Sea-works in ſundry parts of the Sea-coaſts within the County of Norfolk (not being within the particular charge of any perſon or perſons, or of any Townſhip, or to be maintained by any other common charge) are by the working of the Sea ruined and decayed, to the great hurt and prejudice of many Townſhips within three miles of the ſaid Banks and Sea-works, and likely daily more and more to grow in ruine and decay, if convenient remedy be not provided in that behalf: (3) And whereas the High-ways within three miles of the ſaid Sea-banks and Sea-works be ſo gravelly and ſandy, as neither need nor require for the amendment of the ſame, ſo many of the ſaid day-works as be limited and appointed by the ſaid Statutes; the ſurpluſage of which ſaid day-works, if it might be yearly imployed towards the repairing, amending, and maintenance of ſuch of the ſaid Sea-banks and Sea-works, as are not, or ought not to be made and maintained at the particular charge of any perſon or perſons, or at the charge of any Townſhip, or by acre ſhot, or other common charge, would be a ſingular benefit and help to the aforeſaid Townſhips within three miles of the ſaid Sea-banks and Sea-works ſo yearly to be made and maintained;

High-ways 4. Juſtices of Peace within the County of Norfolk ſhall take order for the keeping of the Sea-banks and Sea-works within the ſame County, in repair. 2 & 3 P. & M. 8. 5 Eliz. 13. 18 Eliz. 10.

II. For remedy whereof, Be it enacted and ordained by authority of this preſent Parliament, That from and after the Feaſt of Pentecoſt now next enſuing, the Juſtices of Peace within the County of Norfolk, ſhall and may yearly, at any general Seſſions to be holden within the ſaid County, for and towards the making and amending of the ſaid Sea-banks or Sea-works (now being, or that hereafter ſhall be in ruine or decay) limit and appoint ſo many of the ſaid day-works, as by their diſcretions ſhall be thought ſuperfluous, and not needful to be imployed towards the amendment of the aforeſaid High-ways within three miles of the ſaid Sea-banks or Sea-works, which ſhell needfully require any ſuch reparation or amendment.

The Juſtices of Peace in Norfolk ſhall take order for the repair of Sea-banks and Sea-works within the ſame County.

III. And be it further enacted, That every perſon and perſons dwelling within three miles of the ſaid Sea-banks and Sea-works needfully to be amended, as is aforeſaid, ſhall yearly upon reaſonable warning given, during ſo many days as ſhall be limited and appointed in the ſaid Seſſions, in reſpect of his and their labour and carriages, ſtand and be in that degree charged and chargeable towards the making, repairing, and amending of the ſaid Sea-banks or Sea-works, as by the aforeſaid Statutes they ſtand charged and chargeable for the amendment of any High-ways; and that they and every of them for the not doing and performing the ſame, ſhall incur the like pain, penalty and forfeiture, as is contained in the foreſaid Statutes made for the amendment of High-ways, and every of them: (2) And that the ſaid Juſtices likewiſe in their aforeſaid general Seſſions, ſhall and may nominate and appoint the High-Conſtables of every Hundred, that ſhall be charged or chargeable by force of this Act towards the making or amending of the ſaid Sea-banks or Sea-works, to be Surveyors of the ſaid Sea-works and Sea-banks, (3) and that they and every of them ſhall take upon them the execution of the ſaid Charge and Office, aud duly perform the ſame, upon ſuch like pain and forfeitures as by the ſaid Statutes, or any of them, to be impoſed upon any Surveyor or Surveyors, for not taking upon him or them the Office of Surveyor for the amending of High-ways: (4) And that every perſon and perſons which ſhall be yearly charged to the making and maintenance of the ſaid Banks or Sea-works, ſhall be diſcharged of ſo many days towards the making of the ſaid High-ways, as ſhall be imployed and beſtowed towards the making and amending of the ſaid Sea-works and Sea-banks: all the ſaid penal-

Every perſon chargeable for the repair of Sea-banks, as they ſtand charged for the amending of High-ways.

The Conſtables of Hundreds ſhall be Surveyors of Sea-works.

They which ſhall be charged with the amendment of Sea-works ſhall be diſcharged of the repair of High-ways.

ties and forfeitures to be levied in manner and form as in the ſaid Statutes are limited and appointed. (5) This Act to endure and continue for the ſpace of five years, and from thenceforth unto the end of the Parliament next enſuing the ſaid five years. 3 Car 4. Continued until the end of the firſt Seſſion of the next Parliament.

CAP. XXV.

Bridges, Raſt. 6.

As often as the Rents or Profits belonging to Rocheſter Bridge in Kent, ſhall not be ſufficient to bear the charge of the reparation thereof, the two Wardens, and more part of the twelve Aſſiſtants ſhall tax all the contributary Lands, rating every Pariſh where thoſe Lands be, proportionably at ſuch ſums of money, to be paid in ſuch manner as by the ſaid Wardens, &c. ſhall be appointed in Writing under their Hands and Seals, for the which any perſon by them aſſigned may diſtrain, and ſell the diſtreſs. At the yearly election of the ſaid two Wardens and Aſſiſtants, two Houſholders at the leaſt ſhall be preſent of every Pariſh within ſeven miles of the ſaid Bridge, wherein any contributary Lands do lie, to give their Voices at the ſame Election. PR. 9 H. 5. 12. 18 Eliz. 17.

CAP. XXVI.

High-ways, Raſt. 7.

It ſhall be lawful for 6, 5, 4, or 3. Juſtices of Peace inhabiting within eight miles of Middleton in the County of Kent, to tax upon the Grounds lying without the Iſle of Sheppey, and within four miles diſtance from Kings Ferry there, ſuch aſſeſſments towards the repair of the High-way leading from Middleton to Kings Ferry, as to them ſhall ſeem reaſonable, though the owners or Occupiers of the ſaid Grounds be dwelling without the compaſs of four miles: So as of every year no Acre of freſh Marſh be rated above a peny, nor ten Acres of ſalt Marſh above a peny, notwithſtanding the Statute of 18 Eliz. 10. PR.

CAP XXVII.

Plumſted-Marſh, Raſt. 1.

Liberty continued to certain perſons for ſix years, for the inning of Erith, Leſnes, and Plumſted Marſhes, in the County of Kent: The moiety of all the Lands ſo to be recovered and inned, aſſured to the Inners and their Heirs, in reſpect of their charges, and alſo the eighth part of the other moiety; They ſhall hold it of the Queen, as of the Manor of Eaſt-Greenwich in ſoccage by ſealty, paying a peny an Acre yearly, and ſhall pay no Tithe for ſeven years. PR. 23 Eliz. 13. 4 Jac. 8.

CAP. XXVIII.

Taxes, Raſt. 39.

A Confirmation of a Subſidy of ſix ſhillings in the pound granted to the Queen by the Clergy, to be paid in three years. EXP.

CAP. XXIX.

Ibid. 39.

One entire Subſidy and two Fifteens granted to the Queen by the Temporalty. EXP.

CAP. XXX.

Pardon, Raſt. 49.

The Queens general free Pardon confirmed by Parliament, Except, &c. EXP.

Anno viceſimo nono Reginæ ELIZABETHÆ.

4 Inſt. 7.
1 Anderſ. 294. pl. 303.

AT this preſent Seſſion of Parliament by Prorogation holden at Weſtminſter, the Fifteenth day of February, in the Nine and twentieth year of the Reign of our moſt gracious Sovereign Lady ELIZABETH, by the Grace of God, of England, France and Ireland, Queen, Defender of the Faith, &c. And there continued to the diſſolution of the ſame, To the high pleaſure of Almighty God, and the weal-publick of this Realm, were Enacted as followeth.

CAP. I.

Attainder, Raſt. 11.

A Confirmation of the lawful and juſt Convictions and Attainders of Thomas Lord Paget, F.E. C.P. F.T. W.S. A.B. T.S. E.I. E.A. C.T. C.T. R.B. I.C. and I.T. lately attainted of High Treaſon by Outlawry, Verdict or Confeſſion: And they ſhall forfeit to the Queen all their Manors, Lands, Offices, Rights, Conditions and Hereditaments. PR. Stat. 35 Eliz. 5.

CAP. II.

An Act concerning Errors in Records of Attainders of High Treaſon.

Treaſon, 15. No Record of Attainder of Treaſon ſhall be reverſed, where the party attainted is executed for the ſame.

3 Inſt.

FOraſmuch as through corruption or negligent keeping, the Records of Attainders of Treaſon happen many times to be impaired, blemiſhed, or otherwiſe to be defective, Be it ordained and enacted by authority of this preſent Parliament, That no Record of Attainder that now is, of any perſon or perſons of or for any High Treaſon, where the party ſo attainted, is or hath been executed for the ſame Treaſon, ſhall by the heir or heirs of any ſuch perſon, or by any other whatſoever claiming in, from, by or under any ſuch heir or heirs, be in any wiſe hereafter reverſed, undone, avoided, or impeached by any Plea, or for any Error whatſoever.

Where the record is reverſed, or thereupon a Writ of Errour depending.

II. Provided always nevertheleſs, That this Act, nor any thing therein contained, ſhall in any wiſe extend to any Record of Attainder, of or for any Treaſon, upon which any Writ of Error is now depending, or which Record is already reverſed, repealed or undone, by or for any Error, Matter, Plea or cauſe whatſoever; but that the ſame ſhall be and remain, as unto and againſt that party at whoſe ſuit the ſame Writ of Error is depending, or at whoſe purſuit the ſame Record hath been reverſed, repealed or undone, and his and her heirs and Aſſigns only, as if this Act had never been had or made; any thing in this Act to the contrary thereof notwithſtanding.

CAP. III.

Fraudulent Deeds, Raſt. 4.

1 Roll.
108.

Every perſon which hath, or claimeth to have any Eſtate of Inheritance, Leaſe or Rent, not already entred of Record, or certified in the Exchequer, of, in, to, or out of any Manors, Lands or hereditamenrs, by or under any Grant or Aſſurance whatſoever, made ſithence the beginning of the Queens Reign, by any of the perſons attainted for matter tending to the hnrt, death or deſtruction of the Queen, or to any actual Rebellion or Invaſion, or for being adherent, or giving aid or comfort to any of the Queens Enemies, ſithence the eighth day of February, in the eighteenth year of the Queens Reign, ſhall within two years after the end of this Seſſion of Parliament, openly ſhew forth the ſame in the Exchequer; and there in Term-time in open Court, exhibit the ſame Aſſurance (or upon his Oath affirming that he hath not, nor can come to the ſame, or that it was never put in writing) Then the effect thereof in writing to be entred and enrolled of Record; or elſe every ſuch Aſſurance ſhall be void to all Intents. Et ſic, ut ſupra. 18 Eliz. 4. PR.

CAP. IV.

An Act to prevent Extortion in Sheriffs, under-Sheriffs and Bailiffs of Franchiſes or Liberties, in Caſes of Execution.

Sheriffs 35. Felony 3. Palmer 400,401. Poph. 175.

How much the Sheriff may take for the ſerving of an execution. Moor 853. pl. 1166. Hull 52. 70.

1 Roll. 424. Latch. Noy 27.

Moor 458. 699. pl. 971. Cro. El. 335. 654. Cro. Jac. Cro. Car.

BE it enacted by the authority of this preſent Parliament, That it ſhall not be lawful, from the firſt day of May now next enſuing, to or for any Sheriff, Under-Sheriff, Bailiff of Franchiſes or Liberties, nor for any of their, or either of their Officers, Miniſters, Servants, Bailiffs or Deputies, nor for any of them, by reaſon or colour of their, or either of their Office or Offices, to have, receive or take of any perſon or perſons whatſoever, directly or indirectly, for the ſerving and executing of any extent or execution upon the body, lands, goods or chattels of any perſon or perſons whatſoever, more or other conſideration or recompence, then in this preſent Act is and ſhall be limited and appointed, (2) which ſhall be lawful to be had, received and taken, that is to ſay, twelve pence of and for every twenty ſhillings, where the ſum exceedeth not one hundred pounds; and vj. d. of and for every twenty ſhillings being over and above the ſaid ſum of 100. pounds, that he or they ſhall ſo levy or extend, and deliver in execution, or take the body in execution for, by virtue and force of any ſuch extent or execution whatſoever, (3) upon pain and penalty that all and every Sheriff, Under-Sheriff, Bailiff of Franchiſes and Liberties, their and every of their Miniſters, Servants, Officers, Bailiffs or Deputies, which at any time after the ſaid firſt day of May now next enſuing, ſhall directly or indirectly do the contrary, ſhall loſe and forfeit to the party grieved, his treble damages, (4) and ſhall forfeit the ſum of fourty pounds of good and lawful Engliſh money for every time that he, they, or any of them ſhall do the contrary; the one moiety thereof to be to our Sovereign Lady the Queen, her Heirs and Succeſſors, and the other moiety thereof to the party or parties that will ſue for the ſame, by any plaint, action, ſuit, bill, or information, wherein no Eſſoin, Wager of Law, or Protection ſhall be allowed.

The forfeiture of the offender; and how it ſhall be recovered.

II. Provided always, That this Act, or any thing therein contained, ſhall not extend to any fees to be taken or had for any execution within any City or Town-corporate; any thing above mentioned to the contrary thereof notwithſtanding.

8 El. 263.

Fees for executions within Cities or Towns Corporate.

CAP. V.

An Act for the continuance and perfecting of divers Statutes.

Where in the firſt Seſſion of Parliament holden at Weſtminſter the twelfth day of January, in the fifth year of her Highneſs Reign, an Act was then and there made for the puniſhment of ſuch perſons as ſhall procure or commit any wilful perjury, (2) and where in the Parliament begun and holden at Weſtminſter the ſecond day of April, in the thirteenth year of her Majeſties Reign, an Act was then and there made, for the avoiding and aboliſhing of fained, covenous and fraudulent feoffments, gifts, grants, alienations, bonds, ſuits, judgments and executions, entituled, An Act againſt fraudulent deeds, gifts, grants, alienations, &c.

1 M. 192.

Perjury, Raſt. 1.
5 Eliz. 9.
13 Eliz. 5.
Colluſion,
21 Jac. 28.
Sect. 8. N. 2.
5 Eliz. 13.

II. And where alſo in the firſt Seſſion of the Parliament begun and holden at Weſtminſter the twelfth day of January, in the ſaid fifth year of her Highneſs Reign, and from thence continued by prorogation until the diſſolution thereof, there was one other Act made for the reviving of a Statute of 2 & 3 Philippi & Mariæ for the amending of Highways; all which Acts above mentioned, are by proof and experience tried and found to be very neceſſary and profitable for the Commonwealth of this Realm: For which cauſe, be it enacted by the Queens Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid Acts above remembred, and every of them, and all and every the branches, clauſes and proviſions in them and every of them contained, ſhall from henceforth be, remain and continue in force and effect for ever.

Ways,
2 & 3 P. & M. 8.
The three former Statutes made perpetual.

III. And wherein the firſt Seſſion of Parliament begun in the City of London the third day of November, in the one and twentieth year of the Reign of our late Sovereign Lord of famous memory, King Henry the Eighth, and from thence adjourned and prorogued to the Palace of Weſtminſter, an Act or Statute was made, entituled, An Act for the making of Cables, Halſers and Ropes.

Ships,
21 H. 8. 12.

IV. And where in the Parliament holden upon prorogation at Weſtminſter, the fourth day of February, in the four and twentieth year of the Reign of the ſaid King, one other Act was then and there made, entituled, An Act againſt killing of young beaſts, called weanlings.

Cattel,
24 H. 8. 9.

V. And where in the Seſſion of Parliament ended at Weſtminſter, the firſt day of February, in the fourth year of the Reign of our late Sovereign Lord, King Edward the ſixth, one Act was made concerning the buying and ſelling of Rother beaſts and cattel.

Cattel,
3 & 4 Ed. 6. 19.

VI. And alſo one other Act was then and there likewiſe made, entituled, An Act for the buying and ſelling of Butter and Cheeſe.

Victual,
3 & 4 Ed. 6. 21.

VII. And where alſo in the Parliament begun at Weſtminſter, the three and twentieth day of January, in the firſt year of the Reign of the Queens Majeſty that now is, and there continued by prorogation until the diſſolution thereof, one Act was then and there made, entituled, An Act for preſervation of Spawn and Fry of Fiſh.

Fiſh,
1 Eliz. 17.

VIII. And where alſo in the firſt Seſſion of Parliament holden at Weſtminſter the twelfth day of January, in the fifth year of her Highneſs Reign, one Act was then and there made, entituled, An Act for maintenance and increaſe of Tillage.

Husbandry,
5 Eliz. 2.

IX. And one other Act was then and there likewiſe made, entituled, An Act for the avoiding of divers foreign wares made by handycraftſmen beyond the Seas.

Merchants,
5 Eliz. 7.

X. And where alſo in the laſt Seſſion of the Parliament holden by prorogation at Weſtminſter, the laſt day of September, in the eighth year of her Majeſties Reign, one Act was then and there made, entituled, An Act for Bowyers, and the prices of Bows.

Games,
8 Eliz. 10.

XI. And where alſo in the Parliament begun and holden at Weſtminſter the ſecond day of April, in the thirtieth year of her Majeſties Reign, there was one Act and Statute made for the avoiding of ſome Leaſes in certain caſes, to be made of Eccleſiaſtical Promotions with cure, entituled, An Act touching Leaſes of Benefices, and other Eccleſiaſtical Livings with cure.

Leaſes,
13 Eliz. 20.

XII. And where alſo there was one other Act and Statute made in the ſaid Parliament begun and holden at Weſtminſter, the ſaid ſecond day of April, in the ſaid thirteenth year, entituled, An Act that Purveyors may take Grain, Corn or Victuals within five miles of Cambridge and Oxford in certain caſes.

Purveyors,
13 Eliz. 21.

XIII. And alſo one other Act was then and there made, entituled, An Act again Uſury.

Uſury,
13 Eliz. 8.

XIV. And where in the Parliament holden at Weſtminſter the eighth day of May, in the fourteenth year of her Highneſs Reign, there was one other Act made, entituled, An Act for the continuation and explanation, perfecting and enlarging of divers Statutes; in which Statute are contained divers branches, clauſes and proviſions touching and concerning the explanation, perfecting and enlarging of divers of the Statutes before mentioned.

14 Eliz. 11.
Continuance of Statutes.

Gggg 2 XV. And

Poor, 14 Eliz. 5.

XV. And where alſo in the firſt Seſſion of the Parliament begun and holden at Weſtminſter the eighth day of May, in the fourteenth year of the Queens Highneſs Reign that now is, and from thence continued by prorogation till the diſſolution thereof, there was one other Act made, entituled, An Act for the puniſhment of Vagabonds, and for the relief of the poor and impotent.

18 Eliz. 3.

XVI. And where in the Parliament holden at Weſtminſter aforeſaid, in the eighteenth year of her Majeſties Reign, there was one other Act made, entituled, An Act for the ſetting of the poor on work, and for the avoiding of idleneſs.

27 Eliz. 11. Continuance of Statutes.

XVII. And where in the Parliament holden at Weſtminſter the three and twentieth day of November, in the ſeven and twentieth year of her Majeſties Reign, one other Act was made for the reviving, continuance, explanation and perfecting of divers Statutes, in which are contained divers branches, proviſions and clauſes touching and concerning certain additions and alterations unto, and of divers of the ſaid former recited Statutes, and other new proviſions.

Enqueſt, 27 El. 7. Levying of Iſſues loſt by Jurors.

XVIII. And where in the ſaid Parliament holden at Weſtminſter the three and twentieth day of November, in the ſeven and twentieth year of the Queens Majeſties Reign that now is, there was an Act made for the levying of Iſſues loſt by Jurors.

Franchiſe, Anno 27 Eliz. The laſt mentioned 17 Statutes ſhall continue until the end of the next Parliament. EXP.

XIX. And whereas alſo in the Parliament holden at Weſtminſter the three and twentieth day of November, in the ſeven and twentieth year of the Queens Majeſties Reign that now is, there was one other Act made, entituled, An Act for the good government of the City or Borough of Weſtminſter: (2) Foraſmuch as all the ſame ſeveral Acts and Statutes, branches, clauſes and proviſions, and every of them do ſeem good, beneficial and needful to the weal and profit of this Realm, (3) Be it therefore further enacted by the authority of this preſent Parliament, That the foreſaid ſeveral laſt recited Statutes and Acts, and the ſaid mentioned branches, clauſes, proviſions, additions, alterations and explanations, and every of them, and all and every article, clauſe and ſentence in them and every of them contained, ſhall be continued and endure in full force and effect during the time hereafter mentioned, that is to ſay, till the end of the next Parliament next enſuing.

Fiſh, 5 Eliz. 5. Politick conſtitutions for the maintenance of the Navy. Act 8. Sta.

XX. And where alſo in the firſt Seſſion of Parliament holden at Weſtminſter the twelfth day of January, in the ſaid fifth year of her Majeſties Reign, one Act was then and there made, eutituled, An Act touching certain politick Conſtitutions made for the maintenance of the Navy, (2) Be it further enacted by the authority of this preſent Parliament, That ſo much only of the ſaid laſt mentioned Act, as at this preſent ſtandeth in force, and not heretofore at any time repealed, ſhall continue and endure in full force and effect, unto the end of the next Parliament next enſuing.

The defendant in ſuits upon penal ſtatutes may appear by Atturney. 13 Eliz. 10. Attorney 14.

This branch extends not to aliens. 31 Eliz. 10.

XXI. Provided always, That whereas divers her Majeſties loving Subjects dwelling in the remote parts of this Realm, are many times maliciouſly troubled upon Informations and Suits, exhibited in the Courts of the Kings Bench, Common-pleas, and Exchequer, upon penal Statutes, and are drawn up upon Proceſs out of the Countries where they dwell, and driven to attend and put in Bail, to their great trouble and undoings; (2) For reformation whereof, Be it enacted, That if any perſon or perſons ſhall be ſued or informed againſt, upon any penal Law in any the ſaid Courts of Kings Bench, Common-pleas, or Exchequer, where ſuch perſon or perſons are Bailable by Law, or where by the leave or favour of the Court ſuch perſon or perſons may appear by Attorney, that in all and every ſuch caſe, the perſon or perſons ſo to be impleaded or ſued, ſhall and may at the day and time contained in the firſt Proceſs ſerved for his appearance, appear by Attorney of the ſame Court where the Proceſs is returnable, to anſwer and defend the ſame, and not be urged to perſonal appearance, or to put in Bail for the anſwering of ſuch Suit; Any former Law, Cuſtom, or Uſage to the contrary notwithſtanding.

CAP. VI.

An Act for the more ſpeedy and due execution of certain Branches of the Statute made in the 23. year of the Queens Majeſties Reign, entituled, An Act to retain the Queens Majeſties Subjects in their due obedience.

Recuſants 8. Certain aſſurances made by Recuſants of their lands ſhall be void to the Queen. In what Courts they ſhall be convicted. 23 Eliz. 1. Moor 523. pl. 691. Lane 60. 91. 1 Roll 7. 92. 93.

3 Inſt. 14.

FOr avoiding of all frauds and delays heretofore practiſed, or hereafter to be put in ure, to the hindrance of the due and ſpeedy execution of the Statute made in the Seſſion of Parliament holden by Prorogation at Weſtminſter the ſixteenth day of January, in the three and twentieth year of the Reign of our moſt gracious Sovereign Lady the Queens Majeſty, entituled, An Act to retain the Queens Majeſties Subjects in their due obedience, (2) Be it enacted by the authority of this preſent Parliament, That every Feoffment, Gift, Grant, Conveyance, Alienation, Eſtate, Leaſe, Incumbrance, and limitation of uſe, of, or out of any Lands, Tenements or Hereditaments whatſoever, had or made at any time ſince the beginning of the Queens Majeſties Reign, or at any time hereafter to be had or made by any perſon which hath not repaired, or ſhall not repair to ſome Church, Chappel, or uſual Place of Common Prayer, but hath forborn, or ſhall forbear the ſame contrary to the tenour of the ſaid Statute; (3) and which is or ſhall be revokable at the pleaſure of ſuch offendor, (4) or in any wiſe directly or indirectly meant or intended, to or for the behoof, relief, or maintenance, or at the diſpoſition of any ſuch offender, (5) or wherewith, or whereby, or in conſideration whereof, ſuch offender of his Family ſhall be maintained, relieved or kept, (6) ſhall be deemed and taken to be utterly fruſtrate and void, as againſt the Queens Majeſty, for or concerning the levying and paying of ſuch ſums of money as any ſuch perſon by the Laws or Statutes of the Realm already made, ought to pay or forfeit for not coming or repairing to any Church, Chappel, or uſual place of Common Prayer, or for ſaying, hearing, or being at any Maſs, (7) and ſhall alſo be ſeiſed and had to and for her Majeſties uſe and behoof, as hereafter in this Act is mentioned; any pretence, colour, fained conſideration, or expreſſing of any uſe to the contrary notwithſtanding.

II. And further be it enacted by the authority aforeſaid, That every conviction heretofore recorded for any offence before mentioned, not already eſtreated or certified into the Queens Majeſties Court of Exchequer, ſhall from the Juſtices before whom the Record of ſuch conviction ſhall be remaining, be eſtreated and certified into the Queens Majeſties Court of Exchequer, before the end of Eaſter Term next coming, in ſuch convenient certainty for the time and other circumſtances, as the Court of Exchequer may thereupon award out Proceſs for ſeiſure of the lands and goods of every ſuch offender as hath not paid their ſaid Forfeitures, according to the laws and Statutes in ſuch caſe provided; (2) And that every conviction hereafter for any offence before mentioned, ſhall be in the Court commonly called the Kings Bench, or at the Aſſiſes, or general Goal delivery, and not elſewhere, and ſhall from the Juſtices before whom the Record of ſuch conviction ſhall remain, be eſtreated and certified into the ſaid Court of Exchequer, before the end of the Term next enſuing after every ſuch conviction, in ſuch convenient certainty as is aforementioned.

Conviction of Recuſancy ſhall be certified into the Exchequer.
2 Roll 108.

In what Courts convictions of Recuſancy ſhall be.

III. And be it alſo enacted by the authority aforeſaid, That every ſuch offender in not repairing to Divine Service, but forbearing the ſame contrary to the ſaid Eſtatute, as hath been heretofore convicted for ſuch offence, and hath not made ſubmiſſion, and been conformable according to the true meaning of the ſaid Statute, ſhall without any other Indictment, or Conviction, pay into the Receipt of the ſaid Exchequer, all ſuch ſums of money as according to the rate of twenty pounds for every month ſithence the ſame conviction, do yet remain unpaid, in form as hereafter enſueth; that is to ſay, the one moiety thereof before the end of the next Trinity Term, and the other moiety thereof before the end of the next Hillary Term, or at any ſuch other times, as by the Lord Treaſurer, Chancellor, and Chief Baron of the Exchequer, or any two of them, ſhall by compoſition, upon good bond and ſurety taken, be limited before the end of the ſaid next Trinity Term, if any ſuch compoſition ſhall happen to be; (2) And ſhall alſo in every Eaſter and Michaelmas Term, until ſuch time as the ſame perſon do make ſubmiſſion, and be conformable, according to the true meaning of the ſaid Statute, pay into the ſaid Receit of the Exchequer twenty pounds for every month, which ſhall incur in all that mean time.

At what time the money forfeited for not going to the Church, ſhall be paid.

Cal. 11. d. 57.

IV. And be it alſo enacted by the authority aforeſaid, That every ſuch offender, in not repairing to Divine Service, but forbearing the ſame contrary to the ſaid Eſtatute, as hereafter ſhall fortune to be thereof once convicted, ſhall in ſuch of the Terms of Eaſter or Michaelmas, as ſhall be next after ſuch conviction, pay into the ſaid Receit of Exchequer after the rate of twenty pounds for every month, which ſhall be contained in the Indictment whereupon ſuch conviction ſhall be; (2) And ſhall alſo for every month after ſuch conviction, without any other Indictment or conviction, pay into the Receipt of the Exchequer aforeſaid, at two times in the year; that is to ſay, in every Eaſter Term, and Michaelmas Term, as much as then ſhall remain unpaid, after the rate of twenty pounds for every month after ſuch conviction: (3) And if default ſhall be made in any part of any payment aforeſaid, contrary to the form herein before limited, that then and ſo often the Queens Majeſty ſhall and may, by Proceſs out of the ſaid Exchequer, take, ſeize, and enjoy all the goods, and two parts as well of all the Lands, Tenements and Hereditaments liable to ſuch ſeizures or to the penalties aforeſaid, by the true meaning of this Act, leaving the third part only of the ſame Lands, Tenements and Hereditaments, Leaſes and Farms, to and for the maintenance and relief of the ſame offender, his wife, children and family.

2 Roll 90.

The Queen may take all the offenders goods, and two parts of his lands and leaſes, which payeth not twenty pounds a month.
1 Roll 94.
2 Roll 25.
12 Co. 2.

V. And for the more ſpeedy conviction of ſuch offender, in not repairing to Divine Service, but forbearing the ſame contrary to the ſaid Eſtatute, (2) Be it enacted by the authority aforeſaid, That the Indictment of every ſuch offender mentioning the not coming of ſuch offender to the Church of the Pariſh where ſuch perſon at any time before ſuch Indictment, was, or did keep houſe or reſidence, nor to any other Church, Chappel or uſual place of Common Prayer, ſhall be ſufficient in the Law; (3) and that it ſhall not be needful to mention in any ſuch Indictment that the party offender, was or is inhabiting within this Realm of England, or any other the Queens Majeſties Dominions, (4) But if it ſhall happen any ſuch offender then not to be within this Realm, or other her Majeſties Dominions, that in ſuch caſe the party ſhall be relieved by Plea, to be put in, in that behalf, and not otherwiſe: (5) And that upon the Indictment of ſuch offender, a Proclamation ſhall be made at the ſame Aſſiſes or Goal delivery in which the Indictment ſhall be taken, (if the ſame be taken at any Aſſiſe or Gaol delivery) by which it ſhall be commanded, that the body of ſuch offender ſhall be rendred to the Sheriff of the ſame County, before the ſaid next Aſſiſes, or General Gaol delivery to be holden in the ſame County: (6) And if at the ſaid next Aſſiſes or Gaol delivery, the ſame offender ſo proclaimed, ſhall not make appearance of record, that upon ſuch default recorded, the ſame ſhall be as ſufficient a conviction in Law of the ſaid offence whereof the party ſo ſtandeth Indicted, as is aforeſaid, as if upon the ſame Indictment, a Trial by Verdict thereupon had proceeded and been Recorded.

The Indictment ſufficient, though it be not mentioned, that the party is within the Realm.
Godbolt 148. pl. 101.

A Proclamation, that the party indicted ſhall yield his body to the Sheriff.
Palmer 39.

VI. Provided always, That whenſoever any ſuch offender, as is aforeſaid, ſhall make ſubmiſſion, and become conformable, according to the form limited by the ſame eſtatute, made in the three and twentieth year of the Queens Majeſties Reign, or ſhall fortune to die; That then no forfeiture of twenty pounds for any month or ſeiſure of the Lands of the ſame offeneer, from and after ſuch ſubmiſſion and conformity, or death, and full ſatsfaction of all the arrearages of twenty pounds monthly, before ſuch ſeiſure due or liable, ſhall enſue, or be continued againſt ſuch offender, ſo long as the ſame perſon ſhall continue in coming to Divine Service, according to the intent of the ſaid Eſtatute.

The offender ſubmiting, or dying, no forfeiture ſhall enſue.
Savill 130.

VII. And where by the ſaid former Eſtatute, the third part of the forfeitures for not coming to Divine Service, is limited to the poor, (2) Be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the Lord Treaſurer of England, Chancellor, and chief Baron of the Exchequer for the time being, or two of them, to aſſign and diſpoſe of the full third part of the twenty pounds for every month paid or to be paid into the Receit of the Exchequer, as is aforeſaid, for the relief and maintenance as well of the poor, and of the

The third part of the forfeiture aſſigned to the poor, 35 Eliz. 1.

the houſes of Correction, as of impotent and maimed Souldiers, as the ſame Lord Treaſurer, Chancellor, and chief Baron, or any two of them, ſhall order or appoint; Any thing in the ſaid Eſtatute made in the ſaid three and twentieth year of her Majeſties Reign mentioned to the contrary thereof in any wiſe notwithſtanding.

Aſſurances made bona fide, not impeached.

VIII. Provided always, That this Act or any thing therein contained, ſhall not in any wiſe extend or be conſtrued to make void or impeach any Grant or Leaſe heretofore made bona fide, without fraud or covin, whereupon any yearly rent or payment is reſerved, or payable, (2) or any Grant or Leaſe hereafter to be made bona fide, without fraud or covin, whereupon the accuſtomed yearly rent or payment is reſerved, (3) or any other conveyance, aſſurance, or aſſignment whatſoever heretofore made bona fide, without fraud or covin, which is not or ſhall not be revokable at the pleaſure of ſuch offender, (4) otherwiſe than to give benefit and title to her Majeſty, her Heirs and Succeſſors, to have, perceive, and enjoy ſuch rents, and payments during the continuace of ſuch Leaſe and Grant, according to the true meaning of this Act.

Seiſure of lands, whereof the offender hath but eſtate for life.

IX. And provided alſo, That this Act or any thing therein contained, ſhall not in any wiſe extend or be conſtrued to continue any ſeiſure of any Lands or Tenements of ſuch offender, in her Majeſties hands, or in the hands of her Heirs or Succeſſors, after the offenders death, which Lands or Tenements he ſhall have or be ſeiſed of only for term of his life, or in the right of his wife; Any thing in this Act to the contrary in any wiſe notwithſtanding. 23 Eliz. 1. 3. 5 El. 1 & 2. 1 Jac. 4. 3 Jac. 4. 5.

CAP. VII.

Taxes, Raſt. 40.

A Subſidy of ſix ſhillings in the Pound, granted to the Queen by the Clergy, to be paid in three years. Exp.

CAP. VIII.

Ibid. 40.

A Subſidy and two Fifteens granted to the Queen by the Temporalty. Exp.

CAP IX.

Pardon, Raſt. 49. Lee 6.

A confirmation of the Queens general and free Pardon. Except. &c. Exp.

Anno triceſimo primo Reginæ ELIZABETHÆ.

At a Seſſion of Parliament begun and holden at Weſtminſter, the Fourth day of February, in the One and thirtieth year of the Reign of our moſt gracious Sovereign Lady ELIZABETH, by the Grace of God, of England, France and Ireland, Queen, Defender of the Faith, &c. And there continued until the diſſolution thereof, being the nine and twentieth day of March, To the high pleaſure of Almighty God, and the weal-publick of this Realm, were Enacted as followeth.

CAP. I.

Error 2. &c.

An Act providing remedy againſt diſcontinuance in Writs of Error in the Exchequer and Kings Bench. Stat. 16. Car. 2. cap. 2.

CAP. II.

An Act for abridging of Proclamations upon Fines to be levied at the Common Law.

Fines 3. A Fine levied in the Common Pleas, ſhall be proclaimed four times, viz. every Term once of four Terms. 4 H. 7. 24. 1 R. 3. 7. Co. Inſt. 2 part. 519.

Whereas the Statute made in the Fourth year of King Henry the Seventh hath ordained, That every Fine to be levied with proclamations in the Kings Court, afore his Juſtices of the Common Pleas, ſhould be proclaimed in the ſame Court that Term in which it is engroſſed, and in three Terms then next following, at four ſeveral days in every Term; By reaſon whereof they ought to be proclaimed four times in every of the four ſeveral Terms: And that during the time of proclamation of ſuch Fines, all Pleas ſhould ceaſe, (2) which to do according to the ſaid Statute (conſidering the multitudes of Fines now uſually levied) would require ſixteen days in every Term: And by reaſon of the many Cauſes and Suits in that Court, is a far greater trouble then heretofore hath been, ſo as ſcarcely one day in every Term can be ſpared for the proclaiming of Fines; (3) Be it enacted by the authority of this preſent Parliament, That all Fines with Proclamations, from and after the Feaſt of Eaſter next enſuing, to be levied in the ſaid Court, ſhall be proclaimed four times; that is to ſay, once in the Term wherein it is engroſſed, and once in every of the three Terms holden next after the ſame engroſſing: (4) And that every Fine proclaimed as aforeſaid, ſhall be of as great force and effect in Law to all intents and purpoſes, as if the ſame had been ſixteen times proclaimed, according to the Statutes heretofore made.

CAP. III.

An Act for the avoiding of privy and ſecret Outlawries of the Queens Subjects.

Exigent 13. Proclamation 1. Three proclamations ſhall be made in every action perſonal, wherein any Writ of Exigent ſhall be awarded, &c. 31 Eliz. 9.

Scarſ. &c. Hetley 98. Goldsb. 128.

For the avoiding of ſecret Outlawries in actions perſonal againſt the Queens Subjects having known places of their dwellings, by reaſon that Proclamations are made in the County Courts, and in Quarter Seſſions, which are places remote from their dwellings, and thereby they have not any convenient notice of ſuch Suits againſt them, (2) Be it enacted and ordained by the authority of this preſent Parliament, That in every action perſonal wherein any Writ of Exigent ſhall be awarded out of any Court, in or after the Term of Eaſter next coming, one Writ of Proclamation ſhall be awarded and made out of the ſame Court, having day of Teſte and return, as the ſaid Writ of Exigent ſhall have, directed and delivered of Record to the Sheriff of the County where the defendant at the time of the Exigent ſo awarded, ſhall be dwelling, which Writ of Proclamation ſhall contain the effect of the ſame action (3) And that the Sheriff of the County unto whom any ſuch Writ of Proclamation ſhall be directed, ſhall make three Proclamations in this form following, and not otherwiſe; that is to ſay, one of the ſame Proclamations in the open County Court, and one other of the ſame Proclamations to be made at the general quarter Seſſions of the Peace in thoſe parts where the party Defendant at the time of the Exigent awarded ſhall be dwelling, (4) and one other of the ſame Proclamations to be made one month at the leaſt before the quint. exact. by virtue of the ſaid Writ of Exigent, at or near to the moſt uſual door of the Church or Chappel of that Town or Pariſh where the Defendant ſhall

1 H. 5. 5.

Cro. El. 371.

ſhall be dwelling, at the time of the ſaid Exigent ſo awarded; (5) and if the Defendant ſhall be dwelling out of the Pariſh, then in ſuch place as aforeſaid of the Pariſh, in the ſame County, and next adjoyning to the place of the Defendants dwelling, (6) and upon a Sunday immediately after Divine Service and Sermon, if any Sermon there be; and if no Sermon there be, then forthwith after Divine Service: (7) And that all Outlawries had and pronounced after the end of the next Easter Term, and no Writs of Proclamations awarded and returned, according to the form of this Statute, ſhall be utterly void and of none effect; and that the Officer in whoſe Office ſuch Writs of Exigent and Proclamation ſhall be made, ſhall and may take ſuch fees as by the Statute made in the ſixth year of the Reign of the late King of famous memory, King Henry the Eighth, is limited and appointed in that behalf, and no greater fees in any wiſe, (8) and that the Sheriff for making of the Proclamation at or near to the Church or Chappel door as is aforeſaid, ſhall have twelve pence.

The Officers fee for the making of the writ of proclamation by the ſtat. of 6 H. 8. 4.

19 H. 6 1. b. Utlary. Br. 34.

The Sheriffs fee for the making of the proclamation at the Church door.

Hob. 133.

II. And for the avoiding of ſecret Summons in all real Actions, without convenient notice of the Tenants of the Freehold, Be it alſo ordained and enacted by the authority of this preſent Parliament, That after every Summons upon the Land in any real Actions, fourteen days at the leaſt before the day of the return thereof, Proclamation of the Summons ſhall be made on a Sunday in form aforeſaid, at, or near to the moſt uſual door of the Churches or Chappel of that Town or Pariſh where the Land whereupon the Summons was made, doth lie, and that Proclamation ſo made as aforeſaid, ſhall be returned, together with the names of the Summoners; (2) and if ſuch Summons ſhall not be proclaimed and returned, according to the tenour and meaning of this Act, then no Grand Cape to be awarded, but an Alias and Pluries Summons, as the cauſe ſhall require, until a Summons and Proclamation ſhall be duly made and returned, according to the tenour and meaning of this Act.

A proclamation ſhall be of the ſummons in a real action at the Church door.

Jones 7 pl. 6.

III. And be it further enacted, That before any allowance of any Writ of Error, or reverſing of any outlawry be had by Plea, or otherwiſe, through or by want of any Proclamation to be had or made according to the form of this Statute, after the end of Easter Term next, the Defendant and Defendants in the Original Action ſhall put in Bail, not only to appear and anſwer to the Plaintiff in the former Suit, in a new Action to be commenced by the ſaid Plaintiff for the cauſe mentioned in the firſt Action, but alſo to ſatisfie the condemnation, if the Plaintiff ſhall begin his Suit before the end of two Terms next after the allowing the Writ of Error, or otherwiſe avoiding of the ſaid Outlawry.

The defendant upon a Writ of Error ſued, ſhall be bound to anſwer the plaintiff, and to ſatisfie the condemnation.

CAP. IV.

An Act againſt the Imbezelling of Armour, Habiliments of War, and Victual.

BE it enacted by the authority of this preſent Parliament, That if any perſon or perſons having at any time hereafter the charge or cuſtody of any Armour, Ordnance, Munition, Shot, Powder or Habiliments of War, of the Queens Majeſties, her Heirs or Succeſſors, or of any Victuals provided for the victualling of any Souldiers, Gunners, Mariners, or Pioneers, ſhall for any lucre or gain, wittingly, adviſedly, and of purpoſe, to hinder or impeach her Majeſties ſervice, imbezil, purloyn, or convey away any of the ſame Armour, Ordnance, Munition, Shot or Powder, Habiliments of War, or Victuals, to the value of twenty ſhillings, at one or ſeveral times, that then every ſuch offence ſhall be judged Felony, and the offender or offenders therein to be tried, proceeded on, and ſuffer as in caſe of Felony.

Armour 3. Felony 33. Imbezilling the Queens Ordnance, Armour or Victuals, to the value of twenty ſhillings, provided for Souldiers, ſhall be felony.

3 Inſt. 79.

II. Provided always, and be it enacted by the authority aforeſaid, That none ſhall be impeached for any offence againſt this Statute, unleſs the ſame impeachment be proſecuted or begun within the year next after the offence done: (2) And that this Act nor any thing therein contained, nor any attainder or attainders of any perſon or perſons, for any offence made Felony by this Act, ſhall in any wiſe extend or be adjudged, interpreted or expounded, to make the offender or offenders to forfeit and loſe any Lands, Tenements, or Hereditaments any longer then only during his or their life or lives, or to make any corruption of blood to any the heir or heirs of any ſuch offender or offenders, or to make the wife of any ſuch offender to loſe or forfeit her dower, or title of dower, of or in any Lands, Tenements or Hereditaments, or her action or intereſt to the ſame; Any thing in this Act contained, or any attainder or attainders hereafter to be had for any offence made Felony by this Act, to the contrary notwithſtanding: (3) And that ſuch perſon and perſons as ſhall be impeached for any offence made Felony by this Eſtatute, ſhall by virtue of this Act be received and admitted to make any lawful proof that he can, by lawful witneſs or otherwiſe, for his diſcharge and defence in that behalf; any Law to the contrary notwithſtanding. Stat. 22 Car. 2. cap. 5.

Within what time the offender ſhall be impeached.

No corruption of blood nor forfeiture of the inheritance of lands or dower for his felony.

3 Inſt. 47.

The defendant may bring proof for his diſcharge.

CAP. V.

An Act concerning Informers.

Cro. El. 645. 736. Cro. Jac. 85. 178. Hob. 184. 2 Sid. 327.

FOr that divers of the Queens Majeſties Subjects be daily unjuſtly vexed and diſquieted by divers common Informers upon penal Statutes, notwithſtanding any former Statute that hath been heretofore made againſt their diſorders; (2) For remedy whereof, Be it enacted by the authority of this preſent Parliament, That all former Statutes made for reformation of diſorders in ſuch common Informers, not repealed or altered by this Act, ſhall be put in due execution: (3) And that no perſon, other then the party grieved, after twenty days after the end of this Seſſion of Parliament, ſhall be received to inform or ſue upon any penal Statute, that before that time hath been for any miſdemeanour, by any order of any the Queens Majeſties Courts, ordered not to follow or purſue any ſuit upon any penal ſtatute.

II. And be it further enacted by the authority aforeſaid, That in any Declaration or Information at any time after twenty days after the end of this Seſſion of Parliament to be had, brought, ſued or exhibited, the offence againſt any penal Statute ſhall not be laid to be done in any other County but where the contract, or other matter alledged to be the offence, was in truth done: (2) And that every defendant, in ſuch Action or information, ſhall and lawfully

may

Actions, &c. 8. None reſtrained by order of any of ye Queens Courts, may be an Informer.

In information upon penal ſtatutes the County where the offence was done, muſt be expreſſed, &c.

Many be diſquieted by common Informers

Informers reſtrained to ſue by order of ſome Court.

1 Anderſ. 180.

3 Bulſtr. 278.

The County ſhall be expreſſed where the offence was done.

may traverſe and alledge, that the offence ſuppoſed by the ſame ſuit to be committed, was not committed in the County where ſuch offence is alledged, which being tried for the defendant, or if the plaintiff be thereupon Nonſuit in his Information or Suit, that then the plaintiff ſhall be barred in that action or information; Any Law or Uſe to the contrary notwithſtanding.

Officers of Record ſhall not be bound by this Act.

III. Provided always, That this Act nor any thing herein contained, ſhall in any wiſe extend to any ſuch Officers of Record, as have in reſpect of their Offices heretofore lawfully uſed to exhibit informations, or ſue upon penal Laws, (2) but that they and every of them may inform and purſue in that behalf, as they might have done before the making of this Act; Any thing in this Act to the contrary in any wiſe notwithſtanding.

Certain offences whereof information may be given in any County. 1 El. 11.

1 El. 20.

37 H. 8. 9. 13 El. 8. 5 Ed. 6. 14.

IV. And provided alſo, That this Act or any thing therein contained, ſhall extend to the laying or alledging of any offence in any declaration or information, for or concerning any Champerty, buying of Titles, or Extortion, (2) or any offence committed or to be committed againſt the Statute made in the firſt year of the Queens Majeſties Reign, entituled, Act Act limiting the times for laying on Land Merchandize from beyond the Seas, and touching Cuſtoms of ſweet Wines; (3) And one other Act made in the ſaid firſt year of her Majeſties Reign, entituled, An Act of a Subſidy of Tonnage and Poundage, or any thing in any of them contained, (4) or for the concealing or defrauding the Queens Majeſty, her Heirs and Succeſſors, of any Cuſtom, Tonnage, Poundage, Subſidy, Impoſt, or Prizage, (5) or for any matter of corrupt Uſury, (6) or for any offence compriſed in any Statute made againſt engroſſing, regrating or foreſtalling, where the penalty or forfeiture ſhall appear to be to the value of twenty pounds or above, (7) But that every ſuch offence ſhall or may be laid in any County, at the pleaſure of any ſuch Informer; Any thing in this Act to the contrary notwithſtanding.

Within what times ſuits upon penal ſtatutes ſhall be purſued.

Cro. Jac. 603.

V. And be it further enacted by the authority aforeſaid, That all Actions, Suits, Bills, Indictments or Informations which after twenty days next after the end of this Seſſion of Parliament, ſhall be had, brought, ſued, or exhibited for any forfeiture upon any Statute penal, made or to be made, whereby the forfeitures is or ſhall be limited to the Queen, her Heirs or Succeſſors only, ſhall be had, brought, ſued or exhibited within two years after the offence committed or to be committed againſt ſuch Act penal, and not after two years: (2) And that all actions, ſuits, bills, or informations which after the ſaid twenty days ſhall be had, brought, ſued or commenced for any forfeiture upon any penal Statute made, or to be made, except the Statutes of Tillage, the benefit and ſuit whereof is or ſhall be by the ſaid Statute limited to the Queen, her Heirs or Succeſſors, and to any other which ſhall proſecute in that behalf, ſhall be had, brought, ſued or commenced by any perſon that may lawfully purſue for the ſame, as aforeſaid, within one year next after the offence committed, or to be committed againſt the ſaid Statute; (3) and in default of ſuch purſuit, that then the ſame ſhall be had, ſued, exhibited or brought for the Queens Majeſty, her Heirs or Succeſſors, at any time within two years after that year ended. (4) And if any Action, Suit, Bill, Indictment or Information for any offence againſt any penal Statute made or to be made, except the Statute of Tillage, ſhall be brought after the time in that behalf before limited, That then the ſame ſhall be void and of none effect; any Act or Statute made to the contrary notwithſtanding.

Actions, informations, &c. limited by ſome ſtatutes to be ſued within a ſhorter time.

VI. Provided always, That where any Action, Information, Indictment, or other Suit, is or ſhall be limited by any Statute penal, to be had, ſued, commenced or brought within ſhorter time then is before rehearſed, That in in every ſuch Caſe, the Action, Information, Indictment, or other Suit ſhall be brought within the time limited by ſuch Eſtatute.

A repeal of the ſtat. of 7 H.8.3. touching informations.

Stat. 5 El. 4. Certain offences puniſhable only at the Aſſiſes, quarter-Seſſions, or in a Leet.

VII. And be it further enacted by the authority aforeſaid, That the Statute made in the ſeventh year of the Reign of the late King of famous memory, King Henry the Eighth, concerning the time of bringing Actions or Informations upon penal Laws, ſhall from and after twenty days after the end of this Seſſion of Parliament be utterly repealed, (2) and that all ſuits from and after the ſaid twenty days to be purſued upon any Statute, for uſing any unlawful Game, or for not uſing of any lawful Game, (3) or for not having Bows and Arrows according to the Law, (4) or for uſing any Art or Myſtery, in the which the party hath not been brought up according to the Statute in that behalf made, (5) ſhall be ſued and proſecuted in the general quarter Seſſions of the Peace, or Aſſiſes of the ſame County where the Offence ſhall be committed, or otherwiſe enquired of, heard and determined in the Aſſiſes, or general quarter Seſſions of the Peace of the ſame County where ſuch Offence ſhall be committed, or in the Leet within which it ſhall happen, and not in any wiſe out of the ſame County where ſuch Offence ſhall happen or be committed. Stat. 11 El. 5. 27 El. 10. 21 Jac. 4.

CAP. VI.

An Act againſt abuſes in election of Scholars, and preſentation to Benefices.

Eccleſiaſtical perſons 1. Elections, preſentations, &c. in Colledges, &c. wrought contrary to the intent of the Founders.

Cro. El. 645. 716. Cro. Jac. 89. 278. 512. 3 Inſt. 153. 1 Roll 157. 236. 2 Roll 81. 465.

WHereas by the intent of the Founders of Colledges, Churches Collegiate, Churches Cathedral, Schools, Hoſpitals, Halls, and other like Societies within this Realm, and by the Statutes and good Orders of the ſame, the Elections, Preſentations and Nominations of Fellows, Scholars, Officers and other perſons, to have room or place in the ſame, are to be had and made of the fitteſt and moſt meet perſons, being capable of the ſame Elections, Preſentations and Nominations, freely, without any reward, gift or thing given or taken for the ſame: And for true performance whereof, ſome Electors, Preſentors and Nominators in the ſame, have or ſhould take a corporal Oath to make their Elections and Nominations accordingly; yet notwithſtanding it is ſeen and found by experience, that the ſaid Elections, Preſentations and Nominations be many times wrought, and brought to paſs with money, gifts and rewards, whereby the fitteſt perſons to be elected, preſented or nominated, wanting money or friends, are ſeldom or not at all preferred, contrary to the good meaning of the ſaid Founders, and the ſaid good Statutes and Ordinances of the ſaid Colledges, Churches, Schools, Halls, Hoſpitals and Societies, and to the great prejudice of Learning, and the Commonwealth and Eſtate of the Realm:

II. For

The forfeiture of him which taketh reward for his voice in electing a Fellow, Scholar, &c. into a Colledge, &c.
2 Bulſtr. 182.
3 Bulſtr. 88. 90.
Moor 877. pl. 1231.

1 Co. 74. 101. II. For remedy whereof, be it enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons, bodies politick or corporate, which have election, preſentation or nomination, or voice, or aſſent in the choice, election, preſentation or nomination of any Fellow, Scholar, or any other perſon, to have room or place in any of the ſaid Churches, Colledges, Schools, Hoſpitals, Halls or Societies, ſhall at any time after fourty days next after the end of this preſent Seſſion of Parliament, have, receive or take any money, fee, reward, or any other profit directly or indirectly, or ſhall take any promiſe, agreement, covenant, bond or other aſſurance to receive or have any money, fee, reward, or any other profit directly or indirectly, either to him or themſelves, or any other of their, or any of their friends, for his or their voice or voices, aſſent or aſſents, or conſents in electing, chooſing, preſenting or nominating any Officer, Fellow, Scholar, or other perſon, to have any room or place in any of the ſaid Churches, Colledges, Schools, Halls, Hoſpitals or Societies, That then and from thenceforth, the place, room or office which ſuch perſon ſo offending ſhall then have in any the ſaid Churches, Colledges, Schools, Halls, Hoſpitals or Societies, ſhall be void: (2) And that then as well the Queens Majeſty, her Heirs and Succeſſors, and every other perſon and perſons, or their heirs and ſucceſſors to whom the preſentation, donation, gift, election or diſpoſition ſhall of right belong or appertain, of any ſuch of the ſaid rooms or places of the ſaid perſon offending as aforeſaid, ſhall or may at their pleaſure, elect, preſent, nominate, place or appoint any other perſon or perſons in the room, office or place of ſuch perſon or perſons ſo offending, as if the ſaid perſon or perſons ſo offending, then were naturally dead.

Hob. 75. 66. 167.
1 Cr. 337. March. 84.

The penalty for giving or taking of money for reſigning a place in a Colledge, Society, &c.
Hob. 165. Cro. Jac. 603.

III. And be it further enacted by the authority aforeſaid, That if any Fellow, Officer or Scholar of any the ſaid Churches, Colledges, Schools, Halls, Hoſpitals or Societies, or other perſons having room or place in any of the ſame, ſhall at any time hereafter, directly or indirectly take or receive, or by any way, device or means contract to agree, or have, or receive any money, reward or profit whatſoever, for the leaving or reſigning up of the ſame his room or place, for any other to be placed in the ſame, That then every perſon ſo taking or contracting, or agreeing to take or have any thing for the ſame, ſhall forfeit and loſe double the ſum of money, or value of the thing ſo received and taken, or agreed to be received and taken; and every perſon by whom, or for whom any money, gift or reward as aforeſaid, ſhall be given or agreed to be paid, ſhall be uncapable of that place or room for that time or turn, (3) and ſhall not be, nor had, nor taken to be a lawful Fellow, Scholar or Officer of the Churches, Colledges, Halls, Hoſpitals, Schools or Societies, or to have ſuch room or place there, (4) but that they to whom it ſhall appertain at any time hereafter, ſhall and may elect, chooſe, preſent and nominate any other perſon fit to be elected, preſented and nominated into the ſaid room or Fellowſhip, as if the ſaid perſon, by or from whom any ſuch money, gift or reward ſhall be given or agreed to be paid, were dead, or had reſigned and left the ſame. (5) And for more ſincere election, choice, preſentation and nomination of Fellows, Scholars, Officers, and other perſons, to have room or place hereafter in any of the ſaid Churches, Colledges, Halls, Schools, Hoſpitals, and other the like Societies:

At every election this Statute, and the Statuts of the houſe ſhall be read.

Who ſhall have the forfeitures; and by what means.

IV. Be it further enacted by the authority aforeſaid, That at the time of every ſuch election, preſentation or nomination hereafter to be had, as well this preſent Act, as the Orders and Statutes of the ſame places, concerning ſuch election, preſentation, or nomination to be had, ſhall then and there be publickly read, upon pain that every perſon in whom default thereof ſhall be, ſhall forfeit and loſe the ſum of fourty pounds; (2) all which forfeitures ſhall and may be had and recovered in any her Majeſties Courts of Record, by any perſon or perſons, bodies politick and corporate that will ſue for the ſame, by Bill, Plaint, or Action of Debt, in which no Eſſoin, Protection, or Wager of Law ſhall be allowed: The one moiety whereof ſhall be to him or them that will ſue for the ſame; the other moiety to the uſe of the ſaid Church, College, Hall, Hoſpital, School or Society where ſuch offence ſhall be committed: (3) And for the avoiding of Simony and corruption in preſentations, collations and donations, of and to Benefices, Dignities, Prebends, and other Livings and Promotions Eccleſiaſtical, and in admiſſions, inſtitutions and inductions to the ſame:

The penalty for preſenting to a Benefice; or for being preſented for reward.
Coke pla. f. 516.
Co. l. 12. f. 101.

V. Be it further enacted by the authority aforeſaid, That if any perſon or perſons, bodies politick and corporate, ſhall or do at any time after the end of fourty days next after the end of this Seſſion of Parliament, for any ſum of money, reward, gift, profit or benefit, directly or indirectly, or for, or by reaſon of any promiſe, agreement, grant, bond, covenant, or other aſſurance, of or for any ſum of money, reward, gift, profit or benefit whatſoever, directly or indirectly, preſent or collate any perſon to any Benefice with Cure of Souls, Dignity, Prebend or Living Eccleſiaſtical, or give or beſtow the ſame, for or in reſpect of any ſuch corrupt cauſe or conſideration, That then every ſuch preſentation, collation, gift and beſtowing, and every admiſſion, inſtitution, inveſture, and induction thereupon, ſhall be utterly void, fruſtrate, and of none effect in Law: (2) And that it ſhall and may be lawful to and for the Queens Majeſty, her Heirs and Succeſſors, to preſent, collate unto, or give or beſtow every ſuch Benefice, Dignity, Prebend and Living Eccleſiaſtical for that one time or turn only, (3) and that all and every perſon and perſons, bodies politick and corporate, that from henceforth ſhall give or take any ſuch ſum of money, reward, gift or benefit, directly or indirectly, or that ſhall take or make any ſuch promiſe, grant, bond, covenant, or other aſſurance, ſhall forfeit and loſe the double value of one years profit of every ſuch Benefice, Dignity, Prebend and Living Eccleſiaſtical; (4) and the perſon ſo corruptly taking, procuring, ſeeking or accepting any ſuch Benefice, Dignity, Prebend or Living, ſhall thereupon, and from thenceforth be adjudged a diſabled perſon in Law, to have or enjoy the ſame Benefice, Dignity, Prebend or Living Eccleſiaſtical.

Cro. El. 642. Cro. Jac. 385. Cro. Car. 334.

VI. And be it further enacted, That if any perſon ſhall at any time after fourty days next after the end of this Seſſion of Parliament, for any ſum of money, reward, gift, profit or commodity

The penalty for preſenting or collating, or for being preſented to a Benefice with cure, for reward.
2 Roll. 465.

modity whatſoever, directly or indirectly (other then for uſual and lawful fees) or for, or by reaſon of any promiſe, agreement, grant, covenant, bond, or other aſſurance, of or for any ſum of money, reward, gift, profit or benefit whatſoever, directly or indirectly, admit, inſtitute, inſtal, induct, inveſt or place any perſon in, or to any Benefice with cure of Souls, Dignity, Prebend, or other Living Eccleſiaſtical; That then every ſuch perſon ſo offending, ſhall forfeit and loſe the double value of one years profit of every ſuch Benefice, Dignity, Prebend, and Living Eccleſiaſtical; (2) and that thereupon immediately from and after the inveſting, inſtallation or induction thereof had, the ſame Benefice, Dignity, Prebend and Livings Eccleſiaſtical, ſhall be eſſoons meerly void: (3) And that the Patron or perſon to whom the advowſon, gift, preſentation or collation ſhall by Law appertain, ſhall and may by virtue of this Act, preſent or collate unto, give and diſpoſe of the ſame Benefice, Dignity, Prebend or Living Eccleſiaſtical, in ſuch ſort, to all intents and purpoſes, as if the party ſo admitted, inſtituted, inſtalled, inveſted, inducted or placed, had been, or were naturally dead.

No title to confer by lapſe, but after ſix months after notice.

VII. Provided always, That no title to confer or preſent by lapſe, ſhall accrue upon any voidance mentioned in this Act, but after ſix months next after notice given of ſuch voidance, by the Ordinary to the Patron.

The penalty for corrupt reſigning or exchanging of a Benefice with cure of ſouls.

VIII. And be it further enacted by the authority aforeſaid, That if any Incumbent of any Benefice with cure of Souls, after the end of the ſaid fourty days, do, or ſhall corruptly reſign or exchange the ſame, or corruptly take for, or in reſpect of the reſigning or exchanging of the ſame, directly or indirectly, any penſion, ſum of money, or benefit whatſoever; That then as well the giver, as the taker of any ſuch penſion, ſum of money, or other benefit corruptly, ſhall loſe double the value of the ſum ſo given, taken or had, (2) the one moiety as well thereof, as of the forfeiture of double value of one years profit before mentioned, to be to the Queens Majeſty, her Heirs and Succeſſors, and the other moiety to him or them that will ſue for the ſame, by action of debt, bill or information, in any of her Majeſties Courts of Record, in which no eſſoin, protection or wager of Law or Priviledge ſhall be admitted or allowed.

Penalties inflicted by the Eccleſiaſtical Law to be not taken away by this Statute.

IX. Provided always, That this Act, or any thing herein contained, ſhall not in any wiſe extend to take away or reſtrain any puniſhment, pain or penalty limited, preſcribed or inflicted by the Laws Eccleſiaſtical, for any the offences before in this Act mentioned, but that the ſame ſhall remain in force, and may be put in due execution, as it might be before the making of this Act; this Act, or any thing therein contained to the contrary thereof, in any wiſe notwithſtanding.

The penalty for giving or taking of rewards to make Miniſters, or to give licence to preach.

X. Provided further, and be it enacted by the authority aforeſaid, That if any perſon or perſons whatſoever, ſhall, or do at any time after the end of this Seſſion of Parliament, receive or take any money, fee, reward, or any other profit, directly or indirectly, or ſhall take any promiſe, agreement, covenant, bond, or other aſſurance, to receive any money, fee, reward, or any other profit, directly or indirectly, either to him or themſelves, or to any other of their or any of their friends, (all ordinary and lawful fees only excepted) for, or to procure the ordaining or making of any Miniſter or Miniſters, or giving of any Orders, or Licence or Licences to preach; that then every perſon and perſons ſo offending, ſhall for every ſuch offence forfeit and loſe the ſum of fourty pounds of lawful money of England, (2) and the party ſo corruptly ordained or made Miniſter, or taking Orders, ſhall forfeit and loſe the ſum of ten pounds: (3) And if at any time within ſeven years next after ſuch corrupt entring into the Miniſtry, or receiving of Orders, he ſhall accept and take any Benefice, Living, or Promotion Eccleſiaſtical, that then immediately from and after the induction, inveſting, or inſtallation thereof, or thereinto had, the ſame Benefice, Living, and Promotion Eccleſiaſtical, ſhall be eftſoons meerly void, (4) and that the Patron or perſon to whom the advowſon, gift, preſentation, or collation ſhall by Law appertain, ſhall and may by virtue of this Act, preſent or collate unto, give and diſpoſe of the ſame Benefice, Living, or Promotion Eccleſiaſtical, in ſuch ſort to all intents and purpoſes, as if the party ſo inducted, inveſted or inſtalled, had been, or were naturally dead; any Law, Ordinance, Qualification or Diſpenſation to the contrary notwithſtanding; (5) The one moiety of all which forfeitures ſhall be to our Sovereign Lady the Queen, her Heirs and Succeſſors, and the other moiety to him or them that will ſue for the ſame, by action of debt, bill, plaint, or information, in any of her Majeſties Courts of Record, in which no eſſoin, protection, priviledge, or wager of Law, ſhall be admitted or allowed. Coke Inſt. 120. a.

Who ſhall have the forfeitures, and by what means.

CAP. VII.

An Act againſt erecting and maintaining of Cottages.

Cottages 1.

Penalty for building a Cottage without four acres of Land to it, and the like for placing or ſuffering Inmates.
Stat. 34 Ed. 1.
2 Bulſtr. 264.
3 Inſt. 204.
1 Roll. 38.
Godbolt 383. pl. 470.

Co. Inſtit. 2 part, 736
Hob. 250.
2 Bulſtr. 56.

FOr the avoiding of the great inconveniences which are found by experience to grow by the erecting and building of great numbers and multitude of Cottages, which are daily more and more increaſed in many parts of this Realm, (2) Be it enacted by the Queens moſt excellent Majeſty, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That after the end of this Seſſion of Parliament, no perſon ſhall within this Realm of England, make, build, or erect, or cauſe to be made, builded or erected, any manner of Cottage for Habitation or Dwelling, nor convert or ordain any building or houſing made, or hereafter to be made, to be uſed as a Cottage for Habitation or Dwelling, unleſs the ſame perſon do aſſign and lay to the ſame Cottage or Building, four Acres of ground at the leaſt, to be accompted according to the Statute or Ordinance de terris menſurandis, being his or her own freehold or inheritance lying near to the ſaid Cottage, to be continually occupied and manured therewith, ſo long us the ſame Cottage ſhall be inhabited, (3) upon pain that every ſuch offender ſhall forfeit to our Sovereign Lady the Queens Majeſty, her Heirs and Succeſſors, x. li. of lawful money of England for every ſuch offence.

Cro. Jac. 633.

II. And be it further enacted by the authority aforeſaid, That every perſon which after the end of this Seſſion of Parliament, ſhall willingly uphold, maintain, and continue any ſuch
Cottage

Cottage hereafter to be erected, converted, or ordained for habitation or dwelling, whereunto four acres of ground, as is aforeſaid, ſhall not be aſſigned and laid to be uſed and occupied with the ſame, ſhall forfeit to our ſaid Sovereign Lady the Queens Majeſty, her Heirs and Succeſſors, fourty ſhillings for every month that any ſuch Cottage ſhall be by him or them upholden, maintained and continued.

The forfeiture for continuing of a new Cottage.

III. Provided alſo, and be it enacted, That from and after the Feaſt of All Saints next coming, there ſhall not be any Inmate, or more Families and Houſholds then one, dwelling or inhabiting in any one Cottage, made, or to be made or erected, (2) upon pain that every owner or occupier of any ſuch Cottage, placing, or willingly ſuffering any ſuch Inmate, or other Family then one, ſhall forfeit and loſe to the Lord of the Leet, within which ſuch Cottage ſhall be, the ſum of ten ſhillings of lawful money of England, for every month that any ſuch Inmate, or other Family then one ſhall dwell or inhabit in any Cottage as aforeſaid: (3) And that all and every Lord and Lords of Leet and Leets, and their Stewards within the precinct of his and their Leet and Leets, ſhall have full power and authority within their ſeveral Leets, to enquire, and to take preſentment by the Oath of the Jurors, of all and every offence and offences in this behalf, (4) and upon ſuch preſentment had or made, to levy by diſtreſs to the uſe of the Lord of the Leet, all ſuch ſums of money as ſo ſhall be forfeited: (5) And moreover, that it ſhall be lawful for the Lord of every ſuch Leet where ſuch preſentment ſhall be made, to recover to his own uſe any ſuch forfeiture, by action of debt, in any of the Queens Majeſties Courts of Record, wherein no eſſoin, protection or wager of Law ſhall be allowed.

The penalty for receiving of an Inmate. Coke pla. f. 665.

IV. And be it further enacted by the authority aforeſaid, That all Juſtices of Aſſiſes, and Juſtices of Peace in their open Seſſions, and every Lord within the precinct of his Leet, and no others, ſhall have full power and authority within their ſeveral Limits and Juriſdictions, to enquire of, hear and determine all offences contrary to this preſent Act, as well by indictments, as otherwiſe by preſentment or information, (2) and to award execution for the levying of the ſeveral forfeitures aforeſaid, by Fieri facias, Elegit, Capias, or otherwiſe, as the cauſe ſhall require.

Who may hear and determine the offences aforeſaid, and by what means.

V. Provided always, That this Statute, or any thing therein contained, ſhall not in any wiſe be extended to any Cottage which ſhall be ordained or erected to, or for habitation or dwelling in any City, Town-corporate, or ancient Borough or Market-Town within the Realm, (2) nor to any Cottages or Buildings which ſhall be erected, ordained, or converted to, and for the neceſſary and convenient habitation or dwelling of any workmen or labourers in any mineral works, coal-mines, quarries or delfs of ſtone, or ſlate, or in or about the making of brick, tile, lime, or coals within this Realm: ſo as the ſame Cottages or Buildings be not above one mile diſtant from the place of the ſame mineral, or other works, and ſhall be uſed only for the habitation and dwelling of the ſaid workmen, (3) nor ſhall in any ſort prejudice, charge or impeach any perſon or perſons for the erecting, maintaining, or continuing of any ſuch Cottages, as are before in this proviſo mentioned and ſpecified.

Cottages in Cities or Market Towns, or for workmen in mineral works, Quarries, &c.

VI. Provided always, That this Act ſhall not extend to any Cottage to be made within a mile of the Sea, or upon the ſide of ſuch part of any navigable River where the Admiral ought to have juriſdiction, ſo long as no other perſon ſhall therein inhabit, but a Sailer, or man of manual occupation, to, or for making, furniſhing, or victualling of any Ship or Veſſel uſed to ſerve on the Sea, (2) nor to any Cottage to be made in any Foreſt, Chaſe, Warren or Park, ſo long as no other perſon ſhall therein inhabit, but an under-keeper or warrenner, for the good keeping of the Deer, or other game or warren, (3) nor to any Cottage heretofore made, ſo long as no other perſon ſhall therein inhabit, but a common herd-man or ſhepherd, for keeping the cattel or ſheep of the Town, or a poor, lame, ſick, aged, or impotent perſon, (4) nor to any Cottage to be made, which for any juſt reſpect upon complaint to the Juſtice of Aſſiſe at the Aſſiſes, or to the Juſtices of Peace at the Quarter Seſſions, ſhall by their order entred in open Aſſiſes or Quarter Seſſions, be decreed to continue for habitation, for and during ſo long time only as by ſuch decree ſhall be tolerated and limited. Stat. 35 Eliz. 6. 43 Eliz. 2.

Certain Cottages to the which this Statute ſhall not extend.

CAP. VIII.

An Act for the true gauging of Veſſels brought from beyond the Seas, converted by Brewers for the utterance and ſale of Ale and Beer.

Where Beer and Ale are now very commonly uttered, ſold and put to ſale by the Beer-brewers and Ale-brewers, as well within the City of London, as elſewhere within the Realm of England, in Butts, Pipes, Puncheons, Hogſheads, Tierces, and ſuch other Veſſels brought from beyond the Seas, which were never lawfully gauged for that purpoſe within this Realm, to the great loſs as well of the Queens Highneſs, as of her Subjects, (2) Be it therefore enacted by the authority of this preſent Parliament, That no Brewer ſhall after the end of forty days next after the end of this Seſſion of this preſent Parliament, ſell, utter or put to ſale any Beer or Ale in ſuch Veſſel or Veſſels, within the City of London, or Suburbs of the ſame, or in any other place or places within two miles compaſs without the ſame Suburbs, before the ſame ſhall be lawfully gauged, and the true content of every ſuch Veſſel ſet down upon the ſame, by the gallon appointed and allowed for Beer and Ale, according to that Standard, by the Maſter and Wardens of the Art or Myſtery of Freemen of the Cowpers of the City of London, or their Deputy or Deputies; (3) nor ſhall (after the time before limited) ſell, utter, or put to ſale any Beer or Ale, in any ſuch Veſſel or Veſſels, in any other place or places within the Realm of England and Wales, before the ſame ſhall be lawfully gauged, and the true content of every ſuch Veſſel ſet down upon the ſame by the gallon aforeſaid, according to the Standard, by ſuch as by the Statute in that behalf made in the three and twentieth year of of the Reign of the late King of famous memory, King Henry the Eighth, are to have the gauging of Barrels, Kilderkins and Firkins, made for Beer or Ale to be put in, in ſuch other place or places within the Realm of England and Wales, (4) upon pain to forfeit all and every ſuch Veſſel and Veſſels wherein any Beer or Ale ſhall be uttered, ſold, or put to ſale, contrary to the true meaning hereof, and

Cowpers 4. Veſſels brought from beyond the Sea for Ale and Beer in London, ſhall be gauged.

Veſſels brought from beyond the Sea to other parts of the Realm. 23 H. 8. 4.

What ſhall be taken for the gauging in London, and elſewhere.

alſo all the Beer or Ale which ſhall be at the time of ſuch uttering, ſelling or putting to ſale, therein contained, to him or them that will ſeize the ſame; (5) and upon pain alſo to forfeit for every ſuch Veſſel wherein Beer or Ale ſhall be ſo uttered, ſold or put to ſale, ten ſhillings; (6) the one moiety of which forfeitures ſhall be to the Queens Majeſty, her Heirs and Succeſſors; and the other moiety to him or them that will ſue for the ſame, by Action of Debt, Bill, Plaint, Information, or otherwiſe, wherein no eſſoin, protection, wager of Law, or injunction ſhall be admitted or allowed for the Defendant: (7) And that there ſhall be taken for the gauging of every ſuch Veſſel, within the City of London, and the Suburbs of the ſame, and in all and every place and places within two miles compaſs without the ſame Suburbs, by the Maſter and Wardens of the art or myſtery of Freemen of the Cowpers of the City of London, for every Butt, one peny, for every Pipe, one peny, for every Puncheon, one half-peny, for every Hogſhead, one half-peny, for every Tierce one half-peny, (8) and for every other Veſſel which ſhall at any time (after the time before expreſſed) be brought into this Realm from any the parts beyond the Seas, wherein Beer or Ale ſhall be uttered, ſold, or put to ſale within the ſaid City or Suburbs, or any other place or places within two miles compaſs without the ſame Suburbs, after like rates, and no more; (9) and that there ſhall be taken for the gauging of every ſuch Veſſel or Veſſels, in all and every other place and places within the Realm of England and Wales, by ſuch perſon and perſons, as by the ſaid Statute made in the three and twentieth year of the Reign of King Henry the Eighth are appointed for gauging thereof, after ſuch rates as are herein before appointed to be taken, for gauging within the City of London, and Suburbs of the ſame, and in other places within two miles compaſs without the ſame Suburbs.

The Veſſels may be retained until the gauging money be paid.

II. And it is further enacted by the authority aforeſaid, That this Act ſhall extend to all and every perſon and perſons which ſhall uſe or occupy the myſtery of Brewing, as well Engliſh-born, as Strangers: (2) And that it ſhall be lawful to all and every perſon and perſons which ſhall have authority by virtue of this Act, to gauge any Veſſel or Veſſels by this Act meant or intended to be gauged, to retain every Veſſel which ſhall be gauged, according to the true meaning of this Act, until the money which ſhall be due for the gauging thereof ſhall be truly ſatisfied and paid.

The Wardens of Cowpers ſhall come to the Brewers houſes to gauge veſſels.

III. Provided always, and be it further enacted by the authority aforeſaid, That the Maſter and Wardens of Cowpers aforeſaid, or their ſufficient Deputy or Deputies, within the ſpace of eight and fourty hours next after any reaſonable requeſt (to them or any of them made) ſhall come to any Brewer or Brewers houſe, or other place in the ſaid City of London, or Suburbs thereof, or two miles diſtance of the ſame, whereas their Casks ſhall be, and there with all reaſonable expedition ſhall gauge and mark the ſame Casks and every of them, (2) upon pain for every default to forfeit and loſe to the party by or from whom ſuch requeſt as aforeſaid ſhall be made, the ſum of twenty ſhillings of lawful money of England, to be had and recovered by the ſaid party againſt the Corporation of Cowpers aforeſaid, by action of debt in any of her Majeſties Courts of Record at Weſtminſter, or elſewhere: in which action no eſſoin, protection or wager of Law ſhall be admitted or allowed.

Veſſels which ſhall be filled with Ale or Beer, and tranſported.

IV. Provided alſo, That if any Scottiſh-man, or any ſtranger, ſhall bring from Scotland, or from beyond the Seas, to the ſaid Brewers, or any of them, any manner of foreign Cask, and ſhall require to have Beer put into the ſame, and will tranſport the ſame Beer from hence, either into Scotland, or over the Seas, there to be drunk; that then in every ſuch caſe, it ſhall and may be lawful to and for the ſaid Brewers, and any of them, to fill all ſuch Casks with Beer, at ſuch rate and reckoning as he and his Merchant can agree, without having the ſaid Casks, or any of them, gauged or marked as is aforeſaid, and without incurring any penalty therefore; this Act, or any thing therein contained to the contrary thereof, in any wiſe notwithſtanding. (2) This Act to continue to the end of the next Seſſion of the next Parliament. 3 Car. 4. continued until the end of the firſt Seſſion of the next Parliament.

CAP. IX.

An Act for Writs upon Proclamations and Exigents to be current within the County Palatine of Durham.

Exigent 15.

6 H. 8. 4.

Where the Biſhoprick of Durham is, and of long time hath been an ancient County Palatine of it ſelf, in which Biſhoprick the Queens Writ hath not, nor yet doth run; ſo that the Writ of proclamation awarded upon any Exigent, againſt any perſon or perſons inhabiting within the ſame County, in any action wherein proceſs of Outlawry doth lie, according to the Statute made in the ſixth year of the Reign of the late King Henry the Eighth, cannot be directed to any Sheriff, or other Officer within the ſaid Biſhoprick, but unto the Sheriff of the County next adjoyning unto the ſaid Biſhoprick, ſo that the party dwelling within the ſaid Biſhoprick, againſt whom any ſuch Exigent and Proclamation hath been or ſhall be awarded, hath not had, nor hereafter can have any knowledge of the ſame ſuit or proceſs; (2) by reaſon whereof, many perſons inhabiting within the ſaid Biſhoprick, without knowledge have been outlawed, and hereafter are like to be outlawed in like manner, to their utter undoings, if ſome ſpeedy remedy be not the ſooner provided:

A Writ of proclamation upon an Exigent againſt any perſon dwelling in the Biſhoprick of Durham.

II. Be it therefore, and for divers other good conſiderations, enacted, ordained and eſtabliſhed by the authority of this preſent Parliament, That whenſoever any Writ of Exigent, at any time after the firſt day of April next coming, ſhall be awarded at the ſuit of our Sovereign Lady the Queens Majeſty, her Heirs and Succeſſors, Kings or Queens of this Realm, or at the ſuit or ſuits of any other perſon or perſons, plaintiff or plaintiffs, in any action or ſuit in any of the Courts of our ſaid Sovereign Lady, her Heirs or Succeſſors, Kings and Queens of this Realm, commonly called the Kings Bench, and the Commons Pleas, againſt any perſon or perſons dwelling within the ſaid Biſhoprick; That then immediately upon the awarding of every ſuch Exigent, the Juſtice or Juſtices before whom any ſuch Writ of Exigent, upon ſuch ſuit or action ſhall be ſued, ſhall have full power and authority by virtue of this Act, to award one Writ of proclamation, according to the tenour and effect of Writs of proclamation awarded upon Exigents, and commonly directed out of any of the ſaid Courts into London, or into any other Shires of this Realm againſt any perſon or perſons dwelling in other Shire or Shires of this Realm where the Queens Writ doth run, according to the order and form of the ſaid Act made in the ſixth year of the reign of the ſaid late King, (2) to be directed to the Biſhop of Durham for the time being, and during the vacation of the Biſhoprick, then to the Chancellor of the ſaid Biſhoprick or County Palatine for the time being, where it ſhall happen the ſaid defendant, againſt whom any ſuch action ſhall be ſued, as is aforeſaid, to be dwelling, and not to the Sheriff of any other Shire next adjoyning to the ſaid Biſhoprick or County Palatine, (any Law, Cuſtom, or Uſage heretofore uſed to the contrary notwithſtanding:) (3) And that every ſuch Writ of Proclamation ſo to be hereafter awarded to ſuch Biſhop or Chancellor of the ſaid Biſhoprick or County Palatine, ſhall have the ſame Teſte and day of return, as the Exigents whereupon every ſuch Writ of Proclamation ſhall be awarded, ſhall have: (4) And that every ſuch Biſhop or Chancellor, to whom any of the ſaid Writ or Writs of Proclamation ſhall be directed, ſhall by his or their Mandate directed to the Sheriff of the ſaid County Palatine, cauſe proclamation to be made of the ſame Writs of Proclamation according to the tenour of the ſame, and ſhall make true returns of the ſame in ſuch Court and Courts, and before ſuch Juſtices as the tenour of the ſame Writ and Writs of Proclamation ſhall require and demand: (5) And that all Outlawries hereafter to be promulged or pronounced againſt any perſon or perſons, upon any ſuch Exigent or Exigents awarded againſt any perſon or perſons dwelling within the ſaid Biſhoprick or County Palatine, and no Writs of Proclamation awarded in form aforeſaid, to the Biſhop or Chancellor aforeſaid, where the party defendant ſhall be as is aforeſaid, dwelling, or not returned as aforeſaid, to be clearly void, and of none effect nor force in the Law.

The Biſhops Mandate to the Sheriff, to make Proclamation.

III. And be it further enacted by the authority aforeſaid, , That every Biſhop of the ſaid Biſhoprick for the time being, and during the vacation of the ſaid Biſhoprick, the Chancellor of the ſaid County Palatine for the time being, ſhall have in every of the ſaid Courts of the Kings Bench and Common Pleas, one ſufficient deputy at the leaſt, to receive all ſuch Writs of Proclamation which ſhall be hereafter directed to every ſuch Biſhop or Chancellor of the ſaid Biſhoprick or County Palatine, for whom the ſame deputy or deputies ſhall be appointed, in like manner and form, and upon like pains, as by the former Statutes and Laws of this Realm, the Sheriffs of other Shires or Counties within this Realm of England, be bound to have in either of the ſame Courts, (2) and that all ſuch Writs of Proclamation, as aforeſaid, ſhall be delivered unto every ſuch deputy or deputies of Record in the ſame Courts, and either of them, and alſo like Fees ſhall be paid for making of every ſuch Writ of proclamation, and for enrolling the ſame of Record, as is limited in the ſame Statute, made in the ſixth year of King Henry the eighth.

The Biſhop of Durham ſhall have a deputy in the Kings-Bench and Common-Pleas. 23 H. 6. 10.

IV. And be it further enacted and eſtabliſhed by the authority aforeſaid, That if any ſuch Writ or Writs of Proclamation hereafter to be directed to any Biſhop or Chancellor of the ſaid Biſhoprick or County Palatine, be delivered unto any of the ſaid Biſhops for the time being, or during the vacation of the ſaid Biſhoprick, to the Chancellor of the ſaid County Palatine for the time being, or to his or their deputy or deputies, in manner and form aforeſaid, the ſame for Biſhop the time being, (2) or during the vacation of the ſaid Biſhoprick, the ſaid Chancellor of the ſaid County Palatine, for the time being, do not make true return of every ſuch Writ and Writs of Proclamation to them directed into ſuch Court and Courts out of which the ſaid Writ or Writs of Proclamation ſhall be awarded, that for every ſuch default of non-return, every ſuch Biſhop for the time being, and during the vacation of the ſaid See, the ſaid Chancellor for the time being, ſo failing to make due return, ſhall loſe and forfeit five pounds, (3) the one half whereof ſhall be to the Queen, her Heirs, and Succeſſors, and the other half thereof to any ſuch perſon or perſons as will ſue for the ſame, in any Action of debt to be grounded upon this Act, in any of the Queens Courts of Record wherein no eſſoin, protection, or wager of Law ſhall be allowed or admitted.

The forfeiture of the Biſhop or Chancellor that doth not return the proclamation.

V. Provided always, That this Act, or any thing herein contained, ſhall not in any wiſe extend, or be prejudicial to any Biſhop of the ſaid Biſhoprick of Durham, for or concerning ſuch liberties, franchiſes or priviledges as belong to the ſame Biſhops Biſhoprick or See, or to any miniſters or officers of the ſame Biſhoprick or County Palatine, otherwiſe, or in any other manner, then by the true meaning of this Act is before provided or declared; any thing in this Act mentioned to the contrary notwithſtanding.

A proviſion for the Biſhop of Durhams other Liberties.

VI. Provided alſo, That if any perſon or perſons dwelling within the ſaid Biſhoprick or County Palatine, after the foreſaid firſt day of April, ſhall be outlawed in any ſuch ſuit or action, as is aforeſaid, that then all Writs of ſpecial Capias utlagatum, ſingle Capias utlagatum, non moleſtandum, and all other proceſs, for or againſt any perſon or perſons ſo outlawed, ſhall and may from henceforth be directed from time to time to the Biſhop of the ſaid Biſhoprick and County Palatine for the time being, and during the vacation of the ſaid See, to the Chancellor there for the time being, who ſhall make like Writs and proceſs thereupon, and of like effect, ſealed with the ſeal of their ſaid offices, to be directed to the Sheriff of the ſaid County Palatine for the time being, as hereto fore hath been uſed and accuſtomed in ſuch caſes.

To whom writs ſhall be directed againſt any perſon outlawed in the ſaid Biſhoprick.

VII. Provided alway, and be it further enacted by the authority aforeſaid, That upon any Writ of Proclamation to be awarded by virtue of this Act, and the Mandate thereupon to be made to the Sheriff, and the Execution thereof, there ſhall be but one only fee taken, received or demanded for the ſame by the ſaid Biſhop, Chancellor, and Sheriff of the ſaid County Palatine for the time being.

One only Fee ſhall be taken for the Proclamation, Mandate and Execution.

CAP. X.

An Act for the continuance and perfecting of divers Statutes.

Ships, 21 H. 8. 12.

WHereas in the firſt Seſſion of Parliament begun in the City of London, the third day of November, in the one and twentieth year of the reign of our late Sovereign Lord of famous memory, King Henry the eighth, and from thence adjourned and prorogued to the Palace of Weſtminſter, an Act or Statute was made, entituled, An Act for the true making of Cables, Halſers and Ropes.

Cattel, 24 H. 8. 9.

II. And where in the Parliament holden upon prorogation at Weſtminſter, the fourth day of February, in the four and twentieth year of the Reign of the ſaid King, one other Act was then and there made, entituled, An Act againſt killing of young beaſts, called weanlings.

Cattel, 4 Ed. 6. 19.

III. And where in the Seſſion of a Parliament ended at Weſtminſter, the firſt day of February, in the fourth year of the reign of our late Sovereign Lord, King Edward the ſixth, one Act was made concerning the buying and ſelling of Rother beaſts and cattel.

Victual, 4 Ed. 6. 21.

IV. And alſo one other Act was then and there likewiſe made, entituled An Act for the buying and ſelling of Butter and Cheeſe.

Fiſh, 1 Eliz. 17.

V. And where alſo in the Parliament begun at Weſtminſter, the three and twentieth day of January, in the firſt year of the reign of the Queens Majeſty that now is, and there continued by prorogation until the diſſolution thereof, one Act was then and there made, entituled, An Act for preſervation of ſpawn and Fry of fiſh.

Huſbandry, 5 Eliz. 2.

VI. And where alſo in the firſt Seſſion of Parliament holden at Weſtminſter, the twelfth day of January, in the fifth year of her Highneſs reign, one Act was then and there made, entituled, An Act for maintenance and encreaſe of Tillage.

Merchants, 5 Eliz 7.

VII. And one other Act was then and there likewiſe made, entituled, An Act for the avoiding of divers foreign wares made by handy-crafts men beyond the Seas.

Games, 8 Eliz. 10.

VIII. And where alſo in the laſt Seſſion of the Parliament holden by prorogation at Weſtminſter, the laſt day of September, in the eighth year of her Majeſties reign, one Act was then and there made, entituled, An Act for Bowyers, and the prices of Bows.

Leaſes, 13 Eliz. 20.

IX. And where alſo in the Parliament begun and holden at Weſtminſter, the ſecond day of April, in the thirteenth year of her Majeſties reign, there was one Act and Statute made for the avoiding of ſome Leaſes in certain caſes to be made of Eccleſiaſtical Promotions with cure, entituled, An Act touching Leaſes of Benefices, and other Eccleſiaſtical Livings with cure.

Purveyors, 13 Eliz. 21.

X. And where alſo there was one other Act was then and there made in the ſaid Parliament begun and holden at Weſtminſter the ſaid ſecond day of April, in the ſaid thirteenth year, entituled, An Act that Purveyors may take Grain, Corn or Victuals within five miles of Cambridge and Oxford in certain caſes.

XI. And alſo one other Act was then and there made, entituled, An Act againſt Uſury.

Uſury, 13 Eliz. 8.

14 Eliz. 11.

XII. And where in the Parliament holden at Weſtminſter the eighth day of May, in the fourteenth year of her Highneſs reign, there was one other Act made, entituled, An Act for the continuation and explanation, perfecting and enlarging of divers Statutes; in which Statute are contained divers branches, clauſes and proviſions touching and concerning the explanation, perfecting and enlarging of divers of the Statutes before mentioned.

Poor, 14 Eliz. 5.

XIII. And where alſo in the firſt Seſſion of the Parliament begun and holden at Weſtminſter the eighth day of May, in the fourteenth dear of the Queens Highneſs Reign that now is, and from thence continued by prorogation till the diſſolution thereof, there was one other Act made, entituled, An Act for the puniſhment of Vagabonds, and for the relief of the poor and impotent.

Poor, 18 Eliz. 3.

XIV. And where in the ſaid Parliament holden at Weſtminſter aforeſaid, in the eighteenth year of her Majeſties reign, there was one other Act made, entituled, An Act for the ſetting of the poor on work, and for the avoiding of idleneſs.

Continuance, 27 Eliz. 11.

XV. And where in the Parliament holden at Weſtminſter the three and twentieth day of November, in the ſeven and twentieth year of her Majeſties Reign, one other Act was made for the reviving, continuance, explanation and perfecting of divers Statutes, in which are contained divers branches, proviſions and clauſes touching and concerning certain additions and alterations unto, and of divers of the ſaid former recited Statutes, and other new proviſions.

Enqueſt, 27. Eliz. 7.

XVI. And where in the ſaid Parliament holden at Weſtminſter the three and twentieth day of November, in the ſeven and twentieth year of the Queens Majeſties reign that now is, there was an Act made for the levying of Iſſues loſt by Jurors.

Franchiſe, 27 Eliz. not printed.

XVII. And whereas alſo in the Parliament holden at Weſtminſter the three and twentieth day of November, in the ſeven and twentieth year of the Queens Majeſties Reign that now is, there was one other Act made, entituled, An Act for the good government of the City or Borough of Weſtminſter.

The before rehearſed 7 Stat. ſhall continue until the end of the next Parliament. EXP.

XVIII. Foraſmuch as the branches, clauſes and proviſions contained and ſpecified in the two Acts of continuance, made in the fourteenth, and ſeven and twentieth years of her Majeſties Reign, in addition, alteration, explanation, perfecting and enlarging of divers of the ſaid Statutes, and other Statutes, and all the reſidue of the ſaid recited Acts, do ſeem good and beneficial to the weal and profit of this Realm, (2) Be it enacted, That the ſaid branches, clauſes and proviſions of the ſaid two Acts of continuance, and all the reſidue of the ſaid recited Statutes and Acts, and every of them, and all and every article, clauſe and ſentence in them and every of them contained, ſhall be continued, and endure in full force and effect until the end of the next Parliament next enſuing.

Fiſh, 5 Eliz. 5.

XIX And where alſo in the firſt Seſſion of Parliament holden at Weſtminſter the twelfth day of January, in the ſaid fifth year of her Majeſties reign, one Act was then and there made, entituled, An Act touching certain politick Conſtitutions made for the maintenance of the Navy (2) Be it further enacted by the authority of this preſent Paliament, That ſo much only of the ſaid laſt mentioned Act, as at this preſent ſtandeth in force, and not heretofore at any time repealed, ſhall continue and endure in full force and effect, unto the end of the next Parliament next enſuing.

29 Eliz. 5. Act 8. Stat.

3 Inſt. 192.

Atturney 14.

XX. Where in the Parliament now laſt paſt, holden at Weſtminſter, an Act was then made, entituled, an Act for the continuance and perfecting of divers Statutes; in the end of which Act, one proviſo is contained in theſe words following, viz. Provided always, That whereas divers her Majeſties loving Subjects dwelling in the remote places of this Realm, are many times maliciouſly troubled upon informations and ſuits exhibited in the Courts of Kings Bench, Common Pleas, and Exchequer, upon penal Statutes, and are drawn up upon proceſs out of the Countries where they dwell, and driven to attend and put in Bail, to their great troubles and undoings: (2) For reformation whereof, Be it enacted, That if any perſon or perſons ſhall be ſued or informed againſt upon any penal Law, in any the ſaid Courts of the Kings Bench and Common Pleas, or Exchequer, where ſuch perſon or perſons are bailable by law, or where by the Law or favour of the Court, ſuch perſon or perſons may appear by Atturney, That in all and every ſuch caſe, the perſon or perſons ſo to be impleaded or ſued, ſhould and might at the day and time contained in the firſt proceſs ſerved for his appearance, appear by Atturney of the ſame Court where the proceſs is returnable, to anſwer and defend the ſame, and not be urged to perſonal appearance, or to put in Bail for the anſwering of ſuch ſuit; any former law, cuſtom or uſage to the contrary notwithſtanding; (3) Be it now Enacted by the authority of this preſent Parliament, That the ſame branch of the ſaid Act ſhall extend, and ſhall be interpreted, expounded and underſtood to extend only to the natural Subjects born or to be born within the Dominions of the Queens Majeſty, her heirs and Succeſſors, and to perſons made free Denizens, and to no others; any thing therein contained to the contrary in any wiſe notwithſtanding.

The Statute of 28 Ed. 5. touching appearing by Atturney in ſuits upon penal Laws, ſhall extend only to natural born Subjects, or free Denizens.

CAP. IX.

An Act of Explanation or Declaration of the Statute of Octavo Regis H 6. concerning Forcible Entries, the Indictments thereupon found.

Force 4. 8 H. 6. 9.

Whereas there is one good Act made and eſtabliſhed in the eighth year of the Reign of King Henry the ſixth, againſt ſuch perſons as ſhould make forcible Entry into Lands, Tenements, and other poſſeſſions, or them ſhould forcibly hold; and one very good proviſo or clauſe in the ſaid Act contained, as enſueth;

II. Provided always, That they which keep their poſſeſſions with force, in any Lands and Tenements whereof they or their Anceſtors have continued their poſſeſſion in the ſame by three years or more, be not endamaged by force of the ſaid Statute.

The proviſo in the ſtat. of 8 H. 6. 9. touching continuance of poſſeſſions by three years.

No reſtitution ſhall be made, if the party indicted hath been three years in quiet poſſeſſion, and his eſtate not ended.

III. And whereas divers of the Queens Majeſties good and loving Subjects, and their Anceſtors, or thoſe whoſe eſtate they have, for many years together, above the ſpace of three years or more have been in quiet poſſeſſion of their dwelling-houſes, and other their Lands and Poſſeſſions; and now of late divers of her Majeſties ſaid Subjects having Entries made upon their poſſeſſions, having had ſuch quiet and long poſſeſſion, for diſturbing of ſuch Entrers, and for keeping of their poſſeſſion againſt ſuch Entrers, by colour of Indictments of Forcible Entry, or forcible keeping poſſeſſion, found againſt them, by means of the Oaths of ſuch Entrers, have been removed and put out of their dwelling-houſes, and other their poſſeſſions which they have quietly held by the ſpace of three years together, or longer time, next before ſuch Indictments found againſt them, againſt the true meaning and intent of the ſaid Proviſo or Clauſe contained in the ſaid Act: (2) For remedy of which inconvenience, and for true declaration and explanation of the Law therein, (3) Be it ordained, declared and enacted by the authority of this preſent Parliament, That no reſtitution upon any Indictment of forcible Entry, or holding with force, be made to any perſon or perſons, if the perſon or perſons ſo indicted, hath had the occupation, or hath been in quiet poſſeſſion by the ſpace of three whole years together, next before the day of ſuch Indictment ſo found, and his, her, or their eſtate or eſtates, therein not ended, or determined; (4) which the party indicted ſhall and may alledge for ſtay of reſtitution, and reſtitution to ſtay until that be tried, if the other will deny or traverſe the ſame: (5) And if the ſame allegation be tried againſt the ſame perſon or perſons ſo indicted, then the ſame perſon or perſons ſo indicted, to pay ſuch coſts and damages to the other party as ſhall be aſſeſſed by the Judges or Juſtices before whom the ſame ſhall be tried; the ſame coſts and damages to be recovered and levied, as is uſual for coſts and damages contained in Judgments upon other Actions. Stat. 5 R. 2. 7. 15 R 2. 2. 4 H. 4. 8. 8 H 6. 9. 21 Jac. 15.

Dyer. fol. 141

Coſts ſhall be awarded againſt the party indicted, if his ſaid allegation be found againſt him.

CAP. XII.

An Act to avoid Horſe-ſtealing.

Co. Inſt. 2 p. 714.

Fairs 7.

Whereas through moſt Counties of this Realm, Horſe-ſtealing is grown ſo common, as neither in paſtures or Cloſe, nor hardly in Stables, the ſame are to be in ſafety from ſtealing, which enſueth by the ready buying of the ſame by Horſe-courſers and others, in ſome open Fairs or Markets far diſtant from the Owner, and with ſuch ſpeed, as the Owner cannot by purſuit poſſibly help the ſame; (2) and ſundry good Ordinances have heretofore been made touching the manner of ſelling and tolling of Horſes, Mares, Geldings and Colts in Fairs and Markets, which have not wrought ſo good effect for the repreſſing and avoiding of Horſe-ſtealing as was expected:

Sellers of Horſe in Fairs or Markets, muſt be known to the Toll-taker, or ſome other who will avouch the ſale which ſhall be entred into the Toll-book, &c. 2 & 3 P. & M. 7 Palmer 486, 487.

II Now for a further remedy in that behalf, Be it enacted by the authority of this preſent Parliament, That no perſon after twenty days next after the end of this Seſſion of Parliament, ſhall in any Fair or Market, ſell, give, exchange or put away any Horſe, Mare, Gelding, Colt or Filly, unleſs the Toll-taker there, or (where no Toll is paid) the Book-keeper, Bailiff, or the chief Officer of the ſame Fair or Market, ſhall and will take upon him perfect knowledge of the perſon that ſo ſhall ſell, or offer to ſell, give or exchange any Horſe, Mare, Gelding, Colt or Filly, and of his true Chriſtian name, ſirname, and place of dwel-

ling

A ſufficient and credible perſon ſhall avouch the horſe-ſeller.

The price of th horſe ſhall be entred into the Tollers Book.

ling or reſiancy, and ſhall enter all the ſame his knowledge in a Book there kept for ſale of Horſes; (2) or elſe, that he ſo ſelling, or offering to ſell, give exchange, or put away any Horſe, Mare, Gelding, Colt or Filly ſhall bring unto the Toll-taker, or other Officer aforeſaid of the ſame Fair or Market, one ſufficient and credible perſon that can, ſhall or will teſtifie and declare unto, and before ſuch Toll-taker, Book-keeper, or other Officer, That he knoweth the party that ſo ſelleth, giveth, exchangeth or putteth away ſuch Horſe, Mare, Gelding, Colt or Filly, and his true name, ſirname, myſtery and dwelling place, and there enter, or cauſe to be entred in the Book of the ſaid Toll-taker, or Officer, as well the true Chriſtian name, ſirname, myſtery and place of dwelling or reſiancy of him that ſo ſelleth, giveth, exchangeth, or putteth away ſuch Horſe, Mare, Gelding, Colt or Filly, as of him that ſo ſhall teſtifie or avouch his knowledge of the ſame perſon, (3) and ſhall alſo cauſe to be entred the very true price or value that he ſhall have for the ſame horſe, Mare, Gelding, Colt or Filly ſo ſold: (4) And that no perſon ſhall take upon him to avouch, teſtifie or declare, That he knoweth the party that ſo ſhall offer to ſell, give, exchange or put away ſuch Horſe, Mare, Gelding, Colt or Filly, unleſs he do indeed truly know the ſame party, and ſhall truly declare to the Toll-taker, or other Officer aforeſaid, as well the Chriſtian name, ſirname, myſtery and place of dwelling and reſiancy of himſelf, as of him, of and for whom he maketh ſuch teſtimony and avouchment: (5) And that no Toll-taker, or other perſon keeping any Book of Entry of any ſales of Horſes in Fairs or Markets, ſhall take or receive any toll, or make entry of any ſale, gift, exchange, or putting away of any Horſe, Mare, Gelding, Colt or Filly unleſs he knoweth the party that ſo ſelleth, giveth, exchangeth or putteth away any ſuch Horſe, Mare, Gelding, Colt, or Filly, and his true Chriſtian name, ſirname, myſtery, and place of his dwelling or reſiancy, or the party that ſhall and will teſtifie and avouch his knowledge of the ſame perſon ſo ſelling, giving, exchanging or putting away ſuch Horſe, Mare, Gelding, Colt, or Filly, and his true Chriſtian name, ſirname, myſtery and place of dwelling or reſiancy, and ſhall make a perfect entry into the ſaid Book, of ſuch his knowledge of the perſon, and of the name, ſirname, myſtery, and place of the dwelling or reſiancy of the ſame perſon, and alſo the true price or value that ſhall be bona fide taken or had for any ſuch Horſe, Mare, Gelding, Colt or Filly ſo ſold, given, exchanged, or put away, ſo far as he can underſtand the ſame, (6) and then give to the party ſo buying, or taking by gift, exchange, or otherwiſe, ſuch Horſe, Mare, Gelding, Colt or Filly, requiring and paying two pence for the ſame, a true and perfect note in writing, of all the full contents of the ſame, ſubſcribed with his hand, (7) on pain that every perſon that ſo ſhall ſell, give, exchange or put away any Horſe, Mare, Gelding, Colt or Filly, without being known to the Toll-taker, or other Officer aforeſaid, or without bringing ſuch a Voucher or Witneſs, cauſing the ſame to be entred, as aforeſaid, and every perſon making any untrue teſtimony or avouchment in the behalf aforeſaid, and every Toll-taker, Book-keeper, or other Officer of Fair or Market aforeſaid, offending in the premiſſes contrary to the true meaning aforeſaid, ſhall forfeit for every ſuch default the ſum of five pounds; (8) but alſo that every ſale, gift, exchange, or other putting away of any Horſe, Mare, Gelding, Colt, Filly, in Fair or Market, not uſed in all points according to the true meaning aforeſaid, ſhall be void; (9) the one half of all which forfeitures to be to the Queens Majeſty, her heirs and ſucceſſors, and the other half to him or them that will ſue for the ſame before the Juſtices of Peace, or in any of her Majeſties ordinary Courts of Record, by Bill, Plaint, Action of Debt, or Information; in which no Eſſoin or Protection ſhall be allowed.

A note in writing ſhall be given to the Buyer.

The penalt of the perſon offending in any of the caſes aforeſaid.

Every ſale otherwiſe made, ſhall be void.

The Juſtices of Peace may hear and determine the offences aforeſaid.

III. And be it further Enacted, That the Juſtices of Peace of every Place and County, as well within Liberties as without, ſhall have authority in their Seſſions, within the limits of their authority and commiſſion, to enquire, hear, and determine all offences againſt this Statute, as they may do any other matter triable before them.

The Owner may redeem a horſe ſtollen from him within ſix months after, paying the price.

IV. And be it further Enacted, That if any Horſe, Mare, Gelding, Colt or Filly, after twenty days next enſuing the end of this Seſſion of Parliament, ſhall be ſtollen, and after ſhall be ſold in open Fair or Market, and the ſame ſale ſhall be uſed in all points and circumſtances, as aforeſaid, that yet nevertheleſs, the ſale of any ſuch Horſe, Mare, Gelding, Colt or Filly, within ſix months next after the Felony done, ſhall not take away the property of the Owner from whom the ſame was ſtollen, or ſo as claim be made within ſix months by the party from whom the ſame was ſtollen, or by his Executors or Adminiſtrators, or by any other by any of their appointment, at, or in the Town or Pariſh where the ſame Horſe, Mare, Gelding, Colt, or Filly ſhall be found, before the Mayor or other Head-Officer of the ſame Town or Pariſh, if the ſame Horſe, Mare, Gelding, Colt or Filly happen to be found in any Town Corporate, or Market Town, or elſe before any Juſtice of Peace of that countrey near to the place where ſuch Horſe, Mare, Gelding, Colt or Filly ſhall be found, if it be out of a Town Corporate, or Market Town, (2) and ſo as proof be made within fourty days then next enſuing, by two ſufficient witneſſes, to be produced and depoſed before ſuch Head-Officer or Juſtice (who by virtue of this Act ſhall have authority to miniſter an Oath in that behalf) that the property of the ſame Horſe, Mare, Gelding, Colt or Filly ſo claimed, was in the party, by, or from whom ſuch claim is made, and was ſtollen from him within ſix months next before ſuch claim of any ſuch Horſe, Mare, Gelding, Colt or Filly, (3) but that the party from whom the ſaid Horſe, Mare, Gelding, Colt or Filly was ſtollen, his Executors or Adminiſtrators, ſhall and may at all times, after, notwithſtanding any ſuch ſale or ſales in any Fair or Market thereof made, have property and power to have, take again, and enjoy the ſaid Horſe, Mare, Gelding, Colt or Filly, upon payment, or readineſs or offer to pay the party that ſhall have the poſſeſſion and intereſt of the ſame Horſe, Mare, Gelding, Colt or Filly, if he will receive and accept it, ſo much money as the ſame party ſhall depoſe and ſwear before ſuch Head-Officer or Juſtice of Peace, (who by virtue of this Act ſhall have authority to miniſter and give an Oath in that behalf) that he paid for the ſame bona fide, without fraud or colluſion; any Law, Statute, or other thing to the contrary thereof in any wiſe notwithſtanding.

V. And be it further Enacted by the authority aforeſaid, That after twenty days after the end of this Seſſion of Parliament, not only all acceſſaries before ſuch felony done, but alſo all acceſſaries after ſuch felony, ſhall be deprived and put from all benefit of their Clergy, as the principal by Statute heretofore made, is, or ought to be.

An acceſſary to a Horſe ſtealer ſhall not have his Clergy. St. 1. Ed. 6. 12. 2 & 3 E. 6. 33.

CAP XIII.

The Statute of 23 Eliz, 6. touching the repair of Dover Haven, ſhall be revived and continued for ſeven years. Every Cuſtomer and Officer ſhall be anſwerable for the wilful default and neglect of his Deputy, ſo far as by the ſame Statute he was for his own. EXP. St. 35 Elix. 7. 43 Eliz. 9. 1 Jac. 32.

Dover, Raſt. 4.

CAP. XIV.

A confirmation of two Subſidies of ſix ſhillings in the pound granted to the Queen by the Clergy, to be paid yearly by two ſhillings in the pound. EXP.

Taxes, Raſt. 41.

CAP. XV.

A Confirmation of two Subſidies and Four Fifteens granted to the Queen by the Temporalty. EXP.

Ibid. 41.

CAP. XVI.

A confirmation by Parliament of the Queens general and free Pardon. EXP.

Pardon, Raſt. 49.

Anno triceſimo quinto Reginæ ELIZABETHÆ.

AT the Parliament begun and holden at Weſtminſter, the nineteenth day of February, in the five and thirtieth year of the Reign of our moſt gracious Sovereign Lady, Elizabeth, by the Grace of God, of England, France, and Ireland, Queen, Defender of the Faith, &c, and there continued until the Diſſolution thereof, being the tenth of April, To the high pleaſure of Almighty God, and the weal publick of this Realm, were Enacted as followeth.

CAP. I.

An Act to retain the Queens Majeſties Subjects in their due obedience.

3 Inſt. 102, 158. Lane 105. Hutton 35, 61. 1 Roll. 93. pl. 41.

FOr the preventing and avoiding of ſuch great inconveniences and perils as might happen and grow by the wicked and dangerous practices of Seditious Sectaries and diſloyal perſons, (2) Be it enacted by the Queens moſt excellent Majeſty, and by the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That if any perſon or perſons above the age of ſixteen years, which ſhall obſtinately refuſe to repair to ſome Church, Chappel, or uſual place of Common Prayer, to hear Divine Service eſtabliſhed by her Majeſties Laws and Statutes in that behalf made, and ſhall forbear to do the ſame by the ſpace of a month next after, without any lawful cauſe ſhall at any time after fourty days next after the end of this Seſſion of Parliament, by printing, writing or expreſs words or ſpeeches, adviſedly or purpoſely practice, or go about to move or perſwade any of her Majeſts, Subjects or any other within her Highneſs Realms or Dominions to deny, withſtand and impugne her Majeſties power and authority in caſes Eccleſiaſtical, united and annexed to the Imperial Crown of this Realm, (2) or to that end or purpoſe ſhall adviſedly and maliciouſly move or perſwade any other perſon whatſoever to forbear or abſtain from coming to Church to hear divine Service, or to receive the Communion according to her Majeſties Laws and Statutes aforeſaid,, or to come to, or to be preſent at any unlawful Aſſemblies, Conventicles or Meetings, under colour or pretence of any exerciſe of Religion, contrary to her Majeſties ſaid Laws and Statutes: (3) Or if any perſon or perſons which ſhall obſtinately refuſe to repair to ſome Church, Chappel, or uſual place of Common Prayer, and ſhall forbear by the ſpace of a month to hear Divine Service, as is aforeſaid, ſhall after the ſaid fourty days, either of him or themſelves, or by the motion, perſwaſion, inticement or allurement of any other, willingly joyn in, or be preſent at any ſuch Aſſemblies, Conventicles, or Meetings, under colour or pretence of any ſuch exerciſe of Religion, contrary to the Laws and Statutes of this Realm, as is aforeſaid; (4) That then every ſuch perſon ſo offending, as aforeſaid, and being thereof lawfully convicted, ſhall be committed to priſon, there to remain without bail or mainprize, until they ſhall Conform and yield themſelves to come to ſome Church, Chappel, or uſual place of Common Prayer, and hear Divine Service, according to her Majeſties Laws and Statutes afore ſaid, and to make ſuch open ſubmiſſion and declaration of their ſaid conformity, as hereafter in this Act is declared and appointed.

Recuſants 8. Puniſhment of perſons obſtinately refuſing to come to Church, and perſwading others to impugne the Queens authority in Eccleſiaſtical Cauſes.

The penalty for being preſent at unlawful Conventicles for Religion.

3 Inſt. 116.

II. Provided always, and be it further Enacted by the Authority aforeſaid, That if any ſuch perſon or perſons which ſhall offend againſt this Act, as aforeſaid, ſhall not within three months next after they ſhall be convicted for their ſaid offence, conform themſelves to the obedience of the Laws and Statutes of this Realm, in coming to the Church to hear Divine Service, and in making ſuch publick confeſſion and ſubmiſſion as hereafter in this Act is appointed and expreſſed, being thereunto required by the Biſhop of the Dioceſs, or any Juſtice of the Peace of the County where the ſame perſon ſhall happen to be, or by the Miniſter or Curate of the Pariſh; That in every ſuch caſe every ſuch Offender, being thereunto warned or required by any Juſtice of the Peace of the ſame County where ſuch Offenders ſhall then be, ſhall upon his and their corporal Oath before the Juſtices of the Peace in the open Quarter-Seſſions of the ſame County, or at the Aſſiſes and Gaol-delivery of the ſame County, before the Juſtices of the ſame Aſſiſes and Gaol-delivery, abjure this Realm of England, and all other the Queens Dominions, for ever, unleſs her Majeſty ſhall licence the party to return; (2) and thereupon ſhall depart out of this Realm at ſuch Haven or Port, and within ſuch time as ſhall in that behalf be aſſigned and appointed by the ſaid Juſtices before whom ſuch abjuration ſhall be made, unleſs the ſame Offender be letted or ſtayed by ſuch lawful and reaſonable means or cauſes, as by the Common Laws of this Realm are permitted and allowed in caſes of abjuration for Felony; and in ſuch caſes of let or ſtay, then within ſuch reaſonable and convenient time after as the Common Law requireth in caſe of abjuration for Felony, as aforeſaid: (3) And that the Juſtices of Peace before whom any ſuch abjuration ſhall happen to be made, as is aforeſaid, ſhall cauſe the ſame preſently to be entred of Record before them, and ſhall certifie the ſame to the Juſtices of Aſſiſes and Gaol-delivery of the County, at the next Aſſiſes or Gaol-delivery to be holden in the ſame County.

An Offender not conforming himſelf ſhall abjure the Realm.

III. And

The puniſhment for refuſing to abjure, nor departing, or returning without licence

III. And if any ſuch Offender which by the tenor and intent of this Act is to be abjured, as is aforeſaid, ſhall refuſe to make abjuration, as is aforeſaid, or after ſuch abjuration made, ſhall not go to ſuch Haven, and within ſuch time as is before appointed, and from thence depart out of this Realm, according to this preſent Act, or after ſuch his departure, ſhall return or come again into any her Majeſties Realms or Dominions, without her Majeſties ſpecial licence in that behalf firſt had and obtained; That then in every ſuch caſe the perſon ſo offending, ſhall be adjudged a Felon, and ſhall ſuffer as in caſe of Felony, without benefit of Clergy.

An offender ſhall be diſcharged upon his open ſubmiſſion.

Latch. 16.

IV. And furthermore be it enacted by the authority of this preſent Parliament, That if any perſon or perſons that ſhall at any time hereafter offend againſt this Act, ſhall before he or they be ſo warned or required to make abjuration according to the tenour of this Act, repair to ſome Pariſh Church on ſome Sunday, or other Feſtival day, and then and there hear Divine Service, and at Service-time, before the Sermon, or reading of the Goſpel, make publick and open ſubmiſſion and declaration of his and their conformity to her Majeſties Laws and Statutes as hereafter in this Act is declared and appointed; That then the ſame offender ſhall thereupon be clearly diſcharged of and from all and every the penalties and puniſhments inflicted or impoſed by this Act, for any of the offences aforeſaid. The ſame ſubmiſſion to be as hereafter followeth; That is to ſay,

The form of the ſubmiſſion.

Stiles 26.

V. I A. B. do humbly confeſs and acknowledge that I have grievouſly offended God, in contemning her Majeſties godly and lawful government and Authority, by abſenting my ſelf from Church, and from hearing Divine Service, contrary to the godly Laws and Statutes of this Realm, and in uſing and frequenting diſordered and unlawful Conventicles and Aſſemblies, under pretence and colour of exerciſe of Religion: (2) and I am heartily ſorry for the ſame, and do acknowledge and teſtifie in my conſcience, that no other perſon hath, or ought to have any power or authority over her Majeſty: (3) And I do promiſe and proteſt, without any diſſimulation, or any colour or means of any diſpenſation, That from henceforth I will from time to time obey and perform her Majeſties Laws and Statutes, in repairing to the Chnrch, and hearing Divine Service, and do my uttermoſt endeavour to maintain and defend the ſame.

The miniſter ſhall enter the ſubmiſſion into a Book.

VI. And that every Miniſter or Curate of every Pariſh where ſuch ſubmiſſion and declaration of conformity ſhall hereafter be ſo made by any ſuch offender as aforeſaid, ſhall preſently enter the ſame into a Book to be kept in every Pariſh for that purpoſe, and within ten days next following ſhall certifie the ſame in writing to the Biſhop of the ſame Dioceſs.

The Offender ſubmitting falleth into a relapſe.

VII. Provided nevertheleſs, That if any ſuch Offender after ſuch ſubmiſſion made as is aforeſaid, ſhall afterwards fall into relapſe, or eftſoons obſtinately refuſe to repair to ſome Church, Chappel, or uſual place of Common Prayer, to hear Divine Service, and ſhall forbear the ſame as aforeſaid, or ſhall come or be preſent at any ſuch aſſemblies, Coventicles or Meetings, under colour or pretence of any exerciſe of Religion, contrary to her Majeſties Laws and Statutes; That then every ſuch Offender ſhall loſe all ſuch benefit as he or ſhe might otherwiſe by virtue of this Act have or enjoy by reaſon of their ſaid ſubmiſſion, and ſhall thereupon ſtand and remain in ſuch plight, condition and degree, to all intents, as though ſuch ſubmiſſion had never been made.

The forfeiture for the keeping a Recuſant in his houſe after notice.
Rep. 3 Jac. 4.

VIII And for that every perſon having houſe and family, is in duty bound to have ſpecial regard to the good government and ordering of the ſame, Be it enacted by the authority aforeſaid, That if any perſon or perſons ſhall at any time hereafter relieve, maintain, retain, or keep in his or their houſe or otherwiſe, any perſon which ſhall obſtinately refuſe to come to ſome Curch, Chappel, or uſual place of Common Prayer, to hear Divine Service, and ſhall forbear the ſame by the ſpace of a month together, contrary to the Laws and Statutes of this Realm, That then every perſon which ſhall ſo relieve, maintain, retain, or keep any ſuch perſon offending as aforeſaid, after notice thereof to him or them given by the Ordinary of the Dioceſs, any Juſtice of Aſſiſes of the Circuit, or any Juſtice of Peace of the County or the Miniſter, Curate, or Church-wardens of the Pariſh where ſuch perſon ſhall then be, or by any of them, ſhall forfeit to the Queens Majeſty for every perſon ſo relieved, maintained, retained or kept, after ſuch notice as aforeſaid, x. li. for every month that he or they ſhall ſo relieve, maintain, retain or keep any ſuch perſon ſo offending.

What ſort of Recuſants may be kept in houſe.
Rep. 3 Jac. 4.

IX. Provided nevertheleſs, That this Act ſhall not in any wiſe extend to puniſh or impeach any perſon or perſons for releiving, maintaining, or keeping his or their wife, father, mother, child, or children, wards, brother or ſiſter, or his wives father or mother, not having any certain place of habitation of their own, or the husbands or wives of any of them; or for relieving, maintaining, or keeping any ſuch perſon as ſhall be committed by authority to the cuſtody of any by whom they ſhall be ſo relieved, maintained or kept; any thing in this Act contained to the contrary notwithſtanding.

The Queens remedy to recover forfeitures, &c.
23 Eliz. 1.

Coke lib. 11. fol. 57. Cro. Jac. 481. 555.

X. And for the more ſpeedy levying and recovering for and by the Queens Majeſty, of all and ſingular the pains, duties, forfeitures and payments which at any time hereafter ſhall accrue, grow, or be payable by virtue of this Act, or of the Statute made in the three and twentieth year of her Majeſties Reign concerning Recuſants, (2) Be it enacted by the authority aforeſaid, That all and every the ſaid pains, duties, forfeitures and payments, ſhall and may be recovered and levied to her Majeſties uſe by Action of debt, bill, plaint, information, or otherwiſe, in any of the Courts commonly called the Kings Bench, Common Pleas, or Exchequer, in ſuch ſort and in all reſpects as by the ordinary courſe of the common Laws of this Realm, any other debt due by any ſuch perſon in any other caſe, ſhould or may be recovered or levied, where in no Eſſoin, Protection, or Wager of Law ſhall be admitted or allowed.

In what manner one part of the penalties ſhall be employed.
29 Eliz. 6.

XI. Provided always, That the third part of the penalties to be had or received by virtue of this Act, ſhall be imployed and beſtowed, to ſuch good and charitable uſes, and in ſuch manner and form as is limited and appointed in the Statute made in the twenty ninth year of her Majeſties Reign touching Recuſants, Coke lib. 11. fol. 57.

Popiſh Recuſants.
Feme Covert.

XII. Provided alſo, That no Popiſh Recuſant, or Feme Covert, ſhall be compelled or bound to abjure by virtue of this Act.

XIII. Provided alſo, That every perſon that ſhall abjure by force of this Act, or refuſe to abjure, being thereunto required as aforeſaid, ſhall forfeit and loſe to her Majeſty all his Goods and chattels for ever; (2) and ſhall further loſe all his Lands, Tenements, and Hereditaments for and during the life only of ſuch Offender, and no longer: (3) And that the wife of any Offender, by force of this Act, ſhall not loſe her Dower: Nor that any corruption of bloud ſhall grow or be by reaſon of any offence mentioned in this Act; but that the Heir of ſuch Offender, by force of this Act, ſhall and may after the death of every Offender, have and enjoy the Lands, Tenements, and Hereditaments of ſuch Offender, as if this Act had not been made: (4) And this Act to continue no longer then to the end of the next Seſſion of Parliament. 3 Car. 4 Cont. 16 Car. 2. cap. 4. and declared to be in eſſe. 16 Car. 2. cap. 4.

1 Roll. 93. pl. 41.

The forfeiture of him which abjureth or refuſeth to abjure.

The wife ſhall loſe no Dower, nor the heir any land for theſe offences.

CAP. II.

An Act for reſtraining of Popiſh Recuſants to ſome certain places of abode.

FOr the better diſcovering and avoiding of ſuch traiterous and moſt dangerous conſpiracies and attempts as are daily deviſed and practiſed againſt our moſt gracious Sovereign Lady the Queens Majeſty, and the happy eſtate of this Common-weal, by ſundry wicked and ſeditious perſons, who terming themſelves Catholicks, and being (indeed) Spies and Intelligencers not only for her Majeſties Foreign enemies, but alſo for rebellious and traiterous Subjects born within her Highneſs Realms and Dominions, and hiding their moſt deteſtible and deviliſh purpoſes under a falſe pretext of Religion and Conſcience, do ſecretly wander and ſhift from place to place within this Realm, to corrupt and ſeduce her Majeſties Subjects, and to ſtir them to Sedition and Rebellion:

Recuſants 28. Penalty of a convicted Popiſh Recuſant removing above five miles from his houſe. Where a Recuſant having no houſe ſhall make his abode 3 Bulſtr. 87.

II. Be it ordained and enacted by our Sovereign Lady the Queens Majeſty, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That every perſon above the age of ſixteen years, born within any of the Queens Majeſties Realms and Dominions, or made Denizen, being a Popiſh Recuſant and before the end of this Seſſion of Parliament convicted for not repairing to ſome Church, Chappel, or uſual place of Common Prayer, to hear Divine Service there, but forbearing the ſame contrary to the tenor of the Laws and Statutes heretofore made and provided in that behalf, and having any certain place of dwelling and above within this Realm, ſhall within forty days next after the end of this Seſſion of Parliament (if they be within this Realm, and not reſtrained or ſtayed nither by impriſonment, or by her Majeſties Commandment, or by order and direction of ſome ſix or more of the Privy Council, or by ſuch ſickneſs and infirmity of body, as they ſhall not be able to travel without imminent danger of life, and in ſuch caſes of abſence out of the Realm, reſtraint or ſtay, then within twenty days next after they ſhall return into the Realm, and be enlarged of ſuch impriſonment or reſtraint, and ſhall be able to travel) repair to their place of dwelling where they uſually heretofore made their common abode, and ſhall not at any time after paſs or remove above five miles from thence.

III. And alſo that every perſon being above the age of ſixteen years, born within any her Majeſties Realms or Dominions, or made Denizen, and having, or which hereafter ſhall have any certain place of dwelling and abode within this Realm, which being then a Popiſh Recuſant, ſhall at any time hereafter be lawfully convicted for not repairing to ſome Church, Chappel, or uſual place of Common Prayer to hear Divine Service there, but forbearing the ſame contrary to the ſaid Laws and Statutes, and being within this Realm at the time that they ſhould be convicted, ſhall within forty days next after the ſame conviction (if they be not reſtrained or ſtayed by impriſonment, or otheriſe as is aforeſaid, and in ſuch caſes of reſtraint and ſtay, then within twenty days next after they ſhall be enlarged of ſuch impriſonment or reſtraint, and ſhall be able to travel) repair to their place of uſual dwelling and abode, and ſhall at any time after paſs or remove above five miles from thence (2) upon pain that every perſon and perſons that ſhall offend againſt the tenor and intent of this Act in any thing before mentioned, ſhall loſe and forfeit all his and their Goods and Chattels, and ſhall alſo loſe and forfeit to the Queens Majeſty all the Lands, Tenements and Hereditaments, and all the Rents and annuities of every ſuch perſon ſo doing or offending, during the life of the ſame Offender.

Recuſants which ſhall be convicted hereafter ſhall repair to their uſual dwelling.

Cro. Jac. 352.

The penalty of an offender.

IV. And be it alſo enacted by the authority aforeſaid, That every perſon above the age of ſixteen years born within any her Majeſties Realms or Dominions, not having any certain place of dwelling and abode within this Realm, and being a Popiſh Recuſant, not uſually repairing to ſome Church, Chappel, or uſual place of Common Prayer, but forbearing the ſame contrary to the ſame Laws and Statutes in that behalf made, ſhall within fourty days next after the end of this Seſſion of Parliament (if they be then within this Realm, and not impriſoned, reſtrained, or ſtayed as aforeſaid, and in ſuch caſe of abſence out of the Realm, impriſonment, reſtraint, or ſtay, then within twenty days next after they ſhall return into the Realm, and be enlarged of ſuch impriſonment or reſtraint, and ſhall be able to travel) repair to the place where ſuch perſon was born, or where the Father or Mother of ſuch perſon ſhall then be dwelling, and ſhall not at any time after remove or paſs above five miles from thence, (2) upon pain that every perſon and perſons which ſhall offend againſt the tenor and intent of this Act in any thing before mentioned, ſhall loſe and forfeit all his and their Goods and Chattels, and ſhall forfeit to the Queens Majeſty, all the Lands, Tenements and Hereditaments, and all the Rents and Annuities of every ſuch perſon ſo offending, during the life of the ſame perſon.

What a Recuſant ſhall do that hath no place of abode.

The forfeiture of a Recuſant removing above five miles from his place of abode.

V. And be it further enacted by the authority aforeſaid, That every ſuch Offender as is before mentioned, which hath or ſhall have any Lands, Tenements or Hereditaments, by copy of Court Roll, or by any other cuſtomary tenure at the will of the Lord, according to the cuſtom of any Manor, ſhall forfeit all and ſingular his and their Lands, Tenements

A Recuſant Copyholder departing five miles from his place of abode.

and Hereditaments ſo holden by copy of Court Roll, or cuſtomary tenure as aforeſaid, for and during the life of ſuch Offender, (if his or her eſtate ſo long continue) to the Lord or Lords of whom the ſame be immediately holden, (if the ſame Lord or Lords be not then a Popiſh Recuſant, and convicted for not coming to Church to hear Divine Service, but forbearing the ſame contrary to the Laws and Statutes aforeſaid, nor ſeiſed or poſſeſſed upon truſt to the uſe or behoof of any ſuch Recuſant as aforeſaid) and in ſuch caſe the ſame forfeiture to be to the Queens Majeſty.

Recuſants ſhall notifie their living, and deliver their names to the Curate.

VI. Provided always, and be it further enacted by the Authority aforeſaid, That all ſuch perſons as by the intent and true meaning of this Act, are to make their repair to their place of dwelling and abode, or to the place where they were born, or where their Father or Mother ſhall be dwelling, and not to remove or paſs above five miles from thence as is aforeſaid, ſhall within ten days next after their coming to any of the ſaid places (as the caſe ſhall happen) notifie their coming thither, and preſent themſelves, and deliver their true names in writing to the Miniſter or Curate of the ſame Pariſh, and to the Conſtable, Headborough or Tythingman of the Town, and thereupon the ſaid Miniſter or Curate ſhall preſently enter the ſame into a Book to be kept in every Pariſh for that purpoſe.

Recuſants names certified to the Juſtices.

VII. And after the ſaid Miniſter or Curate, and the ſaid Conſtable, Headborough or Tythingman, ſhall certifie the ſame in writing to the Juſtices of the Peace of the ſame County at the next general or quarter Seſſions to be holden in the ſame County, and the ſaid Juſtices ſhall cauſe the ſame to be entred by the Clerk of the Peace in the Rolls of the ſame Seſſions.

The penalty of a Recuſant of ſmall ability, not repairing to the place appointed, or departing thence.

VIII. And to the end that the Realm be not peſtered and overcharged with the multitude of ſuch ſeditious and dangerous people as is aforeſaid, who having little or no ability to anſwer or ſatisfie any competent penalty for their contempt and diſobedience of the ſaid Laws and Statutes, and being committed to priſon for the ſame, do live for the moſt part in better caſe there, then they could if they were abroad at their own liberty; (2) The Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, do moſt humbly and inſtantly beſeech the Queens Majeſty, that it may be further enacted, That if any ſuch perſon or perſons being a Popiſh Recuſant (not being a Feme Covert, and not having Lands, Tenements, Rents or Annuities, of an abſolute eſtate of Inheritance or Freehold, of the clear yearly value of twenty Marks, above all charges, to their own uſe and behoof, and not upon any ſecret truſt or confidence for any other, or Goods and Chattels in their own right, and to their own proper uſe and behoof; and not upon any ſuch ſecret truſt and confidence for any other, above the value of xl. pounds) ſhall not within the time before in this Act in that behalf limited and appointed, repair to their place of uſual dwelling and abode, if they have any, or elſe to the place where they were born, or where their Father or Mother ſhall be dwelling, according to the tenor and intent of this preſent Act; and thereupon notifie their coming, and preſent themſelves, and deliver their true names in writing, to the Miniſter or Curate of the Pariſh, and to the Conſtable, Headborough or Tythingman of the Town, within ſuch time, and in ſuch manner and form as is aforeſaid, or at any time after ſuch their repairing to any ſuch place, as is before appointed, ſhall paſs or remove above five miles from the ſame; (3) and ſhall not within three months next after ſuch perſon ſhall be apprehended or taken for offending as as is aforeſaid, conform themſelves to the obedience of the Laws and Statutes of this Realm, in coming uſually to the Church to hear Divine Service and in making ſuch publick confeſſion and ſubmiſſion as hereafter in this Act is appointed and expreſſed, being thereunto required by the Biſhop of the Dioceſs, or any Juſtice of the Peace of the County where the ſame perſon ſhall happen to be, or by the Miniſter or Curate of the Pariſh; (4) that in every ſuch caſe, every ſuch offender being thereunto warned or required by any two Juſtices of the Peace or Coroner of the ſame County where ſuch offender ſhall then be, ſhall upon his or their corporal Oath before any two Juſtices of the Peace, or Coroner of the ſame County, abjure this Realm of England, and all other the Queens Majeſties Dominions for ever; (5) and thereupon ſhall depart out of this Realm at ſuch Haven and Port, and within ſuch time as ſhall in that behalf be aſſigned and appointed by the ſaid Juſtices of Peace or Coroner before whom ſuch abjuration ſhall be made, unleſs the ſame offenders be letted or ſtayed by ſuch lawful and reaſonable means or cauſes, as by the Common Laws of this Realm are permitted and allowed in caſes of abjuration for Felony; and in ſuch caſes of let or ſtay, then within ſuch reaſonable and convenient time after, as the Common Law requireth in caſe of abjuration for Felony, as is aforeſaid.

Recuſants abjuring and departing the Realm.
3 Inſt. 161.

Entring abjuration of record, and certifying the ſame.

IX. And that every Juſtice of Peace and Coroner before whom any ſuch abjuration ſhall happen to be made, as is aforeſaid, ſhall cauſe the ſame preſently to be entred of Record before them, and ſhall certifie the ſame to the Juſtices of Aſſiſes or Gaol-delivery of the ſaid County, at the next Aſſiſes or Gaol delivery to be holden in the ſame County.

It ſhall be felony for a Recuſant not to abjure, not going, or returning without licence.

X. And if any ſuch offender which by the tenor and intent of this Act, is to be abjured, as is aforeſaid, ſhall refuſe to make ſuch abjuration, as is aforeſaid, or after ſuch abjuration made, ſhall not go to ſuch Haven, and within ſuch time as is before appointed, and from thence depart out of this Realm, according to this preſent Act, or after ſuch his departure ſhall return or come again into any her Majeſties Realms or Dominions, without her Majeſties ſpecial licence in that behalf firſt had and obtained, That then in every ſuch caſe, the perſon ſo offending ſhall be adjudged a Felon, and ſhall ſuffer and loſe as in caſe of Felony, without benefit of Clergy.

A Jeſuite or Prieſt refuſing to anſwer ſhall be impriſoned.

XI. And be it further enacted and ordained by the authority aforeſaid, That if any perſon which ſhall be ſuſpected to be a Jeſuit, Seminary, or Maſſing Prieſt, being examined by any perſon having lawful authority in that behalf, to examine ſuch perſon as ſhall be ſo ſuſpected, ſhall refuſe to anſwer, directly and truly whether he be a Jeſuit or a Seminary, or Maſſing Prieſt, as is aforeſaid, every ſuch perſon ſo refuſing to anſwer, ſhall for his diſobedience and contempt in that behalf, be committed to priſon by ſuch as ſhall examine him, as is aforeſaid, and thereupon ſhall remain and continue in priſon without bail or mainpriſe, until he ſhall make direct and true anſwer to the ſaid queſtions whereupon he ſhall ſo be examined.

Licence to travel above five miles. ALT. 3 Jac. 5.

XII. Provided nevertheleſs, and be it further enacted by the authority aforeſaid, That if any of the perſons which are hereby limited and appointed to continue and abide within five miles of their uſual dwelling-place, or of ſuch place where they were born, or where their Father and Mother ſhall be dwelling, as is aforeſaid ſhall have neceſſary occaſion or buſineſs to go and travel out of the compaſs of the ſaid five miles, That then and in every ſuch caſe, upon licence in that behalf to be gotten under the hands of two of the Juſtices of the Peace of the ſame County, with the privity and aſſent in writing, of the Biſhop of the Dioceſs, or of the Lieutenant, or of any Deputy-Lieutenant of the ſame County, under their hands, it ſhall and may be lawful for every ſuch perſon to go and travel about ſuch their neceſſary buſineſs, and for ſuch time only for their travelling, attending and returning, as ſhall be compriſed in the ſame licence; any thing before in this Act to the contrary notwithſtanding.

Perſons urged by proceſs or commandment.

XIII. Provided alſo, That if any ſuch perſon ſo reſtrained, as is aforeſaid, ſhall be urged by Proceſs, without fraud or covin, or be bounden without fraud or covin, to make appearance in any of her Majeſties Courts, or ſhall be ſent for, commanded or required by any three or more of her Majeſties Privy Council or by any four or more of any Commiſſioners to be in that behalf nominated and aſſigned by her Majeſty, to make appearance before her Majeſties ſaid Council or Commiſſioners, That in every ſuch caſe, every ſuch perſon ſo bounden, urged, commanded or required to make ſuch appearance, ſhall not incur any pain, forfeiture or loſs, for travelling to make appearance accordingly, nor for his abode, concerning the ſame, nor for convenient time for his return back again upon the ſame.

Perſons which are to yield their bodies to the Sheriff.

XIV. And be it further provided and enacted by the authority aforeſaid, That if any ſuch perſon or perſons ſo reſtrained, as is aforeſaid, ſhall be bound, or ought to yield and render their bodies to the Sheriff of the County where they ſhall happen to be, upon Proclamation in that behalf without fraud or covin to be made, That then in every ſuch caſe, every perſon which ſhall be ſo bounden, or ought to yield or render their body, as foreſaid, ſhall not incur any pain, forfeiture or loſs for travelling for that intent and purpoſe only, without any fraud or covin, nor for convenient time taken for their return back again upon the ſame.

An offender, upon open ſubmiſſion ſhall be diſcharged.

XV. And furthermore, Be it enacted by the authority of this preſent Parliament, That if any perſon or perſons that ſhall at any time hereafter offend againſt this Act, ſhall before he or they ſhall be thereof convicted, come to ſome Pariſh Church on ſome Sunday or other Feſtival day, and then and there hear Divine Service, and at Service-time, before the Sermon, or reading of the Goſpel, make publick and open ſubmiſſion and declaration of his and their conformity to her Majeſties Laws and Statutes, as hereafter in this Act is declared and appointed, That then the ſame Offender ſhall thereupon be clearly diſcharged of and from all and every pains and forfeitures inflicted or impoſed by this Act, or any of the ſaid offences in this Act contained, (2) the ſame ſubmiſſion to be made as hereafter followeth: That is to ſay,

The form of the ſubmiſſion.

XVI. I A B. do humbly confeſs and acknowledge, That I have grievouſly offended God, in contemning her Majeſties godly and lawful Government and Authority, by abſenting my ſelf from Church, and from hearing Divine-Service, contrary to the godly Laws and Statutes of this Realm; (2) and I am heartily ſorry for the ſame, and do acknowledge and teſtifie in my conſcience, That the Biſhop or See of Rome hath not, nor ought to have any power or authority over her Majeſty, or within any her Majeſties Realms or Dominions: (3) And I do promiſe and proteſt without any diſſimulation, or any colour or means of any Diſpenſation, That from henceforth I will from time to time obey and perform her Majeſties Laws and Statutes, in repairing to the Church, and hearing Divine Service, and do my uttermoſt endeavour to maintain and defend the ſame.

The Miniſter ſhall enter the ſubmiſſion.

XVII. And that every Miniſter or Curate of every Pariſh where ſuch ſubmiſſion and declaration of conformity ſhall hereafter be ſo made by any ſuch Offender as aforeſaid, ſhall preſently enter the ſame into a Book to be kept in every Pariſh for that purpoſe, and within ten days then next following, ſhall certifie the ſame in writing to the Biſhop of the ſame Dioceſs.

A Recuſant ſubmitting, falleth into a relapſe. 1 Bulſtr. 13.

XVIII. Provided nevertheleſs, That if any ſuch Offender after ſuch ſubmiſſion made, as is aforeſaid, ſhall afterward fall into relapſe, or eftſoons become a Recuſant, in not repairing to Church to hear Divine Service, but ſhall forbear the ſame, contrary to the Laws and Statutes in that behalf made and provided, That then every ſuch Offender ſhall loſe all ſuch benefit as he or ſhe might otherwiſe by virtue of this Act have or enjoy by reaſon of their ſaid ſubmiſſion, and ſhall thereupon ſtand and remain in ſuch plight, condition and degree to all intents, as though ſuch ſubmiſſion had never been made.

Women bound ſaving for abjuration. Bridgman. 120.

XIX. Provided always, and be it enacted by the authority aforeſaid, That all and every woman married, or hereafter to be married, ſhall be bound by all and every article, branch and matter contained in this Statute, other then the branch and article of abjuration before mentioned: (2) And that no ſuch woman married, or to be married, during marriage, ſhall be in any wiſe forced or compelled to abjure, or be abjured by this Act; any thing therein contained to the contrary thereof notwithſtanding. 23 Eliz. 1. 29 Eliz. 6. 1 Jac. 4. 3 Jac. 4. 5.

CAP. III.

An Act for Explanation of the Statute made in the 34th year of King Henry the eighth, as well touching Grants made to his Majeſty as for confirmation of Letters Patents made by his Highneſs to others.

Patents 18.

FOraſmuch as divers ambiguities, doubts and queſtions have riſen and been moved, as well touching divers Surrenders, Grants and Conveyances made and granted by ſundry late Abbots, Priors, and other Religious and Eccleſiaſtical perſons, to the late King of famous

All Abby-lands which came to the hands of King H. 8, &c. ſhall be adjudged to have been in his actual & lawful poſſeſſion &c. & all Letters Patents made by him for the foundation of any Dean and chapter or Colledge ſhall be reputed good.

34 & 35. H. 8. 21

famous memory, King Henry the eighth, after the fourth day of February, in the ſeven and twentieth year of his Reign, of divers their Honors, Manors, Lands, Tenements and Hereditaments, (2) as alſo touching and concerning the validity of the erections of ſuch Deans and Chapters, and ſuch Colledges as were erected, ordained, made or founded by the ſaid late King Henry the eighth, after the ſaid fourth day of February, in the ſaid ſeven and twentieth year of his Reign: (3) and foraſmuch as the ſame doubts, and queſtions ſeem not to be ſufficiently remedied or provided for, by the Statute made in the four and thirtieth year of the Reign of the ſaid late King Henry the eighth, entituled, An Act for confirmation of Letters Patents, notwithſtanding miſ-naming of any thing contained in the ſame.

II. Be it therefore declared, explained and enacted by authority of this preſent Parliament, That all and every Honors, Manors, Lands, Tenements and Hereditaments which at any time heretofore were the poſſeſſions of any Abbey, Monaſtery, Priory, Nunnery, or other Religious or Eccleſiaſtical houſe or houſes, and which after the ſaid fourth day of February, in the ſaid ſeven and twentieth year of the ſaid late King Henry the eighth, came to the hands or poſſeſſion of the ſaid late King Henry the eighth, (2) or which were put in charge to or for his Highneſs in his Court of Exchequer, or any other Courts of the ſaid late King, concerning his Majeſties Revenues, or by any auditor, or other Officer of the ſaid late King, (3) or which after the ſaid fourth day of February, in the ſeven and twentieth year aforeſaid, were granted or conveyed, or mentioned to be granted or conveyed, in or by any Letters Patents whatſoever, made by the ſaid late King Henry the eighth, to any perſon or perſons, bodies politick or corporate, (4) were and ſhall be reputed, taken and adjudged to have been lawfully and perfectly in the actual and real poſſeſſion of the ſaid late King, and his heirs and ſucceſſors, at ſuch time as the ſame did ſo come to his Majeſties Hands and poſſeſſion, or were ſo put in charge, or granted or conveyed by the ſaid late King Henry the eighth, as aforeſaid, notwithſtanding any defect, want or inſufficiency of or in any Surrender, Grant or Conveyance of the ſame Honors, Manors, Lands, Tenements or Hereditaments, or any part thereof, to the ſaid late King Henry the eighth, or any other matter or cauſe whatſoever, by which his Highneſs was or might have been entituled to the ſame.

Coke l. 11. fol. 11.

Coke l. 5. fol. 7.

III. And be it further declared and enacted by the authority aforeſaid, That all and ſingular Letters Patents made by the ſaid King Henry the eighth, at any time after the ſaid fourth day of February, in the ſaid ſeven and twentieth year of his Reign, for the erection, foundation, incorporation or endowment of any Dean and Chapter or Colledge, were and ſhall be reputed, taken and adjudged to have been good, perfect and effectual in the Law, for all things therein contained, according to the true intent and meaning of the ſame; any thing, matter, or cauſe to the contrary thereof in any wiſe notwithſtanding:

Other mens Rights ſaved.

IV. Saving always unto all perſon and perſons, bodies politick and corporate, their Heirs and Succeſſors, and every of them, (other then the late Abbots, Abbeſſes, Priors, Prioreſſes, and other Governours, of ſuch Abbeys, Monaſteries, Priories, Nunneries, and other Religious and Eccleſiaſtical houſes, and their Succeſſors, and ſuch as pretended to be Founders, Patrons, or Donors of the ſame or any of them; or of any Manors, Lands, Tenements, or Hereditaments belonging to the ſame, or to any of them (and their, and every of their Heirs and Succeſſors) (2) all ſuch Right, Title, Intereſt, Claim and Demand, as they, or any of them, or their, or any of their Anceſtors or Predeceſſors might or ought to have had, of, in, to, or out of any ſuch Honors, Manors, Lands, Tenements or Hereditaments, before the ſaid fourth day of February, in the xxvii. year of the reign of the ſaid late King Henry the eighth, or before the making of ſuch Letters Patents by the ſaid King Henry the eighth, as if the ſaid Letters Patents made by the ſaid King Henry the eighth, and the foreſaid Statute made in the ſaid four and thirtieth year of his reign, and this preſent Act had never been made; this Act, or any thing therein contained to the contrary notwithſtanding.

Captains, Raſt. 7.

CAP. IV.

Every Pariſh ſhall be charged with a ſum weekly towards the relief of ſick, hurt, and maimed Souldiers and Mariners. REP. 43 Eliz. 3. Stat. 39 Eliz. 21. 43 Eliz. 9. 30 Eliz. 5. 18.

Attainders, Raſt. 12.

CAP. V.

A confirmation of the Attainder of Sir Francis Englefield, that went forth of the Realm, Anno 1 Eliz. by the Queens licence; and was attainted of high Treaſon, as well by the Statute of 39 Eliz. 1. as by the Common Law: his Lands eſtabliſhed to be in the Queen her Heirs, Succeſſors or Aſſigns: The Queen ſhall take the advantage of revocating of an Aſſurance with a condition made by him upon the tender of a Ring of Gold, PR. Coke lib. 7 fol. 11.

London, Raſt. 6.

CAP, VI.

1 Inſt. 124

No New Buildings ſhall be erected within three miles of London or Weſtminſter. One dwelling houſe in London, Weſtminſter, or three miles thereof, ſhall not be converted into more. No Inmates, or under-ſitters ſhall be in the places aforeſaid. Commons or waſte grounds, lying within three miles of London, ſhall not be incloſed. A mile ſhall contain five furlongs, every furlongs forty poles, every pole ſhall contain ſixteen foot and an half. EXP. Stat. 31. Eliz. 7.

CAP. VII.

An Act for the reviving, continuance, explanation, and perfecting of divers Statutes.

Cables, Raſt. 1. Ships, 21 H. 8. 12.

Where in the firſt Seſſion of Parliament begun in the city of London, the third day of November, in the one and twentieth year of the reign of our late Sovereign Lord of famous memory, King Henry the eighth, and from thence adjourned and prorogued to the Palace of Weſtminſter, An Act or Statute was made, entituled, An Act for the true making of Cables, Halſers and Ropes.

Cattel, 24 H. 8. 9.

II. And where in the Parliament holden upon prorogation at Weſtminſter, the fourth day of February, in the four and twentieth year of the reign of the ſaid King, one other Act was then and there made, entituled, An Act againſt killing of young Beaſts, called Weanlings.

Cattel, 3 & 4 Ed. 6. 19.

III. And wherein the Seſſion of a Parliament ended at Weſtminſter, the firſt day of February, in the fourth year of the reign of our late Sovereign Lord King Edward the ſixth, one Act was made concerning the buying and ſelling of Rother Beaſts and Cattel.

Victual, 3 & 4 Ed. 6. 21.

IV. And alſo one other Act was then and there likewiſe made, entituled, An Act for the buying and ſelling of Butter and Cheeſe.

V. And where alſo in the Parliament begun at Weſtminſter the three and twentieth day of January, in the firſt year of the reign of the Queens Majeſty that now is, and there continued by prorogation until the diſſolution thereof, An Act was then and there made, entituled, An Act for the preſervation of Spawn and Fry of Fiſh.

Fiſh, 1 Eliz. 17.

VI. And where alſo in the firſt Seſſion of Parliament holden at Weſtminſter the twelfth day of January, in the fifth year of her Highneſs reign, one Act was then and there made, entituled, An Act for maintenance and encreaſe of Tillage.

Husbandry, 5 Eliz. 2.

VII. And one other Act was then and there likewiſe made, entituled, An Act for the avoiding of divers foreign wares made by handy-crafts men beyond the Seas.

Merchants, 5 Eliz. 7.

VIII. And one other Act was likewiſe then and there made, entituled, An Act touching certain politick Conſtitutions made for the maintenance of the Navy.

Fiſh, 5 Eliz. 5.

IX. And where alſo in the laſt Seſſion of the Parliament holden by prorogation at Weſtminſter the laſt day of September in the eighth year of her Majeſties reign, one Act was then and there made, entituled, An Act for Bowyers, and the price of Bows.

Games, 8 Eliz. 10.

X. And where alſo in the Parliament begun and holden at Weſtminſter, in the ſecond day of April, in the thirteenth year of her Majeſties reign, there was one Act and Statute made for the avoiding of ſome Leaſes in certain caſes to be made of Eccleſiaſtical promotions with cure entituled, An Act touching Leaſes of Benefices, and other Eccleſiaſtical livings with cure.

Leaſes, 13 Eliz. 20.

XI. And where alſo there was one other Act and Statute made in the ſaid Parliament begun and holden at Weſtminſter, the ſaid ſecond day of April, in the ſaid thirteenth year, entituled, An Act that Purveyors may take grain, corn or victuals, within five miles of Cambridge, and Oxford, in certain caſes.

Purveyors, 13 Eliz. 21.

XII. And alſo one other Act was then and there made, entituled, An Act againſt Uſury.

Uſury, 13 Eliz. 8.

XIII. And where in the Parliament holden at Weſtminſter, the eighth day of May, in the fourteenth year of her Highneſs reign, there was one other Act made, entituled, An Act for the continuation, explanation, perfecting and enlarging of divers Statutes; in which Statute are contained divers branches, clauſes and proviſions touching and concerning the explanation, and perfecting and enlarging of divers of the Statutes before mentioned.

14 Eliz. 11.

XIV. And where alſo in the firſt Seſſion of the Parliament begun and holden at Weſtminſter the eighth day of May, in the fourteenth year of the Queens Highneſs reign that now is, and from thence continued by prorogation till the diſſolution thereof, there was one other Act made, entituled, An Act for the puniſhment of Vagabonds, and for the relief of the poor and impotent.

Poor, 14 Eliz. 5.

XV. And where in the Parliament holden at Weſtminſter aforeſaid, in the eighteenth year of her Majeſties reign, there was one other Act made, entituled, An Act for the ſetting of the poor on work, and for the avoiding of idleneſs: (2) And alſo one other Act was then and there made, entituled, An Act for the repairing and amending the bridges and high-ways near unto the City of Oxenford, (3) And where in the Parliament holden at Weſtminſter the ſixteenth day of January, in the three and twentieth year of her Majeſties reign, one Act was made, entituled, An Act for the repairing of Dover Haven.

Poor, 18 Eliz. 3.
Ways, 18 Eliz. 20.
Sewers, 23 Eliz. 6.

XVI. And where in the Parliament holden at Weſtminſter the three and twentieth day of November, in the ſeven and twentieth year of her Majeſties reign, one other Act was made for the reviving, continuance, explanation, and perfecting of divers Statutes, in which are contained divers branches, proviſions and clauſes touching and concerning certain additions and alterations unto, and of divers of the ſaid former recited Statutes, and other new proviſions.

Continuance, 27. Eliz. 11.

XVII. And where in the ſaid Parliament holden at Weſtminſter the three and twentieth day of November, in the ſeven and twentieth year of the Queens Majeſties reign that now is, there was an Act made for the levying of Iſſues loſt by Jurors.

Enqueſts, 27. Eliz. 7.

XVIII. And alſo there was then and there one other Act made, entituled, An Act for the good Government of the City or Borough of Weſtminſter.

Franchiſe. 27 Eliz. not printed.

XIX. And whereas in the Parliament holden at Weſtminſter upon prorogation the fourth day of November, in the ſecond year of the reign of the King of famous memory, King Edward the ſixth, one Act was made, entituled, An Act for the true making of Malt, which ſaid Statute was diſcontinued, and by another Act made in the ſaid Parliament holden at Weſtminſter in the ſaid 27th year of the Queens Majeſties reign that now is, entituled, An Act for the reviving of a former Statute for the true making of Malt, was revived and continued: (2) And alſo one other Act was then and there made, entituled, An Act for the keeping of the Sea-banks and Sea-works in the County of Norfolk. (3) And where in the ſaid Parliament holden at Weſtminſter the fourth day of February, in the 31th. year of the Queens Majeſties reign that now is, there was an Act made, entituled, an Act for the true gauging of Veſſels brought from beyond the Seas, converted by Brewers for the utterance and ſale of Ale and Beer: (4) And alſo one other Act was then and there made, entituled, An Act for reviving and enlarging of a Statute made in the 23th. year of her Majeſties reign, for repairing of Dover Haven: (5) And alſo one other Act was then and there made, entituled, an Act for the relief of the City of Lincoln. (6) Foraſmuch as the branches, clauſes and proviſions, contained and ſpecified in the ſaid two Acts of continuance, made in the fourteenth and ſeven and twentieth year of her Majſties reign, in addition, alteration, explanation, perfecting and enlarging of divers the ſaid Statutes, and other Statutes, and all the reſidue of the ſaid recited Acts, do ſeem good and beneficial to the weal and profit of this Realm, (7) Be it enacted by the authority of this preſent Parliament, That the ſaid branches, clauſes, and proviſions of the ſaid two Acts of continuance, and of the reſidue of the ſaid recited Statutes and Acts, and every of them, and all and every article, clauſe and ſentence in them, and every of them contained, and by this preſent Act not repealed, except the ſaid Act concerning the repairing of Dover Haven, ſhall be continued, and endure in force and effect until the end of the Parliament next enſuing. (8) And as concerning the ſaid Act touching the repairing of Dover Haven, the ſaid

Corn, 2 Ed. 6. 10.
27 Eliz. 14.
Sewers, 27 Eliz. 24.
Meaſures, 31 Eliz. 8.
Sewers, 31 Eliz. 13
Franchiſe.
Continuance until the end of the next Parliament of the before mentioned Statutes.
Dover Haven.

Act ſhall be by authority of this Parliament continued, and endure in force and effect from and after the end of the term limited by that Act, and yet continuing, until the end of the next Parliament then next enſuing.

Husbandry, Part of the Stat of 5 El. 2. repealed, touching earing, uſing, and keeping in tillage 39 Eliz. 2.

XX. Provided always, and be it alſo enacted by the authority aforeſaid, That all and every ſuch branch and branches of the ſaid Statute, made for the maintenance and encreaſe of Tillage, as concern the earing, ploughing, uſing and keeping in Tillage for ever, of ſuch Lands or Grounds, or ſo much in quantity, as before the making of that Statute had been eared or ploughed, and put in Tillage in any one year, and ſo kept in Tillage by the ſpace of four years, at any time ſithence the Feaſt of St. George the Martyr, in the twentieth year of King Henry the eighth, and every matter clauſe, article, proviſion, penalty and forfeiture in the ſaid Statute concerning the ſame, ſhall ſo far forth only as they concern the ſame, from henceforth be repealed, ceaſe, and be utterly void; any thing in the ſaid Statute or in this preſent Act to the contrary notwithſtanding.

A repeal of the Stat of 5 El. 5. and 24 H. 8. 5. touching ſowing of Hemp and Flax.

XXI. Provided alſo, and be it enacted by the authority aforeſaid, That ſo much of the ſaid Statute made for the maintenance of the Navy, as heretofore at any time was repealed, and all and every ſuch branch and branches of the ſaid Statute as concern the ſowing of Flax or Hemp, or the reviving of one Statute concerning ſowing of Flax or Hemp, made and provided in the Parliament holden in the four and twentieth year of the reign of King Henry the eighth, and every matter, clauſe, article, proviſion, penalty and forfeiture in the ſaid Statute concerning the ſame, ſhall ſo far forth only as they concern the ſame, from henceforth be repealed, ceaſe, and be utterly void; any thing in the ſaid Statute, or in this preſent Act to the contrary notwithſtanding.

Fiſh, A diminution of the penalty licenced by the Stat of 5 El. 5. for eating of fleſh upon fiſh-days.

XXII. Provided alſo, and be it further enacted by the authority aforeſaid, That every perſon eating any fleſh upon fiſh days, contrary to the form of the ſaid Statute made for the maintenance of the Navy, ſhall forfeit only twenty ſhillings, or elſe ſuffer only one months cloſe impriſonment without bail or mainpriſe: (2) and every perſon or perſons within whoſe houſe any ſuch offence ſhall be done, and being privy, or knowing thereof, and not effectually publiſhing or diſcloſing the ſame to ſome publick Officer having authority to puniſh the ſame, for every ſuch offence to forfeit only xiii. s. iv. d. any thing in the ſaid Statute contained to the contrary notwithſtanding.

Corn, 1 Eliz. 11. Tranſporting of Corn. ALT. 3 Car.

XXIII. Provided alſo, and be it further enacted by the authority of this preſent Parliament, That when the price of corn or grain exceedeth not the rates hereafter following at the times and havens, and places where and when the ſame corn or grain ſhall be ſhipped or loaden, viz. the quarter of wheat at xx s. the quarter of rye, peaſe and beans at xiii. s. iv. d. the quarter of barley or malt at xii. s. of currant Engliſh money, That then it ſhall be lawful for all and every perſon and perſons being Subjects of her Majeſty, her Heirs or Succeſſors, to load, carry or tranſport any of the ſaid Corn or Grain in ſuch manner and form, as in the ſaid Act made for the maintenance of the Navy, is limited and appointed: (2) And that the Queens Majeſty, her Heirs and Succeſſors, ſhall have and receive by the Cuſtomers and Officers of her Ports, for the cuſtom or poundage of every quarter of wheat to be tranſported by force of this Statute, ij. s. and of every quarter of any other Grain, xvj. d. (3) Which ſaid ſeveral ſums ſo to be had or taken as cuſtom or poundage, to be in full ſatiſfaction of all manner of cuſtom or poundage for the ſaid Corn or Grain, by any Conſtitution, Order, Statute, Law or Cuſtom heretofore made, uſed or taken for tranſporting of any ſuch manner of Corn or Grain.

The Queens Cuſtom for every quarter of corn tranſported.

Poor, So much of the Stat. of 14 El 5. and 18 El. 5. as doth concern the goaling, boaring, and death of vagabonds, repealed.

XXIV. Provided alſo, and be it enacted by the authority aforeſaid, That ſo much of the ſaid Statute made in the fourteenth year of her Majeſties Reign, entituled, An Act for the puniſhment of Vagabonds, and for the relief of the poor impotent; and of the ſaid Statute made in the eighteenth year of her Majeſties reign, entituled, An Act for ſetting the poor on work, and for avoiding of idleneſs, as concerneth the puniſhment of Vagabonds, by goaling, boaring through the Ear, and death in the ſecond degree, and every matter clauſe, article and proviſion in the ſaid Statute contained concerning the ſame, ſhall ſo far forth only as they concern the ſame, from henceforth be repealed, ceaſe, and be utterly void; Any thing in this Statute contained to the contrary notwithſtanding.

Poor, A reviver of 22 H. 8. 12. touching the order of aged, poor and impotent perſons. Rep. 39 El. 4.

XXV. And be it further enacted by the authority aforeſaid, That ſo much of one Act made in the two and twentieth year of King Henry the eighth, entituled, An Act, concerning how aged, poor and impotent perſons compelled to live by Alms, ſhall be ordered, and how Vagabonds and mighty ſtrong Beggars ſhall be puniſhed, as concerneth the puniſhment of any ſuch Beggar, impotent or vagabond perſon, by whipping, and all branches, articles and clauſes depending upon the ſame (other then the compelling of ſuch perſons to be ſworn) ſhall from henceforth ſtand and be revived, and remain in full force and ſtrength.

Ways. 18 El. 20.

He that hath a yard-land within five miles of Oxford, ſhall yearly pay four pence towards the repair of Bridges.

XXVI. Provided always, and be it enacted by the authority aforeſaid, That the ſaid Act made in the eighteenth year of her Majeſties reign, for the repairing and amending of the Bridges and Highways near unto the City of Oxon, or any thing therein contained, ſhall not charge with any thing towards the amending of the ſaid Bridges and Highways, any perſon or Houſholder inhabiting within five miles of the Univerſity and City of Oxon, not having in poſſeſſion one yard-land: (2) And that every perſon having one yard-land or more in his poſſeſſion, lying within the ſaid five miles, ſhall pay yearly the ſum of four pence only for every yard-land, before the Feaſt of Pentecoſt, unto the Vice-Chancellor and Mayor for the time being, or their Deputy or Deputies, towards the amending of the ſaid Bridges and Highways, and no other penalty, (3) with like remedy by diſtreſs, for every ſum of four pence which ſhall be due, and not paid as aforeſaid, as is contained in the ſaid Statute for any penalty therein limited.

Poor. It is lawful to give Land towards the maintenance of the houſe of correction,

XXVII. And be it alſo enacted by the authority aforeſaid That it ſhall be lawful for every perſon, for and during the ſpace of twenty years next enſuing, to make Feoffments, Grants, or any other Aſſurances, or by laſt Will in writing to give and bequeath in Fee ſimple, as well to the uſe of the poor, as for the proviſion, ſuſtentation or maintenance of any houſe of correction or abiding houſes, or of any ſtocks or ſtores, all or any part of ſuch his Lands, Tenements and Hereditaments, and in ſuch manner and form as he might have done, to and for the proviſion, ſuſtentation, or maintenance of any houſes of correction, or abiding-houſes, or of any ſtocks or ſtores, by force of the ſaid Statute.

or of the poor. 18 Eliz. 3. 39 Eliz. 5.

XXVIII. Provided always, and be it enacted by the authority of this preſent Parliament, That all Ships, Barks, Veſſels or Crayers, whereof any of her Majeſties Subjects ſhall be Owners or part-Owners, of the burden of twenty Tun, or upwards, loading or diſcharging within this Realm, and paſſing to and fro any foreign Countrey, that are of any Port, Haven or Creek in Severn, from the Lands end in Cornwall to Briſtol, and from thence to Glouceſter, and from Milford Haven to Cheſter, Lyrpool, and all the Ports and Creeks to them, or either of them belonging, in St. Georges Channel, and from the ſaid places back again, ſhall after the eighth day of May, which ſhall be in the year of our Lord God, one thouſand five hundred ninety and ſix, be diſcharged of the three pence of every Tun, for the reparation of Dover Haven, the ſaid Statutes made for the repairing of Dover Haven, or either of them, or any thing therein contained to the contrary notwithſtanding: Except any of the ſaid Ships, Barks, Veſſels or Crayers, ſhall go for Dover, or to the Eaſtward: (2) And that as well the ſaid Ships, Barks, Veſſels and Crayers that ſhall go for Dover, or to the Eaſtward, as alſo all the Ships, Barks, Veſſels and Crayers which ſhall croſs the narrow Seas, ſhall pay in manner and form as hereafter is expreſſed, and no more: that is to ſay, if they go forward with any manner of loading, not a quarter loaden, then to pay after the rate of a quarter loading, and ſo ratably upwards, according to their loading: but homeward to pay according to the full rate of the entry of their loading of every Ship, Bark, Veſſel or Crayer.

Merchants, 23 Eliz. 6. Repair of Dover Haven.

XXIX. And be it alſo enacted by the authority aforeſaid, That one Act made in the ſeven and twentieth year of her Majeſties Reign, entituled, An Act for the maintenance of the Pier and Cobbe of Lyme Regis, in the County of Dorſet, ſhall be renewed, and ſtand in his full force and ſtrength, for and during the ſpace of ten years next enſuing, and from thenceforth, to the end of the next Parliament then next enſuing.

Sewers. 27 El. not imprinted. for the maintenance of the Pier of Lyme Regis.

XXX. And be it further enacted by the authority of this preſent Parliament, That one Act made in the Parliament holden at Weſtminſter the three and twentieth day of November, in the ſeven and twentieth year of her Highneſs Reign, entituled, An Act touching the breadth of white woollen Clothes, made in the Counties of Wiltſhire, Glouceſter, Somerſet and Oxenford, &c. and all and every the branches, clauſes and proviſions in the ſame contained, ſhall from henceforth be, remain, and continue in force and effect for ever.

Drapery. 27 Eliz. 17. The breadth of woollen clothes in Wiltſhire, Glouceſter, Sommerſet and Oxfordſhire. 43 Eliz. 10.

XXXI. Provided always, That this Act, nor any thing therein contained, ſhall not be prejudicial or hurtful to any former Letters Patents, or Licence granted by her Majeſty, to any perſon or perſons, bodies politick or corporate, for the tranſportation of any Corn or Grain, either at any leſſer Cuſtoms or Subſidies than is contained in this preſent Act, or without any Cuſtom or Subſidy, (2) but that they, and every of them, their Deputies and Aſſigns, ſhall and may tranſport Grain hereafter, for the time in their ſeveral Letters Patents ſpecified, either at ſuch prices and rates, or without Cuſtom or Subſidy, in ſuch manner and form as in the ſaid Letters Patents is contained, according to the form and effect of the ſame Letters Patents, and in ſuch manner and form, and not otherwiſe, to all intents and purpoſes, as if this preſent Act had never been had or made.

The Queens Licence for tranporting of corn at leſs cuſtom than is before expreſſed.

XXXII. Provided always, and be it enacted by the authority of this preſent Parliament, That the Queens Majeſty, her heirs and Succeſſors, may at all times by her and their Writ of Proclamation to be publiſhed generally in the whole Realm, or in any the Counties of the Realm where any Port Towns are, command, That no perſon ſhall by virtue of this Act tranſport or carry any manner of Grain out of her Highneſs Dominions generally, or out of any ſpecial Ports to be in the ſame Proclamation particularly named, for ſuch time as ſhall be therein limited and appointed.

The Queen may reſtrain tranſporting of Corn by Proclamation.

XXXIII. And that it ſhall not be lawful for any perſon to carry out any ſuch Grain, contrary to the tenor of the ſame Proclamation, upon ſuch pains and forfeitures as by the Laws and Statutes of this Realm are and have been provided and ordained in that behalf; This Act, or any thing therein contained to the contrary notwithſtanding,

1 & 2 P. & M. 5. 13 Eliz. 13.

CAP VIII.

An Act for the avoiding of deceit uſed in making and ſelling of twice laid Cordage, and for the better preſerving of the Navy of this Realm.

Foraſmuch as it is found by common experience, that ſundry perſons uſing the trade of making Cables, Halſors, and other kind of Cordage within this Realm, have of late for their private lucre and gain uſed to make the ſame of old, caſt, and over-worn Cables, Halſors and Cordage, and yet have craftily and deceitfully uttered and ſold the ſame being tarred, as new, good and ſtrong, and as made of new and perfect Stuff, covering and hiding the falſe and corrupt making thereof, by tarring of them before the ſame be put to ſale; by reaſon whereof, not only divers Ships, Veſſels and Goods, as well of her Majeſties, as of ſundry her Highneſs Subjects, but alſo the lives of divers of her ſaid Subjects have been loſt, periſhed, and caſt away:

Cables, Raſt. 2. Several penalties for making of Cables of old ſtuff, being above or under ſeven inches in compaſs.

II. For remedy thereof, and for the avoiding ſuch great loſſes, inconveniences and dangers as might otherwiſe hereafter enſue by ſuch corrupt, falſe, and deceitful making of Cables, Halſors, and other Cordage as is aforeſaid,

III. Be it enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons, ſhall after forty days next after the end of this Seſſion of Parliament, make, or cauſe to be made any Cables of any old and over-worn ſtuff, which ſhall contain above ſeven inches in compaſs, then every perſon ſo offending ſhall forfeit and loſe four times the value of every ſuch Cable ſo by him or them made, or cauſed to be made

Old ſtuff put unto new Cables.

The penalty for tarring of Cables, Cordage, &c.

as is aforeſaid: (2) And if any perſon or perſons, after the ſaid forty days next after the end of this Seſſion of Parliament, ſhall tarre or cauſe to be tarred, any Halſors or other Cordage made within this Realm of ſuch old and over-worn ſtuff as aforeſaid, being of leſſer aſſize, and not containing in compaſs ſeven inches, and ſhall after by way of retail, ſell or put to ſale, or cauſe to be ſold or put to ſale the ſame being ſo tarred: That every perſon ſo offending, ſhall forfeit and loſe the treble value of every Cable, Halſor and other Cordage, being of leſſer aſſiſe, and made of ſuch old and over-worn ſtuff as is aforeſaid, which ſhall be ſo ſold or put to ſale, being tarred as aforeſaid: (3) The one moiety of all which forfeitures ſhall be to the Queens Majeſty, her Heirs and Succeſſors, and the other moiety to ſuch perſon or perſons as will ſue for the ſame by Action of debt, bill, plaint, or information, wherein no eſſoin, protection, or wager of Law ſhall be allowed.

Impriſonment.

IV. And furthermore, that every perſon which ſhall in any wiſe offend againſt the tenour and meaning of this Act, ſhall be impriſoned for the ſame during her Majeſties pleaſure.

CAP. IX.

An Act touching the breadth of Plunkets, Azures and blews, and other coloured Clothes, made within the County of Somerſet, and elſewhere of like making.

Drapery 13, 27. The effect of the Stat. of 5 & 6 Ed. 6. 6. touching the making of Plunkets, &c. in Wiltſhire, Glouceſter, and Somerſetſhires.

The Stat. of 5 & 6 Ed. 6. 6. not performed for the breadth of Cloth, and yet no default in the Cloth-makers.

The Cloth ſix quarters and a half broad being wet.

Whereas in the Parliament holden at Weſtminſter in the fifth and ſixth years of the Reign of our late Sovereign Lord King Edward the ſixth, one Statute was made entituled, An Act for the true making of woollen Cloth, whereby (among other things) it was enacted, That all broad Plunkets, Azures, Blews, and other coloured Cloth, which after the Feaſt of St. Michael the Archangel then next coming, ſhould be made within the Shires of Wiltſhire, Glouceſter or Somerſet, or elſewhere of like making, ſhould contain in length, being through wet, betwixt xxv. and xxviii. yards, yard and inch of the Rule, and ſhould be ſeven quarters within the liſts at the leaſt, and liſted according to the ancient cuſtom, and being well ſcoured, thicked, milled, and fully dyed, ſhould weigh lxviii. pounds the piece, at the leaſt, as by the ſaid Act, amongſt divers Clauſes, Articles and Proviſions contained in the ſame, more plainly is expreſſed: (2) Sithence the making of which ſaid Statute, although the makers of the ſaid coloured Clothes have endeavoured themſelves, according to their beſt skill and induſtry, to perform and fulfil the ſaid recited Statute in every of their Clothes, as much as in them did lie, as touching the breadth of Clothes, and to that end and purpoſe have allowed, and do allow ſo much yarn and ſtuff to every ſuch Cloth as might ſufficiently ſerve to make all the ſaid coloured Clothes full out in length, breath and weight, according to the ſaid Statute made in the fifth and ſixth years of King Edward the ſixth; Yet notwithſtanding many times, by reaſon of the divers natures in the woolls, and by the great diverſities in the ſpinning, carding and milling many of the ſaid coloured clothes made within the ſaid County of Somerſet, and elſewhere of like making, do not contain full ſeven quarters in breadth, according to the ſaid Statute made in the fifth and ſixth years of King Edward the ſixth, and yet no default touching the ſaid breath can juſtly be imputed to the maker thereof, for that the ſaid Cloth-makers (as experience daily ſheweth) cannot obſerve the ſaid former Statute in all the ſaid clothes, as touching the breadth, although they endeavour themſelves never ſo much thereunto: (3) which clothes not containing their full breadth as is aforeſaid, are many times taken and ſeized by the ſearchers of London, when they come to their Market at Blackwell-Hall, to the great loſs and damage of the ſaid Cloth-makers, and to the great hindrance of Cloth-making within the ſaid County, (4) In conſideration whereof, albeit it is not hereby intended to repeal or make void the ſaid former recited Statute, otherwiſe then is hereafter expreſſed; yet nevertheleſs, Be it enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons ſhall be hereafter charged for any ſuch default which hereafter ſhall be in any of the ſaid broad Plunkets, Azures, Blews, or other coloured Clothes, for want of breadth of ſeven quarters, ſo that the ſame Cloth do contain in breadth being throughly wet, ſix quarters and a half at the leaſt within the liſts unwrought, and liſted according to the ancient cuſtom, any thing in the ſaid former recited Statute mentioned to the contrary in any wiſe notwithſtanding.

The penalty, if any of the ſaid clothes be not in breadth ſix quarters and a half.

II. Provided always, and be it enacted by the authority aforeſaid, That if any of the ſaid clothes ſhall not contain ſix quarters and an half at the leaſt within the liſts as is aforeſaid, that then every perſon offending in that behalf, ſhall for every ſuch cloth be ſubject to ſuch pains, penalties and forfeitures as were by force of the former recited Statute of the fifth and ſixth years of King Edward the ſixth, to have been forfeited for want of breadth of ſeven quarters within the liſts.

The penalty for want of weight. Examined by the Parliament Roll.

III. And be it nevertheleſs enacted by the authority aforeſaid, That if any of the ſaid broad Plunkets, Azures, Blews, or other coloured clothes being well ſcoured, thicked, milled, and fully dyed, ſhall contain in weight any leſs than lxviii. pounds at the leaſt, that then every of the ſaid Clothiers therein offending, ſhall incur double ſuch penalties and forfeitures for every pound ſo wanting of the ſaid weight, and not weighing after ſuch rate as is before expreſſed in and by the ſaid Statute made in the fifth and ſixth years of King Edward the ſixth, is limitted and appointed.

Weight, 68 pounds. Length, 27 yards. Rep. 43 Eliz. 10.

IV. And be it nevertheleſs enacted by the authority aforeſaid, That if any of the Clothes to be made within the County of Somerſet, or elſewhere of like making, called Plunkets, Azures and Blews, being well ſcoured, thicked, milled and fully dyed, ſhall contain in weight any leſs then lxviii. pounds at the leaſt; or if any of the ſaid clothes ſhall contain in length any more than xxvii. yards at the moſt, That then every of the ſame Clothiers therein offending, ſhall incur double ſuch penalties and forfeitures for every pound ſo wanting, as by the ſaid Statute of the fifth and ſixth years of the Reign of King Edward the ſixth, are to ſuch defaults limitted and appointed: (2) And for every yard that any ſuch Cloth ſhall contain above 27 yards in length, and not weighing after ſuch rate as is before expreſſed, the maker of every ſuch Cloth ſhall incur double the penalties by the Statute of the fourth and fifth years of the Reign of King Philip and Queen Mary, to ſuch defaults limited and appointed.

CAP. X.

An Act for the reformation of ſundry abuſes in Clothes called Devonſhire Kerſies or Dozens, according to a Proclamation of the thirty fourth year of the Reign of our Sovereign Lady the Queen that now is.

Drapery 104. The weight and length of a Devonſhire Kerſie raw, and of a Rudge Waſh, Kerſie, &c.

IN their moſt humble and dutiful wiſe ſhewen, and beſeechen your Highneſs, your true and faithful Subjects, the Clothiers, Merchants and Chapmen of your County of Devon, and of the Counties adjoyning, That where in the month of January, in the four and thirtieth year of your Majeſties moſt happy Reign, as well at the humble Suit and Petition of ſundry your ſaid Subjects, as upon Certificate of divers Juſtices in your Highneſs ſaid County of Devon, and upon complaint of the States of Holland, it pleaſed your Highneſs, with the advice of your moſt honourable Privy Council, by your Highneſs Proclamation, for the reformation of the inſufficiencies grown in the Clothes called Devonſhire Kerſies or Dozens, (a commodity heretofore in great requeſt, price and eſtimation, both amongſt your natural Subjects, and in foreign Nations and Countries) but of late marvellouſly (and not without occaſion) diſcredited by the inventions and new devices of the Weavers, Tuckers and Artificers, To command that the Laws before that time made, and ſtanding in force not repealed, for and concerning the premiſſes, ſhould be duly accompliſhed in all things: And that every Officer ſhould diligently perform his Office accordingly: (2) And that the weight of the ſaid Kerſies or Dozens being raw, and wrought with clean ſtuff, without any deceitful addition, ſhould weigh fifteen pounds, and contain in the Market at the leaſt between fifteen and ſixteen yards in length, and that the ſame ſhould be ſewantly woven throughout of like ſorted yarn, forbidding all other deceits in weaving, and all diminiſhing and unreaſonable drawing, ſtretching, and other deceits in Tuckers: (3) And that each Weaver ſhould weave his Shop-mark in each Dozen, and a purrel in each end thereof: (4) And that Officers ſhould be appointed in Market Towns to view, weigh, and try the ſame Kerſies, whether they were in length, weight or goodneſs, according to the rate and proportion ſet forth in the ſame Proclamation: The ſame Proclamation to endure till the firſt day of this preſent Parliament, as by the ſame more at large may appear.

Se. 5 & 6 Ed. c. 6. 4 & 5 P. & M. c. 5.

II. Now moſt gracious Sovereign, foraſmuch as by the ſaid Proclamation, great order and better making of the ſaid Clothes for weight and length thereof hath enſued, and to the end that hereafter further diſcovery and reſtraint of all abuſes and deceits contrary to the former Laws and Statutes of this Realm may be provided for, to the reviving of the reputation of ſo good, profitable and neceſſary a commodity, (3) It may pleaſe your Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the whole Commonalty aſſembled in this preſent Parliament, and by the authority of the ſame, That it may be enacted and eſtabliſhed as followeth, that is to ſay, That from and after the firſt day of July now next coming, each Kerſie called Devonſhire Kerſie or Dozen, which ſhall be made and woven within the ſaid County of Devon, or any other County next adjoyning thereunto, being raw, unſcoured, untucked, and unwet, as it cometh from the Weavers beam, and being made of clean and perfect ſtuff, that is to wit, of Wooll ſhorn, cleanſed, and throughly waſhed or ſcoured after the ſhearing, and before the weaving, without any fraud, deceit, policy or device, or any ſtuff thereunto deceitfully or unlawfully added in the working, or after the working thereof, for increaſe of the weight, ſhall weigh in the Market fifteen pound or upwards.

The weight of a Devonſhire Kerſie or Dozen raw.

III. And that from and after the ſaid firſt day of July, every raw Devonſhire Kerſie or Dozen from thenceforth to be woven and made in the ſaid County of Devon, or any of the other Counties adjoyning, being a Rudge waſh Kerſie, that is to ſay, being made of Fleece Wooll waſhed only on the Sheeps back, and the Wooll not being cleanſed, waſhed and ſcoured after it is ſhorn, and before it is woven, ſhall (without any fraud, deceit, policy, device, or addition of ſtuff whatſoever, to increaſe the weight thereof) weigh in the Market ſeventeen pounds at the leaſt, being raw as it cometh off the Weavers beam, (2) and each, and every of the ſame Devonſhire Kerſies or Dozens ſo being raw, as it cometh forth of the Weavers Loom (without racking, ſtretching, ſtraining, or other device to encreaſe the length thereof) ſhall contain in length between fifteen and ſixteen yards by the meaſure of yard and inch by the Rule, (3) without which obſervation of weight being raw, they cannot fall out (after they be well ſcoured, thicked, and fully dryed) to contain the length and weight expreſſed and limited in the Statute of the fourth and fifth year of Philip and Mary, viz. twelve yards in length, and twelve pounds in weight, as hath been ſufficiently made known, and teſtified to your Highneſs ſaid Privy Council, before the ſaid Proclamation.

The weight and length of Rudge Waſh Kerſie.

4. Jac. 2.

IV. And if any Weaver ſhall work or make any of the ſaid kinds of Kerſies of leſs weight or meaſure than is before mentioned after their kind, every ſuch offendor ſhall forfeit for every quarter of a pound in weight which any of the ſaid raw Kerſies or Dozens which ſhall be brought to any Market, or ſold, or offered to be ſold, ſhall want of their weight aforeſaid, twelve pence: (2) and for every quarter of a yard which ſhall be wanting in length of either ſort of the ſaid Kerſies, likewiſe being ſold, or offered to be ſold, twelve pence: (3) And that each ſort of the ſaid Kerſies or Dozens ſhall be ſewantly woven throughout of well and lik ſorted yarn: (4) And that no Weaver ſhall uſe any diverſity in the bigneſs or goodneſs of his yarn in any part of the ſaid Kerſies, ſaving only in the liſts, nor uſe any other practice in edging or weaving of any the ſame Kerſies or Dozens, to make the ſame ſeem finer near the edge or liſts, than in any other part of the ſame Cloth.

The forfeiture of the offendor.

The Weavers duty in weaving of Dozens.

V. And that it may be further enacted by the authority aforeſaid, That each Weaver ſhall weave his Shop-mark of ſome coloured yarn, in the end of every Kerſie which he ſhall hereafter weave or make, and ſhall alſo at each end of the ſame Kerſies weave one purrel likewiſe of coloured yarn, of the breadth of three quarters of an inch at the leaſt, whereby the deceitful cutting and diminiſhing of ſuch Clothes by Tuckers or fullers heretofore uſed, may

A Weavers Shop-mark. A purrel at each end.

henceforth be prevented: (2) And if any Weaver ſhall uſe any deceit, in mingling his yarn, or ſhall omit his Shop-mark, or ſhall not weave in every Kerſie two purrels, according to the tenor of this Act, he ſhall forfeit and loſe for every offence to the contrary, ten ſhillings.

Dozens ſhall be viewed, weighed and marked

VI. And to the end that the weight and goodneſs of all the ſaid Kerſies called Dozens, being raw, may be the better and more certainly known, It may further be enacted, That no Weaver nor any other perſon whatſoever, ſhall offer or put to ſale any of the ſame raw Kerſies, called Dozens, before the ſame have been viewed, weighed and marked in ſome City, Town-corporate or Market-Town, and allowed by ſuch Officer, and marked with ſuch marks as ſhall be there in ſuch City or Town, uſed and appointed for that purpoſe (2) upon pain to forfeit and loſe for every Cloth ſold, or offered to be ſold to the contrary, ten ſhillings: (3) the one half of all which forfeitures ſhall be to the uſe of your Highneſs, your Heirs and Succeſſors, and the other half to the principal Officer or Magiſtrate of the City, Town-corporate, or Market-Town next adjoyning to the dwelling or working place of ſuch Weavers as ſhall offend in any of the premiſſes, if he the ſame Officer or Magiſtrate ſhall firſt make ſeiſure thereof: (4) or elſe to the principal Officer of that City, Town-corporate, or Market-Town where the ſame ſhall be ſold, or offered to be ſold, (5) to be recovered by Action of Debt, Bill, Plaint or Information, with Coſts, in any Court of Record, wherein no Protection, Wager of Law, or Eſſoin ſhall be allowed.

Searchers of Devonſhire Kerſies, and their duties.

VII. And for the better diſcovery of the offences aforeſaid, and the more perfect accompliſhing of the premiſſes, it may be alſo enacted, That the principal Officer or Magiſtrate for the time being in every City, Town-corporate, or Market-Town of the ſaid County, or of any other of the Counties adjoyning, where any ſuch Kerſies called Devonſhire Kerſies or Dozens now are, or hereafter ſhall be woven, made, offered or put to ſale, ſhall every year from henceforth appoint and have in readineſs at all times needful, two or more diſcreet perſons, which ſhall be ſpecial and known Officers and Searchers, (2) which ſhall attend, and ſhall be at his or their entry into his or their ſaid Office, ſworn during his or their continuance in the ſaid Office, truly to view, weigh and mark each Kerſie called a Dozen, in ſuch City or Town, or any of them made, ſold or offered to be ſold, or put to ſale, and to preſent each offence or defect which ſhall there fall out contrary to the true meaning of this Statute: (3) Every which Searcher or Officer ſo to be hereafter appointed for this purpoſe in any ſuch City, Town-corporate, or Market-Town, ſhall by force of this Act have power and authority to enter in the day time into all Shops, Ware-houſes, Work-houſes, and other places convenient of the ſame City or Town where he or they ſhall be ſo appointed, there to view, ſearch, and ſee whether any Kerſie or Dozen be made, ſold, or offered to be ſold, contrary to the true meaning of this Act, and alſo to ſee what pains, penalties, and forfeitures ſhall be grown due to her Majeſty by any Weaver, ſeller or buyer, within the liberties and precincts of the ſame Town, taking only of and for the weighing and marking of every Kerſie, a Farthing for his pains, and ſo according to the number, and no more; which Farthing upon every Kerſie is to be paid by the ſeller of the ſame Kerſie.

What ſhall be forfeited, and by whom, if Searchers be not appointed, or not attendant.

VIII. And if the Searchers or Officers ſhall not be yearly appointed, and attendant at all times reaſonable and convenient, or ſhall neglect his or their duties in the true ſearch, weighing and marking of the ſaid Kerſies, or any of them, or ſhall mark any one Kerſie which wants of his weight as is aforeſaid, that then, and in every ſuch caſe, the chief Magiſtrate of every ſuch City and Town, ſhall forfeit and loſe for every ſuch offence of their Searcher or Searchers, twenty ſhillings, and for every market day they ſhall want two, or one at the leaſt of ſuch Searchers, the ſum of forty ſhillings, to be levied as hereafter is expreſſed.

No Dozen ſhall be bought or dreſſed, before it be tried.

IX. And that it may further be enacted, That from and after the firſt day of July, no manner of perſon or perſons whatſoever ſhall buy any ſuch raw Kerſie, called Devonſhire Kerſie, or Dozen, in any Market or elſewhere, unleſs the ſame ſhall be firſt tryed, weighed and marked by the Officers of ſome City, or Town-corporate, or Market-Town as is aforeſaid: (2) And that no Weaver, Tucker, Fuller, or other whatſoever, ſhall dreſs or cauſe to be dreſſed any of the ſaid raw Clothes, called Devonſhire Kerſies or Dozens, unleſs the ſame be firſt tryed, weighed and marked in ſome one Market-Town by the Searcher or Searchers, there in that behalf appointed, (3) upon pain of forfeiture of every ſuch Kerſie ſo bought, dreſſed, or put to dreſſing, which ſhall not be tryed and marked, as is afore mentioned.

The length of a Dozen ſhall not be diminiſhed.

X. And for the avoiding of deceit of Tuckers or Fullers, that it may be enacted, That no Clothier, Tucker, Fuller, or other perſon whatſoever, ſhall at any time from henceforth cut or diminiſh the length of any Kerſie, called a Devonſhire Kerſie or Dozen, and after offer or put the ſame to ſale as a whole Kerſie or Dozen, upon pain of forfeiture of twenty ſhillings for every of the ſame Kerſies or Dozens ſo cut or diminiſhed; (2) the one half of all and every which forfeitures, not before limited and appointed, ſhall be to our Sovereign Lady the Queen, and the other half to him or them that will ſue for the ſame, by Action of Debt, Bill, Plaint, or information, in any Court of Record, wherein the Plaintiff is to recover his Coſts: Alſo wherein no Protection, Wager of Law, or Eſſoin ſhall be allowed. (3) This Act to endure to the end of the next Parliament. 3 Car. 4. Continued until the end of the firſt Seſſion of the next Parliament.

The forfeitures and who ſhall have them.

CAP. XI.

An Act for bringing in Clapboard from the parts beyond the Seas, and the reſtraining of tranſporting of Wine Casks for the ſparing and preſerving of Timber within the Realm.

Clapboard. A quantity of Clapboard ſhall be brought into this Realm, for Beer or Fiſh tranſported. Wine Cask ſhall not be tranſported, but for certain purpoſes.

WHereas of late years Timber is greatly decayed and conſumed within this Realm, the want whereof is greatly to be feared, and ſpeedily to be provided for, and foraſmuch as there is great occaſion of ſpending and conſuming thereof, by ſelling of great quantities of Timber, and converting the ſame into cloven Board for the making of Cask, which is uſually tranſported out of the Realm into the parts beyond the Seas: (2) And foraſmuch alſo as Wine Cask brought into this Realm, is very ſerviceable, as well for her Majeſties

Houſhold and Navy, in time of her Highneſs ſervice, for victualling of her Highneſs Ships, and alſo for victualling of Merchants Ships, and a great cauſe of ſparing Timber within this Realm:

II. Be it therefore enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every perſon and perſons, which ſhall after the Feaſt of the Nativity of St. John Baptiſt next enſuing, ſhip, carry or tranſport any Beer into the parts beyond the Seas, to be ſold or exchanged for other Merchandize, ſhall (if he be a ſtranger, then) before the ſame tranſporting, (if he be a ſubject born, then) either before the ſame tranſporting, or within four months after, bring or cauſe to be brought into this Realm, from the parts beyond the Seas, for every ſix Tuns of Beer, two hundred of Clapboard fit for to make Cask of, to contain in length, three foot and two inches at the leaſt, or elſe the ſame Cask again, or ſo much other good and ſweet Cask in quantity, and the ſame to be entred at the Cuſtom-houſe without any colouring; (2) or if the ſame tranſporting ſhall be into the Realm of Ireland, then to bring in, in manner and form as aforeſaid, ſo much of the Shaffold board in quantity as the ſaid Clap-board amounteth unto.

III. And alſo be it further enacted by the authority aforeſaid, That no ſtranger born, ſhall after the laſt day of June, which ſhall be in the year of our Lord, M. D. X C. IIII. ſhip, carry or tranſport beyond the Seas, any Pilchers or other fiſh in Cask, unleſs the ſame perſon have before ſuch ſhipping, brought or cauſe to be brought into this Realm, from the parts beyond the Seas, for every ſix Tuns of Pilchers, or other fiſh, according to the rate and manner aforeſaid, of Clap-board fit for Cask, or elſe Cask as aforeſaid, (2) upon pain of forfeiture of the ſaid Beer, Pilchers, and Cask that ſhall be ſhipped or laden, to be tranſported into the parts beyond the Seas.

IV. And be it further enacted by the authority aforeſaid, That it ſhall not be lawful for any perſon or perſons after the ſaid Feaſt of St. John the Baptiſt next enſuing, to tranſport or carry any Wine Cask out of this Realm with any Beer or Beereager, nor any Wine Cask ſhaken, and ſell the ſame Beer or Beereager, or Cask, except for the victualling of any Ship or portable Veſſel, or of any of her Majeſties Gariſons and Forces in the parts beyond the Seas, upon pain of forfeiture of the ſum of xl. s. for every Tun or Cask ſo carried or tranſported.

In what caſes only Wine Cask may be tranſported, 3 Jac. 11.

V. Provided always, That this Act, or any thing therein contained, ſhall not extend to the tranſportation of any Herrings whatſoever in Casks. (2) This Act to continue to the end of the next Parliament. 3 Car. 4. Continued until the end of the firſt Seſſion of the next Parliament.

CAP. XII.

A confirmation of two ſubſidies of four ſhillings in the pound, to be paid in two years, granted to the Queen by the Clergy. EXP.

Taxes, Raſt. 42.

CAP. XIII.

A confirmation of three Subſidies and ſix Fifteens and Tenths granted to the Queen by the Temporalty. EXP.

Ibid. 42.

CAP. XIV.

A confirmation of the Queens general and free Pardon: Except, &c. EXP.

Pardon, Raſt. 49.

Anno triceſimo nono Reginæ ELIZABETHÆ.

AT the Parliament begun and holden at Weſtminſter, the four and twentieth day of October, in the nine and thirtieth year of the Reign of our moſt gracious Sovereign Lady Elizabeth, by the Grace of God, of England, France and Ireland, Queen, Defender of the Faith, &c. And there continued until the diſſolution thereof, being the ninth of February next following, 1597. To the high pleaſure of Almighty God, and weal-publick of this Realm, were enacted as followeth.

CAP. I.

The Statute of 4 H. 7. 19. and all other Statutes made againſt the deſtruction of Towns and houſes of Husbandry, repealed and the penalty for decaying of houſes of Husbandry ſince 1 Eliz. &c. Exp. Stat. 39 El. 2.

Husbandry 2. 12 Co. 30.

CAP. II.

Arable Land made paſture ſince 1 Eliz. ſhall be again converted to tillage, and what is arable ſhall not be converted to paſture &c. EXP. Stat. 39 El. 1. Bridgm. 89.

Ibid. 18. Cro. Ja. 408. 3 Inſt. 204.

CAP. III.

Who ſhall be Overſeers of the Poor: by whom, and when they ſhall be appointed: their office and duty: their accompt: their forfeitures, &c. EXP. 43 El. 2. 43 El. 9.

Vagabonds, Raſt. 9.

CAP. VI.

An Act for puniſhment of Rogues, Vagabonds, and ſturdy Beggars.

3 Inſt. 102

FOr the ſuppreſſing of Rogues, Vagabonds, and ſturdy Beggars, Be it enacted by the authority of this preſent Parliament, That from and after the Feaſt of Eaſter next coming, all Statutes heretofore made for the puniſhment of Rogues, Vagabonds or ſturdy Beggars, or for the erection or maintenance of houſes of Correction, or touching the ſame, ſhall for ſo much as concerneth the ſame, be utterly repealed: (2) And that from and after the ſaid Feaſt of Eaſter, from time to time, it ſhall and may be lawful to and for the Juſtices of Peace of any County or City in this Realm, or the Dominions of Wales, aſſembled at any Quarter Seſſions of the Peace within the ſame County, City, Borough or Town-corporate, or the more part of them, to ſet down order to erect and cauſe to be erected, one or more houſes of Correction within their ſeveral Counties or Cities: (3) for the doing and performing whereof, and for the providing of ſtocks of money, and all other things neceſſary for the ſame, and for raiſing and governing of the ſame, and for correction and puniſhment of offendors thither to be committed, ſuch orders as the ſame Juſtices or the more part of them ſhall from time to time take, reform, or ſet down in any their ſaid Quarter Seſſions in that behalf, ſhall be of force, and be duly performed and put in execution.

Vagabonds 1. All former Statutes made for the puniſhment of Vagabonds, &c. repealed. Juſtices of Peace ſhall ſet down orders for erection of houſes of Correction, &c. 22 H. 8. 12. 27 H. 8. 25. 11 H. 7. 2. 14. El. 5. 18 El. 3. 7 Jac. 4.

II. And be it alſo further enacted by the authority aforeſaid, That all perſons calling themſelves Schollars, going about begging, (2) All Sea-faring men pretending loſſes of their Ships or Goods on the Sea, going about the Countrey begging, (3) All idle perſons going about in any Countrey either begging, or uſing any ſubtile Craft or unlawful Games or Plays, or faining themſelves to have knowledge in Phyſiognomy, Palmeſtry or other like crafty Science, or pretending that they can tell Deſtinies, Fortunes, or ſuch other like fantaſtical imaginations,

Who ſhall be accompted rogues, vagabonds and ſturdy beggars.

tions, (4) All perſons that be, or utter themſelves to be Proctors, Procurers, Patent-gatherers, or Collectors for Goals, Priſons or Hoſpitals, (5) All Fencers, Bear-wards, common Players of Enterludes, and Minſtrels wandring abroad, (other then Players of Enterludes, belonging to any Baron of this Realm, or any other honourable perſonage of greater degree, to be authorized to Play, under the Hand and Seal of Arms of ſuch Baron or perſonage) (6) All Juglers, Tinkers, Pedlers, and petty Chapmen wandring abroad, (7) All wandring perſons and common Labourers, being perſons able in body, uſing loytering, and refuſing to work for ſuch reaſonable wages as is taxed, or commonly given in ſuch parts where ſuch perſons do or ſhall happen to dwell or abide, not having living otherwiſe to maintain themſelves, (8) All perſons delivered out of Gaols that beg for their Fees, or otherwiſe do travel begging, (9) All ſuch perſons as ſhall wander abroad begging, pretending loſſes by fire or otherwiſe, And all ſuch perſons not being Felons, wandring, and pretending themſelves to be Egyptians, or wandring in the habit, form or attire of counterfeit Egyptians, (10) ſhall be taken, adjudged and deemed Rogues, Vagabends and ſturdy Beggars, and ſhall ſuſtain all pain and puniſhment, as by this Act is in that behalf appointed.

The puniſhment and uſing of a rogue. 2 Roll 172.

A teſtimonial for the puniſhment of a rogue.

A Teſtimonial regiſtred.

A rogue conveyed to the houſe of Correction, or to the gaol.

III. And be it enacted by the authority aforeſaid, That every perſon which is by this preſent Act declared to be a Rogue, Vagabond or ſturdy Beggar, which ſhall be at any time after the ſaid Feaſt of Easter next coming, taken begging, vagrant, wandring or miſordering themſelves in any part of this Realm, or the Dominions of Wales, ſhall upon their apprehenſion, by the appointment of any Juſtice of the Peace, Conſtable, Headborough or Tythingman of the ſame County, Hundred, Pariſh or Tything where ſuch perſon ſhall be taken, the Tything-man or Headborough being aſſiſted therein with the advice of the Miniſter, and one other of that Pariſh, be ſtripped naked from the middle upward, and ſhall be openly whipped until his or her body be bloody, (2) and ſhall be forthwith ſent from Pariſh to Pariſh, by the Officer of every the ſame, the next ſtraight way to the Pariſh where he was born, if the ſame may be known by the parties confeſſion or otherwiſe: And if the ſame be not known, then to the Pariſh where he or ſhe laſt dwelt before the ſame puniſhment, by the ſpace of one whole year, there to put him or her ſelf to labour as a true ſubject ought to do: Or not being known where he or ſhe was born or laſt dwelt, then to the Pariſh through which he or ſhe laſt paſſed without puniſhment: (3) After which whipping, the ſame perſon ſhall have a Teſtimonial ſubſcribed with the Hand, and ſealed with the Seal of the ſame Juſtice of the Peace, Conſtable, Headborough or Tything-man, and of the Miniſter of the ſame Pariſh, or of any two of them, teſtifying that the ſame perſon hath been puniſhed according to this Act, and mentioning the day and place of his or her puniſhment, and the place whereunto ſuch perſon is limited to go, and by what time the ſaid perſon is limited to paſs thither at his peril: (4) And if the ſaid perſon through his or her default do not accompliſh the order appointed by the ſaid Teſtimonial, then to be eftſoons taken and whipped, and ſo as often as any default ſhall be found in him or her contrary to the form of this Statute, in every place to be whipped, till ſuch perſon be repaired to the place limited: (5) the ſubſtance of which Teſtimonial ſhall be regiſtred by the Miniſter of that Pariſh, in a Book to be provided for that purpoſe, upon pain to forfeit v. s. for every default thereof: (6) and the party ſo whipped, and not known where he or ſhe was born, or laſt dwelt by the ſpace of a year, ſhall by the Officer of the ſaid Village where he or ſhe ſo laſt paſt through without puniſhment, be conveyed to the houſe of Correction of the Limit wherein the ſaid Village ſtandeth, or to the common Gaol of that County or place, there to remain, and be imployed in work, until he or ſhe ſhall be placed in ſome ſervice, and ſo to continue by the ſpace of one year; or not being able of body, until he or ſhe ſhall be placed, to remain in ſome Alms-houſe in the ſame County or place.

Rogues which be dangerous, or will not be reformed.

A rogue baniſhed the Realm, or adjudged to the Gallies.

A rogue baniſhed, returning without licence. 3 Inſt. 103.

IV. Provided always, and be it enacted, if any of the ſaid Rogues ſhall appear to be dangerous to the inferiour ſort of people where they ſhall be taken, or otherwiſe be ſuch as will not be reformed of their roguiſh kind of life by the former proviſions of this Act, that in every ſuch caſe it ſhall and may be lawful to the ſaid Juſtices of the Limit where any ſuch Rogue ſhall be taken, or any two of them, whereof one to be of the Quorum, to commit that Rogue to the houſe of Correction, or otherwiſe to the Gaol of the County, there to remain until the next Quarter Seſſions to be holden in that County; (2) and then ſuch of the ſame Rogues ſo committed, as by the Juſtices of the Peace then and there preſent, or the moſt part of them, ſhall be thought fit not to be delivered, ſhall and may lawfully by the ſame Juſtices, or the moſt part of them, be baniſhed out of this Realm, and all other the Dominions thereof, and at the charges of that Countrey, ſhall be conveyed unto ſuch parts beyond the Seas, as ſhall be at any time hereafter for that purpoſe aſſigned by the Privy Council unto her Majeſty, her Heirs or Succeſſors, or by any Six or more of them, whereof the Lord Chancellor or Lord Keeper of the Great Seal, or the Lord Treaſurer for the time being, to be one, (3) or otherwiſe be judged perpetually to the Gallies of this Realm, as by the ſame Juſtices or the moſt part of them, it ſhall be thought fit and expedient: (4) And if any Rogue ſo baniſhed as aforeſaid ſhall return again into any part of this Realm, or Dominion of Wales, without lawful Licence or Warrant ſo to do, that in every ſuch caſe ſuch offence ſhall be felony, and the party offending therein ſuffer death as in caſe of felony: (5) the ſaid felony to be heard and determined in that County of this Realm or Wales, in which the offendor ſhall be apprehended.

The forfeit of the Officer not puniſhing rogues.

The penalty for diſturbance of the execution of the Statute.

V. And be it alſo enacted by the authority aforeſaid, That if in any Town, Pariſh or Village, the Conſtable, Headboroug or Tythingman be negligent, and do not his or their beſt endeavours for the apprehenſion of ſuch Vagabond, Rogue or ſturdy Beggar which there ſhall be found contrary to the form of this preſent Act, and to cauſe every of them to be puniſhed and conveyed according to the true meaning of this preſent Act, that then the ſaid Conſtable, Headborough or Tythingman in whom ſuch default ſhall be, ſhall loſe and forfeit for every ſuch default x. s. (2) And alſo if any perſon or perſons do in any wiſe diſturb or let the execution of this Law, or any part thereof, concerning the puniſhment or conveying of Rogues, Vagabonds, ſturdy Beggars, or the relief or ſetling of poor impotent perſons in any manner of wiſe, or making reſcous againſt any Officer, or perſon authorized by this preſent Act for the due execution of any the premiſſes, the ſame perſon ſo offending ſhall forfeit and loſe for every ſuch offence, the ſum of v. l. and ſhall be bound to the good behaviour.

VI. And be it alſo further enacted by the authority aforeſaid, That no perſon or perſons having charge in any Voyage, in paſſing from the Realms of Ireland or Scotland, or from the Iſle of Man, into this Realm of England, do wittingly or willingly bring or convey, or ſuffer to be brought or conveyed into any Veſſel or Boat from and out of the ſame Realm of Ireland, Scotland or Iſle of Man, into the Realm of England or Wales, or any part thereof, any Vagabond, Rogue or Beggar, or any ſuch as ſhall be forced, or very like to live by begging within the Realm of England or Wales, being born in the ſame Realms or Iſland, upon pain of every ſuch perſon ſo offending, to forfeit and loſe for every ſuch Vagabond, Rogue, Beggar, or other perſon like to live by begging, xx. s. to the uſe of the poor of the ſaid Pariſh in which they were ſet on Land: (2) And if any ſuch Manniſk, Scottiſh or Iriſh Rogue, Vagabond or Beggar, be already, or ſhall at any time hereafter be ſet on Land, or ſhall come into any part of England or Wales, the ſame, after he or ſhe ſhall be puniſhed as aforeſaid, ſhall be conveyed to the next Port or Pariſh in or near which they were landed or firſt came, in ſuch ſort as Rogues are appointed to be by this preſent Act, and from thence to be tranſported at the common charge of the Countrey where they were ſet on Land, into thoſe parts from whence they came or were brought: (3) And that every Conſtable, Headborough and Tythingman neglecting the due performance thereof, ſhall forfeit for every ſuch offence x. s.

No rogue ſhall be brought from Ireland, Scotland, or the Iſle of Man.

VII. Be it further enacted by the authority aforeſaid, That no diſeaſed or impotent poor perſon ſhall at any time reſort or repair from their dwelling places to the City of Bath or Town of Buxton, or either of them, to the Bathes there, for the eaſe of their Griefs, unleſs ſuch perſons do forbear to beg, and be licenced to paſs thither by two Juſtices of the Peace of the County where ſuch perſon doth or ſhall then dwell or remain, and provided for to travel with ſuch relief, for or towards his or her maintenance as ſhall be neceſſary for the ſame perſon, for the time of ſuch his or her travel and abode at the City of Bath and Town of Buxton, or either of them, and return thence, and ſhall return home again as ſhall be limited by the ſaid Licence, upon pain to be reputed, puniſhed and uſed as Rogues, Vagabonds, and ſturdy Beggars, declared by this preſent Act: (2) And that the inhabitants of the ſame City of Bath and Town of Buxton ſhall not in any wiſe be charged by this Act with the finding or relief of any ſuch poor people.

None reſorting to Bath or Buxton ſhall beg.

VIII. Provided always, That the Juſtices of Peace within any County of this Realm or Wales, ſhall not intromit or enter into any City, Borough, or Towns-corporate, where be any Juſtice or Juſtices of the Peace for any ſuch City, Borough, or Town-corporate, for the execution of any branch, article or ſentence of this Act, for or concerning any offence, matter or cauſe growing or ariſing within the precincts, liberties or Juriſdiction of ſuch City, Borough, or Towns-corporate, (2) but that it ſhall and may be lawful to the Juſtice and Juſtices of the Peace, Mayors, Bayliffs, and other head-Officers of thoſe Cities, Boroughs and Towns-corporate where there be ſuch Juſtices of the Peace, to proceed to the execution of this Act within the precinct and compaſs of their liberties, in ſuch manner and form as the Juſtices of Peace in any County may or ought to do within the ſame County, by virtue of this Act; Any thing in this Act to the contrary thereof notwithſtanding.

The authority of Juſtices in Corporate Towns.

IX. Provided always, That this Act, or any thing therein contained, ſhall not extend to the poor people for the time being in the Hoſpital called St. Thomas Hoſpital, otherwiſe called the Kings Hoſpital in the Borough of Southwark near adjoyning to the City of London, but that the Mayor, Commonalty and Citizens of the ſaid City of London, for the time being, ſhall and may have the rule, order and government of the ſaid Hoſpital, and of the poor people therein for the time being; Any thing in this Act to the contrary notwithſtanding.

The poor in St. Thomas Hoſpital in Southwark.

X. Provided always, That this Act, or any thing therein contained, or any authority thereby given, ſhall not in any wiſe extend to diſinherit, prejudice or hinder John Dutton of Dutton in the County of Cheſter, Eſquire, his heirs or aſſigns, for, touching or concerning any liberty, preheminence, authority, juriſdiction or inheritance which the ſaid John Dutton now lawfully uſeth, or hath, or lawfully may or ought to uſe within the County Palatine of Cheſter, and the County of the City of Cheſter, or either of them, by reaſon of any antient Charters of any Kings of this Land, or by reaſon of any preſcription, uſage or title whatſoever.

43 El. 9. Sect. 27. John Dutton of Dutton in the County of Cheſter, his liberties.

XI. And be it further enacted by the authority aforeſaid, That all fines and forfeitures appointed, or to grow by this preſent Act, (except ſuch as are otherwiſe limited and appointed by this preſent Act) ſhall wholly go and be imployed to the uſe of the reparations and maintenance of the ſaid Houſes of correction, and ſtock and ſtore thereof, or relief of the poor where the offence ſhall be committed, at the diſcretion of the Juſtices of the Peace of the ſame limit, City, Borough or Town-corporate: (2) And that all fines and forfeitures appointed or to grow by conviction of any perſon according to this preſent Act, ſhall by Warrant under the hands and ſeals of any two or more of the Juſtices of the Peace of the ſame County, City, Borough or Town-corporate, be levied by diſtreſs and ſale of the goods and chattels of the offendor; which ſale ſhall be good in the Law againſt ſuch offendor: (3) And that if any of the ſaid offences ſhall be confeſſed by the offendor, or that the ſame ſhall be proved by two ſufficient and lawful witneſſes, before ſuch two or more Juſtices of the Peace, that then every ſuch perſon ſhall forthwith ſtand and be in the Law convicted thereof.

The imploying of the forfeitures.

Confeſſion or proof of an offence, ſhall be a conviction of the offendor.

XIII. And be it alſo further enacted by the authority aforeſaid, That any two or more Juſtices of the Peace within all the ſaid ſeveral Shires, Cities, Boroughs or Towns-corporate, whereof one to be of the Quorum, ſhall have full power by authority of this preſent Act, to hear and determine all cauſes that ſhall grow or come in queſtion by reaſon of this Act.

The Juſtices of Peace may hear and determine all cauſes in queſtion.

XII And be it alſo further enacted by the authority aforeſaid, That the Lord Chancellor or Keeper of the great Seal of England for the time being, ſhall and may at all times hereafter, by virtue of this preſent Act, without further warrant, make and direct Commiſſion or Commiſſions under the great Seal of England, to any perſon or perſons, giving them or ſome of them thereby authority, as well by the oaths of good and lawful men, as of witneſſes

Commiſſions to enquire of money given to houſes of correction, or for ſtocks for the poor.

2 Roll. 387.

or examination of parties, or by any other lawful ways or means whatſoever, to enquire what ſums of money or other things have been or ſhall be collected or gathered for or towards the erection of any Houſes of correction, or any ſtocks or other thing to ſet poor on work, or for the maintenance thereof, at any time after the ſeventeenth day of November, in the eighteenth year of the Reign of the Queens moſt excellent Majeſty, and by whom the ſame were or ſhall be collected or gathered, and to whoſe hands comen, and to what uſe, and by whoſe direction the ſame was or ſhall be imployed: (2) and to call all and every ſuch perſon and perſons, and their ſureties, and every of their executors or adminiſtrators, to an account, and to compel them and every of them by attachment of their goods or bodies, to appear before them for the ſame, and to hear and determine the ſame, (3) and to levy ſuch money and things as they ſhall find not to have been duly imployed upon the ſaid Houſes of correction, or ſtocks, or upon other like uſes, having in ſuch other like uſes, reſpect of things paſt by the ſaid Commiſſioners to be allowed of, either by diſtreſs and ſale of the goods and chattels of ſuch perſons as they ſhall think fit to be chargeable or anſwerable for the ſame, or by impriſonment of their bodies at their diſcretion, (4) and that the ſaid Commiſſioners ſhall have full power and authority to execute the ſame Commiſſion according to the tenor and purport thereof: And that all their proceedings, doings, judgments and executions by force and authority thereof, ſhall be and remain good and available in the Law: (5) Which ſaid money ſo levyed by the ſaid Commiſſioners, ſhall be delivered and imployed for the erecting or maintenance of the ſame.

A ſea-fairing man ſuffering ſhipwrack.

XIV. Provided always nevertheleſs, That every ſea-faring man ſuffering ſhipwrack, not having wherewith to relieve himſelf in his Travels homewards, but having a Teſtimonial under the hand of ſome one Juſtice of the Peace of or near the place where he landed, ſetting down therein the place and time where and when he landed, and the place of the parties dwelling or birth unto which he is to paſs, and a convenient time therein to be limited for his paſſage, ſhall and may, without incurring the danger and penalty of this Act, in the uſual ways directly to the place unto which he is directed to paſs, and within the time in ſuch his Teſtimonial limited for his paſſage, ask and receive ſuch relief as ſhall be neceſſary in and for his paſſage.

Children under the age of ſeven years. Glaſs-men.

XV. Provided alſo, That this Statute, nor any thing therein contained, ſhall extend to any Children under the age of ſeven years; nor to any Glaſs-men as ſhall be of good behaviour, and do travel in or through any Countrey without begging, having licence for their travelling, under the hands and ſeals of three Juſtices of the Peace of the ſame County where they travel, whereof one to be of the Quorum.

Proclamation of this Act.

XVI. And be it alſo further enacted by the authority aforeſaid, That this preſent Act ſhall be proclaimed in the next Quarter Seſſion or Seſſions in every County, and in ſuch other Market Towns or places, as by the more part of the Juſtices of the Peace in the ſaid Seſſion ſhall be agreed and appointed. This Act to endure to the end of the firſt Seſſion of the next Parliament. 3 Car. 4. continued until the end of the firſt Seſſion of the next Parliament. Stat. 1 Jac. 7. 1 Jac. 25.

CAP. V.

An Act for erecting of Hoſpitals, or abiding and Working Houſes for the Poor.

35 El. 7. Sc& 27. N. 1. Hoſpitals, Raſt. 7. Any perſon may erect an Hoſpital or Houſe of correction, which may purchaſe and enjoy goods or lands not exceeding the yearly value of CCl. &c. A rehearſal of the Statute of 35 Eliz. 4. Co. Inſt. 2 part, 720. Any perſon may erect an Hoſpital or Houſe of correction.

8 Inſt. 729

Whereas at the late Seſſion of Parliament, proviſion was made as well for maimed Souldiers by Collection in every Pariſh, as for other poor, that it ſhould be lawful for every perſon, during twenty years next after the ſaid Parliament, by Feoffment, Will in writing, or other Aſſurance, to give and bequeath in Fee-ſimple, as well to the uſe of the poor, as for the proviſion, ſuſtentation, or maintenance of any Houſe of correction, or abiding Houſes, or of any Stocks or Stores, all or any part of his Lands, Tenements, or Hereditaments: (2) Her moſt excellent Majeſty underſtanding and finding that the ſaid good Law hath not taken ſuch effect as was intended, by reaſon that no perſon can erect or incorporate any Hoſpital, Houſes of correction, or abiding places, but her Majeſty, or by her Highneſs ſpecial Licence by Letters Patents under the Great Seal of England in that behalf to be obtained: (3) Her Majeſty graciouſly affecting the good ſucceſs of ſo good and charitable works, and that without often ſuit unto her Majeſty, and with as great eaſe and little charge as may be, is of her Princely care and bleſſed diſpoſition to and for the relief and comfort of maimed Souldiers, Mariners, and other poor and impotent people, pleaſed and contented that it be enacted by authority of this preſent Parliament, (4) and be it enacted by the authority of this preſent Parliament, That all and every perſon and perſons ſeized of an Eſtate in Fee ſimple, their Heirs, Executors or Aſſigns, at his or their wills and pleaſures, ſhall have full power, ſtrength, licence and lawful authority, at any time during the ſpace of twenty years next enſuing, by Deed inrolled in the High Court of Chancery, to Erect, Found and Eſtabliſh one or more Hoſpitals, Meaſons de Dieu, Abiding place, or Houſes of correction, at his or their will and pleaſure, as well for the finding, ſuſtentation and relief of the maimed, poor, needy or impotent people, as to ſet the poor to work, to have continuance for ever, and from time to time to place therein ſuch Head and Members, and ſuch number of poor as to him, his heirs and aſſigns ſhall ſeem convenient: (5) And that the ſame Hoſpitals or Houſes ſo founded, ſhall be incorporated, and have perpetual ſucceſſions for ever, in fact, deed and name, and of ſuch Head, Members, and numbers of poor, needy, maimed or impotent people as ſhall be appointed, aſſigned, limited or named by the Founder or Founders, his or their heirs, executors or aſſigns, by any ſuch Deed inrolled: (6) And that ſuch Hoſpital, Meaſon de Dieu, abiding place or houſe of correction, and the perſons therein placed, ſhall be incorporated, named, and called by ſuch name as the ſaid Founder or Founders, his heirs, executors or aſſigns, ſhall ſo limit, aſſign and appoint: (7) And the ſame Hoſpital, Meaſon de Dieu, abiding place, or houſe of correction ſo incorporated and named, ſhall be a body corporate and politick, and ſhall by that name of incorporation, have full power, authority, and lawful capacity and ability to purchaſe, take, hold, receive, enjoy and have, to them and to their

Incorporation of the Hoſpital by the Founder.

The Hoſpital or Houſe of correction ſhall be named by the Founder.

The Hoſpital ſhall be a body politick and corporate.

The Hoſpital may purchaſe goods or lands.

their ſucceſſors for ever, as well goods and chattels, as manors, lands, tenements and hereditaments, being freehold, of any perſon or perſons whatſoever: So that the ſame exceed not the yearly value of two hundred pounds above all charges and repriſes, to any one ſuch abiding houſe, Hoſpital, Meaſon de dieu, or Houſe of correction, and ſo as the ſame, or any part thereof, be not holden of our Sovereign Lady the Queen, her Heirs or Succeſſors, immediately in chief, or elſe of our ſaid Sovereign Lady the Queen, or any other perſon by Knights ſervice, without Licence or Writ Ad quod damnum; the Statute of Mortmain, or any other Statute or Law to the contrary notwithſtanding: (8) And that the ſame Hoſpital, Meaſon de dieu, abiding place or houſe of correction, and the perſons ſo being incorporated, founded and named, ſhall have full power, and lawful authority by the true name of the incorporation thereof, to ſue and to be ſued, implead and to be impleaded, to anſwer and to be anſwered in all manner of Courts and Places that now are, or hereafter ſhall be within this Realm, as well temporal as ſpiritual, in all manner of Suits whatſoever, and of what nature and kind ſoever ſuch Suits or Actions be or ſhall be: (9) And that the ſame Hoſpital, Meaſon de Dieu, abiding houſe, or houſes of Correction, ſhall have and enjoy for ever ſuch a common Seal or Seals as by the ſaid Founder or Founders, his or their heirs, executors or aſſigns, ſhall be in writing under his or their hand and ſeal aſſigned, named or appointed, whereby the ſame Corporation ſhall or may ſeal any manner of Inſtrument touching the ſame Incorporation, and the Lands, Tenements, Hereditaments, Goods, or other things thereto belonging, or in any wiſe touching or concerning the ſame: (10) And further ſhall be ordered, directed, and viſited, placed, or upon juſt cauſe diſplaced, by ſuch perſon or perſons, bodies politick or corporate, their heirs, ſucceſſors or aſſigns, as ſhall be nominated or aſſigned by the Founder or Founders thereof, their heirs or aſſigns, according to ſuch Rules, Statutes and Ordinances as ſhall be ſet forth, made, deviſed or eſtabliſhed by the ſaid Founder or Founders, their heirs or aſſigns, in writing under his or their hand and ſeal not being repugnant or contrary to the Laws and Statutes of this Realm; Any Law, Statute, Cuſtom, Uſage, or other thing whatſoever to the contrary in any wiſe notwithſtanding: (11) And that it ſhall be lawful unto the Founder or Founders, his and their heirs or aſſigns, upon the death or removing of any head or member of any ſuch Corporation, to place one other in the room of him that dyeth, or is removed, ſucceſſively for ever.

The Hoſpital may ſue and be ſued.

The Hoſpital ſhall have a common Seal.

The ordering directing and viſiting of an Hoſpital.

The ſtatutes and ordinances of an Hoſpital.

The Founder may place the head and members.

II. Provided always, That all Leaſes, Grants, Conveyances or Eſtates to be made by any Corporation ſo to be founded as aforeſaid, exceeding the number of one and twenty years, and that in poſſeſſion, and whereupon the accuſtomable yearly rent or more, by the greater part of twenty years next before the taking of ſuch Leaſe, ſhall not be reſerved and yearly payable, ſhall be void: (2) Saving to all perſons, bodies politick and corporate, their heirs and ſucceſſors (other then the founders and givers, their heirs and ſucceſſors) all ſuch right, title, claim, poſſeſſion, rents, ſervices, commons, demands, intereſt and profits which they or any of them ſhall have, or of right ought to have, of, in or to any the lands, tenements or hereditaments hereafter to be given, limited or aſſigned in form aforeſaid, in as ample manner as if this Statute had never been had or made.

Leaſes made by Hoſpitals.

A ſaving of the right of others in the Hoſpital lands.

III. Provided alſo, That this Act, or any thing therein contained, ſhall not extend to enable any perſon or perſons being within age, women covert, without their huſbands, or of not ſanæ memoriæ, to make any ſuch Corporation, or to endow the ſame; Any thing in this preſent Act to the contrary thereof in any wiſe notwithſtanding.

Certain perſons not enabled to create Hoſpitals.

IV. Provided always, That no ſuch Hoſpital, Meaſon de Dieu, Abiding place, or Houſe of correction ſhall be erected, founded or incorporated by force of this Act, unleſs upon the foundation or erection thereof, the ſame be endowed for ever with lands, tenements or hereditaments of the clear yearly value of x. l. by the year.

x. l. Land at the leaſt ſhall be aſſured to an Hoſpital.

V. Provided alſo, and be it further enacted, That no ſuch incorporation to be founded by force of this Act, ſhall at any time hereafter do, or ſuffer to be done, any Act or thing whereby, or by means whereof any of the lands, tenements, hereditaments, ſtock, goods or chattels of ſuch incorporation, or any eſtate, intereſt, poſſeſſion or property of or in the ſame, or any of them, ſhall be veſted or transferred in or to any other whatſoever, contrary to the true meaning of this Act: (2) And that ſuch conſtruction ſhall be made upon this Act as ſhall be moſt beneficial and available for the maintenance of the poor, and for repreſſing and avoiding of all Acts and devices to be invented or put in ure contrary to the true meaning of this Act. 21 Jac. 1. made perpetual.

The conſtitution of this Act.

CAP. VI.

Moor 559. pl. 762.

Commiſſion may be awarded to certain perſons, to enquire of Lands or Goods given to Hoſpitals, or other charitable uſes, miſemployed, and to reform them. REP. 43 El. 9. Saving for the execution of Orders and Decrees before made by Commiſſioners according to this Statute.

Hoſpitals, Raſt. 8. Co. Inſt. 4 p. 166.

CAP. VII.

The Queen may ſell her Accomptant or Debtors Lands in his life-time, and after his death. To which Accomptant only this Statute doth extend. There ſhall be no ſale of Land where the Debtor hath a Quietus eſt, If the Queen be ſatisfied, the Sureties ſhall be diſcharged. What Proceſs ſhall be awarded where the Debt doth grow in the Court of Wards or Dutchy. Proceſs ſhall be awarded againſt the Terre-tenant before the ſale of his Land. EXP. 13 El. 4. 27 El. 3. 43 El. 9.

Debt to the King, Raſt. 9.

CAP. VIII.

An Act concerning the confirmation and eſtabliſhment of the deprivation of divers Biſhops and Deans, in the beginning of her Majeſties Reign.

Whereas divers and ſundry perſons exerciſing the office and function of Biſhops and Deans of divers Sees and Biſhopricks, and Deanries within this Realm, in the Reign of our late Sovereign Lady Queen Mary, were before the tenth day of November, in the fourth year of the moſt happy and bleſſed Government of the Queens moſt excellent Majeſt that now is, lawfully and juſtly deprived from ſuch Biſhopricks and Deanries as they ſeverally enjoyed, and took upon them to hold, and in their ſteads and places ſundry excellent and worthy men duly preferred to the ſame: (2) and whereas the paties ſo deprived did notwithſtanding, as it is pretended, make ſecret Appeals, and uſed other ſecret means, pretending thereby to ſupport the continuance of their ſaid offices and functions:

II. Be it therefore declared and enacted by the authority of this preſent Parliament, That all and

Biſhops 7. Every deprivation of any Biſhop or Dean made in the beginning of the Queens Reign, ſhall be good; and Archbiſhops, Biſhops and Deans made by the Queen, ſhall be adjudged lawful.

and every deprivation and deprivations, and all and every ſentence and ſentences of deprivation whatſoever, had, pronounced or given at any time between the beginning of the Reign of the Queens moſt excellent Majeſty that now is, and the tenth day of November in the fourth year of the ſame, againſt any perſon or perſons which was, or took upon him to be Archbiſhop or Biſhop of any See or Biſhoprick, or Dean of any Deanry within this Realm, or any the Dominions thereof, in the Reign of the ſaid late Queen Mary, from ſuch See or Biſhoprick ſhall be adjudged, deemed and taken good and ſufficient in Law, to all intents and purpoſes, and ſo ſhall remain and continue; Any appeal, exception, or other matter or thing whatſoever, to the contrary thereof in any wiſe notwithſtanding:

8 Eliz. 1.

III. And be it further enacted by the authority aforeſaid, That all ſuch Archbiſhops and Biſhops, and Deans, as were ordained or made by the authority or licence of the Queens Majeſty that now is, at any time between the beginning of her Reign and the ſaid tenth day of November in the fourth year of her Majeſties Reign, ſhall be taken and adjudged to be lawful Archbiſhop or Biſhop of the See or Biſhoprick, and Dean of the Deanry unto the which he was ſo preferred, aſſigned or appointed: (2) And that the ſame See of Archbiſhoprick or Biſhoprick and Deanry unto which he was preferred, aſſigned or appointed, ſhall be deemed and adjudged to be meerly void to all reſpects and purpoſes, before ſuch preſentment, appointment or aſſignment ſo made as aforeſaid; Any ambiguity or queſtion in that behalf heretofore made, or hereafter to be made to the contrary in any wiſe notwithſtanding.

CAP. IX.

An Act for taking away of Clergy from offendors againſt a certain Statute made in the third year of the Reign of King Henry the Seventh, concerning the taking away of Women againſt their wills unlawfully.

Women 13. He that taketh away a woman againſt her will that hath lands or goods, or is heir apparent to her anceſtor, ſhall loſe his Clergy. 3 H. 7. 2.

Whereas of late times divers women, as well maidens, as widows and wives having ſubſtance, ſome in goods moveable, and ſome in lands and tenements, and ſome being heirs apparent to their anceſtors, for the lucre of ſuch ſubſtance, been oftentimes taken by miſdoers, contrary to their will, and afterward married to ſuch miſdoers, or to others by their aſſent, or defiled, to the great diſpleaſure of God, and contrary to your Highneſs Laws, and diſparagemen of the ſaid women, and great heavineſs and diſcomfort of their Friends, and ill example of others; (2) which offences, albeit the ſame be made felony by a certain Act of Parliament made in the third year of King Henry the ſeventh, yet foraſmuch as Clergy hath been heretofore allowed to ſuch offendors, divers perſons have attempted and committed the ſaid offences, in hope of life by the benefit of Clergy, Be it therefore enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporol, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every ſuch perſon and perſons as at any time after the end of this preſent Seſſion of Parliament, ſhall be convicted or attainted of or for any offence to be committed after the end of this preſent Seſſion of Parliament, made felony by the ſaid Act of the third year of the Reign of King Henry the ſeventh, or which ſhall be indicted and arraigned of or for any ſuch offence, and ſtand mute, or make no direct anſwer, or challenge peremptorily above the number of twenty, ſhall in every ſuch caſe, loſe his and their benefit of Clergy, and ſhall ſuffer pains of death without any benefit of Clergy; Any former Law to the contrary notwithſtanding.

Principals, procurers, or acceſſaries before the offence.

II. Provided always, that this Act, nor any thing therein contained, ſhall not extend to take away the benefit of Clergy, but only from ſuch perſon and perſons as hereafter ſhall be principals, or procurers or acceſſaries before ſuch offence committed.

CAP. X.

An Act for the increaſe of Mariners, and for maintenance of the Navigation, repealing a former Act made in the 23. year of her Majeſties Reign, bearing the ſame title.

Ships, Raſt. 21. Fiſh, The Stat. of 23 El. 7. reſtraining Engliſh-men to go or ſend into any foreign Countrey to buy or bring into this Realm ſalted Herring, or ſalted Fiſh, repealed, &c. A rehearſal of the ſaid Statute.

Where at the Parliament holden by prorogation the ſixteenth day of January, in the twenty third year of the Reign of our moſt gracious Sovereign Lady Queen Elizabeth, an Act was made, (entituled, An Act for the increaſe of Mariners, and for maintenance of the Navigation) whereby, amongſt other things, it was enacted, That it ſhould not be lawful to any native Engliſh-man, woman, or denizen, at any time after a time limited in the ſame Act, directly or indirectly, by themſelves, their ſervants, factors, agents, deputies, or any of them whatſoever, to go or ſend into any other foreign Countrey, Realm or Dominion whatſoever, for the buying, providing or bringing into this Realm, out or from any the ſaid foreign Realms or Dominions out of the Queens obeyſance, of any ſalted Fiſh, or ſalted Herrings, nor ſhould make any agreement with any alien or ſtranger, or any other, for ſuch bringing into this Realm by any alien or ſtranger, of any ſalted Fiſh, or ſalted Herrings, (2) and that no ſalted Fiſh, nor ſalted Herrings ſhould be brought hither out of the ſaid foreign Realms and Dominions, but by the meer Owners thereof, or Deputies of them, being aliens and ſtrangers, without the procurement of any Subject of the Queens Majeſty, her heirs or ſucceſſors, or of any denizen, and by none other perſon or perſons; (3) upon pain that ſuch Engliſh perſon or denizen offending againſt that Act, ſhould forfeit the ſame ſalted Herrings and ſalted Fiſh, or the value thereof, with divers other clauſes and branches in the ſame Statute contained, touching the bringing of Fiſh into this Realm, and the buying and ſelling of Fiſh, as by the ſame Act at large appeareth: (4) Upon the making of which Act it was hoped and expected, that the Fiſhermen of this Realm would in ſuch ſort have employed themſelves to fiſhing, and to the building and preparing of ſuch ſtore of Boats and Shipping for that purpoſe, as that they ſhould long ere this time have been able ſufficiently to have victualled this Realm with ſalted Fiſh and Herrings of their own taking, without any ſupply of aliens and ſtrangers, to the great increaſe of Mariners, and maintenance of the Navigation within this Realm: (5) notwithſtanding, it is ſince found by experience, that the Navigation of this Land is no whit bettered by the means of that Act, nor any Mariners increaſed, nor like to be increaſed by it; but contrariwiſe, the natural Subjects of this Realm, not being able to furniſh the

What was expected by the aforeſaid Statute.

the tenth part of the ſame with ſalted Fiſh of their own taking, the chief proviſion and victualling thereof with Fiſh and Herrings, hath ever ſince the making of the ſame Statute, been in the power and diſpoſition of Aliens and Strangers, who thereby have much enriched themſelves, greatly increaſed their Navigation, and (taking advantage of the time) have extremely enhanced the prices of the victual, to the great hurt and impoveriſhing of the native Subjects of this Realm, and yet do ſerve the markets here in very evil ſort, by little and little, houſeing and keeping their Fiſh as well on this ſide, as beyond the Seas, till the prices be raiſed to their liking; (6) And the Merchants of this Realm having been wholly barred in their Trades of providing of Fiſh for the ſervice thereof, the Navigation of this Realm, which was intended to be augmented, hath been rather impaired then increaſed thereby, and the prices of Fiſh greatly enhanced, to the great and general prejudice of the Subjects of this Realm, to carry out into foreign Parts and Dominions ſuch ſalted Fiſh and Herrings as are taken and provided by the Subjects of this Realm, and therefore very unequal that the native Subjects of this Land ſhould not be at liberty to bring in alſo foreign proviſion of Fiſh for the victualling of their own Country, as well as to carry out, but that the ſtranger ſhould be wholly truſted therewith:

The inconveniencies enſuing the making of the ſaid Statute.

They which may carry fiſh forth of this Realm, may alſo bring in fiſh.

II. Be it therefore enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſame Statute made in the ſaid three and twentieth year of her Majeſties moſt gracious Reign, and every clauſe, branch article and proviſo thereof, and all the penalties and forfeitures therein contained, ſhall from henceforth be clearly repealed, void, fruſtrate, and of none effect, to all intents, conſtructions and purpoſes, as if the ſame had never been had ne made; Any thing in the ſame Act contained to the contrary thereof in any wiſe notwithſtanding.

III. And be it further enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, That it ſhall and may be lawful for all and every her Majeſties Subjects being Owners of any Ships, Barks or Veſſels ſailing with croſs Sails, to receive and take into their ſaid Ships, Barks or Veſſels, any Herrings or other Fiſh, which any alien or ſtranger ſhall buy and provide of any of her Majeſties Subjects within this Realm, and the ſame Herrings and Fiſh, or any of them, may tranſport into any parts beyond the Seas being in league or amity with her Majeſty, in their ſaid Ships or Veſſels with croſs Sails; ſo as the ſaid aliens or ſtrangers pay to her Majeſty her Cuſtoms and Duties for the ſame, in ſuch ſort as by the ſame former Act was limited and appointed.

The Queens Subjects may tranſport fiſh in ſhips with croſs ſails.

IV. And be it enacted by the authority aforeſaid, That all aliens and ſtrangers ſhall from henceforth, and from time to time, pay to her Majeſty for all ſalted Fiſh and ſalted Herrings to be brought into this Realm, all ſuch like Cuſtoms and Impoſitions as are or ſhall be impoſed and ſet upon any her Majeſties Subjects in thoſe foreign Regions and Countries, Ports and Towns from whence the ſaid ſalted Fiſh and ſalted Herrings ſhall be ſhipped and brought, for the like Fiſhes and Herrings, over and beſides the ordinary Cuſtoms which have been paid to her Majeſty for the ſame, in manner and form as by the ſame Act was enacted and appointed.

What cuſtoms aliens ſhall pay to the Queen for fiſh brought into this Realm

V. And be it further enacted by the authority aforeſaid, That if any alien or ſtranger born, or any denizen or natural born ſubject of this Realm, ſhall bring into any haven, port, creek or town of this Realm, any ſalt Fiſh or ſalt Herrings, which ſhall not be good, ſweet, ſeaſonable, and meet for mens meat, and ſhall offer the ſame to be ſold, and ſhall be warned by any Officer of ſuch port, haven or town where the ſame ſhall be offered to be ſold, that the ſame be not ſeaſonable nor meet for mens meat, That then if he or they ſhall after that, offer any of the ſaid unſeaſonable Fiſh to be ſold to any perſon within this Realm, or being an alien born, and no denizen, ſhall not depart with the ſame from the ſaid haven, port or town, ſo ſoon as conveniency will ſerve, That then all and every perſon, owners thereof, ſhall loſe and forfeit to our ſaid Sovereign Lady, all the ſaid unſeaſonable Fiſh unmeet for mens meat, as before is ſaid.

The penalty for bringing into this Realm and offering to ſell unwholſom fiſh.

VI. And be it likewiſe enacted, That all Ordinances of the Fiſhmongers of London, or of any other Company or Corporation whatſoever, made or to be made for reſtraint of any perſon to take or ſell fiſh, or to buy or provide any Fiſh of any Merchant, or other within this Realm, ſhall be repealed and void: (2) And that every perſon and body corporate that ſhall make or execute any ſuch Ordinance or Reſtraint, ſhall for every ſuch offence forfeit one hundred pounds; the one moiety thereof to the Queens Majeſty, her Heirs and Succeſſors, and the other moiety to the party grieved that will ſue for the ſame by Action of Debt, in any Court of Record, wherein no Eſſoin, Protection or Wager of Law for the Defendant ſhall be allowed.

Ordinances to reſtrain the taking, ſelling, or buying of fiſh, ſhall be void. REP. 43 El. 9.

VII. Provided always, That this Act ſhall no longer endure then to the end of the next Parliament hereafter enſuing. 3 Car. 4. continued until the end of the firſt Seſſion of the next Parliament.

CAP. XI.

An Act for the better execution of the Statute made in the 23. year of the Queens Reign, for the aboliſhing of Logwood, alias Blockwood, in the dying of Cloth, Wool or Yarn.

Whereas by an Eſtatute lately made in the three and twentieth year of the Queens Majeſties Reign that now is, it was amongſt other things Enacted, That no perſon ſhould dye, or cauſe to be dyed, any Cloth, Wooll, or other things there mentioned, with any Stuff called Logwood, alias Blockwood, upon ſuch penalty as in the ſaid Statute is mentioned: (2) Since the making of which Statute, ſundry evil diſpoſed perſons have ſought to defraud the true meaning of the ſaid Statute, and to avoid the penalty therein contained, by cunning uſing or mixing of the ſaid Logwood, alias Blockwood, together with Woad or other Stuff; which is not only contrary to the true meaning of the ſaid former Act, and to the great deceit of her Majeſties loving Subjects, but alſo to the diſcredit of the Trade of Clothing, eſpecially in foreign Countries, where heretofore Engliſh Clothes have been had in good ac-

Dying 2. The penalty for mixing or uſing Logwood in dying of Cloth or other Stuff.

Deceits practiſed to abuſe the meaning of the Statute of 23 Eliz. 9. touching dying with Logwood.

count and reckoning: (3) For redreſs of which fraude, and to the intent the ſaid practice may hereafter be the better diſcovered (which being cloſely and ſecretly done by the offendors, will otherwiſe hardly be found out,) and that the ſaid practice, according to the true intent and meaning of the ſaid former Statute, be henceforth utterly aboliſhed;

A Juſtice of Peace may examine the ſervants or workmen of a ſuppoſed offendor.

The penalty.

II. Be it therefore ordained and enacted by the authority of this preſent Parliament, That if any perſon ſhall be ſo ſuſpected to offend, Then any Juſtice or Juſtices of Peace of the ſame County where the ſaid ſuppoſed offendor ſhall dwell, if he dwell out of a corporate Town or City, and if he dwell within any corporate Town or City, then the Mayor, Bayliff, or other head-Officer, being a Juſtice of Peace of ſuch corporate Town or City where ſuch ſuppoſed offendor ſhall dwell, upon notice or information to him or them given in that behalf, ſhall by authority of this Act, by his or their warrant or other commandment, cauſe to come before him or them, the ſervants and workmen of ſuch ſuppoſed offendors, and other perſons able to diſcloſe the ſaid deceit, and them to examine by their oath or otherwiſe; (2) and if upon the ſame examination they ſhall find any perſon or perſons after the firſt day of February next enſuing, to have uſed, or cauſed to be uſed, in the dying or colouring of any Cloth, wooll, yarn, grograins, buffins, or ſilk, or any thing made of woollen yarn or ſilk, any Logwood, alias Blockwood, or now, or heretofore reputed and taken for Logwood, alias Blockwood, that then the ſaid Juſtices or Juſtice, Mayor, Bayliff, or other head-Officer, being a Juſtice of Peace, ſhall not only bind with ſurety all ſuch perſon or perſons whom they ſhall find ſo ſuſpected to have offended, and ſuch others as may diſcover the ſame offence, to the next Quarter-Seſſions or Gaol-delivery which ſhall happen to be holden for that County, City or Town-corporate, but alſo to certifie all ſuch examinations and depoſitions as tend to the finding out or diſcovery of the ſaid offences, at the Gaol-delivery or Quarter-Seſſions: (3) And alſo if any ſuch perſon ſo ſuſpected to have offended, upon examination aforeſaid, ſhall refuſe to be bound as aforeſaid, then the ſaid perſon or perſons ſo refuſing, to be committed to the next Gaol, there to remain till he, ſhe or they, ſhall ſo become bound with ſureties: (4) And that the ſaid Juſtices of Aſſize, or Juſtices of Peace, at ſuch Gaol-delivery or Quarter-Seſſions ſhall have authority by this Act, to indict and try the offendors by the uſual courſe of indictments and trials in like caſes; (5) And after ſuch conviction, to adjudge the ſaid offendors to be ſet openly upon the Pillory, in the ſaid City or Market Town where the ſame offence ſhall be committed; and if it ſhall not be in any Market Town, then in the next Market Town adjoining in the ſame County, there to continue by all the time of the Market, one or mo days by their diſcretion, for every ſuch offence; (6) And further, that every ſuch offendor beſide his ſaid corporal puniſhment, ſhall forfeit for every ſuch offence the ſum of xx. l. The one moiety of which ſum of money ſhall be to our Sovereign Lady the Queens Majeſty, her Heirs and Succeſſors, and the other moiety to him that will ſue for the ſame, by Action of debt, bill, plaint or information, in any Court of Record, in which Suit no eſſoin, protection, wager of Law nor Writ of priviledge for the Defendant ſhall be admitted or allowed; (7) And the party offending being thereof convicted, to remain in priſon without bail or mainprize, till he have ſatisfied the ſame. St 14 Car. 2. cap. 11.

CAP. XII.

Labourers, Raſt. 39.

What Workmen or Labourers Juſtices of Peace may aſſeſs, &c. EXP. St. 1 Jac. 6. 1 Jac. 25. 21 Jac. 28.

CAP. XIII.

An explanation of an Act made in the Eleventh year of King Henry the Seventh, for Fuſtians.

Fuſtians 2. The Lord Mayor of London, &c. may ſearch all perſons occupying the broad ſhear. 11 H. 7. 27.

Shearmen and Fullers in London made one Company.

Whereas by an Act made in the eleventh year of King Henry the Seventh, the Mayor and Wardens of Shear-men of the City of London for the time being, ſhould have authority to enter and ſearch the workmanſhip of all manner of perſons occupying the broad Shear, as well Fuſtians as Cloth, and the execution of the ſaid Act for uſing any inſtruments of Iron, or other untrue mean or ſleight in dreſſing the ſame: (2) Since which time, for that the Lord Mayor of London cannot coveniently go in his own perſon to make the ſaid ſearch, by reaſon of his other weighty occaſions, divers have reſiſted the Wardens of the Shear-men going abroad in offering to make ſearch according to the ſaid Law, and for want of due and daily ſearch in that behalf, divers have of late days put in ure the Iron inſtruments, and other ſleights forbidden by the recited Act, to the great deceit of her Majeſties people, amongſt whom the wearing of Fuſtians is lately grown to more uſe, as may ſeem, than ever it was beforetime, (3) Which company of Shear-men, together with the company of Fullers, were ſince the ſaid Act made one Company by the name of Cloth-workers, and ſo no ſearch can be duly made: (4) For remedy hereof,

The Mayor and Cloth-workers of London, or their Deputies, may ſearch the work of all perſons there, &c.

The forfeiture of them which make reſiſtance to be ſearched.

II. Be it therefore enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from henceforth it ſhall and may be lawful to and for the ſaid Lord Mayor of the City of London, or his ſufficient Deputy, and to and for the Maſter and Wardens of the ſaid Myſtery of Cloth workers of London, or ſuch diſcreet perſons as the ſaid Maſter and Wardens of the ſaid Myſtery of Cloth-workers for the time being, ſhall from time to time appoint, to enter and make ſearch, as the ſaid Mayor of London, and Wardens of Shear-men might have done together, by the ſaid Act in the ſaid xi. year of King Henry the Seventh, (2) upon pain that the perſon or perſons which ſhall make reſiſtance herein, ſhall forfeit for every ſuch reſiſtance, xx. s. of lawfull money of England, the one half to her Majeſty, and the other half to him or them that will ſue for the ſame by action of debt, bill, plaint, or information in any of the Queens Courts of Record where the ſame may be determined after the courſe of the Common Law; And that the defendant in ſuch caſe in no wiſe be admitted to wage his Law, nor that any protection or eſſoin be in the ſame allowable.

CAP.

CAP. XIV.

An Act prohibiting the bringing into this Realm of any foreign Cards for Wooll.

Cards 1. No Cards for Wooll ſhall be brought into this Realm to be ſold.

WHereas many thouſands of Woollen Card-makers, and Card-wyer-drawers of the Cities of London, Briſtol, Glouceſter, Norwich, Coventry, and of many other her Highneſs Cities and Towns within this Realm, have heretofore lived, and well maintained themſelves, their wives, families and children by the benefit and uſe of their trade and faculty of Card-making and drawing of Card-wyer within this Realm: (2) And now of late time, by reaſon of the common bringing in of foreign Cards for Wooll, out of France, and other foreign parts, the ſaid Card-makers and Card-wyer-drawers have been ſo much impoveriſhed, that ſcant the twentieth perſon that heretofore lived by the ſaid Trades, is now maintained and ſet on work thereby:

II. Be it enacted by our Sovereign Lady the Queens Majeſty, and by the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that no perſon or perſons whatſoever, from or after the Feaſt day of the Purification of the bleſſed Virgin St. Mary now next enſuing, ſhall bring, ſend or convey, or cauſe to be brought, ſent or conveyed into this Realm of England or Wales, from the parts beyond the Seas, any Cards for Wooll to be ſold, bartered or exchanged within the Realm of England or Wales, (2) upon pain to forfeit all ſuch Cards for Wooll, ſo to be brought, ſent or conveyed contrary to the true meaning of this Act, in whoſe hands ſoever they, or any of them ſhall be found, or the very value thereof, the one half whereof to be to our ſaid Sovereign Lady the Queens Majeſty, her Heirs and Succeſſors, and the other moiety thereof to him or them that will ſeiſe the ſame, or ſue therefore in any Court of Record of the Queens Majeſty, her Heirs and Succeſſors, by action of debt, bill, plaint, information or otherwiſe, in which actions, ſuits, plaints or informations, no wager of Law, eſſoin or protection ſhall be allowed. (3) This Act to endure to the end of the firſt Seſſion of the next Parliament. 3 Car. 4. Continued until the end of the firſt Seſſion of the next Parliament. 14 Car. 2. cap. 19.

CAP. XV.

An Act, that no perſon robbing any houſe in the day time, although no perſon be therein, ſhall be admitted to have the benefit of his Clergy.

Inſt. 6.

Clergy 13.

WHereas of late years divers lewd and felonious perſons underſtanding that the penalty of robbing of houſes in the day-time (no perſon being in the houſe at the time of the robbery) is not ſo penal as to commit or do a robbery in any houſe, any perſon being therein at the time of the robbery; which hath and doth embolden divers lewd perſons to watch their opportunity and time to commit and do many hainous robberies, in breaking and entring divers honeſt perſons houſes, and eſpecially of the poorer ſort of people, who by reaſon of their poverty are not able to keep any ſervant, or otherwiſe to leave any body to look to their houſe when they go abroad to hear Divine Service, or from home to follow their labour to get their living, which is to the hinderance and loſs of good Subjects, and the utter impoveriſhing of many poor widows, ſole women, and other people:

He ſhall not have his Clergy that robbeth a houſe in the day time of the value of v. s.

Co. lib. 4. f. 40. Cro Car. 40. 73.

II. Be it therefore enacted by our Sovereign Lady the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, That if any perſon or perſons after the end of this preſent Seſſion of Parliament, ſhall be found guilty, and convicted by verdict, confeſſion or otherwiſe, according to the Laws of this Realm, for the felonious taking away after the Feaſt of Eaſter now next enſuing, in the day-time of any money, goods or chattel, being of the value of v. s. or upwards, in any dwelling-houſe or houſes, or any part thereof, or any out-houſe or out-houſes belonging, and uſed to and with any dwelling-houſe or houſes, although no perſon ſhall be in the ſaid houſe or out-houſes at the time of ſuch felony committed, then ſuch perſon and perſons ſhall not be admitted to the benefit of his or their Clergy, but ſhall be utterly excluded thereof.

CAP. XVI.

An Act to reſtrain the exceſſive making of Mault.

Mault 6. Juſtices of Peace may reſtrain exceſſive making of Mault.

WHereas greater quantity of Mault is daily made, than either in time paſt was, or is now needful, Be it enacted by the Authority of this preſent Parliament, That from time to time, and at all times hereafter, it ſhall and may be lawful for the Juſtices of Peace within this Realm, in their open quarter Seſſions, or the more part of them, by their diſcretions, to ſuppreſs, diſcharge or reſtrain the ſuperfluous and unneceſſary number of Maultſters in part, or in the whole, and alſo to reſtrain ſuch perſon and perſons, as to their diſcretions ſhall ſeem meet, from the buying of Barley to convert into Mault in part or in all, for ſuch time or times as to their diſcretions ſhall ſeem meet, (2) and if any perſon or perſons ſhall refuſe, diſobey or not perform ſuch ſuppreſſing, diſcharging or reſtraint, or any order whatſoever the ſaid Juſtices ſhall ſet down touching the ſame, That then, and ſo often ſuch perſon or perſons being thereof duly convicted before the ſaid Juſtices, or any two of them, by the teſtimony of two witneſſes, or by his own confeſſion, ſhall be by the ſaid Juſtices committed to the common Goal of the County, City or Corporate-town wherein the offence is committed, (3) there to remain without bail or mainpriſe, by the ſpace of three days, and from thence until he ſhall become bounden by recognizance in the ſum of xl. l. to be taken to the uſe of her Majeſty, before any Juſtice of Peace, to ſtand to, perform and obey ſuch ſuppreſſing, diſcharging or reſtraint taken by the ſaid Juſtices as aforeſaid.

The penalty of ſuch as ſhall diſobey the Juſtices verdict.

Chief Officers of Corporate-towns may reſtrain exceſſive making of Mault.

II. Provided always, That the ſaid Juſtices of Peace within any County of this Realm, ſhall not intromit or enter into any City, Borough or Town-corporate, for execution of any article in this Act, except he be a Juſtice of Peace alſo in the ſaid City, Borough or Town-corporate, (2) But that it ſhall be lawful to the Juſtices of Peace, Mayors, Bailiffs and other Head-officers of thoſe Cities, Boroughs and Towns-corporate, where they keep Seſſions, to proceed to the execution of this Act, and every Article thereof, within the precincts of their liberties, at ſuch time and times, and as often as to them ſhall ſeem meet, in as large and ample manner as the Juſtices of Peace in any County may do.

Certain perſons not reſtrainable to make Mault by this Statute.

III. Provided alſo, That it ſhall and may be lawful to and for every perſon and perſons which ſhall have of his own any Barley or Corn growing, or any Tithe-corn, or Rent-corn reſerved upon any Leaſe or Demiſe, to convert into Malt, all, or any ſuch Barley or Corn; Any thing in this preſent Act to the contrary notwithſtanding.

An offender of this Act ſhall not meddle in the Execution thereof.

IV. Provided alſo, That no manner of perſon or perſons ſhall deal or meddle in the execution of this Act, that uſe to buy Barley to convert to Malt, and to ſell the ſame again. (2) This Act ſhall not endure or continue any longer time, but until the end of the next Seſſion of the next Parliament. *3 Car. 4. Continued until the end of the firſt Seſſion of the next Parliament.*

CAP. XVII.

An Act againſt lewd and wandring perſons, pretending themſelves to be Soldiers or Mariners.

Mariners 4. Wandring Mariners and Soldiers and other idle-perſons ſhall ſettle themſelves to work: they ſhall have teſtimonials, &c. 14 Car. 2. cap. 12.

3 Inſt. 85, 8

WHereas divers lewd and licentious perſons, contemning both Laws, Magiſtrates and Religion, have of late days wandred up and down in all parts of the Realm, under the name of Soldiers and Mariners, abuſing the title of that honourable profeſſion to countenance their wicked behaviours, and do continually aſſemble themſelves weaponed in the High-ways, and elſewhere in Troops, to the great terrour and aſtoniſhment of her Majeſties true Subjects, the impeachment of her Laws, and the diſturbance of the peace and tranquility of this Realm: (2) and whereas many hainous outrages, robberies and horrible murders are daily committed by theſe diſſolute perſons; and unleſs ſome ſpeedy remedy be had, many dangers are like by theſe means to enſue and grow towards the Common-wealth:

II. Be it therefore enacted by the authority of this preſent Parliament, That all idle and wandring Soldiers or Mariners, or idle perſons, which now are, or hereafter ſhall be wandring as Soldiers and Mariners, ſhall ſettle themſelves in ſome ſervice, labour or other lawful courſe of life, without wandring, or otherwiſe repair to the places where they were born, or to their dwelling-places, if they have any, and there remain, betaking themſelves to ſome lawful trade or courſe of life, as aforeſaid, (2) upon pain that all perſons offending contrary to this Act, to be reputed as Felons, and to ſuffer as in caſe of Felony, without any benefit of Clergy to be allowed.

Wandring Soldiers and Mariners ſhall have Teſtimonials.

III. And be it further enacted, That every idle and wandring Soldier or Mariner which coming from his Captain from the Seas, or from beyond the Seas, ſhall have a Teſtimonial under the hand of ſome one Juſtice of the Peace, of, or near the place where he landed, ſetting down therein the place and time when and where he landed, and the place of his dwelling or birth unto which he is to paſs, as aforeſaid, and a convenient time therein limited for his paſſage, or having ſuch Teſtimonial, ſhall wilfully exceed the time therein limited, above fourteen days: (2) And alſo as well every ſuch idle and wandring Soldier or Mariner, as every other idle perſon wandring, as Soldier or Mariner which ſhall at any time hereafter forge or counterfeit any ſuch teſtimonial, or have with him or them any ſuch teſtimonial forged or counterfeited, as aforeſaid, knowing the ſame to be counterfeited or forged, in all theſe caſes every ſuch act or acts to be felony, and the Offenders to ſuffer, as aforeſaid, without benefit of Clergy.

It ſhall be Felony to counterfeit a Teſtimonial.

Juſtices of Aſſize and Goal-delivery and Peace may hear and determine theſe offences.

IV. And be it further enacted, That it ſhall be lawful for the Juſtices of Aſſizes, Juſtices of Goal-delivery, and the Juſtices of Peace of every County, and all Juſtices of Peace in Towns-corporate, having authority to hear and determine Felonies, to hear and determine all ſuch offences in their general Seſſions, (2) and to execute the Offenders which ſhall be convicted before them, as in caſes of Felony is accuſtomed; except ſome honeſt perſon valued at the laſt Subſidy next before the time, to x. l. in Goods, or xl. s. in Lands, or elſe ſome honeſt Freeholder as by the ſaid Juſtices ſhall be allowed, will be contented before ſuch Juſtices as ſuch perſon ſhall be arraigned of Felony, to take him or them into his Service for one whole year then next following, and then before the ſaid Juſtices will be bound by Recognizance of ten pounds to be levied of his Lands, Goods, Tenements and Chattels, to the uſe of our Sovereign Lady the Queen, if he keep not the ſaid perſon or perſons for one whole year, and bring him to the next Seſſions for the Peace and Goal-delivery next enſuing after the ſaid year: (3) And if any ſuch perſon retained depart within the year, without the licence of him that ſo retained him, then to be indicted, tried and adjudged as a Felon, and not to have the benefit of his Clergy.

Taking the offender into ſervice for a year.

The idle wanderer falling ſick by the way.

V. Provided always, That if any ſuch idle and wandring perſons, as aforeſaid, ſhall happen to fall ſick by the way, ſo that by reaſon of his weakneſs he cannot travel to his journeys end within the time limited within his teſtimonial, no ſuch to be within the danger of this Statute, ſo as he ſettle himſelf in ſome lawful courſe of life, as aforeſaid, to repair, as aforeſaid, to the place where he was born, or was laſt abiding, within convenient time after the recovery of his ſickneſs, and there remain, as aforeſaid; Any thing in this Statute contained to the contrary notwithſtanding.

A remedy where the wanderer cannot get work.

VI. Provided alſo, and be it further enacted, That when any ſuch Soldier or Mariner coming from the Seas, or from beyond the Seas, as aforeſaid, ſhall repair to the place of his dwelling or birth, according to the purport of the ſaid teſtimonial, and cannot of himſelf get there any work, whereby to imploy himſelf to labour, or other lawful courſe of life, as aforeſaid, that then in every ſuch caſe, upon complaint made by ſuch Soldier or Mariner to two Juſtices of Peace of the ſaid County, of, or near the ſaid place, the ſaid two Juſtices ſhall take order by their diſcretion, to ſet ſuch Soldier or Mariner to ſome ſuch honeſt labour or work as to them ſhall be thought meet: (2) And for want of ſuch work, the ſaid two Juſtices ſhall tax the whole Hundred by their diſcretion, for the relief of ſuch Soldier or Mariner, till ſuch ſufficient work may be had.

The hundred taxed for the relief of a Soldier or Mariner.

Examined by the Parliament roll.

VII. Provided alſo, That if any ſuch Soldier or Mariner coming from the Seas, or from beyond the Seas, as aforeſaid, ſhall not at the time of his landing, or in his travel to the place whereunto he is to repair, as aforeſaid, going the direct way, that then he reſort to ſome Juſtice of the Peace next adjoyning to the ſaid place of Landing or way, and make known unto to the ſaid Juſtice his poverty: (2) who upon perfect notice thereof had, ſhall have full power and authority by this preſent Act to licenſe the ſame Souldier or Mariner to paſs the next and direct way to the place where he is to repair, and to limit him ſo much time only as ſhall be neceſſary for his travel thither: (3) And that in ſuch caſe his licence being ſo made, and he purſuing the form of ſuch his licence, ſhall and may for his neceſſary relief in his ſuch travel, ask and take the relief that any perſon ſhall willingly give him, and in ſuch caſe, his ſuch travel and taking of Alms, as aforeſaid, ſhall not be taken as an offence againſt this Law.

The Souldier or Mariner licenſed, may ask and take relief.

VIII. Provided alſo, That this Act, nor any thing therein contained, ſhall extend or be interpreted to make or work any corruption of blood in any the heir or heirs of any ſuch Offender or Offenders; Any thing in this Act to the contrary notwithſtanding.

No corruption of blood.

IX. Provided alſo, and be it further enacted, That this Act ſhall not take any force or effect, till forty days next after the end of this Seſſion of Parliament, and ſhall continue to the end of the Parliament next enſuing. 3 Car. 4 Continued until the end of the firſt Seſſion of the next Parliament. 1 Jac. cap. 7. 17 Car. 1. cap. 4. continued.

14 Car. 2. cap. 12.

CAP. XVIII.

An Act for the reviving, continuance, explanation, perfecting and repealing of divers Statutes.

WHere in the firſt Seſſion of Parliament, begun in the City of London the third day of November, in the one and twentieth year of the Reign of our late Sovereign Lord of famous memory, King Henry the Eighth, and from thence adjourned and prorogued to the Palace of Weſtminſter, an Act or Statute was made, entituled, An Act for the true making of Cables, Halſers, and Ropes.

Ships, 21 H. 8. 12.

II. And where in the Parliament holden upon Prorogation at Weſtminſter, the fourth day of February, in the four and twentieth year of the Reign of the ſaid King, there was one other Act made, entituled, An Act againſt the killing of young Beaſts, called Weanlings.

Cattel, 24 H. 8. 9.

III. And where in the Seſſion of Parliament ended at Weſtminſter the firſt day of February, in the fourth year of the Reign of our late Sovereign Lord King Edward the Sixth, one Act was made, concerning the buying and ſelling of Rother Beaſts and Cattel.

Cattel, 3 & 4 Ed. 6. 19.

IV. And alſo one other Act was then and there likewiſe made, entituled, An Act for the buying and ſelling of Butter and Cheeſe.

Victual, 3 & 4 Ed. 6. 21.

V. And where alſo in the Parliament begun at Weſtminſter the xxiii. day of January, in the firſt year of the Reign of the Queens Majeſty that now is, and there continued by prorogation until the diſſolution thereof, an Act was then and there made, entituled, An Act for the preſervation of Spawn and Fry of Fiſh.

Fiſh. 1 El. 17.

VI. And where alſo in the firſt Seſſion of Parliament holden at Weſtminſter the xii. day of January, in the v. year of her Highneſs Reign, one Act was then and there made, entituled, An Act for maintenance and increaſe of Tillage.

Husbandry, 5 El. 4.

VII. And one other Act was alſo then and there made, entituled, An Act for the avoiding of divers foreign Wares made by handy-crafts men beyond the Seas.

Merchants, 5 Eliz. 7.

VIII. And one other Act was likewiſe then and there made, entituled, An Act touching certain politick Conſtitutions made for the maintenance of the Navy.

Fiſh. 5 El. 5.

IX. And where alſo in the laſt Seſſion of the Parliament holden by prorogation at Weſtminſter the laſt day of September, in the viii. year of her Majeſties Reign, one Act was then and there made, entituled, An Act for Bowyers, and the price of Bows.

Games, 8 El. 10.

X. And where alſo in the Parliament begun and holden at Weſtminſter the ſecond day of April, in the xiii. year of her Majeſties Reign, there was one Act and Statute made for the avoiding of ſome Leaſes in certain caſes to be made of Eccleſiaſtical Promotions with cure, entituled, An Act touching Leaſes of Benefices, and other Eccleſiaſtical Livings with cure.

Leaſes, 13 El. 20.

XI. And where alſo there was then and there another Act made, entituled, An Act that Purveyors may take Grain, Corn or Victuals within five miles of Cambridge and Oxford in certain caſes.

Purveyors, 13 El. 21.

XII. And alſo one other Act was then and there made, entituled, An Act againſt Uſury.

Uſury, 13 El. 8.

And alſo one other Act was then and there made, entituled, An Act for the continuance of making of Caps.

Drapery. 13 El. 19.

XIII. And where in the firſt Seſſion of Parliament holden at Weſtminſter the eighth day of May, in the xiv. year of her Highneſs Reign, there was one other Act made, entituled, An Act for the continuation, explanation, perfecting and enlarging of divers Statutes: In which Statute are contained divers branches, clauſes and proviſions touching and concerning the explanation, perfecting and enlarging of divers of the Statutes before mentioned.

Continuance, 14 El. 11.

XIV. And where alſo there was then and there one other Act made, entituled, An Act for the puniſhment of Vagabonds, and for the relief of the poor and impotent.

Poor. 14 El. 5.

XV. And where in the Parliament holden at Weſtminſter aforeſaid, in the xviii. year of her Majeſties Reign, there was one other Act made, entituled, An Act for the ſetting of the poor on work, and for the avoiding of idleneſs.

Poor. 18 El. 3.

XVI. And alſo one other Act was then and there made, entituled. An Act for the repairing and amending of the Bridges and High-ways near unto the City of Oxenford.

Ways, 18 El. 20.

XVII. And where in the Parliament holden by prorogation at Weſtminſter, the xvi. day of January, in the xxiii. year of her Majeſties Reign, one Act was made, entituled, An Act for the repairing of Dover Haven.

Merchants, 23 El. 9.

XVIII. And where in the Parliament holden at Weſtminſter the three and twentieth day of November, in the ſeven and twentieth year of her Majeſties Reign, one other Act was made for the reviving, continuance, explanation and perfecting of divers Statutes, in which are contained divers branches, proviſions and clauſes touching and concerning certain additions and alterations unto, and of divers of the ſaid former recited Statutes, and other new proviſions.

Continuance, 27 El. 11.

Colluſion, 27 El. 4. XIX. And there was then and there one other Act made, entituled, An Act againſt covenous and fraudulent conveyances.

Enqueſts, 27 El. 7. XX. And then and there one other Act was made, entituled, An Act for levying of Iſſues loſt by Jurors.

Franchiſe, 27 El. not printed. XXI. And alſo there was then and there one other Act made, entituled, An Act for the good government of the City or Borough of Weſtminſter.

Corn. 2 Ed. 6. 10. XXII. And whereas in the Parliament holden at Weſtminſter upon prorogation the iv. day of November, in the ſecond year of the Reign of the late King of moſt famous memory King Edward the Sixth, one Act was made, entituled, An Act for the true making of Malt, which ſaid Statute was diſcontinued.

Corn, 27 El. 14. XXIII. And by another Act made in the ſaid Parliament holden at Weſtminſter, in the ſaid xxvii. year of the Queens Majeſties Reign that now is, entituled, An Act for the Reviving of a former Statute for the true making of Malt, was revived and continued.

Sewers. 27 El. 24. And alſo one other Act was there made in the ſaid xxvii. year, entituled, An Act for the keeping of the Sea-banks and Sea-works in the County of Norfolk.

Meaſures, 31 El. 8. XXIV. And where in the Parliament holden at Weſtminſter the iv. day of February, in the xxxi. year of the Queens Majeſties Reign that now is, there was an Act made entituled, An Act for the true gauging of Veſſels brought from beyond the Seas, converted by Brewers, for the utterance and ſale of Ale and Beer.

Franchiſes, Lincoln. XXV. And alſo one other Act was then and there made, entituled, An Act for reviving and enlarging of a Statute made in the xxiij. year of her Majeſties Reign, for the relief of the City of Lincoln.

Pope. XXVI. And where in the Parliament holden at Weſtminſter the xix. day of February, in the xxxv. year of the Queens Majeſties Reign that now is, there was an Act made, entituled, An Act to retain the Queens Majeſties Subjects in their due obedience.

Poor. 35 El. 4. XXVII. And alſo one other Act was then and there made, entituled, An Act for the neceſſary relief of Soldiers and Mariners.

Drapery. 35 El. 10. XXVIII. And alſo one other Act was then and there made, entituled, An Act for the reformation of ſundry abuſes in Clothes, called Devonſhire Kerſies or Dozens, according to a Proclamation of the xxxiv. year of the Reign of our Sovereign Lady the Queens Majeſty that now is.

Merchants, 37 Eliz. 11. XXIX. And alſo one other Act was then and there made, entituled, An Act for the bringing in of Clapboard from the parts of beyond the Seas, and the reſtraining of Tranſporting of Wine-Casks, for the ſparing and preſerving of Timber within the Realm.

Uſury. XXX. That foraſmuch as the ſaid Act made in the ſaid xiij. year of the Queens Majeſties Reign that now is, entituled, An Act againſt Uſury.

Colluſion. XXXI. And one other Act of the ſaid Acts made in the xxvii. year of the Queens Majeſties Reign that now is, entituled, An Act againſt covenous and fraudulent Conveyances.

Enqueſt. XXXII. And one other of the aforeſaid Acts made in the ſaid ſeven and twentieth year of the Queens Majeſties Reign, entituled, An Act for the levying of Iſſues loſt by Jurors, (2) are by proof and experience found to be very neceſſary and profitable for the Common-wealth of this Realm: (3) For which cauſe, Be it enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid three laſt recited ſeveral Acts, made in the ſaid thirteenth and in the ſeven and twentieth years of the Queens Majeſties Reign, and every of them, and all and every the branches, clauſes and proviſions in them, and every of them contained, ſhall from henceforth be, remain and continue in force and effect for ever.

The ſtat. made 13 El. 8. 27 El. 4. 27 El. 7. made perpetual.

XXXIII. And foraſmuch as the branches, clauſes and proviſions contained and ſpecified in the ſaid two ſeveral Acts of continuance made in the fourteenth and ſeven and twentieth year of her Majeſties Reign, in addition, alteration, explanation, perfecting and enlarging of divers the ſaid Statutes, and other Statutes, and all the reſidue of the ſaid recited Acts and Statutes: Except the ſaid three ſeveral Statutes before, hereby made perpetual.

Oeſterlemere. 5 El. 7. XXXIV. And except alſo the ſaid Act made, entituled, An Act for the avoiding of divers foreign Wares made by Handy-craftſ-men beyond the Seas.

Fiſh. 5 El. 5. XXXV. And the ſaid Act made, entituled, An Act touching certain politick conſtitutions made for the maintenance of the Navy.

Husbandry, 5 El. 2. XXXVI. And the Eſtatute, entituled, An Act for maintenance and encreaſe of Tillage, made in the fifth year of her Highneſs Reign.

Drapery. 13 El. 19. XXXVII. The ſaid Act made for the continuance of making of Caps, in the ſaid thirteenth year of the Reign of the Queens Majeſty that now is.

Poor, 14 El. 5. XXXVIII. The Act made in the xiv. year of the Queens Majeſties Reign, entituled, An Act for the puniſhment of Vagabonds, and for the relief of the poor and impotent.

Poor, 18 El. 3. XXXIX. The Act made in the xviij. year of her Majeſties Reign, entituled, An Act for the ſetting of the poor on work, and for the avoiding of idleneſs.

Merchants, 23 El. 6. XL. And the ſaid Act made for the repairing of Dover Haven.

Poor, 35 El. 4. XLI. And the ſaid Act made for the neceſſary relief of Souldiers and Mariners, (2) do ſeem good and beneficial to the weal and profit of this Realm: (3) Be it enacted by the authority of this preſent Parliament, That the ſaid branches, clauſes and proviſions of the ſaid two Acts of continuance, and of the reſidue of the ſaid recited Statutes and Acts, except before excepted, and every of them, ſhall be by authority of this preſent Parliament revived, continued, and endure in force and effect until the end of the next Parliament next enſuing.

Fiſh. The aforeſaid ſtat. of 14 El. 11. 27 El. 11. and the laſt mentioned 8 ſtat. renewed and continued until the end of the next Parliament.

XLII. And as concerning the ſaid Act touching politick conſtitutions made for the maintenance of the Navy, and the ſaid made for the repairing of Dover Haven.

Merchants, 5 El. 5. XLIII. And the ſaid Act made for the repairing and amending the Bridges and High-ways near unto the City of Oxford, (2) the ſame ſhall be, and continue in force until the end of the next Parliament, in ſuch manner and form, and with the ſame and like proviſoes, qualifications and alterations, as by the ſaid Statute made in the xxxv. year of the Queens Majeſties Reign that now is, entituled, An Act for reviving, continuance, explanation and perfecting of divers Statutes, are qualified, altered or diſpenſed with.

Ways, 23 El. 6. 18 El. 26.

XLIV. And that the ſaid Act made for the avoiding of divers foreign Wares made by Handycraftſmen beyond the Seas, ſhall be revived, continued and be, and remain from henceforth in force unto the end of the next Parliament.

Continuance, 35 El. 7. Ouſterlemere. 5 El. 7.

XLV. And that the ſaid Act, made for the continuance of making of Caps, ſhall be from henceforth repealed and made void.

Drapery. A repeal of the ſtat. of 13 El. 19. touching making of Caps.

XLVI. And that the ſaid Act, entituled, An Act for maintenance and increaſe of Tillage, for ſo much thereof as doth concern Tillage, ſhall be repealed, and for ſo much of the ſame Act as doth concern the maintenance, repairing or continuance of any houſes of husbandry, and the lands thereunto belonging, ſhall be continued and be in force unto the end of the next Parliament, if no other Act be made for the maintenance of houſes of husbandry, and againſt the decay thereof, in this preſent Parliament.

Husbandry, 5 El. 2. Cottages, 39 El. 1, 2.

XLVII. And that the ſaid Acts, The one entituled, An Act for the puniſhment of Vagabonds, and for the relief of the poor and impotent: the other entituled, An Act for ſetting of poor on work, and for the avoiding of idleneſs, ſhall be revived, and ſtand, and be continued, and in force, until the end of the next Parliament: except for ſo much of the ſame two ſeveral Statutes, and either of them as ſhall be altered, repealed or otherwiſe provided for, or made void by any Act of Parliament made in this preſent Parliament.

Poor, 14 El. 5. Poor, 18 El. 3.

XLVIII. Provided, and be it further enacted by authority of this preſent Parliament, That the ſaid Act made in the xxxv. year of the Queens Majeſties Reign that now is, entituled, An Act for the neceſſary relief of Souldiers and Mariners, for ſo much thereof as ſhall not be altered, or otherwiſe provided for by any other Act made in this preſent Seſſion of Parliament, ſhall be in force, and continue unto the end of the next Parliament; Any thing in this preſent Act to the contrary notwithſtanding.

Poor, 35 El. 4. 39 El. 21. All the foreſaid ſtat. continued until the end of the next Parliament; Except, &c. Ut ſupra.

CAP. XIX.

An Act for the amendment of Highways in Suſſex, Surry and Kent.

Whereas in one Act of Parliament made in the ſeven and twentieth year of the Reign of our Sovereign Lady the Queens Majeſty that now is, in one Act then made, entituled, An Act for preſervation of Timber in the Wields of the Counties of Suſſex, Surrey and Kent, and for the amendment of High-ways decayed by carriage to and from Iron-Mills there, ſome remedy is provided for the impairing and ſpoiling of High-ways by the carriages of Coals, Mine and Iron, to and from the Iron-works within ſome part of the ſaid Counties of Surrey and Kent, and proviſions for the amending of High-ways decayed in the County of Suſſex, by the ſaid means is left out: And alſo the ſaid Act hath not taken the ſame good effect for the amendment of High-ways within the ſaid Counties of Surrey and Kent, as hath been expected:

Highways 19. A repeal of ſo much of the ſtat. of 27 El. 19. as concerneth the repairing of high-ways in Surry & Kent.

II. Be it therefore enacted by our Sovereign Lady the Queens Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament Aſſembled, and by the authority of the ſame, That ſo much of the ſaid Act of Parliament made in the ſaid ſeven and twentieth year of the Queens Majeſties Reign, as ſhall concern the amendment of High-ways in the ſaid Counties of Surrey and Kent, ſhall from henceforth be repealed.

III. And be it further enacted by the authority aforeſaid, That the Occupiers of all manner of Iron-works whatſoever, as Owners or Farmers of the ſame, by any eſtate of Inheritance for life, lives, or for term of year or years, or at will, which ſhall at any time hereafter carry or cauſe to be carried any Coals, Mine or Iron, to or for any their Iron-works, between the xii. day of October, and the firſt day of May in any year, ſhall for every three loads of Coal or Mine, as alſo for every Tun of Iron, which ſhall be carried by any manner of Wain or Cart, between the ſaid xii. day of October, and the firſt day of May, by the ſpace of one mile through any High-ways within the ſaid Wields of Suſſex, Surrey, Kent, or any of them, ſhall pay or cauſe to be paid unto the Juſtice of Peace dwelling near unto the places in the ſaid County where the Highways ſhall be moſt annoyed, or his aſſignee, the ſum of three ſhillings, (2) the ſame to be levied after default of payment thereof, by ſuch Juſtice of Peace or aſſign, by way of diſtreſs of any of the Goods and Chattels remaining in the ſaid County, of ſuch perſon as ſo ſhould have paid ſuch ſums.

What ſhall be paid for the repair of High-ways in the Wields of Suſſex, Surrey and Kent.

IV. And be it further enacted by the authority aforeſaid, That every perſon and perſons, occupier of Iron-work, as aforeſaid, which ſhall at any time hereafter carry, or cauſe to be carried any Coals, Mine or Iron, to or for any their Iron-works, between the firſt day of May, and the twelfth day of October in any year, for every thirty loads of Coals and Mine, or either of them, and for every ten Tuns of Iron, to be carried, as aforeſaid, one load of Cinder, Gravel, Stone or Chalk, meet for the repairing and amending of the ſaid High-ways, as aforeſaid, to be laid and imployed in ſuch place and places of the High-ways, as by any Juſtice of the Peace of any the Counties aforeſaid, dwelling near unto the places where the High-ways within the limits aforeſaid, ſhall be moſt annoyed by any of the means aforeſaid, according to the greater and more preſent neceſſity, ſhall be appointed and aſſigned, or elſe pay or cauſe to be paid, for and in allowance of every Cart load, in manner and form aforeſaid to have been ſo carried and laid, iij. s. within eight days after the demand thereof at any ſuch Iron-work made, to or from which Iron-work any ſuch carriage ſhall be, to the hand of the ſaid Juſtice of Peace, or his aſſigns, the ſame to be levied after default of payment upon the demand thereof, from time to time by way of diſtreſs: (2) And if ſuch Juſtice of Peace, by reaſon of abſence or other occaſion, do not, or ſhall not within fourty days next after the ſaid firſt day of May, yearly aſſign and appoint, where and in what place of the High-ways the ſaid Cinder, Gravel, Stone or Chalk, to be carried as aforeſaid, or where or how the money thereof due, or ſo paid, ſhall be imployed and beſtowed, That then the ſame Cinder, Gravel, Stone or Chalk, ſhall be laid and imployed by ſuch perſon or perſons as by

Carriage of Coals, &c. for any Iron-work, between the firſt day of May, and the twelfth of October.

In default of the Juſtice of Peace, the Surveyors ſhall have the diſpoſition of the gravel, &c.

The forfeiture of the offender.

How the money forfeited ſhall be levied and imployed.

The penalty if no diſtreſs can be found, nor the offender do not pay within the time limited.

this Act are to carry and lay the ſame, or to cauſe the ſame to be carried and laid in ſuch place and places of the High-ways as the Surveyors within the Pariſh for the time being, where the High-ways ſhall be moſt annoyed, as aforeſaid, ſhall aſſign or appoint, (3) or in default thereof, pay to the ſaid Surveyors for every ſuch load due and uncarried, iii. s. in manner and form aforeſaid, (4) upon pain of forfeiture of x. s. for every load of Cinder, Gravel, Stone or Chalk, not carried, laid and imployed in the High-ways, or iij. s. unpaid, as is aforeſaid, to be forfeited and paid by the perſon and perſons which by this Act ought to carry and lay, or cauſe to be carried and laid, the Cinder, Gravel, Stone or Chalk, or therefore to have paid, as is aforeſaid, after due conviction and preſentment thereof had before the Juſtices of Oyer and Terminer, or Juſtices of Peace, in any of their open Seſſion or Seſſions to be holden before them or any of them: (5) All which ſum and ſums of money to be forfeited by reaſon of this Act, for or in default of carriage and laying of the ſaid Cinder, Gravel, Stone or Chalk, or payment thereof, as aforeſaid, ſhall be likewiſe beſtowed and imployed upon the amendment and repairing of the High-ways, at and by the diſcretion of any ſuch Juſtice of Peace, as ſhall dwell and be reſident next unto the place and places being moſt annoyed by the carriages aforeſaid, (6) the ſame to be levied by way of diſtreſs, by any Conſtable, Tythingman, Headborough or other Officer thereunto to be aſſigned, by Warrant made in open Seſſions by any Clerk of the Peace of the County, where any the offence or offences aforeſaid ſhall be committed, or by any two Juſtices of the Peace, whereof one to be of the Quorum, which were preſent at the Seſſions wherein the ſaid conviction, of, or for any the offences aforeſaid ſhall be had: (7) And if no ſufficient diſtreſs can be found by the ſaid Officer appointed to levy the ſame, or if the ſaid Offender do not pay the ſame within twenty days after a lawful demand of the ſame, by the ſaid Officer to be appointed for the levying thereof, as aforeſaid, that then every perſon ſo denying or refuſing, and not paying the ſame forfeiture within twenty days aforeſaid, to forfeit the double ſum he ſhould before have paid, to be levied by ſuch ways and means, as to any two of the Juſtices of the Peace of the ſame County where the ſaid offence ſhall be committed, whereof one to be of the Quorum, ſhall be thought moſt meet: (8) the ſame forfeiture to be likewiſe imployed upon the amendment of the High-ways, as the other forfeitures ſhould have been, if the ſame had been levied according to the true intent and meaning of this Statute.

In what caſe the Surveyors ſhall appoint where the gravel, ſtone, &c. ſhall be laid.

Preſentment of offenders at the quarter Seſſions.

V. And be it further enacted by the authority aforeſaid, That the Surveyor or Surveyors, from time to time for the time being, within the Pariſh where the High-ways ſhall be moſt annoyed, upon default of the ſaid Juſtices, as aforeſaid, within xx. days after ſuch default of the Juſtice of Peace, as aforeſaid, ſhall aſſign or appoint where and in what place of the High-ways, the ſaid Cinder, Gravel, Stone or Chalk, or the forfeiture of money to be beſtowed, ſhall be carried and laid as aforeſaid, and upon pain of forfeiture of every ſuch Surveyor or Surveyors, for every ſuch default, xl. s. (2) And the ſaid Surveyors ſhall make demand according to the limitation of this preſent Act, of all and every ſuch forfeiture and ſums of money limited to be paid in default of ſuch carriages, as aforeſaid, upon pain to forfeit for every ſuch default, xl. s. (3) And ſhall alſo make preſentment of every ſuch default of carriage or payment, contrary to the tenor of this preſent Act, at the next Quarter Seſſion to be holden for the ſaid County, where ſuch default of carriage and payment ſhall be, upon pain to forfeit for every ſuch default of preſentment as aforeſaid, xl. s. (4) The one moiety of ſuch forfeiture and forfeitures to be to the Queens Majeſty, the other moiety to ſuch perſon or perſons as will ſue for the ſame, by action, bill, plaint or information, in any of her Majeſties Courts of Record, where no wager of Law, eſſoin or protection ſhall be allowed.

CAP. XX.

An Act againſt the deceitful ſtretching and tentering of Northern Cloth.

Drapery 112. No perſon on the north ſide of Trent ſhall ſtretch or ſtrain any Cloth made, nor uſe any Tenter, &c.

The enormities enſuing the ſtretching of Northern clothes, and the cauſes thereof.

5 Ed. 6. 6.
43 El. 10.

IN moſt humble and dutiful wiſe ſheweth, beſeeching your Highneſs, your true and faithful Subjects, the Clothiers and Chapmen of your Counties of York, Lancaſter, and other your Highneſs Counties on the North ſide of the River of Trent, That notwithſtanding the many good and wholſom Laws heretofore made for the true making of good and true Clothes and Kerſies, which Laws, either by ſome wants in the Statutes already made, or for lack of the due execution of the ſaid Laws, have not only not reſtrained the abuſe in making of Clothes and Kerſies, but rather have encreaſed the ſame, (2) inſomuch that the ſaid Northern Clothes and Kerſies do yearly and daily grow worſe and worſe, and are made more light, and much more ſtretched and ſtrained than heretofore they have been, to the great deceit of all Nations where the ſaid Clothes and Kerſies are ſold, and to the great ſhame and ſlander of the Countrey where the ſame is made, and within ſhort time like utterly to overthrow the Trade of Cloth-making in thoſe Countreys, whereupon ſo many thouſands of your Subjects do now live and are maintained: (3) which great enormities your faithful Subjects do chiefly impute to the great number of Tenters, and other Engines daily uſed and practiſed in the ſaid Counties for the ſtretching and ſtraining of the ſaid Clothes and Kerſies: (4) For remedy and redreſs whereof, your ſaid Subjects humbly beſeech your moſt excellent Majeſty, that it may pleaſe your Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of tye ſame, it may be enacted, any Statute or Law whatſoever to the contrary notwithſtanding, That no perſon or perſons within any the Counties aforeſaid, from and after the twentieth day of September now next coming, ſhall ſtretch or ſtrain, or cauſe to be ſtretched or ſtrained any Cloths, Dozens, Kerſies, Peniſtones, Ruggs, Frizes, Kighley Whites, plain Grays, or any other Clothes by what name or names ſoever they be called, made, or hereafter to be made, within the ſaid County of York, Lancaſter, or any other the Counties on the north of Trent, upon pain to forfeit for every default, five pounds.

II. And further, That no perſon or perſons, from and after the ſaid xx. day of September, within the Counties aforeſaid, or any of them, ſhall have, uſe or occupy any Tenter, of what ſort or kind ſoever, or any manner of Wrinch, Rope, or other Engines, to ſtretch or ſtrain any Clothes, Kerſies, Dozens, Peniſtones, Ruggs, Frizes, Cottens, Kighley Whites, plain Grays, or any other Cloth, of what kind or name ſoever it or they be called, made, wrought, or to be made or wrought within the ſaid Counties, (2) upon pain that every Offender that ſhall have, or uſe, or exerciſe any ſuch Tenter, of what ſort or kind ſoever, or any manner of Rope, Wrinch, Ring-head or Engine, ſhall forfeit for every ſuch default, twenty pounds.

III. And further, That every perſon or perſons within the Counties aforeſaid, or any of them, which ſhall make or cauſe to be made any Clothes, Kerſies, Dozens, Cottons, Peniſtones, plain Grays, Kighley Whites, Frizes or any other Cloth, by what name or names ſoever it or they be called, ſhall make the ſame of ſuch weights, lengths and breadths, as by the Statutes of this Realm already in force is provided, under the pains in the ſame Statutes contained: (2) And before the ſame be ſold, or ſuffered to be ſold, ſhall ſet his Seal of Lead unto every of the ſame Clothes, Kerſies, Dozens, Cottons, plain Grays, Peniſtones, Kighley Whites, Frizes, or by what name or names ſoever it or they be called: In which ſaid Seal of Lead ſhall be contained the true and juſt length, and the true and juſt weight at the leaſt of every ſuch Cloth, Kerſie, Dozen, Cotton, Peniſtone, plain Grays, Kighley Whites, Frizes, or by what name or names ſoever it or they ſhall be called, as it ſhall be duly found by due proof thereof to be tried by water or weight, (3) upon pain to forfeit every Cloth, Dozen, Cottons, Kerſie, Peniſtone, plain Grays, Kighley Whites, Frizes, or other Cloth, by what name or names ſoever it or they be called, which ſhall be made within any the Counties aforeſaid, whereunto ſuch Seal, as is aforeſaid, ſhall not be put and ſet: (4) And in caſe upon proof to be made by water or weight, of any ſuch Clothes, Kerſies, Dozens, Cottons, Peniſtones, plain Grays, Kighley Whites, Frizes or any other Cloth, as is aforeſaid, ſhall be found of leſs weight, or of ſmaller content in length, than is contained or ſpecified in any of the ſaid Seals, that the owner of every ſuch Clothes, Kerſies, Dozens, Cottons, Peniſtones, plain Grays, Keighly Whites and Frizes, or any other Cloth, by what name or names ſoever they be called, as aforeſaid, or any other perſon or perſons, in whoſe hands and poſſeſſions any ſuch Clothes, Kerſies, Dozens, Cottons, Peniſtones, plain Grays, Kighley Whites, Frizes or any other Cloth, by what name or names ſoever they be called, ſhall be found, ſhall forfeit for every Yard wanting in length, four ſhillings, and for every Pound wanting in weight, two ſhillings.

Northern Clothes ſhall be made of ſuch weights, lengths and breadths, as by former ſtatutes is appointed.

A ſeal of lead ſhall be ſet to every Northern Cloth containing the length and weight thereof.

The forfeitures for want of length and weight.

IV. And for the better and more ſpeedy and effectual reforming of all ſuch abuſes, as is aforeſaid, Be it further Enacted, That in every Pariſh, Town, Village and Hamlet within the Counties aforeſaid, where any Clothes, Kerſies, Dozens, Cottons, Peniſtones, plain Grays, Kighley Whites, Frizes or any other Cloth, by what name or names ſoever they be called, ſhall be made or ſold, the Juſtices of Peace of the ſame Shire or Riding, or two of them at the leaſt, and in every City, Borough or Town-corporate, the head Officer or Officers of every of the ſame City, Borough or Town-corporate, together with ſome one or two of the Juſtices of the Peace of the Shire or Riding next adjoyning to ſuch City, Borough or Town-corporate, ſhall have full power and authority, and ſhall by virtue of this Act, once every year at the leaſt, and as often as they ſhall think good, to convent and call before them by their precept or otherwiſe, two, four, ſix or eight, or more, as they ſhall think good by their diſcretion, of the moſt honeſt, diſcreet and able men of every ſuch City, Town, Village, Hamlet or Pariſh, where any ſuch Cloth ſhall be made or ſold, and them ſhall conſtitute, ordain and appoint to be Overſeers for one whole year, or ſix months, or ſhorter time at their diſcretions, then next following, within the City, Borough, Town, Village, Hamlet, or Pariſh where the ſame Overſeers ſhall be dwelling, (2) and ſhall and may take them ſworn and bound in Recogniſance of fourty pounds a piece to the uſe of your moſt excellent Majeſty and your Succeſſors, to do their beſt endeavour by all lawful ways and means for that time, to ſee that this Statute in all points ſhall be truly obſerved and kept within the limits of their charge in every part thereof, (3) and that the ſame Overſeers, or two of them, ſhall once every month at the leaſt, or ſo often as need ſhall require, or they ſhall think fit by their diſcretions, by force hereof viſit and go into all, or any houſe or houſes, or other rooms of any Clothiers, Drapers, Clothworkers, or of any other perſon or perſons whatſoever, where any of the ſaid Cloth ſhall be, and there to make due ſearch, and view the ſame made, or remaining to be ſold, and to take, ſearch and try, as well by weight, water, or any other way whatſoever, the ſaid Clothes, Kerſies, Dozens, Cottons, Peniſtones, Kighley Whites and Frizes, or any other Clothes, by what name or names they be called: (4) And if any Clothes aforeſaid, upon ſearch thereof, ſhall not be found to be ſealed with a ſeal, containing the length and weight, as aforeſaid, then the Clothier and every Owner of the ſaid Cloth, ſhall forfeit every ſuch Cloth, Kerſies, Dozens, Cottons, Peniſtones, Kighley Whites and Frizes, or any other Cloth, by what name or names ſoever they be called, made within the Counties aforeſaid, not ſo ſealed, and ſold, or offered to be ſold, (5) and the ſaid Overſeers, and every of them, ſhall and may ſeiſe and carry away the ſame ſo forfeited, as aforeſaid, and preſent the ſame to the Juſtices of Peace at the next Quarter Seſſions, to be by them diſpoſed of as hereafter is in theſe preſents limited and appointed.

Overſeers of Clothmaking ſhall be appointed by the Juſtices of Peace, or Head-officer of Corporate-towns.

The Overſeers duty, and they ſhall make ſearch.

The forfeiture of the Cloth for default of ſealing.

V. And if the ſaid Overſeers ſhall find any falſe Seal or Mark to be ſet upon any Cloth aforeſaid, or ſhall upon ſearch, as aforeſaid, find the ſame Clothes aforeſaid to be ſtretched or ſtrained, then the ſame Overſeers ſhall preſent the ſame defaults unto the Juſtices at the next Quarter-Seſſions, and the names of the Owners or Poſſeſſors of ſuch Clothes, Kerſies, Dozens, Cottons, Peniſtones, Kighley Whites and Frizes, or any other Clothes, by what name or names they be called, ſo found defective; (2) And if any manner of perſon or perſons at any time after the ſaid twentieth day of September, ſhall deny, withſtand or withhold any Clothes, Kerſies, Dozens, Cottons, Peniſtones, Kighley Whites and Frizes, or any other Cloth, by what name or names ſoever they be called, from the ſaid Overſeers, or any of them, or will not ſuffer them to enter into any of the houſes, ſhops, rooms or other places where any ſuch Clothes ſhall be, that then every ſuch perſon or perſons ſo denying or withſtanding, ſhall for the firſt offence, forfeit and loſe ten pound, and for the ſecond offence twenty pound,

The penalty for ſetting of a falſe ſeal, or for ſtraining and ſtretching of Cloth.

The forfeitures for withholding of faulty cloth, or denying of ſearch.

and

The forfeiture for refuſing to be Overſeer.

and for the third offence, being thereof lawfully convicted by verdict of twelve men, and two ſufficient witneſſes, ſhall ſtand upon the Pillory in the next Market Town: (3) And if any of the ſaid perſons ſo commanded to appear, to be made Overſeers, as aforeſaid, and having no reaſonable excuſe, refuſe to come, and take upon him or them to be Overſeers, as aforeſaid, that then every ſuch perſon ſo refuſing, and having no reaſonable excuſe ſo to do, ſhall forfeit for every ſuch refuſing, five pounds, the one half thereof to be to your moſt excellent Majeſty, and your Succeſſors, and the other half to the Juſtices of the Peace, or other Head-Officer or Officers by whoſe commandment he was appointed to be Overſeer; (4) and the Overſeers ſo offending, to remain in the Ward of the Sheriff, Bailiff or other Head-Officer, until ſuch time as he hath made payment of the forfeiture, or otherwiſe put in ſufficient Bond for the ſatisfaction of the ſame.

The Overſeers ſhall fix a ſeal of lead to the Clothes. 7 Jac. 16.

VI. And to the end that the ſaid Clothes, Kerſies, Dozens, Cottons, Peniſtones, Kighley Whites and Frizes, or any other Clothes, by what name or names ſoever they be called, ſo to be viewed and ſearched, may be the better known; (2) It is therefore Enacted, That the ſaid Overſeers ſhall fix unto every kind of the Clothes aforeſaid, a Seal of Lead containing the length and the weight of every ſuch Clothes (together with this word Searched) (3) which Cloth ſo ſealed by the ſaid Overſeers, ſhall not be ſearched, tryed or viewed by any other Searcher or Overſeer of any other City, Borough, Town, Village, Pariſh or Hamlet, by virtue of his or their ſaid Office or Offices; Any thing in this Act, or in any other Statute to the contrary notwithſtanding.

The penalty for ſetting of ſeals to Clothes, or taking them away without warrant.

VII. And further, the ſaid Clothiers and other Inhabitants do humbly pray, that it may be likewiſe enacted, That if any perſon or perſons, but ſuch as are appointed, aſſigned and permitted by this Act, or their Servants or Deputies, do at any time after the ſaid twentieth day of September, counterfeit or ſet to, or willingly and wittingly take away from any the ſaid Clothes, Kerſies, Dozens, Cottons, Peniſtones, Kighley Whites and Frizes, or any other Cloth, by what name or names ſoever they be called, made within the Counties aforeſaid, any of the Seals ſo to be fixed, as above is recited, that then every perſon ſo offending, ſhall for the firſt offence forfeit and loſe x. l. (2) and for the ſecond offence, being thereof lawfully convicted by the verdict of twelve men, and two ſufficient witneſſes, ſtand upon the Pillory, and loſe and forfeit to your moſt excellent Majeſty, your Heirs and Succeſſors, twenty pound.

Juſtices of Peace, Head-Conſtables and Overſeers may ſearch for ropes, rings, winches, &c. and deface them.

The puniſhment for the ſecond offence.

The forfeiture for reſiſting of ſearch.

VIII. And to the end that the ſaid Statutes and Laws aforeſaid may be the more effectually executed, and all ſtretching and ſtraining, and falſifying of any the Clothes aforeſaid taken away, It may be alſo enacted, That every Juſtice of Peace, Head-Conſtable, or other the Overſeers aforeſaid, ſhall have full power and lawful authority to enter in, or upon any the Meſſuages, Tenements, Houſes, Buildings, Lands or Grounds of any perſon or perſons whatſoever, to ſearch for any ſuch Tenters, of what ſort or kind ſoever, or any manner of Ropes, Rings, Heads, Wrinches, or other Engines whatſoever, whereby any falſhood or deceit may be uſed in or about ſtretching and ſtraining of any the ſaid Clothes, Kerſies, Dozens, Frizes, Cottons, Peniſtones, Kighley Whites, or any other Cloth, by what name or names ſoever they be called, or any of them: (2) And if they ſhould find any ſuch Tenters, of what ſort or kind ſoever, or any manner of Ropes, Rings, Heads, Wrings or Engines, they ſhall and may utterly deface the ſame, in ſuch ſort as they cannot be imployed again to any ſuch uſe: (3) And if any perſon or perſons with whom any ſuch ſhall once have been found, ſhall after that be known to have or uſe any ſuch Tenter, of what ſort or kind ſoever, any manner of Rope, Ring, Head, Wrinch, Wring, or Engine, that then the ſaid Juſtices, Head-conſtables or Overſeers, or any of them, within the ſeveral Precincts, ſhall take and ſell the ſame to the beſt value thereof, and by the conſent of two Juſtices of Peace within the ſame County, diſpoſe the money thereof coming, to the poor of that Pariſh where the ſame ſhall be ſo taken: (4) and that upon complaint made, or information given of any ſuch Tenter, of what ſort or kind ſoever, or any manner of Rope, Head, Ring, Wrinch or Wring, or any other Engine, to any Juſtice of Peace, every one of them to whom ſuch complaint ſhall be made, or information given, ſhall within ſeven days next enſuing ſuch complaint or information given, repair to the place where the ſame ſhall be ſo had or uſed, and then and there to execute this Law, as aforeſaid, upon pain hereafter in this preſent Act expreſſed: (5) And that if any perſon or perſons ſhall withſtand or reſiſt any ſuch Juſtice of Peace, or other Head Officers, in, or about, touching or concerning the execution of the premiſſes, every ſuch perſon or perſons ſhall forfeit and ſuffer, as is before limited for reſiſting the Overſeers in the ſearch.

A Juſtices forfeiture for being negligent in the execution of his duty herein. Who ſhall have the forfeitures.

IX. And if any the Juſtices, or Juſtice of Peace, within the limits or bounds of his or their Commiſſion, ſhall be negligent or make default in doing of any thing touching or concerning the due or true execution of this Statute, or any thing therein contained, every ſuch Juſtice of Peace for every ſuch default, ſhall forfeit and loſe v. l. (2) And that all ſuch forfeitures as ſhall happen or grow by reaſon of this Act, ſhall be one third part thereof to ſuch perſon or perſons as ſhall be then Overſeers, one third part to the uſe of our Sovereign Lady the Queens Majeſty, and one third part to the uſe of the poor, to be imployed to the uſe of the poor, in ſuch ſort as the Juſtices of Peace in the Quarter-Seſſions to be holden next after Judgment had or given for the ſame, ſhall limit and appoint.

Juſtices of Peace ſhall hear and determine the aforeſaid offences.

X. And that the ſaid Juſtices of Peace in the Quarter-Seſſions, ſhall and may enquire, hear and determine every fault or offence made or done contrary to this preſent Act, or any thing therein contained, except the offences committed, and forfeitures made by the Juſtices of Peace, by preſentment, bill or information, and upon proof thereof made by the teſtimony of two ſufficient witneſſes openly given to the Jury, and then upon preſentment made by the Jury, to give order for the execution of this Statute, and every clauſe therein contained, and for the recovery of the penalties aforeſaid, to the uſes aforeſaid.

The Juſtices of Aſſiſe ſhall hear and determine the offences of the Juſtice of Peace.

XI. And that the Juſtices of Aſſiſe, ſhall and may enquire, hear and determine every fault or offence made or done by any Juſtice of Peace, contrary to this preſent Act, in neglect of their duty, in or about, touching or concerning the execution of this preſent Act, and upon proof thereof made by two ſufficient witneſſes, and by the preſentment of the Jury, ſhall and may

give order for recovery and imployment of the penalties
and made, to the uſes aforeſaid: (2) And for default of J
aforeſaid, by the Juſtices of Peace, or Juſtices of Aſſiſe, th
tures to be the one half thereof to her Majeſty, the other
Action of Debt, Bill, Plaint, Information, &c. in any of
Record at Weſtminſter, in which no wager of Law, Protec
allowed.

XII. Provided nevertheleſs, and be it further enacted b
and every kind of Clothes aforeſaid, by what name ſoever
after the day aforeſaid, within the Counties aforeſaid, and
to be ſold there, ſhall be brought into the common Cloth-
commonly called Blackwell-Hall, to be there ſearched dry,
ket-times by the Searchers of the ſaid City, upon pain th
ſhall forfeit for every ſuch Cloth not ſo brought into the M
every Searcher that ſhall ſearch at any time in the Mark
ſale of ſuch Clothes in the Market there, ſhall forfeit for e
which ſaid forfeitures ſhall be onemoiety to the uſe of our
jeſty, her Heirs and Succeſſors, the other to ſuch perſon o
action of Debt or Information, in which Suits no wager
be admitted or allowed.

CAP. XXI.

There ſhall be a further taxation for the relief of Souldiers and Mariners, whe
35 El. 4. The greateſt rate of every Pariſh to be taxed, ſhall be viii. d. and t
rate be not ſufficient for the Souldiers and Mariners in London. Treaſurers ſhall
alter the relief of Souldiers and Mariners. Exp. 43 El. 3. 43 El. 9.

CAP. XXII.

An Act for the eſtabliſhment of the Biſhoprick of Norwich, and the poſſeſſion
ed Title made thereunto.

CAP. XXIII.

The Inhabitants of the County of Monmouth ſhall ſtand chargeable for the mak
over the River of Usk, as need ſhall require: And ſuch order ſhall be obſerved
the money thereupon to be ſpent, as is appointed by the Statute of 22 H. 8. 5. B
contributary thereunto, which is bound by any Law to make or repair any Bridge

CAP. XXIV.

A convenient Bridge of Stone or Timber, or both, ſhall be made and finiſhed
ford, near unto the Town of Roſs, by the Inhabitants of the ſaid County, in ſuc
County ſhall be appointed, within ſeven years next after the diſſolution of this
Pontage ſhall be taken of the ſame Bridge in form following, and not otherwiſe
or Wain laden, driven over the ſaid Bridge, ii. d. and for every horſe laden with a
twenty, ii. d. and for every twenty ſheep, iii. d. and for five Beaſts, to the number
and ſo proportionably according to that rate. Two Burgeſſes of the Town of R
ford, ſhall be yearly choſen Collectors of the ſaid Pontage: to whom, or to the
pound any perſons Beaſts, Sheep, &c. refuſing to pay the ſaid Pontage. And the
his Heirs or Aſſigns (upon whoſe land the Bridge ſhall be builded) ten pounds
lectors ſhall yearly make account of the profits of the ſaid Pontage. A proviſo to
Corn to the Keepers of the paſſing there, for their Pontage, &c. Pr.

CAP. XXV.

An Act for the enlarging of the Statute made for following Hue and
Reign, in ſome ſort to relieve the Inhabitants of the ſmall hund
in no voluntary default, and yet are, or ſhall be charged by the
Statutes, the one made the Thirteenth year of King Edward th
year of King Edward the Third, for repreſſing of Robberies.

IN moſt humble wiſe beſeeching your moſt excellent M
Hundred of Beynerſh, alias Benhurſt, within the Count
Hundred doth conſiſt only of five ſmall Villages, and thre
hath lying through it two great road High-ways, the o
upon Thames, the other from London to Reading, and eith
in length, within the great woody ground called the Th
lages ſtandeth upon or adjoyning to either of the ſaid way
ſame: Neither have the Inhabitants of the ſame Hund
either Arable or other, adjoyning or lying near to ſuch pa
ſaid Thicket) as are moſt apt for Robberies to be done,
vants or Workmen labouring within the view of the ſame
beries done, and therefore the ſaid Inhabitants cannot
telligence of any Robbery which ſhall be there committe
bed ſhould give the ſame unto them: And the ſeveral lengt
ſame ways are ſuch, as all the able men of the ſame ſmall
ſeveral ways, as that thereby Robberies may be prevented
ſuch Robberies as have been of late years done there, hav
the party robbed, at the Town of Maidenhead, which is out
diſtant from the aforeſaid thieviſh places in the Thicket, w
ly done, and yet upon ſuch notice of Robberies given at
the Hundred) there hath been lately (within one year) t
pound recovered upon the aforeſaid Statutes, againſt th
Benhurſt, which had no notice of the ſame Robberies, wher
thereof have been, and are utterly impoveriſhed, to the ut
their Wives and Children, (3) and many other the like
Statutes) fall upon them, though it lieth not in their pow
otherwiſe) to perform the ſame Statutes; So as the Inha

naltics and forfeitures by them committed
ult of Juſtice to be done in manner and form
ſſiſe, then the one moiety of all ſuch forfei-
other to him that will ſue for the ſame by
any of her Majeſties Court or Courts of
Protection or Eſſoin, ſhall be admitted or

Searching of Northern Clothes brought to London to be ſold.

acted by the authority aforeſaid, That all
ſoever they be called, which ſhall be made
aid, and brought up to the City of London,
Cloth-market-place within the ſaid City,
ed dry, without wetting, and out of Mar-
pain that every Owner of any ſuch Cloth,
the Market, xl. s. (2) and upon pain that
Market-times, to the diſturbance of the
eit for every ſuch ſearch ſo made, v. l. (3) All
of our Sovereign Lady the Queens Ma-
erſon or perſons as ſhall ſue for the ſame by
wager of Law, Protection or Eſſoin, ſhall

XI.

Captains, Raſt. 7.

riners, where ſufficient was not provided by the Statute of
i. d. and the leaſt ii. d. weekly. Another proviſion, if the
urers ſhall be appointed by the Juſtices. The Juſtices may

II.

Norwich, Raſt. 5.

poſſeſſion of the ſame, againſt a certain pretended conceal-

III.

Bridges, Raſt. 7.

of the making and repairing of Newport and Carlion Bridges
obſerved for the aſſeſſment, gathering and imployment of
H. 8. 5. But no Town-corporate ſhall be chargeable to be
any Bridge over any main River. Pr.

IV.

Ibid. 8.

d finiſhed at Wilton upon Wye, in the County of Here-
ty, in ſuch place there, as by the Juſtices of Peace of the
ion of this Parliament, being 9 die Feb. Anno Dom. 1597.
t otherwiſe, viz. Every perſon ſhall pay for every Cart, Carr
aden with a Pack, i. d. and for every ten Sheep or upward to
he number of twenty, ii. d. and for every twenty Beaſts, vi. d.
Town of Roſs, and two Free-holders of the County of Here-
, or to their deputies, it ſhall be lawful to diſtrain and im-
And the ſaid Collectors ſhall yearly pay to Charles Bridges,
en pounds at the Feaſt of Saint Michael. And the ſaid Col-
proviſo to diſcharge them and their Heirs that do yearly pay

XV.

Hue and Cry, in the 27. year of your Majeſties
all hundred of Benhurſt, in caſes where they are
ed by the ſame Statute, and by the two ancient
dward the Firſt, the other in the Twenty eighth
eries.

Hue & Cry II. Remedy for the Inhabitants of the hundred of Benhurſt in the County of Berks, for recovery of ſuch ſums of money as ſhall be obtained of them by force of the Statute of 27 El. 13.

The cauſes that the Inhabitants of the Hundred of Benhurſt cannot have notice of Robberies done there.

llent Majeſty, the poor Inhabitants of the
County of Berks, that whereas the ſaid
and three ſmall Quillets or Hamlets, and
s, the one leading from London to Henly
and either of them at the leaſt three miles
the Thicket, and no one of the ſame Vil-
aid ways, but lie diſperſedly far from the
e Hundred any open or common Fields,
o ſuch parts of the ſame ways (within the
e done, whereby they may have their Ser-
the ſame ways, to take notice of the Rob-
cannot well have any ſpeedy notice or in-
ommitted, unleſs the party or parties rob-
al lengths and manner of the lying of the
e ſmall Hundred cannot ſo watch the ſame
evented: (2) And whereas alſo notice of
ere, have been (for the moſt part) given by
ch is out of that Hundred, and three miles
icket, where the Robberies are moſt uſual-
ven at Maidenhead aforeſaid, (being out of
year) the ſum of twelveſcore and fifteen
gainſt the ſmall Hundred of Beynerſh, alias
s, whereby many of the poor Inhabitants
o the utter ruine and overthrow of them,
he like extremities may (by the aforeſaid
eir power (as well for want of notice, as
the Inhabitants thereof are like to be ge-
nerally

nerally impoveriſhed, or enforced to remove their dwellings into ſome other Hundred, without ſome relief ſhall be for them in that behalf provided: (4) That it may be enacted by the authority of this preſent Parliament, That the Inhabitants of the ſaid Hundred of Beynerſh, alias Benhurſt, ſhall and may to their own proper uſe, in the name of the Clerk of the Peace of the ſaid County of Berkſhire, recover, have, and levy all ſuch Sums of Money, Coſts and Damages, as hereafter ſhall be recovered or levied, of, or againſt them by the aforeſaid Statutes, or any of them, againſt the Inhabitants or Reſiants of every or any ſuch Hundred, with the Franchiſes within the precinct thereof, wherein negligence, fault or defect of ſuch purſuit and freſh ſuit (as by the ſaid Statute of the ſeven and twentieth year of your Majeſties Reign is appointed to be made) ſhall happen to be, after notice given, or Hue and Cry brought to the ſame Inhabitants or Reſiants, or any of them, of, or upon any Robbery which ſhall be at any time hereafter done within the ſaid Hundred of Beynerſh, alias Benhurſt,: (5) And that this preſent Act ſhall give as full power and authority in all reſpects, to the Inhabitants of the ſaid Hundred of Beynerſh, alias Benhurſt (in the name of the Clerk of the Peace of the ſaid County) for recovery, having and levying of all the ſaid money, Coſts and Damages, as aforeſaid, as the aforeſaid Statute of the ſeven and twentieth year of your Majeſties Reign, gave, or intended to give for the recovery of a moiety, or one half thereof.

II. Provided always, and it is enacted by the authority aforeſaid, That no ſuch remedy or recovery ſhall be had by this Statute, for all or the whole ſum or ſums of money and damages, as aforeſaid, but only in theſe two caſes, viz. (2) The one where no ſuch notice or intelligence (as by the ſaid Statute of the ſeven and twentieth year of your Majeſties Reign was appointed to be given of every or any Robbery) ſhall be given to the Inhabitants of the ſaid Hundred of Beynerſh, alias Benhurſt: (3) The other, where the Inhabitants of the ſame Hundred (after ſuch notice of any Robbery to them, or ſome of them given, or after Hue and Cry for the ſame to be brought) ſhall make or cauſe to be made freſh ſuit and purſuit after the Offenders, with Horſemen and Footmen, according to the ſaid Statute of the ſeven and twentieth year of your Majeſties Reign, and where neverthleſs the Offenders, or any, or one of them, ſhall not be apprehended within fourty days after the Robbery committed.

CAP. XXVI.

Taxes, Raſt. 43.

A confirmation of three Subſidies of four ſhillings in the pound, granted to the Queen by the Clergy, to be paid at ſix ſeveral days. Exp.

CAP. XXVII.

Ibid. 43.

A confirmation of three entire Subſidies and ſix Fifteens and Tenths granted to the Queen by the Temporalty, Exp.

CAP. XXVIII.

Pardon, Raſt. 49.

A confirmation of the Queens general and free Pardon; Except, &c. Exp.

Anno quadrageſimo tertio Reginæ ELIZABETHÆ.

AT the Parliament begun and holden at Weſtminſter, the Seven and twentieth day of October, in the Three and fortieth year of the Reign of our moſt gracious Sovereign Lady Elizabeth, by the Grace of God, of England, France and Ireland, Queen, Defender of the Faith, &c. And there continued until the Diſſolution thereof, being the nineteenth of December next following, 1601. To the high pleaſure of Almighty God, and weal-publick of this Realm, were enacted as followeth.

CAP. I.

An Act for confirmation of Grants made to the Queens Majeſty, &c. and of Letters Patents made by her Highneſs to others.

Patents 8. Aſſurances made to or for the Queen of any lands, &c. ſince Feb. 8. Anno 25. of her Reign: and all Letters Patents made by the Queen to others ſince that time, &c. confirmed. To what Letters patents this Stat. doth extend, and to what not.

IN moſt humble wiſe beſeechen your moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this your Highneſs Parliament aſſembled, That whereas ſithence the eighth day of February, in the five and twentieth year of your Majeſties Reign, divers and ſundry honors, caſtles, manors, lands, tenements, rents, reverſions, ſervices and other hereditaments, have been conveyed and aſſured to your Highneſs, your Heirs and Succeſſors, by and from divers and ſundry perſons and bodies politick, as well for the diſcharge and ſatisfaction of great debts and ſums of money, as for other good conſiderations: (2) That for the better aſſurances, confirmation and ſurety thereof, it may be enacted by authority of this preſent Parliament, That all feoffments, fines, ſurrenders, aſſurances, conveyances and eſtates, in any wiſe conveyed, had or made to or for your Highneſs, by or from any perſon or perſons, bodies politick or corporate, ſithence the ſaid eighth day of February, in the five and twentieth year of your Majeſties Reign, of any honors, caſtles, manors, lands, tenements, rents, reverſions, ſervices and other hereditaments, for any debt, ſum or ſums of money, or other conſideration whatſoever (other then conveyances or eſtates heretofore had or made by any Eccleſiaſtical perſon or perſons, or bodies politick or corporate not having power or ability by the Laws and Statutes of this Realm to make the ſame) ſhall ſtand, remain and be good and available in the Law, to all intents, conſtructions and purpoſes, according to the true meaning, intent and purport of the ſame: Co. El. 11 f. 75.

A ſaving of the right of others.

II. Saving to all and every perſon and perſons, and to their heirs, bodies politick and corporate, and to their ſucceſſors, and every of them (other than ſuch perſon or perſons, and their heirs and wives, being parties or privies to ſuch conveyances or aſſurances, and every of them, bodies politick and corporate, and their ſucceſſors, and every of them, of, or from whom the Queens Highneſs hath had, obtained or purchaſed any manors, meſſuages, lands, tenements, rents, reverſions, ſervices or hereditaments, by exchange, gift, bargain, fee, feoffment, recovery, deed inrolled, or otherwiſe) (2) all ſuch right, title, intereſt, uſe, poſſeſſions, rents, reverſions, remainders, offices, fees, commons, profits, and commodities whatſoever, which they or any of them have, might or ought to have had, of, in or to the premiſſes, or any part thereof, in as large and ample manner, form and condition, to all intents, conſtructions and purpoſes, as if this Act had never been had ne made; This preſent Act or any thing therein contained to the contrary notwithſtanding.

III. And whereas your excellent Majeſty, ſithence the ſaid eighth day of February, in the five and twentieth year of your Highneſs Reign, as well for divers and great ſums of money, as alſo for divers and ſundry other conſiderations, hath bargained, ſold, given and granted by your Highneſs ſundry Letters Patents, Indentures or other Writings, ſealed under the Great Seal of England, or the Seal of the Dutchy of Lancaſter, or the Seal of the County Palatine of Lancaſter, as well to bodies politick and corporate, as to divers and ſundry other your Highneſs loving and obedient Subjects, divers and ſundry honors, manors, lands, tenements, rents, reverſions, ſervices and other hereditaments, in fee-ſimple, fee-tail, or for term of life, lives or years, as in the ſame ſeveral Letters Patents, Indentures and other Writings is mentioned and declared, That to the intent the ſame Letters Patents, Indentures and other Writings may be of good, available and perfect force and effect of all and every your Highneſs loving Subjects, according to the true meaning and effect of the ſame: (2) It may pleaſe your moſt excellent Majeſty, that it may be enacted by authority of this preſent Parliament, That as well all and ſingular Letters Patents, Indentures and other Writings ſealed under the Great Seal of England, or under the Seal of the Dutchy of Lancaſter, or the Seal of the County Palatine of Lancaſter, heretofore made and granted by your Highneſs for any ſums of money, or for and upon any other conſiderations, ſithence the ſaid eighth day of February, in the five and twentieth year of your Highneſs Reign, as all other Letters Patents hereafter to be made by your Highneſs, for any ſum or ſums of money, or other conſiderations, before the laſt day of this preſent Seſſion of Parliament: (3) And moreover, all other Letters Patents within the ſpace of one year then next enſuing, to be made by force, or according to the purport or true meaning of the Commiſſion under the Great Seal of England, now in being, for ſale of your Highneſs Lands to any body politick or corporate, or to any other perſon or perſons whatſoever, of any honors, caſtles, manors, lordſhips, graunges, meaſes, lands, tenements, meadows, paſtures, rents, reverſions, ſervices, woods, advowſons, nominations, patronages, annuities, rights, intereſts, entries, conditions, leets, courts, liberties, priviledges, franchiſes, or of any other hereditaments with their appurtenances, or of any part or parcel of them, ſealed with, or under the Great Seal of England, or under the Seal of the Dutchy of Lancaſter, or the Seal of the County Palatine of Lancaſter, of whatſoever kind, nature or quality they or any of them be, or ſhall be reputed, known or taken, with their appurtenances, or any part or parcel of them, (4) ſhall be good, perfect and effectual in the law, and ſhall ſtand, be taken, reputed, deemed and adjudged good, perfect, ſure, available and effectual in the law, againſt your Highneſs, your Heirs and Succeſſors, according to the tenor and effect of the ſaid Letters Patents, Indentures or other Writings: (5) The ſame to be expounded, conſtrued, deemed and adjudged moſt beneficially for the Patentees and Grantees of the ſame, and their heirs, aſſigns, executors and adminiſtrators, according unto the words and purport of every the ſaid Letters Patents, Indentures or other Writings, without any confirmation, licence or toleration of your Highneſs, your Heirs or Succeſſors; (6) Any miſ-naming, miſ-recital, nor non-recital of any the ſame honors, caſtles, manors, lands, tenements and other premiſſes, or of any parcel thereof: (7) Or any lack of finding of Offices or Inquiſitions, of, and in the premiſſes, or any part thereof, whereby the title of your Highneſs therein ought to have been found before the making of the ſame Letters Patents, Indentures or other Writings. (8) Or any miſ-recital or non-recital of Leaſes thereof made, as well of Record, as not of Record: (9) Or any miſ-recital, non-recital, or not true mentioning in any ſuch Letters Patents, Grants or Writings, of your Majeſties own Eſtate or Eſtates, either of freehold or inheritance, of, or in the premiſſes, or any part thereof, whereunto your Majeſty hath been ſithence the beginning of your Reign, or hereafter ſhall be entituled, by any Attainder, Eſcheat, Conveyance or Aſſurance whatſoever: And in which Letters Patents, Grants or Writings no Eſtate tail formerly made, or ſuppoſed to be made, have been or ſhall be recited, and the reverſion or remainder thereupon expectant in the ſame Letters Patents, Grants or Writings granted or mentioned to be granted: (10) Or any lack of the certainty, miſ-caſting, rating or ſetting forth of the yearly value and rate of the premiſſes, or of the yearly rents reſerved of and for the premiſſes, or any parcel thereof, mentioned or contained in any of the ſaid Letters Patents or other Writings: (11) Or for that the premiſſes be, or any part thereof is valued at a more or leſs value in the ſaid Letters Patents or Writings then the ſaid manors, lands, tenements and other the premiſſes, then were, or ſhall be in yearly value: (12) Or any miſ-naming, or not true naming of the towns, hamlets, pariſhes or counties where the ſame honors, manors, lands, tenements, rents, hereditaments, and other the premiſſes, and every parcel thereof, or any parcel thereof lien or been: (13) Or any lack of the true naming of the lands, tenements or hereditaments, or of the natures, kinds, ſorts, qualities or quantities of the ſaid poſſeſſions or hereditaments, or any parcel thereof: (14) Or any lack of the true naming of the Corporation: (15) Or any lack of Attornment, Livery or Seiſin: (16) Or of any miſ-naming of any the late Tenants or Famers of the ſame honors, manors, lands, tenements and hereditaments, or any part thereof ſo ſold, granted or given: (17) Or of any miſ-naming of ſuch perſon or perſons, bodies politick or corporate, as at any time before the making of ſuch Letters Patents, were or ſhall be Owners of the premiſſes, or any part thereof, to the contrary notwithſtanding.

Col. 8. f. 28.

A ſale of the Queens lands to be made by force of a Commiſſion in being.

Letters Patents ſhall be expounded beneficially for the Patentee.

Lane 7.
1 Roll. 31.

Miſ-naming, miſ-recital, non-recital of the lands.

Lack of finding of Offices.

Miſ-recital or non-recital of Leaſes.

Miſ-recital or non-recital of the Queens eſtate.

No eſtate tail recited.

Lack of certainty, caſting, rating of the yearly rent or value.

The lands valued at more or leſs than they be.

Miſ-naming or not true naming of the places where the lands lie.

The lack of the true naming of the lands, and of the kinds, ſorts, &c.

Miſ-naming of the corporation.

Lack of Attornment, Livery and Seiſin.

Miſ-naming of the late tenants

Miſ-naming of the late owners.

IV. Provided, That this Act, nor any thing therein contained, ſhall not extend to make any Letters Patents of any Office or Offices to be of any other effect, force or ſtrength then the ſame Letters Patents were, or ſhould have been before the making of this Act.

Letters Patents of Offices.

V. Provided alſo, That all and ſingular ſuch Patentees, Grantees, and Donees, and every of them, which at any time heretofore, ſithence the eighth day of February, have obtained and gotten of your Highneſs, or at any time hereafter, before the laſt day of this Seſſion of Parliament, or within the ſpace of one year then next enſuing, ſhall obtain and get of your Highneſs by way of Exchange, or for any ſum or ſums of money, or other conſiderations, any Letters Patents of any manors, lands, tenements or hereditaments whatſoever, which at the date of the ſaid Letters Patents were or ſhall be of better and more yearly value to your Highneſs, and ſo anſwered in yearly Rent and Farm, then was, is or ſhall be contained,

mentioned

Recompence for the overplus of lands ſold by the Queen. Threeſcore years purchaſe.

mentioned and ſpecified in any ſuch Letters Patents, or in the particulars or rates thereof made or to be made by any Auditor or Auditors, Surveyor or Surveyors, or other Officer; That then every ſuch Patentee, Grantee, or Donee, their heirs, executors or aſſigns, and every of them, within one year next after Office, or other due proof, order and decree thereof made and had, or to be made or had within the ſpace and term of ten years next after the end of this preſent Seſſion of Parliament in the Court of the Exchequer, ſhall content and pay unto your Highneſs, your Heirs and Succeſſors, for the ſame over-plus, and more value of the ſame manors, lands, tenements and other hereditaments whatſoever, with their Appurtenances ſo ſold, given, granted or exchanged, as is aforeſaid, after the rate of threeſcore years purchaſe, (2) and according to ſuch yearly value and rate as the ſame manors, lands, tenements and other hereditaments whatſoever were of, and were anſwered for at the time of the making any ſuch Letters Patents, ſo made or to be made in manner and form aforeſaid; Any thing contained in any ſuch Letters Patents to the contrary in any wiſe notwithſtanding.

Grants whereunto this Statute doth not extend.

VI. Provided alſo, That this Act, or any other Proviſo therein contained, ſhall not in any wiſe extend to confirm, ratifie or make good any Leaſe or Leaſes made or to be made by your Highneſs for term of life, lives or for years, whereupon the old and accuſtomed Rents, or more, or as much in value, or more proportionably, for the lands and tenements ſo demiſed, or to be demiſed, be not, or hereafter ſhall not be reſerved and yearly payable during the time and term of every ſuch Leaſe: (2) Nor that this preſent Act ſhall in any wiſe extend to revive and make good any Letters Patents made of any Office or Offices, to any Comptroller, Cuſtomer, Aulneger, Searcher: (3) Nor to any Letters Patents of the grant of any other Office or Offices heretofore granted or made by your Highneſs, which now be, or at any time heretofore have been annihilated, determined or made void, by judgment, by Authority of Parliament, or by Decree: (4) Nor to any Patents to be made to any perſon or perſons for term of years, or during the minority of any Heir of any manors, lands or tenements, whereof any traverſe hereafter ſhall be tendered within three months after any Office found and certified into any your Highneſs Courts of Record: (5) Ne to make any Letters Patents made by your Highneſs of any Office or Offices, to be of any other effect, force or ſtrength than the ſame Letters Patents were or ſhould have been before the making of this Act.

Patents of concealed lands.

VII. Provided alſo, That this Act, or any thing therein contained, ſhall not extend to any Letters Patents, or any Gift or Grant therein contained, which at any time heretofore have been, or hereafter before the laſt day of this preſent Seſſion of Parliament, ſhall be made by your Highneſs, to any perſon or perſons, of any manors, lands, tenements, rents, reverſions, ſervices, or other hereditaments, by force of any Information, Suit or Suggeſtion made, or to be made to your Highneſs, that the ſame Manors, Lands, Tenements, and other Hereditaments ſo contained in any ſuch Letters Patents, were concealed Lands, or that the ſame, or the profits thereof were unjuſtly withholden from your Highneſs, but that the ſame Letters Patents, and every of them, ſhall ſtand, remain, and be in the ſame force, ſtrength and effect, as they were before the making of this Act; Any thing in this Act mentioned to the contrary notwithſtanding.

Patents made by warrant of Commiſſioners authorized to make compoſition with others.

VIII. And yet nevertheleſs, Be it declared and enacted by authority of this preſent Parliament, That no Letters Patents, nor any Gift or Grant in them contained, made or to be made by Warrant of your Majeſties Commiſſioners authorized to make compoſitions with your Highneſs Subjects for new Letters Patents, or Grants to be made unto them, are or ought to be taken, or ſhall be deemed and taken to be made by force of any information, ſuit or ſuggeſtion, that the manors, lands, tenements, or other hereditaments contained in the ſame Letters Patents, were concealed lands, but that they and every of them ſhall be within the full meaning of this Act, to be fortified and made good as other Letters Patents (made without any ſuggeſtion, or information of concealment, or unjuſt withholding) been.

Patents decreed to be void by Act of Parliament, or in any of the Queens Courts of Record. Monopolies. Patents touching penal ſtatutes. William Kirkham.

IX. Provided always, That this Act, nor any thing herein contained, ſhall extend, or be taken to make good any Letters Patents, Indentures or other Writings, or any Grant in them or any of them contained, which heretofore have been adjudged or decreed to be void in any of your Majeſties Courts of Record at Weſtminſter, or by Act of Parliament: (2) Nor to make good any Letters Patents, or any grant in them or any of them contained, of, or concerning licences, powers, or priviledges, commonly called Monopolies: (3) Nor to make good any Letters Patents or Grants, of or concerning power, licence, liberty, or authority given for execution of any penal ſtatute or ſtatutes, or for toleration or diſpenſation of, to, or with any offence prohibited by any penal ſtatute or ſtatutes: (4) Nor to make good any Letters Patents to William Kirkham, Gentleman, or to any other by his procurement, concerning which there hath been any Act of Parliament made heretofore, or any ſuit in your Majeſties Court of Star-Chamber, or Chancery:

The right of others ſaved.

X. Saving to all and every other perſon or perſons, and bodies politick and corporate, their heirs and ſucceſſors, and every of them, all ſuch right, title, intereſt, poſſeſſion, eſtate, leaſes, rents, ſervices, commons, and all other profits and commodities whatſoever, as they or any of them ſhould or might have had before the Letters Patents thereof made, as if this Act had never been had ne made; any thing therein contained to the contrary notwithſtanding.

Patents of lands, whereof there is an eſtate tail in the Queen.

XI. Provided always, That this Act, or any thing therein contained, ſhall not extend to make good or available in Law any Letters Patents, or Grant of the premiſſes, or any part thereof, whereof there was or ſhall be any good and lawful eſtate tail, heretofore made by your Majeſty, or any of your progenitors, or hereafter to be made by your Majeſty, unleſs ſuch eſtate tail be duly recited.

XII. Provided always, and be it enacted by the authority aforeſaid, That neither this Act, nor any thing therein contained, ſhall not extend to make good any Letters Patents heretofore made by your Majeſty, ſithence the five and twentieth year of your Highneſs reign, to any perſon or perſons, and their heirs, for and concerning the manors, graunges, lands, tenements, and other hereditaments whatſoever, ſet, lying, and being in the ſeveral Pariſhes of Bakewell and Hartington, in the County of Darby, and in the ſeveral Pariſhes of Rowceſter, alias Rocheſter and Blower, in the County of Stafford, mentioned or intended to have been conveyed unto Francis late Earl of Shrewsbury by the late King of famous memory, King Henry the Eighth, by his Highneſs Letters Patents, bearing date at Weſtminſter the two and twentieth day of November, in the three and thirtieth year of the Reign of the ſaid late King, (2) But for and concerning all other manors, lands, tenements, and hereditaments contained in any ſuch Letters Patents made ſince the ſaid five and twentieth year of your Majeſties Reign, the ſame ſhall be within the remedy and proviſions of this preſent Act of Parliament, according to the purport, true intent, and meaning of the ſame.

Bakewell, Hartington, Rowceſter, Blower.

XIII. Provided always, That neither this Act, nor any thing therein contained, ſhall extend to the ratifying, or making good of any Leaſe made by John May late Biſhop of Carlile deceaſed, to your Majeſty, which was not enrolled before the firſt day of this Seſſion of Parliament.

Leaſes made to the Queen by the Biſhop of Carlile.

Stat. 34 H. 8. 21. 1 Ed. 6. 8. 7 Ed. 6. 3. 4 & 5 P. & M. 1. 18 El. 2. 35 El. 3.

CAP. II.

An Act for the relief of the Poor.

Hil. 94. 1 Roll. 107.

Poor 2. Who ſhall be Overſeers for the poor; their office, duty, and account, &c. 39 Eliz. 3.

BE it enacted by the authority of this preſent Parliament, That the Churchwardens of every Pariſh, and four, three, or two ſubſtantial houſholders there, as ſhall be thought meet, having reſpect to the proportion and greatneſs of the ſame pariſh and pariſhes, to be nominated yearly in Eaſter week, or within one month after Eaſter, under the Hand and Seal of two or more Juſtices of the Peace in the ſame County, whereof one to be of the Quorum, dwelling in or near the ſame pariſh or diviſion where the ſame pariſh doth lie, ſhall be called Overſeers of the poor of the ſame pariſh: And they, or the greater part of them, ſhall take order from time to time, by and with the conſent of two or more ſuch Juſtices of Peace, as is aforeſaid, for ſetting to work the children of all ſuch whoſe parents ſhall not by the ſaid Churchwardens and Overſeers, or the greater part of them, be thought able to keep and maintain their children; and alſo for ſetting to work all ſuch perſons, married or unmarried, having no means to maintain them, and uſe no ordinary and daily trade of life to get their living by: And alſo to raiſe weekly, or otherwiſe (by taxation of every inhabitant, Parſon, Vicar, and other, and of every occupier of lands, houſes, tithes impropriate, propriations of tithes, coal-mines, or ſaleable Underwoods in the ſaid pariſh, in ſuch competent ſum and ſums of money as they ſhall think fit) a convenient ſtock of Flax, Hemp, Wooll, Thread, Iron, and other ware and ſtuff to ſet the poor on work: And alſo competent ſums of money for and towards the neceſſary relief of the lame, impotent, old, blind, and ſuch other among them, being poor, and not able to work, and alſo for the putting out of ſuch children to be apprentices, to be gathered out of the ſame pariſh, according to the ability of the ſame pariſh, and to do and execute all other things, as well for the diſpoſing of the ſaid ſtock, as otherwiſe concerning the premiſſes, as to them ſhall ſeem convenient:

Cro. Car. 29.

Who ſhall be taxed towards the relief of the poor.

A convenient ſtock ſhall be provided to ſet the poor on work. 3 Car. 4.

II. Which ſaid Churchwardens and Overſeers ſo to be nominated, or ſuch of them as ſhall not be let by ſickneſs, or other juſt excuſe to be allowed by two ſuch Juſtices of Peace, or more, as is aforeſaid, ſhall meet together at the leaſt once every month, in the Church of the ſaid pariſh, upon the Sunday in the afternoon, after Divine Service, there to conſider of ſome good courſe to be taken, and of ſome meet order to be ſet down in the premiſſes, (2) and ſhall within four days after the end of their year, and after other Overſeers nominated, as aforeſaid, make and yield up to ſuch two Juſtices of Peace, as is aforeſaid, a true and perfect account of all ſums of money by them received, or rated and aſſeſſed, and not received, and alſo of ſuch ſtock as ſhall be in their hands, or in the hands of any of the poor to work, and of all other things concerning their ſaid Office; (3) and ſuch ſum or ſums of money as ſhall be in their hands, and ſhall pay and deliver over to the ſaid Churchwardens and Overſeers newly nominated and appointed, as aforeſaid, (4) upon pain that every one of them abſenting themſelves without lawful cauſe, as aforeſaid, from ſuch monthly meeting for the purpoſe aforeſaid, or being negligent in their Office, or in the execution of the Orders aforeſaid, being made by and with the aſſent of the ſaid Juſtices of Peace, or any two of them before mentioned, to forfeit for every ſuch default of abſence or negligence, twenty ſhillings.

The Overſeers ſhall meet once every month. 2 Bulſtr. 345. &c. 358.

The Overſeers account.

The Overſeers forfeiture for abſence or negligence.

III. And be it alſo enacted, That if the ſaid Juſtices of Peace do perceive, that the inhabitants of any pariſh are not able to levy among themſelves ſufficient ſums of money for the purpoſes aforeſaid; that then the ſaid two Juſtices ſhall and may tax, rate and aſſeſs, as, aforeſaid, any other of other pariſhes, or out of any pariſh within the Hundred where the ſaid pariſh is, to pay ſuch ſum and ſums of money to the Churchwardens and Overſeers of the ſaid poor pariſh for the ſaid purpoſes, as the ſaid Juſtices ſhall think fit, according to the intent of this Law: (2) And if the ſaid Hundred ſhall not be thought to the ſaid Juſtices able and fit to relieve the ſaid ſeveral pariſhes not able to provide for themſelves, as aforeſaid; then the Juſtices of Peace at their general quarter Seſſions, or the greater number of them, ſhall rate and aſſeſs, as aforeſaid, any other of other pariſhes, or out of any pariſh within the ſaid County for the purpoſes aforeſaid, as in their diſcretion ſhall ſeem fit.

A proviſion where the inhabitants of any pariſh are not able to relieve the poor. 2 Bulſtr. 351.

IV. And that it ſhall be lawful, as well for the preſent as ſubſequent Churchwardens and Overſeers, or any of them, by warrant from any ſuch two Juſtices of Peace, as is aforeſaid, to levy as well the ſaid ſums of money, and all arrearages, of every one that ſhall refuſe to contribute according as they ſhall be aſſeſſed, by diſtreſs and ſale of the offenders goods, as the ſums of money or ſtock which ſhall be behind upon any account to be made, as aforeſaid, rendring to the parties the over-plus; (2) and in defect of ſuch diſtreſs, it ſhall be lawful for any two Juſtices of the Peace to commit him or them to the common Goal of the County, there to remain without bail or mainpriſe, until payment of the ſaid ſum, arrearages and ſtock: (3) And the ſaid Juſtices of Peace, or any one of them, to ſend to the Houſe of Correction common Goal, ſuch as ſhall not imploy themſelves to work, being appointed thereunto, as aforeſaid:

A remedy for the levying of the money aſſeſſed.

Impriſonment in default of diſtreſs.

Impriſonment of thoſe that will not work.

Refuſers to accompt, impriſoned.

aforeſaid: (4) And alſo any ſuch two Juſtices of Peace to commit to the ſaid priſon every one of the ſaid Churchwardens and Overſeers which ſhall refuſe to accompt, there to remain without bail or mainpriſe, until he have made a true accompt, and ſatisfied and paid ſo much, as upon the ſaid accompt ſhall be remaining in his hands.

Binding of children apprentices, 1 Jac. 25. 3 Car. 4.

V. And be it further enacted, That it ſhall be lawful for the ſaid Churchwardens and Overſeers, or the greater part of them, by the aſſent of any two Juſtices of the Peace aforeſaid, to bind any ſuch children, as aforeſaid, to be Apprentices, where they ſhall ſee convenient, till ſuch man-child ſhall come to the age of four and twenty years, and ſuch woman-child to the age of one and twenty years, or the time of her Marriage; the ſame to be as effectual to all purpoſes, as if ſuch child were of full age, and by Indenture of covenant bound him or her ſelf. (2) And to the intent that neceſſary places of habitation may more conveniently be provided for ſuch poor impotent people, (3) Be it enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid Churchwardens and Overſeers, or the greater part of them, by the leave of the Lord or Lords of the Manor, whereof any waſte or Common within their Pariſh is or ſhall be parcel, and upon agreement before with him or them made in Writing, under the Hands and Seals of the ſaid Lord or Lords, or therwiſe, according to any Order to be ſet down by the Juſtices of Peace of the ſaid County at their general quarter Seſſions, or the greater part of them, by like leave and agreement of the ſaid Lord or Lords, in Writing under his or their Hands and Seals, To erect, build, and ſet up in fit and convenient places of habitation in ſuch waſte or Common, at the general charges of the Pariſh, or otherwiſe of the Hundred or County, as aforeſaid, to be taxed, rated, and gathered in manner before expreſſed, convenient houſes of dwelling for the ſaid impotent poor, (4) and alſo to place inmates, or more families than one in one cottage or houſe; One Act made in the xxxi. year of her Majeſties Reign, entituled, An Act againſt the erecting and maintaining of cottages, or any thing therein contained to the contrary notwithſtanding: (5) Which cottages and places for inmates ſhall not at any time after be uſed or employed to or for any other habitation, but only for impotent and poor of the ſame Pariſh, that ſhall be there placed from time to time by the Churchwardens and Overſeers of the poor of the ſame Pariſh, or the moſt part of them, upon the pains and forfeitures contained in the ſaid former Act made in the ſaid xxxi. year of her Majeſties Reign.

Building of houſes on the waſte for the poor to inhabit.

31 Eliz. 7.

A remedy for them which find themſelves grieved with any tax.

VI. Provided always, That if any perſon or perſons ſhall find themſelves grieved with any ſeſs or tax, or other Act done by the ſaid Churchwardens, and other perſons, or by the ſaid Juſtices of Peace; that then it ſhall be lawful for the Juſtices of Peace, at their general quarter Seſſions, or the greater number of them, to take ſuch order therein, as to them ſhall be thought convenient; and the ſame to conclude and bind all the ſaid parties.

Poor perſons relieved by their parents or children. 2 Bulſtr. 344.

VII. And be it further enacted, That the Father and Grandfather, and the Mother and Grandmother, and the children of every poor, old, blind, lame and impotent perſon, or other poor perſon not able to work, being of a ſufficient ability, ſhall at their own charges relieve and maintain every ſuch poor perſon in that manner, and according to that rate, as by the Juſtices of Peace of that County where ſuch ſufficient perſons dwell, or the greater number of them, at their general quarter Seſſions ſhall be aſſeſſed, (2) upon pain that every one of them ſhall forfeit twenty ſhillings for every month which they ſhall fail therein.

Officers of corporate Towns have the authority of Juſtices of Peace.

VIII. And be it further hereby enacted, That the Mayors, Bailiffs, or other Head-Officers of every Town or place corporate, and City within this Realm, being Juſtice or Juſtices of Peace, ſhall have the ſame authority by virtue of this Act, within the limits and precincts of their Juriſdictions, as well out of Seſſions, as at their Seſſions, if they hold any, as is herein limited, preſcribed and appointed to Juſtices of the Peace of the County, or any two or more of them, or to the Juſtices of Peace in their quarter Seſſions, to do and execute for all the uſes and purpoſes in this Act preſcribed, and no other Juſtice or Juſtices of Peace to enter or meddle there: (2) And that every Alderman of the City of London within his Ward, ſhall and may do and execute in every reſpect, ſo much as is appointed and allowed by this Act to be done and executed by one or two Juſtices of Peace of any County within this Realm.

Aldermen of London.

A Pariſh extending into two Counties, or into two Liberties. 2 Bulſtr. 351.

IX. And be it alſo enacted, That if it ſhall happen any Pariſh to extend it ſelf into more Counties then one, or part to lie within the Liberties of any City, Town or place corporate, and part without, that then as well the Juſtices of Peace of every County, as alſo the Head-Officers of ſuch City, Town or place corporate, ſhall deal and intermeddle only in ſo much of the ſaid Pariſh as lieth within their Liberties, and not any further: (2) And every of them reſpectively within their ſeveral Limits, Wards and Juriſdictions, to execute the Ordinances before mentioned, concerning the nomination of Overſeers, the conſent of binding Apprentices, the giving warrant to levy taxations unpaid, the taking account of Churchwardens and Overſeers, and the committing to priſon ſuch as refuſe to accompt, or deny to pay the arrearages due upon their accompts; (3) and yet nevertheleſs, the ſaid Churchwardens and Overſeers, or the moſt part of them, of the ſaid Pariſhes that do extend into ſuch ſeveral Limits and Juriſdictions, ſhall without dividing themſelves, duly execute their Office and places within the ſaid Pariſh, in all things to them belonging, and ſhall duly exhibit and make one accompt before the ſaid Head-Officer of the Town or place corporate, and one other, before the ſaid Juſtices of Peace, or any ſuch two of them, as is aforeſaid.

The Juſtices Forfeiture for not naming of Overſeers.

X. And further be it enacted by the authority aforeſaid, That if in any place within this Realm, there happen to be hereafter no ſuch nomination of Overſeers yearly, as is before appointed, That then every Juſtice of Peace of the County, dwelling within the diviſion where ſuch default of nomination ſhall happen, and every Mayor, Alderman, and Head-Officer of City, Town, or place corporate where ſuch default ſhall happen, ſhall loſe and forfeit for every ſuch default, v. l. to be imployed towards the relief of the poor of the ſaid Pariſh or place corporate, and to be levied as aforeſaid, of their goods, by warrant from the general Seſſions of the Peace of the ſaid County, or of the ſame City, Town, or place corporate, if they keep Seſſions.

XI. And be it alſo enacted by the authority aforeſaid, That all penalties and forfeitures before mentioned in this Act, to be forfeited by any perſon or perſons, ſhall go and be imployed to the uſe of the poor of the ſame Pariſh, and towards a ſtock and habitation for them, and other neceſſary uſes and relief, as before in this Act are mentioned and expreſſed, (2) and ſhall be levied by the ſaid Churchwardens and Overſeers, or one of them, by Warrant from any two ſuch Juſtices of Peace, or Mayor, Alderman, or Head-Officer of City, Town or place corporate reſpectively within their ſeveral limits, by diſtreſs and ſale thereof, as aforeſaid; (3) or in defect thereof, it ſhall be lawful for any two ſuch Juſtices of Peace, and the ſaid Aldermen and Head-Officers within their ſeveral limits, to commit the offender to the ſaid priſon, there to remain without bail or mainpriſe, till the ſaid forfeitures ſhall be ſatisfied and paid.

How the Forfeiture ſhall be levied and imployed.

XII. And be it further enacted by the authority aforeſaid, That the Juſtices of Peace of every County or place corporate, or the more part of them, in their general Seſſions to be holden next after the Feaſt of Eaſter next, and ſo yearly as often as they ſhall think meet, ſhall rate every Pariſh to ſuch a weekly ſum of money as they ſhall think convenient, (2) ſo as no Pariſh be rated above the ſum of ſix pence, nor under the ſum of one halfpeny, weekly to be paid, and ſo as the total ſum of each taxation of the Pariſhes in every County, amount not above the rate of two pence for every Pariſh within the ſaid County: (3) Which ſums ſo taxed, ſhall be yearly aſſeſſed by the agreement of the Pariſhioners within themſelves, or in default thereof, by the Church-wardens and petty Conſtables of the ſame Pariſh, or the more part of them: or in default of their agreement, by the order of ſuch Juſtice or Juſtices of Peace as ſhall dwell in the ſame Pariſh, or (if none be there dwelling) in the parts next adjoyning.

The Juſtices ſhall rate every Pariſh to a weekly ſum. 2 Bulſtr. 353.

XIII. And if any perſon ſhall refuſe or neglect to pay any ſuch portion of money ſo taxed, it ſhall be lawful for the ſaid Churchwardens and Conſtables, or any of them, or in their default, for any Juſtice of Peace of the ſaid Limit, to levy the ſame by diſtreſs, and ſale of the goods of the party ſo refuſing or neglecting, rendring to the party the overplus: (2) And in default of ſuch diſtreſs, it ſhall be lawful to any Juſtice of that Limit, to commit ſuch perſon to the ſaid priſon, there to abide without bail or mainpriſe, till he have paid the ſame.

The penalty for refuſing to pay money taxed.

XIV. And be it alſo enacted, That the ſaid Juſtices of the Peace at their general quarter Seſſions to be holden at the time of ſuch taxation, ſhall ſet down what competent ſums of money ſhall be ſent quarterly out of every County or place corporate, for the relief of the poor priſoners of the Kings Bench and Marſhalſey, and alſo of ſuch Hoſpitals and Alms-houſes as ſhall be in the ſaid County, and what ſums of money ſhall be ſent to every one of the ſaid Hoſpitals and Alms-houſes, ſo as there be ſent out of every County yearly, xx. s. at the leaſt, to each of the ſaid priſons of the Kings Bench and Marſhalſey, (2) which ſums ratably to be aſſeſſed upon every Pariſh, the Churchwardens of every Pariſh ſhall truly collect and pay over to the High Conſtables in whoſe diviſion ſuch Pariſh ſhall be ſituate, from time to time, quarterly, ten days before the end of every quarter, (3) and every ſuch Conſtable at every ſuch quarter Seſſions in ſuch County, ſhall pay over the ſame to two ſuch Treaſurers, or to one of them, as ſhall by the more part of the Juſtices of Peace of the County, be elected to be the ſaid Treaſurers to be choſen by the Juſtices of Peace of the ſaid County, City or Town, or place corporate, or of others which were ſeſſed and taxed at v. li. lands, or x. li. goods at the leaſt, at the tax of Subſidy next before the time of the ſaid election to be made; (4) And the ſaid Treaſurers ſo elected, to continue for the ſpace of one whole year in their Office, and then to give up their charge, with a due accompt of their receipts and disburſements, at the quarter Seſſions to be holden next after the Feaſt of Eaſter in every year, to ſuch others as ſhall from year to year, in form aforeſaid, ſucceſſively be elected Treaſurers for the ſaid County, City, Town or place corporate, (5) which ſaid Treaſurers, or one of them, ſhall pay over the ſame to the Lord chief Juſtice of England, and the Knight Marſhal for the time being, equally to be divided to the uſe aforeſaid, taking their acquittance for the ſame, or in default of the ſaid chief Juſtice, to the next ancienteſt Juſtice of the Kings Bench as aforeſaid: (6) And if any Churchwarden or High Conſtable, or his Executors or Adminiſtrators ſhall fail to make payment in form above ſpecified, then every Churchwarden, his Executors or Adminiſtrators ſo offending, ſhall forfeit for every time, the ſum of x. s. (7) and every High Conſtable his Executors or Adminiſtrators, ſhall forfeit for every time, the ſum of xx. s. (8) the ſame forfeitures, together with the ſums behind, to be levied by the ſaid Treaſurer and Treaſurers, by way of diſtreſs and ſale of goods, as aforeſaid, in form aforeſaid, and by them to be imployed towards the charitable uſes compriſed in this Act.

Relief for the priſoners of the Kings Bench, Marſhalſey, Hoſpitals.

Treaſurers.

Lord chief Juſtice of England. Knight Marſhal.

The forfeiture of the Churchwardens or high Conſtables offending.

XV. And be it further enacted, That all the ſurpluſage of money which ſhall be remaining in the ſaid Stock of any County, ſhall by diſcretion of the more part of the Juſtices of Peace in their quarter Seſſions, be ordered, diſtributed and beſtowed for the relief of the poor Hoſpitals of that County, and of thoſe that ſhall ſuſtain loſſes by fire, water, the ſea, or other caſualties, and to ſuch other charitable purpoſes, for the relief of the poor, as to the more part of the ſaid Juſtices of Peace ſhall ſeem convenient.

How the ſurpluſage ſhall be beſtowed.

XVI. And be it further enacted, That if any Treaſurer elected, ſhall wilfully refuſe to take upon him the ſaid Office of Treaſurerſhip, or to refuſe to diſtribute and give relief, or to accompt, according to ſuch form as ſhall be appointed by the more part of the ſaid Juſtices of Peace, That then it ſhall be lawful for the Juſtices of Peace in their Quarter Seſſions, or in their default, for the Juſtices of Aſſiſe, at the Aſſiſes to be holden in the ſame County, to fine the ſame Treaſurer by their diſcretion; (2) the ſame fine not to be under three pound, and to be levied by ſale of his goods, and to be proſecuted by any two of the ſaid Juſtices of Peace, whom they ſhall authorize.

The penalty for refuſing to be Treaſurer, to give relief, or to accompt.

(3) Provided always, That this Act ſhall not take until the Feaſt of Eaſter next.

This Act to take effect at Eaſter.

XVII. And be it enacted, That the Statute made in the nine and thirtieth year of her Majeſties Reign, entituled, An Act for the relief of the poor, ſhall continue and ſtand in force until the Feaſt of Eaſter next; (2) and that all taxations heretofore impoſed and not paid, nor that ſhall be paid before the ſaid Feaſt of Eaſter next; and that all taxes hereafter before the ſaid Feaſt, to be taxed by virtue of the ſaid former Act, which ſhall not be paid before the ſaid Feaſt of

For what time, and to what purpoſe the Stat. of 39 El. 3. ſhall be put in execution.

Eaſter, ſhall and may after the ſaid Feaſt of Eaſter, be levied by the Overſeers and other perſons in this Act reſpectively appointed to levy taxations by diſtreſs, and by ſuch Warrant in every reſpect, as if they had been taxed and impoſed by virtue of this Act, and were not paid.

The Iſland of Fowlneſs in Eſſex.

XVIII. Provided always, That whereas the Iſland of Fowlneſs in the County of Eſſex, being environed with the Sea, and having a Chappel of Eaſe for the inhabitants thereof, and yet the ſaid Iſland is no Pariſh, but the lands in the ſame are ſituated within divers Pariſhes far diſtant from the ſaid Iſland, (2) Be it therefore enacted by the authority aforeſaid, That the ſaid Juſtices of Peace ſhall nominate and appoint inhabitants within the ſaid Iſland, to be Overſeers for the poor people dwelling within the ſaid Iſland, and that both they the ſaid Juſtices and the ſaid Overſeers, ſhall have the ſame power and authority to all intents, conſiderations and purpoſes for the execution of the parts and Articles of this Act, and ſhall be ſubject to the ſame pains and forfeitures, and likewiſe that the inhabitants and occupiers of lands there, ſhall be liable and chargeable to the ſame payments, charges, expences and orders, in ſuch manner and form as if the ſame Iſland were a Pariſh; (3) In conſideration whereof, neither the ſaid Inhabitants or occupiers of land within the ſaid Iſland, ſhall not be compelled to contribute towards the relief of the poor of thoſe Pariſhes wherein their Houſes or Lands which they occupy within the ſaid Iſland are ſituated, for or by reaſon of their ſaid habitations or occupyings, other then for the relief of the poor people within the ſaid Iſland, neither yet ſhall the other inhabitants of the Pariſhes wherein ſuch Houſes or Lands are ſituated, be compelled, by reaſon of their reſiancy or dwelling, to contribute to the relief of the poor inhabitants within the ſaid Iſland.

The defendants plea in a ſuit commenced againſt him upon this Statute.

XIX. And be it further enacted, That if any action of treſpaſs, or other ſuit ſhall happen to be attempted and brought againſt any perſon or perſons, for taking of any diſtreſs, making of any ſale, or any other thing doing, by authority of this preſent Act, the defendant or defendants in any ſuch action or ſuit, ſhall and may either plead not guilty, or otherwiſe make avowry, cognizance, or juſtification for the taking of the ſaid diſtreſſes, making of ſale, or other thing doing by virtue of this Act, alledging in ſuch avowry, cognizance or juſtification, That the ſaid diſtreſs, ſale, treſpaſs, or other thing, whereof the plaintiff or plaintiffs complained, was done by authority of this Act, and according to the tenor, purport and effect of this Act, without any expreſſing or rehearſal of any other matter or circumſtance contained in this preſent Act: (2) To which avowry, cognizance or juſtification, the plaintiff ſhall be admitted to reply, That the defendant did take the ſaid diſtreſs, made the ſaid ſale, or did any other Act or treſpaſs ſuppoſed in his declaration, of his own wrong, without any ſuch cauſe alledged by the ſaid defendant, (3) whereupon the iſſue in every ſuch action ſhall be joyned, to be tried by verdict of twelve men, and not otherwiſe, as is accuſtomed in other perſonal actions: (4) And upon the trial of that iſſue, the whole matter to be given on both parties in evidence, according to the very truth of the ſame, (5) and after ſuch iſſue tried for the defendant, or nonſuit of the plaintiff after appearance, the ſame defendant to recover treble damages, by reaſon of his wrongful vexation in that behalf, with his coſts alſo in that part ſuſtained, and that to be aſſeſſed by the ſame Jury or Writ to enquire of the damages, as the ſame ſhall require.

Treble damages for the defendant and his coſts.

XX. Provided always, That this Act ſhall endure no longer then to the end of the next Seſſion of Parliament. 3 Car. 4. Continued until the end of the firſt Seſſion of the next Parliament. 17 Car. 1. cap. 4. Continued, and 14 Car. 2. cap. 12. Enlarged.

CAP. III.

An Act for the neceſſary relief of Souldiers and Mariners.

Captains 17. The Stat of 33 El. 4. and 39 El. 21. concerning the relief of Souldiers and Mariners, repealed. Who ſhall be hereafter charged with contribution for their relief; who ſhall receive it, and pay it to them, and how mariners or ſouldiers begging ſhall be puniſhed, &c.

Whereas in the xxxv. year of the Queens Majeſties Reign that now is, an Act was made, entituled, An Act for the neceſſary relief of Souldiers and Mariners, And whereas in the xxxix. year of her Majeſties Reign, there was alſo made another Act, entituled, An Act for the further continuance and explanation of the ſaid former, Be it enacted by authority of this preſent Parliament, That both the ſaid Acts ſhall be and continue in force until the Feaſt of Eaſter next, and ſhall be from and after the ſaid Feaſt diſcontinued.

II. And foraſmuch as it is now found more needful then it was at the making of the ſaid Acts, to provide relief and maintenance to Souldiers and Mariners that have loſt their Limbs, and diſabled in their Bodies in the defence and ſervice of her Majeſty and the State, in reſpect the number of the ſaid Souldiers is ſo much the greater, by how much her Majeſties juſt and honourable defenſive wars are increaſed; (2) To the end therefore that they the ſaid Souldiers and Mariners may reap the fruits of their good deſervings, and others may be encouraged to perform the like endeavours,

Every Pariſh charged with a weekly ſum towards the relief of ſouldiers and mariners.

III. Be it enacted by authority of this preſent Parliament, That from and after the ſaid Feaſt of Eaſter next, every Pariſh within this Realm of England and Wales, ſhall be charged to pay weekly ſuch a ſum of money towards the relief of ſick, hurt and maimed Souldiers and Mariners, that ſo have been as afore is ſaid, or ſhall loſe their Limbs, or diſable their Bodies, having been preſt, and in pay for her Majeſties ſervice, as by the Juſtices of Peace, or the more part of them, in their general quarter Seſſions to be holden in their ſeveral Counties, next after the Feaſt of Eaſter next, and ſo from time to time at the like quarter Seſſions to be holden next after the Feaſt of Eaſter yearly, ſhall be appointed, ſo as no Pariſh be rated above the ſum of ten pence, nor under the ſum of two pence weekly to be paid, and ſo as the total ſum of ſuch taxation of the Pariſhes in any County where there ſhall be above fifty Pariſhes, do not exceed the rate of ſix pence for every Pariſh in the ſame County; (2) which ſums ſo taxed, ſhall be yearly aſſeſſed by the agreements of the Pariſhioners within themſelves, or in default thereof, by the Churchwardens, and the Petty Conſtables of the ſame Pariſh, or the more part of them, or in default of their agreement, by the order of ſuch Juſtices, or Juſtice of Peace, as ſhall dwell in the ſame Pariſh; or if none be there dwelling, in the parts next adjoyning.

The taxation of every Pariſh.

IV. And

The penalty for refuſing to pay the money taxed.

IV. And if any perſon ſhall refuſe or neglect to pay any ſuch portion of money ſo taxed, it ſhall be lawful for the ſaid Churchwardens and petty Conſtables, and every of them, or in their defaults, for the ſaid Juſtices of Peace or Juſtice, to levy ſuch ſum by diſtreſs and ſale of the goods or chattels of the party ſo refuſing or neglecting, rendring to the party the overplus raiſed upon ſuch ſale.

Churchwardens, &c. ſhall pay to the High-Conſtables the money taxed.

V. And for the collecting and cuſtody of the ſums taxed in form aforeſaid, Be it enacted, That the Churchwardens and petty Conſtables of every Pariſh ſhall truly collect every ſuch ſum, and the ſame ſhall pay over unto the High Conſtable in whoſe diviſion ſuch Pariſh ſhall be ſcituate, ten days before the quarter Seſſions to be holden next before, or about the Feaſt of the Nativity of Saint John Baptiſt next, in the County where the ſaid Pariſh ſhall be ſcituate, and ſo from time to time quarterly, within ten days before every quarter Seſſions; (2) And that every ſuch High Conſtable, at every ſuch quarter Seſſions in ſuch County, ſhall pay over the ſame to ſuch Juſtices of Peace, or to two ſuch other perſons, or one of them, as ſhall be by the more part of the Juſtices of Peace of the ſame County, elected to be Treaſurers of the ſaid Collection; (3) The ſame other perſons to be elected Treaſurers to be ſuch as at the laſt Taxation of the Subſidy next before the ſame election, ſhall be valued and ſeſſed at x. li. in lands yearly, or xv. li. in goods; (4) which Treaſurers in every County ſo choſen, ſhall continue but for the ſpace of one whole year, and then give up their Charge, with a due Accompt of their Receipts and Diſburſements, at their meeting in Eaſter quarter Seſſions, or within ten days after, to ſuch other as ſhall from year to year, in the form aforeſaid, ſucceſſively be elected.

Treaſurers.

Treaſurers account.

Churchwardens or Conſtables failing of payment.

VI. And if any Churchwarden, Petty Conſtable, or High Conſtable, or his Executors or Adminiſtrators, ſhall fail to make payment in form above ſpecified, Then every Churchwarden, and Petty Conſtable, his Executors or Adminiſtrators ſo offending, ſhall forfeit the ſum of xx. s. (2) And every High Conſtable, his Executors or Adminiſtrators, the ſum of fourty ſhillings: (3) to be levied by the Treaſurers aforeſaid, by diſtreſs and ſale in manner before expreſſed, and to be taken by the ſaid Treaſurers in augmentation of their ſtock, to the uſes aforeſaid.

A Treaſurer failing of his account, or neglecting his charge.

VII. And if any Treaſurer, his Executors or Adminiſtrators, ſhall fail to give up his Account within the time aforeſaid, or ſhall be otherwiſe negligent in the execution of his Charge, then it ſhall be lawful for the more part of the Juſtices of Peace of the ſame County in their Seſſions, to aſſeſs ſuch fine upon ſuch Treaſurer, his Executors or Adminiſtrators, as in their diſcretion ſhall ſeem convenient, ſo it be not under the ſum of v. li.

To which Treaſurer the ſouldier or mariner ſhall repair for relief.

VIII. And for the true and juſt diſtributing and imployment of the ſums ſo received, according to the true meaning of this Act; (2) Be it enacted by the authority aforeſaid, That every ſouldier and mariner, having had his or their limbs loſt, or diſabled in their bodies by ſervice, being in her Majeſties pay, as above is mentioned, or ſuch as ſhall hereafter return into this Realm hurt or maimed, or grievouſly ſick, ſhall repair, if he be able to travel, and make his complaint to the Treaſurers of the County out of which he was preſſed; (3) or if he were no preſt man, to the Treaſurer of the County where he was born, or laſt inhabited by the ſpace of three years, at his election; and if he be not able to travel, to the Treaſurer of the County where he ſhall land or arrive; (4) and ſhall bring a certificate unto any of the Treaſurers aforeſaid, under the Hand and Seal of the General of the Camp or Governour of the Town wherein he ſerved, and of the Captain of the Band under whom he ſerved, or his Lieutenant, or in the abſence of the ſaid General or Governour, from the Marſhal or Deputy of the Governour, or from any Admiral of her Majeſties Fleet, or in his abſence from any other the General of her Majeſties Ships at the Seas, or in abſence of ſuch General, from the Captain of the Ship wherein the ſaid mariners or ſouldiers did ſerve the Queens Majeſty, containing the particulars of his hurts and ſervices; (5) which certificate ſhall be alſo allowed by the general Muſter Maſter for the time being reſident here within this Realm, or Receiver general of the Muſter Rolls, the Treaſurer and Controller of her Majeſties Navy, under his Hand, for the avoiding of all fraud and counterfeiting; (6) Then upon ſuch certificate, ſuch Treaſurers as are before expreſſed, ſhall according to the nature of his hurt, and commendation of his ſervice, aſſign unto him ſuch a portion of relief as in their diſcretions ſhall ſeem convenient for his preſent neceſſity, until the next quarter Seſſions, (7) at the which it ſhall be lawful for the more part of the Juſtices of Peace under their Hands, to make an Inſtrument of Grant of the ſame, or like relief, to endure as long as this Act ſhall ſtand or endure in force, if the ſame ſouldier or mariner ſo long live, and the ſame penſion not be duly revoked or altered, which ſhall be a ſufficient warrant to all Treaſurers for the ſame County, to make payment of ſuch penſion unto ſuch perſons quarterly, except the ſame ſhall be afterward by the ſaid Juſtices revoked or altered: (8) So that ſuch relief as ſhall be aſſigned by ſuch Treaſurers or Juſtices of Peace, to any ſuch ſouldier or mariner having not born Office in the ſaid Wars, exceed not the ſum in groſs nor yearly penſion of x. li. Nor to any that hath born Office under the degree of a Lieutenant, the ſum of xv. l. Nor to any that hath ſerved in the Office of Lieutenant, the ſum of xx. li.

Who ſhall make the ſouldiers or mariners certificate.

Allowance of the certificate. The Treaſurer ſhall aſſign relief to the ſouldier.

The Juſtices of Peace ſhall grant relief to ſouldiers.

How much relief ſhall be aſſigned to either ſort of ſouldiers.

The Juſtices may revoke or alter the relief of ſouldiers.

IX. And yet nevertheleſs, it ſhall and may be lawful to and for the Juſtices of Peace and others, having authority by this Act, to aſſign penſions to ſouldiers and mariners, upon any juſt cauſe to revoke, diminiſh, or alter the ſame from time to time, according to their diſcretions in their general quarter Seſſions of the Peace, or general Aſſemblies for Cities or Towns-corporate where the ſame penſion ſhall be granted.

Souldiers arriving far from the place where they are to receive relief.

X. And whereas it muſt needs fall out, that many of ſuch hurt and maimed ſouldiers and mariners do arrive in Ports and places far remote from the Counties whence they are by virtue of this Act to receive their yearly annuities and penſions: (2) As alſo they are preſcribed by this Act to obtain the allowance of their certificates from the Muſter Maſter, or Receiver general of the Muſter Rolls, who commonly is like to abide about the Court of London, ſo as they ſhall need at the firſt, proviſion for the bearing of their charges to ſuch places; (3) Be it therefore enacted, That it may be lawful for the Treaſurers of the County where they ſhall arrive, in their diſcretion, upon their Certificate (though not allowed) to give them any convenient relief for their journey to carry them to the next County, with a teſtimonial of their allowance, to paſs on towards ſuch a place: And in like manner ſhall it be lawful for the Treaſurer of the next County to do the like; And ſo from County to County (in the direct way) till they come to the place where they are directly to find the maintenance, according to the tenor of this Statute.

The Treaſurers book of Computation and Regiſter.

XI. And for the better execution of this Act in all the branches thereof, Be it enacted, That every the Treaſurers in the ſeveral Counties, ſhall keep a true Book of computation of all ſuch ſums as they levied, and alſo a Regiſter of the names of every ſuch perſon unto whom they ſhall have diſburſed any relief: (2) and ſhall alſo preſerve or enter every certificate by warrant whereof ſuch relief hath been by them diſburſed: (3) And alſo that the Muſter Maſter, or Receiver general of the Muſter Rolls, ſhall keep a Book, wherein ſhall be entred the names of all ſuch whoſe certificates ſhall be by him allowed, with an abſtract of their certificates: (4) And that every Treaſurer returning, or not accepting the certificate brought unto him from the ſaid Muſter Maſter, ſhall write and ſubſcribe the cauſe of his not accepting, or not allowing thereof, under the ſaid certificate, or on the back thereof.

Muſter Maſter ſhall keep a book of Certificates.

The Treaſurer refuſing to give relief.

XII. And be it further enacted, That if any Treaſurer ſhall wilfully refuſe to diſtribute and give any relief, according to the form of this Act, That it ſhall be lawful for the Juſtices of Peace in their quarter Seſſions to fine ſuch Treaſurers by their diſcretions, as aforeſaid; The ſame fine to be levied by diſtreſs and ſale thereof, to be proſecuted by any two of them whom they ſhall authorize.

A ſouldier or mariner taken begging or counterfeiting a certificate.

XIII. And be it alſo enacted, That every ſouldier or mariner that ſhall be taken begging in any place within this Realm, after the Feaſt of Eaſter next, or any that ſhall counterfeit any certificate in this Act expreſſed, ſhall for ever loſe his annuity or penſion, and ſhall be taken, deemed, and adjudged as a common rogue, or vagabond perſon, and ſhall have and ſuſtain the ſame and the like pains, impriſonment, and puniſhment as is appointed and provided for common rogues and vagabond perſons.

How the ſurpluſage of the ſtock ſhall be beſtowed.
43 Eliz. 8.

XIV. Provided always, and be it enacted, That all the ſurpluſage of money which ſhall be remaining in the ſtock of any County, ſhall by the diſcretion of the more part of the Juſtices of Peace in their quarter Seſſions, be ordered, diſtributed, and beſtowed upon ſuch good and charitable uſes, and in ſuch form as are limited and appointed in the Statutes made and now in force, concerning relief of the poor, and puniſhment of rogues and beggars.

Chief Officers in Corporate Towns ſhall execute this Act there.

XV. Provided always, That the Juſtice of Peace within any County of this Realm or Wales, ſhall not intromit or enter into any City, Borough, place, or Town-corporate, where is any Juſtice of Peace for any City, Borough, place, or Town-corporate, for the execution of any Article of this Act; (2) But that it ſhall be lawful to the Juſtice and Juſtices of Peace, Mayors, Bailiffs, and other Head-Officers of thoſe Cities, Boroughs, places and Towns-corporate where there is any Juſtice of Peace, to proceed to the execution of this Act within the precinct and compaſs of their Liberties, in ſuch manner as the Juſtices of Peace in any County may do by virtue of this Act: (3) And that every Juſtice of Peace within every ſuch City, Borough, place, or Town-corporate, for every offence by him committed contrary to the meaning of this Statute, ſhall be fineable, as other Juſtices of Peace at the large in the Counties are in this Act appointed to be: (4) And that the Mayor and Juſtices of Peace in every ſuch City, Borough, place and Town-corporate, ſhall have authority by this preſent Act, to appoint any perſon for the receiving of the ſaid money, and paying the ſame within ſuch City, Borough, place or Town-corporate; which perſon ſo appointed, ſhall have authority to do all ſuch things, and be ſubject to all ſuch penalties, as High-Conſtables by virtue of this Act ſhould have or be.

How the forfeitures ſhall be imployed.

Out of what County relief ſhall be given to ſouldiers and mariners.

XVI. And be it enacted, That all forfeitures to be forfeited by any Treaſurer, Collector, Conſtable, Churchwarden, or other perſon, for any cauſe mentioned in this Act, ſhall be imployed to the relief of ſuch Souldiers and Mariners, as are by this Act appointed to take and have relief: (2) And after that relief ſatisfied, then the overplus thereof, with the overplus of the ſtock remaining in any of the ſaid Treaſurers hands, ſhall be imployed, as is before mentioned, to the charitable uſes expreſſed in the ſaid Statutes, concerning the relief of poor, and for puniſhment of rogues and beggars, (except the ſaid Juſtices, or the more part of them, ſhall think meet to reſerve and keep the ſame in ſtock for the maintenance and relief of ſuch Souldiers and Mariners, as out of the ſame County may afterwards be appointed to receive relief and penſions:) (3) And that the relief appointed to be given by this Act, ſhall be given to Souldiers and Mariners out of the County or place where they were preſſed, ſo far forth as the taxation limited by this Act will extend: (4) And if the whole Taxation there ſhall be before imployed according to the meaning of this Act, or that they ſhall not be preſt men, then out of the place where they were born, or laſt inhabited by the ſpace of three years, at his or their election.

Penſion aſſigned to ſtand in force, though the Statute be repealed.
35 El. 4.
39 El. 21.

XVII. Provided always, and be it enacted, That every penſion aſſigned heretofore to any Souldiers or Mariners, or that ſhall be aſſigned before the ſaid Feaſt of Eaſter next, notwithſtanding the diſcontinuance of the ſaid two former Acts, ſhall ſtand in force, and ſhall yearly from and after the ſaid Feaſt of Eaſter next, be ſatisfied and paid out of ſuch Taxations and Forfeitures, as ſhall be made, collected, and levied by force of this Act, ſo long as the ſaid Penſion ſhall remain in force, without ſuch revocation or diminiſhing, as is before in this Act mentioned, (2) which clauſe of revocation or diminiſhing before mentioned, ſhall extend as well to Penſions heretofore aſſigned, as to ſuch as at any time hereafter, before or after the ſaid Feaſt of Eaſter, ſhall be aſſigned to any perſon or perſons.

Taxations made and not levied.

XVII. And be it alſo enacted, That all arrearages of taxations heretofore made by virue of the ſaid former Statutes or any of them, which ſhall be, or remain at the ſaid Feaſt of Eaſter next, uncollected and not received or levied, ſhall and may by authority of this Act be had, received and levied by ſuch perſons, and in ſuch manner and form as in every reſpect taxations made by virtue of this Act, are appointed to be collected, received and levied, and ſhall be imployed to the uſes expreſſed in this Act, and no otherwiſe.

XIX. Provided always, and be it enacted by the authority aforeſaid, That if the ſaid Rate ſhall be thought not to be ſufficient for the relief of ſuch Souldiers and Mariners as ſhall be to be relieved within the City of London, that then it ſhall be lawful for the Mayor, Recorder, and Aldermen of London, or the more part of them, to rate and tax ſuch reaſonable tax, ſum and ſums of money for the ſaid relief, as ſhall be to them thought fit and convenient: So as ſuch ſum and ſums of money ſo to be rated, do not exceed three ſhillings weekly out of any Pariſh, and ſo as in the total, the ſum ſhall not exceed or be under twelve pence weekly out of every Pariſh one with another, within the ſaid City and the Liberties thereof.

A proviſion, if the rate be not ſufficient for the ſouldiers in London.

XX. This Act to endure to the end of the next Seſſion of Parliament, and no longer. 3 Car. 3. Continued unto the end of the firſt Seſſion of the next Parliament.

CAP. IV.

An Act to redreſs the miſ-imployment of Lands, Goods, and Stocks of money heretofore given to certain charitable uſes.

2 Roll. 318.

Whereas divers lands, tenements, rents, annuities, profits, hereditaments, goods, chattels, money, and ſtocks of money, have been heretofore given, limited, appointed and aſſigned, as well by the Queens moſt excellent Majeſty, and her moſt noble Progenitors, as by ſundry other well diſpoſed perſons; ſome for relief of aged, impotent and poor people, ſome for maintenance of ſick and maimed Souldiers and Mariners, Schools of Learning, Free-ſchools, and Scholars in Univerſities, ſome for repair of Bridges, Ports, Havens, Cauſways, Churches, Sea-banks, and High-ways, ſome for education and preferment of Orphans, ſome for or towards relief, ſtock, or maintenance for Houſes of Correction, ſome for marriages of poor Maids, ſome for ſupportation, aid and help of young Trades-men, Handicrafts-men, and perſons decayed, and other for relief or redemption of Priſoners or Captives, and for aid and eaſe of any poor Inhabitants concerning payments of Fifteens, ſetting out of Souldiers, and other taxes; which lands, tenements, rents, annuity, profits, hereditaments, goods, chattels, money, and ſtocks of money, nevertheleſs have not been imployed according to the charitable intent of the givers and founders thereof, by reaſon of frauds, breaches of truſt, and negligence in thoſe that ſhould pay, deliver, and imploy the ſame: (2) For redreſs and remedy whereof, Be it enacted by authority of this preſent Parliament, That it ſhall and may be lawful to and for the Lord Chancellor, or Keeper of the Great Seal of England, for the time being, and for the Chancellor of the Dutchy of Lancaſter for the time being, for Lands within the County Palatine of Lancaſter, from time to time to appoint Commiſſions under the Great Seal of England, or the Seal of the County Palatine, as the caſe ſhall require, into all or any part or parts of this Realm reſpectively, according to their ſeveral Juriſdictions, as aforeſaid, to the Biſhop of every ſeveral Dioceſs and his Chancellor, (in caſe there ſhall be any Biſhop of that Dioceſs, at the time of awarding the ſame Commiſſions) and to other perſons of good and ſound behaviour, (3) authoriſing them thereby, or any four or more of them, to enquire as well by the Oaths of twelve lawful men or more of the County, as by all other good and lawful ways and means, of all and ſingular ſuch gifts, limitations, aſſignments, and appointments aforeſaid, and of the abuſes, breaches of truſts, negligences, miſ-imployments, not imploying, concealing, defrauding, miſ-converting, or miſ-government of any lands, tenements, rents, annuities, profits, hereditaments, goods, chattels, money, or ſtocks of money, heretofore given, limited, appointed or aſſigned, or which hereafter ſhall be given, limited, appointed or aſſigned, to or for any the charitable and godly uſes before rehearſed: (4) And after the ſaid Commiſſioners, or any four or more of them, (upon calling the parties intereſſed in any ſuch lands, tenements, rents, annuities, profits, hereditaments, goods, chattels, money, and ſtocks of money) ſhall make enquiry by the Oaths of twelve men or more, of the ſaid County (whereunto the ſaid parties intereſſed ſhall and may have, and take their lawful challenge and challenges) (5) and upon ſuch enquiry, hearing and examining thereof, ſet down ſuch orders, judgments and decrees, as the ſaid lands, tenements, rents, annuities, profits, goods, chattels, money, and ſtocks of money, may be duly and faithfully imployed, to and for ſuch of the charitable uſes and intents before rehearſed, reſpectively, for which they were given, limited, aſſigned or appointed by the Donors and Founders thereof: (6) Which orders, judgments and decrees, not being contrary or repugnant to the orders, ſtatutes or decrees of the Donors or Founders, ſhall by the authority of this preſent Parliament ſtand firm and good, according to the tenor and purport thereof, and ſhall be executed accordingly, until the ſame ſhall be undone or altered by the Lord Chancellor of England, or Lord Keeper of the Great Seal of England, or the Chancellor of the County Palatine of Lancaſter, reſpectively, within their ſeveral juriſdictions, upon complaint by any party grieved to be made to them.

Hoſpitals 10. Commiſſioners authorized to enquire of miſ-imployment of lands or goods given to Hoſpitals, &c. which by their orders ſhall be performed. Co. Inſt. 2 part, 707. Cro. Car. 525.

Commiſſioners to enquire of the gift of lands and goods to charitable uſes.

Four Commiſſioners at the leaſt.

Sid. 136.

The enquiry.

The Commiſſioners orders.

The Commiſſioners orders ſhall be executed.

The Commiſſioners orders altered.

II. Provided always, That neither this Act, nor any thing therein contained, ſhall in any wiſe extend to any lands, tenements, rents, annuities, profits, goods, chattels, money, or ſtocks of money, given, limited, appointed or aſſigned, or which ſhall be given, limited, appointed or aſſigned to any Colledge, Hall, or Houſe of Learning within the Univerſities of Oxford or Cambridge, or to the Colledges of Weſtminſter, Eaton or Wincheſter, or to any of them, or to any Cathedral or Collegiate Church within this Realm.

Colledges, Halls in Oxford or Cambridge, Weſtminſter, Eaton, Wincheſter. Cathedral Churches.

III. And provided alſo, That neither this Act, nor any thing therein, ſhall extend to any City or Town-corporate, or to any the lands or tenements given to the uſes aforeſaid, within any ſuch City or Town-corporate, where there is a ſpecial governor or governors appointed to govern or direct ſuch lands, tenements, or things diſpoſed to any the uſes aforeſaid, neither to any Colledge, Hoſpital or Free-ſchool, which have ſpecial viſitors, or governors, or overſeers appointed them by their Founders.

City, Town-corporate, Colledge, Hoſpital, Free-ſchool.

IV. Provided alſo, and be it enacted by the authority aforeſaid, That neither this Act, nor any thing therein contained, ſhall be any way prejudicial or hurtful to the juriſdiction, or power of the Ordinary, but that he may lawfully in every cauſe execute and perform the ſame, as though this Act had never been had or made.

Ordinaries Juriſdiction.

None ſhall be Commiſſioner or Juror, which hath any part of the lands or goods in queſtion.

V. Provided alſo, and be it enacted, That no perſon or perſons that hath or ſhall have any of the ſaid lands, tenements, rents, annuities, profits, hereditaments, goods, chattels, money, or ſtocks of money in his hands or poſſeſſion, or doth or ſhall pretend title thereunto, ſhall be named a Commiſſioner or a Juror for any the cauſes aforeſaid, or being named, ſhall execute or ſerve in the ſame.

Purchaſers of the lands bona fide.

VI. And provided alſo, That no perſon or perſons which hath purchaſed or obtained, or ſhall purchaſe or obtain upon valuable conſideration of money or land, any eſtate or intereſt of, in, to, or out of any lands, tenements, rents, annuities, hereditaments, goods or chattels that have been, or ſhall be given, limited or appointed to any the charitable uſes above mentioned, without fraud or covin, having no notice of the ſame charitable uſe, ſhall not be impeached by decrees or orders of the Commiſſioners above mentioned, for or concerning the ſame his eſtate or intereſt: (2) And yet nevertheleſs, Be it enacted, That the ſaid Commiſſioners, or any four or more of them, ſhall and may make decrees and orders for recompence to be made by any perſon or perſons who being put in truſt, or having notice of the charitable uſes above mentioned, hath or ſhall break the ſame truſt, or defraud the ſame uſes by any conveyance, gift, grant, leaſe, demiſe, releaſe or converſion whatſoever, and againſt the heirs, executors and Adminiſtrators of him, them, or any of them having Aſſets in Law or Equity, ſo far as the ſame Aſſets will extend.

Recompence by thoſe which break the truſt.

Lands aſſured to King H. 8. Ed. 6. Queen Mary, & Queen Elizabeth.

VII. Provided always, That this Act ſhall not extend to give power or authority to any Commiſſioners before mentioned, to make any orders, judgments or decrees, for or concerning any manors, lands, tenements, or other hereditaments aſſured, conveyed, granted, or come unto the Queens Majeſty, to the late King Henry the eighth, King Edward the ſixth, or Queen Mary, by Act of Parliament, ſurrender, exchange, relinquiſhment, eſcheat, attainder, conveyance, or otherwiſe: (2) And yet nevertheleſs, be it enacted, That if any ſuch manors, lands, tenements, or hereditaments, or any of them, or any eſtate, rent, or profit thereof, or out of the ſame, or any part thereof, have or hath been given, granted, limited, appointed or aſſigned to or for any the charitable uſes before expreſſed, at any time ſithence the beginning of her Majeſties Reign, That then the ſaid Commiſſioners, or any four or more of them, ſhall and may, as concerning the ſame lands, tenements, hereditaments, eſtate, rent or profit ſo given, limited, appointed or aſſigned, to proceed to enquire, and to make orders, judgments and decrees, according to the purport and meaning of this Act, as before is mentioned; the ſaid laſt mentioned proviſo notwithſtanding.

Certifying of the orders.

VIII. And be it further enacted, That all orders, judgments and decrees of the ſaid Commiſſioners, or of any four or more of them, ſhall be certified under the Seals of the ſaid Commiſſioners, or any four or more of them, either into the Court of the Chancery of England, or into the Court of the Chancery within the County Palatine of Lancaſter, as the caſe ſhall require reſpectively, according to their ſeveral Juriſdictions, within ſuch convenient time as ſhall be limited in the ſaid Commiſſion.

Order for the execution of the Commiſſioners decree.

IX. And that the ſaid Lord Chancellor or Lord Keeper, and the ſaid Chancellor of the Dutchy, ſhall and may within their ſeveral Juriſdictions, take ſuch order for the due execution of all or any of the ſaid Judgments, Decrees and Orders, as to either of them ſhall ſeem fit and convenient.

Cro. Car. 40

A remedy for any perſon grieved with the Commiſſioners decree.

X. And that if after any ſuch Certificate or Certificates made, any perſon or perſons ſhall find themſelves grieved with any of the ſaid Orders, Judgments or Decrees, That then it ſhall and may be lawful to and for them, or any of them to complain in that behalf unto the ſaid Lord Chancellor or Lord Keeper, or to the Chancellor of the ſaid Dutchy of Lancaſter, according to their ſeveral Juriſdictions, for redreſs therein: (2) And that upon ſuch complaint, the ſaid Lord Chancellor or Lord Keeper, or the ſaid Chancellor of the Dutchy, may according to their ſaid ſeveral Juriſdictions, by ſuch courſe as to their wiſdoms ſhall ſeem meeteſt, the circumſtances of the caſe conſidered, proceed to the examination, hearing and determining thereof; (3) and upon hearing thereof, ſhall and may adnul, diminiſh, alter or enlarge the ſaid Orders, Judgments and Decrees of the ſaid Commiſſioners, or any four or more of them, as to either of them in their ſaid ſeveral Juriſdictions ſhall be thought to ſtand with equity and good conſcience, according to the true intent and meaning of the Donors and Founders thereof, (4) and ſhall and may tax and award good Coſts of Suit by their diſcretions, againſt ſuch perſons as they ſhall find to complain unto them without juſt and ſufficient cauſe, of the Orders, Judgments and Decrees before mentioned. 39 El. 6. 43 El. 9.

Coſt of ſuit againſt the complainers.

CAP. V.

An Act to prevent Perjury, and ſubornation of Perjury, and unordinary expences in Suits of Law.

Removing 3. At what time a writ to remove a ſuit depending in the Court of a Town-corporate, ſhall be delivered to the Judge or Officer of the ſame Court.

WHereas within divers Cities and Towns-corporate, and other places within this Realm of England, and the Dominions thereof, there are Juriſdictions, Cuſtoms and Priviledges to hold plea in actions of debt, and other actions, plaints and ſuits between party and party, and divers of her Majeſties Subjects do daily commence many actions, plaints and ſuits in the ſaid Cities, Towns-corporate and places, according to the Juriſdictions, Cuſtoms and Priviledges of the ſaid places, (2) and many defendants in actions, plaints and ſuits there brought and commenced, will ſuffer the ſaid actions, plaints and ſuits to be proceeded in and proſecuted there, until the cauſe between the plaintiffs and them be at iſſue, and the Jury ſworn, and evidence given on the plaintiffs part, before the ſaid defendant will deliver into the Court where the ſaid actions, plaints or ſuits are to be tried, Writs formerly ſued forth by them, to remove the cauſe there depending, into ſome one or other of her Majeſties Courts of Record at Weſtminſter; (3) which keeping back of the ſaid Writ, is done by the defendant, to no other purpoſe or intent, but to put the parties plaintiffs to as great charges and expences as they the ſaid defendants can, and to know what proofs the parties plaintiffs can make for the proving of their iſſues, whereby the defendants that ſued forth the ſaid Writs, may have longer time to furniſh themſelves with ſome falſe witneſſes, to impugn thoſe proofs which the plaintiffs have openly made by their witneſſes and proofs, which is a great cauſe of perjury and ſubornation of perjury, and great expences to the plaintiffs:

II. For remedy whereof, Be it enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the end of this preſent Seſſion of Parliament, no writ or writs of Habeas Corpus, or any other writ or writs ſued forth, or to be ſued forth by any perſon or perſons whatſoever, out of any of her Majeſties Courts of Record at Weſtminſter, to remove any action, ſuit, plaint or cauſe depending, or to be depending in any Court or Courts within any City or Town-corporate, or elſewhere, which have, or ſhall have juriſdiction, power or authority to hold plea in any action, plaint or ſuit, ſhall be received or allowed by the Judge or Judges, Officer or Officers of the Court or Courts wherein, or to whom any ſuch writ or writs ſhall be delivered (but that he and they ſhall proceed in the ſaid cauſe and cauſes ready to be tried, as though no ſuch writ or writs were ſued forth, or delivered to him or them) except that the ſaid writ or writs be delivered to the Judge or Judges, Officer or Officers of the ſaid Court, before that the Jury which is to try the cauſe in queſtion between the party or parties plaintiffs, and the party or parties that ſued forth the ſaid writ or writs, or for whoſe benefit the ſaid writ or writs is or ſhall be ſued forth, have appeared, and one of the ſaid Jury ſworn to try the ſaid cauſe.

III. Provided always, That this Act ſhall continue no longer then until the end of the next Parliament. 3 Car. 4. Continued until the end of the firſt Seſſion of the next Parliament.

CAP. VI.

An Act for avoiding trifling and frivolous Suits in Law in her Majeſties Courts at Weſtminſter.

Damages 16. Penalty of a Sheriff, &c. arreſting or ſummoning without warrant.

No coſts for the plaintiff where action is brought for a ſum not exceeding xl. s.

Dyer f. 241.

Summoning or arreſting without warrant.

FOr avoiding the infinite number of ſmall and trifling Suits commenced or proſecuted againſt ſundry her Majeſties good and loving Subjects in her Highneſs Courts at Weſtminſter (which by the due courſe of the Laws of this Realm ought to be determined in inferiour Courts in the Countrey) to the tolerable vexation and charge of her Highneſs Subjects, (2) Be it enacted by the authority of this preſent Parliament, If any Sheriff, Under-Sheriff, or other perſon, having authority, or taking upon him to break writs, after fourty days next after the end of this Seſſion of Parliament, do make any warrant for the ſummons of any perſon, as upon any writ, proceſs or ſuit, or for the arreſt or attaching of any perſon or perſons, by his or their body and goods, to appear in any her Majeſties Courts at Weſtminſter, or elſewhere, (not having before that the original writ or proceſs warranting the ſame) That then upon complaint thereof made to the Juſtices of Aſſiſe of the County where the ſame offence ſhall be committed, or to the Judges of the Court out of which the proceſs iſſued, not only the party that made ſuch Warrant, but all thoſe that were the procurers thereof, ſhall be ſent for before the ſame Judges or Juſtices, by attachment, or otherwiſe, as the ſame Judges or Juſtices ſhall think good, and allow of, and be examined thereof upon their oaths: (3) And if the ſame offence be confeſſed by the ſame offenders, or proved by ſufficient witneſſes, to the ſatisfaction of the ſame Judges or Juſtices, That then the ſame Judges or Juſtices that ſhall ſo examine the ſame, ſhall forthwith by force of this Act, commit every the ſame offenders to the Goal of the County or Court where the ſame ſhall be examined, (4) and there to remain without bail or mainpriſe, until ſuch time as they amongſt them have fully ſatisfied and paid unto the party grieved by ſuch Warrant, not only the ſum of x. l. of lawful Engliſh money, but alſo all ſuch coſts and damages as the ſame Judges or Juſtices ſhall ſet down, that the ſame party hath ſuſtained thereby, and withall, twenty pound apiece for their offence to her Majeſty.

No coſts ſhall be awarded in any action brought for a ſum not exceeding xl. s.

II. And be further enacted by the authority aforeſaid, If upon any action perſonal to be brought in any her Majeſties Courts at Weſtminſter, not being for any title or intereſt of lands, nor concerning the freehold or inheritance of any lands, nor for any battery, it ſhall appear to the Judges for the ſame Court, and ſo ſignified or ſet down by the Juſtices before whom the ſame ſhall be tried, that the debt or damages to be recovered therein, in the ſame Court, ſhall not amount to the ſum of xl. s. or above, That in every ſuch caſe the Judges and Juſtices before whom any ſuch action ſhall be purſued, ſhall not award for coſts to the party plaintiff, any greater or more coſts then the ſum of the debt or damages ſo recovered ſhall amount unto, but leſs at their diſcretions. (2) This Act to endure to the end of the firſt Seſſion of the next Parliament. 3 Car. 4. Continued until the end of the firſt Seſſion of the next Parliament. Stat. 6 El. 1. 8. Stat. 21 Jac. 16.

CAP. VII.

An Act to avoid and prevent divers miſdemeanours in lewd and idle perſons.

Treſpaſs 1. Puniſhment for cutting of Corn growing; or of ſuch other ſmall offences: and of a Conſtable refuſing to puniſh ſuch an offender, being commanded.

FOraſmuch as unlawful cutting or taking away of corn and grain growing, robbing of orchards and gardens, digging up or taking away fruit-trees, breaking of hedges, pales, or other fences, cutting or ſpoiling of woods or under-woods ſtanding and growing, and ſuch like offences, are now more commonly committed by lewd and mean perſons then in former times; and that the ſaid offences are great cauſes of the maintaining of idleneſs, and the perſons which commit the ſame, are not for the moſt part able, nor have wherewith to make recompence or ſatisfaction, (2) Be it therefore enacted by the authority of this preſent Parliament, That all and every ſuch lewd perſon and perſons which from and after the laſt day of February now next following, ſhall cut, or unlawfully take away any corn or grain growing, or rob any orchards or gardens, or break or cut any hedge, pales, rails or fence, or dig, or pull up, or take up any fruit-tree or trees in any orchard, garden, or elſewhere, to the intent to take and carry the ſame away, or ſhall cut or ſpoil any woods or under-woods, poles or trees ſtanding, not being felony by the Laws of this Realm, (3) and their procurer and procurers, receiver or receivers knowing the ſame, (4) being thereof lawfully convicted by the confeſſion of the party, or by the teſtimony of one ſufficient witneſs, upon oath before ſome one Juſtice of Peace, Mayor, Bailiff, or other Head-Officers (of the County, City or Town-corporate, (5) which ſaid Juſtice or other Head-Officer ſhall have power by force of this Statute, to miniſter the ſaid oath where the offence ſhall be committed, or the party offending apprehended) (6) ſhall give the party and parties ſuch recompence and ſatisfaction for his and their damages, and within ſuch time, as by any one ſuch Juſtice of Peace of the ſaid County where ſuch offence ſhall be done, without the Liberty of any City or Town-corporate, or by ſuch Head-Officer or Juſtice of Peace within any City or Town-corporate, ſhall be ordered and appointed, and the ſame to be only for the firſt fault: (7) And if ſuch offender or offenders ſhall be thought in the diſcretion of the ſaid Juſtice or Juſtices, or other Head-Officers, not able or ſufficient, or do not make recompence or ſatisfaction for the ſaid damages, in manner and form aforeſaid, then the ſaid Juſtice or Head-Officer ſhall commit all and every the ſaid offender or offenders to ſome Conſtable or Conſtables, or other inferiour Officers of the City, Borough, Town or Hamlet where the offence ſhall be committed, or the party apprehended, to be whipped, (8) and for every ſuch offence, for, or of which the offender or offenders ſhall be eftſoons committed in form afore limited, the perſon and perſons ſo offending, to receive the ſaid puniſhment of whipping.

The puniſhment of a Conſtable refuſing to puniſh an offender.

II. And be it enacted by the authority aforeſaid, That if any Conſtable or inferior Officer do refuſe, or do not at the commandment of any Juſtice of Peace, or other Head-Officer, execute by himſelf, or ſome other to be by him appointed, upon the offender, the puniſhment limited by this Statute, that in that caſe it ſhall and may be lawful for the ſaid Juſtice of Peace to commit the Conſtable or other inferior Officer ſo refuſing, or not executing the ſaid puniſhment by himſelf or ſome other, to the common Goal of the ſaid County, City, or Town-corporate, there to remain without bail or mainpriſe, until the ſaid offender or offenders be by the ſaid Conſtable or Conſtables ſo refuſing, or not executing, or ſome other by his or their procurement, puniſhed and whipped, as is above limited and declared.

None ſhall puniſh an offence done unto himſelf.

III. Provided always, That no Juſtice of Peace, or other Head-Officer, do execute this Statute for any the offences aforeſaid done unto himſelf, unleſs he be aſſociated and aſſiſted with one or more other Juſtices of Peace whom the offence doth not concern. 15 Car. 2. cap. 2.

CAP. VIII.

An Act againſt fraudulent Adminiſtration of Inteſtates Goods.

Adminiſtrators 2. Fraud practiſed in taking of Adminiſtrations to deceive others of their lawful debts.

FOraſmuch as it is often put in ure, to the defrauding of Creditors, that ſuch perſons as are to have the Adminiſtration of the Goods of others dying Inteſtate, committed unto them, if they require it, will not accept the ſame, but ſuffer or procure the Aminiſtration to be granted to ſome ſtranger of mean eſtate, and not of kin to the Inteſtate, from whom themſelves, or others by their means do take Deeds of Gifts, and Authorities by Letter of Attorney, whereby they obtain the ſtate of the inteſtate into their hands, and yet ſtand not ſubject to pay any debts owing by the ſame inteſtate, and ſo the Creditors for lack of knowledge of the place of habitation of the Adminiſtrator, cannot arreſt him, nor ſue him; and if they fortune to find him out, yet for lack of ability in him to ſatisfie of his own goods, the value of that he hath conveyed away of the inteſtates goods, or releaſed of his debts by way of waſting, the creditors cannot have or recover their juſt and due debts:

By fraudulent adminiſtration of inteſtates goods, the party ſhall be charged as Executor of his own wrong.

II. Be it enacted by the authority of this preſent Parliament, That every perſon and perſons that hereafter ſhall obtain, receive, and have any goods or debts of any perſon dying inteſtate, or a releaſe or other diſcharge of any debt or duty that belonged to the inteſtate, upon any fraud, as is aforeſaid, or without ſuch valuable conſideration as ſhall amount to the value of the ſame goods or debts, or near thereabouts (except it be in or towards ſatisfaction of ſome juſt and principal debt of the value of the ſame goods or debts to him owing by the inteſtate at the time of his deceaſe) ſhall be charged and chargeable as Executor of his own wrong, (2) and ſo far only as all ſuch goods and debts coming to his hands, or whereof he is releaſed or diſcharged by ſuch Adminiſtrator, will ſatisfie, deducting nevertheleſs to and for himſelf allowance of all juſt, due and principal debts upon good conſideration, without fraud, owing to him by the inteſtate at the time of his deceaſe, and of all other payments made by him, which lawful Executors or Adminiſtrators may and ought to have and pay by the Laws and Statutes of this Realm.

Allowance of juſt debts, and other lawful payments.

CAP. IX.

An Act for continuance of divers Statutes, and for repeal of ſome others.

Ships, 21 H. 8. 12.

BE it Enacted by authority of this preſent Parliament, That an Act made in the one and twentieth year of the Reign of the late King Henry the Eighth, Entituled, An Act for the true making of Cables, Halſers and Ropes.

Cattel, 24 H. 8. 9.

II. And that an Act made in the four and twentieth year of the Reign of the late King Henry the Eighth, entituled, An Act againſt killing of young beaſts, called Weanlings.

Cattel, 4 Ed. 6. 19. Victual, 4 Ed. 6. 21.

III. And that two Acts made in the fourth year of the Reign of the late King Edward the Sixth, the one concerning buying and ſelling of Rother beaſts and cattel; The other entituled, An Act for the buying and ſelling of Butter and Cheeſe.

Fiſh, 1 Eliz. 17.

IV. And that an Act made in the firſt year of the Queens Majeſties Reign that now is, entituled, An Act for preſervation of Spawn and Fry of Fiſh.

Merchants, 5 Eliz. 7.

V. And that an Act made in the fifth year of the Queens Majeſties Reign that now is, entituled, An Act for avoiding divers foreign Wares made by Handy-crafts-men beyond the Seas.

Fiſh, 5 Eliz. 5.

VI. And that an Act made in the ſame fifth year of her Majeſties Reign, entituled, An Act touching certain politick conſtitutions made for the maintenance of the Navy, together with all and every additions, explanations and alterations made thereunto, or thereof, or of any part thereof, by any Statute or Statutes made ſithence the making of the ſame Act, and now continuing in force.

Games, 8 Eliz. 10.

VII. And that an Act made in the eighth year of the Queens Majeſties Reign that now is, entituled, An Act for Bowyers, and the prices of Bows.

VIII. And that an Act made in the thirteenth year of the Queens Majeſties Reign that now is, entituled, An Act touching Leaſes of Benefices, and other Eccleſiaſtical Livings with Cure, together with all and every explanations, additions, and alterations thereof, or thereunto made by any other Statute or Statutes made ſithence the making of the ſaid Act, and now continuing in force: (2) with this further addition to be enacted by authority of this preſent Parliament, That all Judgments hereafter to be had, for the intent to have or enjoy any Leaſe contrary to the ſaid Statutes, or any of them, ſhall be deemed void, in ſuch ſort as bonds and covenants are appointed to be void, which are made for that purpoſe.

Leaſes. 13 Eliz. 20.
Continuance, 14 Eliz. 11. 18 Eliz. 11.
Judgments void as bonds and covenants for Leaſes of Benefices with Cure.

IX. And that an Act made in the ſame thirteenth year of her Majeſties Reign, entituled, An Act that Purveyors may take Grain, Corn and Victuals, within five miles of Cambridge and Oxford in certain caſes.

Purveyors, 13 Eliz. 21.

X. And that an Act made in the eighteenth year of the Queens Majeſties Reign, entituled, An Act for the repairing and amending of the Bridges and High-ways near unto the City of Oxford.

Ways, 18 Eliz. 20.

XI. And ſo much of one other Act made the ſame year, entituled, An Act for the ſetting the poor on work, and avoiding of idleneſs, as concerneth Baſtards begotten out of lawful Matrimony.

Poor. 18 Eliz. 3.

XII. And that an Act made in the three and twentieth year of her Majeſties Reign, entituled, An Act for the repairing of Dover Haven, with the proviſions and alterations thereof made by an Act made in the five and thirtieth year of the Queens Majeſties Reign that now is.

Merchants, 23 Eliz. 6. 35 Eliz. 7.

XIII. And that an Act made in the ſeven and twentienth year of her Majeſties Reign, entituled, An Act for the good Government of the City or Borough of Weſtminſter.

Franchiſe, 27 Eliz.

XIV. And that an Act made in the ſaid ſeven and twentieth year of her Majeſties Reign, entituled, An Act for the reviving of a former Statute for the true making of Mault: together alſo with an Act made in the nine and thirtieth year of her Majeſties Reign, entituled, An Act to reſtrain the exceſſive making of Mault.

Corn. 2 Ed. 6. 1. 27 Eliz. 14. 39 Eliz. 16.

XV. And that an Act made in the ſaid ſeven and twentieth year of her Majeſties Reign, entituled, An Act for keeping the Sea-banks and Sea-works in the County of Norfolk.

Sewers, 27 Eliz. 24.

XVI. And that an Act made in the one and thirtieth year of her Majeſties Reign, entituled, An Act for the true gauging of Veſſels brought from beyond the Seas, converted by Brewers, for the utterance and ſale of Ale and Beer.

Meaſures, 31 Eliz. 8.

XVII. And that an Act made in the ſaid one and thirtieth year of her Majeſties Reign, entituled, An Act for reviving and enlarging of a Statute made in the three and twentieth year of her Majeſties Reign, for the relief of the City of Lincoln.

Franchiſe, 23 Eliz. 31 Eliz.

XVIII And that three Acts made in the five and thirtieth year of her Majeſties Reign, One entituled, An Act to retain the Queens Majeſties Subjects in their due obedience.

Pope, 35 Eliz.

XIX. Another Act, entituled, An Act for the reformation of ſundry abuſes in Clothes called Devonſhire Kerſies or Dozens, according to a Proclamation of the four and thirtieth year of the Reign of our Sovereign Lady the Queens Majeſty that now is.

Drapery, 35 Eliz. 10.

XX. And one other, entituled, An Act for the bringing in of Clapboard from the parts of beyond the Seas, and the reſtraining of the tranſporting of Wine Cask, for ſparing and preſerving of Timber within the Realm.

Merchants, 35 Eliz. 11.

XXI. And that the ſeveral Acts hereafter mentioned, made in the nine and thirtieth year of her Majeſties Reign that now is, (that is to ſay) an Act entituled, An Act againſt the decaying of Towns, and Houſes of Husbandry.

Husbandry, 39 Eliz. 1.

XXII. An Act, entituled, An Act for maintenance of Husbandry and Tillage.

Husbandry, 39 Eliz. 2.

An Act, entituled, An Act for the more ſpeedy payment of the Queens Majeſties debts, and for the better explanation of the Act made in the thirtieth year of the Queens Majeſties Reign, entituled, An Act to make the lands, tenements, goods and chattels of Tellers, Receivers, &c. liable to the payment of their debts.

Accountant, 39 Eliz. 7. 13 Eliz. 4.

XXIII. An Act, entituled, An Act for the encreaſe of Mariners, and for maintenance of the Navigation, repealing a former Act made in the three and twentieth year of her Majeſties Reign, bearing the ſame Title.

Fiſh, 39 El. 10.

XXIV. And an Act, entituled, An Act for explanation of the Statute made in the fifth year of her Majeſties Reign, concerning Labourers.

Apprentice, 39 Eliz. 12.

XXV. An Act entituled, An Act prohibiting the bringing into this Realm of foreign Cards for Wooll.

Merchants, 39 Eliz. 14.

XXVI. An Act entituled, An Act againſt lewd and wandring perſons, pretending themſelves to be Souldiers and Mariners.

Poor, 39 Eliz. 4.

(2) An Act, entituled, An Act for puniſhment of rogues, vagabonds, and ſturdy beggars.

Poor, 39 Eliz. 4.

XXVII. Except the Proviſo in the ſaid laſt mentioned Act concerning John Dutton of Dutton in the County of Cheſter Eſquire, (2) ſhall be continued, and remain in force until the end of the firſt Seſſion of the next Parliament: (3) And touching the ſaid Proviſo concerning the ſaid John Dutton, Be it enacted by the authority of this preſent Parliament, that the ſame proviſion ſhall continue and remain in force to the end of one year next enſuing the firſt day of this preſent Parliament, and no longer; except before the end of the ſaid year, the ſaid John Dutton, or his Heirs, ſhall procure the Lord Chief Juſtice of the Pleas before the Queens Hignes to be holden, and the Lord Chief Juſtice of the Common Pleas, and the Lord Chief Baron of her Majeſties Court of Exchequer, or two of them, upon hearing his Allegations and Proofs, to make Certificate into her Majeſties Court of Chancery, That the ſaid John Dutton, or his Heirs, ought lawfully (if no Statute againſt rogues and beggars had been made) by Charter, Tenure or Preſcription, to uſe, have, and exerciſe ſuch liberty of Licenſing of Minſtrels, as he claimeth and uſeth, and that the ſaid Certificate be enrolled in her Majeſties ſaid Court of Chancery within the ſaid year: (4) And if he or his Heirs ſhall procure ſuch Certificate as aforeſaid, and cauſe the ſame to be enrolled as aforeſaid, Then be it Enacted alſo by the authority of this preſent Parliament, That the ſame proviſion ſhall alſo continue in force until the end of the firſt Seſſion of the next Parliament.

The before rehearſed 25 Statutes continued until the firſt Seſſion of the next Parliament.
John Dutton of Dutton.
Games, 1 Jac. 7. 10. Sect. 10. N. 1.

Poor, 39 Eliz. 3.
Poor, 43 Eliz. 2.

XXVIII. And be it further Enacted, That an Act made in the nine and thirtieth year of the Queens Majeſties Reign, entituled, An Act for the relief of the Poor, ſhall alſo continue and remain in force until the end of the firſt Seſſion of the next Parliament; except ſome new Act be made in this preſent Seſſion of Parliament concerning the ſame.

Poor, 35 Eliz. 4.
Poor, 39 Eliz. 21.
Poor, 43 Eliz. 3.

XXIX. And that two Acts made, the one in the five and thirtieth year of the Queens Majeſties Reign, entituled, An Act for the neceſſary relief of Souldiers and Mariners, And the other made in the nine and thirtieth year of her Majeſties ſaid Reign, for the further explanation and continuance of the ſame former Act, (2) ſhall alſo continue and remain in force until the end of the firſt Seſſion of the next Parliament, except ſome new Act ſhall be made concerning the ſame in this preſent Seſſion of Parliament.

Poor, 39 Eliz. 6.

XXX. And be it alſo further Enacted by the authority of this preſent Parliament, That one Act made in the nine and thirtieth year of the Queens Majeſties Reign that now is, entituled, An Act to reform deceits and breaches of truſts, touching lands given to charitable uſes, be from henceforth utterly repealed.

Decrees made by Commiſſions by force of the Statute of 39 El. 6. ſhall continue.

XXXI. And yet nevertheleſs, Be it Enacted by the authority of this preſent Parliament, That ſo much of the ſaid Act as concerneth execution of Orders, Judgments and Decrees heretofore made by Commiſſioners aſſigned by virtue of the ſaid Act, and examination, hearing and determining of the ſaid Orders, Judgments and Decrees by ſuch Commiſſioners heretofore made, ſhall ſtand and remain in force only as for and concerning ſuch Judgments and Decrees as heretofore have been made by virtue of the ſame Act, and of Commiſſions thereupon awarded.

Husbandry. The Statute of 29 El. 2. ſhall not extend to Lands in Northumberland.

XXXII. Provided always, and be it Enacted by authority of this preſent Parliament, That the ſaid Act for maintenance of Husbandry and Tillage, ſhall not extend to any Lands lying within the County of Northumberland.

Fiſh.
39 El. 10.

XXXIII. And provided alſo, and be it Enacted by the authority aforeſaid, That ſo much of the Act above mentioned, entituled, An Act for the encreaſe of Mariners, and maintenance of the Navigation, repealing a former Act made in the three and thirtieth year of her Majeſties Reign, bearing the ſame Title, as concerneth the repealing and making void of all Ordinances of the Fiſhmongers of London, or of any other Company or Corporation whatſoever, made or to be made for reſtraint of any perſon to take or ſell Fiſh, or to buy, or provide any Fiſh of any Merchant or other within this Realm, or the making or executing of any ſuch Ordinance or Reſtraint, ſhall from henceforth remain diſcontinued and repealed; the former continuance of the ſaid Act in this preſent Act mentioned notwithſtanding.

XXXIV. And yet nevertheleſs, Be it Enacted, That no ſuch Ordinance or Reſtraint made or to be made, ſhall in any wiſe extend, or be put in execution, during the continuance of the ſaid former Act made in the xxxix. year of her Majeſties Reign, to reſtrain any Coaſt-men, Fiſher-men, or any others, Subjects or Foreigners, for, or concerning the taking, bringing in, putting to ſale, or buying of any ſalted Fiſh or Herrings, being wholſom and ſweet, upon and under the pains and penalties in the ſaid former Act of the nine aud thirtieth year of her Majeſties Reign contained.

Merchants, 23 El. 6. 35 El. 7. 1 Jac. 32. Dover Haven.

XXXV. Provided always, and be it enacted by the authority of this preſent Parliament, That no Ship, Veſſel or Crayer, whereof any of her Majeſties Subjects ſhall be Owners, or part Owners, of the burthen of twenty Tuns loading and upwards, loading or diſcharging within this Realm, and paſſing to and from any foreign Countrey, (other then Ships, Veſſels and Crayers which ſhall be laden with Seacoal or Grindſtones) ſhall after the end of this Seſſion of Parliament, in reſpect of any ſuch Voyage, pay to the reparation of Dover Haven, but only after the rate of three pence the Tun, for the Merchandize wherewith ſuch Ship, Veſſel or Crayer ſhall be in ſuch Voyage laden, and not after the rate of three pence the Tun of the burthen of every ſuch Ship, Veſſel or Crayer: (2) And that every Ship, Veſſel or Crayer which ſhall be employed in a Voyage of Fiſhing, ſhall not upon return of ſuch Voyage, pay but after the rate of three pence the Tun for ſuch Oyl, Train and Merchandize as ſuch Ship ſhall bring home in ſuch Voyage, and not any thing for Fiſh, or in reſpect of the burthen of the ſame Ship, Veſſel or Crayer; The ſaid Statute made for the repairing of Dover Haven, or any other Statute touching the ſame, or any thing in this Act contained to the contrary thereof in any wiſe notwithſtanding.

CAP. X.

An Act for the true making and working of Woollen Clothes.

Drapery 122. No deceivable thing ſhall be put in woollen Clothes, nor any device to ſtretch them in length or breadth, and how they ſhall be made, &c. 5 Ed. 6. 6. 4 Jac. 8.

THe Queens moſt excellent Majeſty, with the advice of her Highneſs Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, weighing and conſidering the good and godly purpoſes of divers and ſundry Statutes heretofore made and ordained for the true making and working of Woollen Cloth, to be fruſtrate and deluded by ſtraining, ſtretching, want of weight, flocks, ſollace, chalk, flower, deceitful things, ſubtil ſleights and untruths, ſo as the ſame Clothes being put in water, are found to ſhrink, be rewey, purſey, ſqually, cockling, bandy, light, and notably faulty, to the great diſlike of foreign Princes, and to the hinderance and loſs of the Buyer and Wearer: (2) For redreſs thereof, Is pleaſed, and willeth it to be enacted, and by the authority of this preſent Parliament it is enacted, That from and after the Feaſt of the Purification of the bleſſed Virgin next enſuing, No perſon or perſons ſhall put any hair, flocks, thrums, or yarn made of Lambs-wooll, or other deceivable thing or things, in or upon any broad woollen Cloth, half Cloth, Kerſie, Frize, Dozen, Peniſtone or Cotton, Taunton Cloth, Bridgwater, Dunſter Cotton, (3) (which Dunſter Cotton hereafter ſhall be by this preſent Act intended and taken to be of like weight, length and breadth as Taunton and Bridgwater Cloth, or other Cloth of what nature, kind or name ſoever, made or to be made to be ſold, or offered to be ſold) (4) upon pain to forfeit every ſuch Cloth, half Cloth, Kerſie, Frize, Dozen, Peniſtone and Cotton, and other Woollen Cloth, of what nature, kind or name ſoever, whereinto or whereupon any ſuch hair, flocks, thrums, yarn of Lambs-wooll, or other deceivable thing or things whatſoever ſhall be ſo put; Any Law, Statute,

tute, Diſpenſation, Allegation, or Toleration to the contrary thereof in any wiſe notwithſtanding; (5) And upon pain that every perſon and perſons which ſhall buy, gather or procure any hair, flocks, thrums, yarn of Lambs-wool, or other deceivable thing or things whatſoever for that intent and purpoſe, to forfeit the ſame hair, flocks, thrums, yarn of Lambs-wool, and other deceivable thing and things whatſoever.

The penalty of buying or gathering of deceivable things.

No device ſhall be made to ſtretch Cloth unwrought in breadth or length. 5 Ed. 6. 6. 39. El. 20.

II. And that no perſon or perſons within her Majeſties Realm of England, or the Dominions of the ſame, ſhall from and after the Feaſt of Eaſter now next enſuing, have, uſe, or occupy within any place of her Majeſties ſaid Realm or Dominions, any Tenter, Inſtrument, Engine, or other device, of what ſort or kind ſoever, with any lower bar, pin, ring, or other Engine or device, of what ſort or kind ſoever, whereby or wherewith any rough or unwrought Woollen broad Cloth, half Cloth, Kerſie, Cotten, Dozen, Peniſtone, Frize, Rugg, or any other rough and unwrought Woollen Cloth, of what nature, kind or name ſo ever they be or ſhall be of, made or to be made to be ſold, ſhall or may be ſtretched or ſtrained in breadth, (2) Or ſhall have, keep or uſe any manner of wrinch, ring-head, growm, rope, or other engine to ſtretch or ſtrain any rough and unwrought Woollen Cloth, half Cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugg, or any other rough or unwrought Woollen Cloth, of what nature, kind or name ſoever they be, or ſhall be of in length, made or to be made to be ſo ſold, (3) upon pain that every offender that ſhall have, or keep, uſe or exerciſe any ſuch Tenter, Inſtrument, Engine or Device, with a lower bar, pin, ring, engine or device, wrinch, ring-head, growm or rope of what ſort or kind ſoever, ſhall forfeit for every ſuch offence xx. l. the one half thereof to our Sovereign Lady the Queens Majeſty, and the other half to him that will ſue for the ſame, by bill, plaint or information, in any of her Highneſs Courts of Record, wherein no eſſoign, protection or wager of Law ſhall be allowed.

No wrought woollen Cloth ſhall be ſtretched.

III. And that no perſon or perſons within her Majeſties Realm of England, or the Dominions of the ſame, from and after the Feaſt of Eaſter now next enſuing, ſhall ſet or cauſe to be ſet directly or indirectly, any wrought Woollen broad Cloth, half Cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugg, or any other wrought Woollen Cloth, of what nature, kind or name ſoever they be, or ſhall be of, made for ſale or offered to be ſold, in or upon any tenter, inſtrument, engine or device, with a lower bar, pin, ring, engine or device, wrinch, ring-head, growm or rope of what ſort or kind ſoever, to ſtretch or ſtrain the ſame wrought Woollen Cloth, half Cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugg, or any other wrought Woollen Cloth, of what nature, kind or name ſoever they be or ſhall be of (2) otherwiſe than the whole wrought Woollen broad Cloth one yard in length, and one half quarter in breadth: (3) And the half Cloth one half yard in length, and one half quarter in breadth: (4) And the Kerſie, Cotton, Dozen, Peniſtone, Frize and Rugg, one half yard in length, and one nail in breadth: (5) Or ſhall utter or ſell any wrought woollen Cloth, half Cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugg, or any other wrought woollen Cloth, of what nature, kind or name ſoever they be, or ſhall be of, tentered, ſtrained, or ſtretched otherwiſe then as aforeſaid in or upon any tenter, inſtrument, engine or device, with a lower bar, pin, ring, engine or device, wrinch, ring-head, growm or rope, of what ſort or kind ſo ever, (6) upon pain to forfeit every ſuch wrought woollen Cloth, half Cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugg, and every other wrought woollen Cloth, of what nature kind, or name ſoever they be or ſhall be of

None ſhall ſell woollen Cloth tentered or ſtretched.

Woollen Clothes ſhall not exceed the length appointed by former Statutes.

IV. And be it further enacted by the authority aforeſaid, That no woollen broad Cloth, half Cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugg, nor any other woollen Cloth, of what nature, kind, or name ſoever they be, or ſhall be of, ſhall from and after the ſaid Feaſt of Eaſter now next enſuing, (being well ſcoured, thicked, milled, and fully dyed and made to be ſold, or which ſhall be offered to be ſold) exceed the ſeveral length or lengths which heretofore is limited and appointed reſpectively for every ſuch broad woollen Cloth, half Cloth, Kerſie, Cotton, Dozens, Peniſtone, Frize, Rugg, and other woollen Cloth, of what nature kind or name ſoever to be of, and ought at this time to be of, by the ſeveral Statutes therefore limited and appointed, (2) upon pain of forfeiture of every ſuch broad woollen Cloth, half Cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugg, and every other woollen Cloth, of what nature, kind, or name ſoever.

The weight of woollen clothes appointed by former Statutes.

The weight of Taunton and Bridgwater Cloth.

The weight of Norfolk, &c. Clothes. 5 Ed. 6. 6. 4 & 5 P. & M 5.

V. And that every broad woollen Cloth, half Cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugg, and every other woollen Cloth, of what nature, kind, or name ſoever they be, or ſhall be of, to weigh, and ought at this preſent time to weigh by the ſeveral Statutes therefore limited and appointed, (2) ſaving that Taunton Clothes, Bridgewaters, and ſuch Clothes as ſhall be made in Taunton, Bridgewater, and other places of like ſort and making, and limited to weigh four and thirty pounds at the leaſt, (3) ſhall and may from henceforth (being well ſcoured, thicked, milled, wrought, and fully dyed) weigh only thirty pounds at the leaſt; Any former Statute or Statutes, to the contrary thereof in any wiſe notwithſtanding; (4) And ſaving that Suffolk, Norfolk, Eſſex, and Northern Cloth, limited by the ſeveral Statutes of the Fifth year of King Edward the Sixth, and the fourth and fifth years of King Philip and Queen Mary, or one of them to weigh the ſeveral weights therein mentioned, ſhall and may be abated for the workmanſhip of the whole Cloth, four pounds, and for the half-Cloth, two pounds in the weight thereof, as the ſame Norfolk, Suffolk, and Eſſex Clothes are allowed by her Highneſs toleration by Proclamation.

The forfeit for want of weight.

VI. And if it ſhall happen, that any of the ſaid broad woollen Clothes, half Clothes, Kerſies, Cottons, Dozens, Peniſtones, Frizes, Ruggs, or any other woollen Cloth, of what nature, kind or name ſoever they be or ſhall be of, made or to be made to be ſold, or offered to be ſold, ſhall lack (being well ſcoured, thicked, milled, wrought and fully dyed,) of the weight therefore reſpectively limited, and which ought to be of that weight by this preſent Act, above three pound in any whole broad woollen Cloth, (2) or above one pound and the half of one pound in one half broad Cloth, Taunton Cloth, Bridgewarter, or other Cloth of like ſort, (3) or above one pound in one Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugg, (4) or any other woollen Cloth reſpectively, of what nature, kind or name ſoever they be or ſhall be of, (5) Then the offender ſhall forfeit for one pound wanting more then is aforeſaid, ten ſhillings, and for two pounds, twenty ſhillings, and for three pounds, forty ſhillings, and ſo double the forfeiture for every pound ſo wanting unleſs the party offending by ſuch wanting, will yield the ſame Cloth, half Cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize and Rugg ſo wanting, forfeited; which if he will yield, then the ſame ſo wanting ſhall be forfeited; Any former Law, Statute, or other matter or thing whatſoever to the contrary thereof in any wiſe notwithſtanding.

The Stat. provided 19 El. 20. for Northern Cloth ſhall extend to Cloth made in other Counties.

VII. And that one Statute made in the nine and thirtieth year of her Highneſs Reign, entituled, An Act againſt the deceitful ſtretching and tentering of Northern Cloth, as to, for, touching and concerning Views, Seals, Searches, appointment of Overſeers, Penalties, and Authority given to Juſtices of Aſſiſe, Juſtices of Peace, Head Officers of Cities, Boroughs and Towns-corporate, and other perſon or perſons, of and for Northern Clothes in the County of York, Lancaſter, and other the Counties on the North of Trent, ſhall from the ſaid Feaſt of Eaſter next enſuing, reſpectively extend unto all and ſingular woollen broad Clothes, half Clothes Kerſies, Cottons, Dozens, Peniſtones, Frizes, Ruggs, and all other woollen Cloth of what nature, kind or name ſoever they be or ſhall be of, made or to be made within her Highneſs Realm of England, to be viewed, ſealed, ſearched, overſeen, ſubjected to penalties, and authority given to Juſtices of Aſſiſe, Juſtices of Peace, and other perſon of perſons in ſuch and the like manner and form, and to ſuch and the like purpoſes and intents reſpectively, as is limited and appointed for ſuch ſaid Northern Clothes.

Cloth ſealed by the Overſeers, ſhall not be ſearched or tryed again.

VIII. And that every broad woollen Cloth, half Cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugg, and every other woollen Cloth, of what nature, kind, or name ſoever they be or ſhall be of, ſealed by the Overſeers authoriſed by this preſent Act, ſhall not be brought to be viewed, ſearched and ſeen, nor ſhall be ſearched, tried or watered by any other Searcher and Overſeer of any other City, Borough, Town, Village, Pariſh or Hamlet, by virtue of his or their Office or Offices; Any Statute, matter or thing to the contrary thereof in any wiſe notwithſtanding.

A Repeal of part of the Statute hereafter mentioned.
5 & 6 Ed. 6. 6.
4 & 5 P. & M. 5.
27 El. 17.
35 El. 9.

IX. And be it further enacted, That the ſeveral branches of the ſeveral Acts of Parliament, the firſt entituled, An Act for the true making of woollen Cloth in the Fifth year of the Reign of King Edward the Sixth, (2) And the Act entituled, An Act touching the making of woollen Clothes in the Fourth and Fifth years of the Reign of King Philip and Queen Mary; (3) And in the Act made in the Seven and twentieth year of the Reign of our Sovereign Lady the Queens Majeſty that now is, entituled, An Act touching the breadth of white woollen Clothes made in the Counties of Somerſet, Wilts, Glouceſter and Oxon; (4) And in the Act made in the Five and thirtieth year of the Reign of our ſaid Sovereign Lady the Queens Majeſty that now is, entituled, An Act touching the breadth of Plunkets, Azures, and Blewes, and other coloured Clothes made in the County of Somerſet, or elſewhere of like making, (5) for and concerning the exceeding of length of Clothes mentioned in the ſaid Statute of the Fifth of King Edward the Sixth, ſhall from henceforth be utterly Repealed, as concerning only the ſaid over-lengths: (6) And that one other branch made in the ſaid Fourth and Fifth year of the Reign of King Philip and Queen Mary, touching and concerning Certificates of faulty Clothes, ſhall from the ſaid Feaſt of Eaſter next enſuing, be likewiſe Repealed, for Clothes to be ſold after the ſaid Feaſt of Eaſter next enſuing.

The length of clothes.

Certificate of faulty cloth.

No Merchant ſhall take advantage of a Clothier for any defect in cloth.

X. And be it enacted, That no Merchant or Buyer which ſhall tranſport, or cauſe to be tranſported beyond the Seas, any broad woollen Cloth, half Cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugg or any other woollen Cloth, of what nature, kind or name ſoever they be, or ſhall be of, by reaſon of any Clothiers or Sellers of any broad woollen Cloth, half Cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugg, or any other woollen Cloth, of what nature, kind or name ſoever they be, or ſhall be of, ſo tranſported, his hand to ſuch Merchant or Buyers Book, Bill or Ticket, for or touching any defects, ſhall take any benefit or advantage.

All Acts contrary to this repealed.

XI. And be it further enacted, That all and every Article, Clauſe and Sentence in any Act of Parliament heretofore made, touching or concerning the ſaid Abuſes in this Act mentioned, and being repugnant and contrariant to any Article or Sentence in this Act, ſhall from the ſaid Feaſt of Eaſter now next enſuing, be utterly void and of none effect.

39 El. 20.

XII. And be it further enacted, That ſuch as ſhall offend after the ſaid Feaſt of Eaſter againſt the ſaid Act in the Nine and thirtieth year of her Highneſs Reign, obſerving and performing this preſent Act, ſhall not incur any penalty mentioned in this ſaid Act of the ſaid Nine and thirtieth year: (2) The moiety of all which forfeitures (not otherwiſe by this preſent Act appointed) ſhall be to the Searchers and Overſeers that ſhall and will find the ſame, and in his and their default, to him that ſhall find the ſame, and the other half to the poor of the Pariſh where the offence ſhall be committed.

The forfeiture to whoſe uſe imployed.

The Aulnegers authority.

XIII. Provided always, That this Act, nor any thing therein contained, ſhall not extend to take away or abridge from any Aulneger, any power or right already given unto him by her Majeſties Letters Patents, for the viewing, ſearching, or ſeizing of any Clothes put to ſale contrary to the Laws heretofore made in that behalf. (2) This Act to continue till the end of the next Seſſion of the next Parliament, and no longer.

Unwrought cloth tentered, tranſported and returned.

XIV. Provided alſo nevertheleſs, That if any unwrought Cloth, half Cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugg, or any other unwrought woollen Cloth, of what nature, kind, or name ſoever they be, or ſhall be of, tranſported after the ſaid Feaſt of Eaſter next, beyond the Seas, ſhall be found to have been formerly tentered, ſtrained and ſtretched by the means or conſent of the Maker or Seller thereof, contrary to the true intent of this preſent Act, That then ſuch Merchant or Buyer ſhall or may at his own coſts and charges return the ſame into this Realm, and after ſuch return, deliver, or cauſe the ſame to be delivered unto the Maker or Seller thereof, with the Seals thereunto limited by this preſent Act to be fixed, and thereupon ſhall or may recover the value thereof ſo returned, by Action of Debt, Bill, Plaint, or Information, in any of her Highneſs Courts of Record, againſt the Maker or Seller thereof, by whoſe means or conſent the ſame was ſo tenered, ſtrained or ſtretched. 3 Car. 4 Continued until the end of the firſt Seſſion of the next Parliament.

CAP. XI.

An Act for the recovering of many hundred thouſand Acres of Mariſhes, and other grounds ſubject commonly to ſurrounding, within the Iſle of Ely, and the Counties of Cambridge, Huntington, Northampton, Lincoln, Norfolk, Suffolk, Suſſex, Eſſex, Kent, and the County Palatine of Durham.

WHereas it is apparent to ſuch as have travelled in the execution of Commiſſions of Sewers in the Iſle and Counties aforeſaid, that the Waſtes, Commons, Mariſhes, and Fenny Grounds there ſubject to ſurrounding, may be recovered by ſkilful and able Undertakers, whereby great and ineſtimable benefit would ariſe to her Majeſty, her Heirs and Succeſſors, diſburdening her Highneſs of many chargeable Banks and Works of Sewers within thoſe ſurrounded grounds, as the encreaſe of many able Subjects, by habitations being there erected, and in like ſort profitable unto many her Highneſs Subjects, both bodies politick and corporate, who have Eſtate of Inheritance, and other intereſt within the ſame: (2) And for that the draining and making dry and profitable of thoſe ſurrounded grounds is chiefly hindred, for that the greater part of them are Waſtes and Commons ſubject yearly to ſurrounding, wherein divers have Common by preſcription, by reaſon of their reſiancy and inhabitancy, which kind of Commons, nor their intereſt therein can by the Common Law be extinguiſhed, or granted to bind others which ſhould Inhabit there afterwards; (3) And in that alſo it appeareth, that the Commoners in reſpect of their poverty, are unable to pay the great charges to ſuch as ſhould undertake the recovery of the ſame:

Approvements S. Approvement may be made between Lords and Commoners of great Mariſhes in ſeveral Counties and the perſons undertaking to keep them perpetually dry, &c.

II. It may pleaſe your Majeſty, that by your Highneſs, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and the authority of the ſame, It may be enacted, That the Lord or Lords, as well bodies politick or corporate, as any other perſon or perſons whatſoever, of all and every the Waſtes and Commons aforeſaid, and the moſt of the Commoners for the particular Commons, and likewiſe the Owners, and ſuch as have, or ſhall have intereſt in any ſeveral ſurrounded grounds lying within or near the ſame, may contract or bargain for part of ſuch Commons, Waſtes, and Severals aforeſaid, with ſuch perſon and perſons which will undertake the draining and keeping dry perpetually the Severals, Waſtes and Commons of that Quality: (2) Which contract and bargain, and conveyances thereupon made, ſhall be good and available in Law to all conſtructions and purpoſes, againſt the ſaid Lords of the ſaid Soyl, and Owners of Several, and their hers, ſucceſſors and aſſigns, and all the Commoners, and ſuch as ſhall or might have Common or Intereſt there afterward, according to the contracts, covenants, proviſions and agreements in thoſe conveyances to be ſpecified, and for ſo much of ſuch Commons, Waſtes, or Severals as ſhall be ſo contracted or conveyed, to hold and enjoy in ſeveralty to ſuch perſon and perſons, his or their Aſſignee or Aſſignees, as ſhall or have undertaken the ſame in ſuch manner and form as his or their Eſtates and Intereſt are, or ſhall be, by or upon ſuch contracts or agreements, by ſuch conveyances limited and appointed.

A bargain between the Lords and Commoners, in waſtes, and undertakers.

III. Provided notwithſtanding, and be it enacted by the authority aforeſaid, That in all caſes where your Highneſs, your Heirs and Succeſſors is or ſhall be Lord or Owner of the Free-hold of the Soyl of ſuch Waſtes or Commons, or any part of the ſame, That the moſt part of the Commoners in ſuch your Highneſs Soyl, ſhall or may contract, bargain, aſſign, and ſet forth as is aforeſaid, part of their Common therein, to any perſon or perſons which will undertake the Draining of that whole Common (accordingly as the Lords and the moſt part of the Commoners in the ſurrounded Waſtes and Commons aforeſaid of bodies politick or corporate may do as is before declared:) (2) which ſhall bind, and be good and available againſt all the Commoners, their heirs, executors or aſſigns, and all others that ſhall hereafter by reaſon of any their reſiancy, claim any Common of Paſture in the ſaid Waſtes or Common Grounds whereof the Soyl doth or ſhall pertain to your Majeſty, of and for all their intereſt or claim or Common therein, to hold according to the true intent and effect of ſuch contract, bargain, aſſignment, and conveyances by writing indented, ſealed, and delivered by the moſt part of ſuch Commoners, as ſhall be made between the moſt part of ſuch Commoners and ſuch Undertakers; (3) but ſhall not in any ſort be of any effect or validity againſt your Highneſs, your Heirs, Succeſſors or Aſſigns, or their Eſtate or Eſtates, in or to the Soyl thereof, except ſuch Conveyances be by writing indented in Parchment, and one part thereof under the Hands and Seals of moſt part of the Commoners ſo contracting the ſame certified into your Highneſs ſaid Court of Chancery, if the Waſtes or Soyl ſhall be of the Poſſeſſions of your Highneſs Crown of England (4) And except your Majeſties Royal conſent be obtained thereunto, and ſignified by and under your Highneſs privy Seal, or great Seal, and inrolled in your Highneſs ſaid Court of Chancery, and after ſuch aſſent ſo had, ſignified and enrolled, Then the ſame Contracts and Covenants ſhall be good and available to all and every ſuch Undertakers, their heirs and aſſigns, againſt your Highneſs, your Heirs and Succeſſors, according to the proviſions, agreements and covenants ſo aſſented unto by your Highneſs, your Heirs and Succeſſors: (5) And where they are of the poſſeſſion of the Dutchy of Lancaſter, Then the ſaid contract, bargain, aſſignment, of or from your Highneſs, ſhall not be of any effect or validity againſt your Highneſs, your Heirs, Succeſſors, and Aſſigns Except ſuch contract & bargain touching the premiſſes, and ſuch aſſignment and ſetting forth of ſuch part of the ſaid Undertakers to hold in ſeveralty, be by writing indented in Parchment, ſealed and delivered by the ſaid Commoners, or the moſt part of them, and the ſaid Undertakers, and one part thereof certified under the Hands and Seals of moſt part of the Commoners, into your Highneſs Court of the Dutchy of Lancaſter for the time being, and your Majeſties Royal conſent, under the Seal of the ſaid Dutchy obtained thereunto, and there inrolled in that Court: (6) Which conſent Royal being obtained for the Soyl of ſuch Waſte, being of the poſſeſſions of the Crown, and under the Seal of the ſaid Dutchy, of your Highneſs Soyl of ſuch Waſtes as are of thoſe poſſeſſions, the ſaid Undertakers, and their heirs and

Where the Queen is Owner of the ſoyl of the waſte or common, or of part thereof.

The Queens aſſent under the privy or great Seal and inrolled in the Chancery.

The Queen Owner of the waſtes being Dutchy land aſſigns, ſhall and may enjoy in ſeveralty, the Soyl of ſo much Waſts and Common as was ſo contracted for, aſſigned and ſet forth by the moſt part of your Highneſs Commoners, in ſuch ſort and quality as the ſaid Undertakers ſhall hold and enjoy the intereſt of Common, to all intents and purpoſes.

This Statute ſhall extend but to ſo much common as ſhall be contracted for.

IV. Provided always, and be it enacted, That this Act, nor any thing therein contained, ſhall not extend to the impairing, diminiſhing, letting, taking away or extinguiſhing of the intereſt of the Commoners, or any of them, or of the Lords or Owners of the Soyl, of, in, or to any part of the reſidue of the Waſtes or Commons, which is not, or ſhall not be ſo ſet forth or aſſigned to the undertakers: (2) Nor to any Franchiſes or Liberties, or Waiſe, Stray, Leet, Lawday, nor other liberties to be uſed or taken, in the part ſo to the ſaid Undertakers aſſigned; (3) But that as well the Commoners, and Lords and Owners of that Soyl, ſhall and may enjoy their Commons in the reſidue thereof, And the Queens Majeſty, her Heirs and Succeſſors, and the Lords and Owners ſhall and may have and enjoy ſuch Liberties and Franchiſes in ſuch their part as heretofore was lawfully uſed, and as they, or any of them ſhould or might have done, if this Act, or ſuch contract, bargain and aſſignment had never been; Any thing in this Statute contained to the contrary notwithſtanding.

This Aſſignment ſhall hinder no mans liberty.

Not prejudicial to the Ports or Havens within eight miles of Yarmouth or ſix miles of Lyn.

V. Provided always, and be it enacted, That this Act, nor any thing therein contained, ſhall not extend either to any bargain, ſale, agreement, grant, conveyance or aſſurance, Or to the inning draining, or laying dry of any Commons, Mariſhes, or ſurrounded grounds, whereby, or by means whereof, any of the Havens or Ports of this Realm of England may be in any ſort annoyed, impaired or hindred; Nor to any grounds within eight miles of Yarmouth, or ſix miles of Lyn within the County of Norfolk 4 Jac. 8.

CAP. XII.

An Act concerning matters of Aſſurances uſed among Merchants.

Merchants 15. The benefits enſuing by the encouragement of merchants. 3 Inſt. 105. Stiles. 166.

Whereas it ever hath been the policy of this Realm by all good means to comfort and encourage the Merchant, thereby to advance and encreaſe the general Wealth of the Realm, her Majeſties Cuſtoms, and the ſtrength of Shipping; which conſideration is now the more requiſite, becauſe Trade and Traffique is not at this preſent ſo open as at other times it hath been: (2) And whereas it hath been time out of mind an uſage amongſt Merchants, both of this Realm, and of foreign Nations, when they make any great Adventure (eſpecially into remote parts) to give ſome conſideration of money to other perſons (which commonly are in no ſmall number) to have from them aſſurance made of their Goods, Merchandizes, Ships, and things adventured, or ſome part thereof, at ſuch rates, and ſuch ſort, as the parties Aſſurers and the parties Aſſured, can agree, which courſe of dealing is commonly termed, A policy of aſſurance; (3) by means of which policies of aſſurance, it cometh to paſs, upon the loſs or periſhing of any Ship, there followeth not the undoing of any man, but the loſs lighteth rather eaſily upon many, than heavily upon few, and rather upon them that adventure not, than thoſe that do adventure, whereby all Merchants, eſpecially of the younger ſort, are allured to venture more willigly and more freely: (4) And whereas heretofore ſuch aſſurers have uſed to ſtand ſo juſtly and preciſely upon their credits, as few or no controverſies have riſen thereupon, and if any have grown, the ſame have from time to time been ended and ordered by certain grave and diſcreet Merchants appointed by the Lord Mayor of the City of London, as men by reaſon of their experience fitteſt to underſtand, and ſpeedily to decide thoſe cauſes, until of late years, that divers perſons have withdrawn themſelves from that arbitrary courſe, and have ſought to draw the parties aſſured to ſeek their moneys of every ſeveral aſſurer by Suits commenced in her Majeſties Courts, to their great charges and delays: (5) For remedy whereof, Be it enacted by the authority of this preſent Parliament, That it ſhall and may be lawful for the Lord Chancellor, or Lord keeper of the great Seal of England for the time being, to award forth under the Great Seal of England, one general or ſtanding Commiſſion, to be renewed yearly at the leaſt, and otherwiſe ſo oft as unto the ſaid Lord Chancellor or Lord Keeper ſhall ſeem good, for the hearing and determining of cauſes ariſing and polices of aſſurances, ſuch as now are, or hereafter ſhall be entred within the Office of Aſſurances within the City of London, and whereof no Suit ſhall be depending the laſt day of this Seſſion of Parliament, in any of her Majeſties Courts; (6) Which Commiſſion ſhall be directed to the Judge of the Admiralty for the time being, the Recorder of London for the time being, two Doctors of the Civil Law, and two common Lawyers, and eight grave and diſcreet Merchants, or to any five of them: (7) which Commiſſioners, or the greater part of them, which ſhall ſit and meet, ſhall have by virtue of this preſent Act, full power and authority to hear, examine, order and decree all and every ſuch cauſe and cauſes concerning polices of aſſurances in a brief and ſummary courſe, as to their diſcretion ſhall ſeem meet, without formalities of pleadings or proceedings.

Commiſſions awarded to hear and determine touching polices of aſſurances.
Who ſhall be commiſſioners.

The Commiſſioners authority.

II. And be it further enacted by the authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners, as well to warn any of the parties to come before them, as alſo to examine upon Oath, any witneſs that ſhall be produced, and to commit to priſon without bail or mainpriſe, any perſon that ſhall wilfully contemn or diſobey their final Orders or Decrees: (2) And that the ſaid Commiſſioners ſhall once every week at the leaſt, meet and ſit upon the execution of the ſaid Commiſſion, in the Office of the Aſſurances, or in ſome other convenient publick place by them to be aſſigned: (3) And that no perſon by virtue of this Act may claim or exact any fee, for any matter or cauſe concerning the execution of the ſaid Commiſſion.

A remedy for the party grieved by the Commiſſioners Decree.

III. And be it further enacted by the authority aforeſaid, That if any perſon ſhall be grieved by Sentence or Decree of the ſaid Commiſſioners, that ſuch perſon ſo grieved, may at any time within two months of the ſaid Decree ſo made, exhibit his bill into the high Court of Chancery for the re-examination of ſuch Decree; (2) So as every perſon Complainant, before he ſhall exhibit any ſuch Bill, do either execute and ſatisfie the ſaid Sentence ſo awarded, or at the leaſt lay down In depoſito with the ſaid Commiſſioners, ſuch ſums of money as he ſhall be awarded to pay, and that upon ſo doing, the ſaid Complainant ſhall be enlarged of his impriſonment: (3) And that the Lord Chancellor, or Lord Keeper for the time being, ſhall have full power and authority by virtue of this Act, upon every complaint made (in order as aforeſaid) to reverſe or affirm every ſuch Sentence or Decree, according to equity and conſcience: (4) And that the ſaid Lord Chancellor or Lord Keeper, in every Suit brought before him as aforeſaid, by ſuch aſſurers, and decreed againſt the ſaid aſſurers, ſhall award double coſts to the party aſſured.

No aſſurer or aſſured ſhall meddle in the Commiſſion. The Commiſſioners depoſed.

IV. Provided nevertheleſs, That no Commiſſioner ſhall intermeddle in the execution of any ſuch Commiſſion in any cauſe or matter of Aſſurance, where himſelf ſhall be either a party aſſurer, or aſſured, in the ſame aſſurance which is brought in queſtion: (2) Nor that any Commiſſioner (other than the ſaid Judge of the Admiralty, and the Recorder of London) ſhall deal or proceed in the execution of any ſuch Commiſſion, before he have taken his corporal Oath before the Lord Mayor and Court of Aldermen of the City of London, to proceed uprightly and indifferently between party and party. St. 14 Car. 2. cap. 23.

CAP. XIII.

An Act for the more peaceable Government of the parts of Cumberland, Northumberland, Weſtmerland, and the Biſhoprick of Dureſme.

Robbery 1.

Several outragious miſdemeanours committed in Cumberland, &c.

FOraſmuch as now of late years, very many of her Majeſties Subjects dwelling and inhabiting within the Counties of Cumberland, Northumberland, Weſtmerland, and the Biſhoprick of Dureſme, have been taken, ſome forth of their own houſes, and ſome in travelling by the high-way, or otherwiſe, and carried out of the ſame Counties, or to ſome other places within ſome of the ſaid ſeveral Counties, as Priſoners, and kept barbarouſly and cruelly, until they have been redeemed by great ranſoms: (2) And where now of late time there have been many Incurſions, Road Robberies, and burning and ſpoiling of Towns, Villages and Houſes, within the ſaid Counties, that divers and ſundry of her Majeſties loving Subjects within the ſaid Counties, and the inhabitants of divers Towns there, have been forced to pay a certain rate of Money, Corn, Cattel, or other conſideration, commonly there called by the name of Black-mail, unto divers and ſundry inhabiting upon or near the Borders, being men of name, and friended and allied with divers in thoſe parts, who are commonly known to be great Robbers and Spoil-takers within the ſaid Counties, to the end thereby to be by them freed, protected and kept in ſafety from the danger of ſuch as do uſually rob and ſteal in thoſe parts: (3) By reaſon whereof, many of the Inhabitants thereabouts being her Majeſties Tenants, or other good Subjects, are much impoveriſhed, and Theft and Robbery much encreaſed, and the maintainers thereof greatly encouraged, and the ſervice of thoſe Borders and Frontiers much weakened and decayed, and divers Towns thereabouts much diſpeopled and laid waſte, and her Majeſties own Revenue greatly diminiſhed: (4) Which heinous and outragious miſdemeanours there, cannot ſo well by the Ordinary Officers of her Majeſty in thoſe parts be ſpeedily prevented or ſuppreſſed, without further proviſion of Law:

Carrying away or detaining any perſon againſt his will.

Aſſenting or aiding to the taking or detaining of any perſon.

Receiving or carrying of Black-mail.

Giving of Black-mail for protection.

Burning of Barns or ſtacks of Corn.

The aforeſaid offences ſhall be felony without Clergy, &c. 3 Inſt. 66, 67.

II. For remedy whereof, Be it enacted by the authority of this preſent Parliament, That whoſoever ſhall at any time hereafter, without good and lawful warrant and authority, take any of her Majeſties Subjects againſt his or their will or wills, and carry them out of the ſame Counties, or to any other place within any of the ſaid Counties, or detain, force or impriſon him or them as Priſoners, or againſt his or their wills, to ranſom them, or to make a prey or ſpoil of his or their perſon or goods, upon deadly feude, or otherwiſe: (2) Or whoſoever ſhall be privy, conſenting, aiding or aſſiſting unto any ſuch taking, detaining, or carrying away, or procure the taking detaining, or carrying away of any ſuch perſon or perſons priſoners as aforeſaid: (3) Or whoſoever ſhall take, receive or carry, to the uſe of himſelf, or wittingly to the uſe of any other, any Money, Corn, Cattel, or other conſideration, commonly called Black-mail, for the protecting or defending of him or them, or his or their lands, tenements, goods or Chattels from ſuch Thefts, Spoils and Robberies as is aforeſaid: (4) Or whoſoever ſhall give any ſuch Money, Corn, Cattel, or other conſideration called Black-mail, for ſuch protection as is aforeſaid: (5) Or ſhall wilfully and of malice burn, or cauſe to be burned, or aid, procure, or conſent to the burning of any Barn, or Stack of Corn or Grain, within any the ſaid Counties or places aforeſaid, (6) and ſhall be of the ſaid ſeveral offences, or of any of them indicted, and lawfully convicted, or ſhall ſtand mute, or ſhall challenge peremptorily above the number of twenty before the Juſtices of Aſſiſes, Juſtices of Gaol-delivery, Juſtices of Oyer and Terminer, or Juſtices of Peace within any of the ſaid Counties, at ſome of their general Seſſions within ſome of the ſaid Counties to be holden, ſhall be reputed, adjudged, and taken to be as Felons, (7) and ſhall ſuffer pains of death, without any benefit of Clergy, Sanctuary or abjuration, and ſhall forfeit as in caſe of Felony.

III. And where divers and ſundry perſons within the ſaid Counties, being indicted and outlawed for murders, robberies, burglaries, or other felonies, do notwithſtanding ordinarily reſort and come to Markets, Fairs, and other publick Aſſemblies and Meetings, and do there Converſe, Traffique and Trade with other her Majeſties Subjects, and are entertained, and have the priviledge as men obedient to Laws, and yet do never yield themſelves to tryal of Law, nor are apprehended, whereby the ordinary proceeding of Law, and execution of Juſtice in thoſe parts are grown into very great contempt:

The names of all Outlaws ſhall be declared to the Sheriff.

Proclamation of the Outlaws.

IV. Be it therefore likewiſe further enacted, That every Clerk of the Peace within every of the ſaid Counties, ſhall within the ſpace of two months next after any Outlawry within any of the ſaid Counties, deliver, or cauſe to be delivered by writing under his hand, the names of all and every ſuch as are or ſhall be hereafter Outlawed within their ſeveral Counties to all and every the Sheriffs of the ſaid ſeveral Counties: (2) And all and every the ſaid Sheriffs ſhall proclaim and publiſh them to be Outlawed in their ſeveral County Courts, and in the City of Carlile, the Towns of Penreth and Cokermouth in the County of Cumberland, and in the Towns of Appulby and Kendal in the County of Weſtmerland, and in the Town of Newcaſtle upon Tine in the County of the Town of Newcaſtle upon Tine, and in the Towns of Morpeth, Alnewick and Hexam in the County of Northumberland, and in the City of Dureſme, and

Towns of Darlington, Biſhop-Awcland, and Bernard-Caſtle within the Biſhoprick of Dureſme, and in the Town of Berwick upon Tweed, (3) and that the ſaid Sheriffs having notice as aforeſaid, ſhall from time to time, once in the month at the Court, proclaim every of the ſaid perſons ſo Outlawed, or hereafter to be Outlawed, until they ſhall yield their bodies to priſon: (4) And likewiſe that the Mayors, Bailiffs, Aldermen and other chief Officers within the ſaid ſeveral Cities and Towns, ſhall proclaim the like at every Fair or Fairs to be kept within the ſaid Cities and Towns, and once every ſix weeks at their markets.

The puniſhment for relieving or conferring with an Outlaw for felony.

V. And be it alſo enacted, That if any perſon or perſons inhabiting within any the ſaid ſeveral Counties, ſhall wittingly and willingly have conference, talk, or in any ſort ſhall relieve, entertain, or confer with any ſuch perſon or perſons ſo Outlawed, or hereafter to be Outlawed for any ſuch Murders, Robberies, Burglaries or other Felonies, having knowledge of the ſame Outlawries, by reaſon of the ſame Proclamation, or otherwiſe, and then ſhall not with convenient ſpeed do his beſt endeavour to take and Arreſt any ſuch perſon or perſons ſo Outlawed, or to be Outlawed as is aforeſaid, ſhall ſuffer Impriſonment by the ſpace of ſix months without bail or mainpriſe, and be bound with two ſufficient Sureties for his good behaviour for the ſpace of one year after, before he be enlarged of his Impriſonment.

The enquiry and puniſhment of the Offenders.

VI. And be it further enacted, That the Juſtices of Aſſiſe, within any of the ſaid Counties, Juſtices of Gaol-delivery, Juſtices of Oyer and Terminer, or Juſtices of Peace within any of the ſaid Counties, at any of their general Seſſions, ſhall have power and authority by virtue of this Act, to enquire, hear and determine of the offences and defaults of the ſaid Sheriffs, Mayors, Bayliffs, Aldermen, and other Officers, and of the Clerks of the Peace within the ſaid Counties, and proceed againſt them by Information or Indictment, and puniſh them by Fine, Impriſonment, or otherwiſe, as they ſhall think fit.

The authority of the Lords Wardens ſhall not be impeached.

VII. Provided always, That this Act, nor any thing therein contained ſhall not extend to abridge or impeach the Juriſdiction or Authority of any the Lords Wardens of any the Marches of England, for and anenſt Scotland; any thing in this preſent Act to the contrary notwithſtanding.

CAP. XIV.

An Act concerning the Aſſiſes of Fewel.

Fewel 1.
The penalty of the Statute of 7 Ed. 6. 7. for the Aſſize of Fewel, repealed, and another forfeiture aſſigned, &c.
A repeal of the forfeiture of 3 s. 4. d limited by the ſtat. of 7 Ed. 6. 7.
The aſſize of Talewood, Billet and Faggot, limited by the ſtat. of 7 Ed. 6. 7. ſhall continue.

WHereas in the Parliament holden at Weſtminſter, in the Seventh year of King Edward the Sixth, One Act was made touching the aſſiſed Talewood, Billets and Faggots to be ſpent in London and Weſtminſter, the which aſſizes were very meet and convenient ſhould be kept in all places through this Realm, where ſuch Talewood, Billets and Faggots are uſed to be ſpent: (2) Nevertheleſs, the forfeiture contained in the ſaid Statute for every Shide of Talewood, Billet and Faggot, lacking the aſſize, being put to Sale, is three ſhillings and four pence; which penalty is over heavy and extream, conſidering the ſame dependeth upon the fault of poor labouring men, which do cut, mark, and make the ſame many times without the knowledge or conſent of the ſeller: (3) For remedy whereof, Be it enacted by the authority of this preſent Parliament, That ſo much of the ſaid Statute as concerneth the forfeiture of three ſhillings four pence for every Shide of Talewood, Billet or Faggot, lacking the aſſize contained therein, ſhall from henceforth be void and of none effect; (4) And yet the aſſize of the ſaid Talewood, Billet and Faggots, ſhall ſtill continue in force, not only for London and Weſtminſter, but alſo in all other Cities, Boroughs, and Towns-corporate of this Realm, where ſuch Talewood, Billet and Faggots are accuſtomed to be ſold.

Six charged to enquire of the defaults of talewood, &c.

The forfeiture ſhall be diſtributed to the poor.

II. And be it further enacted, That if any perſon or perſons ſhall after the firſt day of May now next enſuing, bring any Talewood, Billet or Faggot to any City, Borough, or Town-corporate within this Realm, are to be ſold, or being brought, ſhall put the ſame to ſale, neither being of the aſſize mentioned in the ſaid Statute made in the Seventh year of King Edward the Sixth, or agreeing with the meaſures hereafter in this Act limited, that then upon information thereof, given to the Mayor, Bailiff, or other Head-officer of the ſaid City, Borough or Town-corporate, they ſhall have power and authority to call before them ſix good and lawful men of the ſaid City, Borough or Town-corporate, and ſhall ſwear them upon their corporal Oaths, truly to enquire and preſent, whether all or any part of the ſaid Talewood, Billets or Faggots be of good and ſufficient aſſize, according to the ſaid Statute, and the limitation of aſſize herein contained, or not: (2) And if they ſhall preſent upon their Oaths, that any of the ſame Talewood, Billets or Faggots be not of ſuch good and ſufficient aſſize as aboveſaid, That then the ſaid Mayor, Bailiffs, and other Head-officers, of the Cities, Boroughs, and Towns-corporate, by force of this Act upon their preſentment, ſhall and may take ſuch of the ſame Talewood, Billets and Faggots as be falſe ſized, as forfeited, (3) and ſhall deliver the ſame unto ſome Overſeers for the Poor in the ſaid Cities, Boroughs, and Towns-corporate, to be by them given and diſtributed to the Poor there, according to their diſcretions, from time to time, as often as ſuch offences ſhall be preſented in manner and form aboveſaid.

III. And whereas in the ſaid former Statute it was enacted and limited, That every Taleſhide ſhall contain in length four foot beſides the Carff, (2) And every Taleſhide named one ſhould contain in greatneſs within one foot of the midſt, ſixteen inches about; (3) and every Taleſhide named of two, to contain in greatneſs within a foot of the midſt, twenty and three inches about; (4) and every Taleſhide named of three, to contain in greatneſs within one foot of the midſt, twenty and eight inches about; (5) and every Taleſhide named of four, to contain in greatneſs within one foot of the midſt, thirty three inches about; (6) and every Taleſhide named of five, to contain in greatneſs within one foot of the midſt, thirty eight inches about: (7) And every Billet to contain in length three foot four inches; and every Billet named a Single, to contain ſeven inches and an half about; (8) and every Billet named to be a Caſt, to contain ten inches about; (9) and every Billet named of two Caſt, to contain four inches about: (10) and every Faggot, bent or ſtick, to contain in length three foot; (11) and the bond of every ſuch Faggot to be of four and twenty inches about, beſides the knot: (12) In which Act it was further enacted, That all Billets of two Caſt ſhould be marked within ſix inches of the midſt thereof; (13) and every Billet of one Caſt to be marked only within four inches of the end thereof, as in the ſaid Act of Parliament amongſt divers other Clauſes, Articles and Proviſions, doth and may appear: (14) And whereas divers evil diſpoſed perſons, evading from the true intent, good meaning and purpoſe of the ſaid Act of Parliament, have cunningly deviſed, by cleaving of Wood made or to be marked for Talewood or Billet, and by ſtopping of Fagots with ſhort ſticks about the midſt thereof, ſo to deceive and abuſe the Subjects of this Realm, as many times they ſell the one half or little more for the whole, and yet ſo cunningly carried, that by the ſtrict Letter of the ſaid Statute they cannot be controlled, by reaſon the ſaid Statute, uſeth only the word (About) and warneth the word (Round:) (15) And whereas by the true intent of the ſaid Statute, every bend of Faggot ſhall be three foot, and the bond beſides the knot, four and twenty inches, the ſaid evil diſpoſed people do not only make the ſaid bends or Faggot ſticks much ſhorter, but if any chance to be of ſufficient length, then only one or two of thoſe ſhall be put in a Faggot, and the bond filled up with ſhort ſticks or bends ſcarce one foot long, to the gteat damage and deceit of her Majeſties Subjects buying the ſame.

Several deceitful practices to defraud the true meaning of the Statute of 7 Ed. 6. 7.

IV. For avoiding of all which deceits for ever hereafter, and to avoid all ſcruple, ambiguity, or doubt hereafter to be made of the ſaid Statute, or the true meaning thereof, and for that it muſt needs be permitted to cleave great Trees into Talewood or Billet, for conveniency of uſe: (2) Be it therefore (for explanation of the true intent of the ſaid Statute) enacted by authority of this preſent Parliament, That from and after the firſt day of May now next coming, every Taleſhide marked of one, being round bodied, ſhall contain ſixteen inches of aſſize in compaſs; being of half round, nineteen inches of aſſize about; being quarter cleft, eighteen inches and a half of aſſize about: (3) and that every Taleſhide marked two being round bodied, ſhall contain in compaſs three and twenty inches of aſſize about; being half round, ſeven and twenty inches of aſſize about; being of quarter cleft, ſix and twenty inches of aſſize about: (4) and that every Taleſhide marked three, ſhall contain in compaſs about (being round) eight and twenty inches of aſſize; being half round, to contain in compaſs three and thirty inches of aſſize; being of quarter cleft, two and thirty inches of aſſize about: (5) and every Taleſhide marked four, to contain in compaſs, being round, three and thirty inches of aſſize; being half round, nine and thirty inches of aſſize about; being of quarter cleft, eight and thirty inches of aſſize about: (6) and every Taleſhide marked five, ſhall contain in compaſs, being round, eight and thirty inches of aſſize about, and being half round, four and forty inches of aſſize about, and being quarter cleft, three and forty inches of aſſize about: (7) All which to be meaſured about within ſix inches of the midſt thereof, and to contain the length limited by the ſaid Statute: (8) And in all other forms and manners of cleaving of Wood to be hereafter marked and ſold for Talewood, which will not admit the former forms or manner of cleaving, nor any of theſe to obſerve the Letter of the ſaid Statute of An. 7 Ed 6. ca. 7.

The compaſs of Taleſhides marked.

V. And for the better underſtanding of the intent of this Statute, Be it enacted by the authority aforeſaid, That in every one of theſe forms, ſurpluſage of compaſs that ſhall happen between any two next meaſures, being above the one, and under the other in every kind, ſhall be deemed, allowed, and taken to be for and to the benefit of the Buyer, and not otherwiſe to be computable.

VI. And be it further enacted by the authority aforeſaid, That every Billet, named a Single, ſhall contain in compaſs, being round bodied, ſeven inches and a half of aſſize, and no Singles to be made or marked out of Cleft Wood: (2) And every Billet marked one, commonly called a Caſt, to contain in compaſs about eleven inches of aſſize, being round; and being half round, to contain in compaſs thirteen inches of aſſize about; and being quarter cleft, to contain in compaſs about twelve inches and an half: (3) And every Billet marked two, commonly called to Caſt, to contain in compaſs about, being round ſixteen inches of aſſize; and being half round, to contain in compaſs about nineteen inches of aſſize; and being of quarter cleft, to contain in compaſs about, eighteen inches and an half of aſſize: (4) And in all other forms or manner of cleaving of Billet to be hereafter marked and ſold for Billets, which ſhall not admit the former forms or manner of cleaving, nor any of them, and touching the length of all the ſaid Billets, to obſerve the Letter of the ſaid Statute of Anno 7 Ed. 6. ca. 7.

The compaſs of Billets.

VII. And be it alſo enacted by the authority aforeſaid, That all Faggots hereafter to be made and put to ſale, ſhall contain in compaſs, beſides the knot of the bond, four and twenty inches of aſſize; and every Faggot-ſtick or bend within the ſaid bond, to contain in length full three foot of aſſize or more, excepting only one ſtick or bend to be one foot long, to ſtop or harden the binding thereof.

The compaſs of Faggots.

CAP. XV.

An Act for levying of Fines with Proclamations, of Lands within the County of the City of Cheſter.

Whereas by an Act made in the Parliament holden at Weſtminſter by Prorogation, in the Second year of the Reign of our late Sovereign Lord of famous memory, King Edward the Sixth, entituled, An Act for Fines with Proclamations in the County Palatine of Cheſter, it was enacted, That all Fines which at any time thereafter ſhould be levied or knowledged before the high Juſtice of the ſaid King, or of his Heirs and Succeſſors, of his County Palatine of Cheſter for the time being, or before the Deputy or Lieutenant Juſtice for the time being, of any lands, tenements or other hereditaments lying and being within the ſaid County Palatine of Cheſter, which ſhould be openly read and proclaimed in ſuch manner and form as in and by the ſaid Act is particularly appointed, ſhould be of like force, ſtrength and effect in the Law, to all intents, conſtructions and purpoſes, as Fines duly levied with Proclamations, before the ſaid Kings Juſtices of the Common Pleas, were:

Fines 14. Fines may be levied before the Mayor of the City of Cheſter, for Lands lying there, &c. The effect of the Statute of 2 Ed. 6. 28.

II. And foraſmuch as the ſaid Act doth not extend to any lands, tenements or other Hereditaments lying and being within the County of the City of Cheſter (the ſaid City, with the Suburbs

urbs

The City of Cheſter made a County of it ſelf, and divided from the County of Cheſter.

urbs and Hamlets thereof, and all the Land within the precinct and Circuit of the ſaid City, Suburbs and Hamlets, being long before, by our late Sovereign Lord of famous memory, King Henry the Seventh, by his Highneſs Letters Patents, bearing date at Cheſter the ſixth day of April, in the One and twentieth year of his Reign, divided, exempted, and in all things ſeparated from the ſaid County of Cheſter, and from thenceforth made and appointed to be a County by it ſelf, and in it ſelf, diſtinct and ſeparate from the ſaid County of Cheſter;) ſo that the Inhabitants within the ſaid City, and all others being owners of lands within the County of the ſaid City, have no means to levy any Fines of ſuch their ſaid lands in any of her Highneſs Courts of Record:

Fines levied of Lands within the County of the City of Cheſter.

III. May it therefore pleaſe your moſt excellent Majeſty, The Lords Spiritual and Temporal, and the Commons of this Realm, in this preſent Parliament aſſembled, That it may be enacted by the authority of the ſame, That from henceforth it ſhall and may be lawful to and for all and every perſon or perſons whatſoever, upon any original Writ or Writs of covenant, or any other original Writ or Writs whereupon Fines are or have been uſually levied, to be purchaſed out of her Highneſs Court of Exchequer within the ſaid County Palatine of Cheſter, returnable before the Mayor of the ſaid City for the time being, in the Portmoot Court to be holden within the ſaid City, to levy any Fine or Fines of any lands, tenements or hereditaments lying or being within the ſaid County of the ſaid City of Cheſter, before the Mayor of the ſaid City for the time being, in the ſaid Portmoot Court, in ſuch manner and form as Fines may be levied by any Laws or Statutes of this Realm, before the Queens Majeſties high Juſtice of her County Palatine of Cheſter, of lands within the ſame County Palatine: (2) And that the Mayor of the ſaid City for the time being, ſhall from henceforth have full power and authority to receive and record all and every ſuch Fine and Fines: (3) And that all and every ſuch Fine and Fines which ſhall be ſo levied, and which ſhall be openly read and proclaimed before the Mayor of the ſaid City for the time being, in the ſaid Portmoot Court, once at the ſame Court-day that the ſaid Fine or Fines ſhall be engroſſed, and once at every of the nine next Court-days of Portmoot to be holden within the ſaid City, before the Mayor thereof for the time being, next after the levying and engroſſing of ſuch Fine or Fines, ſhall be of like force, ſtrength and effect in the Law, to all intents, conſtructions and purpoſes, as Fines duly levied with Proclamations, before her Majeſties ſaid High Juſtice of her County Palatine of Cheſter, of lands within the ſame County, are or ought to be of.

Proclamations of the Fine.

A Dedimus Poteſtatem granted to receive a Warrant of Atturney for the ſuffering of a Recovery.

IV. And whereas alſo the Mayor of the ſaid City for the time being, hath beeen ever heretofore (for and during all the time whereof the memory of man is not to the contrary) accuſtomed, in all and every common recovery or recoveries ſuffered before him in the ſaid Court of Portmoot, in abſence of the Tenant or Tenants, Vouchee or Vouchees in ſuch recovery or recoveries, to award and ſend forth of the ſaid Court, a Writ, Proceſs or Precept of Dedimus Poteſtatem, in the name of our Sovereign Lady the Queens Majeſty that now is, and of her Highneſs Progenitors, Kings and Queens of England for the time being, under the Teſte of the ſaid Mayor for the time being, and Sealed with the Seal of his Office, thereby authorizing thoſe to whom the ſame was directed, and ſome of them, to receive Warrants of Atturneys from ſuch Tenant or Tenants, Vouchee or Vouchees, to ſuch Atturney or Atturneys, as the ſaid Tenant or Tenants, Vouchee or Vouchees, would in his or their place or places, conſtitute for him or them to appear in the ſaid Court, and to gain or loſe the ſaid lands, tenements or hereditaments, in or by ſuch recovery or recoveries demanded or to be recovered.

A Dedimus poteſtatem granted by the Mayor of Cheſter, to take the acknowledgment of a fine.

V. Be it alſo enacted by the authority aforeſaid, That upon all and every ſuch original Writ or Writs hereafter to be purchaſed out of her Highneſs ſaid Court of Exchequer, as aforeſaid for the levying of any Fine or Fines within the ſaid City of Cheſter, the Mayor of the ſaid City for the time being ſhall for ever hereafter have full power and authority to award and ſend forth ſuch like Writ or Writs, Proceſs or Precepts of Dedimus Poteſtatem, as is aforeſaid, to any two or more ſufficent perſous, authorizing them, or ſome of them, to receive and take the acknowledgment of ſuch perſon or perſons as ſhall be willing to levy ſuch Fine or Fines, and by reaſon of ſickneſs, or other reaſonable impediment, cannot come in perſon before the ſaid Mayor for the time being, to make ſuch acknowledgement: (2) And that all and every ſuch Fne and Fines as upon any ſuch acknowledgement made and certified into the ſaid Court of Portmoot, ſhall be hereafter engroſſed, recorded and proclaimed in ſuch manner and form as is formerly limited and appointed, before the Mayor of the ſaid City for the time being, in the ſaid Court of Portmoot, ſhall be of like force and effect, to all intents conſtructions and purpoſes, as if the ſame Fine or Fines had been perſonally acknowledged before the ſaid Mayor, and engroſſed, recorded, and proclaimed in ſuch manner and form as in and by this preſent Act is formerly limited, appointed, expreſſed and declared.

Where a fine levied in Cheſter may be reverſed by Writ of Error.

VI. Provided always, and be it enacted, That Fines to be levied by virtue of this Act, ſhall be ſubject to be reverſed, and may be reverſed upon Writs of Error to be ſued and proſecuted before the ſaid High Juſtice of the ſaid County Palatine of Cheſter, as other Judgments given by the ſaid Mayor in the ſaid Portmoot Court may be, and have uſed to be, if there ſhall be found Error in the ſame Fine or Fines.

CAP. XVI.

Bridges, Raſt 9.

The County of Cumberland ſhall ſtand chargeable for the erecting, maintaining, repairing, and new making of Edom Bridge and Preſtberk Bridge, ſtanding over the River of Edon, when, and as often as need ſhall require: And for the aſſeſſment, rating, collection, and employing of ſuch works and ſums of money as from time to time ſhall be needful for the building and repairing of thoſe Bridges, ſuch form and order ſhall be obſerved in all things, by and through the ſaid County, as is appointed by the Stat. of 22 H. 8. 5. ordained for the repair of Bridges: but the inhabitants of the Lordſhip of Milham ſhall not be chargeable with any contribution thereunto. PR.

CAP. XVII.

Taxes, Raſt. 44.

A confirmation of four Subſidies of four Shillings in the pound, granted to the Queen by the Clergy. EXP.

CAP. XVIII.

Ibid. 44.

A grant by the Temporalty to the Queen of four entire Subſidies and eight Fifteens and Tenths. EXP.

CAP. XIX.

Pardon, Raſt. 49.

A confirmation by the Parliament of the Queens general and free pardon. Except. &c. EXP.

The End of the Firſt Volume.